

An aerial photograph of a city, likely in the United States, showing a mix of residential and commercial areas. The city is surrounded by a dense forest of green trees. In the foreground, there are several parking lots filled with cars, a large white building, and a red brick building. The city extends into the distance, with more buildings and trees visible.

# Expand Access to Homeownership

Housing Solutions  
for a Growing City



## Zoning Defined

**At a basic level, zoning is how government regulates land uses and densities on private land in most US cities and suburbs.**

**That is to say, zoning controls how big of a building you can build on a particular lot and whether you can use that building for any given residential, commercial or industrial use.**

# The Effects of Zoning

**Housing Affordability:** Zoning restricts the supply of housing in desirable areas, leading to soaring prices and an affordability crisis.

**Segregation and Inequality:** Single-family zoning effectively excludes lower-income families and people of color from affluent neighborhoods with better opportunities and services.

**Urban Sprawl:** Mandates for large lots and the separation of residential and commercial areas force car dependency, increasing emissions and making communities less walkable.



The earliest zoning map created by Athens Planning Commission was in 1955.

# What is legal to build in Athens



**7,100 Square Foot Single Family**



**760,000 Square Foot Mixed Use**

# What is ILLEGAL to Build in Athens



**Workforce Housing Cottage Courts 528-1582 Square Foot Homes**

# Six Suggestions for Zoning Reforms to Increase the Housing Supply and Affordability for Athens



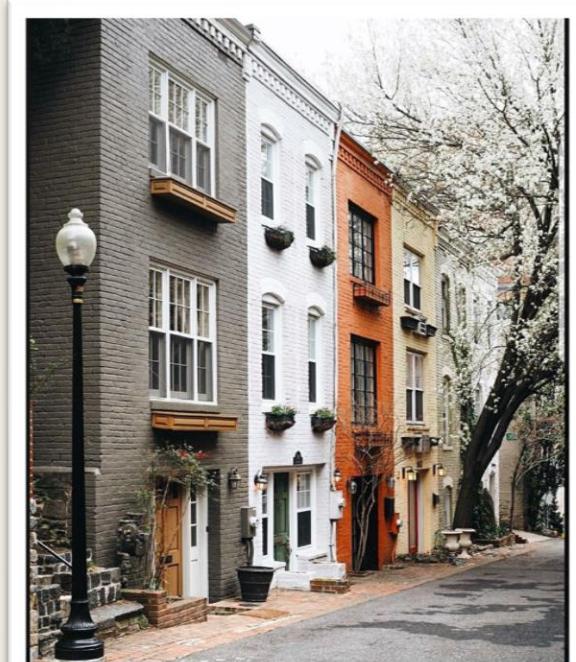
# **1. Permit accessory dwelling units on all parcels zoned “single family” (all RS-zones)**

- *Remove the ban on “kitchen cooking facilities” (stoves) in guest houses*
- *Allow attached as well as detached guest houses (guest suites, or “mother-in-law suites”).*



# **2. Legalize infill townhomes (single-family attached units)**

- *Permit townhomes/ “attached single family” homes for sites less than 2 acres (currently allowed only on sites greater than 2 acres)*
- *Allow up to 3 units per normal lot*



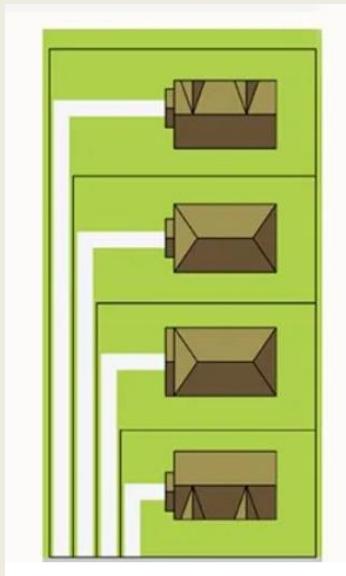
### **3. Remove barriers to smaller, less expensive homes, including manufactured homes**

- *Remove minimum square footage requirement for single and multi-family units*
- *Direct planning staff to develop a proposal to allow modern manufactured homes in all residential zones*

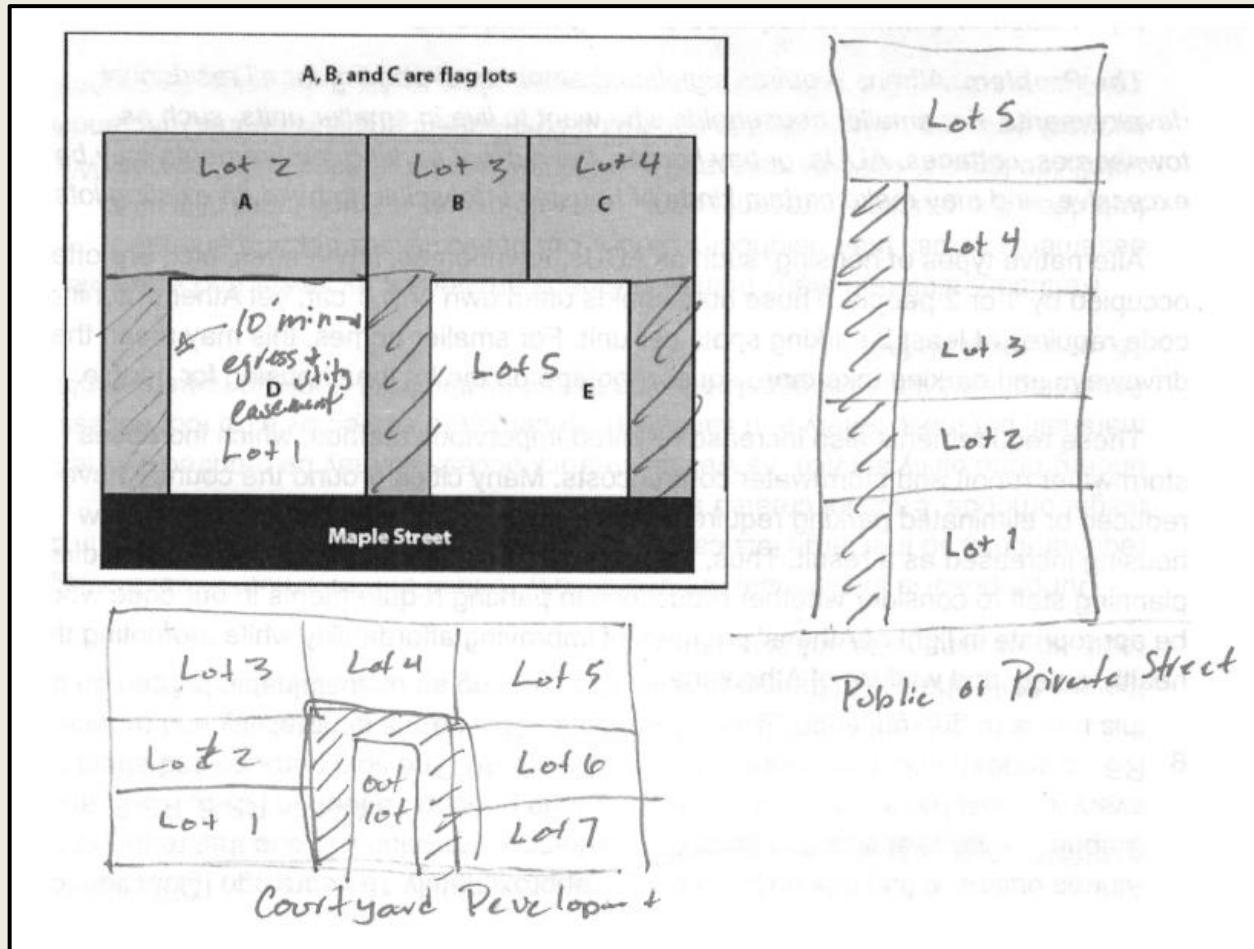


### **4. Permit homeowners to subdivide their lot, by reducing or eliminating “minimum street frontage” requirements**

- *Legalize access easements for up to 5 lots, or **flag lots**, to allow owners to subdivide deep parcels (this will create more buildable lots close to jobs, schools, and amenities)*
- *Permit use of easements for sewer and water connection*



# FLAG LOTS

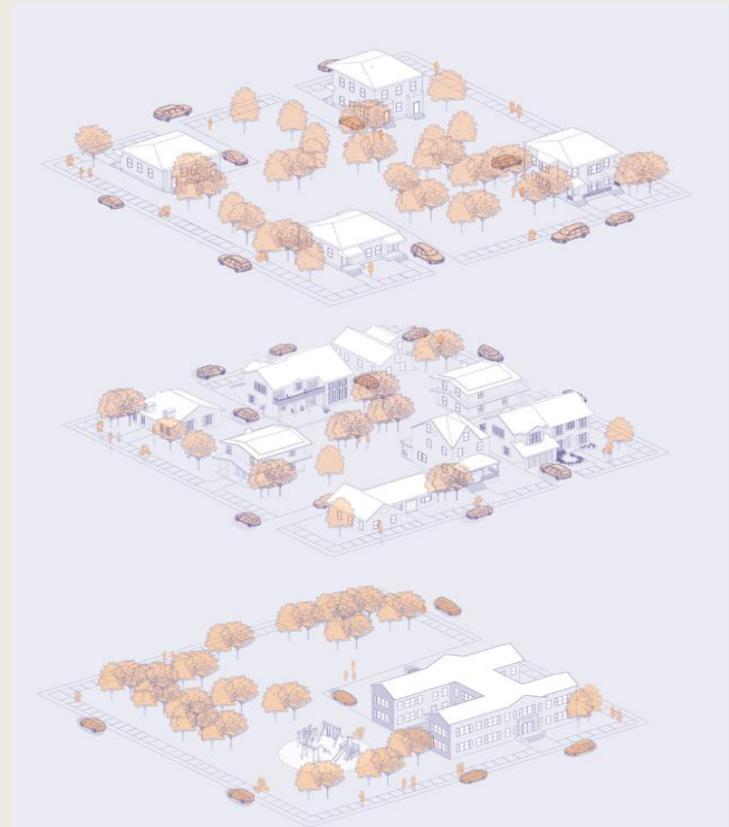


In the top left picture above, A, B, and C are flag lots, (while D and E are “front lots.”)

The other two pictures show how an access easement or courtyard development can be used to create more homes on existing land.

## 5. Legalize and encourage “starter homes” in all residential districts

- Expand housing choices by allowing small-lot subdivision for single-family homes throughout all residential zones
- Incentivize construction of smaller (and thus, less costly) new homes by allowing more units on smaller lots for local builders who build smaller homes.



## 6. Reduce Parking Minimums

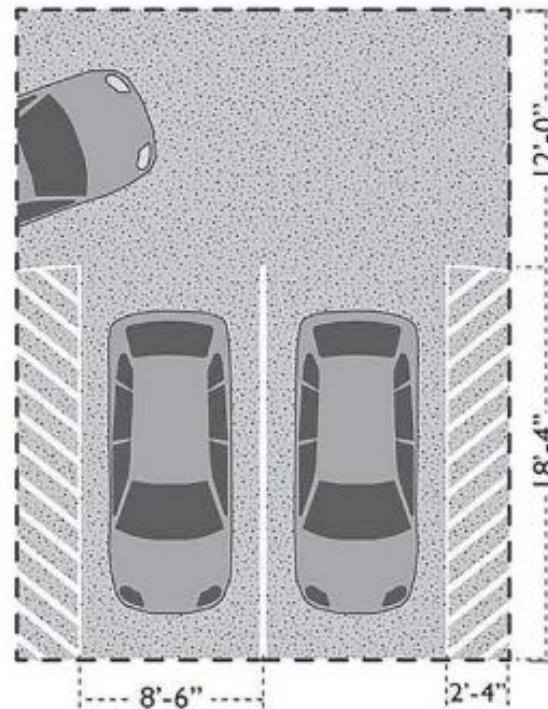
Review the city's parking requirements and identify areas where reductions may be feasible to support smaller-scale infill development.

# Living Space Vs. Parking Space



size for 2 bedroom apartment: 675 FT<sup>2</sup>

Sources: Transportation Cost and Benefit Analysis II – Parking Costs Victoria Transport Policy Institute ([www.vtpi.org](http://www.vtpi.org))  
Graphic Adapted from Graphing Parking (<https://graphingparking.com/2013/07/23/parking-across-cascadia/>)



size for 2 parking spaces: 650 FT<sup>2</sup>

Off street parking mandates greatly increase housing prices; reductions help small local developers and keep neighborhoods more livable.

**To: GICH Affordable Homeownership Subcommittee**

**From: Charles Smith, Danielle Gilmer, Matthew Hall**

**Re: Family-friendly changes to the ACC Zoning Ordinance to reduce cost barriers to homeownership**

At our last subcommittee meeting, Commissioner Thornton charged the three of us with developing a list of zoning code revisions to address affordable homeownership. This memo summarizes our proposals for the subcommittee's consideration. We have identified six proposed changes for the Subcommittee's consideration, which are summarized on p.2 and discussed more extensively thereafter.

### **History/Background:**

The original purpose of Zoning was to promote the health, safety, and welfare of residents, by separating residential uses from industrial or other noxious uses. But after the U.S. Supreme Court held that racial segregation in housing was unconstitutional, America cities changed course: They used zoning to achieve economic and racial segregation by outlawing less expensive forms of housing (such as townhomes, backyard cottages, small apartments, and others) in most neighborhoods.

This approach has effectively kept people with low and moderate incomes out of most neighborhoods. It has also created a housing shortage which driven housing prices and rents higher and higher. Athens has layers of government rules that restrict what can be built – with the effect of banning the most affordable housing types. And those government rules have stifled the creation of adequate housing supply to keep up with our growing local economy and population.

Single-family detached homes are the most expensive type of housing to build and to buy, and they require large property tax increases to pay for maintaining their sewer, water, and road infrastructure. Single-family detached homes are popular – but they should not be the ONLY available housing type. Yet ACC's zoning code has banned every other type of housing on nearly 85% of our residential land. The proposals in this memo are designed to "RE-LEGALIZE" a variety of smaller, more affordable, types of housing, to provide greater choice and meet the needs of Athens' population.

This is just the first step. A complete revision of our zoning code is a large task that would require a significant commitment of staff time from the city government and significant opportunities for public input. But there are a handful of simple tweaks that could begin to address the problem with very minor changes to our zoning code. This

package of suggestions is not a complete fix, but they represent “low-hanging fruit” – simple, small changes that could facilitate creation of more housing units at lower prices.

### **Summary of Proposals:**

**(1) Permit accessory dwelling units on all parcels zoned “single family” (all RS-zones)**

- Remove the ban on “kitchen cooking facilities” (stoves) in guest houses
- Allow attached as well as detached guest houses (guest suites, or “mother-in-law suites”).

**(2) Legalize infill townhomes (single-family attached units)**

- Permit townhomes/ “attached single family” homes for sites less than 2 acres (currently allowed only on sites greater than 2 acres)
- Allow up to 3 units per normal lot, perhaps with square footage limits
- Reduce required lot width for attached homes to 20 feet, and lot size to 1/3 of the underlying zoning lot size (already allowed on lots 2 acres or more)

**(3) Remove barriers to smaller homes, including manufactured homes**

- a. Remove minimum square foot requirements for single and multi-family units
  - Reduce/eliminate the 600-1000 square foot minimum for single family homes, to allow “tiny homes”
  - Reduce/eliminate the 450 square foot minimum for multi-family units to allow smaller, cheaper apartments
- b. Direct staff to develop a proposal for Commission consideration, to allow modern manufactured homes in residential zones

**(4) Permit homeowners to subdivide their lot, by reducing or eliminating “minimum street frontage” requirements**

- Legalize access easements for up to 5 lots, or flag lots, to allow owners to subdivide deep parcels (this will create more buildable lots close to jobs, schools, and amenities)
- Permit use of easements for sewer and water connection

**(5) Legalize and encourage “starter homes” in all residential districts**

- Expand housing choices by allowing small-lot subdivision for single-family homes throughout all residential zones
- Incentivize construction of smaller (and thus, less costly) new homes by allowing more units on smaller lots for builders who build smaller homes.

**(6) Direct staff to review our parking requirements and recommend areas where reductions in required parking spaces may be advisable (current parking requirements prioritize parking for cars over housing for people).**

### **Discussion and Explanations:**

#### **(1) Permit additional or accessory dwelling units on parcels zoned “single family” (in all RS-zones)**

**The Problem:** our zoning code allows backyard cottages, but ONLY if they do not have a stove. This is backwards. Owners can build a guest house suitable for guests or Airbnb use, but not suitable for long term occupancy by Athens residents. This prevents homeowners from providing a home for an aging parent, an adult child, or a teacher, nurse, city employee, or other moderate income member of our community.

Many people have extra land in the backyard, or extra square footage within their existing home, and would like to either build a new accessory dwelling unit or convert an existing accessory structure or portion of their home into a dwelling unit. These new units could house a family member (either an aging parent or young-adult child) at low cost, or could be rented to other members of the community at relatively low cost, thus generating income to help the homeowner afford their mortgage, property taxes, and other expenses. It also can help residents of these smaller units reduce their living costs to facilitate saving for a downpayment to enable them to pursue homeownership.

Our code currently allows new accessory residential structures (“guest houses”), provided that they do not have “kitchen cooking facilities.” In other words, a homeowner can build a small backyard cottage today in every zoning district, so long as it does not include a stove. We believe this is perverse – a stove simply makes the unit suitable for long term occupancy. It does not make sense to allow such cottages to be built for short-term occupancy (as an Airbnb, or for the homeowner’s out of town guests), but not for long-term occupancy.

Our proposal is to simply change the definition of “guest house” – which is already a permitted use in all residential districts – to remove the ban on “kitchen cooking facilities.”

Also, guest houses are currently defined as detached accessory structures. But some homeowners may wish to build an attached guest house or guest suite (such as a room over an attached garage, or a separated portion of their existing house with its own entrance). To accommodate this choice, we would also propose modifying the definition of “guest house” in Code section 9-2, to include an attached guest house or suite. This has the same advantages as the first part of the proposal, but expands the opportunity to more

people, and can also often be done at a lower cost, since it uses existing square footage in an existing structure.<sup>1</sup>

**(2) Legalize infill townhomes (“attached single family” units) for smaller, infill lots (currently allowed only on lots larger than 2 acres, which effectively bans them in existing neighborhoods)**

**The Problem:** our zoning code effectively prohibits townhomes on nearly all of our residential zoned land, thus denying an affordable choice to buyers who would prefer a more affordable option.

Townhomes are often the first step on the homeownership ladder for buyers. Attached units such as townhomes have lower construction costs per unit, and also reduce the costs of the land under each unit, by enabling more than one unit to be built on a parcel that would otherwise have only one home.

Townhomes (also called “single-family attached” units) are very familiar and common in many cities – but not in Athens. The simple reason is that our zoning code forbids them entirely in RS-15, RS-25, and RS-40 zones (63% of all residential land in Athens), and effectively forbids them in all existing neighborhoods, by permitting them only on 2-acre or larger parcels.<sup>2</sup>

Banning attached single-family homes is difficult to justify – it does not protect the health, safety, or welfare of Athenians, and it has the effect of removing this relatively affordable housing product from most of our city. A builder wishing to build townhomes in Athens currently would have to seek numerous variances, or a Planned Development (PD) rezone to allow townhomes – and this process is so expensive and uncertain that most builders simply will not do it.

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<sup>1</sup> Note: re possible owner-occupancy requirement. Some cities that have legalized “accessory dwelling units” or guest houses/suites in this manner have chosen to limit the issuance of such permits to owner-occupied properties. This is something for the subcommittee to consider.

<sup>2</sup> ACC Ordinance section 9-7-2, footnotes L(2) and L(3) state that “attached single family” units are allowed in RS-5 and RS-8 zones, but only on a subdivision of 2 acres or more, and only if they are more than 100 feet from the perimeter lot line – thus, they are effectively banned except on large greenfield subdivisions. This excludes this form of housing from our existing neighborhoods entirely.

Our proposal is to permit townhomes in single-family districts, and to permit up to 3 of them on a normal-sized lot. Allowing more, and smaller, housing units in our existing neighborhoods will enable first-time homebuyers, and others looking for a “starter home” to find one anywhere in Athens.

The required text changes are small: we would revise the use table in section 9-7-2 and the “General Regulations” in section 9-7-3 to permit “single-family attached” units on existing lots in all single-family zones, where they meet the other requirements of our code, and to state that the minimum lot size for such units is 33% of the minimum lot size for the zoning district. It would also state that the required lot width for such units is 20 feet, and permit them to be built with the same setbacks from adjacent properties that apply to single-family detached homes.

This will have several benefits for Athens: It will provide more housing choices at lower cost for aspiring homeowners; it will enable Athens to more efficiently use its existing road, sewer, and water infrastructure, and provide more property tax revenue to maintain that infrastructure; and it will enable builders to more efficiently use our limited available land to provide new housing opportunities on the lower rungs of the housing ladder, in existing neighborhoods, close to schools, jobs, parks, and other amenities.

***(3) Remove barriers to smaller, less expensive homes, including manufactured homes***

***a. Remove minimum square footage requirements that arbitrarily ban smaller, more affordable units***

***The Problem:*** our zoning code prohibits small homes and apartments. Many existing homes in Athens would be illegal to build under current “minimum square footage” rules.

Code section 9-15-15 requires that every single-family residential unit must be at least 1000 square feet in most zoning districts, and 600 square feet in others. Multifamily units (apartments) must be at least 450 square feet. This prohibits construction of “tiny homes”, and it also applies to modular and manufactured homes.

Although we believe that most housing units will be larger than those figures, because that is what most people want, some people would prefer a smaller home at a lower price – such as a “tiny home.” Those are less expensive to build, and thus naturally more affordable.

The sole purpose of setting arbitrarily high minimum square footage requirements is to increase the cost of housing – which does not serve the health, safety, or welfare of

Athenians. A housing unit can comply with all building and sanitation codes without exceeding 200 square feet. We would therefore suggest the committee allow greater housing choice by eliminating the minimum square footage requirements and allowing people to build housing units that fit their needs.

***b. Direct planning staff to develop a proposal to allow modern manufactured homes in residential zones***

***The Problem:*** Our zoning code bans manufactured homes in nearly all of our residential zones. This deprives Athenians of access to a high-quality, and relatively inexpensive alternative to on-site construction.

Modular and manufactured homes are, on average, smaller and much more affordable than site-built homes. Many decades ago, Athens banned manufactured homes from most residential areas because – at that time – manufactured homes had a reputation for low quality and poor design. The technology, quality, and design of manufactured homes has advanced a great deal in recent decades, but Athens's zoning code has not been updated, and still forbids them, with only narrow exceptions.

In order to give Athenians access to more affordable housing options, we propose to direct staff to review the appropriateness of permitting manufactured homes in some or all of our residential zones.

***(4) Allow homeowners to subdivide their lot, by reducing or eliminating “minimum street frontage” requirements (allow flag lots and access easements)***

***The Problem:*** Many lots in Athens are large enough to fit multiple homes. But our zoning code forbids most of them from being divided, because we require that each lot have a large “frontage” on a street—at least 50 feet, and in many neighborhoods up to 100 feet. This prevents owners from subdividing large lots, and thus artificially restricts the supply of buildable land in our existing neighborhoods.

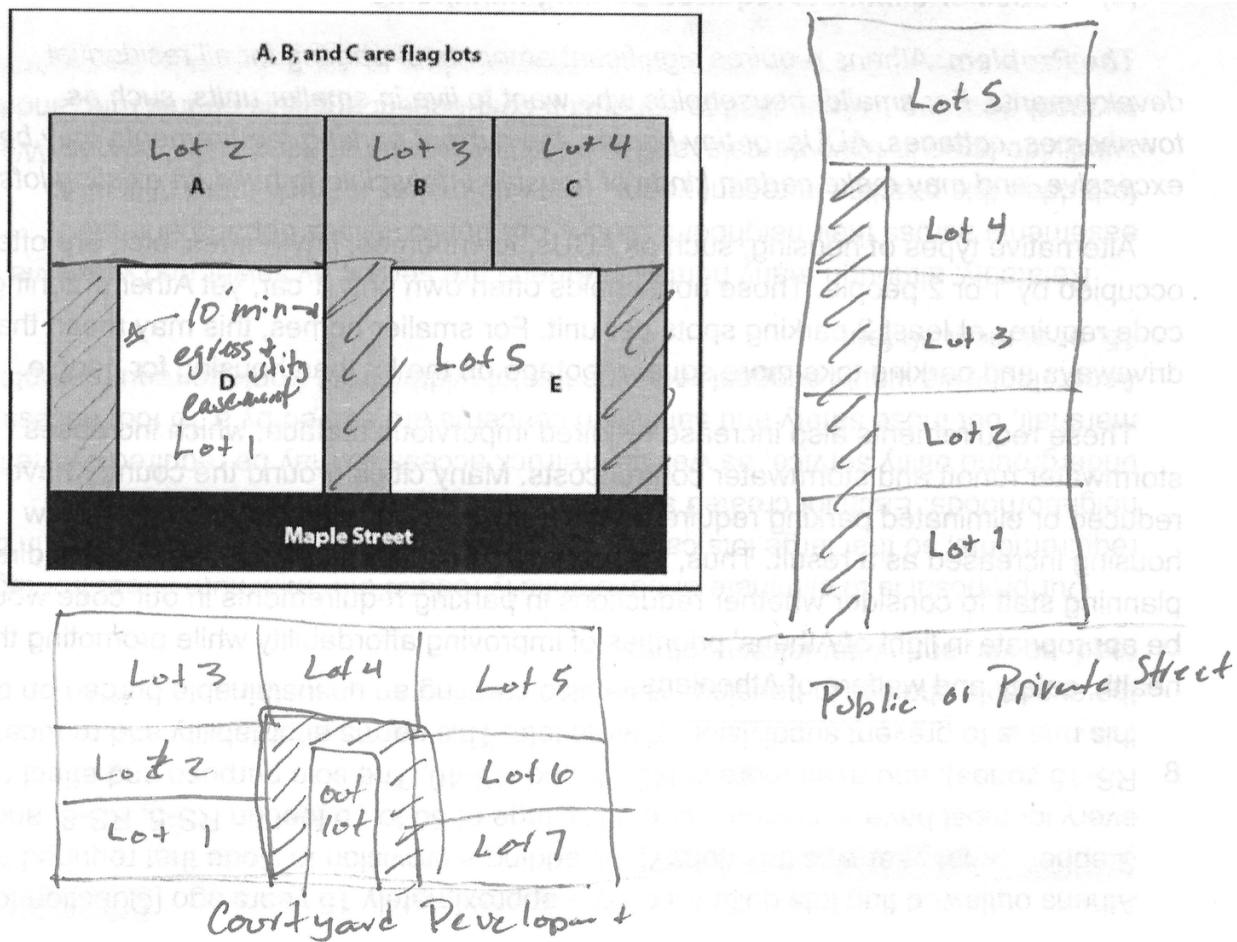
Permitting “front/back” lot splits is a way to add new homes in existing neighborhoods – usually smaller, and more affordable homes. It also allows homeowners who would like to pull money out of their homes the flexibility to pull some wealth out of their land without selling their home.

Athens has a street grid that was laid out a century ago, at a time when many people kept domestic livestock and grew significant amounts of their own food. Thus, there are many parcels that are very deep, and with yards far bigger than modern households may need or want.

We can't create more land in this county, but we can create more buildable lots by allowing homeowners to divide their large lots. This will serve affordability in two ways: First, it will enable construction of more new homes on smaller parcels; second, it will enable existing homeowners to deed a part of their lot over to a family member to build their own home on it, or even to sell a part of their lot to someone else, creating generational wealth to support themselves or help their family.

The problem is our “minimum street frontage” rules in Code section 9-7-3. Because most large lots are far deeper than they are wide, subdividing them often requires creating one or more “flag lots.” A “flag lot” is one that is shaped like a flag flying on a pole.

(See image below, for three different ways that a large lot might be subdivided to create more housing opportunity for more people). In the top left picture below, A, B, and C are flag lots, while D and E are “front lots.”) The other two pictures show how an access easement or courtyard development can be used to create more homes on existing land.



Athens outlawed flag lots very recently – approximately 15 years ago – by adding a provision to Code that required that every lot must have a minimum street frontage of 50 to

75 feet (in RS-5, RS-8, and RS-15 zones), and even more in RS-25 and RS-40. The sole purpose of this rule is to prevent subdivision of large lots. This harms affordability and reduces the available choices in housing, while also creating an unsustainable burden on our road, sewer, and water infrastructure. And it does nothing to promote the health or welfare of Athenians.

Our proposal is to eliminate or substantially reduce the “minimum street frontage” requirements, so that large lots can be divided to allow more homes to be built in our neighborhoods. Each lot created should have access to the street for cars and underground utility service, as well as firetruck access as may be required by the fire marshall, but these safety and sanitation concerns are served by a 15 foot access. Accordingly, we would suggest reducing the lot-width/street frontage requirements to 15, or at most 20 feet.

Relatedly, although many homes in Athens are served by sewer and water via easements across their neighbor’s parcel, our public utilities department has forbidden this practice in recent years. This rule makes it much more difficult to subdivide large in-town parcels, and to build tiny homes or “kinda tiny” homes. We suggest directing Utilities staff to conduct a cost-benefit analysis on this rule, and to develop a revised policy to permit utility easements in order to facilitate development of smaller homes on smaller infill lots.

#### **(5) Legalize and encourage “starter homes” in all residential districts**

***The Problem:** our zoning code requires a large (and expensive) piece of land for every home –which makes large, expensive homes the only home type that is economically feasible to build. Allowing smaller lots would enable builders to build smaller homes – which are naturally more affordable. Many people would prefer smaller, more affordable homes, but our zoning code makes them impossible to build at a profit. Similar zoning provisions were adopted in many U.S. cities for the purpose of racial and economic segregation, and they have had that effect here in Athens.*

Large single-family detached homes, on large lots, are great for some people – particularly families with children. But nearly half of Athens’ households consist of only 1 or 2 people, and many of those would prefer a smaller home. This includes older couples wanting to downsize but stay in their neighborhood, young couples, and individuals living alone.

Many of those households would choose smaller homes on smaller lots if given the choice. But our zoning code effectively bans those types of homes, which results in a lack

of housing choice for residents. A few statistics illustrate the point that Athens's zoning code does not fit the needs of our current population:

- 85% of Athens' residential land is zoned for single-family detached houses only. These are the most expensive type of home, because they have the highest land costs for any home type. And high land costs require builders to build larger homes on each parcel in order to make a profit.
- 63% of the residential land in Athens is zoned for very large lots (15,000 square feet of land, or more, required for each home).<sup>3</sup> With a rapidly-growing population, requiring so much land for each household artificially restricts the supply of new housing, and thus drives up the price of housing beyond what most Athenians can afford.
- The smallest lot allowed under our zoning code is 5,000 square feet (RS-5). And only 5.5% of the residential land in Athens is zoned RS-5.
- Roughly half of households consist of 1 or 2 people, while many Athens neighborhoods contain exclusively 3 to 4 bedroom, or larger, homes.

Our proposal is to permit builders to subdivide large parcels served by city sewer and water into new lots smaller than the underlying zoning district's minimum, *provided that the homes built on those parcels are smaller (and thus more affordable for more of Athens' residents)*. This "small lot subdivision" approach has been successful in cities around the country. It makes smaller "starter" homes legally permissible, and just as important, it makes them financially feasible for builders to build at a profit, by reducing the land cost for each new home.

The proposal would require a text amendment stating that existing lots in any residential zoning district could be subdivided according to the following criteria:

**Infill small-lot subdivision:**

Minimum lot size shall be reduced to the following percentage of the underlying zoning district's minimum lot size:	Provided that the homes to be built on the newly-created lots do not exceed the following number of square feet:
80%	2000
65%	1700
50%	1400
33%	1200

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<sup>3</sup> 22.5% of the residential land is zoned RS-15 (requiring 15,000 square foot lots), and over 40% is zoned RS-25 or RS-40 (requiring lots of 25,000, or 40,000 square feet).

[Note: these percentages and square footage figures are a starting point for the Subcommittee's consideration. **The committee may want to change the details, but the basic idea is to incentivize builders to build smaller homes on smaller lots, which will be naturally more affordable.**]

#### **(6) Reduce or eliminate required parking minimums**

**The Problem:** Athens requires significant amounts of parking for all residential developments. For smaller households who want to live in smaller units, such as townhomes, cottages, ADUs, or tiny homes, the current parking requirements may be excessive and may make certain kinds of housing impossible to build on existing lots.

Alternative types of housing, such as ADUs, townhomes, tiny homes, etc., are often occupied by 1 or 2 people. Those households often own only 1 car, yet Athens' zoning code requires at least 2 parking spots per unit for almost all unit types. For smaller homes, this may mean that driveways and parking take more square footage on the lot than housing for people.

These requirements also increase required impervious surface, which increases stormwater runoff and stormwater control costs. Many cities around the country have reduced or eliminated parking requirements, and have found that production of new housing increased as a result.

Thus, we propose that the Mayor and Commission direct planning staff to consider whether reductions in parking requirements in our code would be appropriate in light of Athens' priorities of improving affordability while promoting the health, safety and welfare of Athenians.