

ARTICLE 3

APPLICATION OF THE REGULATIONS

3.1 APPLICATION

Any land disturbance activity or any development activity must first comply with these Regulations.

3.2 DEDICATION OF PUBLIC LANDS AND FACILITIES

3.2.1 No land dedicated as a public street or other public purpose shall be opened or accepted as a public street or for any other public purpose, and no subdivision of land shall be made, nor subdivision plat, nor part thereof, shall be recorded before obtaining final approval from the City of Duluth Department of Planning and Development. Said approval shall be entered in writing on the Final Plat by the Director of the Department of Planning and Development. Said Director is hereby authorized to accept such dedications of lands and public facilities on behalf of City of Duluth and to cause such dedications to be recorded by the Clerk to Superior Court of Gwinnett County, subject to ratification by the City Council.

3.3 TRANSFER OF LAND OWNERSHIP

3.3.1 No person, firm, partnership, association, corporation, estate, trust, developer, subdivider or any other owner or agent shall transfer title or attempt to record the title to any land in unincorporated Gwinnett County, and no building permit may be issued on said land, unless:

- a. Said land existed as a single parcel of ownership, recorded as such in its entirety and present boundaries with the Clerk to Superior Court of Gwinnett County prior to the adoption of these Regulations; or,
 - b. Said land is shown in its entirety and present boundaries on a Final Plat as approved (under these or any previous applicable regulations) and duly recorded with the Clerk to Superior Court of Gwinnett County; or,
 - c. Said land is shown in its entirety and present boundaries on a plat authorized by the Director and recorded with the Clerk to Superior Court of Gwinnett County pursuant to the regulations governing Subdivision Exemptions contained herein;
- or,
- d. Said land is an aggregation of properties for land assembly purposes, and no building permit will be requested prior to the filing of an application for an issuance of a development permit, pursuant to these Regulations.

3.3.2 No person, firm, partnership, association, corporation, estate, trust, developer, subdivider or any other owner or agent shall transfer title to any property by reference to, exhibition of, or any other use of any map of plat illustrating the subdivision of land without a Final Plat of said land showing said property first having been duly approved under the procedures of these Regulations or any previously applicable regulations and recorded with the Clerk to Superior Court of Gwinnett County.

3.4 SUBDIVISION EXEMPTIONS

3.4.1 General Requirements

For the purpose of these Regulations the types of activities contained in this Section shall be considered subdivisions but exempt from the "procedures" and "required public improvements" portions of these Regulations, except as noted. Each such subdivision shall be drawn as an Exemption Plat in accordance with Final Plat standards (except Sections 3.4.4 b and 3.4.6) pursuant to the requirements of these Regulations and shall be submitted in an appropriate number of copies together with the appropriate fees to the Department for review and approval. Upon approval, the Director shall authorize the recording of the Exemption Plat with the Clerk of Superior Court of Gwinnett County and grant the issuance of building permits pursuant to the Codes and Ordinances of the City of Duluth.

3.4.2 Recombinations

The combination or recombination of all of two or more buildable lots of record, where the total number of lots is not increased and the resultant lots or parcels are in compliance with the Zoning Ordinance. An Exemption Plat shall not be required for aggregations of properties for land assembly purposes where no building permit will be requested prior to issuance of a development permit.

3.4.3 Minor Subdivision

The division of a buildable lot of record into five (5) or fewer lots, provided:

- a. Each proposed lot complies with all requirements of the Zoning Ordinance and is limited to single family detached residential use.
- b. Each proposed lot abuts upon an existing Public Street.
- c. All related slope and utility easements as well as necessary street rights-of-way as determined by the Department based on the Comprehensive Plan are provided at no cost to the City.
- d. Each lot thus created may not be resubdivided pursuant to the provisions of this subparagraph. Such resubdivision shall be accomplished only through the

procedures contained in Article 11 of these Regulations.

- e. Each proposed lot shall comply with the requirements of the Public Utilities Department and the Health Department, as appropriate, whose certification of approval shall be required prior to approval of the Exemption Plat by the Department.
- f. The Director is authorized to grant a modification from the five (5) lot maximum exemption; provided, however, modifications shall not be granted to exceed a total of seven (7) exempt lots. The Director may impose conditions of approval upon any modification thus granted as may be necessary to ensure the general public welfare. (amended 9-22-97)

3.4.4 Estate Subdivisions

- a. The division of land in any single family detached residential zoning district into lots having a minimum lot area of at least five acres, provided:
 - (1) Each proposed lot fronts on an existing Public Street which contains or shall contain the necessary right-of-way width required by these Regulations as determined by the Comprehensive Plan.
 - (2) Each proposed lot shall provide at least 100 feet of frontage upon the street, shall provide at least 200 feet of lot width measured in accordance with the requirements of the Zoning Ordinance, and shall meet or exceed all other minimum requirements of the applicable single family detached residential zoning district.
 - (3) All related slope and utility easements as well as necessary street right-of way shall be provided at no cost to the City as determined by the Department based upon the Comprehensive Plan.
 - (4) No lot thus created may be resubdivided to less than 5 acres as an exemption to these Regulations.
 - (5) Each proposed lot shall comply with the requirements of the Public Utilities Department and the Health Department, as appropriate, whose certification of approval shall be required prior to approval of the Exemption Plat by the Department.
- b. The division of land in any single-family detached residential zoning district into lots having a minimum lot area of at least ten (10) acres, provided:
 - (1) Each proposed lot abuts upon an existing public street;
 - (2) Each proposed lot shall provide at least 100 feet on frontage upon the street, shall provide at least 200 feet of lot width measured in accordance with the requirements of the Zoning Ordinance, and shall meet or exceed all other requirements of the

applicable single family detached residential zoning district;

- (3) No lot thus created may be re-subdivided to less than five (5) acres as an exemption to these Regulations; and
- (4) A Record Survey certified by a Land Surveyor currently registered in the State of Georgia shall be submitted to and approved by the Director showing all lots. (amended 9-22-97)

3.4.5 Nonresidential Project Management

The creation of a lot for recording within an overall nonresidential development, provided:

- a. The overall nonresidential development is being undertaken as a single multi-phase or multi-use project under the unified control of a single developer, is zoned for such use or development, and an overall Sketch Plan for the entire project has been approved by the Director.
- b. The proposed subdivision is clearly intended to transfer title for financing or building management purposes and not for the sale of the property for future development to the satisfaction of the Director.
- c. The proposed lot has been approved by the Department to be provided permanent vehicular access by private drive. Said access shall be established by easement or acceptable covenant prior to or concurrently with recording of the Exemption Plat.
- d. The proposed lot must encompass a principal structure which has been granted a building permit and which is under construction or has been completed.
- e. The Exemption Plat shall be drawn to include the entirety of the overall development and shall clearly identify those lots to be recorded, those lots previously recorded and the remainder of the development which shall be labeled "not included." All easements, dedications, etc., shall be shown as appropriate or as required. Each lot shall be consistent with the zoning approved for the overall development and the applicable requirements of the Zoning Resolution.

3.4.6 Amnesty Lots (added 9-22-97)

The designation of a lot as a buildable lot of record is the lot was recorded between 1970, and the effective date of these Regulations but not reviewed and approved under the provision of the Subdivision Regulations in effect at that time, provided:

- a. The Exemption Plat is limited to one (1) individual lot and no property which adjoins the lot is or has been owned by the applicant in whole or in part;

- b. The lot meets all requirements of the Zoning Ordinance, and the applicant demonstrates to the satisfaction of the Director that approval of the lot will not create non-conformity to the requirements of the Zoning Ordinance on any portion of the original property from which the lot was subdivided;
- c. The lot abuts upon an existing public street;
- d. All project related slope and utility easements as well as necessary street right-of-way as determined by the Director based on the Comprehensive Plan is provided at no costs to the City;
- e. The lot shall comply with the requirements of the Gwinnett County Department of Public Utilities and Gwinnett County Environmental Health Department, as appropriate, whose certification of approval shall be required prior to approval of the Exemption Plat by the Director; and
- f. A Record Survey certified by a Land Surveyor currently registered in the State of Georgia shall be submitted to and approved by the Director showing the lot.