

**AN ORDINANCE TO AMEND CHAPTER 27, ZONING, OF THE CODE OF THE CITY
OF BROOKHAVEN**

WHEREAS, Section 1.03(b)(25) of the Charter of the City of Brookhaven grants the City of Brookhaven the power to provide comprehensive planning and regulation through zoning and subdivision requirements to ensure a safe, healthy, and aesthetically pleasing community; and

WHEREAS, The Mayor and City Council find that amendments to the zoning regulations of the City are necessary.

BE IT ORDAINED by the Mayor and Council of the City of Brookhaven, Georgia and it is hereby ordained by the authority of same:

SECTION I:

The identified sections of Chapter 27, Zoning, are amended to read as shown in the attached mark-up.

SECTION II:

Severability: Should any section of this Ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of the Ordinance as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

SECTION III:

Repeal of Conflicting Provisions: All ordinances, part of ordinances, maps, or regulations in conflict herewith are repealed.

SECTION IV:

Effective Date: This ordinance shall be effective immediately upon adoption.

SO ORDAINED, this _____ day of _____, 2025.

Approved by:

Approved as to Form and Content

**STATE OF GEORGIA
COUNTY OF DEKALB
CITY OF BROOKHAVEN**

ORD2025-04-01

John Park, Mayor

Jeremy Berry, City Attorney

Attest:

Sandra Bryant, City Clerk

SEAL

Chapter 27 ZONING¹

ARTICLE II. RESIDENTIAL DISTRICTS

DIVISION 2. DETACHED HOUSES

Sec. 27-67. Lot and building regulations—RS Districts.

Detached houses are allowed in all RS districts, subject to compliance with the lot and building regulations of table 2-3 (see also figure 2-1).

TABLE 2-3 — DETACHED HOUSES IN RS DISTRICTS						
Regulation		RS-100	RS-85	RS-75	RS-60	RS-50
a. Lot						
	Minimum Lot Area (square feet)	15,000	12,000	10,000	8,000	6,000
①	Minimum Lot Width & Frontage (feet)	100[1]	85[1]	75[1]	60[1]	50[1]
②	Maximum Impervious Coverage (%)	35	35	35	35	35
b. Building Siting						
Minimum Principal Building Setbacks (feet)						
③	Front Street	35[2][3]	35[2][3]	30[2][3]	30[2][3]	5[4]
④	Side Street	25[3]	25[3]	20[3]	7.5[3][4]	5[4]
⑤	Interior Side	10	8.5	7.5	6	5
⑥	Rear	40	40	40	40	30
Minimum Accessory Building & Accessory Structure Setbacks (feet)						
	Front Street	— — — Permitted in rear yard behind rear wall plane of the principal dwelling only unless otherwise expressly stated. [7][8] — — —				
④	Side Street	35	35	20	15[4]	5[2][4]
⑤	Interior Side	10	10 8.5	10 7.5	10 6	7.5 5
⑦	Rear	10[5]	10[5]	10[5]	10[5]	10[5]
c. Maximum Building Height						
⑧	Principal Building (feet)	40	40	40	40	40
	Accessory Building (feet)	20[6]	20[6]	20[6]	20[6]	20[6]
d. Garages						
	Garage Configuration	— — — See Article II, Division 9 — — —				

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- [1] Lots fronting on the bulb of a cul-de-sac shall have at least 35 feet of frontage and be at least 50 feet in width.
- [2] ~~hg;~~ Average front yard setbacks shall be used for residential infill development. See Sec. 27-1336.
- [3] ~~hg;~~ Plus 15 feet if abutting arterial street.
- [4] ~~hg;~~ Street-facing garage entries shall be set back at least 20 feet from the back ~~of the sidewalk street right of way~~ or back of curb, whichever results in a greater setback.
- [5] ~~hg;~~ ~~Minimum 20-foot rear setback required for accessory buildings and structures w~~ When rear yard adjoins side yard of abutting lot, Accessory structures shall not extend beyond the architectural front wall plane of adjacent house ~~when rear yard adjoins side yard of abutting lot unless enclosed by an opaque fence with a minimum height of 6-feet.~~
- [6] ~~hg;~~ Or height of principal building, whichever is less.
- [7] Accessory structures may be permitted behind the front wall plane of the principal dwelling when enclosed by an opaque fence with a minimum height of 6-feet. An opaque fence screening an accessory building in a non-rear yard shall exceed the height of the accessory building by at least 6-inches, up to a maximum fencing height of 8-feet.
- [8] Detached garages and Detached Accessory Dwelling Units (DADU) may be permitted behind the front wall plane of the principal dwelling.

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Sec. 27-68. Lot and building regulations—R3, RSA and RM Districts.

Detached houses are allowed in all R3, RSA and RM districts, subject to compliance with the lot and building regulations of table 2-4 (see also figure 2-1).

TABLE 2-4 — DETACHED HOUSES IN RSA AND RM DISTRICTS			
Regulation		R3 and RSA	RM
a. Lot			
	Minimum Lot Area (square feet)	6,000	6,000
1	Minimum Lot Width & Frontage (feet)	50[1]	50[1]
2	Maximum Impervious Coverage (%)	35	35
b. Building Siting			
Minimum Principal Building Setbacks (feet)			
3	Front Street	5[3][4]	30[2][3][4]
4	Side Street	15[3][4]	15[3][4]
5	Interior Side	5	7.5
6	Rear	30	30
Minimum Accessory Building & Accessory Structure Setbacks (feet)			
	Front Street	— — — Permitted in rear yard behind rear wall plane of the principal dwelling only unless otherwise expressly stated. [7][8] — — —	
4	Side Street	15[3][4]	15[3][4]
5	Interior Side	10 5	10 7.5
7	Rear	10[5]	10[5]
c. Maximum Building Height			
8	Principal Building (feet)	40	40
	Accessory Building (feet)	20[6]	20[6]
d. Garages			
	Garage Configuration	— — See Article II, Division 9 — —	

[1] Lots fronting on the bulb of a cul-de-sac shall have at least 35 feet of frontage and be at least 50 feet in width.

[2] ~~hg~~ Average front yard setbacks shall be used for residential infill development. See Sec. 27-1336.

[3] ~~hg~~ Plus 15 feet if abutting arterial street.

[4] ~~hg~~ Street-facing garage entries shall be set back at least 20 feet from the back of the sidewalk street right-of-way or back of curb, whichever results in a greater setback.

[5] ~~hg~~ Minimum 20-foot rear setback required for accessory buildings and structures w When rear yard adjoins side yard of abutting lot, ~~hg~~ Accessory structures shall not extend beyond the architectural front wall plane of adjacent house when rear yard adjoins side yard of abutting lot unless enclosed by an opaque fence with a minimum height of 6-feet.

[6] ~~hg~~ Or height of principal building, whichever is less.

[7] Accessory structures may be permitted behind the front wall plane of the principal dwelling when enclosed by an opaque fence with a minimum height of 6-feet. An opaque fence screening an accessory building in a non-rear yard shall exceed the height of the accessory building by at least 6-inches, up to a maximum fencing height of 8-feet.

[8] Detached garages and Detached Accessory Dwelling Units (DADU) may be permitted behind the front wall plane of the principal dwelling.

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DIVISION 3. ATTACHED HOUSES

Sec. 27-79. Lot and building regulations—RSA and RM Districts.

Attached houses are allowed in all RSA and RM districts, subject to compliance with the lot and building regulations of table 2-5 (see also figure 2-3).

TABLE 2-5 — ATTACHED HOUSES IN RSA AND RM DISTRICTS				
Regulation		RSA-5	RSA-8	RSA-18 and RM
a. Site/Lot				
	Minimum Site Area (square feet)	6,000	6,000	6,000
1	Minimum Site Width & Street Frontage (feet)	100	100 80	60
	Minimum Lot Width (feet)	20	20 18	20 16[5]
2	Maximum Impervious Coverage (%)	50	50	80
	Maximum Density (dwelling units per acre)	5	8	18
b. Building Siting				
Minimum Principal Building Setbacks (feet)				
3	Front Street	5[1]	5[1]	5[1]
4	Side Street	15[1]	15[1]	15[1]
5	Interior Side (applies to end units only)	7.5	7.5	7.5
6	Rear	30	30	30
7	Maximum Building Width (no. of units)	8	8	RSA = 8 / RM = 12
Minimum Accessory Building & Accessory Structure Setbacks (feet)				
	Front Street	— — Permitted in rear yard only — —		
4	Side Street	15[1]	15[1]	15[1]
5	Interior Side	10	10	5
	Rear	10[2]	10[2]	10[2]
c. Maximum Building Height				
9	Principal Building (feet)	40	40	RSA = 40 or 52 [see note 4] RM = 40
	Accessory Building (feet)	20[3]	20[3]	20[3]
d. Street Facades				
e. Parking and Garages				
13	Surface Parking Location	— — Permitted in rear yard only — —		
	Garage Configuration	— — See Article II, Division 9 — —		
f. Transition Buffers (See Article IX, Division 2)				
	Minimum Buffer Depth Abutting RS-Zoned Lot (feet)	20	20	20

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- [1] Street-facing garage entries shall be set back at least 20 feet from the back ~~of the sidewalk or street right-of-way~~ **back of curb, whichever results in a greater setback.**
- [2] ~~hg;~~ Minimum 25-foot rear setback required for accessory buildings when rear yard adjoins side yard of abutting lot.
- [3] ~~hg;~~ Or height of principal building, whichever is less.
- [4] ~~hg;~~ Maximum height for RSA-18 is 52 feet, except for buildings or portions of buildings within 100 feet of RS-100, RS-85, RS-75, RS-60, RS-50, R-3 and detached units within the RSA districts which shall have a maximum height of 40 feet. The distance is measured from the common property line without an intervening public street.
- [5] **The mean width of all attached units within a development shall be equal to or greater than 18-feet.**

DIVISION 9. GARAGES

Sec. 27-157. Detached houses and two-flats.

- (a) *Garage configurations allowed.* Garages for detached houses and two-flats may be rear-loaded, side-loaded or front-loaded, in accordance with the regulations of this section.
- (b) *Rear-loaded garages.* Rear-loaded garages may be attached or detached, with the vehicle entrance generally oriented to the rear of the lot. Rear-loaded detached garages shall be set back at least three feet from the alley right-of-way.
- (c) *Side-loaded garages.* Side-loaded garages may be attached or detached, with the vehicle entrance generally oriented perpendicular to the front wall plane of the principal building. Side-loaded garages may be accessed by a driveway leading from a side street or from the front street. Vehicle entrances to all side street-loaded garages shall be setback at least 20 feet from the ~~back of the sidewalk or street right-of-way~~ **back of curb, whichever results in a greater setback.**
- (d) *Front-loaded garages.* Vehicle entrances to all front-loaded garages shall be setback at least 20 feet from ~~back of the sidewalk or street right-of-way~~ **back of curb, whichever results in a greater setback.** Front-loaded garages that exceed 50 percent of the width of the dwelling unit shall not have garage doors that are wider than 13 feet.

(Ord. No. RZ-2018-11-06, § I, Exh. A(27.37), 11-27-2018; Ord. No. 2019-05-03, § I(Attch.), 5-28-2019; Ord. No. 2019-11-03, § I(Attch.), 11-26-19)

Sec. 27-158. Attached houses.

- (a) *Garage configurations allowed.* Garages for attached houses on lots abutting arterial streets shall be rear-loaded, in accordance with the regulations of this section. Garages for attached houses on lots abutting non-arterial streets may be rear-loaded, side-loaded or front-loaded, in accordance with the regulations of this section.
- (b) *Rear-loaded garages.* Rear-loaded garages may be attached or detached, with the vehicle entrance generally oriented to the rear of the lot. Rear-loaded detached garages shall be set back at least three feet from the alley right-of-way.

(c) *Front- and side street-loaded garages.*

- (1) Front-loaded garage entrances shall be recessed at least 12 inches behind the front wall plane of the principal building or be located beneath a second-story building that projects at least 12 inches forward of the garage entrance.
- (2) Front-loaded garages that exceed 50 percent of the width of the dwelling unit shall not have garage doors that are wider than 13 feet.
- (3) Vehicle entrances to all front and side street-loaded garages shall be setback at least 20 feet from the ~~back of the sidewalk or street right of way~~ **back of curb, whichever results in a greater setback.**
- (4) When garages are paired (abutting), driveways shall be combined and centered on the property line between attached house dwelling units. ~~In all cases, d~~ **Driveways serving front-or side street-loaded attached house garages from a public street shall be designed to ensure at least 25 feet of uninterrupted curb length between single or paired driveways. Driveways serving attached house garages from internal roadways of a townhome development shall be exempt from this requirement.**

(Ord. No. RZ-2018-11-06, § I, Exh. A(27.38), 11-27-2018; Ord. No. 2019-05-03, § I(Attch.), 5-28-2019; Ord. No. 2019-11-03, § I(Attch.), 11-26-2019)

ARTICLE V. OVERLAY DISTRICTS

DIVISION 1. GENERALLY

Sec. 27-390. Open space.

- (a) *Applicability.* On-site open space shall be provided for development sites within the /BHO district except for those:
 - (1) Developed exclusively with single-family detached dwellings; and
 - (2) Sites located south of I-85.
- (b) *Minimum open space ratio.* The minimum amount of on-site open space required is based on the size of the lot on which the use is located, as follows:
 - (1) On development sites with an area of less than one acre, at least ten percent of the development site shall be open space; and
 - (2) On development sites with an area of one acre or more, at least 15 percent of the development site shall be open space.
- (c) *General regulations.* The general regulations of this subsection apply to open space provided to meet minimum open space ratios.
 - (1) Areas counted to meet the open space regulations of this section (section 27-390) shall be provided in the form of amenity spaces, plazas, pocket parks or parks that comply with the applicable regulations of this section. Street rights-of-way, parking lots, outdoor dining areas, transition buffers, landscape strips and other areas that do not comply with applicable open space regulations may not be counted toward satisfying open space ratios.
 - (2) No buildings may be located in open spaces unless expressly stated in this section.
 - (3) Unless otherwise expressly stated in this section, open spaces shall be open to general public access during daylight hours and shall be directly accessible from a public sidewalk.
 - (4) Open spaces shall be at-grade, unless otherwise expressly stated in this section.
 - (5) No individual open space may traverse a street or rail right-of-way unless located on a bridge over such right-of-way that conforms to the minimum dimensional requirements of the subject open space type.
 - (6) When a building or individual ground-story commercial establishment adjoins an open space, pedestrian access (both ingress and egress), operable to residents or customers, shall be provided.
 - (7) Stormwater management practices, such as normally dry storage and retention facilities or ponds that retain water, may be integrated into open spaces, subject to the following:
 - a. Stormwater features in open space shall be designed by a qualified professional as formal or natural amenities with additional uses other than stormwater management, such as an amphitheater, sports field, or a pond or pool as part of the landscape design. It is strongly encouraged to consider eco-art landscape design principles for the design of these features.
 - b. Stormwater features may not be fenced or enclosed by retaining walls over 30 inches in height.

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- (8) Trees used to satisfy minimum open space requirements shall:
- a. Be at least three and one-half inches in caliper size (measured 12 inches above the ground);
 - b. Be at least 16 feet in height at time of planting, with a minimum mature height of 30 feet;
 - c. Be spaced at least 25 feet on-center; and
 - d. Limbed up to a height of at least eight feet.
- (9) All open space requirements shall be fully met before issuance of a certificate of occupancy for the development.
- (10) Covenants or other legal arrangements shall specify ownership of all open spaces, the method of and responsibility for maintenance, taxes and insurance, compulsory membership and assessment provisions, and shall be incorporated into legal instruments sufficient to ensure that the open space requirements of this section are maintained. Such arrangements shall be in a form approved by the city attorney.
- (d) *Open space types.*
- (1) *Amenity space.* The amenity space open space type is intended to provide small covered or uncovered, unenclosed, outdoor areas ~~on development sites of less than one acre~~. Amenity spaces are limited to at-grade hardscape or landscape areas improved for pedestrian enjoyment; rooftop decks; patios and porches; balconies; or yards, lawns, and gardens. Interior or exterior stairs or elevators may provide access to rooftop decks, patios, porches, and balconies. They are further subject to compliance with the criteria of table 5-2.

ARTICLE VI. SPECIAL PURPOSE DISTRICTS

DIVISION 2. PR, PEACHTREE ROAD DISTRICTS

Sec. 27-482. Open space.

- (a) *Applicability.* On-site open space shall be provided for development sites except those developed exclusively with single-family detached dwellings.
- (b) *Minimum open space ratio.* The minimum amount of on-site open space required is based on the size of the lot on which the use is located, as follows:
 - (1) On development sites with an area of less than one acre, at least percent of the development site shall be open space; and
 - (2) On development sites with an area of one acre or more, at least 15 percent of the development site shall be open space.
- (c) *General regulations.* The general regulations of this subsection apply to open space provided to meet minimum open space ratios and to open space provided to obtain a public benefit or TOD height bonus.
 - (1) Areas counted to meet the open space regulations of this section (section 27-482) and to qualify for public benefit height bonuses (see section 27-474) shall be provided in the form of amenity spaces, plazas, pocket parks or parks that comply with the applicable regulations of this section. Street rights-of-way, parking lots, outdoor dining areas, neighborhood transition buffers, landscape strips and other areas that do not comply with applicable open space regulations may not be counted toward satisfying minimum or bonus open space ratios.
 - (2) No buildings may be located in open spaces unless expressly stated in this section.
 - (3) Unless otherwise expressly stated in this section, open spaces shall be open to general public access during daylight hours and shall be directly accessible from a public sidewalk.
 - (4) Open spaces shall be at-grade, unless otherwise expressly stated in this section.
 - (5) No individual open space may traverse a street or rail right-of-way unless located on a bridge over such right-of-way that conforms to the minimum dimensional requirements of the subject open space type.
 - (6) When a building or individual ground-story commercial establishment adjoins an open space, pedestrian access (both ingress and egress), operable to residents or customers, shall be provided.
 - (7) Stormwater management practices, such as normally dry storage and retention facilities or ponds that retain water, may be integrated into open spaces, subject to the following:
 - a. Stormwater features in open space shall be designed by a qualified professional as formal or natural amenities with additional uses other than stormwater management, such as an amphitheater, sports field, or a pond or pool as part of the landscape design. It is strongly encouraged to consider eco-art landscape design principles for the design of these features.
 - b. Stormwater features may not be fenced or enclosed by retaining walls over 30 inches in height.
 - (8) Trees used to satisfy minimum open space requirements shall:

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- a. Be at least three and one-half inches in caliper size (measured 12 inches above the ground);
 - b. Be at least 16 feet in height at time of planting, with a minimum mature height of 30 feet;
 - c. Be spaced at least 25 feet on-center; and
 - d. Limbed up to a height of at least eight feet.
- (9) All open space requirements shall be fully met before issuance of a certificate of occupancy for the development.
- (10) Covenants or other legal arrangements shall specify ownership of all open spaces, the method of and responsibility for maintenance, taxes and insurance, compulsory membership and assessment provisions, and shall be incorporated into legal instruments sufficient to ensure that the open space requirements of this section are maintained. Such arrangements shall be in a form approved by the city attorney.
- (d) *Open space types.*
- (1) *Amenity space.* The amenity space open space type is intended to provide small covered or uncovered, unenclosed, outdoor areas ~~on development sites of less than one acre.~~ Amenity spaces are limited to at-grade hardscape or landscape areas improved for pedestrian enjoyment; rooftop decks; patios and porches; balconies; or yards, lawns, and gardens. Interior or exterior stairs or elevators may provide access to rooftop decks, patios, porches, and balconies. They are further subject to compliance with the criteria of table 6-9.

ARTICLE VII. USES

DIVISION 11. ACCESSORY USES

Sec. 27-698. Electric vehicle charging stations.

(a) *General.*

- (1) Private (restricted-access) electric-vehicle (EV) charging stations are permitted as accessory uses in all zoning districts.
- (2) Public EV charging stations are permitted as accessory uses to allowed nonresidential uses in all zoning districts.
- (3) At least five percent of required minimum off-street parking in all new developments located in RM, commercial, employment, mixed use, master planned development, or Peachtree Road districts and all new developments designated as residential housing projects shall be electric vehicle parking spaces equipped with ~~public~~ electric vehicle charging stations.
 - a. No development shall be required to install more than 25 electric vehicle charging stations, provided that at least 10% of the minimum off-street parking requirement in excess of 500 spaces may be installed for future installation of Electric Vehicle Supply Equipment (EVSE) to include the following:
 1. Include a raceway, which is continuous from the branch circuit/feeder panel location to the future electric vehicle parking space;
 2. The raceway shall be a minimum of one inch in size; and,
 3. The EVSE infrastructure raceway shall include a pull rope or line installed for future conductor installation, with the raceway sealed and labeled for future use.
 - b. When a development uses secured or gated parking spaces to satisfy the minimum off-street parking requirement, at least five percent of the secured parking spaces and at least five percent of the public parking spaces shall be electric vehicle parking spaces equipped with electric vehicle charging stations.
- (4) All new ~~single-family~~ dwellings (~~attached or detached~~) located in ~~RS, R3, and RSA~~ districts shall provide EVSE infrastructure to accommodate future installation of EVSE. Said EVSE infrastructure shall:
 - a. Include a raceway, which is continuous from the branch circuit/feeder panel location to the future electric vehicle parking space;
 - b. The raceway shall be a minimum of one inch in size; and,
 - c. The EVSE infrastructure raceway shall include a pull rope or line installed for future conductor installation, with the raceway sealed and labeled for future use.
- (5) All electric vehicle charging stations and EVSE infrastructure shall be installed per the requirements of the construction and technical codes referenced in chapter 7, buildings and construction, of the Code of the city.

(b) *Parking.*

- (1) ~~Public~~ Electric vehicle charging stations may be counted toward satisfying minimum off-street parking space requirements in accordance with section 27-776.

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- (2) Public electric vehicle charging stations shall be reserved for parking and charging electric vehicles. Electric vehicles may be parked in any space designated for public parking, subject to the restrictions that apply to any other vehicle.

(c) *Equipment.*

- (1) Vehicle charging equipment shall be designed and located so as to not impede pedestrian, bicycle or wheelchair movement or create safety hazards on sidewalks.
- (2) Wheel stops, bollards, or similar device shall be installed to separate vehicles from EVSE.

(d) *Posted information.*

- (1) Information shall be posted identifying voltage and amperage levels and any type of use, fees, or safety information related to the electric vehicle charging station.
- (2) Public electric vehicle charging stations shall be posted with signage indicating that the space is reserved for electric vehicle charging purposes only. For purposes of this provision, "charging" means that an electric vehicle is parked at an electric vehicle charging station and is connected to the battery charging station equipment.

- (e) *Maintenance.* Electric vehicle charging stations shall be maintained in all respects, including the functioning of the equipment. A phone number or other contact information shall be provided on the equipment for reporting when it is not functioning or other problems are encountered.

(Ord. No. RZ-2018-11-06, § I, Exh. A(27.188), 11-27-2018; Ord. No. 2019-07-02, § I(Attch.), 7-23-2019)

Sec. 27-705. Swimming pools.

- (a) Swimming pools are considered accessory structures, with setbacks measured from the decking or other part of the pool structure nearest the applicable lot line.
- (b) Accessory swimming pools may be approved only after receipt of written approval from the board of health.
- (c) Pool heaters and pumps shall be located so that they are at least ten feet from any property line **comply with accessory structure setback requirements.**

(Ord. No. RZ-2018-11-06, § I, Exh. A(27.196), 11-27-2018; Ord. No. 2019-05-03, § I(Attch.), 5-28-201; Ord. No. RZ2023-12-10, § I, 12-19-2023)

(Formerly § 27-706)

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ARTICLE VIII. PARKING AND ACCESS

ARTICLE VIII. PARKING AND ACCESS

DIVISION 2. MOTOR VEHICLE PARKING RATIOS

Sec. 27-744. Minimum requirements.

Unless otherwise expressly stated in this zoning ordinance, off-street motor vehicle parking spaces shall be provided in accordance with the minimum ratios established table 8-1.

TABLE 8-1 — MINIMUM PARKING RATIOS			
DU = dwelling unit	KSF = 1,000 square feet (gross floor area)	MV = motor vehicle	SLUP = special land use permit
	Minimum Number of Spaces Required		
	Motor Vehicle Spaces	Short-Term Bicycle Spaces	Long-Term Bicycle Spaces
RESIDENTIAL			
Household Living (except as follows)	1 per DU	NONE	NONE
Four+ Household (workforce housing)	1 per DU	0.1 per DU	0.2 per DU
Four+ Household (non-workforce housing)	1 per DU [1]	0.1 per DU	0.2 per DU
Group Living	0.33 per bed	NONE [2]	NONE [2]
PUBLIC AND CIVIC			
Club or Lodge	8 per KSF	0.5 per KSF	0.05 per KSF
College or University	6 per classroom	2 per classroom	NONE [2]
Hospital	0.5 per bed	0.1 per bed	0.025 per KSF
Library or Cultural Exhibit	2.5 per KSF	0.5 per KSF; min. 4	0.05 per KSF
Parks and Recreation	Established in accordance with Sec. 27-762		
Religious Assembly	0.25 per seat [3]	0.1 per seat	NONE
School			
Elementary	2 per classroom	2 per classroom	0.25 per classroom
Middle and Sr. High	4 per classroom	2 per classroom	0.25 per classroom
Utilities and Public Service Facilities			
Minor	NONE [2]	NONE [2]	NONE [2]
Major	NONE [2]	NONE [2]	NONE [2]
COMMERCIAL			
Animal Service	2.5 per KSF	NONE [2]	0.1 per KSF
Assembly and Entertainment	0.25 per seat [3]	0.1 per seat	NONE [2]
Business or Trade School	6 per classroom	2 per classroom	2 per classroom
Commercial Service			
Consumer Maintenance and Repair	2.5 per KSF	0.25 per KSF	0.1 per KSF
Personal Service	2.5 per KSF [4]	0.5 per KSF; min. 2	0.1 per KSF
Studio or Instructional Service	2.5 per KSF [4]	0.5 per KSF; min. 2	0.1 per KSF
Day Care			
Small (1 to 6 enrollees)	NONE [2]	NONE [2]	NONE
Large (7 or more enrollees)	3.33 per KSF	NONE [2]	0.05 per KSF
Eating and Drinking Places	8 per KSF [4]	0.5 per KSF; min. 2	0.1 per KSF
Financial Service	2.5 per KSF	0.5 per KSF; min. 2	0.1 per KSF
Funeral or Mortuary Service	0.33 per seat	NONE [2]	NONE [2]
Lodging	1 per guest room	0.025 per guest room	0.025 per guest room
Medical Service	3.3 per KSF	0.5 per KSF; min. 2	0.1 per KSF

Office	2.5 per KSF	0.02 per KSF	0.1 per KSF
Parking, Non-accessory	NONE	1 per 10 MV spaces; min. 6	NONE [2]
Retail Sales	2.5 per KSF [4]	0.5 per KSF; min. 2	0.05 per KSF
Sexually Oriented Business	4 per KSF	0.5 per KSF	0.1 per KSF
Sports & Recreation, Participant	0.25 per seat [3]	0.1 per seat	NONE [2]
Vehicle Sales and Service			
Fueling Station	2 per fuel pump [5]	NONE [2]	NONE [2]
Vehicle Sales	1.5 per KSF	NONE [2]	NONE [2]
Vehicle Rental	1.5 per KSF	NONE [2]	NONE [2]
Vehicle Maintenance & Repair	3.33 per KSF	NONE [2]	NONE [2]
INDUSTRIAL			
Data Processing	0.5 per KSF [6]	NONE [2]	0.1 per KSF
Fabrication and Production	0.5 per KSF [6]	NONE [2]	0.1 per KSF
Industrial Service	0.5 per KSF [6]	NONE [2]	0.1 per KSF
Storage, Distribution & Wholesaling	0.5 per KSF [5]	NONE [2]	0.1 per KSF
DU = dwelling unit	KSF = 1,000 square feet (gross floor area)	MV = motor vehicle	SLUP = special land use permit

Table 8-1 Notes

~~[1] 1.5 space per DU for 2 bedroom unit and 2 spaces per unit for 3 bedroom or larger unit.~~

[2] Unless otherwise required at time of SLUP approval.

[3] Minimum requirement for assembly areas without fixed seating = 20 spaces per 1,000 sq. ft. of floor area.

[4] No parking required for first 1,500 sq. ft. of floor area.

[5] Plus motor vehicle and bicycle spaces required for any retail sales floor area.

[6] Plus 2.5 spaces per 1,000 sq. ft. of sales or office space.

(Ord. No. RZ-2018-11-06, § I, Exh. A(27.204), 11-27-2018; Ord. No. 2024-02-01, § I, 2-27-2024)

DIVISION 5. BICYCLE PARKING

Sec. 27-789. Minimum parking ratios.

Short-term and long-term bicycle parking spaces shall be provided in accordance with the minimum ratios established in table 8-1. Uses for which no bicycle parking ratio is established in table 8-1 are not required to provide off-street bicycle parking. No residential or non-residential use is required to provide more than 30 short-term bicycle parking spaces,

(Ord. No. RZ-2018-11-06, § I, Exh. A(27.219), 11-27-2018)

Sec. 27-790. Floor area used for bike parking.

Areas within a building that are used to provide bicycle parking ~~that complies~~ **and comply** with the bicycle parking design and location requirements of this section are not counted as floor area for the purpose of calculating motor vehicle parking requirements or Floor Area Ratio (FAR).

(Ord. No. RZ-2018-11-06, § I, Exh. A(27.220), 11-27-2018; Ord. No. 2023-01-05, 1-24-2023)

Sec. 27-791. Design and location.

(a) *General.* All bicycle parking spaces are subject to the general design and location requirements of this section (section 27-791).

- (1) Bicycle parking spaces shall be illuminated if accessible to users after dark.
- (2) Bicycle parking spaces shall be located to be readily visible by the public or by building users, except in the case of long-term parking spaces located in secure areas accessible only to employees, staff or residents;
- (3) Bicycle parking spaces shall be accessible without climbing stairs, going up or down a slope of more than 12 percent, and via a route on the property that is designed to minimize conflicts with motor vehicles and pedestrians.
- (4) All bike racks shall be located at least ~~two~~ **three** feet in all directions from any obstruction, including other bike racks, walls, doors, posts, ~~or~~ columns, and curbs. When installing sidewalk racks, racks shall be placed in line with existing and proposed sidewalk obstructions to maintain a clear line of travel for all sidewalk users.
- (5) All bicycle rack areas on or adjacent to sidewalks, plazas, or other areas in the public realm must include a detectable device for visually impaired pedestrians to detect as an obstacle.
- (6) Nonresidential uses may use up to one required automobile parking space as space for providing bicycle parking.
- (7) All developments providing showering and changing facilities to employees, residents, and other regular building occupants may reduce their required motor vehicle parking requirements by up to ten percent.
- (8) To provide bicycle parking spaces that do not require the lifting of a bicycle, a minimum of 30 percent of required spaces must be in a horizontal rack or on the lower level of a stacked rack with a minimum of one horizontal bicycle parking space.
- (9) All required bicycle parking spaces shall have minimum dimensions of ~~two~~ **three** feet in width by ~~six~~ **seven** feet in length, with a minimum overhead vertical clearance of seven feet. Bicycle racks must be chosen from the most current version of the Association of Pedestrian and Bicycle Professionals' Bicycle Parking Guidelines list of recommended bicycle racks, except as otherwise required.
- (10) Extra-wide bicycle spaces to accommodate a variety of bicycles and accessories (i.e. recumbent bikes, cargo bikes, children bikes, trailers, etc.) shall be provided in conformance with the table below. The table applies to short-term and long-term bicycle parking individually. For example, if five short term spaces and one long-term space are required, at least one out of the five short-term spaces must be extra-wide and the one long-term space must be extra-wide.

Total Number of Bicycle Parking Spaces	Required extra-wide Bicycle Parking Spaces
1-30	20%
30+	One additional space for every 20 bicycle spaces over 30

- a. All extra-wide bicycle spaces must be a minimum of ~~three~~ **four** feet by ten feet and provided in a horizontal rack on the ground. If the bicycle space is enclosed, a minimum height of five feet shall be required.

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- b. Unenclosed accessible bike spaces shall provide an additional 36 inches of in-line clearance.
 - c. Extra-wide bicycle spaces shall be posted with signage indicating that the space is reserved for accessible extra-wide bicycles only.
- (11) Electric assist bicycle recharging stations must be provided in conformance with the table below. The table applies to short-term and long-term bicycle parking individually, i.e., If five short term spaces and one long-term space are required, at least one out of the five short term spaces must have recharging station and the one long-term space must have a recharging station.

Total Number of Bicycle Parking Spaces	Required Electrical Assist Bicycle Recharging Stations
1 - 10	1
11 - 20	2
20 - 30	3
30+	One additional station for every 20 bicycle spaces over 30

- a. All electric assist bicycle recharging spaces must be a minimum of three feet by ten feet. If bicycle space is enclosed, a minimum height of five feet shall be required.
 - b. All provided electrical assist bicycle recharging stations shall allow for bicycle to be locked to a rack.
 - c. At least one of the required recharging stations must be accessible to the horizontal biking space.
 - d. Public electric bicycle charging stations shall be posted with signage indicating that the space is reserved for electric bicycle charging purposes only. For purposes of this provision, "charging" means that an electric bicycle is parked at an electric bicycle charging station and is connected to the battery charging station equipment.
 - e. Electric bicycle charging stations shall be maintained in all respects, including the functioning of the equipment. A phone number or other contact information shall be provided on the equipment for reporting when it is not functioning or other problems are encountered.
- (b) *Long-term bicycle parking.* In addition to the general bicycle parking design and location requirements of section 27-791, all required long-term bicycle parking shall meet the following requirements:
- (1) Long-term bicycle parking spaces may not be in dwelling units or on dwelling unit balconies.
 - (2) Unless clearly visible from the main building entrance, a sign indicating the location of all long-term bicycle parking spaces shall be prominently displayed near the main entrance to the building or facility, and additional signs shall be provided as necessary to ensure easy way-finding. A "bicycle parking" sign shall also be displayed on or adjacent to any indoor room or area designated for bicycle parking.
 - (3) Long-term bicycle parking spaces shall protect the entire bicycle, its components and accessories against theft and inclement weather, including wind-driven rain and snow. Acceptable forms of protection include
 - a. Individual bicycle lockers;
 - b. Attended parking areas;
 - c. Video-monitored parking areas;
 - d. Restricted-access parking areas; or
 - e. Other comparable arrangements approved by the community development director.

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- (4) Except in the case of bicycle lockers with a separate access door for each bike or attended facilities, all long-term bicycle parking spaces shall be designed to allow bicycles to be securely locked to a bicycle rack.
- (c) *Short-term bicycle parking.* In addition to the general bicycle parking design and location requirements of section 27-791, all required short-term bicycle parking shall meet the following requirements:
- (1) Short-term bicycle parking shall be visible from the main public building entrance and be at least as conveniently located as the most convenient non disabled ADA motor vehicle parking space serving the subject use. If no motor vehicle parking is provided, short-term bicycle parking spaces shall be located within 50 feet of a building entrance.
- (2) Short-term bicycle parking spaces shall be located on private property unless the community development director approves a location within the public right-of-way.

(Ord. No. RZ-2018-11-06, § I, Exh. A(27.221), 11-27-2018; Ord. No. 2023-01-05, 1-24-2023)

Secs. 27-792—27-801. Reserved

DIVISION 7. LOCATION AND USE OF OFF-STREET PARKING

Sec. 27-818. Parking in setbacks and yards.

- (a) Parking is prohibited in front setbacks in RM and O&I districts.
- (b) Parking is prohibited in front yards of ~~RS and R3 districts~~ **single family detached dwellings**, except on a driveway, or in a roofed carport or enclosed garage. No more than 35 percent of the total area between the street right-of-way line and the front of ~~the principal building~~ **a single family detached dwelling** may be paved ~~in any RS or R3 district~~.
- (c) Circular driveways are permitted only on lots with adequate width to ensure that driveway approaches on the subject lot are spaced at least 20 feet apart and that all parts of the driveway are set back at least five feet from side property lines. Circular driveway where permitted, are subject to the driveway coverage limits of this section.
- (d) Ribbon driveways that consist of two wheel tracks with turf or ground cover plantings in the median between wheel tracks are allowed to serve detached houses, attached houses and two-flats. Each wheel track of a ribbon driveway shall be surfaced in compliance with the requirements of this article and be at least two and one-half feet in width. The median area between each wheel track is not counted as impervious area if its is planted and maintained with turf or other ground cover planted within pervious soils.

(Ord. No. RZ-2018-11-06, § I, Exh. A(27.228), 11-27-2018)

ARTICLE IX. LANDSCAPING AND SITE FEATURES

DIVISION 3. FENCES AND WALLS

Sec. 27-957. Retaining walls.

- (a) ~~The minimum setback of a retaining wall less than 4-feet in height on an RS-zoned lot with a single family detached dwelling shall not be setback from side property lines by a distance of at least the its height 50 percent of the required side building setback less than the vertical height of the wall face at any point along the wall. The minimum setback of a retaining wall equal to or greater than 4-feet in height shall be 4-feet, or 50% of the required side building setback, whichever results in a greater setback.~~ This retaining wall setback regulation does not apply to window wells.
- (1) The board of appeals is authorized to grant a variance to this setback regulations. If the board determines that exceptional topographical restrictions exist on the lot in context with the adjoining property that were not created by the applicant or owner.
- (2) In addition to the materials otherwise required to be submitted with a variance application, applicants for retaining wall setback variances shall submit a certified field run site plan or a topographical map certified by an engineer or landscape architect with the application for a variance.
- (b) Retaining walls on RS-zoned lots may not exceed four feet in height.
- (1) The community development director is authorized to grant an administrative variance allowing retaining walls of up to six feet in height in RS districts if the director determines that exceptional topographical restrictions exist on the lot in context with the adjoining property that were not created by the applicant or owner.
- (2) The board of appeals is authorized to grant a variance allowing retaining walls of up to eight feet in height in RS districts if the board determines that exceptional topographical restrictions exist on the lot in context with the adjoining property that were not created by the applicant or owner.
- (3) In addition to the materials otherwise required to be submitted with a variance application, the applicant for all retaining wall height variances shall submit a certified field run site plan or a topographical map certified by an engineer or landscape architect with the application for a variance.
- (c) The maximum height of a retaining wall in zoning districts other than RS districts may not exceed the horizontal distance between the face of the retaining wall and the property line of a lot containing a residential use.
- (d) Retaining walls may not be located within transition buffers.
- (e) Lawfully established existing retaining walls that are nonconforming as to the standards of this section may be repaired and replaced as long as the repair or replacement does not result in an increase in the height of the retaining wall that is replaced and does not increase the footprint of the existing retaining wall by more than ten percent.

(Ord. No. RZ-2018-11-06, § I, Exh. A(27.267), 11-27-2018; Ord. No. 2019-05-03, § I(Attch.), 5-28-2019; Ord. No. 2019-05-04, § I(Attch.), 5-28-2019)

ARTICLE XII. - NONCONFORMITIES

DIVISION 2. NONCONFORMING LOTS

Sec. 27-1255. Description.

A nonconforming lot is a lawfully created lot recorded in the office of the clerk of county superior court that does not comply with one or more applicable minimum lot area, lot width, lot frontage or street access regulations of this zoning ordinance.

(Ord. No. RZ-2018-11-06, § I, Exh. A(27.395), 11-27-2018)

Sec. 27-1256. Use of nonconforming lots.

- (a) A single dwelling unit and allowed accessory structures may be constructed on a nonconforming lot in any zoning district that permits detached houses by-right, subject to compliance with all applicable setback and building regulations (e.g., coverage, height, floor area, etc.).
- (b) Nonconforming lots in districts that do not permit detached houses by-right, may be used in accordance with the use regulations that apply in the subject zoning district, and buildings may be erected, subject to compliance with all applicable setback and building regulations (e.g., coverage, height, floor area, etc.).

(Ord. No. RZ-2018-11-06, § I, Exh. A(27.396), 11-27-2018)

Sec. 27-1257. Reduction of impervious coverage.

Nonconforming lots may be altered to remove and replace structures and improvements if such alteration does not increase overall impervious coverage and complies with all other applicable regulations of this division. See also section 27-1333.

(Ord. No. RZ-2018-11-06, § I, Exh. A(27.397), 11-27-2018; Ord. No. 2019-11-03, § I(Attch.), 11-26-2019; Ord. No. RZ-2023-02-03, § I, 2-28-2023)

Secs. 27-1258. Reconfiguration of nonconforming lots.

The boundaries between contiguous nonconforming lots may be adjusted if the result does not enlarge or extend the element of nonconformity by creating any of the following conditions:

1. Additional lots;
2. Additional nonconforming lots by area or dimension; or
3. Lot sizes less than the smallest lot size or dimensions (i.e., width, depth) less than the shortest such dimension that existed prior to recombination.

Secs. 27-1258~~9~~—27-1267. Reserved.

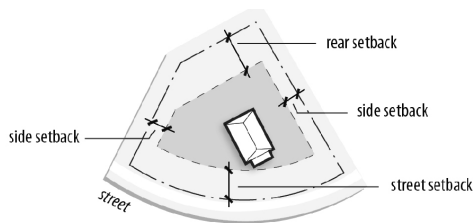
ARTICLE XII. TERMINOLOGY AND MEASUREMENTS

DIVISION 2. MEASUREMENT RELATED TERMS

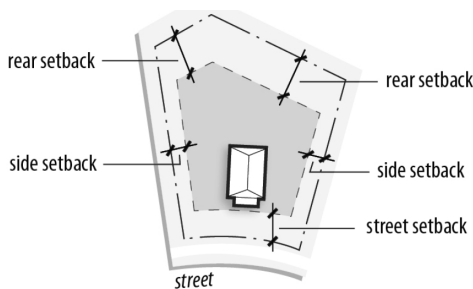
Sec. 27-1336. Setbacks.

(a) *Measurement.*

- (1) Required setbacks are measured from the applicable lot line, right-of-way, or location referred to below. Building setbacks are measured to the nearest exterior building wall. Minimum setbacks that apply to other features (parking areas, fences, storage areas) are measured from the nearest point of the area or feature for which a setback is required. Unless otherwise expressly stated, no part of any structure may be located within the street right-of-way.
- (2) Street (front and street-side) setbacks are measured from the actual right-of-way line of the street (other than an alley).
- (3) Interior side setbacks are measured from the nearest side lot line that does not abut a street.
- (4) Rear setbacks are measured from the rear lot line.

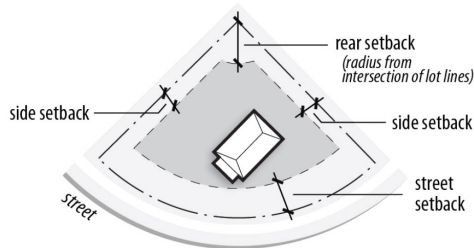


- (5) On double-frontage lots, the required street setback shall be provided from both streets.
- (b) *Setbacks on irregular lots.* Setbacks are measured from lot lines towards the center of the lot, except as follows:
- (1) When lot lines are curvilinear, setbacks shall be measured parallel to the curvilinear lot line (see figure 13-1).
 - (2) When there are multiple rear lot lines, the rear setback shall be measured from each of rear lot lines (see figure 13-2).



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- (3) When there is no rear lot line, the rear setback shall be measured as a radial distance from the intersection of side lot lines at the rear of the lot (see figure 13-3).



- (c) *Encroachments and obstructions.* Every part of a required setback shall be unobstructed and open to the sky except as follows:
- (1) Sills, belt courses, cornices, eaves, chimneys, buttresses and other ornamental and architectural features, may project up to three feet into any required setback;
 - (2) Porches, terraces, patios, steps, stoops and similar building fixtures may project into a ~~front setback or rear setback~~ for up to ten feet, ~~and into a side setback~~ to a point not closer than five feet to any side lot line.
- (d) *Average front yard setback for residential infill.*
- (1) *Generally applicable regulations.*
 - a. When a lot is located within a block where 60 percent or more of the lots within said block have been developed, and where there are existing buildings fronting on the same street and within the same zoning district within 75 feet of the side lot lines of such vacant lot, then setback averaging shall be required. The minimum required building setback line for said vacant lot shall be determined by averaging the existing building setbacks of buildings within 75 feet of the side lot lines of such vacant lot. The minimum setback for additions to existing structures may be the average of the existing setbacks.
 - (2) *Administrative variance from average front yard setback provisions.*
 - a. The director is authorized to consider an administrative variance on petitions requesting reduction of the average front yard setback pursuant to the procedures provided in article X of this chapter. Administrative variance approval shall be based on unique site features including stream buffer protection, tree preservation, and existing easements only. The average front yard setback for residential infill may be reduced up to 25 percent. Appropriate conditions to said administrative variances shall be imposed to ensure the continued health of any preserved trees following the granting of such variances, including, but not limited to, mandatory replacement requirements. The department shall issue a decision in writing no later than 21 business days after the date of filing a complete application. A denied petition for an administrative variance by the director may be presented to the board of appeals as a regular variance, following the general procedures herein.

(Ord. No. RZ-2018-11-06, § I, Exh. A(27.426), 11-27-2018; Ord. No. 2021-02-01, § I(Attch.), 2-9-2021)