



CITY OF DUNWOODY

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MEMORANDUM

To: Mayor and City Council

From: Howard J. Koontz, City Planner

Date: September 27, 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:

(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.

RECOMMENDATION

Community Council heard this item at their regularly scheduled July 8 meeting. The Council voted to recommend the proposed changes by a vote of 5-1.

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

**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 – ~~strikethroughs~~

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:

- ...
- ...
- ...
- ...
- ...
- ...
- ...
- ...
- ...
- ...

(11) 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

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perpendicular distance from the closest points on the buildings or structures.

Section 2: 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 ____ day of September, 2010.

Approved:

Ken Wright, Mayor

ATTEST:

Approved as to Form and Content:

Sharon Lowery, City Clerk
(Seal)

Brian Anderson, City Attorney