

**AN ORDINANCE BY COUNCILMEMBER YOLANDA ADREAN WAIVING THE SIDEWALK REQUIREMENTS OF SECTION 15-09.003 OF THE CITY OF ATLANTA CODE OF ORDINANCES FOR SUBDIVISION APPLICATION SD-13-004 (4466 NORTHSIDE DRIVE, NW) TO PROVIDE THAT IN LIEU OF INSTALLING SIDEWALK AT SAID SUBDIVISION, 300 FEET OF SIDEWALK WILL BE INSTALLED ALONG THE SOUTH SIDE OF MOORES MILL ROAD STARTING AT THE APRON AT 1128 MOORES MILL ROAD; AND FOR OTHER PURPOSES.**

**Review List:**

Atlanta City Council	Completed	05/17/2013 1:37 PM
Office of Research and Policy Analysis	Completed	05/10/2013 12:34 PM
City Utilities Committee	Completed	05/17/2013 6:23 PM
Atlanta City Council	Pending	

**HISTORY:**

05/06/13      Atlanta City Council      REFERRED WITHOUT OBJECTION

<b>RESULT:</b>	<b>REFERRED WITHOUT OBJECTION</b>	<b>Next: 5/14/2013 9:30 AM</b>
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05/14/13      City Utilities Committee      FAVORABLE

<b>RESULT:</b>	<b>FAVORABLE [6 TO 0]</b>	<b>Next: 5/20/2013 1:00 PM</b>
<b>MOVER:</b>	Aaron Watson, Councilmember, Post 2 –at-Large	
<b>AYES:</b>	Wan, Shook, Archibong, Adrean, Smith, Watson	
<b>AWAY:</b>	Clarence "C. T." Martin	

Certified by Presiding Officer	Certified by Clerk
Mayor's Action <i>See Authentication Page Attachment</i>	

LEGISLATION HISTORY – BLUE BACK

**ORDINANCE  
BY**

**AN ORDINANCE BY COUNCILMEMBER YOLANDA ADREAN WAIVING THE SIDEWALK REQUIREMENTS OF SECTION 15-09.003 OF THE CITY OF ATLANTA CODE OF ORDINANCES FOR SUBDIVISION APPLICATION SD-13-004 (4466 NORTHSIDE DRIVE, NW) TO PROVIDE THAT IN LIEU OF INSTALLING SIDEWALK AT SAID SUBDIVISION, 300 FEET OF SIDEWALK WILL BE INSTALLED ALONG THE SOUTH SIDE OF MOORES MILL ROAD STARTING AT THE APRON AT 1128 MOORES MILL ROAD; AND FOR OTHER PURPOSES.**

13-O-1030

WHEREAS, Section 15-09.003 of the City of Atlanta Code of Ordinances ("subdivision ordinance") requires the subdivision applicant ("developer") to provide sidewalks on both sides of existing and proposed streets ("sidewalk requirement"); and

WHEREAS, the subdivision ordinance further provides that the City Council may waive the sidewalk requirement "in order to permit the developer of said subdivision to construct sidewalks of equal or greater length along adjoining streets"; and

WHEREAS, the subdivision ordinance further provides that such waiver can be granted by the City Council "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"; and

WHEREAS, the developer, Chuck Herak, has formally petitioned for the waiver of a portion of the sidewalk requirement for subdivision application SD-13-004 (4466 Northside Drive, NW); and

WHEREAS, the City Council has received the formal comments on such petition from the Commissioner of Public Works, attached hereto as Exhibit A; and

WHEREAS, the City Council has received the formal comments on such petition from the Commissioner of Planning, attached hereto as Exhibit B; and

WHEREAS, based on these formal comments, the City Council finds that construction of sidewalks along the street frontage of SD-13-004 (4466 Northside Drive, NW) would not benefit said area being that there are no existing sidewalks west of the property to serve as a connection; and

WHEREAS, the City and area residents would be better served by the construction of the sidewalks from SD-13-004, in the gaps in existing sidewalks on the south side of Moores Mill Road, NW starting at the apron of 1128 Moores Mill Road, NW, which is an area heavily traveled by pedestrians and in need of sidewalks, and which is more fully depicted on the drawing, attached hereto as Exhibit C; and

WHEREAS, instead of being constructed in front of 4466 Northside Drive, NW, 300 feet of sidewalks will be constructed by the developer of Subdivision SD-13-004 at the alternate location on the south side of Moores Mill Road, NW, starting at the driveway apron at 1128 Moores Mill Road, NW.

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

SECTION 1: The requirement of Section 15-09.003 of the City of Atlanta Code of Ordinances that sidewalks be provided on both sides of existing and proposed streets is hereby waived for the sidewalks for Subdivision SD-13-004 (4466 Northside Drive, NW).

SECTION 2: The waiver of said requirement for the aforementioned application is conditioned upon the agreement of developer Chuck Herak to construct 300 feet of sidewalk in existing gaps along the south side of Moores Mill Road, NW starting at the apron at 1128 Moores Mill Road, NW, as more fully depicted in Exhibit D, attached hereto.

SECTION 3: Prior to approval of the final subdivision plat by the Director of the Bureau of Planning for SD-13-004, as provided by Section 15-07.005(t)(1), the sidewalks as described in this ordinance shall be constructed by the developer, Chuck Herak, inspected and accepted by the Department of Public Works.

SECTION 4: In the event the developer Chuck Herak, or his successor(s) in interest, withdraws the subdivision request, this ordinance is void and of no further effect.

SECTION 5: All other requirements of the Code of Ordinances for SD-13-004 above shall remain in full force and effect.