

MEMORANDUM

To: Mayor and City Council
From: Richard Hathcock, Senior Planner
Date: August 24, 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

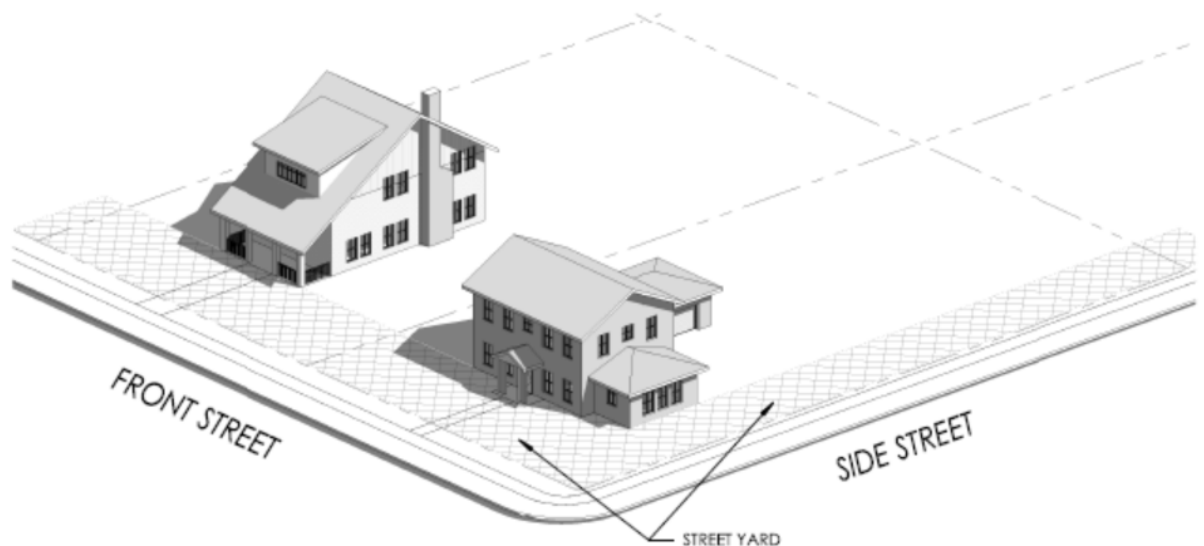
The municipal code does not provide a definition of “street yards” within Section 27-576. Staff is proposing to add a definition and add an image to provide further clarity on “street yard” setbacks.

RECOMMENDATION

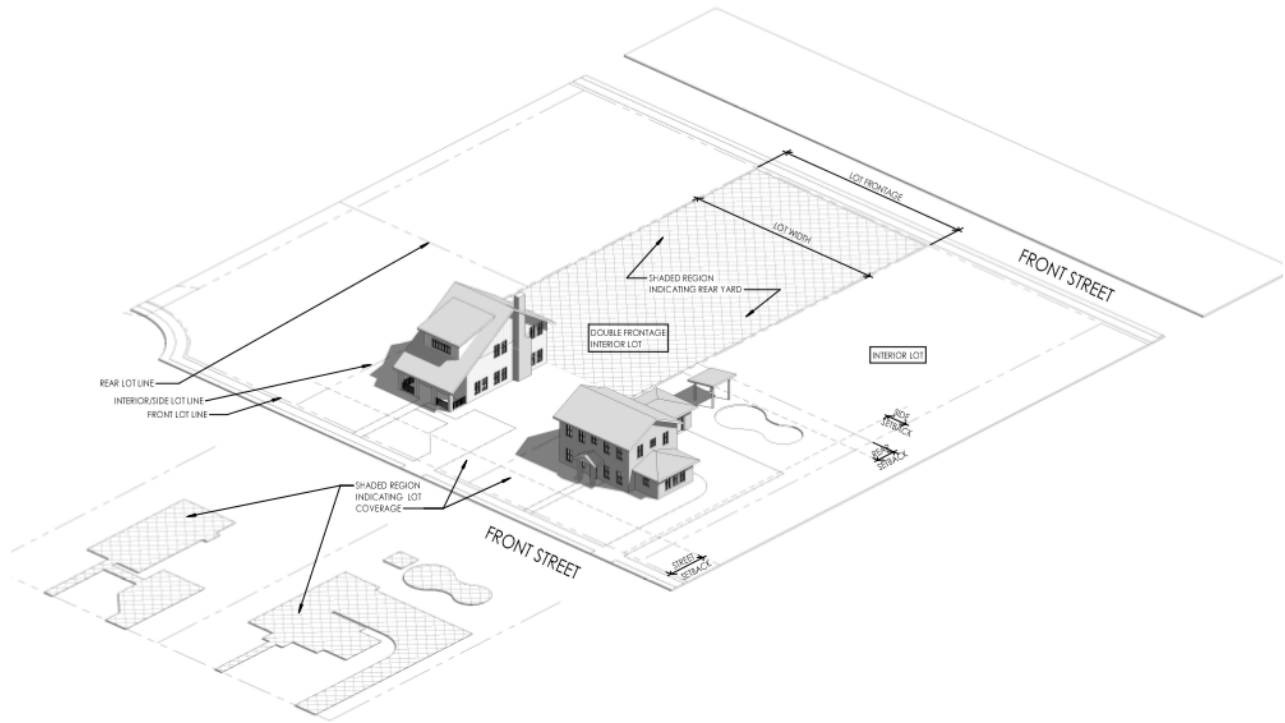
27-576 - Setbacks

(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.



- (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. For any detached improvements over 200 square feet in size, a fence shall be required along the rear property line.



(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

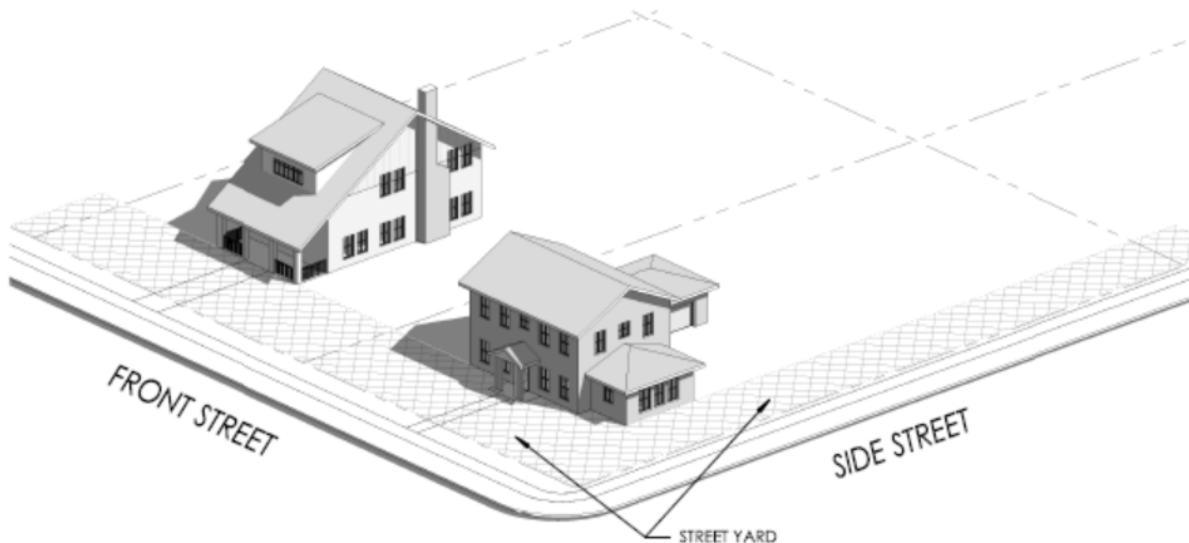
WHEREAS, the City Council has determined that it is appropriate from time to time to modify the Code of Ordinances of the City of Dunwoody (the "Code") to further protect the public health, safety, and welfare of the citizens of Dunwoody; and

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

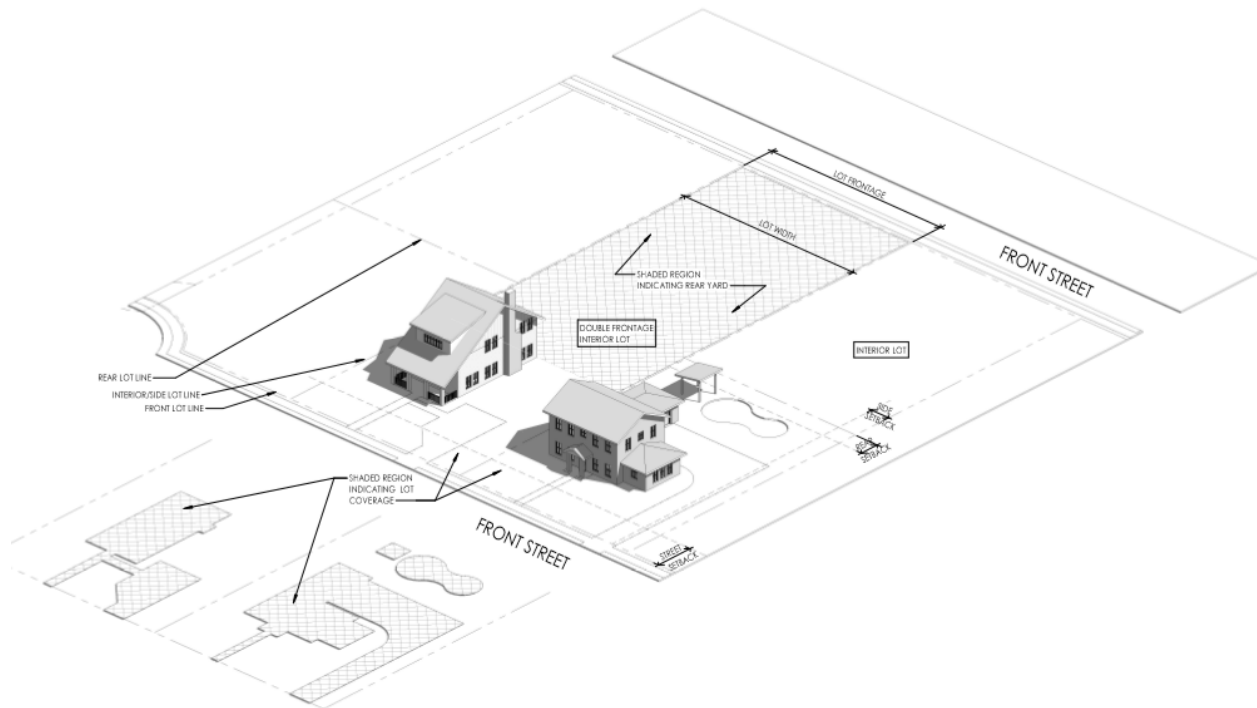
27-576 - Setbacks

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(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 |

**STATE OF GEORGIA
CITY OF DUNWOODY**

ORDINANCE 2020-__-__

| | | | |
|--|-----|-----|-----|
| 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)

SO ORDAINED, this ____ day of _____, 2020.

Approved:

Lynn Deutsch, Mayor

**STATE OF GEORGIA
CITY OF DUNWOODY**

ORDINANCE 2020-__-__

ATTEST:

Approved as to Form and Content:

Sharon Lowery, City Clerk
(Seal)

City Attorney

Sec. 27-576. - Setbacks.

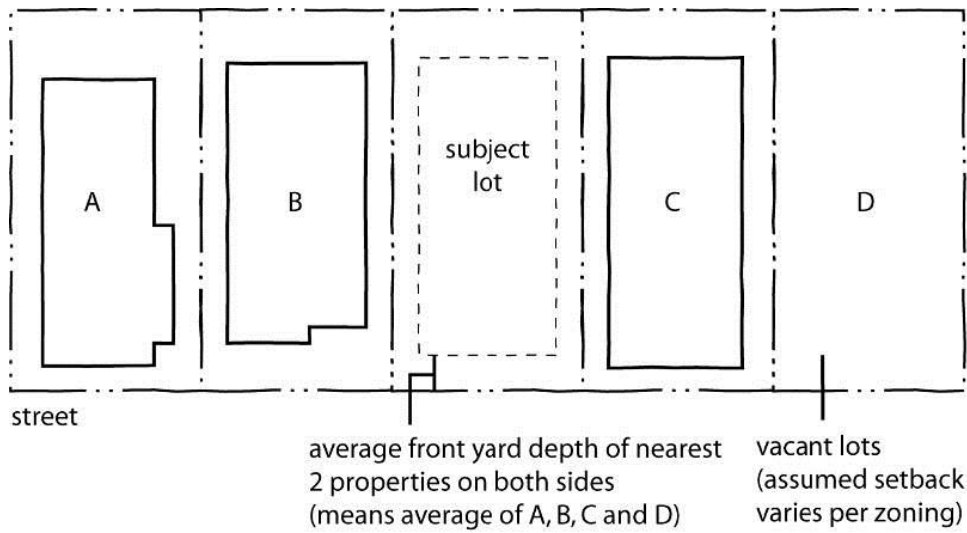
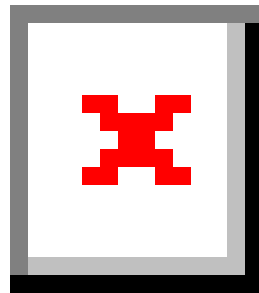
(a) *Measurement.*

- (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.

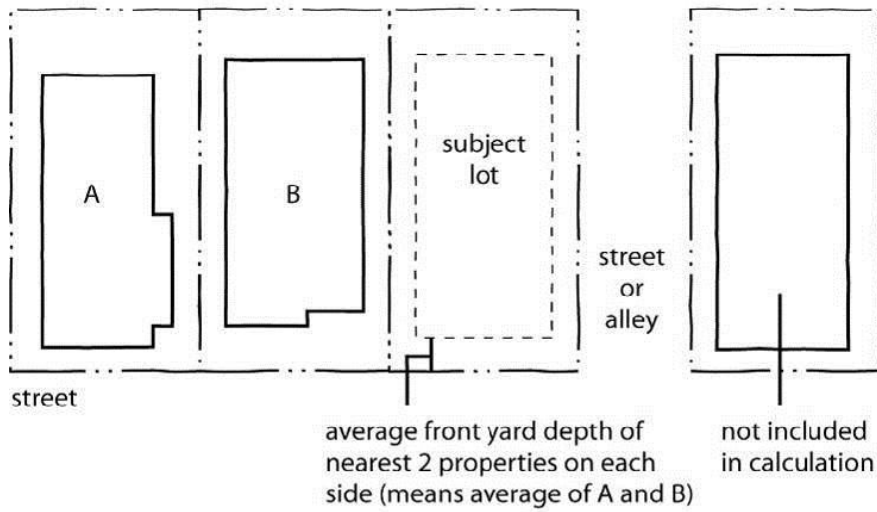
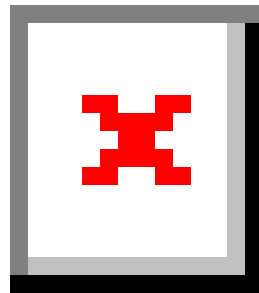
(b) *Permitted obstructions.* Setbacks must be unobstructed and unoccupied from the ground to the sky except as expressly allowed in subsection (d).

(c) *Setback averaging.*

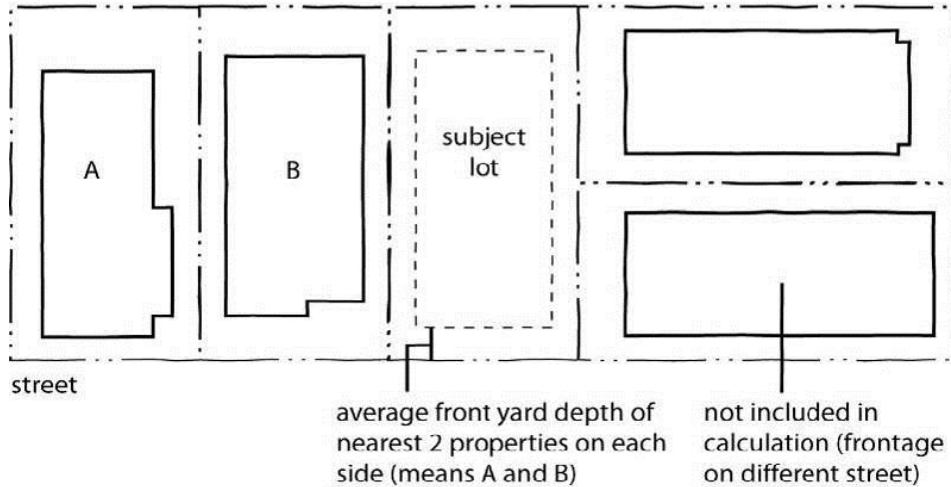
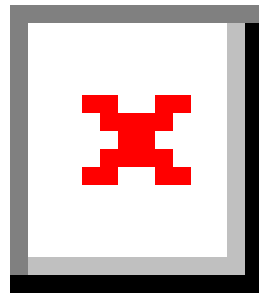
- (1) *Applicability* . When existing buildings on one or more abutting lots are closer to the street (front or street side) property line than the otherwise required setback, additions to existing buildings or construction of new buildings on the subject lot may comply with the average street yard depth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

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| 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 |
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| 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 |
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| Swimming pools and tennis courts | No | No | Yes |
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