

**CITY COUNCIL
ATLANTA, GEORGIA**

13-O-0426

A SUBSTITUTE ORDINANCE

BY COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE

AN ORDINANCE TO AMEND SECTIONS 15-03.001, 15-06.001, SECTION 15.08-002 AND 15-08.006 OF THE LAND SUBDIVISION ORDINANCE FOR THE PURPOSE OF ADDING DEFINITIONS AND PROVISIONS FOR THE IMPLEMENTATION OF GREEN INFRASTRUCTURE; AND FOR OTHER PURPOSES.

WHEREAS, as condition of the City's MS4 permit from the Georgia Environmental Protection Division (EPD), the City is required to adopt certain ordinance revisions in furtherance of Low Impact Development/Green Infrastructure; and

WHEREAS, in accordance with the guidelines of the National Pollutant Discharge Elimination System (NPDES) and the Municipal Separate Storm Sewer System (MS4) permit requirements, City is required to remove barriers to green infrastructure; and

WHEREAS, the Department of Watershed Management has identified the need to revise certain provisions of the Land Subdivision Ordinance in; and

WHEREAS, in order to allow for the implementation of green infrastructure in the design of the future residential subdivisions, certain new concepts will need to be defined; and

WHEREAS, in substance, the revisions to the Land Subdivision Ordinance will amend the minimum pavement width for residential access streets and residential sub-collectors from 28 feet to 24 feet and will also allow for (dead-end fire apparatus access road turnarounds identified in the current International Fire Code; and

WHEREAS, the City Council finds that these changes are in the interest of public health, safety and general welfare.

NOW THEREFORE THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA ORDAINS AS FOLLOWS:

Section 1. Sections 15-03.001, 15-06.001, 15-08.002 and 15-08.006 of the Land Subdivision Ordinance are hereby amended so that hereafter the Land Subdivision Ordinance shall read in its entirety as set forth on Exhibit "A", attached hereto and incorporated herein by reference.

A true copy,	ADOPTED by the Atlanta City Council	MAY 20, 2013
	APPROVED as per City Charter Section 2-403	MAY 29, 2013
Deputy Clerk		

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"EXHIBIT A"

Part 15 - LAND SUBDIVISION ORDINANCE

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Sec. 15-10.001. - Appeals.

Sec. 15-11.001. - Violation and penalty.

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Sec. 15-01.001. - Title.

This part shall be known and may be cited as the "Land Subdivision Ordinance of the City of Atlanta."

(Code 1977, § 15-01.001)

Sec. 15-02.001. - Authority.

This part is enacted pursuant to the City of Atlanta's exclusive planning authority granted by the Constitution of the State of Georgia, including but not limited to article 9, section 2, paragraph 4, and article 9, section 2, paragraph 3, as well as authority granted by the General Assembly of the State of Georgia, including but not limited to O.C.G.A. section 36-70-3, the City of Atlanta Charter, sections 3-601 through 3-603, 8-115, and Appendix I, subsection 43, the general police powers, and other authority provided by state and local laws applicable hereto.

(Code 1977, § 15-02.001)

Sec. 15-03.001. - Purpose and intent.

The purpose and intent of the governing authority of the City of Atlanta in enacting this part are as follows:

- (a) To regulate the development of new housing throughout the neighborhoods in the city for persons of all income groups.
- (b) To regulate cost effective housing developments while assuring that minimum standards of public health, safety, and welfare and protection of the natural environment are met.
- (c) To protect and enhance the quality and character of existing neighborhoods while encouraging the development of new subdivisions.
- (d) To promote subdivision layout and housing design so as to promote privacy for residents.
- (e) To provide for the creation and subsequent development of individual building lots in residential zoning districts within the City of Atlanta which are consistent with the requirements of this part; in conformance with the requirements of the Zoning Ordinance, part 16 of this code; in conformance with chapter 38 of this code governing the department of public works; and any other applicable part of this code.
- (f) To provide for the development of one- and two-family housing in which each dwelling unit is arranged in an orderly pattern of development, consistent with the design standards contained in this part, with direct and exclusive access to a public street so as to assure ease of safe access for the occupants and to assure accessibility in the provision of all public services, including emergency services.
- (g) To provide standards for the development of public streets and sidewalks and of other utility systems to adequately serve all dwelling units.
- (h) To provide through the administration of specific standards and criteria that new development or redevelopment within existing neighborhoods is compatible with the character of the existing neighborhood.
- (i) To assure that individual building lots have adequate width and area and an adequate building site, and, where necessary, because of the existence of wetlands or land within a

assure an adequate building site and an orderly arrangement of housing.

- (j) To assure through the administration of specific standards and criteria that any new development which is otherwise permitted within designated landmark, historic, and conservation districts is consistent with the character of such districts pursuant to this part and to the requirements of chapter 20 of part 16 of this code.
- (k) To assure the provision of open space, landscaped areas and natural areas on residential building lots and to encourage the provision of both public and private common open space.
- (l) To minimize disturbance of natural topography, tree cover, and natural drainage ways through the use of better site design, stormwater runoff reduction, and green infrastructure.
- (m) To assure the design of new streets, sidewalks and driveways in a manner which will assure safe streets, sidewalks and bikeways.
- (n) To promote the public health and safety by restricting development of new building lots within floodplains and stream buffers as hereinafter defined.
- (o) To promote safe pedestrian and bikeway systems.
- (p) To support and implement applicable planning and developmental elements of the comprehensive development plan.

(Code 1977, § 15-03.001)

Sec. 15-04.001. - Scope of regulations.

- (a) This part shall govern the subdivision of land establishing one- and two-family building lots within the City of Atlanta.
- (b) No permit shall be issued for the development of any one- or two-family building lot until such lot shall have been approved pursuant to the procedures set forth in this part.
- (c) When any portion of this ordinance is in conflict with the Beltline Overlay District, 1636.001 et seq., as amended, or the Beltline Street Framework plan when adopted, the Beltline regulations shall apply.

(Code 1977, § 15-04.001; Ord. No. 2007-14 (07-0-0380), § 1, 3-13-07)

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Sec. 15-05.001. - Conformance with applicable parts.

No application for subdivision shall be approved unless each application, including each proposed lot therein, complies with all of the terms of chapters 130, 134, 138 and 154 and part 16 of this Code and

with the provisions of Sections 15-06.001 through 15-09.008 of this Part.

(Code 1977, § 15-05.001; Ord. No. 1995-41, § 1, 8-15-95)

Sec. 15-06.001. - Definitions.

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

- (a) *ADT (Average Daily Traffic)*: The average number of vehicles per day that pass over a given point.
- (b) *Alley*: A private street designed to serve only as a secondary means of access to the side or rear of properties whose principal frontage is on a public street.
- (c) *Amenity Area*: An area of land that: (1) is held in common ownership by owners of the applicable subdivision; (2) consists of permanent open space; and (3) is permanently maintained by the collective owners.
- (d) *Applicant*: A person submitting an application for land subdivision pursuant to this part.
- (e) *Application*: A formal request for land subdivision made pursuant to this part.
- (f) *Arterial Street*: A multilane street that functions to move traffic from one district of the city to another and which is not designed to serve individual residences.
- (g) *Better Site Design*: A set of development or redevelopment site-design principles and techniques that seek to mimic natural conditions by infiltrating water into the ground close to where it falls, minimizing impervious areas to reduce overall runoff volume and velocity, reducing connected impervious areas, and preserving natural drainage patterns and surfaces.
- (h) *Bicycle Lane*: A lane within a street that is reserved and marked for the exclusive use of bicycles.
- (i) *Bicycle Path*: A pathway, usually separated from the street, designed specifically for bicycling, and upon which motorized traffic is prohibited.
- (j) *Bikeway*: A bicycle lane or a bicycle path.
- (k) *Buildable area*: That area of the lot available for the construction of a dwelling and permissible accessory uses after having provided the required front, side, rear and any other special yards required by this part or by part 16 of this code.

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- (l) *Character*: A distinctive quality or set of qualities, not including architectural style, of the natural or built environment that can be identified by prevalent objective features such as street design and pattern, lot pattern, tree cover, topographical conditions, setbacks and similar features by which a street, block, or neighborhood may be distinguished from other streets, blocks or neighborhoods.
- (m) *Collective Detention Area*: An area of land that is intended to serve as a stormwater collection

facility and that meets the definition of amenity area.

- (n) *Cul-de-sac*: A local street with one outlet and having a circular area at its other end for the reversal of traffic movement.
- (o) *Developable Area*: That portion of the buildable area of a lot that does not lie within a floodplain, wetland, area of severe slope, or the required 15-foot setback adjacent to a floodplain set forth in chapter 21 of part 16 of this code.
- (p) *Director*: The director, bureau of planning.
- (q) *Final Plat*: The final map of an entire subdivision or the final map of a portion of an entire subdivision which is presented for final approval.
- (r) *Floodplain*: Area or areas of land presently having natural or manmade contours of elevation at or below the base flood elevation shown on the flood hazard district maps adopted as a part of part 16 of this code and those areas of land which are not so shown in the flood hazard district maps where inundation is likely to occur during a base flood as determined from by engineering studies to determine the probable depth of such floodwaters. See section 16-21.003.
- (s) *Green Infrastructure*: An interconnected natural system and/or engineered system that use plants and soil to slow, filter, and infiltrate stormwater runoff close to its source in a way that strengthens and mimics natural functions and processes.
- (t) *Historic Neighborhood*: Any neighborhood which is listed on or is eligible for listing on the National Register of Historic Places established by the National Historic Preservation Act of 1966, as amended.
- (u) *Landscaped Areas*: Those portions of building lots on which trees, shrubs and other plant material are located and maintained, primarily as a result of human intervention.
- (v) *Lot*: A parcel of land, designed to be used for the development of a one- or two-family dwelling, that meets the requirements of this part and part 16 of this code and has been given final approval by the director and has been recorded in the records of the Clerk of the Superior Court of Fulton or DeKalb County, as is appropriate.
- (w) *Major Collector Street*: A multilane street that functions to move traffic from residential streets to arterial streets.

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- (x) *Natural Areas*: Those portions of building lots which are maintained with their natural topographic features and on which plant material and water exist through natural growth and maturation.
- (y) *Nonaccess Reservation*: A parcel of land through which no form of vehicular access is permitted.
- (z) *Open Space*: Land on which no structural elements are present.
- (aa) *Orderly Pattern of Development*: A systematic, consistent arrangement of lots and residential

structures.

- (bb) *Plat*: A map of a subdivision.
- (cc) *Preliminary Plat*: A map indicating the proposed layout of a subdivision and related information that is submitted for preliminary approval.
- (dd) *Reserve Strip*: A parcel of land which is not a building lot and is retained for the future extension of a public street, or, a parcel of land which is dedicated as permanent open space and is owned by a homeowners association, or a not-for-profit organization, or is dedicated to the public.
- (ee) *Residential Access Street*: A street that provides frontage for access to lots, carries traffic having destination or origin on the street itself, and is designed to carry traffic at slow speed. Traffic volume shall not exceed 800 ADT at any point of traffic concentration.
- (ff) *Residential collector*: A street that conducts and distributes traffic between residential streets and major collector and arterial streets. Collectors shall be designed to prevent use as shortcuts by non-neighborhood traffic. Total traffic volume shall not exceed 4,000 ADT.
- (gg) *Residential subcollector*: A street that provides frontage for access to lots and carries traffic to and from adjoining residential access streets. Traffic shall have origin or destination in the immediate neighborhood. Traffic volume shall not exceed 1,200 ADT at any point of traffic concentration.
- (hh) *Severe Slope*: Ground that forms a natural or artificial incline of 60 degrees or greater from horizontal.
- (ii) *Site Plan*: An accurately scaled development plan that illustrates the existing conditions on a lot as well as depicting details of a proposed development.
- (jj) *Street Grade*: The slope of a street, or other public way, specified in percentage terms.
- (kk) *Subdivision*: The division or redivision of one (1) or more parcels of land into two (2) or more building lots.

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- (ll) *Subdivision Review Committee*: A committee comprised of the city arborist, the commissioner of the department of planning and development, and the commissioner of the department of public works, or their respective designees.
- (mm) *Through traffic*: Vehicular traffic not originating or terminating in the immediate vicinity.
- (nn) *Traffic Artery, or Major Traffic Artery*: An arterial street as designated on the Street Classification Map, City of Atlanta, prepared February, 1958, and last revised January 1, 1982, which plan has been incorporated into the Comprehensive Development Plan of the City of Atlanta and is available for inspection in the Bureau of Planning.
- (oo) *Wetland*: Any area of land which meets the definition of "wetlands" codified at 40 C.F.R. part

230.3(t) of the Code of Federal Regulations, and is subject to federal, state, or local regulations governing land meeting said definition, provided that those areas of land for which a permit has been issued by the United States Army Corps of Engineers pursuant to section 404 of the Clean Water Act, 33 U.S.C. section 1344, as amended, are exempt from this definition.

(Code 1977, § 15-06.001; Ord. No. 1995-41, §§ 2, 3, 8-15-95)

Sec. 15-07.001. - Applications.

All applications for the subdivision of land within the City of Atlanta shall be filed with the bureau of planning on forms promulgated by said bureau. The bureau of planning shall take no action regarding any application unless and until said application contains all data and information required by this part. No application shall be deemed to be "filed" unless and until it contains all data and information required by this part, fees have been paid, and is properly signed and authorized. If any application is incomplete, the applicant shall be notified in writing within 10 days of receipt of said incomplete application.

(Code 1977, § 15-07.001)

Sec. 15-07.002. - Application forms and data required.

Applications for the subdivision of land shall conform to the following requirements:

- (a) Each application shall be typewritten and shall contain the signature of the owner or, if more than one, all owners of the property which is the subject of the application, which signature(s) shall authorize the filing of said application.
- (b) Each application shall be accompanied by a proposed subdivision plat which shall conform to all applicable requirements of this part. Said proposed subdivision plat shall conform to the minimum requirements of applicable state law, and be prepared, signed and sealed by a professional land surveyor registered and licensed to practice in the State of Georgia.

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- (c) The applicant shall provide a reasonable representation of the proposed subdivision drawn on the most recent City of Atlanta topographic map with existing building footprints at a scale of one (1) inch equals 200 feet. Said drawing shall include street and curb lines and proposed lot lines.
- (d) Applicants requesting approval of a preliminary subdivision plat shall provide all of the data required in section 15-07.003 below.
- (e) Applicants requesting approval of a final subdivision plat shall provide all of the data required in section 15-07.004 below.

(Code 1977, § 15-07.002)

Sec. 15-07.003. - Preliminary plat data.

Each application for approval of a preliminary subdivision plat and the accompanying construction drawings shall be supported by the following documentation:

- (a) Eight (8) copies of each preliminary plat shall be submitted and shall be at a scale not smaller than 50 feet to one (1) inch, and sheet size shall not exceed 24 X 36 inches.
- (b) For any proposed new street installations, the following is required: suggested street names; right-of-way and street widths; central angles of proposed street intersections with existing street intersections; dimensions of radii of any street curvatures based on centerline stationing; dimensions of radii to face of curb and right-of-way for any proposed cul-de-sac; profiles based on proposed centerline stationing, including all vertical curve data and grades; similar data for alleys, if any.
- (c) All proposed lots, with dimensioned lot lines and areas in square feet and acreage (minimum three-place accuracy), lot numbers, and block numbers.
- (d) Sites, if any, to be dedicated or reserved for parks, playgrounds, schools or other public uses, together with the purpose and the conditions or limitations of such dedication, if any.
- (e) Boundary lines from actual field-run survey records and minimum building setback lines (front, side, rear) for all lots.
- (f) Easements, including their location, width, and purpose.
- (g) Existing streets on and abutting the tract, including names, right-of-way width, pavement width and location.
- (h) Provisions for the installation of an overhead street lighting system approved by the bureau of traffic and transportation to be paid for by the developer addressing pole type, pole locations, size, type, and number of lamps.

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- (i) Other conditions on the tract that are visually identifiable, or are a matter of public record, or are known to the applicant, including landfills, watercourses, utility lines and utility structures (sanitary and storm sewer, water, gas, power, telephone, overhead street lighting and similar utility structures), foundations or buried structures, borrow pits, abandoned wells, burial pits, leach fields, septic tanks, drain fields, soil contaminated areas and similar features.
- (j) Title under which proposed subdivision is to be recorded, if known, with name, address, and telephone number of owner and designer.
- (k) A vicinity map at a scale of one (1) inch equals 2,000 feet identifying the proposed site and showing the relationship of the proposed subdivision to the platting pattern of the surrounding area.
- (l) Scale, data, north arrow, date of survey, date of plat, date of any revisions to plat, land lot number, district number, and county.
- (m) Present zoning district classification(s).

- (n) The plat shall contain sufficient horizontal control data to determine readily and reproduce on the ground the proposal being defined with distances, bearings, curve data of the overall parcel boundary and the centerline of any proposed street. All work shall be referenced to the Georgia Plane Coordinate System; if a control monument point is located within 500 feet of the site, the site shall be tied to that monument with traditional ground survey procedures; if greater than 500 feet, Global Positioning Systems (GPS) methodology shall be employed to establish the coordinate relationship. The information furnished shall be dimensionally accurate to the nearest one-hundredth of a foot with bearing accuracy to the nearest 10 seconds. Curve data shall include, but is not limited to, the radius, arc length, chord length, chord bearing, and delta angle. All horizontal control data shown on the plat shall be capable of producing a closure in which the coordinated error does not exceed one (1) foot in 10,000 feet.
- (o) Actual field-run topographic survey which produces an existing topographical representation of the area within 25 feet of the right-of-way of any proposed street or any proposed earth-disturbing activity in two-vertical-foot contour elevations, with any proposed grading activities also shown with two-foot contour intervals superimposed. Topographic representations shall also include all watercourses, wetlands, and all 100-year floodplains as shown on the applicable maps adopted by the mayor and city council. In addition, plans shall show two-foot contour elevations from city maps for the entire site.
- (p) A general summary of supporting plans, surveys, documents, and engineering calculations with appropriate professional signatures and seals, as follows:

- (1) Field-run topographic survey of that portion of the site specified in (o) above.

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- (2) A survey of the site depicting horizontal and vertical control data from actual field-run survey signed and sealed by a registered land surveyor licensed to practice in the State of Georgia as referenced in subsection N.
 - (3) Construction plans, signed and sealed by a registered professional engineer licensed to practice in the State of Georgia, consisting of the following:
 - a. Plans, profiles, and cross sections of proposed streets, cul-de-sacs, sidewalks and similar paved surfaces with all appropriate details.
 - b. Plans, profiles, and details of all proposed sanitary and storm sewers.
 - c. Plans and details of any proposed stormwater management facilities.
 - d. Hydraulics of storm sewers, including capacities of intakes, pipe capacities, gutter spreads and velocities of flows, and capabilities of downstream creeks, conduits, and structures receiving storm runoff from proposed subdivision activities.
 - e. Hydrology and hydraulics of stormwater management systems and/or detention

facilities including time-stage - storage relationships, backwater surface profiles and related calculations.

- f. Determination of all 100-year floodplain elevations for watercourses.
 - g. Certification of compliance with all appropriate federal, state, and local wetland identification, protection and regulatory requirements
 - h. Records of easements, covenants and restrictions on the land, whether existing or proposed, and evidence of current ownership based on the results of current deed research.
 - i. Compliance and construction plan preparation to address required soil and erosion control provisions as required by chapter 138 of this code.
- (q) Bicycle paths and on-street bicycle lanes that have been designated on the Bicycle Trail Map approved by the governing authority.
- (r) A tree survey showing the location, species, and caliper of all existing mature trees. Mature trees shall be those with a caliper of six inches or more as measured at breast height.

(Code 1977, § 15-07.003; Ord. No. 1997-01, § 1, 1-13-97)

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Sec. 15-07.004. –Final plat data.

The final plat shall conform to the preliminary plat as approved. The final plat shall be an ink drawing on mylar stock which shall not exceed 17" by 22" in size. The plat shall be reproducible and shall produce totally legible copies. The plat shall contain all of the following information:

- (a) Sufficient horizontal control data to determine readily and reproduce on the ground the actual constructed subdivision, including the overall total parcel and each subdivided lot, and all public rights-of-way limits, being defined with distances, bearings, and curve data. All work shall be referenced to the Georgia Plan Coordinate System. The information furnished shall be dimensionally accurate to the nearest one-hundredth of a foot with bearing accuracy to the nearest 10 seconds. Curve data shall include, but not be limited to, the radius, arc length, chord length, chord bearing and delta angle. All horizontal control data shown on the plat shall be capable of producing a closure in which the coordinated error does not exceed one (1) foot in 10,000 feet. The areas of all subdivided lots shall be shown in square footage and in acreage to three-place minimum accuracy. The documentation of survey accuracy, areas of parcels, and acceptable errors of closure shall be verified with coordinated calculations. In addition, tract boundary corners shall be dimensioned to the nearest developed public street right-of-way and/or land lot line or corner.

- (b) The graphic representation of all boundary lines, right-of-way limits of all streets, face of curb lines of all streets, minimum building setback lines with dimensions for front, side, and rear lines, property lines of all residential lots and other sites, lot identifying numbers, all sanitary and storm sewers, existing or proposed, along with associated structures, and any other existing structures.
- (c) The name, right-of-way width, and street width from face of curb to face of curb of each street or other right-of-way.
- (d) The location, dimensions, and purposes of all easements and any areas to be dedicated to public use or sites for other than residential use with notes stating their purposes and limitations. The location of all existing creeks, watercourses, stormwater management facilities, wetland definition and/or protection limits, and any required protective buffer zones or limits with appropriate notations. The location of 100-year storm floodplain contour and its respective elevation. Notation of any covenant which will be part of the final plat.
- (e) The title, name, location of the subdivision, north arrow, date, scale, land lot number, district number, and county.
- (f) Lots or sites numbered in numerical order and blocks lettered alphabetically.
- (g) Accurate location, material, and description of monuments and markers.
- (h) Acknowledgments. The following acknowledgments and approvals shall appear on the original mylar tracing of the final plat:

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- (1) Surveyor's acknowledgment statement and seal: "It is hereby certified that this plat is true and correct and was prepared from an actual survey of the property made under my supervision.

By....	Registered Georgia Land
	Surveyor's Number....
	Date...."

- (2) Certification by signature and date attesting that the applicant is the land owner of record, and dedicates streets, right-of-way, easements, and any sites for the public use by the following acknowledgement:

State of Georgia
City of Atlanta

The owner of the land shown on this plat and whose name is subscribed thereto, and in person or through a duly authorized agent having legal power of attorney, acknowledges that this plat was made from an actual survey and dedicates to the use of the public forever, all streets, parks, drains, easements and public places thereon shown for the purposes and considerations therein expressed.

By:.... Owner	Date:....
By:.... Agent	Date:....

- (3) Drainage statement: Storm drainage facilities shown on this plat are necessary for the proper drainage of the subdivision. The City of Atlanta will not be held responsible for erosion or overflow caused by the storm drainage facilities or natural drainage conditions nor responsible for extensions of storm drains.
- (4) Approval of the commissioner of public works and, if required, Fulton County or DeKalb County Health Officer, as appropriate.
- (5) Approval of bureau of planning.
- (i) Protective covenants. Protective covenants, if any, shall be referenced on the final plat, even though same may be recorded elsewhere.
- (j) The following supporting documentation is required for those subdivision final plats in which public infrastructure is installed:

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- (1) A final as-built engineering plan and profile drawing(s) of all public sanitary and storm sewers installed with appropriate professional seals and attestments.
- (2) Results of internal television inspection of all public sanitary sewers installed.
- (3) A final as-built engineering plan and profile drawing(s) of all public streets and rights-of-way installed with appropriate professional seals and attestments.
- (4) Compaction test results of public streets and rights-of-way installed.
- (5) Maintenance bonds or irrevocable letters of credit from a federally insured lending institution acceptable to the chief financial officer for public sewers, streets, sidewalks, and curbs installed. Separate maintenance bonds or irrevocable letters of credit for public sewers and public streets, sidewalks, and curbs shall be provided for the term of three (3) years from the date of filing and recording the final plat and shall represent monetary value equal to the value of the public infrastructure installations. These bonds or letters of credit shall serve as three-year warranties for public infrastructure installations made by private developers prior to perpetual city maintenance.
- (k) Filing and recording of the final plat by the bureau of planning. The filing and recording of the final plat by the bureau of planning shall, upon completion of the improvements by the applicant, be deemed an acceptance of the dedication of the streets and other public land as shown upon said plat on behalf of the public, but shall not impose any duty upon the city covering improvements or maintenance, excepting developed public streets and sewers as described above.

- (1) The size of acknowledgments and all other text required on the final plat shall be of sufficient size and clarity to ensure legibility in the event the final plat is of such size that would require reduction to a scale acceptable for filing and recording purposes.

(Code 1977, § 15-07.004)

Sec. 15-07.005. - Procedures for processing applications for subdivision.

The procedures for review and action on all applications for the subdivision of land shall be as follows:

- (a) The director, bureau of planning shall develop and publish a schedule for the review of all subdivision applications. Said schedule shall specify semimonthly filing deadlines for the receipt of applications.
- (b) Within three days after each semimonthly filing deadline, the director, bureau of planning shall distribute a copy of each application received, with accompanying plats and other drawings, to the following:

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- (1) Commissioner of public works.
 - (2) Commissioner of housing.
 - (3) Directors of the office of transportation, and bureaus of parks, traffic and transportation, buildings, water, and the executive director of the urban design commission.
 - (4) District and at-large members of the council in which the subject property is located.
 - (5) Chairperson of the neighborhood planning unit in which the subject property is located.
 - (6) Assistant superintendent for facilities services of the Atlanta public schools.
 - (7) Executive director, Fulton County or DeKalb County Health Department, as is appropriate.
 - (8) Fire chief.
 - (9) City arborist.
- (c) *Subdivision Review Committee.* The director, bureau of planning shall establish a schedule for regular semimonthly meetings of the subdivision review committee and shall serve as chairperson of said committee. The purpose of the subdivision review committee is to provide for a consolidated technical review of each application. Each application for land subdivision that is received by the

semimonthly filing deadline shall be reviewed for compliance with the provisions of this part by said committee no later than the second semimonthly meeting following the filing deadlines. The applicant or his or her designee is required to be present at said meeting to discuss the application and to provide any additional data that is required by this part. Within three working days after each such meeting, each applicant shall be notified in writing by first class mail of a list of identified problems or deficiencies in the application.

- (d) *Neighborhood Planning Units (NPU's)*. Within three working days after the semimonthly deadline for the receipt of applications for land subdivision, each appropriate neighborhood planning unit shall be provided a copy of any such application and supporting documentation which is located within the jurisdiction of said neighborhood planning unit. It is the responsibility of the neighborhood planning unit to schedule said application for consideration at a meeting within six weeks after the semimonthly deadline and to provide the bureau of planning with a letter presenting its comments on the application. The applicant is encouraged to attend the neighborhood planning unit meeting. The chairperson and the NPU shall review the proposed subdivision plat utilizing only the standards and criteria set forth in this part and provide a copy of said comments to the applicant and to district and at-large members of council representing

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the district within which the subject property is located. The bureau of planning shall post a sign so as to inform the adjacent neighborhood of a proposed subdivision application. Said sign shall include the date of the scheduled NPU meeting at which said application will be discussed.

- (e) *Action by Commissioner of Public Works*. No preliminary subdivision plat shall be approved prior to the receipt of a letter from the commissioner of the department of public works approving the subject preliminary subdivision plat as being in compliance with the provisions of this part and any other applicable code provisions, rules and regulations. No final subdivision plat shall be approved until all required improvements have been made, inspected and accepted by the commissioner of the department of public works. Further, no final subdivision plat shall be approved prior to the commissioner of the department of public works having approved the subject final subdivision plat by affixing his or her signature to the original copy of the final plat as being in compliance with this part and any other applicable code provisions, rules and regulations.
- (f) *Action by Director of Bureau of Planning*.
 - (1) After all changes and corrections identified in the meeting of the subdivision review committee are made, and after approval by the commissioner of the department of public works as is provided in (e) above, the application shall be presented to the director of the bureau of planning for approval or disapproval of the preliminary subdivision plat or the final subdivision plat, as the case may be. The director shall review and make a part of the record any written comments that were received from the appropriate neighborhood planning unit regarding the subject application.
 - (2) If a preliminary subdivision plat has been approved by the commissioner of the department of public works and meets all other applicable requirements of parts 15 and 16 of this Code, the director, bureau of planning shall approve the subject preliminary subdivision plat. If a preliminary subdivision plat has not been approved by the commissioner of the department of public works, or fails to meet the applicable requirements of parts 15 and 16 of this code, the director, bureau of planning shall disapprove the subject preliminary subdivision. The director shall notify the applicant in writing of the final decision regarding a preliminary

subdivision plat.

- (3) If a final subdivision plat has been approved by the commissioner of the department of public works and meets all other applicable requirements of parts 15 and 16 of this Code, the director, bureau of planning shall approve the subject final subdivision plat and cause the final plat to be recorded in the records of Fulton or DeKalb County as is appropriate. If a final subdivision plat has not been approved by the commissioner of the department of public works, or, fails to meet the applicable requirements of parts 15 and 16 of this code, the director, bureau of planning shall disapprove the subject final subdivision and notify the applicant in writing of said disapproval.

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The director, bureau of planning shall make a decision regarding each final plat submitted no later than 15 days after the date of submission of said final plat. Approval by the director, bureau of planning shall appear on the original drawing. Final plat approval by the director, bureau of planning shall constitute that approval, if any, required by the governing authority of the City of Atlanta pursuant to O.C.G.A. section 15-6-67(d). If requested by the applicant, and if otherwise in accord with the requirements of this part, the director shall have the authority to re-record final plats for the purpose of revising lot lines where no new lot is created. If requested by the applicant, the final plat may constitute only that portion of the approved preliminary plat which the applicant proposes to record and develop in a single phase.

- (4) The director shall provide a copy of any written decision on any preliminary or final subdivision plat to the applicant, to all review agencies listed in (b) above, to the appropriate at-large and district member of council, and to the appropriate neighborhood planning committee chairperson.
 - (5) The final plat shall be submitted to the bureau of planning not later than one year after approval of the preliminary plat; otherwise the approval of the preliminary plat shall become null and void unless an extension of time is granted by the bureau of planning. An applicant may request a single extension of no more than 12 months only in the case of a sewer moratorium, unavailable financing, industry work stoppage, severe detrimental weather conditions, death or disability of managing partner and similar clearly established hardship conditions.
- (g) *Limitation on Application for Variances.* It is the intent of this part to prohibit the creation of lots that require a variance in order to be developed. Therefore, once a final plat has been approved by the director, bureau of planning, no application for a variance on any lot in said subdivision may be submitted for a period of one year from the date of final approval of said plat unless an unknown site condition is discovered which creates a hardship within the meaning of chapter 26 of part 16 of this Code.
 - (h) *No Grading or Site Preparation Prior to Necessary Permits.* No permits for grading or other site preparation work shall be granted prior to final approval of the preliminary plat or final plat. No

grading, tree cutting or other site preparation work shall commence until all required permits under this part and any other applicable ordinance, including any applicable tree ordinance, have been obtained.

- (i) *Sale or Exchange of Land Between Adjoining Owners.* The director shall approve the replatting of land that is proposed to be sold or exchanged between adjoining property owners provided each of the following conditions are met:
 - (1) A written request, accompanied by one original mylar plat showing existing and proposed property boundaries and all other applicable information specified in section 15-07.003, is submitted to the director.

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- (2) No additional lot is created.
 - (3) Each newly platted lot conforms to all requirements of part 16 of the Code of Ordinances; and
 - (4) Each newly platted lot conforms to all requirements of this part 15 of the Code of Ordinances, provided that if either lot, as platted prior to the proposed replatting, does not conform to said part 15, this condition shall nevertheless be deemed to have been met, if said lot(s) are replatted in a manner that equals or reduces the degree of nonconformity.
- (j) *Reserved.*

(Code 1977, § 15-07.005; Ord. No. 2005-05, § 1, 1-24-05; Ord. No. 2007-55(07-O-0682), § 2, 9-24-07; Ord. No. 2007-56(07-O-1899), § 15, 9-24-07)

Sec. 15-07.006. - Acknowledgement of lots of record existing prior to the sub-division ordinance.

- (a) *Eligible Lots.* The director shall acknowledge lots with a legal description filed with Clerk of the Superior Court of Fulton County or DeKalb County prior to November 19, 1958, the effective date of the City of Atlanta Subdivision Ordinance, and which do not appear on the official cadastral map on which the bureau of planning has recorded the boundaries of lots recognized by the City of Atlanta provided that all of the following criteria can be satisfied:
 - 1. No portion of the property in any of the lots to be acknowledged shall have been included in any plat recorded with any other boundaries or dimensions in a manner that shows the intent to abandon the original property lines. Even if the lots on the subject property are currently in their original configuration, any past combination of any portion of the subject properties with another property in a manner that does not evidence intent to maintain the lots in their original configuration shall be considered an abandonment of the original property lines.
 - 2. Where a single deed includes multiple lots, only a separate metes and bounds description of each individual lot shall be a sufficient description of the original property lines. A legal

description in a single deed which identifies multiple lots by reference to lot numbers on a subdivision plat shall not be considered to be a sufficient identification of individual boundaries to justify creation of lots of record unless the metes and bound descriptions of each of the individual lots are also set forth in that deed. A single deed referring to multiple lots on a subdivision plat created under the city's subdivision ordinance and approved and on file with the bureau of planning shall not be required to have a metes and bounds description in the deed so long as the subdivision plat contains a metes and bounds description of the lots and no principal structure, including decks, and porches and other attachments that would ordinarily be included in the building

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footprint, was constructed over any of the property lines of any lot to be acknowledged.

3. No primary structure, including decks, and porches and other attachments that would ordinarily be included in the building footprint, shall have been constructed over any of the property lines of the lot to be acknowledged, regardless of whether such primary structure or the attachment thereto, has been or will be demolished. Any document or site plan submitted to the city at any time which shows that a building permit for the primary structure or an addition thereto was requested and granted shall be considered proof that such structure was constructed in that configuration even if the structure no longer exists.
 4. The person requesting the acknowledgment of the lot can produce a full and unbroken abstract of title for the exact legal description to be acknowledged which meets the current Title Standards of the State Bar of Georgia and which is attested to by an attorney licensed by the State of Georgia. The abstract of title must show to the satisfaction of the director that the lots to be acknowledged meet the requirements of this section.
 5. The acknowledgment of the lot does not conflict with other section of the City Code with respect to the creation of new lots of record.
 6. The application procedure is successfully completed.
- (b) *Legal Effect.* Lots approved as lots of record under this section shall be considered legally non-conforming lots of record and shall be recorded on the official cadastral map of the City of Atlanta.
- (c) *Setback Requirements.* Acknowledgement of lots of record under the process provided in this section shall not excuse an applicant for a building permit from any setback requirements for the zoning district where the lot is located.
- (d) *Other Procedures Available.* Applications that do not meet the criteria for acknowledgement of lots of record may still be eligible for subdivision of the property so long as the proposed subdivision meets all other requirements of the City Code.
- (e) *Procedure for Application.* Applicants requesting acknowledgement of historically platted lots of record shall comply with the following procedure:
1. File a request for acknowledgement on the application form made available by the director. An application shall be accepted when offered to the bureau of planning

and the director may designate one or more persons to accept applications. The address on the application is the location where the applicant agrees that all notices and other written communication shall be received.

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2. Each owner of record must show their consent to the procedure as evidenced by the submission of a notarized consent form in substantially the form and containing the same information as that form made available by the director. Consent forms from all owners of record must be submitted as a part of the application package before an application will be accepted.
 3. Submit a certified copy of the recorded plat currently on file in Fulton and/or DeKalb County. The plat must clearly outline the boundary dimensions of the subject lot and must be legible.
 4. Submit a full and unbroken abstract of title for the exact legal description to be acknowledged which meets the current Title Standards of the State Bar of Georgia and which is attested to by an attorney licensed by the State of Georgia.
 - (i.) The abstract of title must document that each lot to be recreated is eligible under the criteria set forth in this section.
 - (ii) The abstract of title must document the transfer of the original lots since the recording of the original plat and document that no transaction has involved the abandonment of property lines through the combination or recombination of any portion of the original lots on the subject property with each other or with other adjacent properties.
 5. Submit three copies of a recordable plat or survey showing existing and proposed property boundaries and all other applicable information specified in section 15-07.004
 - (i.) The plat or survey must be clear and legible and shall not exceed 17"x 22".
 - (ii) The plat or survey must show the proposed property boundaries as a solid line.
 - (iii) The plat or survey must include original signatures across the surveyor's seal on the mylar and/or on the copies.
- (f) *Procedure for Processing of Application.* A request for acknowledgement application which meets the above criteria shall be acted on by staff authorized by the director to decide on the application provided that:
1. Within five business days after the close of the semimonthly filing deadline when an acknowledgement application is received, the director, bureau of planning, has distributed a copy of each application to be considered, with accompanying plats and other drawings, to the following:

- (i) District Councilmember

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- (ii) Urban Design Commission
- (iii) Chair of the Neighborhood Planning Unit (NPU)

2. The applicant has posted a sign that the property is the subject of an application for acknowledgement of lots of record no later than 15 days prior to the date of the NPU meeting where the application is to be considered and presents a posting affidavit to be included with the application no later than the date of the meeting of the bureau of planning lot of record staff review where the application is to be considered.
 3. The NPU has had opportunity for review and consideration of the acknowledgement application in accord with the following:
 - (i) The NPU has considered the application at a meeting held within six weeks after the semimonthly deadline closing date.
 - (ii) Failure of the NPU to consider the acknowledgement application within the required period after receipt of notice from the director shall be considered waiver of the opportunity for review.
 - (iii) If the applicant requests deferral of NPU consideration and so informs the director, the NPU consideration at the agreed upon meeting date shall be considered timely and the director may reschedule consideration of the application. If the NPU defers on the consideration of the application, this shall be considered waiver of the opportunity for review.
 - (iv) The NPU shall be responsible for making its recommendations available to the director for consideration by the staff.
 4. Failure of the director to accomplish the tasks required for the required notifications shall not entitle an applicant to approval of the application but the applicant shall have the right to have their application reviewed by the bureau of planning within 180 days of the date that a complete application is received.
- (g) *Citizen Input.* During the lot of record staff review meeting provided in this section, citizens may present information to the director refuting the validity of the deeds or other documentation submitted by the applicant showing the transfer of the original lots since the recording of the original deeds. This information should be presented to the director in writing, at least five business days prior to the date of the subdivision review committee meeting associated with the closing date for the application, which shall be the first date on which the request will be eligible for a final decision by the staff. Information not timely received may not be considered.
 - (h) *Applicant to be Present at Lot of Record Staff Review Meeting.* The applicant or his or her designee is required to be present at the time that the staff reviews the application and

to provide any additional data that is required by this chapter. Within ten business days after each such meeting, each applicant shall be notified by the director in writing of a list of problems or deficiencies, if any, in the application identified by the staff.

- (i) *Amendments to the Application.* The applicant shall have no more than 30 days from receipt of comments outlined in subsection (h) above to submit amendments to the application to address the problems or deficiencies identified in the lot of record staff review meeting. Amendments to the application to address the problems or deficiencies identified by the staff shall not require a second hearing before the NPU but such amendments may be reviewed by any interested party who may submit comments in writing to be included in the record. The director may but is not required to respond to the amendments with further comments.
- (j) *Action by Director.* The director shall review and make a part of the record any written comments that were received from the neighborhood planning unit and individual citizens regarding the subject application and any amendments to the application. The director shall review and take action on the application within 60 days of the date of meeting of the subdivision review committee associated with the closing date for the acknowledgement application or the last date that amendments are received from whichever is later. The applicant may request in writing that the date for final decision by the director be deferred to a date certain but the director shall not be required to agree to extend the date of decision. If an action is not taken by the director within the time as stated above or as extended, the application shall not deemed approved or denied but the applicant may request in writing that such decision be issued. If a notice of decision is not made within ten working days of the date of demand for written decision, the applicant may deem the application denied.
- (k) *Notice of Decision.* The director shall provide a written decision to the applicant, to the district member of council, the urban design commission, and to the appropriate neighborhood planning unit committee chairperson. Any appeal of the decision of the director shall be made within 30 days of the date of the written decision under the same procedure as appeals of decision of other subdivisions.
- (1) *Limitation on Application for Variances.* Lots of record that are formally acknowledged by the bureau of planning under this section shall not be subject to the one year period of limitation for application for variances.

(Ord. No. 2007-55(07-0-0682), § 1, 9-24-07)

Sec. 15-08.001. - Design standards for the subdivision of land.

All proposed subdivisions shall comply with the standards for design contained within this section.

(Code 1977, § 15-08.001)

Sec. 15-08.002. - Streets.

(a) Streets shall be designed as follows:

- (1) The arrangement, design, extent, width, grade and location of all streets shall be considered in relation to existing and planned streets, to topographical conditions, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets. This subsection is not intended to prohibit cul-de-sac which otherwise would meet the requirements of this part.
 - (2) In all historic neighborhoods in which street layout and design are a part of and are directly related to identified elements of that neighborhood's historic character, all new streets shall conform to existing street design patterns.
 - (3) All streets shall tie into existing streets or shall terminate in a cul-de-sac or other turnaround identified in the *International Fire Code*; except that when a street is part of a phased subdivision plan, that street may end without a cul-de-sac provided that a temporary turnaround is provided and a completion bond in the amount necessary to complete the construction of the cul-de-sac is posted.
 - (4) Completed cul-de-sac streets shall not be permitted to be extended.
 - (5) All new streets shall be located and designed so as to preserve mature trees when feasible, consistent with all other street design standards set forth in this part.
- (b) Residential collector and residential access streets shall be laid out so that their use by through traffic is discouraged.
- (c) Where a subdivision abuts or contains existing or proposed arterial or major collector streets, the bureau of planning may require a non-access reservation along said arterial or major collector streets and may further require that proposed building lots be served by newly developed local residential streets.
- (d) Reserved strips at the terminus of a new street are permitted only to the extent provided in subsection (a)(3) above and in section 15-08.005(a) below.
- (e) Centerlines of proposed intersections shall align with the centerline of existing streets or shall be offset at least 200 feet from the closest intersecting street.
- (f) Street intersections shall be as nearly at right angles as is possible.
- (g) Minimum street right-of-way and pavement widths shall be as follows:

Street Type	Right-of-Way	Pavement Width
Arterial street	114'	86'
Major collector street	80'	60'
Residential collector	50'	32'
Residential collector with bicycle lane	55'	37'
Residential access street and residential subcollector	32'	

- (h) The minimum traveled way width for any street shall be 20 feet.
- (i) Five feet shall be added to right-of-way and pavement width required above when establishing new streets that will have bicycle lanes or when extending streets that have bicycle lanes.
- (j) Streets classified as "residential access street" and "residential subcollector" shall require a ten-foot utility easement on each side of the right-of-way.
- (k) The street classifications "residential access street" and "residential subcollector" shall be approved only for cul-de-sac streets or streets on a looped circular or semicircular alignment of 2,000 feet or less.
- (l) All cul-de-sac streets shall have a turnaround, at the closed end, with a minimum right-of-way radius for residential property of 47 feet for residential access streets and residential subcollectors, 60 feet for residential collectors and 75 feet for any other street.
- (m) Public alleys shall not be permitted. Private alleys shall be permitted, and the applicant shall provide a program for the maintenance for any such private alley.
- (n) Maximum street grades shall not exceed the following maximum grades:

Street	Maximum Grade
Arterial Street	6%
Major Collector	8%
Residential Collector	12%
Residential Access Street and Residential Subcollector	14%

- (o) No street grade shall be less than one percent.
- (p) Sight distance shall be as follows:

- (1) *Horizontal alignment:* 200 linear feet minimum sight distance.
 - (2) *Vertical alignment:* Four percent for residential collector and six percent for residential access street and residential subcollector maximum rate of change in grade per 100-foot station and all vertical curves shall be symmetrical.
- (q) No street right-of-way shall be constructed closer to an exterior wall of a primary structure than the required front yard set back for that zoning district.

(Code 1977, § 15-08.002; Ord. No. 1997-01, § 2, 1-13-97)

Sec. 15-08.003. - Easements.

Permanent easements shall not be less than ten feet in width, except for utility easements which abut and are parallel to a public right-of-way.

(Code 1977, § 15-08.003)

Sec. 15-08.004. - Blocks.

The lengths, widths and shapes of blocks shall be designed so as to meet each of the following requirements:

- (a) Provide for building sites with sufficient buildable area to build a house.
- (b) Meet zoning requirements as to lot sizes and dimensions.
- (c) Assure access, circulation, and safety of pedestrian and vehicular traffic. (Code 1977, § 15-08.004)

Sec. 15-08.005. - Lots.

- (a) All proposed subdivisions shall be laid out and designed in an orderly pattern of development so as to provide for developable lots on both sides of all new streets and uniform building setbacks for all lots which radiate from the end of cul-de-sac street. No subdivision shall be approved in which lots are created on only one side of a new street. No subdivision shall be approved in which there is a reserved strip of land along any portion of any street proposed to be created, regardless of the form of ownership which may be proposed for the reserved strip of land, except in the case of a parcel acquired by the applicant to provide access to an interior subdivision. In that event the access parcel shall be wide enough to contain the required street right-of-way and in addition shall have a width equal to the width required to provide the minimum corner lot side setback from the proposed street to each existing house on the contiguous lots. The applicant may offer that portion of the side buffer strips to the contiguous homeowners as necessary to create a conforming corner lot, or, in the alternative may provide that a homeowners association

maintain and operate the side buffer strips on either side of the entrance parcel. Side buffer strips shall not be included in calculations for required lot area. The director may waive the requirement set forth in this section that new streets shall have lots on both sides of said new street in cases where the subject site abuts a lake, or a public park or other permanent open space having a depth which is no less than 50 percent of the average depth of the lots in the proposed subdivision.

- (b) Each proposed subdivision plat shall indicate the buildable area of each proposed lot. In any case where yard requirements specified in parts 15 and 16 of this Code differ, the more restrictive requirement shall apply.
- (c) Each lot to be created shall have a developable area for a residence and for accessory uses that meets the requirements of this part and of part 16 of this code. Lots which contain floodplains, wetlands, areas of severe slope, or other restrictive easements shall be reviewed by the director of the bureau of planning to ensure that the developable area is of the size and shape required by this part to permit the intended residential use. The minimum developable area for a dwelling shall be one (1) continuous area containing a minimum square footage for a dwelling as follows, and minimum square footage to allow space for accessory uses, and a total developable area as follows:

Zoning District	Minimum Dimensions of Continuous Area for Dwelling	Minimum Square Footage for Dwelling	Minimum Area for Accessory Uses	Total Developable Area Required
R-1	70'x40'	2,800	2,800	5,600
R-2	60'x30'	1,800	1,800	3,600
R-2A	50'x30'	1,500	1,500	3,000
R-3	50'x25'	1,250	1,250	2,500
R-3A	40'x25'	1,000	1,000	2,000
R-4	40'x25'	1,000	1,000	2,000
R-5	25'x14'	350	350	700

- (d) *Layout of Building Lots.* Building lots shall be laid out and designed as follows, and no lot shall be approved unless the following standards have been met:
- (1) Lots on cul-de-sac streets shall have side lot lines which are within 10 degrees of radial to the center of the ball of the cul-de-sac, shall have no less than 35 feet of frontage on the ball of the cul-de-sac, and shall have the required amount of frontage as is specified within the applicable zoning district regulation at the required front yard building setback line for that lot.

- (2) Corner lots are required to provide a half-depth front yard setback along the side street side. Corner lots shall have a street frontage which is 10 percent greater than the amount otherwise required by the applicable zoning district regulation.
- (3) Side lot lines on curved streets shall be within 10 degrees of radial to the curved street line, shall have no less than 35 feet of frontage at the street, and shall have the required amount of frontage as is specified within the applicable zoning district regulation at the required front yard setback line for that lot.
- (4) All lots, other than lots on the ball of cul-de-sac, corner lots, and lots on curved streets, which are described in subsections (1), (2) and (3) above, shall have the amount of lot frontage required by the applicable zoning district regulation. All such lots shall have side lot lines ranging between 80 and 100 degrees except where the existing side lot lines are approximately parallel to each other and intersect the adjacent street at an angle of not less than 60 degrees, and the proposed side lot lines replicate the existing side lot line pattern.
- (5) Double-frontage lots shall be prohibited except where essential to provide separation of residential development from traffic arteries. Where such double-frontage lots are permitted, there shall be provided an undisturbed buffer zone of at least 20 feet along the major traffic artery over which there shall be no right of vehicular access.
- (6) In all historic neighborhoods, in which lot layout, patterns, and design are a part of and are directly related to identified elements of that neighborhood's character, all new lots shall conform to existing lot layout, patterns, and design, including, without limitation, orientation of lots to public streets.
- (e) Land subject to flooding and land that is topographically unsuitable shall not be platted for residential occupancy nor for other uses when to do so will create or increase danger to health, life, or property or aggravate erosion or flood hazard. Such land within the subdivision shall be set aside for such uses as shall not be endangered by periodic or occasional inundation or shall not produce unsatisfactory living conditions.
- (f) *Dedication of Land in Floodplains, Wetland Areas, Stream and Creek Beds and Areas of Severe Slope.* Any land which is located within the limits of the 100-year floodplain, within a wetland area, adjacent to a stream or creek bed, or has a slope in excess of 60 degrees may, at the option of the applicant, either be designated on the subdivision plat as an area which will remain in perpetuity as an undisturbed area or may be deeded in fee or easement to the City of Atlanta or other government or to a private not-for-profit corporation authorized to receive land grants and approved by the governing authority, or may alternatively choose neither of the options described above.
- (g) *Land Previously Used for Landfill.*

- (1) In any application for subdivision where the site has previously been used, in whole or in part, as a landfill, no such application shall be given final approval until all of the data described in (2) below has been submitted and the commissioner of the department of public works has made a finding, based on all said data provided pursuant to two (2) below, that the subject site is safe for development.
- (2) The applicant shall submit geotechnical data, including a description of subsurface conditions, describing the character of any materials under the proposed subdivision site that may adversely affect the stability or settlement of proposed buildings or structures, and the presence of any soil contaminant which may adversely affect the use of proposed buildings or structures and the health and safety of future occupants of the subject site. Said geotechnical data shall be certified by a registered professional engineer and shall contain the following information:
 - a. Boring logs at a frequency determined by the commissioner of the department of public works, including soils laboratory data from a recognized testing laboratory; and
 - b. Analysis of the soil composition with specific analysis to determine the presence of methane or similar hazardous gases; and
 - c. Conclusions by the engineer of record as to the suitability of the subject site for the purposes intended.

(Code 1977, § 15-08.005; Ord. No. 1995-53, § 1, 9-24-95)

Sec. 15-08.006. - Stormwater detention areas.

Where water detention facilities are required pursuant to this part, or by chapter 138 of this code, or by any other applicable local, state or federal regulation, in the approval of any subdivision, the area or areas of any lot or lots on which that portion of the facility serving the area of the five-year storm storage elevation is located shall be increased by an amount equal to the total area of land which is required for the development of the water detention area.

Open water detention structures shall not be located within any yard adjacent to a public street, provided that the commissioner of the department of public works may approve an underground detention facility that is so located, and further provided that where an applicant proposes to construct a collective detention area that serves as an amenity area for the entire subdivision, the director, bureau of planning shall have the discretion to approve said collective detention area. In both instances, the applicant shall provide an agreement holding the City of Atlanta harmless from liability for the construction and maintenance of said water management facilities, and the subdivision plat shall contain a notation that assigns all legal responsibility to the owners for the construction and maintenance of said water management facilities.

(Code 1977, § 15-08.006)

Sec. 15-09.001. - Required improvements.

(Code 1977, § 15-09.001)

Sec. 15-09.002. - Street improvements.

Street improvements shall be provided in each subdivision in accordance with the standards and specifications applicable thereto promulgated by the commissioner of the department of public works.

(Code 1977, § 15-09.002)

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

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 public works and the commissioner of planning, development and neighborhood conservation.

(Code 1977, § 15-09.003; Ord. No. 1997-27, § 1, 5-27-97)

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 public works.

- (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 public works 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.

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- (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 public works.

(Code 1977, § 15-09.004)

Sec. 15-09.005. - Drainage.

- (a) *Facilities Required.* As determined by the commissioner of public works and/or the health officer of Fulton County or DeKalb County, the developer shall provide for all necessary facilities, including underground pipe, inlets, catch basins or open drainage ditches, for the adequate disposal of surface water, to maintain any natural drainage course and to establish easements for future sewers and outfalls, if needed. Other improvements, such as widening, deepening, relocating, clearing, protecting or otherwise improving stream beds and other watercourses for the control of mosquitoes and public health nuisances shall be provided by the developer in accordance with the standards and requirements of the appropriate local permitting authority and applicable regulations promulgated pursuant to the Clean Water Act, 33 U.S.C. section 1251, et seq., as amended.
- (b) *Installation.* All installations required by this section shall be installed or performance bond posted to ensure installation by the owner before the final plat is approved.

(Code 1977, § 15-09.005)

Sec. 15-09.006. - Street paving.

After final approval of the preliminary plat and prior to carrying out initial improvements based on the preliminary plat, the applicant may seek a building permit from the bureau of buildings of the City of Atlanta. After a building permit has been obtained, the applicant may proceed with grading and infrastructure installation in accordance with the requirements of the building permit, the standards set forth in this part, and the standards and specifications applicable thereto promulgated by the commissioner of the department of public works.

(Code 1977, § 15-09.006)

Sec. 15-09.007. - Reference monuments.

Permanent reference monuments shall be of one-inch pipe at least 36 inches long and shall be set to approved grades. The monuments shall be set at block corners and such other points as may be required by the city. Permanent reference monuments for lot corners shall be half-inch iron rods 30 inches long with top set flush with the ground.

(Code 1977, § 15-09.007)

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Sec. 15-09.008. - Water impoundment structures.

Any water impoundment structure shall be constructed so as to minimize mosquito breeding and other nuisances and hazards. The outside toe of any dam shall be at least 50 feet away from the toe of the street

right-of-way slope. Any dam to be constructed within the city shall require the approval of the commissioner of public works and the health officer, and shall be constructed in accordance with standards and specifications promulgated by the commissioner of the department of public works.

(Code 1977, § 15-09.008)

Sec. 15-10.001. - Appeals.

Final administrative decisions made pursuant to this part by the director, bureau of planning, director, bureau of buildings and the commissioner of the department of public works may be appealed by an aggrieved party to the board of zoning adjustment in accordance with the procedures set forth in section 16-30.010 of this code. Appeals from the board of zoning adjustment of Fulton County Superior Court shall be the same as those authorized and provided by section 16-26.007 of this code. No provision contained within this part shall be subject to variance by the board of zoning adjustment.

(Code 1977, § 15-10.001)

Sec. 15-11.001. - Violation and penalty.

The provisions of this part shall be enforced by the director, bureau of buildings. Any person, firm or corporation violating any of the provisions of this part shall be deemed guilty of an offense and upon conviction thereof shall be punished as provided in section 1-8 of this code. Each day's continuance of a violation shall be considered a separate offense. The owner of any property, or part thereof, where anything in violation of this part exists, and any engineer, architect, landscape architect, land surveyor, builder, contractor or agent of the owner, who commits or assists in the commission of any violation, shall be guilty of a separate offense.

(Code 1977, § 15-11.001)

Sec. 15-12.001. - Separability of provisions.

Should any section or provision of this part be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of this part as a whole or any section thereof other than the section or provision specifically declared to be invalid.

(Code 1977, § 15-12.001)