

STATE OF GEORGIA

CITY OF DORAVILLE

ORDINANCE NO. 2008-26

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF DORAVILLE, GEORGIA AS AMENDED TO ADOPT A NEW ARTICLE VI SUBDIVISION REGULATIONS, CHAPTER 5 REGULATIONS, SECTIONS 5-209 THROUGH 5-250; TO PROVIDE SEVERABILITY; TO PROVIDE PENALTIES; TO PROVIDE FOR REPEAL OF CONFLICTING ORDINANCES; TO PROVIDE FOR AN ADOPTION AND EFFECTIVE DATE; TO PROVIDE FOR CODIFICATION; AND TO PROVIDE FOR OTHER LAWFUL PURPOSES.

WHEREAS, the City staff have identified the need for additional non-zoning regulations that pertain to the subdivision of parcels of land and the examination of plats and site plans for the same;

WHEREAS, after presentation of the reasoning and need for this ordinance, the Mayor and Council have determined that appropriate regulations regarding subdivision of property in the city limits should be adopted;

WHEREAS, the governing authority of the City of Doraville, Georgia are the Mayor and Council thereof;

WHEREAS, the Mayor and Council, after reviewing the supporting reasoning behind this ordinance and based on the recommendations of City planning staff have determined that requiring subdivision plats and other regulation of subdivisions is a proper exercise to achieve the public goal of well ordered and responsible land development; and

WHEREAS, the health, safety, welfare and aesthetics of the citizens of the City of Doraville shall be improved and protected by adoption and implementation of this Ordinance.

THE MAYOR AND COUNCIL OF THE CITY OF DORAVILLE, GEORGIA
HEREBY ORDAIN:

Section 1.

That the Code of Ordinances, City of Doraville, Georgia is hereby amended by adding an article to be numbered Article VI. Subdivision Regulations, Chapter 5 Buildings and Building Regulation, Section 5-209 through 5-250, which said section reads as follows:

"Chapter 5 Buildings and Building Regulation

Article VI. Subdivision Regulations.

Secs. 5-209 – 5-230. Reserved.

Sec. 5-231. Minor Subdivision Plat Requirements.

(a) UNAPPROVED PLATS:

1. Nothing shall obligate the City of Doraville to issue a building permit for any buildings or structures for a lot or lots which have been created without the approval of the City of Doraville. For purposes of the subdivision of land, the City of Doraville does not abdicate its approval authority to DeKalb County, Georgia (DeKalb County) or any agent thereof although the City may elicit assistance from DeKalb County for the purposes of water and sewer services, street naming and addressing, curb-cut review and recommendation, and tax identification assignment.

2. *Applicable review fees shall be doubled for plats which have been recorded without review and approval of the City of Doraville.*

(b) FEE(S):

1. *A review fee (as established by City fee schedule) shall be due and payable to the City of Doraville at the time of plat submission and shall be non-refundable. The City review fee payment along with the accompanying draft minor subdivision plat document (5 copies), shall constitute a valid application for review which shall initiate the review period described later herein. False, incorrect or incomplete plat documents will not trigger the review period.*

2. *The review fee is due and payable upon all second and subsequent submissions of red-line review comments.*

3. *At recording a per lot fee (as set forth in a separate fee schedule) shall be due and payable to the City of Doraville prior to the City Planner's signature of approval. This fee shall be in addition to any other fee(s) as may be assessed by DeKalb County for recording purposes.*

(c) PLAN REVIEW PROCESS:

1. *The plat shall be reviewed by the Doraville City Planner and in a limited fashion by DeKalb County, Georgia (for purposes of tax identification, street naming, and addressing; water and sewer availability; and curb-cuts as necessary) and any other review agent deemed necessary by the City Planner or the City of Doraville.*

2. *Red-line comments shall be returned to the Applicant in order to correct deficiencies as a first plan review.*

3. *The Applicant is required to return all red-line comments with each second and subsequent review.*

4. *Failure to provide red-line comments on a second plat review shall terminate the plan review and the plat shall be denied accordingly and the process shall begin anew with a new review time-frame and review fee.*

(d) *MINIMUM REQUIREMENTS:*

1. *The minor subdivision survey plat shall be based on a certified boundary survey delineating the entirety of the property being contained within the minor subdivision plat, and tied to a point of reference (tie point) with the same degree of accuracy as the boundary survey itself. The survey shall have an accuracy of no less than 1 in 10,000, and shall meet all the requirements of Georgia Law regarding the recording of maps and plats.*

2. *A location sketch map shall be shown which indicates the property location in reference to verifiable monuments such as streets and other rights-of-way and/or other major geographical features.*

3. *The name(s) and lot number(s) of any previous recorded subdivision(s), if any, of which the land(s) may be a part of. If not, state "the property shown hereon is not part of any previously recorded subdivision."*

4. *The district(s) and land lot number(s) shall be shown.*

5. *The date of the drawing shall be shown (Month, Date, and Year).*

6. *The current zoning of the lot(s) and any applicable condition(s), any prior map amendment variance(s) (both administrative and non-administrative) and condition(s), if any, shall be shown.*

7. *Lot lines with dimensions to the nearest one-tenth of a foot and bearings to the nearest second, and radii of rounded corners, as necessary to delineate each lot.*

8. *The lots shall be numbered in sequential order. If part of a previously recorded subdivision, the lot numbers shall be reflective of the sequential numbering of parent tracts (e.g. by adding a letter to the existing lot number beginning with a, b, c ... etc).*

9. *Accurate location, material, and description of monuments and markers (all monuments shall be in place prior to approval of the minor subdivision plat).*

10. *Extent of the 100-year floodplain and a floodplain chart showing the area (in square feet) of the lot(s) within and outside the floodplain. The minimum lot area as required by zoning shall be met outside the floodplain and wetlands should be noted. Origin of the floodplain data shall be shown. The floodplain line, if any, shall be visually shown and labeled on the plat. The minimum finished floor elevation as required by the City's floodplain ordinance (three (3) feet above the base flood) shall be identified. If no floodplain or wetlands, a statement that "no wetlands or floodplain contained within the confines of the lots shown hereon" shall be included.*

11. *Street address numbers and tax identification numbers shall be shown. Applicants should be advised the location of the driveway determines the address on lots with more than one (1) public street frontage. Street address numbers and tax identification numbers shall be as assigned by DeKalb County, Georgia in their respective capacity of the taxing authority for the City of Doraville.*

12. *The name, address, and telephone number of the owner(s) of land being subdivided.*

13. *The name, address, and telephone number of the subdivider if other than the owner.*

14. *The name, address, and telephone number of the land surveyor or other person preparing the plat.*

15. *The names of all adjoining property owners of record, lot numbers and street address as applicable, subdivision name and unit or phase as applicable, and Deed Book and Page Number.*

16. *The magnetic true north point shall be shown.*

17. *The scale (engineer's) shall be shown and graphically demonstrated. The scale of the minor subdivision plat shall be 100 feet to one inch (1" equals 100") or as shall be approved by the City Planner. Sheet size shall not exceed 17 inches by 24 inches (17' x 24') for recording in DeKalb County.*

18. *The title of the subdivision shall be shown. The title of the subdivision shall be logically related the land being subdivided and shall not duplicate or replicate that of any existing, approved subdivision.*

19. *The building setback lines shall be shown on the plat, shall be labeled accordingly, and not merely located in a tabular fashion. The following setback abbreviations are approved for use: Front Building Setback (FSB), Side Building Setback (SSB), and Rear Building Setback (RSB).*

20. *The names of all adjoining public ways shall be shown.*

21. *Street rights-of-way and pavement dimensions shall be shown with centerline references.*

22. *Any existing or proposed sidewalks within the right-of-way shall be shown.*

23. *Any existing or proposed street light locations shall be shown.*

24. *All existing or proposed curb-cuts to be utilized for lot ingress/egress shall be shown. The Applicant is advised there is no guarantee that existing curb-cuts shall be deemed*

usable or that additional curb-cuts shall be permitted upon review by the applicable agency having jurisdiction over the street rights-of-way.

25. *Label with width all existing and/or proposed utility easements and locations.*

26. *If a stream is present, show and label stream buffer as applicable.*

27. *Contours at vertical intervals of not more than two (2) feet where the proposed minor subdivision has an average slope of five (5) percent or less, or at vertical intervals of not more than five (5) feet where the average slope exceeds five (5) percent (contours to be field surveyed or taken from source datum acceptable to the City Planner and/or his designee).*

28. *The location, dimension, and area (in square feet) of all lots. All dimensions shall be field run to the nearest one hundredth of a foot and angles to the nearest minute. Lot areas shall be shown to the nearest tenth of a square foot.*

29. *The provider of water and sewer shall be identified.*

30. *All existing structure(s) to be retained, if any, and their respective number of stories and heated square feet. If any garage structure is present and the number of spaces within said structure, it should be noted. Otherwise, proposed structures and individual lot improvements shall not be shown unless requested by the City Planner.*

31. *The plat should provide if there are or are not protective covenants applicable to the lots. If covenants are separately recorded, a statement as follows is required:*

“This plat is subject to the covenants set forth in the separate document(s) attached hereto dated (MONTH, DATE, YEAR), which hereby become a part of this plat. The City of Doraville does not enforce Protective Covenants.”

32. *A legal description of the parent tract boundary and that of proposed individual, platted lots shall be shown on the plat.*

33. *An original surveyor's seal shall be shown and attested with an original signature (blue or black ink) and date as per Georgia law. Mechanical reproductions of signatures shall not be accepted on approved plat documents.*

and, show the following:

"I (we) hereby certify that to the best of my (our) knowledge and belief this is a true and accurate survey of the property shown hereon, which has been prepared in accordance with the City of Doraville Subdivision Regulations, and the laws of the State of Georgia. Furthermore, I (we) hereby attest the lots shown hereon are in conformity with the City of Doraville Zoning Ordinance with such exceptions, if any, as shall be notated hereon."

Signature: _____

Date: _____ (MONTH, DATE, AND YEAR)

Show the following statement:

"Approved for recording by the City of Doraville, Georgia on (MONTH, DATE, YEAR) _____ by _____ (PERSON/DESIGNEE), _____ (and TITLE)."

34. *When lots are located on a curve or when side lot lines are at angles other than 90 degrees, the minimum lot width measured in accordance with the provisions of the Zoning Ordinance may be required to be shown, if deemed necessary by the City Planner for clarity.*

35. *All other notations as may be required by the City Planner or his/her designee.*

(e) *RIGHT-OF-WAY DEDICATIONS:*

The use of a minor subdivision plat to dedicate public street rights-of-way and/or additions to deficient rights-of-way shall be prohibited.

(f) *TIMEFRAME:*

The City of Doraville shall either approve or disapprove said minor subdivision plat within forty-five (45) calendar days of the date of plat submittal. If the City does not act within the 45 day timeframe, the plat shall be deemed approved.

(g) *AUTHENTICATION OF THE PLAT:*

1. *When the City Planner has determined the plat meets the requirement described herein, a minimum of three (3) copies of the blue or black line plat shall be provided to the City.*

2. *An original surveyor's seal shall be shown and attested with an original signature (blue or black ink) and date as per Georgia law. Note: mechanical reproductions of signatures shall not be accepted on approved plat documents.*

3. *Of the three (3) copies which will be signed by the City Planner:*

One (1) copy shall be retained for file purposes by the City.

One (1) copy shall be given to the Applicant for his records retention.

One (1) copy shall be given to the Applicant for recording purposes.

4. *A request of Staff to sign more than three (3) copies of the plat will require an additional fee (per plat) as set forth by the City fee schedule*

5. *The City will not sign any mylar or other reproducible plat item which has the potential for unauthorized changes.*

6. *The City Planner may designate a back up for the authenticating of plats by one (1) or more designees in his absence which shall generally be in the following descending order of preference: Mayor, City Clerk or Building Inspection. Designees may refuse authentication of the plat for good cause and defer action to the City Planner.*

(h) *RECORDING:*

1. *The Applicant is responsible for the recording of the plat within thirty (30) calendar days of authentication by the City. For further information on recording of plats, please contact the DeKalb County, Georgia Clerk of Superior Court.*

2. *All approved minor subdivision plats which have not been recorded within thirty (30) calendar days shall be remanded to the Doraville City Council for their consideration of action either upholding the plat approval or vacating the plat approval.*

(i) *TIME LIMIT:*

1. *All minor subdivision plats shall expire and become null and void within one (1) calendar year – 365 days of the date of plat approval unless an appeal is filed before the expiration date with the City Clerk for hearing by the City Council as described below or a valid building permit has been issued to the property by the City. In the case of the issuance of a building permit, said building permit shall also expire at six (6) month intervals and shall not be renewed for minor subdivision plats more than 365 days from the date of plat approval or as directed by the City Council.*

2. *City Staff shall not be required to notify the Applicant in case of plats which were vacated due to time limit expiration.*

(j) *BUILDING PERMIT:*

No building permit shall be accepted by the City of Doraville for lots shown thereon a minor subdivision plat until twenty-three (23) copies of the approved plat (with Deed Book and Page Number shown) are returned to the Doraville City Clerk or her designee.

(k) APPEAL:

Any person believed to be aggrieved by a decision of denial by City staff of a minor subdivision plat, may file an appeal with the Doraville City Clerk within fifteen (15) calendar days of receipt of the denial. A non-refundable appeal fee shall be assessed as set forth by City fee schedule. Said appeal fee is due and payable to the City of Doraville at the time of appeal filing. The appeal shall set forth in writing specifically why the appeal is mandated citing Code sections believed to be in error and/or any other supporting documentation and the remedy sought. A boundary survey of the tract in question and a legal description shall also be provided. The City Clerk shall schedule the appeal item for review by the City Council at the next available meeting. Nothing herein shall preclude the City Council from reviewing the appeal item in workshop to gather additional facts, to understand the merits (if any) of the appeal, or to seek counsel from their attorney and/or for other good cause. The Applicant and/or his representative shall be required to attend the appeal hearing.

(l) REVISIONS TO APPROVED MINOR SUBDIVISION PLATS:

1. *Generally, revisions to approved minor subdivision plats shall be treated as new submissions with time frames and fees due accordingly unless initiated at the request of the City at which such time the City Council may waive fees or alter or amend the process as they deem necessary.*

2. *The following notes shall also be added to plat revisions:*

“This plat supersedes and vacates the Plat of Record shown in Deed Book _____, and Page _____.”

"The nature of the revision to the plat of record is to:
_____ *(briefly describe the*
revision requested)."

3. *All other notations as may be required by the City Planner and/or his designee.*

Secs. 5-232 – 250 Reserved.

Section 2.

a. It is hereby declared to be the intention of the Mayor and Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

b. It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Mayor or Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section paragraph, sentence, clause or phrase of this Ordinance.

c. In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or

sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

Section 3.

Penalties provided for violations of this Ordinance are set out in Section 1-12, as amended, of the Code of Ordinances, City of Doraville, Georgia and are hereby incorporated as if set out fully.

Section 4.

All ordinances or parts of ordinances in conflict herewith are hereby expressly repealed.

Section 5.

The preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

Section 6.

The Ordinance shall be codified in a manner consistent with the laws of the State of Georgia and the City of Doraville.

Section 7.

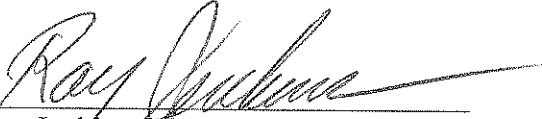
It is the intention of the governing body, and it is hereby ordained that the provisions of this Ordinance shall become and be made part of the Code Ordinances, City of Doraville, Georgia and the sections of this Ordinance may be renumbered to accomplish such intention.

Section 8.

This Ordinance shall become effective upon its adoption by the Mayor and Council.

SO ORDAINED, this 3 day of November, 2008.

CITY OF DORAVILLE, GEORGIA



Ray Jenkins, Mayor

October 27, 2008
First Reading


November 3, 2008
Second Reading

ATTEST:



Rhonda Blackmon, City Clerk (SEAL)

APPROVED AS TO FORM:



Murray J. Weed, City Attorney

PMT6084