

MEMORANDUM

To: Mayor and City Council
From: Richard Hathcock, Senior Planner
Date: August 10, 2020
Subject: Text Amendment
Section 27-97 —Dunwoody Village Overlay

ITEM DESCRIPTION

This item is a request to consider a text amendments to Section 27-97-*Dunwoody Village Overlay*. The proposed revisions are attached to this memo.

DISCUSSION

The Mayor and City Council members have received numerous request to temporary signs within the Dunwoody Village Overlay. Staff has been directed to draft a text amendment to allow temporary signs within the Dunwoody Village Overlay.

RECOMMENDATION

- (e) *Signs*. All signs within the Dunwoody Village Overlay district are subject to the requirements of the city's sign ordinance and the following additional regulations:
- (1) Signs must be designed and constructed to be compatible with the architectural style that is characteristic of the Dunwoody Village Overlay district area.
 - (2) Ground signs must be monument-style signs with a brick base.
 - (3) For lots containing nine or fewer storefronts, ground signs may not exceed eight feet in height and eight feet in width.
 - (4) For lots containing ten or more storefronts, ground signs may not exceed 12 feet in height and eight feet in width.
 - (5) **Temporary signs are permitted pursuant to Section 20-67.**
 - (6) Signs must have a matte finish and be constructed of wood or other substitute material approved by the design review advisory committee because of its wood-like appearance and durability.
 - (7) Neon, gas, colored, flashing, animated, marquee, sound emitting, fluorescent, rotating or otherwise moving signs are prohibited. This prohibition notwithstanding, a single LED or neon sign up to two square feet in area is allowed, provided that the sign does not employ any flashing, animation, movement or sound and provided that the sign may be illuminated only during hours in which the establishment is open for business.
 - (8) Sign shape and lettering is limited as follows:
 - a. Sign facing must be flat in profile and may not exceed eight inches in thickness.
 - b. Sign lettering and logo content may not exceed 18 inches in height.
 - (9) Standard informational signs:
 - a. May not be more than three feet above grade;
 - b. May not exceed six square feet in area;
 - c. May not have more than two sign faces;

- d. May not be made from flexible materials, such as vinyl, cloth or paper;
- e. Must be free-standing and not attached to permanent or temporary structures;
- f. Must comply with the color standards of the district; and
- g. Must be maintained in good repair.

Staff recommends **APPROVAL**.

Attachments:

Chapter 27, Section 97

**AN ORDINANCE AMENDING CHAPTER 27 OF THE CITY OF DUNWOODY
CODE OF ORDINANCES SECTION 27-97 – DUNWOODY VILLAGE OVERLAY**

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

WHEREAS, the Mayor and City Council are empowered to regulate the display of signs within the City of Dunwoody.

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

27-97 – Dunwoody Village Overlay

- (e) *Signs.* All signs within the Dunwoody Village Overlay district are subject to the requirements of the city's sign ordinance and the following additional regulations:
- (1) Signs must be designed and constructed to be compatible with the architectural style that is characteristic of the Dunwoody Village Overlay district area.
 - (2) Ground signs must be monument-style signs with a brick base.
 - (3) For lots containing nine or fewer storefronts, ground signs may not exceed eight feet in height and eight feet in width.
 - (4) For lots containing ten or more storefronts, ground signs may not exceed 12 feet in height and eight feet in width.
 - (5) Temporary signs are permitted pursuant to Section 20-67.
 - (6) Signs must have a matte finish and be constructed of wood or other substitute material approved by the design review advisory committee because of its wood-like appearance and durability.
 - (7) Neon, gas, colored, flashing, animated, marquee, sound emitting, fluorescent, rotating or otherwise moving signs are prohibited. This prohibition notwithstanding, a single LED or neon sign up to two square feet in area is allowed, provided that the sign does not employ any flashing, animation, movement or sound and provided that the sign may be illuminated only during hours in which the establishment is open for business.
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 - (9) Standard informational signs:
 - a. May not be more than three feet above grade;
 - b. May not exceed six square feet in area;
 - c. May not have more than two sign faces;
 - d. May not be made from flexible materials, such as vinyl, cloth or paper;
 - e. Must be free-standing and not attached to permanent or temporary structures;
 - f. Must comply with the color standards of the district; and

**STATE OF GEORGIA
CITY OF DUNWOODY**

ORDINANCE 2020-__-__

g. Must be maintained in good repair.

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. 20-67. - Temporary signs.

(a) General regulations.

- (1) Each temporary sign shall not exceed 24 square feet;
- (2) Each temporary sign must be individually attached to poles, mast arms, fences, building facade or other similar structures;
- (3) No more than two temporary signs shall be displayed on any lot at one time; and
- (4) All temporary signs must be maintained in good condition as provided for flags in section 20-66.
- (5) No temporary sign shall be displayed for more than 14 consecutive days, with no more than six such 14-day periods being permitted per calendar year per lot.
- (6) Pole banners are regulated by section 26-279 and are not subject to the standards of this chapter.

(b) Sandwich boards.

- (1) Each sandwich board shall not exceed three feet wide by five feet tall.
- (2) Each board must be located within ten feet of a pedestrian entrance of the sponsor of the board;
- (3) Such a board may be utilized only during the hours of operation of the store or entity using it and shall be removed during the hours it is closed.
- (4) Sandwich boards are limited to one per tenant space.

(c) For any institutional use, 12 temporary signs during any calendar year provided said signs do not have any balloons, streamers, pennants or similar items attached; are not illuminated; shall be placed no closer than ten feet from the back of any curb or outside of public right-of-way, whichever is greater; shall not exceed a size of five feet by six feet (including supports); and shall be erected for no more than 30 days, which must be consecutive.

(d) Under no circumstances shall any temporary sign be located so as to block the view of permanent sign or so as to create a safety hazard.

(e) Under no circumstances shall a temporary sign exceed the size of any permanent sign relating to the same user.

(Ord. No. 2010-10-39, § 1, 10-25-2010; Ord. No. 2017-07-18, § I, 7-24-2017; Ord. No. 2018-05-10, § IV, 5-21-2018)

MEMORANDUM

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

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

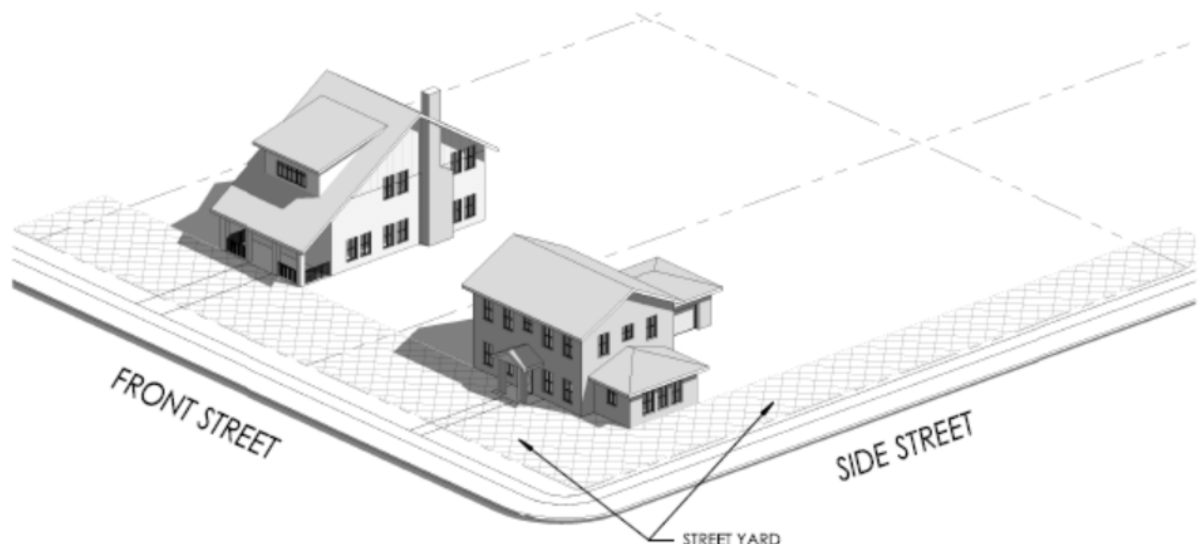
The municipal code does not provide a definition of “street yards” within Section 27-576. Staff is proposing to add a definition and add an image to provide further clarity on “street yard” setbacks.

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:

Obstruction/Projection into Required Setback	Street Yard	Side Yard	Rear Yard
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

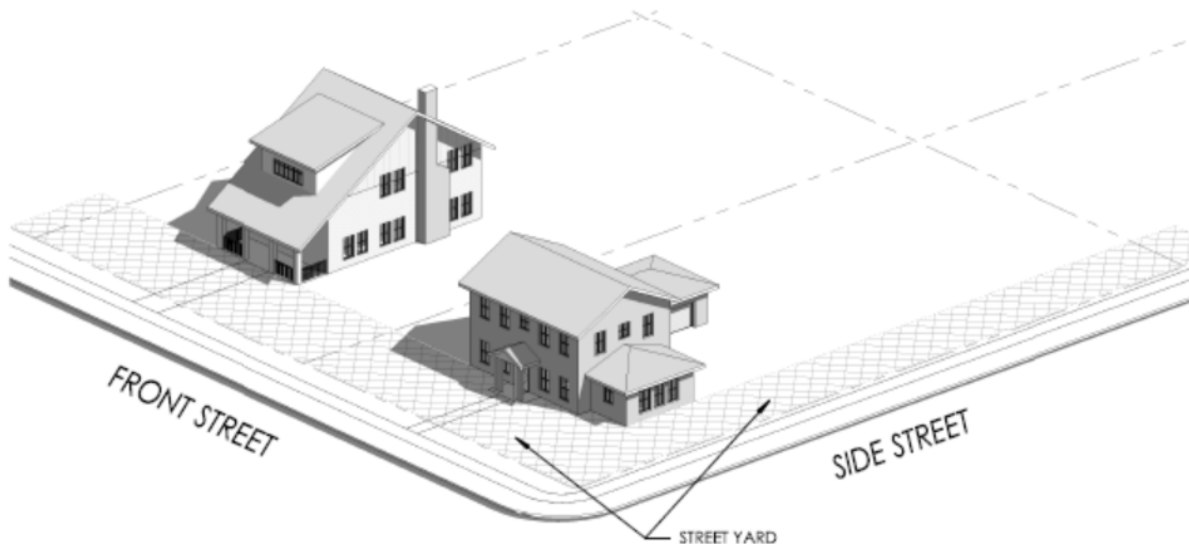
WHEREAS, the City Council has determined that it is appropriate from time to time to modify the Code of Ordinances of the City of Dunwoody (the "Code") to further protect the public health, safety, and welfare of the citizens of Dunwoody; and

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

27-576 - Setbacks

(d) Street Yard Setbacks

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.

**STATE OF GEORGIA
CITY OF DUNWOODY**

ORDINANCE 2020-__-__

(f d) *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:

Obstruction/Projection into Required Setback	Street	Side	Rear
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

**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.

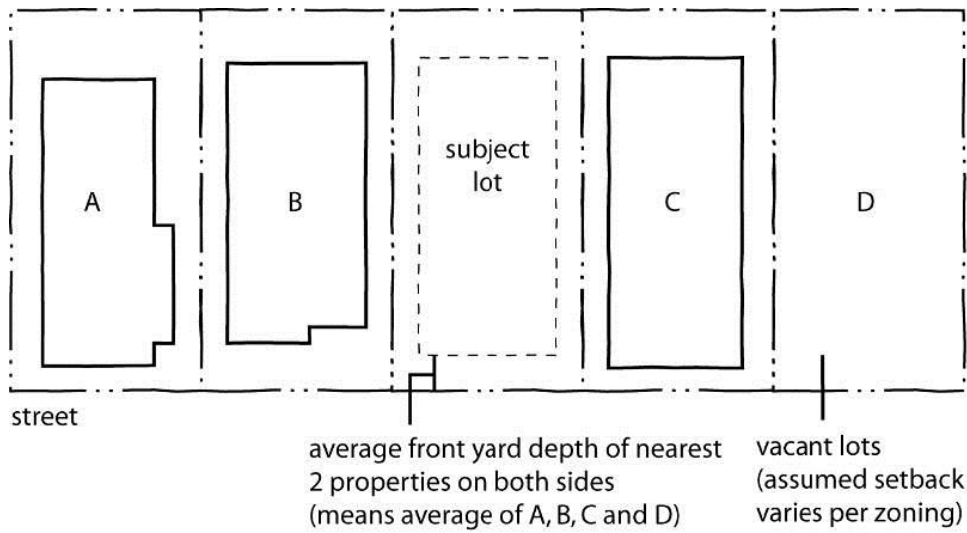
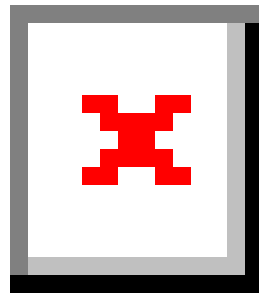
(b) *Permitted obstructions.* Setbacks must be unobstructed and unoccupied from the ground to the sky except as expressly allowed in subsection (d).

(c) *Setback averaging.*

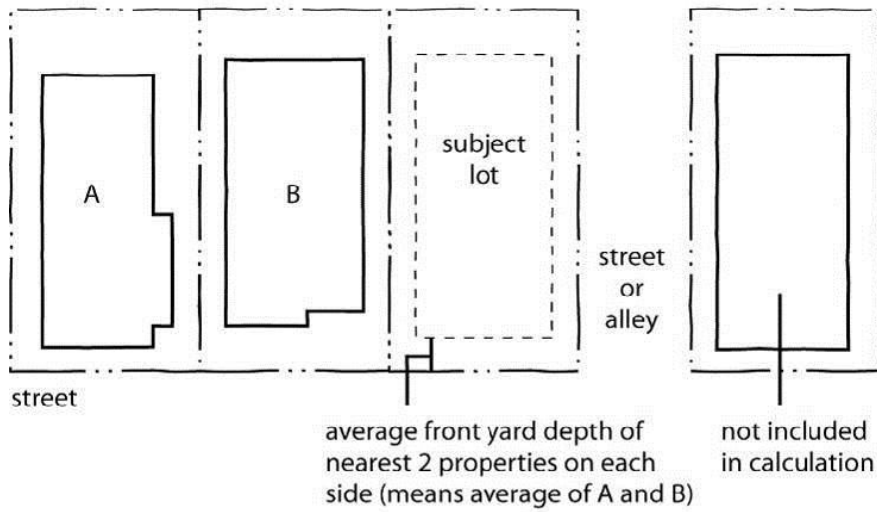
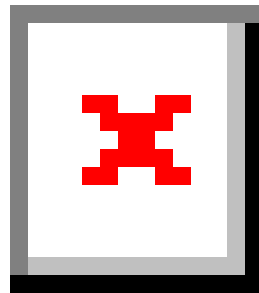
- (1) *Applicability* . When existing buildings on one or more abutting lots are closer to the street (front or street side) property line than the otherwise required setback, additions to existing buildings or construction of new buildings on the subject lot may comply with the average street yard depth 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."*

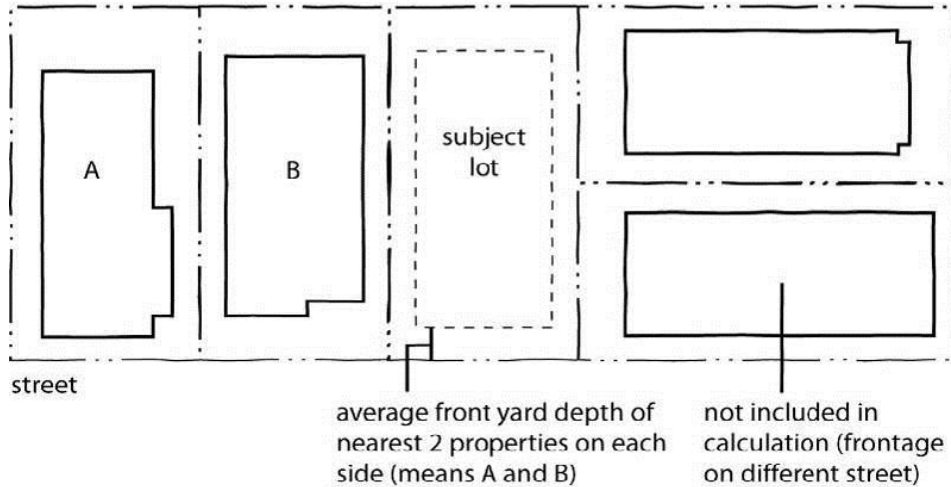
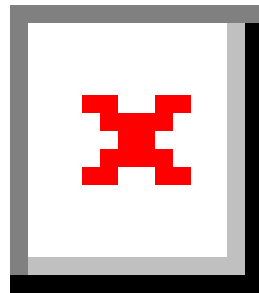
- a. The average setback is based on the average (arithmetic mean) street yard depth that exists on the nearest two lots on either side of the subject lot.
- b. If one or more of the lots that are required to be included in the averaging calculation is vacant, that vacant lot will be deemed to have a 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.

(d) *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:

Obstruction/Projection into Required Setback	Street	Side	Rear
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, 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
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	Yes	Yes	Yes

up to 3 feet into the setback			
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)