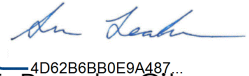




AGENDA STAFF MEMO

TO: Honorable Mayor and City Council Members
FROM: Diana Wheeler, Interim Community Development Director
DATE: Submitted on December 8, 2025, for the December 15, 2025, Regular City Council Meeting (*First Presentation*) and the January 5, 2026, Regular City Council Meeting (Zoning Agenda).

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AGENDA ITEM: Consideration of RZ25-08 - Text Amendment to Sec. 3.1.4 Building Placement with respect to setbacks in the AG-1 district and Sec. 8.8.19.B.2. and Article 13 Definitions in order to add setbacks for qualified subdivisions and pools to the Unified Development Code for the City of Milton, Georgia.

SUMMARY:

The purpose of this amendment is to modify front and rear setback requirements for limited-access subdivisions to provide better design outcomes by allowing flexibility in building placement. This flexibility is intended to help preserve trees and natural areas, minimize disturbance within rear yards, and not increase the number of residential lots beyond what is permitted under standard AG-1 setbacks. Staff is proposing options that reduce front setbacks and increase rear setbacks for qualifying subdivisions to achieve these goals.

Option A

Option A “flips” the current minimum setbacks—reducing the front building setback from 60 feet to 50 feet and increasing the rear setback from 50 feet to 60 feet. This allows homes to be placed closer to the street, creating larger rear yards and supporting tree canopy preservation.

- **Tree Protection:** With this option, the first **15 feet** along the rear property line must be preserved as a natural tree protection area. This area may include a perimeter fence but may not include stormwater facilities, grading, primary septic, or similar improvements.
- **Pool Setbacks:** Pool, pool deck, and equipment setbacks increase from 10 feet to **20 feet**.

Option B

Option B has the same objectives but provides greater flexibility by reducing the front building setback to 40 feet and increasing the rear setback to 70 feet.

- **Tree Protection:** The first **30 feet** along the rear property line must be preserved in its existing natural condition and may not include stormwater facilities, grading, primary septic, or similar improvements.
- **Pool Setbacks:** Pool, pool deck, and equipment setbacks increase to **35 feet**.

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For purposes of this section, a **Qualified Subdivision** consists of residential lots smaller than 3 acres, created by plat after January 5, 2026, with internal streets that do not provide pass-through access. The number of lots may not exceed the lot yield achievable on the same site using standard AG-1 setbacks.

Front yard setbacks for cul-de-sac lots in a Qualified Subdivision shall be determined by the Director to achieve the intent of this provision.

Residents attending the October 28, 2025 CZIM meeting expressed interest in understanding how these proposed setback changes could affect existing homes when adjacent parcels or future subdivision phases are developed.

The proposed text amendment (RZ25-08) was reviewed by the Planning Commission at its November 20, 2025 meeting. After considering staff's proposal, comments from residents, and differing viewpoints both supporting and opposing the changes, the Planning Commission recommended approval with modifications. Their **Option C** represents a compromise between Options A and B: a **45-foot minimum front setback, 65-foot rear setback, 25-foot pool/pool deck/equipment setback**, and preservation of the first **20 feet** along the rear property line as natural area with the same limitations on improvements.

In accordance with zoning procedures, the item was advertised for both the Planning Commission public hearing and the January 5, 2026 City Council public hearing.

Following the Planning Commission meeting, the amendment was discussed under Reports and Presentations at the December 1, 2025 City Council meeting, during which Council requested additional information that will be provided at the public hearing and during their consideration of the item.

FUNDING AND FINANCIAL IMPACT:

There is no financial impact.

ALTERNATIVES:

The Mayor and City Council could choose to deny, defer or amend the proposed text amendment based upon staff presentation of the requested information from City Council and options presented for consideration.

REVIEW & APPROVALS:

Financial Review: Bernadette Harvill, Deputy City Manager –

Legal Review: Paul Frickey, Jarrard & Davis, LLP – December 10, 2025

Concurrent Review: Steven Krokoff, City Manager –

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Bernadette Harvill

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DocuSigned by:

Steven Krokoff

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ATTACHMENT(S):

Ordinance RZ25-08

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AN ORDINANCE TO AMEND SEC. 3.1.4 BUILDING PLACEMENT OF THE UNIFIED DEVELOPMENT CODE FOR THE CITY OF MILTON, GEORGIA, WITH RESPECT TO SETBACKS IN THE AG-1 DISTRICT, AND SEC. 8.8.19.B.2. AND ARTICLE 13 DEFINITIONS OF THE UNIFIED DEVELOPMENT CODE FOR THE CITY OF MILTON, GEORGIA, IN ORDER TO ADD SETBACKS FOR QUALIFIED SUBDIVISIONS AND POOLS.

BE IT ORDAINED by the City Council of the City of Milton, GA while in a regularly called council meeting on January 5, 2026, at 6:00 p.m. as follows:

SECTION 1. That Section 3.1.4 Building Placement of the Unified Development Code for the City of Milton, Georgia, with respect to front and rear setbacks in the AG-1 District, and Section 8.8.19.B.2. of the Unified Development Code for the City of Milton, Georgia, with respect to Swimming Pool, Private for Single Family Uses, and Article 13 Definitions of the Unified Development Code for the City of Milton, Georgia, to create a new definition for "Qualified Subdivision", be amended as shown in Exhibit "A", attached hereto and incorporated as if fully set forth herein;

SECTION 2. That all ordinances, parts of ordinances, and regulations in conflict herewith are repealed; and

SECTION 3. That this Ordinance shall become effective upon its adoption.

ORDAINED this the 5th day of January 2026.

Peyton Jamison, Mayor

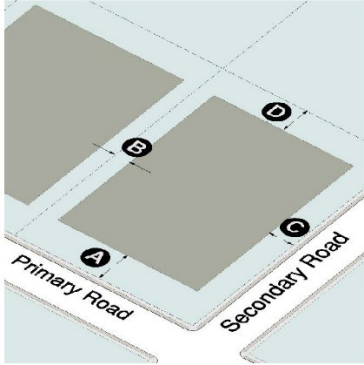
Attest:

Tammy Lowit, City Clerk

EXHIBIT “A”

PROPOSED TEXT AMENDMENT – OPTION ‘A’

SEC. 3.1 AG-1 SETBACKS, 3.1.4. – BUILDING PLACEMENT



Principal Building Setbacks

Ⓐ Front Yard:	60 ft. min. 50 ft. min.* in a Qualified Subdivision**
Ⓑ Side Yard (interior):	25 ft. min.
Ⓒ Side Yard (street):	40 ft. min.
Ⓓ Rear Yard:	50 ft. min. 60 ft. min. in a Qualified Subdivision**, including a required 15 ft. min. tree protection or natural area***
	*Where a 50 ft. front yard setback is used, a 60 ft. rear yard setback is required. Front yard setbacks for cul-de-sac lots within a Qualified Subdivision shall be determined by the Director in order to meet the intent of this provision **For purposes of this section, a Qualified Subdivision consists of residential lots less than three (3) acres in size, created by plat after January 5, 2026, and served by internal streets that do not provide pass-through access. The number of lots within a Qualified Subdivision shall not exceed the lot yield reasonably achievable on the same site under standard AG-1 zoning and setback requirements, with no increase in lot yield or density permitted. ***The first 15 ft. contiguous to the rear property line shall be preserved in its existing condition as a tree protection or natural area. This preserved area may include a perimeter fence but shall not contain stormwater management facilities, detention, grading, primary septic systems, or other improvements.

SEC. 8.8. - Accessory Uses

8.8.19. - Swimming Pool, Private

A. Defined

A recreation facility designed and intended for water contact activities which serves single-family dwellings, duplex dwellings and multifamily dwellings, or combinations of dwelling types, including pools which are owned and controlled by a neighborhood club or similar organization.

B. Use Standards

1.All Swimming Pools

All swimming pools must be completely surrounded by a barrier as required by the latest adopted version of the International Swimming Pool and Spa Code (ISPSC) Section 305. The enclosure must be in place before pool completion. Materials and construction must comply when applicable with the regulations administered by the Fulton County Health Department.

2.Single-Family

a. Swimming pools are allowed in side and rear yards of single-family dwellings in any district. In addition, swimming pools may also be allowed at the back of the house on a double frontage single-family residential lot. In a flag lot, a swimming pool is allowed in the front yard, provided such alternative location is approved by the Director, who may approve the location if the purpose of the UDC is maintained with the proposed location.

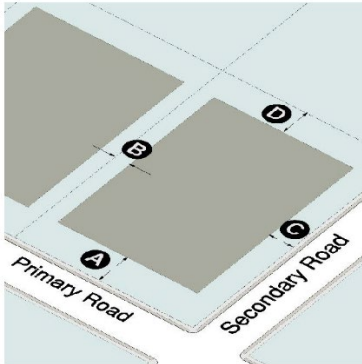
b. Pools, pool equipment, and their decks must be at least 10 feet from all property lines, except that when perimeter setbacks are required, for example in NUP and TR zone districts, pools, pool equipment, and decks cannot be located in perimeter setbacks- **and in AG-1 districts, when there is a 50 ft. front setback (or front setback determined by the Director), then pool, pool equipment, and decks must be setback at least 20 ft. from the rear property line.**

ARTICLE 13. - DEFINITIONS

Qualified Subdivision. For purposes of Section 3.1.4, a subdivision consisting of residential lots less than three (3) acres in size, created by plat after January 5, 2026, and served by internal streets that do not provide pass-through access. The number of lots within a Qualified Subdivision shall not exceed the lot yield reasonably achievable on the same site under standard AG-1 zoning and setback requirements, with no increase in lot yield or density permitted.

PROPOSED TEXT AMENDMENT – OPTION ‘B’

SEC. 3.1 AG-1 SETBACKS, 3.1.4. - Building Placement



Principal Building Setbacks

Ⓐ Front Yard:	60 ft. min. 40 ft. min.* in a Qualified Subdivision**
Ⓑ Side Yard (interior):	25 ft. min.
Ⓒ Side Yard (street):	40 ft. min.
Ⓓ Rear Yard:	50 ft. min. 70 ft. min. in a Qualified Subdivision**, including a required 30 ft. min. tree protection or natural area***
	*Where a 40 ft. front yard setback is used, a 70 ft. rear yard setback is required. Front yard setbacks for cul-de-sac lots within a Qualified Subdivision shall be determined by the Director in order to meet the intent of this provision **For purposes of this section, a Qualified Subdivision consists of residential lots less than three (3) acres in size, created by plat after January 5, 2026, and served by internal streets that do not provide pass-through access. The number of lots within a Qualified Subdivision shall not exceed the lot yield reasonably achievable on the same site under standard AG-1 zoning and setback requirements, with no increase in lot yield or density permitted. ***The first 30 ft. contiguous to the rear property line shall be preserved in its existing condition as a tree protection or natural area. This preserved area may include a perimeter fence but shall not contain stormwater management facilities, detention, grading, primary septic systems, or other improvements.

SEC. 8.8. - Accessory Uses

8.8.19. - Swimming Pool, Private

A. Defined

A recreation facility designed and intended for water contact activities which serves single-family dwellings, duplex dwellings and multifamily dwellings, or combinations of dwelling types, including pools which are owned and controlled by a neighborhood club or similar organization.

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1. All Swimming Pools

All swimming pools must be completely surrounded by a barrier as required by the latest adopted version of the International Swimming Pool and Spa Code (ISPSC) Section 305. The enclosure must be in place before pool completion. Materials and construction must comply when applicable with the regulations administered by the Fulton County Health Department.

2. Single-Family

a. Swimming pools are allowed in side and rear yards of single-family dwellings in any district. In addition, swimming pools may also be allowed at the back of the house on a double frontage single-family residential lot. In a flag lot, a swimming pool is allowed in the front yard, provided such alternative location is approved by the Director, who may approve the location if the purpose of the UDC is maintained with the proposed location.

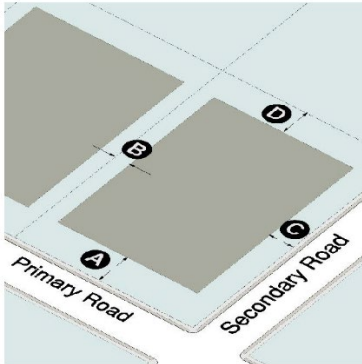
b. Pools, pool equipment, and their decks must be at least 10 feet from all property lines, except that when perimeter setbacks are required, for example in NUP and TR zone districts, pools, pool equipment, and decks cannot be located in perimeter setbacks— and in AG-1 districts, when there is a 40 ft. front setback (or front setback determined by the Director), then pool, pool equipment, and decks must be setback at least 35 ft. from the rear property line.

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PROPOSED TEXT AMENDMENT – OPTION ‘PLANNING COMMISSION’

SEC. 3.1 AG-1 SETBACKS, 3.1.4. - Building Placement



Principal Building Setbacks

Ⓐ Front Yard:	60 ft. min. 45 ft. min.* in a Qualified Subdivision**
Ⓑ Side Yard (interior):	25 ft. min.
Ⓒ Side Yard (street):	40 ft. min.
Ⓓ Rear Yard:	50 ft. min. 65 ft. min. in a Qualified Subdivision**, including a required 25 ft. min. tree protection or natural area***
	*Where a 45 ft. front yard setback is used, a 65 ft. rear yard setback is required. Front yard setbacks for cul-de-sac lots within a Qualified Subdivision shall be determined by the Director in order to meet the intent of this provision **For purposes of this section, a Qualified Subdivision consists of residential lots less than three (3) acres in size, created by plat after January 5, 2026, and served by internal streets that do not provide pass-through access. The number of lots within a Qualified Subdivision shall not exceed the lot yield reasonably achievable on the same site under standard AG-1 zoning and setback requirements, with no increase in lot yield or density permitted. ***The first 25 ft. contiguous to the rear property line shall be preserved in its existing condition as a tree protection or natural area. This preserved area may include a perimeter fence but shall not contain stormwater management facilities, detention, grading, primary septic systems, or other improvements.

SEC. 8.8. - Accessory Uses

8.8.19. - Swimming Pool, Private

A. Defined

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