

**AN ORDINANCE
BY COUNCILMEMBER J.P. MATZIGKEIT**

Z-20-07

AN ORDINANCE TO AMEND THE CITY OF ATLANTA CODE OF ORDINANCES PART 16 ZONING, CHAPTERS 3, 4, AND 5 SINGLE-FAMILY RESIDENTIAL DISTRICT REGULATIONS FOR R-1, R-2, AND R-3 BY REQUIRING THE DEVELOPMENT OF NEW SINGLE-FAMILY DETACHED DWELLINGS ON LAND-LOCKED LOTS TO OBTAIN A SPECIAL USE PERMIT; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta is made up of neighborhoods with a variety of lot sizes which creates a diverse fabric of unique neighborhoods and communities; and

WHEREAS, one of the special characteristics of many of these neighborhoods is their lot patterns, which for R-1, R-2, and R-3 provide for larger lots and yards; and

WHEREAS, with the continued development of the city, it is important to preserve these historically larger lots; and

WHEREAS, this has become even more critical for R-1, R-2, and R-3 neighborhoods, where lot fragments leftover from the initial development of the neighborhood are beginning to be developed even though they are fronted and backed by existing single-family homes and thereby have no street frontage and do not meet or conform with the existing lot sizes or patterns; and

WHEREAS, the development of land locked lots creates many challenges that affect the health, safety, and general welfare of the surrounding property owners including limited or no access to utilities such as a sewer and water, no access to public roads, the potential creation of private roads which are directly adjacent to single-family homes, the potential for additional storm-water runoff by building on traditionally natural areas, the removal of healthy trees and reduction of the City's tree canopy, and other land use related challenges; and

WHEREAS, the City Charter, at Section 1-102(b), provides that the City shall have all powers necessary and proper to promote the safety, health, peace, and general welfare of the City and its inhabitants; and

WHEREAS, this ordinance is adopted pursuant to Georgia Constitution Article IX, Section II, Paragraph IV which empowers the governing authority of each county and of each municipality to adopt plans and exercise the power of zoning.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY ORDAINS as follows:

SECTION 1: That Subsection (1)(m) of Part 16 Zoning, Chapter 3 R-1 Single-Family Residential District Regulations Sec. 16-03.005. – Special Permits which currently reads:

(m) Repealed.

to be removed and replaced as follows:

(m) If a lot has no existing street frontage a special use permit is required for the development of a single-family detached dwelling. All other permitted uses and permitted accessory uses and structures are allowed by right on said lot.

SECTION 2: That Subsection (1)(m) be added to Part 16, Chapter 4 R-2 Single-Family Residential District Regulations Sec. 16-04.005. – Special Permits to read as follows:

(m) If a lot has no existing street frontage a special use permit is required for the development of a single-family detached dwelling. All other permitted uses and permitted accessory uses and structures are allowed by right on said lot.

SECTION 3: That Subsection (1)(m) be added to Part 16, Chapter 5 R-3 Single-Family Residential District Regulations Sec. 16-05.005. – Special Permits to read as follows:

(m) If a lot has no existing street frontage a special use permit is required for the development of a single-family detached dwelling. All other permitted uses and permitted accessory uses and structures are allowed by right on said lot.

SECTION 4: That all ordinances or parts of ordinances in conflict with this ordinance are waived to the extent of any conflict.