



MEMORANDUM

To: Mayor and City Council

From: Michael Tuller

Date: September 26, 2011

Subject: Amendments to provisions regarding street frontage as it relates to lot subdivisions

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 16 to allow lot subdivisions fronting on existing private roads.

The proposed amendments are as follows:

Sec. 16-296. - Exemptions.

(a) This article does not apply to a lot or parcel of land established by deed or plat recorded among the land records of the county prior to the effective date of these subdivision regulations or the division or sale of land by judicial decree.

(b) For purposes of this article, the division of land into two lots shall be considered a subdivision but exempt from the plat review procedures, provided that:



- (1) Each proposed lot complies with the requirements of the city zoning ordinance and all conditions of zoning;
- (2) Each proposed lot fronts an existing paved private or public street, which contains the necessary right-of-way width required by this chapter;
- (3) All such plats are drawn to final plat standards in this chapter; and
- (4) The lot being divided is not a lot which resulted from a subdivision of property that was exempt from these regulations in the immediately preceding 24 months.

...

Sec. 16-569. - Frontage.

Each subdivision lot shall front upon an existing paved private or public street~~a publicly maintained street~~.

AN ORDINANCE AMENDING CHAPTER 16, LAND DEVELOPMENT, ARTICLE 3 (SUBDIVISIONS), TO ALLOW FURTHER SUBDIVISION OF LOTS FRONTING PRIVATE STREETS

WHEREAS, the City Land Development Code, Chapter 16, Article III, currently allows new lots to be created solely fronting on public streets; and

WHEREAS, many lots in the City, legally platted, currently front private streets and are thus legally non-conforming to the requirements of the subdivision regulations; and

WHEREAS, in order to promote revitalization of the neighborhoods and development in the communities, the City Council recognizes the further subdivisions of property should be afforded to those lots facing private streets as well.

THEREFORE, Mayor and City Council of the City of Dunwoody hereby ordain as follows:

Section 1: Chapter 16, Article 3 (Subdivisions), Division 1 (Generally) of the City Code is hereby amended by revising Section 16-296 to read as follows:

ADDITIONS = UNDERLINED
DELETIONS = ~~STRIKETHROUGHS~~

Sec. 16-296. Exemptions

- (a) This article does not apply to a lot or parcel of land established by deed or plat recorded among the land records of the county prior to the effective date of these subdivision regulations or the division or sale of land by judicial decree.
- (b) For purposes of this Article, the division of land into two lots shall be considered a subdivision but exempt from the plat review procedures, provided that:
 - (1) Each proposed lot complies with the requirements of the city zoning ordinance and all conditions of zoning;
 - (2) Each proposed lot fronts an existing paved private or public street, which contains the necessary right-of-way width required by this chapter;
 - (3) All such plats are drawn to final plat standards in this chapter; and

- (4) The lot being divided is not a lot which resulted from a subdivision of property that was exempt from these regulations in the immediately preceding 24 months.

Section 2: Chapter 16, Article 3 (Subdivisions), Division 3 (Design Standards) of the City Code is hereby amended by revising Section 16-569 to read as follows:

Sec. 16-569. Frontage

Each subdivision lot shall front upon ~~an existing paved private or public street~~ publicly maintained street.

Section 3: This Ordinance shall become effective immediately upon its adoption by the City Council, and incorporated into the Code of the City of Dunwoody, Georgia. This Ordinance 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