

**AN ORDINANCE TO AMEND CHAPTER 14, LAND DEVELOPMENT AND  
SUBDIVISIONS, ARTICLE VII-SUBDIVISIONS, DIVISION 2. PLAT APPROVAL  
PROCEDURES, OF THE CODE OF THE CITY OF BROOKHAVEN**

WHEREAS, Section 1.03(b)(3) of the Charter of the City of Brookhaven grants the City of Brookhaven the power to regulate and to license the erection and construction of buildings and all other structures; and

WHEREAS, Section 1.03(b)(8) of the Charter of the City of Brookhaven grants the City of Brookhaven the power to protect and preserve the natural resources, environment, and vital areas of the city, the region, and the state through the enactment of ordinances that preserve and improve air quality, restore and maintain water resources, the control of erosion and sedimentation, manage storm water and establish a storm-water utility, manage solid and hazardous waste, and provide other necessary or beneficial actions for the protection of the environment; and

WHEREAS, Section 1.03(b)(12) of the Charter of the City of Brookhaven grants the City of Brookhaven the power to define, regulate, and prohibit any act, practice, conduct, or use of property which is detrimental to health, sanitation, cleanliness, welfare, and safety of the inhabitants of the city, and to provide for the enforcement of such standards; and

WHEREAS, the Mayor and City Council find that adoption of an updated ordinance related to the final platting process creates clarifying language and improves clarity, ensure consistency with adopted regulations, and provide clearer guidance for applicants and reviewers during final plat review.

**BE IT ORDAINED** by the Mayor and Council of the City of Brookhaven, Georgia and it is hereby ordained by the authority of same:

**SECTION I:**

Chapter 14, Land Development and Subdivisions, Article VII-Subdivisions, Division 2. Plat Approval Procedures is amended to read as shown in the attached mark-up.

**SECTION II:**

**Severability:** Should any section of this Ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of the Ordinance as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

**SECTION III:**

STATE OF GEORGIA  
COUNTY OF DEKALB  
CITY OF BROOKHAVEN

ORDINANCE 2026-01-03

**Repeal of Conflicting Provisions:** All ordinances, part of ordinances, maps, or regulations in conflict herewith are repealed.


**SECTION IV:**

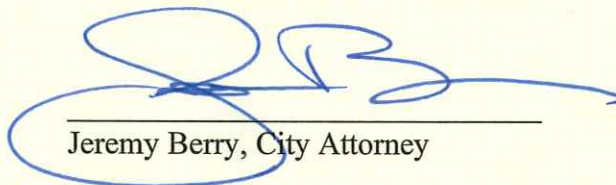
**Effective Date:** This ordinance shall be effective immediately upon adoption.

SO ORDAINED, this 27<sup>th</sup> day of January, 2026.

Approved by:

Approved as to Form and Content

  
\_\_\_\_\_  
John Park, Mayor

  
\_\_\_\_\_  
Jeremy Berry, City Attorney

Attest:

  
\_\_\_\_\_  
Sandra Bryant, City Clerk



**TA26-05 MARKUP AN ORD TO AMEND CHAPTER 14, ARTICLE VII-Subdivisions, Division  
2. Plat Approval Procedures,**

**Sec. 14-258. - Approval of a final plat.**

- a) The community development director or his designee shall approve or disapprove the final plat within 45 days of receiving the final plat. If the final plat is not approved or denied within 45 days of receipt, the final plat shall be approved automatically and the community development director shall acknowledge and certify such approval. If the final plat is denied, the community development director shall provide the reasons for denial in writing and such writing shall be given to the applicant with the denied plat. If the final plat is approved, the community development director shall place the following wording on the original as follows:

This plat has been submitted to and accepted by the community development department for the city, and has been approved as required by state law and city codes as meeting all conditions precedent to recording in the superior court of this circuit.

Dated this \_\_\_\_ day of \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_, \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_.

By: _____	
-----------	--

- b) Final plat acknowledgement and approval by the community development department shall constitute that approval, if any, required in order to file subdivision plats with the clerk of the superior court of the county pursuant to O.C.G.A. § 15-6-67(d).
- c) Any property to be accepted in fee simple by the city (other than right of way accepted by a recorded plat approved by the director of community development) requires the prior approval of the city council, a warranty deed from all owner(s) acceptable to the city attorney and such other requirements as the city prescribes.

**Sec. 14-265. - Surveyor's and owner's acknowledgments.**

The following wording for the engineer's [surveyor's] and owner's acknowledgments shall be shown and certified on the final plat:

(1)

*Surveyor's acknowledgment.*

In my opinion, this plat, drawn by me or under my supervision, was made from an actual survey, and is a correct representation of the land platted and has been prepared in conformity with the minimum standards and requirements of law.

\_\_\_\_\_ R.L.S. No. \_\_\_\_

**TA26-05 MARKUP AN ORD TO AMEND CHAPTER 14, ARTICLE VII-Subdivisions, Division  
2. Plat Approval Procedures,**

(2)

*Owner's acknowledgment.*

I, \_\_\_\_\_, the owner of the land shown on this plat and whose name is subscribed hereto, acknowledges that this plat was made from an actual survey, and for value received the sufficiency of which is acknowledged, do convey all streets indicated as public streets and rights of way, and further dedicate to the use of the public forever all alleys, parks, watercourses, drains, easements and public places hereon shown for the purposes and considerations herein expressed. In consideration of the approval of this development plan and other valuable considerations, the owner further releases and holds harmless city from any and all claims, damages or demands arising on account of the design, construction and maintenance of the property shown hereon; on account of the roads, fills, embankments, ditches, cross drains, culverts, water mains, sewer lines, and bridges within the proposed rights of way and easements shown; and on account of backwater, the collection and discharge of surface water, or the changing of courses of streams.

And further the owner warrants that he owns fee simple title to the property shown hereon and agrees that city shall not be liable to him, his heirs, successors or assigns for any claims or damages resulting from the construction or maintenance of cross drain extensions, drives, structures, streets, culverts, curbs or sidewalks, the changing of courses of streams and rivers, flooding from natural creeks and rivers, surface waters and any other matter whatsoever. I further warrant that I have the right to sell and convey the land according to this plat and do bind myself and owners subsequent in title to defend by virtue of these present.

In witness whereof, I have hereunto set my hand this \_\_\_\_\_ day of \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_,  
\_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_.

(SEAL)

(Owner) \_\_\_\_\_

<p>Witness: _____ _____ Notary Public</p>	
---	--

**OWNER'S ACKNOWLEDGEMENT (this must be the owner of record signed in BLACK ink).**

I, \_\_\_\_\_, the owner of the property shown on this plat and whose name is subscribed hereto, acknowledge that this plat was made from an actual survey, and for value received the sufficiency of which is hereby acknowledged, dedicate to DeKalb County or the City of Brookhaven, as indicated below, the complete ownership and use of the rights-of- way, easements and improvements noted below. In consideration of the approval of this plat and other valuable considerations, the owner further releases



**TA26-05 MARKUP AN ORD TO AMEND CHAPTER 14, ARTICLE VII-Subdivisions, Division  
2. Plat Approval Procedures,**

City roadways or other City property. Drainage easements for improved ditches, pipe construction and stormwater facilities shall be cleared, opened, and stabilized at the time of development. Longitudinal and side slopes for open channels conveying runoff shall be specified by the authorized registered professional, according to good engineering practice. Drainage easements for systems that convey stormwater shall conform to City Standards, be centered over the conveyance system and conform to the following minimum widths, unless otherwise approved by the Public Works Director:

- i) Open Channels: 10 feet plus the bottom width of the channel.
- ii) Piped conveyances: Easement width shall be in accordance with the table below and no less than 20 feet.

Pipe Size (in)	Invert Depth (ft)												
	4	5	6	7	8	9	10	11	12	13	14	15	16
15	20	20	20	20	20	25	25	30	30	30	35	35	40
18	20	20	20	20	20	25	25	30	30	30	35	35	40
24	20	20	20	20	20	25	25	30	30	30	35	35	40
30	20	20	20	20	25	25	25	30	30	35	35	35	40
36	20	20	20	20	25	25	25	30	30	35	35	35	40
42		20	20	20	25	25	30	30	30	35	35	40	40
48		20	20	20	25	25	30	30	30	35	35	40	40
54			20	25	25	25	30	30	35	35	35	40	40
60			20	25	25	25	30	30	35	35	35	40	40

- iii) For pipes exceeding 16 feet in depth, a pre-submittal conference shall be held with the City to determine what additional requirements may be required.
- c) Where drainage system improvements are required on private land outside the subdivision, appropriate drainage rights must be secured by the applicant and indicated on the plat.