



**CITY COUNCIL
ATLANTA, GEORGIA**

23-O-1165

AN ORDINANCE BY COMMUNITY DEVELOPMENT/HUMAN SERVICES COMMITTEE TO AMEND PART III - LAND DEVELOPMENT CODE, PART 15 - LAND SUBDIVISION ORDINANCE, TO CREATE NEW REGULATIONS REGARDING MINOR SUBDIVISIONS OF LAND; AND FOR OTHER PURPOSES.

WHEREAS, the Department of City Planning worked with customers and City staff on improvements to the Department's development permitting services; and

WHEREAS, one of the improvements includes updating the Land Subdivision Ordinance to distinguish between large scale subdivisions of land versus minor subdivisions of land; and

WHEREAS, a minor subdivision of land means subdividing one parcel of land into three or fewer parcels; and

WHEREAS, many times property owners performing minor subdivisions of land do not intend to immediately construct houses and install infrastructure such as sidewalks and utility service connections prior to the subdivision being approved; and

WHEREAS, minor subdivisions of land may only be for the purposes of family estate trusts; and it may be preferable to postpone the installation of the sidewalks and utility service connections until the house construction is imminent; and


WHEREAS, the Office of the Arborist and the public will be better served if the sidewalks are installed at the time of the building permit; and

WHEREAS, the City has recently adopted zoning regulations in zoning districts R-4, R-4A, R-4B and R-5 to require construction of sidewalks and this requirement is applied at the time of the building permit; and

WHEREAS, it is the City's practice to require construction of sidewalks before the issuance of the Certificate of Occupancy for a building permit; and

WHEREAS, allowing minor subdivisions to be approved with the requirement to construct utility service connections and sidewalks being postponed until the time of the building permit leads to more streamlined review and approval process for property owners seeking subdivision approvals from the City.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS as follows:



SECTION 1: That Part III - Land Development Code, Part 15 - Land Subdivision Ordinance, Section 15-06.001. - Definitions of the Atlanta City Code is hereby amended to add a new definition “(x) *Minor Subdivision*” with new language in **bold underline font** and each subsequent definition renumbered accordingly:

Sec. 15-06.001. - Definitions.

As used in this part, unless specifically stated otherwise, the following terms mean and include:

(x) *Minor Subdivision:* **A subdivision of a parcel of land that has (1) frontage on an existing street and no new street is being proposed (2) that creates no more than three lots of record and (3) that all proposed lots of record have sanitary sewer service available by an existing public sanitary sewer located in the existing frontage or located elsewhere on each proposed lot. A Minor Subdivision shall only be applicable in the following zoning classifications: R-4, R-4A, R-4B and R-5.**

SECTION 2: That Part III - Land Development Code, Part 15 - Land Subdivision Ordinance, Section 15-09.003. - Sidewalk and curb improvements of the Atlanta City Code is hereby amended to create a new subsection “(b) *Minor subdivisions*” with new language in **bold underline font**:

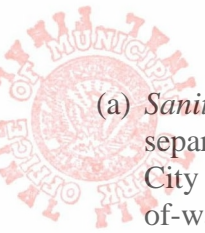
Sec. 15-09.003. - Sidewalk and curb improvements.

(a) Except as provided herein, sidewalks shall be provided in each subdivision on both sides of existing and proposed streets. The city council may, through an appropriate resolution for each subdivision, waive the foregoing requirement in order to permit the developer of said subdivision to construct sidewalks of equal or greater length along adjoining streets; provided, however, that the city council may grant such a waiver only if the subdivision developer or the pertinent neighborhood planning unit has formally petitioned the city for said waiver, and only if the city council has received formal comments on said petition from the commissioner of the department of transportation and the commissioner of planning, development and neighborhood conservation.

(b) *Minor subdivisions.* **For minor subdivisions, sidewalks are not required to be provided prior to approval of the minor subdivision final plat.**

SECTION 3: That Part III - Land Development Code, Part 15 - Land Subdivision Ordinance, Section 15-09.004. - Sanitary facilities of the Atlanta City Code is hereby amended to create a new subsection “(d) *Minor subdivisions*” with new language in **bold underline font**:

Sec. 15-09.004. - Sanitary facilities.



- (a) *Sanitary Sewer Available.* Except as provided in subsection (b) below, the applicant shall provide a separate sanitary sewer service connection from a public sanitary sewer to each lot being developed. A City of Atlanta standard sanitary sewer cleanout shall be provided on each sewer connection at the right-of-way/property line location. All sanitary sewer connection and cleanouts shall be installed in accordance with standards and specifications promulgated by the commissioner of the department of transportation.
- (b) *Sanitary Sewer Not Available.* When in the written opinion of the health officer of Fulton or DeKalb County and the commissioner of the department of transportation a public sanitary sewer is not accessible, proper provisions shall be made for the disposal of sanitary wastes in accordance with standards and requirements, including percolation tests, of the health officer of Fulton or DeKalb County. Septic tanks and drain fields shall not be permitted on any lot of less than 30,000 square feet in lot area and less than 100 feet minimum frontage.
- (c) *Future Sanitary Outfall Sewers.* Easements granted to the city for future sanitary outfall sewers shall be executed by the owner, and the location of such easement shall be shown on the final plat in accordance with the location approved by the commissioner of the department of transportation.
- (d) *Minor subdivisions.* For minor subdivisions, a sanitary sewer service connection from a public sanitary sewer to each proposed lot, is not required to be provided prior to approval of the minor subdivision final plat. The following statement shall be incorporated into the minor subdivision final plat for each proposed lot: "This lot is not currently served by sanitary sewer. If gravity service is not available, private pumping facilities may be required."

SECTION 4: That all ordinances, parts of ordinances, and resolutions in conflict herewith are hereby waived for purposes of this ordinance only, and only to the extent of said conflict.

A true copy,

A. Vanessa Waldon
Deputy Municipal Clerk

ADOPTED by the Atlanta City Council
APPROVED per City Charter Sec 2-403

APR 17, 2023
APR 26, 2023