

CITY OF DUNWOODY

41 Perimeter Center East, Suite 250

Dunwoody, GA 30346

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www.dunwoodyga.gov

MEMORANDUM

To: City of Dunwoody, Georgia □ Mayor and City Council

From: Howard J. Koontz, City Planner

Date: October 25, 2010

Subject: Amendments to the text of the Zoning Ordinance, specifically Section 27-1303, □ Accessory Buildings, structures, and uses. □

BACKGROUND

The Dunwoody Mayor & City Council has directed staff to review the current Zoning Ordinance as it relates to "Accessory Building and Structures." Accessory Buildings and Structures are defined as:

Accessory building means a building detached from the principal building located on the same lot and customarily incidental and subordinate in area, extent, and purpose to the principal building or use.

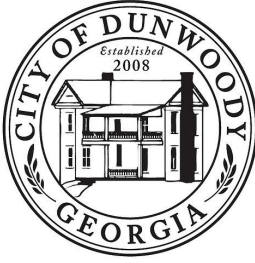
Accessory structure means a structure detached from the principal building located on the same lot and customarily incidental and subordinate in area, extent, and purpose to the principal building or use.

DISCUSSION

Specifically, staff has been asked to investigate the idea of requiring a minimum distance an accessory building or structure must be located from the principal structure, known as a primary building separation. The proposed amendment is added to the end of Section 27-1303 as a subsection that would read as follows:

Option A.

(i) All accessory buildings and structures shall be located a minimum of ten (10) feet from a principal building or structure on the same lot. The primary building separation between a principal building or structure and accessory building or structure is determined by measuring the perpendicular distance from the closest points on the buildings or structures.



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Option B.

(i) For any accessory building and structure constructed partially or entirely into a required yard, those accessory buildings and structures shall be entirely located a minimum of ten (10) feet from the principal building or structure on the same lot. The primary building separation between a principal building or structure and accessory building or structure is determined by measuring the perpendicular distance from the closest points on the buildings or structures.

RECOMMENDATION

Community Council heard Option A at their regularly scheduled July 8 meeting. The Council voted to recommend the proposed changes by a vote of 5-1. The dissenting vote belonged to Dennis Crean, who believed it should be allowable to erect an accessory structure closer than ten feet to the primary residence.

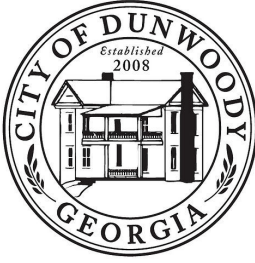
Planning Commission heard Option A at their regularly scheduled meeting on August 10. After discussion, the Commission voted to recommend the proposed changes 4-0.

Mayor and City Council deferred the item at their regularly scheduled meeting on September 27. Staff had at that meeting provided the Council with two options for discussion. Option A, listed above which has been reviewed by both Community Council and Planning Commission, and Option B which was created in response to a query from the City Attorney, and although the option would achieve the same goal, it has not been reviewed by either. The item was deferred to the October Work Session for further discussion.

At their regular October Work Session, the Mayor & City Council discussed and considered both options, ultimately directing staff to create a standard based on an 'If – Then' statement. That text if approved would read as follows:

(i) Accessory Structure location

1. If an accessory building and/or structure is constructed partially or entirely into a required yard, then the accessory building and/or structure shall be entirely located a minimum of ten (10) feet from the principal building or structure on the same lot.
2. If an accessory building and/or structure is constructed entirely within the primary building setbacks, then no such building separation is required.
3. For the purposes of this section, the primary building separation between a principal building or structure and accessory building or structure is determined by measuring the perpendicular distance from the closest points on the buildings or structures.



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Additionally, the City Attorney recommends that because the new 'If – Then' language relies on the term 'required yard', that term should be defined for clarity in the definitions section of the Zoning Ordinance, §27-1 as follows:

Required yard: The horizontal distance between lot or street lines and the minimum primary building setback lines as established by this chapter.

**AN ORDINANCE OF THE CITY OF DUNWOODY AMENDING CHAPTER 27
(ZONING ORDINANCE) TO ADD A PRIMARY BUILDING SEPARATION
PROVISION FOR ACCESSORY STRUCTURES**

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

WHEREAS, the City of Dunwoody Zoning Ordinance, codified as Chapter 27 of the City of Dunwoody Code of Ordinances, currently does not specify a primary building separation distance between a principal structure on the property and an accessory structure; and

WHEREAS, the City Council believes that it is necessary to define such primary building separation in order to clarify requirements for accessory structures in the Zoning Ordinance; and

WHEREAS, the first read of this ordinance occurred on September 13, 2010 and a properly advertised public hearing and second read of this ordinance occurred on September 27, 2010.

THEREFORE, THE MAYOR AND COUNCIL FOR THE CITY OF DUNWOODY HEREBY ORDAIN AS FOLLOWS:

Section 1: Chapter 27 (Zoning Ordinance) of the City of Dunwoody Code of Ordinances shall be amended by adding subsection (11) to Article IV (Supplemental Regulations), Section 27-1303 to read as follows:

ADDITIONS □ underlined

DELETIONS □ ~~striketroughs~~ Sec. 27-1303. Accessory Buildings, structures and uses.

The following provisions apply to accessory buildings, structures, and uses of land that are incidental to authorized and permitted uses:

...
...
...
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...

(11) Accessory Structure Location

(a) If an accessory building and/or structure is constructed partially or entirely into a required yard, then the accessory

building and/or structure shall be entirely located a minimum of ten (10) feet from the principal building or structure on the same lot.

- (b) If an accessory building and/or structure is constructed entirely within the primary building setbacks, then no such building separation is required.
- (c) For the purposes of this section, the primary building separation between a principal building or structure and accessory building or structure is determined by measuring the perpendicular distance from the closest points on the buildings or structures.

Section 2: Chapter 27 (Zoning Ordinance) of the City of Dunwoody Code of Ordinances shall be further amended by adding the definition of "required yard" to Sec. 27-1 to read as follows:

Required yard shall mean the horizontal distance between lot or street lines and the minimum primary building setback lines as established by this Chapter.

Section 3: This Amendment shall become effective immediately upon its adoption by the City Council, and incorporated into the Code of the City of Dunwoody, Georgia. This Amendment hereby repeals any and all conflicting ordinances and amendments.

SO ORDAINED, this 25th day of October, 2010.

Approved:

Ken Wright, Mayor

ATTEST:

Approved as to Form and Content:

Sharon Lowery, City Clerk
(Seal)

Brian Anderson, City Attorney