



MEMORANDUM

MEETING OF: August 22, 2017
COMMITTEE: Planning Commission
DEPARTMENT: Community Development

ISSUE/AGENDA ITEM TITLE:

TA17-15 an Ordinance to Amend Section 27-1408, Accessory Buildings, Structures, and Uses, Chapter 27, of the Code of the City of Brookhaven

BACKGROUND/SUMMARY:

The proposed amendment relates to the recent adoption of amendments to Chapter 5, Animals, of the Code of the City of Brookhaven, which addressed the regulation, enforcement, and control of domestic fowl and apiaries. When drafting the amendment, it was determined that existing sections of the Zoning Ordinance conflicted with Chapter 5. At this time, the Department is proposing to correct these conflicts.

STAFF RECOMMENDATION:

Approval as presented.

ATTACHMENTS:

- TA17-15 MARK-UP An Ord to Amend Sec. 27-1408, Accessory Buildings, Structures, and Uses (PDF)

**STATE OF GEORGIA
COUNTY OF DEKALB
CITY OF BROOKHAVEN**

ORDINANCE 2017 _____

AN ORDINANCE TO AMEND SECTION 27-1408, ACCESSORY BUILDINGS, STRUCTURES, AND USES, OF THE CODE OF THE CITY OF BROOKHAVEN

WHEREAS, Section 1.03(b)(25) of the Charter of the City of Brookhaven grants the City of Brookhaven the power to provide comprehensive planning and regulation through zoning and subdivision requirements to ensure a safe, healthy, and aesthetically pleasing community; and

WHEREAS, the Mayor and City Council find that amendments to the existing accessory structure regulations are necessary to ensure the protection of property owners within the city.

BE IT ORDAINED by the Mayor and Council of the City of Brookhaven, Georgia and it is hereby ordained by the authority of same:

SECTION I:

27-1408, Accessory Buildings, Structures, and Uses, is amended to read as follows:

Sec. 27-1408. - 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, except housing or enclosures for animals as permitted in Chapter 5, Animals:

- (1) All accessory buildings, accessory structures, and accessory uses of land, including off-street parking, shall be located on the same lot as the principal building to which they are accessory.
- (2) No accessory building or structure shall be constructed upon a lot until construction of the principal building has commenced.
- (3) All accessory buildings or structures shall be located in the rear yard of the lot. No accessory building or structure shall be located closer than ten feet to a side or rear lot line in any district. Basketball goals attached to the principal residential structure or erected adjacent to and abutting the driveway of the principal residential structure shall be allowed in the front yard but not within the right-of-way of a public street. No such basketball goal shall be erected in such a manner that the play area for the basketball goal is located within any portion of a public right-of-way.
- (4) No accessory building or structure in a nonresidential district shall be used by other than employees of the owner, lessee or tenant of the premises, unless otherwise allowed by provisions of this chapter.
- (5) Except as otherwise provided herein within the R-200 district, accessory buildings in single-family residential districts shall not be used as separate dwelling units and shall not contain a bedroom or kitchen or other food preparation facility of any kind. Further, no such accessory

building shall be rented or occupied for gain, and no accessory structure or building shall be used for a home occupation.

- (6) Where the rear yard of a corner lot adjoins the side yard of a lot in a residential district, no accessory building or structure shall be located closer than 25 feet to the rear property line and no closer to the side street right-of-way line than the principal building.
- (7) Where an accessory building or structure is attached to the principal building by a breezeway, passageway or similar means, the accessory building or structure shall comply with the yard requirements of the principal building to which it is accessory.
- (8) Swimming pools, as accessory structures in a residential district, shall be measured from the decking or closest part of the pool structure to the applicable property line. Accessory swimming pools shall be authorized only after written approval from the board of health pursuant to applicable regulations.
- (9) Accessory buildings, structures and uses authorized in an apartment complex include a leasing office, post office, club room, health club or exercise facilities, laundry facilities, child care center and similar facilities for the use of residents of the complex.
- (10) The floor area of an accessory building in single-family and two- and three-family residential districts shall not exceed the following maximum floor areas:

Property Size	Maximum Floor Area
0 to 0.999 acres	900 square feet
1 to 4.999 acres	1,200 square feet
5 to 9.999 acres	2,000 square feet
10 or more acres	No size limit

(Ord. No. 2014-09-03, § I(27-731), 9-23-2014)

SECTION II:

Severability: Should any section of this Ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of the Ordinance as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

SECTION III:

Repeal of Conflicting Provisions: All ordinances, part of ordinances, maps, or regulations in conflict herewith are repealed.

SECTION IV:

Effective Date: This ordinance shall be effective immediately upon adoption.

SO ORDAINED, this _____ day of _____, 2017.

Approved by:

Approved as to Form and Content

John Arthur Ernst Jr., Mayor

Christopher Balch, City Attorney

Attest:

Susan Hiott, City Clerk

SEAL