

**AN ORDINANCE
BY: ZONING COMMITTEE**

**07-O-
Z-07-44**

AN ORDINANCE TO AMEND THE 1982 ZONING ORDINANCE OF THE CITY OF ATLANTA, AS AMENDED, SO AS TO PROVIDE MAXIMUM FLOOR AREA RATIOS IN THE R-4A AND R-4B ZONING DISTRICTS AND MAXIMUM LOT COVERAGE IN THE R-4B ZONING DISTRICT; PROVIDE NEW MAXIMUM FLOOR AREA RATIOS AND LOT COVERAGES FOR THE VARIOUS TYPES OF STRUCTURES ALLOWED IN THE R-5 ZONING DISTRICT; TO CREATE A NEW SECTION 16-24.008 CONCERNING THE MEASUREMENT OF FLOOR AREA FOR ADDITIONS TO RESIDENTIAL STRUCTURES; AMEND SEC. 16-28.008(5) CONCERNING THE HEIGHT OF WALLS IN REQUIRED YARDS; AMEND SECTION 16-28.009 TO CLARIFY APPLICATION OF THE FLOOR AREA RATIO CALCULATION; CREATE A NEW SECTION 16-28.026 CONCERNING LIMITING HEIGHT OF THE MAIN FLOOR LEVEL; TO AMEND SECTION 16-29.001(12)(a)(3) CONCERNING THE DEFINITION OF TWO-FAMILY AND DUPLEX DWELLINGS; TO AMEND SECTION 16-29.001(13) TO PROVIDE FOR A NEW DEFINITION OF FLOOR AREA; TO AMEND SECTION 16-29.001(27) TO PROVIDE FOR A NEW DEFINITION OF BUILDING HEIGHT; TO AMEND SECTION 16-29.001(37) TO PROVIDE FOR AN AMENDED DEFINITION OF FLOOR AREA RATIO; CREATE NEW SECTION 16-29.001(67) DEFINING ATTICS; CREATE NEW SECTION 16-29.001(68) DEFINING BASEMENTS; CREATE NEW SECTION 16-29.001(69) DEFINING MAIN FLOOR LEVEL; AND FOR OTHER PURPOSES.

WHEREAS, the residential neighborhoods of the City of Atlanta are an invaluable and irreplaceable resource which greatly contribute to the health, safety and welfare of all residents and visitors; and

WHEREAS, the City's Comprehensive Development Plan recognizes that many developed areas of the City are experiencing or are anticipated to experience residential development on scattered vacant tracts of land; and

WHEREAS, the City's Comprehensive Development Plan recognizes that the diminishing supply of land within the City will also lead to the remodeling or redevelopment of existing residential structures or the purchase of existing structures for demolition and reuse of the lot for the building of new structures; and

WHEREAS, the City's Comprehensive Development Plan recognizes that residential development of this type is a land use transition that includes variations in building scale; and

WHEREAS, it is the policy of the City to avoid land use transitions which are incompatible in height, scale and appearance with neighboring uses and structures; and

WHEREAS, the City of Atlanta Department of Planning and Community Development, the American Institute of Architects Atlanta Infill Taskforce representatives and Greater Atlanta Homebuilders Association representatives have conferred on multiple occasions to review and discuss the variety of issues associated with residential scale and their possible solutions; and

WHEREAS, the redevelopment of existing residential structures should allow for reasonable additions or renovations while not significantly increasing the appearance of bulk or scale of the structure without further zoning regulation; and

WHEREAS, in single-family and two-family residential neighborhoods without historic or landmark district design controls, certain amendments are required to the Zoning Code to prevent overzealous grade manipulation, account for the use of habitable attic spaces and habitable exposed basements, and regulate the heights of retaining walls within required yards; and

WHEREAS, in single-family and two-family residential neighborhoods maximum floor area ratio and maximum lot coverage shall be prescribed where they had previously been regulated inconsistently; and

WHEREAS, in single-family and two-family residential neighborhoods floor area ratio and height calculation should be for clarified to all City residents and stakeholders; and

WHEREAS, the City's Comprehensive Development Plan also recognizes that the creation of more dense residential development through the construction of duplexes is desirable in certain zoning districts, provided that such structures are compatible in height, scale and orientation to the street with existing residential structures; and

WHEREAS, the preservation of neighborhoods is a high priority set forth in the City's Comprehensive Development Plan and this goal can be furthered by preserving their boundaries and character.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY ORDAINS, AS FOLLOWS:

Section 1: That Sec. 16-06A.008 of the Zoning Ordinance concerning the minimum yard requirements in the R-4A zoning district which currently reads as follows:

Sec. 16-06A.008. Minimum yard requirements.

The following minimum yard requirements shall apply to all uses approved by special yard requirements as well as permitted uses:

- (1) *Front yard*: There shall be a front yard having a depth of not less than 30 feet.
- (2) *Side yard*: There shall be two side yards, one on each side of the main building, each having a width of not less than seven feet.
- (3) *Rear yard*: There shall be a rear yard of not less than 15 feet.
- (4) *Accessory structures*: Accessory structures, when permitted, shall be placed to the side or rear of the main structure within the buildable area of the lot so as not to project beyond the front of the main structure. For fences, see section 16-28.008(5).
- (5) *Maximum lot coverage*: Maximum lot coverage within this district shall not exceed 50 percent of total lot area.

be amended to add a new subsection to be numbered as subsection (5) and that the present subsection (5) be renumbered as subsection (6) with new language amending the maximum lot coverage such that Sec. 16-06A.008 be amended to read as follows new language is underlined, deleted language is ~~stricken~~ as indicated:

Sec. 16-06A.008. Minimum yard requirements.

The following minimum yard requirements shall apply to all uses approved by special yard requirements as well as permitted uses:

- (1) *Front yard*: There shall be a front yard having a depth of not less than 30 feet.
- (2) *Side yard*: There shall be two side yards, one on each side of the main building, each having a width of not less than seven feet.
- (3) *Rear yard*: There shall be a rear yard of not less than 15 feet.
- (4) *Accessory structures*: Accessory structures, when permitted, shall be placed to the side or rear of the main structure within the buildable area of the lot so as not to project beyond the front of the main structure. For fences, see section 16-28.008(5).
- ~~(5) *Maximum lot coverage*: Maximum lot coverage within this district shall not exceed 50 percent of total lot area.~~
- (5) *Maximum floor area ratio*: The maximum floor area ratio within this district shall not exceed 0.50 of the net lot area.
- (6) *Maximum lot coverage*: Maximum lot coverage within this district shall not exceed fifty-five (55%) percent of the net lot area.

Section 2: That Sec. 16-06B.008 of the Zoning Ordinance concerning the minimum yard requirements in the R-4B zoning district which currently reads

Sec. 16-06B.008. Minimum yard requirements.

The following minimum yard requirements shall apply to all uses approved by special permits as well as permitted uses:

- (1) *Front yard*: There shall be a front yard having a depth of not less than 20 feet.
- (2) *Side yard*: There shall be two side yards, one on each side of the main building, each having a width of not less than five feet.
- (3) *Rear yard*: There shall be a rear yard of not less than five feet.
- (4) *Accessory structures*: Accessory structures, when permitted, shall be placed to the side or rear of the main structure within the buildable area of the lot so as not to project beyond the front of the main structure. For fences, see section 16-28.008(5).

be amended to add new subsections (5) and (6) setting standards for floor area ratio and maximum lot coverage such that that Sec. 16-06B.008 shall be amended to read as follows new language is underlined, deleted language is ~~stricken~~ as indicated:

Sec. 16-06B.008. Minimum yard requirements.

The following minimum yard requirements shall apply to all uses approved by special permits as well as permitted uses:

- (1) *Front yard*: There shall be a front yard having a depth of not less than 20 feet.
- (2) *Side yard*: There shall be two side yards, one on each side of the main building, each having a width of not less than five feet.
- (3) *Rear yard*: There shall be a rear yard of not less than five feet.
- (4) *Accessory structures*: Accessory structures, when permitted, shall be placed to the side or rear of the main structure within the buildable area of the lot so as not to project beyond the front of the main structure. For fences, see section 16-28.008(5).
- (5) *Maximum floor area ratio*: The maximum floor area ratio within this district shall not exceed 0.75 total of the net lot area.
- (6) *Maximum lot coverage*: Maximum lot coverage within this district shall not exceed eighty-five (85%) percent of the net lot area.

Section 3: That Sec. 16-07.007 of the Zoning Ordinance concerning the minimum lot requirements in the R-5 zoning district which currently reads

Sec. 16-07.007. Minimum lot requirements.

The following minimum lot requirements shall apply to all uses approved by special permits as well as permitted uses:

- (1) *Churches, temples, synagogues, mosques and similar religious facilities, except when authorized by a special permit.*

(2) *Single-family detached dwellings and all other uses:* Every lot shall have an area of not less than 7500 square feet and a frontage of not less than 50 feet, except for zero-lot-line development.

(3) *Single-family zero-lot-line development; single lot area:* 2500 square feet with a minimum combined area of 7500 square feet; *lot width:* Not less than 10 feet, with a minimum combined width of 50 feet. See section 16-28.007.

(4) If a lot has less area of width than herein required and was a lot of record on the effective date of this part, that lot shall be used only for a single-family dwelling.

(5) *Two-family dwellings:* Lot area and lot frontage requirements shall be as stated in subsection (2) above. Floor area of the structure shall not exceed 0.50, except that no limit on floor area shall be established for those structures in which one of the dwelling units does not exceed 750 square feet.

be amended to provide yard requirements for duplexes and delete certain language concerning the floor area ratio of two-family dwellings which is to be regulated in another section; said section shall be amended to read as follows new language is underlined, deleted language is ~~stricken~~ as indicated:

Sec. 16-07.007. Minimum lot requirements.

The following minimum lot requirements shall apply to all uses approved by special permits as well as permitted uses:

(1) *Churches, temples, synagogues, mosques and similar religious facilities, except when authorized by a special permit.*

(2) *Single-family detached dwellings and all other uses:* Every lot shall have an area of not less than 7500 square feet and a frontage of not less than 50 feet, except for zero-lot-line development.

(3) *Single-family zero-lot-line development; single lot area:* 2500 square feet with a minimum combined area of 7500 square feet; *lot width:* Not less than 10 feet, with a minimum combined width of 50 feet. See section 16-28.007.

(4) If a lot has less area of width than herein required and was a lot of record on the effective date of this part, that lot shall be used only for a single-family dwelling.

(5) *Two-family dwellings and duplexes:* Lot size and lot frontage requirements shall be as stated in subsection (2) above. ~~Floor area of the structure shall not exceed 0.50, except that no limit on floor area shall be established for those structures in which one of the dwelling units does not exceed 750 square feet.~~

Section 4: That Sec. 16-07.008 of the Zoning Ordinance concerning the minimum yard requirements in the R-5 zoning district which currently reads

Sec. 16-07.008. Minimum yard requirements.

The following minimum yard requirements shall apply to all uses approved by special permits as well as permitted uses:

- (1) *Front yard:* There shall be a front yard having a depth of not less than 30 feet.
- (2) *Side yard:* There shall be two side yards, one on each side of the main building, each having a width of not less than seven feet, except for zero-lot-line development where no side yard is required along the internal lot line.
- (3) *Rear yard:* There shall be a rear yard of not less than seven feet except for zero-lot-line units where the internal side or rear lot line may be reduced to zero feet.
- (4) *Accessory structures:* Accessory structures, when permitted, shall be placed to the side or rear of the main structure within the buildable area of the lot so as not to project beyond the front of the main structure. For fences, see section 16-28.008(5).
- (5) *Maximum lot coverage:* Maximum lot coverage within this district shall not exceed 50 percent of total lot area.

be amended to add two new subsections to be numbered as subsection (5) and (7) and that the present subsection (5) be renumbered as subsection (6) with new language amending the maximum lot coverage area such that Sec. 16-07.008 shall be amended to read as follows new language is underlined, deleted language is ~~stricken~~ as indicated:

Sec. 16-07.008. Minimum yard requirements.

The following minimum yard requirements shall apply to all uses approved by special permits as well as permitted uses:

- (1) *Front yard:* There shall be a front yard having a depth of not less than 30 feet.
- (2) *Side yard:* There shall be two side yards, one on each side of the main building, each having a width of not less than seven feet, except for zero-lot-line development where no side yard is required along the internal lot line.
- (3) *Rear yard:* There shall be a rear yard of not less than seven feet except for zero-lot-line units where the internal side or rear lot line may be reduced to zero feet.
- (4) *Accessory structures:* Accessory structures, when permitted, shall be placed to the side or rear of the main structure within the buildable area of the lot so as not to project beyond the front of the main structure. For fences, see section 16-28.008(5).
- ~~(5) *Maximum lot coverage:* Maximum lot coverage within this district shall not exceed 50 percent of total lot area.~~
- (5) *Maximum floor area ratio:*
 - a) For a single-family detached dwelling: The maximum floor area ratio shall not exceed 0.50 of the net lot area.
 - b) For a duplex: The maximum floor area ratio shall be 0.60 of the net lot area.

- c) For a two-family dwelling that is not a duplex: The maximum floor area ratio within this district shall not exceed 0.50 of the net lot area for the main unit of a two-family dwelling, provided however that the secondary dwelling unit shall not exceed 750 square feet.
- (6) Maximum lot coverage: Maximum lot coverage within this district shall not exceed fifty-five (55%) percent of the net lot area.
- (7) Location of structures in two-family dwellings: Any structure of lesser floor area in any two-family dwelling unit shall be located no nearer to any street frontage than the structure of greater floor area. Any dwelling structure with an street-fronting elevation shall provide a pedestrian entrance on that elevation.

Section 5: That the City of Atlanta Zoning Code be amended to specify that the floor area ratio measurements and the definition of “Basements” and “Attics” imposed by this ordinance do not apply to existing residential structures by adding a new section to be codified as Sec. 16-24.008:

Section 16-24.008. Measurement of Floor Area for Additions to Residential Structures

The measurement of floor area to determine whether an addition or renovation to a residential structure exceeds the floor area ratio allowed in the R-1 through R-5 districts shall not include the basement and attic space of structures which were constructed under building permits issued prior to the effective date of the adoption of this section provided:

- (1) The renovation of an existing basement or the addition of any basement space does not (i) expand the footprint of the existing structure; or (ii) expose existing walls that are more than four (4) feet below existing grade for more than fifty (50%) percent of the total exterior perimeter walls to be exposed.
- (2) The renovation or addition of attic space shall be a design which does not either:
 - (a) Increase the existing height of the highest point or main ridgeline of the main roof structure of the highest story; or
 - (b) Provide new dormers that (i) engage the main ridge line of the main roof structure; or (ii) interrupt the primary eave line; or (iii) occupy more than forty (40%) percent of the total surface area of the roof plane on which it is constructed.

Section 6: That Sec. 16-28.008(5) governing the height of walls or fences in required yards which reads as follows:

- (5) *Walls or fences in required yards; height limits:* Fences, walls or hedges may occupy required yards as follows; provided, however, that no such walls or fences create substantial impediments to visibility as prohibiting at section 16-28.008(9).

- (a) In the following dwellings districts, R-1, R-2, R-3, R-4 and R-5, fences not exceeding four (4) feet in height may be erected in the front yard. Fences or walls not exceeding six (6) feet in height may be erected or maintained in side or rear yards.
- (b) In the following residential general (R-G) district, fences not exceeding four (4) feet in height may be erected in the front yard. Fences or walls not exceeding eight (8) feet in height may be erected or maintained in the side or rear yards.
- (c) The provisions of (a) and (b) above notwithstanding, in any dwelling district no fence or wall exceeding two and one-half (2 1/2) feet in height, as measured from the grade at the intersecting street right-of-way lines, shall be erected or maintained within 20 feet of any street intersection.
- (d) In all other districts, fences may be erected or maintained within any required yard provided they shall not exceed nine (9) feet in height.
- (e) *Special exceptions on greater height of walls or fences in required yards:* The board of zoning adjustment may grant special exceptions in any district for greater heights only upon finding that:
1. Such wall or fence is justified by reason of security or privacy and will not unduly prevent passage of light and air to adjoining properties and is not incompatible with the character of the neighborhood;
 2. Such greater height is justified by requirements for security of persons or property in the area;
 3. Such greater height is justified for topographic reasons; or
 4. Such greater height, in the yard or yards involved, is not incompatible with the character of the surrounding neighborhood.

be amended, leaving other sections of Sec. 16-28.008(5) in effect as currently written; said amended section to read as follows, where new language is underlined, deleted language is ~~stricken~~ as indicated:

(5) *Walls or fences in required yards; height limits:* Fences, walls or hedges may occupy required yards as follows; provided, however, that no such walls or fences create substantial impediments to visibility as prohibiting at section 16-28.008(9).

~~(a) In the following dwellings districts, R-1, R-2, R-3, R-4 and R-5, fences not exceeding four (4) feet in height may be erected in the front yard. Fences or walls not exceeding six (6) feet in height may be erected or maintained in side or rear yards. In the R-1 through R-5 districts, the following retaining walls and fences are permitted:~~

(1) Within the required front and half-depth front yards:

(i) Where no retaining wall is constructed, fences not exceeding four (4) feet in height may be erected.

(ii) Not more than two (2) retaining walls with a maximum height of three (3) feet each may be erected, provided however that the face of the upper

wall shall be separated from the face of the lower wall by at least a minimum horizontal distance that is equal to the height of the upper wall.

(iii) A fence not exceeding four (4) feet is permitted at the top of one of the provided retaining walls.

(2) Within the required side and rear yards:

(i) Where no retaining wall is constructed, fences or walls not exceeding six (6) feet in height may be erected or maintained.

(ii) Not more than two (2) retaining walls with a maximum height of six (6) feet each may be erected, provided however that the face of the upper wall shall be separated from the face of the lower wall by at least a minimum horizontal distance that is equal to the height of the upper wall.

(iii) A fence not exceeding six (6) feet is permitted at the top of one of the provided retaining walls.

(3) Where a driveway is required the Director of the Bureau of Buildings may waive the required separation of retaining walls in required yards where justified for topographic reasons for the purpose of constructing a driveway. This shall not be construed to allow retaining walls greater than six (6) feet in the required front and half-depth front yards or retaining walls greater than 12 feet in the required side and rear yards for the purpose of constructing a driveway without special exception granted by the board of zoning adjustment in provision (e) below.

(b) In the following residential general (R-G) district, fences not exceeding four (4) feet in height may be erected in the front yard. Fences or walls not exceeding eight (8) feet in height may be erected or maintained in the side or rear yards.

(c) The provisions of (a) and (b) above notwithstanding, in any dwelling district no fence or wall exceeding two and one-half (2 1/2) feet in height, as measured from the grade at the intersecting street right-of-way lines, shall be erected or maintained within 20 feet of any street intersection.

(d) In all other districts, fences may be erected or maintained within any required yard provided they shall not exceed nine (9) feet in height.

(e) *Special exceptions on greater height of walls or fences in required yards:* The board of zoning adjustment may grant special exceptions in any district for greater heights only upon finding that:

1. Such wall or fence is justified by reason of security or privacy and will not unduly prevent passage of light and air to adjoining properties and is not incompatible with the character of the neighborhood;

2. Such greater height is justified by requirements for security of persons or property in the area;

3. Such greater height is justified for topographic reasons; or

4. Such greater height, in the yard or yards involved, is not incompatible with the character of the surrounding neighborhood.

Section 7: That Sec. 16-28.009 of the Zoning Ordinance concerning lot requirements in zoning districts which permit attached and multifamily dwellings and mixtures of dwellings types currently reads as follows:

Sec. 16-28.009. R-G and PD-H districts and other districts in which similar attached and multifamily residential uses are permitted.

R-G and PD-H districts permit attached and multifamily dwellings and mixtures of dwellings types, as do certain other districts. Residential uses in such districts require special forms of regulations, some features of which are applicable to other uses. The provisions which follow in section 16-28.010 relate to the Residential-General (R-G) District, to open space and building space requirements applying in such district, or to such uses in other districts and to other special requirements and limitations applicable thereto.

be amended with new language to clarify that the use of gross lot area in floor area ratio calculation is limited to multi-family uses in such districts and that net lot area is used in the floor area ratio calculation in single-family and two-family zoning districts and where single-family or two-family dwellings are constructed in other districts; so that this section shall be amended to read as follows, new language is underlined, deleted language is ~~stricken~~ as indicated:

Sec. 16-28.009. R-G and PD-H districts and other districts in which similar attached and multifamily residential uses are permitted.

R-G and PD-H districts permit attached and multifamily dwellings and mixtures of dwellings types, as do certain other districts. Residential uses in such districts require special forms of regulations, some features of which are applicable to other uses. The provisions which follow in section 16-28.010 relate to the Residential-General (R-G) District, to open space and building space requirements applying in such district, or to such uses in other districts and to other special requirements and limitations applicable thereto. For the purpose of clarifying the application of the floor area ratio calculation in single-family and two-family zoning districts, net lot area shall be used in those districts.

Section 8: That the Zoning Ordinance be amended to add a new section to be numbered as Section 16-28.026 and to be entitled “Main floor level height limitation for single-family, two-family or duplex dwellings.” and which shall read as follows:

Section 16-28.026. Main floor level height limitation for single-family, two-family or duplex dwellings.

For new construction, the height of the main floor level of any new single-family, two-family or duplex structure shall be measured as the distance between the top of the sub-

floor of said level and the grade as established by plans meeting the specifications required for soil erosion and sedimentation control by Sec. 74-40 (as it may be amended) and shall be no higher than the greatest of the following:

- (a) Four (4) feet above the existing undisturbed grade of the lot as grade is determined shown in the manner required in this section; or
- (b) Three (3) feet above the average finished grade level at the property line adjacent to any right-of way(s); or
- (c) Three (3) feet above the street fronting main floor threshold level of an existing structure that is to be demolished for the construction of a new single-family, two-family or duplex dwelling.

Section 9: That Section 16-29.001(12)(a)(3) of the City of Atlanta Zoning Code which reads as follows:

- 3. *Dwelling, two-family or duplex:* A residential building containing two (2) dwelling units.

be amended to reads as follows

- 3. *Dwelling, two-family or duplex:*
 - (i) *Two-family dwelling:* a residential building containing two (2) dwelling units but which is not defined as a duplex.
 - (ii) *Duplex:* two (2) residential dwelling units within a building which either: share a common vertical wall with each dwelling units having street frontage or; two residential units on more than a single floor in the same structure with at least a portion of one unit directly above or below the other unit; provided that no dwelling unit of either configuration shall have more than double the floor area of the other dwelling unit. The primary pedestrian entrance(s) shall be located no higher than the main floor level and be architecturally articulated, be visible from, and be directly accessible from a public street or associated sidewalk via a pedestrian walkway of a minimum width of four (4) feet.

Section 10: That the definition of “Floor Area” as set forth Sec. 16-29.001(13) which reads as follows:

- (13) *Floor area:*
 - (a) *Residential:* For definition and method of measurement of residential floor area, as affecting dwellings and lodgings, see section 16-28.010(3), "Residential floor area."
 - (b) *Floor area, commercial, business and industrial:* For computations involving other than dwellings and lodgings, gross floor area shall be computed as including the sum of the gross horizontal area of the several stories of a building measured from the exterior faces of the exterior walls or from the center line of walls separating two (2) buildings or different uses, including attic space with headroom of seven (7) feet or greater and

served by a permanent, fixed stair, but not including basement space, uncovered steps or fire escapes, accessory water or cooling towers, or accessory off-street parking or loading areas.

be amended to read as follows, new language is underlined, deleted language is ~~stricken~~ as indicated:

(13) *Floor area:*

(a) *Residential:* For single-family and two-family or duplex dwellings, the floor area is defined as indicated in Section 16-29.001(37). For definition and method of measurement of multi-family residential floor area, as affecting dwellings and lodgings, see section 16-28.010(3), "Residential floor area."

(b) *Floor area, commercial, business and industrial:* For computations involving other than dwellings and lodgings, gross floor area shall be computed as including the sum of the gross horizontal area of the several stories of a building measured from the exterior faces of the exterior walls or from the center line of walls separating two (2) buildings or different uses, including attic space with headroom of seven (7) feet or greater and served by a permanent, fixed stair, but not including basement space, uncovered steps or fire escapes, accessory water or cooling towers, or accessory off-street parking or loading areas.

Section 11: That the definition of "Building, height of" as set forth Sec. 16-29.001(27) of which reads as follows:

(27) *Building, height of:* The vertical distance from grade to the mean level between the lowest and highest points of the roof of the highest story.

be amended to read as follows, new language is underlined, deleted language is ~~stricken~~ as indicated:

(27) *Building, height of:* The vertical distance from grade to the mean level between the lowest and highest points of the roof of the highest story. The height of a building shall be the average building height based on the measurement of all elevations. The height of a building on each elevation shall be measured from the point of the average finished grade level of each elevation to the mean level between the lowest point on the edge of the eave of said elevation and the highest point of the roof over the highest story facing that same said elevation without regard to any intervening roof peak.

Section 12: That the definition of "Floor Area Ratio" as set forth Sec. 16-29.001(37) of which reads as follows:

(37) *Floor area ratio:* A number which, when multiplied by the total area of any lot within the R-1 through R-5 district, establishes the total amount of gross heated floor space which may be built on that lot, excluding basement space and

attic space, whether finished or unfinished, and excluding garage space and space contained within any accessory structure.

be amended to read as follows, new language is underlined, deleted language is ~~stricken~~ as indicated:

(37) *Floor area ratio*: A number which, when multiplied by the total net lot area of any lot within the R-1 through R-5 district, establishes the total amount of gross ~~heated~~ floor space which may be built on that lot, excluding basement space ~~and~~ but including attic space as each provided by their individual definitions, whether finished or unfinished, and excluding garage space and space contained within any accessory structure unless said accessory structure is used as a secondary dwelling unit.

Section 13: That Section 16-29.001 of the City of Atlanta Zoning Code be amended to include the following definition of “Attic” which shall read as follows and which shall be codified as Section 16-29.001(67):

(67) *Attic*: any area below the roof which meets the minimum headroom height for habitable space as that measurement is determined by a vertical measurement perpendicular from the top of the ceiling joists of the floor below to the underside of the roof rafter above, regardless of the arrangements of any intervening framing. A maximum of fifty (50%) percent of the floor area attributed to any attic space shall not be included for purposes of floor area ratio calculation.

Section 14: That Section 16-29.001 of the City of Atlanta Zoning Code be amended to include the following definition of “Basement” which shall read as follows and which shall be codified as Section 16-29.001(68):

(68) *Basement*: Any habitable area below the main floor level which meets minimum headroom requirements and is more than four (4) feet below finished grade for more than fifty (50%) percent of the total exterior perimeter walls. Walls created immediately adjacent to required driveways and justified for topographic reasons shall not be counted in said perimeter wall calculations.

Section 15: That Section 16-29.001 of the City of Atlanta Zoning Code be amended to include the following definition of “main floor level” which shall read as follows and which shall be codified as Section 16-29.001(69):

(69) *Main floor level*: In a single-family and two-family or duplex dwelling, the main floor level shall be the highest habitable floor level which is not located higher than the floor level height limitation as indicated in Section 16-28.026.

Section 16: This ordinance shall become effective immediately upon signing by the Mayor or as otherwise provided by the operation of law.