



MEMORANDUM

To: Mayor and City Council

From: Michael Tuller

Date: October 10, 2011

Subject: Amendments to provisions regarding street frontage as they relate to lot widths

ITEM DESCRIPTION

This item proposes an amendment to the land development ordinance text that would allow legally platted lots fronting private streets to be further subdivided -pursuant to existing established procedure- while also allowing existing subdivisions that have only private street frontage to be recognized as lawful and conforming.

BACKGROUND

There are a number of existing private streets in Dunwoody. Fronting these private streets are still dozens more lawfully platted lots of record. Some of these lots exist as legal nonconformities because of the current Dunwoody Land Development Ordinance that only allows new lots to be created adjacent to public streets. Staff recognizes the efficacy of allowing subdivisions adjacent to existing public streets to promote revitalization and development in the community, and further recognizes that this same privilege should be afforded to legal lots fronting on private streets. This text amendment would still inhibit the creation of lots on newly formed private roads, and new lots would still be required to comply with minimum lot dimensions and area as contained in Chapter 16, "Land Development," and Chapter 27, "Zoning."

RECOMMENDATION

Staff recommends amending the text of Chapter 27 to allow lot subdivisions fronting on existing private roads.

At the regularly scheduled September Community Council Meeting, councilors voted in favor of the item with a vote of 5-1. Page Olson was the dissenting vote.

The proposed amendments are as follows:

Sec. 27-811. - Lot width; lot area; setbacks.

The following requirements shall apply to all lots and structures in the O-I (Office-Institution) District:

- (1) Lot width: All lots shall have at least 100 feet of frontage as measured along the



street frontage.

(2) Minimum lot area: 20,000 square feet.

(3) Minimum setback requirements:

- a. From street: 50 feet.
 - 1. Front yard: 50 feet.
 - 2. Side yard: 20 feet.
 - 3. Side yard along side street on corner lot: 50 feet.
- b. Interior side yard setback: 20 feet.
- c. Rear yard: 30 feet.

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Sec. 27-847. - Lot width; lot area; setbacks.

The following requirement shall apply to all lots and structures in the O-I-T (Office-Institutional-Transitional) District:

- (1) *Lot width.* All lots shall have at least 100 feet of frontage as measured along the street frontage.
- (2) *Minimum lot area.* 20,000 square feet, except that single-family attached dwellings shall have an average lot area of 4,000 square feet per dwelling unit.
- (3) *Minimum setback requirements.*
 - a. From street:
 - 1. Front yard: 40 feet.
 - 2. Side yard along side street on corner lot: 50 feet.
 - b. Interior side yard: 20 feet.
 - c. Rear yard: 30 feet.

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Sec. 27-889. - Lot width; lot area; setbacks.

The following requirements shall apply to all lots and structures in the O-D (Office-Distribution) District:

- (1) *Lot width.* All lots shall have at least 150 feet of frontage as measured along the street frontage.
- (2) *Minimum lot area.* One acre.



(3) *Minimum setback requirements.*

- a. From street:
 - Front yard: 75 feet.
- b. Interior side yard: 20 feet.
- c. Rear yard: 30 feet.

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Sec. 27-926. - Lot width; lot area; setbacks.

The following requirements shall apply to all lots and structures in the OCR (Office-Commercial-Residential) District:

- (1) *Lot width and area.* All lots shall have at least 100 feet of frontage as measured along the street frontage.
- (2) *Minimum lot area.* Two acres.
- (3) *Minimum setback requirements.*
 - a. From street:
 - 1. Front yard: 50 feet.
 - 2. Side yard: 20 feet.
 - b. Rear yard: 40 feet.

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Sec. 27-957. - Lot width; lot area; setbacks.

The following requirements shall apply to all lots and structures in the NS (Neighborhood Shopping) District:

- (1) *Lot width.* All lots shall have at least 100 feet of frontage as measured along the street frontage.
- (2) *Minimum lot area.* 20,000 square feet.
- (3) *Minimum setback requirements.*
 - a. From street:
 - 1. Front yard: 50 feet.
 - 2. Side yard along side street on corner lot: 50 feet.
 - b. Interior side yard setback: 20 feet.
 - c. Rear yard: 30 feet.



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Sec. 27-987. - Lot width; lot area; setbacks.

The following requirements shall apply to all lots and structures in the C-1 (Local Commercial) District:

- (1) *Lot width.* All lots shall have at least 100 feet of frontage as measured along the street frontage.
- (2) *Minimum lot area.* 20,000 square feet.
- (3) *Minimum setback requirements.*
 - a. From street:
 1. Front yard: 75 feet.
 2. Side yard: 50 feet.
 - b. Interior side yard: 20 feet, five feet which shall be planned and landscaped.
 - c. Rear yard: 30 feet.

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Sec. 27-1017. - Lot width; lot area; setbacks.

The following requirements shall apply to all lots and structures in the C-2 (General Commercial) District:

- (1) *Lot width.* All lots shall have at least 100 feet of frontage as measured along the street frontage.
- (2) *Minimum lot area.* 30,000 square feet.
- (3) *Minimum setback requirements.*
 - a. From street:

Front yard setback: 75 feet.
 - b. Interior side yard: 20 feet, five feet of which shall be planted and landscaped.
 - c. Rear yard: 30 feet.

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Sec. 27-1047. - Lot width; lot area; setbacks.

The following requirements shall apply to all lots and structures in the M (Industrial) District:

- (1) *Lot width.* All lots shall have at least 100 feet of frontage as measured along the



street frontage.

(2) *Minimum lot area.* 30,000 square feet.

(3) *Minimum setback requirements.*

a. From street:

1. Front yard: 75 feet.

2. Side yard: 20 feet, except where transitional buffer zone is required.

b. *Rear yard:* 30 feet, except where transitional buffer zone is required.

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Sec. 27-1077. - Lot width; lot area; setbacks.

The following requirements shall apply to all lots and structures in the M-2 (Industrial) District:

(1) *Lot width.* All lots shall have at least 150 feet of frontage as measured along the street frontage.

(2) *Minimum lot area.* Two acres for all heavy industrial uses and two acres for all uses permitted by special land use permit; one acre minimum lot size for all other uses.

(3) *Minimum setback requirements.*

a. From street:

1. Front yard: 75 feet.

2. Side yard: 20 feet, except where transitional buffer zone is required.

b. *Rear yard:* 30 feet, except where transitional buffer area is required.

AN ORDINANCE OF THE CITY OF DUNWOODY AMENDING CHAPTER 27 (ZONING ORDINANCE) TO ALLOW LOT SUBDIVISIONS FRONTING ON EXISTING PRIVATE ROADS

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 only allows additional subdivision of lots fronting public roads; and

WHEREAS, as a result of the public road limitation, many lots in the City exist as legal nonconformities and the City Council recognizes the efficacy of allowing subdivisions to promote revitalization and development in the community, a privilege which should be afforded to lots fronting private streets as well as public streets; and

WHEREAS, a properly advertised public hearing, pursuant to the Zoning Procedures Act, was conducted to review this proposed amendment and to accept public comment on same, prior to the final adoption of this Ordinance.

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 deleting the term "public" from the text of the following sections: Sec. 27-811(1) and (3)a., Sec. 27-847(1) and (3)a., Sec. 27-889(1) and (3)a., Sec. 27-926(1) and (3)a., Sec. 27-957(1) and (3)a., Sec. 27-987(1) and (3)a., Sec. 27-1017(1) and (3)a., Sec. 27-1047(1) and (3)a., and Sec. 27-1077(1) and (3)a.

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 _____, 2011.

Approved:

Ken Wright, Mayor

ATTEST:

Approved as to Form and Content:

Sharon Lowery, City Clerk
(Seal)

Brian Anderson, City Attorney