

## **MEMORANDUM**

**To:** Mayor and City Council  
**From:** Richard Hathcock, Senior Planner  
**Date:** August 10, 2020  
**Subject:** Text Amendment  
Section 27-576 —Setbacks

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### **ITEM DESCRIPTION**

This item is a request to consider a text amendments to Section 27-576 –*Setbacks*. The proposed revisions are attached to this memo.

### **DISCUSSION**

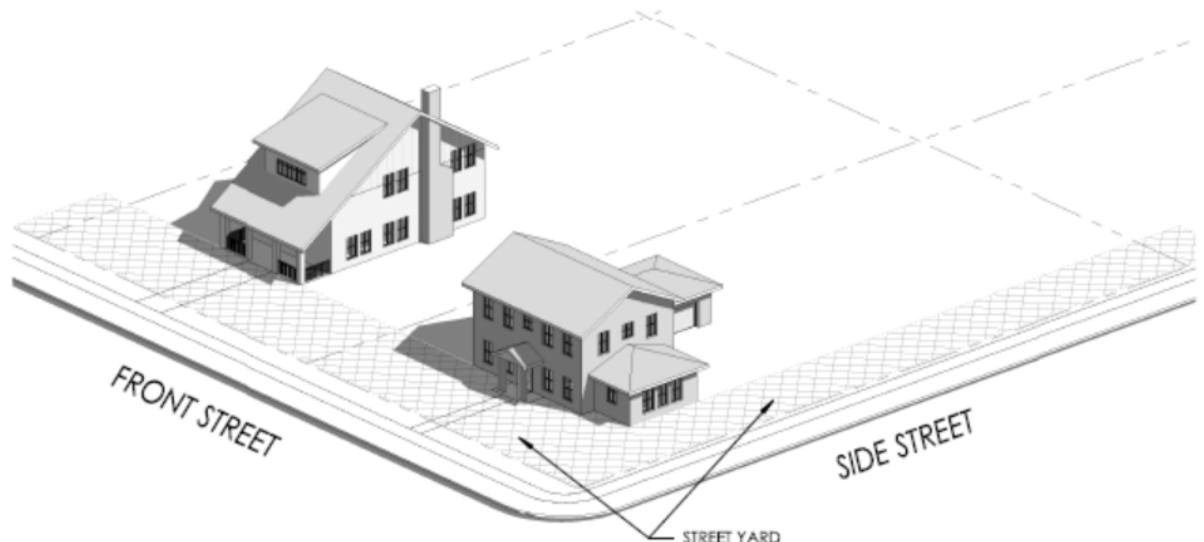
The municipal code does not provide a definition of “street yards” within Section 27-576. Staff is proposing to add a definition and add an image to provide further clarity on “street yard” setbacks.

### **RECOMMENDATION**

#### **27-576 - Setbacks**

##### **(d) Street Yard Setbacks**

Street yard shall be defined as the yard area of a building site adjacent or parallel to a street that extends from the property line that abuts the street to the edge of the principle structure. See the “Obstruction/Projection into Required Setback” chart, section e, for details on encroachment into the street yard.



- (e) Any lot that has street frontage along the front and rear property lines and adjoining lots along both side property lines shall be allowed obstructions/projections as provided by Section 27-576 (f) within the rear

yard. The property owner shall install a TY1 landscaping buffer along the rear property line prior to installing any accessory site features as allowed by Section 27-576 (f) – Rear Yard.

- (f) *Features allowed to encroach in required setbacks.* Building and site features are allowed to obstruct or encroach into required setbacks to the extent indicated in the following table:

<b>Obstruction/Projection into Required Setback</b>	<b>Street Yard</b>	<b>Side Yard</b>	<b>Rear Yard</b>
Accessory buildings (see also article III, division 3)	No	No	Yes
Air conditioning units	No	Yes	Yes
Arbors and trellises	Yes	Yes	Yes
Awnings canopies, light shelves and architecturally integrated solar shading devices projecting no more than 3 feet into the setback	Yes	Yes	Yes
Bay windows that project no more 3 feet into the setback	Yes	Yes	Yes
Chimneys and flues that project up to 3 feet into the setback)	Yes	Yes	Yes
Clotheslines	No	No	Yes
Decks, patios, driveways, and other features and structures less than 30 inches in height above grade	Yes	Yes	Yes
Eaves and gutters that project up to 3 feet into the setback	Yes	Yes	Yes
Electric vehicle charging stations	Yes	Yes	Yes
Fences and walls (see also article IV, division 4)	Yes	Yes	Yes
Fire escapes that project up to 3 feet into the setback	Yes	Yes	Yes
Flagpoles and similar features	Yes	Yes	Yes
Geothermal heat pumps and geothermal heat exchange system equipment up to 4 feet in height above grade	No	Yes	Yes
Green houses and hoop houses	No	No	Yes
Insulation added to the outside of the exterior wall of an existing building	Yes	Yes	Yes
Plants and cold frames	Yes	Yes	Yes
Recreational equipment (e.g., swing sets and playground equipment)	No	No	Yes
Recreational vehicles, trailers, travel trailers, campers, pickup coaches, motorized homes, boat trailers, boats, and similar vehicles and equipment	No	No	Yes
Satellite dish antennas, not exceeding 1 meter (39.37 inches) in diameter	Yes	Yes	Yes
Satellite dish antennas, over 1 meter but not exceeding 2.4 meters (94.49 inches) in diameter	No	No	Yes
Signs (see also chapter 20)	Yes	Yes	Yes

Sills, belt courses, cornices, buttresses and similar architectural features that project up to 3 feet into the setback	Yes	Yes	Yes
Solar or wind energy systems, building-mounted	No	Yes	Yes
Solar or wind energy systems, ground-mounted	No	Yes	Yes
Swimming pools and tennis courts	No	No	Yes
Water collection cisterns that project no more than 3 feet into a front or side setback	Yes	Yes	Yes
Wheelchair lifts and ramps that meet federal, state and local accessibility standards	Yes	Yes	Yes

(Ord. No. 2013-10-15, § 1(Exh. A § 27-30.60), 10-14-2013)

Staff recommends **APPROVAL**.

Attachments:

Chapter 27, Section 576.

**AN ORDINANCE AMENDING CHAPTER 27 OF THE CITY OF DUNWOODY  
CODE OF ORDINANCES SECTION 27-576 – SETBACKS**

**WHEREAS,** the City of Dunwoody is charged with preserving the health, safety and welfare of the citizens of the City; and

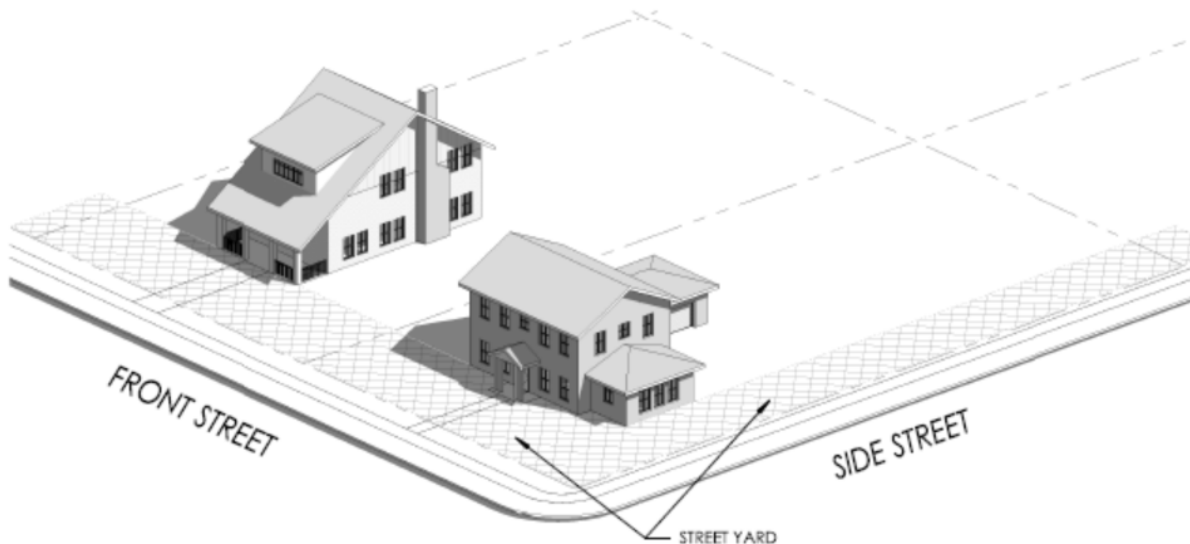
**WHEREAS,** the City Council has determined that it is appropriate from time to time to modify the Code of Ordinances of the City of Dunwoody (the "Code") to further protect the public health, safety, and welfare of the citizens of Dunwoody; and

**THEREFORE,** Mayor and City Council of the City of Dunwoody hereby **ORDAIN** as follows:

**27-576 - Setbacks**

(d) Street Yard Setbacks

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(e) Any lot that has street frontage along the front and rear property lines and adjoining lots along both side property lines shall be allowed obstructions/projections as provided by Section 27-576 (f) within the rear yard. The property owner shall install a TY1 landscaping buffer along the rear property line prior to installing any accessory site features as allowed by Section 27-576 (f) – Rear Yard.

**STATE OF GEORGIA  
CITY OF DUNWOODY**

**ORDINANCE 2020-\_\_-\_\_**

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<b>Obstruction/Projection into Required Setback</b>	<b>Street</b>	<b>Side</b>	<b>Rear</b>
Accessory buildings (see also article III, division 3)	No	No	Yes
Air conditioning units	No	Yes	Yes
Arbors and trellises	Yes	Yes	Yes
Awnings canopies, light shelves and architecturally integrated solar shading devices projecting no more than 3 feet into the setback	Yes	Yes	Yes
Bay windows that project no more 3 feet into the setback	Yes	Yes	Yes
Chimneys and flues that project up to 3 feet into the setback)	Yes	Yes	Yes
Clotheslines	No	No	Yes
Decks, patios, driveways, and other features and structures less than 30 inches in height above grade	Yes	Yes	Yes
Eaves and gutters that project up to 3 feet into the setback	Yes	Yes	Yes
Electric vehicle charging stations	Yes	Yes	Yes
Fences and walls (see also article IV, division 4)	Yes	Yes	Yes
Fire escapes that project up to 3 feet into the setback	Yes	Yes	Yes
Flagpoles and similar features	Yes	Yes	Yes
Geothermal heat pumps and geothermal heat exchange system equipment up to 4 feet in height above grade	No	Yes	Yes
Green houses and hoop houses	No	No	Yes
Insulation added to the outside of the exterior wall of an existing building	Yes	Yes	Yes
Plants and cold frames	Yes	Yes	Yes
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**STATE OF GEORGIA  
CITY OF DUNWOODY**

**ORDINANCE 2020-\_\_-\_\_**

Solar or wind energy systems, building-mounted	No	Yes	Yes
Solar or wind energy systems, ground-mounted	No	Yes	Yes
Swimming pools and tennis courts	No	No	Yes
Water collection cisterns that project no more than 3 feet into a front or side setback	Yes	Yes	Yes
Wheelchair lifts and ramps that meet federal, state and local accessibility standards	Yes	Yes	Yes

(Ord. No. 2013-10-15, § 1(Exh. A § 27-30.60), 10-14-2013)

**SO ORDAINED**, this \_\_\_\_ day of \_\_\_\_\_, 2020.

Approved:

\_\_\_\_\_  
Lynn Deutsch, Mayor

ATTEST:

Approved as to Form and Content:

\_\_\_\_\_  
Sharon Lowery, City Clerk  
(Seal)

\_\_\_\_\_  
City Attorney

Sec. 27-576. - Setbacks.

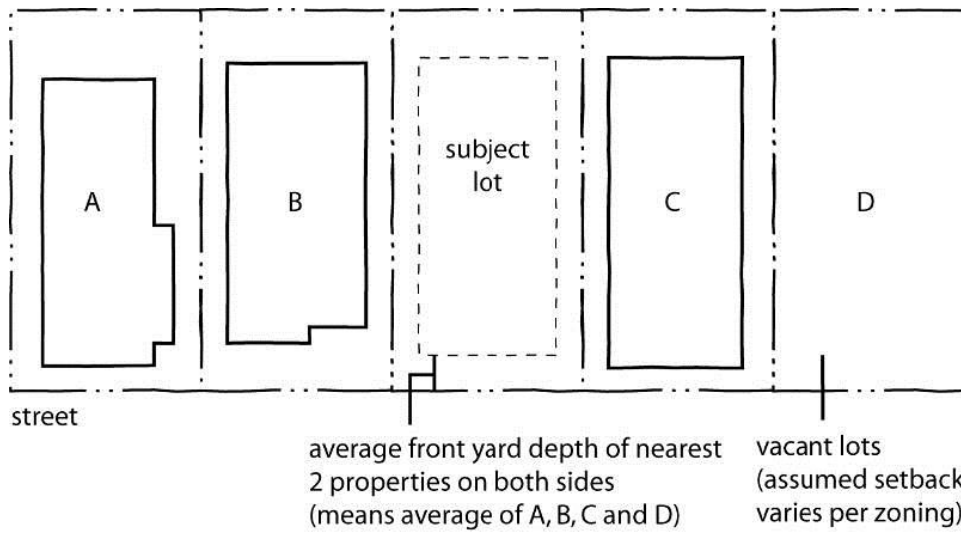
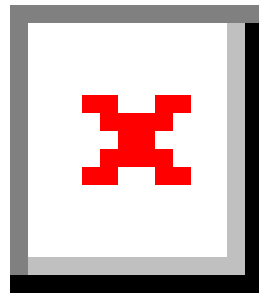
(a) *Measurement.*

- (1) Setbacks are measured from the referenced lot line to the closest point of the building or structure.
- (2) Street setbacks are measured from the property line that abuts a street.
- (3) Side (interior) setbacks are measured from a side lot line that does not abut a street.
- (4) Rear setbacks are measured from the rear lot line. On double-frontage lots, street setbacks apply from both opposing property lines that abut the street, Rear setback standards do not apply.

(b) *Permitted obstructions.* Setbacks must be unobstructed and unoccupied from the ground to the sky except as expressly allowed in subsection (d).

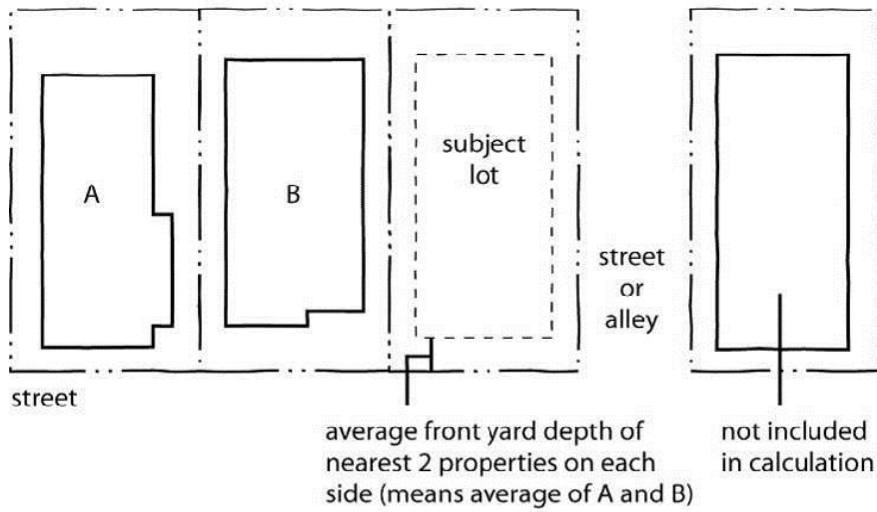
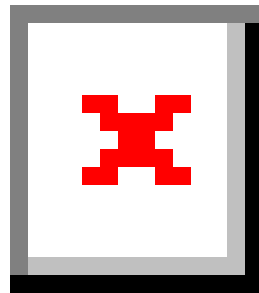
(c) *Setback averaging.*

- (1) *Applicability* . When existing buildings on one or more abutting lots are closer to the street (front or street side) property line than the otherwise required setback, additions to existing buildings or construction of new buildings on the subject lot may comply with the average street yard depth that exists on the nearest two lots on either side of the subject lot instead of complying with the zoning district's minimum street setback requirement. Detached houses constructed on infill lots are subject to the contextual street setback regulations of subsection 27-147(2), which will govern in the case of conflict with the setback averaging provisions of this section.
- (2) *Calculation of "average setback."*
  - a. The average setback is based on the average (arithmetic mean) street yard depth that exists on the nearest two lots on either side of the subject lot.
  - b. If one or more of the lots that are required to be included in the averaging calculation is vacant, that vacant lot will be deemed to have a street yard depth equal to the minimum street setback requirement of the subject zoning district.

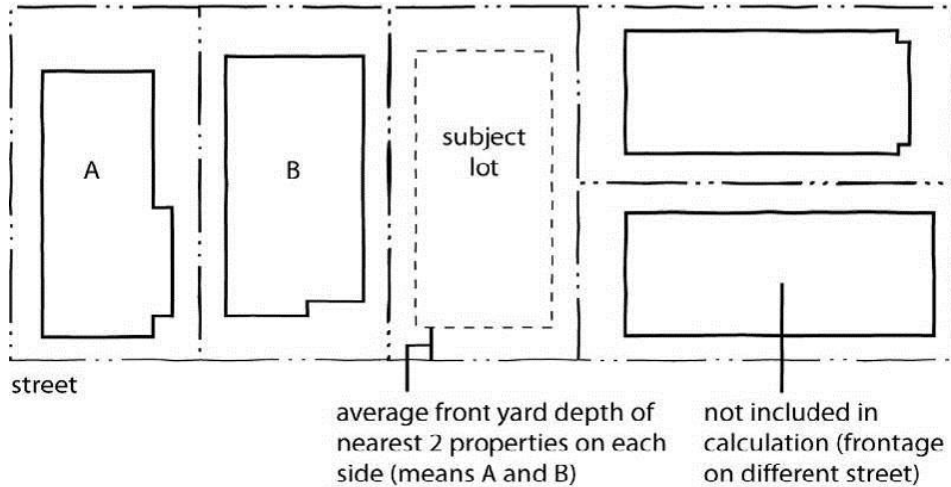
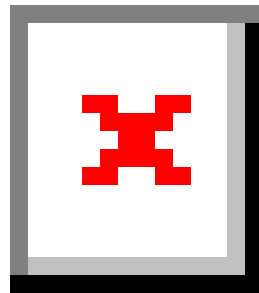


- c. Lots with frontage on a different street than the subject lot or that are separated from the subject lot by a street or alley may not be used in computing the average.





- d. When the subject lot is a corner lot, the average street yard depth will be computed on the basis of the nearest two lots with frontage on the same street as the subject lot.



- e. When the subject lot abuts a corner lot with frontage on the same street, the average front yard depth will be computed on the basis of the abutting corner lot and the nearest two lots with frontage on the same street as the subject lot.
- f. These setback averaging provisions may not be used to reduce the setback of a street-facing garage door to less than 20 feet.

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Air conditioning units	No	Yes	Yes
Arbors and trellises	Yes	Yes	Yes

Awnings canopies, light shelves and architecturally integrated solar shading devices projecting no more than 3 feet into the setback	Yes	Yes	Yes
Bay windows that project no more 3 feet into the setback	Yes	Yes	Yes
Chimneys and flues that project up to 3 feet into the setback)	Yes	Yes	Yes
Clotheslines	No	No	Yes
Decks, patios, and other features and structures less than 30 inches in height above grade	Yes	Yes	Yes
Eaves and gutters that project up to 3 feet into the setback	Yes	Yes	Yes
Electric vehicle charging stations	Yes	Yes	Yes
Fences and walls (see also article IV, division 4)	Yes	Yes	Yes
Fire escapes that project up to 3 feet into the setback	Yes	Yes	Yes
Flagpoles and similar features	Yes	Yes	Yes
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