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Action	**Amendment to the Zoning Ordinance**
Petitioner	**City of Dunwoody, Georgia**
Petitioner's Request	**Text Amendment to Section 4-54: Retaining Walls**

A question of code language, code enforcement and the original intent of some zoning ordinance text has arisen related to §4-54 (Walls and Fences) of the Zoning Ordinance. The text of the current zoning ordinance does not allow for a new retaining wall to be constructed in residential districts above a height of four feet without a variance, and even then not above eight feet in any case. Historically, DeKalb County has not followed the letter of their ordinance in the enforcement of this code, yet Dunwoody has enforced this code since its inception.

To facilitate the construction of certain types of new structures in Dunwoody's residential districts, the Dunwoody Mayor & City Council has directed staff to draft language to clarify the intent of limiting the height of "retaining walls".

Staff has examined the issue in detail, and the conclusion originally was that rather than adjusting the language of the supplemental regulations (§4-54), staff crafted a new definition in section 1-17:

> "*Wing wall* means a wall that is constructed and poured at the same time as the building foundation, and is structurally a part of the building foundation. A wing wall is not a retaining wall."

Additionally, staff proposed modifying the existing *Retaining wall* definition in section 1-17 to read that a retaining wall is not a wing wall:

> "*Retaining wall* means a structure constructed and erected between lands of different elevations to protect structures and/or to prevent erosion. A retaining wall is not a wing wall."

Community Council

At their regular May meeting, the Community Council voted unanimously (7-0) **to recommend denial** of the text amendment above. Additionally, the Council membership moved to initiate the following additional actions:

1. Add more verbiage that is more specific about "what is a wing wall, what is a retaining wall, what each wall does and what the limitations are for both walls."

As directed by the Community Council, staff presents extended language related to wing walls, retaining walls and both of their limitations.

1. The previous definitions will still be added or amended as appropriate:

- "*Wing wall* means a wall that is constructed and poured at the same time as the building foundation, and is structurally a part of the building foundation. A wing wall is not a retaining wall or an areaway."
- "*Retaining wall* means a structure constructed and erected between lands of different elevations to protect structures and/or to prevent erosion. A retaining wall is not a wing wall or an areaway."

2. In addition, the following text shall be added and/or amended as indicated below:

(b) *Restrictions on retaining walls in single–family districts*. Newly constructed retaining walls in single family residential districts shall not be higher than four (4) feet; however existing retaining walls may be repaired and replaced so long as the height of the repaired or replaced wall does not increase in height over the original height of the wall. The distance between a retaining wall and the property line on all lots with single-family detached dwellings shall be equal to half of the distance between the property line and the required set back line.

(1) If exceptional topographical restrictions exist on the lot in context with the adjoining property which were not created by the applicant or owner and it is established to the satisfaction of the planning director or designee that no practical alternative design of such wall is feasible, then the planning director may grant a maximum two (2) foot increase in height of the applicable height requirement set forth in this section of such retaining wall. Applicant shall provide to the planning director or designee a certified field run site plan or a topographical map certified by an engineer or landscape architect with the application for a variance.

(2) If exceptional topographical restrictions exist on the lot in context with the adjoining property which were not created by the applicant or owner and it is established to the satisfaction of the zoning board of appeals that no practical alternative design of such wall is feasible, the zoning board of appeals may allow the height of retaining walls to be greater than six (6) feet and/or vary the distance between the side property line and the required setback line for retaining walls. No variance shall be granted to allow the height of a retaining wall above eight feet (8). In addition to the materials otherwise required for a variance in Article V Division 5D, an applicant shall provide a certified field run site plan or a topographical map certified by an engineer or landscape architect with the application for a variance.

(c) *Restrictions on wing walls in single-family districts*. Wing walls are specifically authorized in single family zoning districts to facilitate ingress/egress to floors below grade. Newly constructed wing walls in single family residential districts, when made a part of the foundation of the structure, are permitted when exceptional topographical restrictions exist on the subject lot in context with the adjoining properties that were not created by the owner or applicant.

(1) In no case shall a wing wall exceed ten (10) feet in height, inclusive of the foundation, nor shall the use of a wing wall allow a home to exceed the regulations detailed in §4-64 of this chapter.

(2) Minimum yard building setbacks notwithstanding, when affixed to a single family residential structure, a wing wall may project into a required front yard or rear yard for a distance not to exceed ten (10) feet, and into a side yard to a point not closer than 5 feet from any side lot line.

(3) Guardrails a minimum of thirty-six (36) inches in height and a three separate rail system shall be placed atop all wing walls exceeding thirty (30) inches above grade.

(d) Walls of all types shall not be twelve inches above ground at the higher side elevation.

Staff has no objections to the construction of retaining walls, wing walls or areaways in single family residential districts so long as they are engineered & constructed in a safe manner.