



MEMORANDUM

To: Mayor and City Council

From: Michael Tuller

Date: October 24, 2011

Subject: Amendments to provisions regarding street frontage in commercial districts 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.

At the October Planning Commission meeting, Commissioners voted 4-2 in favor of the amendment with the condition that it only apply to non-residential and mixed-use zoning districts. Don Converse and Renate Herod were the dissenting votes.

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 ~~public~~-street frontage.
- (2) Minimum lot area: 20,000 square feet.
- (3) Minimum setback requirements:
 - a. From ~~public~~-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 ~~public~~-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 ~~public~~-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 ~~public~~-street frontage.
- (2) *Minimum lot area.* One acre.
- (3) *Minimum setback requirements.*
 - a. From ~~public~~-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 ~~public~~-street frontage.
- (2) *Minimum lot area.* Two acres.
- (3) *Minimum setback requirements.*
 - a. From ~~public~~-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 ~~public~~-street frontage.
- (2) *Minimum lot area.* 20,000 square feet.
- (3) *Minimum setback requirements.*
 - a. From ~~public~~-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 ~~public~~-street frontage.
- (2) *Minimum lot area.* 20,000 square feet.
- (3) *Minimum setback requirements.*
 - a. From ~~public~~-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 ~~public~~-street frontage.
- (2) *Minimum lot area.* 30,000 square feet.
- (3) *Minimum setback requirements.*
 - a. From ~~public~~-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 ~~public~~-street frontage.
- (2) *Minimum lot area.* 30,000 square feet.
- (3) *Minimum setback requirements.*
 - a. From ~~public~~-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 ~~public~~-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 ~~public~~-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.