

**CITY COUNCIL
ATLANTA, GEORGIA**

14-O-1343

AN ORDINANCE BY COUNCILMEMBER FELICIA A. MOORE WAIVING THE SIDEWALK REQUIREMENTS OF SECTION 15-09.003 OF THE CITY OF ATLANTA CODE OF ORDINANCES FOR SUBDIVISION APPLICATION SD-13-035 (2524, 2632 AND 2638 OAKDALE STREET, NW): TO PROVIDE THAT IN LIEU OF THE REQUIRED SIDEWALKS AT THE SUBDIVISION SITE, THE DEVELOPER OF THE SUBDIVISION SHALL CONSTRUCT SIDEWALKS OF EQUAL OR GREATER LENGTH ALONG 1917 THRU 1931 FELKER WARD ST, NW; AND FOR OTHER PURPOSES.

Workflow List:

| | | |
|--------------------------|-----------|--------------------|
| Atlanta City Council | Completed | 06/18/2014 5:39 PM |
| City Utilities Committee | Pending | |
| Mayor's Office | Pending | |

HISTORY:

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| 06/16/14 | Atlanta City Council | REFERRED WITHOUT OBJECTION |
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| RESULT: | REFERRED WITHOUT OBJECTION | Next: 6/24/2014 9:30 AM |
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| RESULT: | REFERRED WITHOUT OBJECTION | Next: 6/24/2014 9:30 AM |
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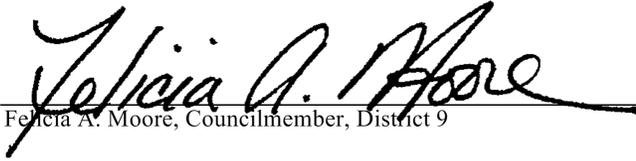
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| Certified by Presiding Officer | Certified by Clerk |
| | |
| Mayor's Action <i>See Authentication Page Attachment</i> | |

LEGISLATION HISTORY - BLUE BACK

CITY COUNCIL
ATLANTA, GEORGIA

14-O-1343

SPONSOR SIGNATURES



Felicia A. Moore, Councilmember, District 9

AN ORDINANCE BY COUNCILMEMBER FELICIA A. MOORE WAIVING THE SIDEWALK REQUIREMENTS OF SECTION 15-09.003 OF THE CITY OF ATLANTA CODE OF ORDINANCES FOR SUBDIVISION APPLICATION SD-13-035 (2524, 2632 AND 2638 OAKDALE STREET, NW): TO PROVIDE THAT IN LIEU OF THE REQUIRED SIDEWALKS AT THE SUBDIVISION SITE, THE DEVELOPER OF THE SUBDIVISION SHALL CONSTRUCT SIDEWALKS OF EQUAL OR GREATER LENGTH ALONG 1917 THRU 1931 FELKER WARD ST, NW; AND FOR OTHER PURPOSES.

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 Commissioner of Planning"; and

WHEREAS, the developer, has formally petitioned for the waiver of the sidewalk requirement for subdivision application SD-13-035 (2524, 2632, and 2638 Oakdale Street, 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-13-035(2524, 2632, and 2638 Oakdale Street, NW) may not benefit said area being that there are no existing sidewalks to serve as a connection and it may negatively affect the appearance and character of the existing neighborhood; and

WHEREAS, the City and area residents would be better served by the construction of sidewalks by the developer from 1917 thru 1931 Felker Ward St., NW in the vicinity of the newly constructed Fire station #28, as more fully depicted on the drawing, attached hereto as Exhibit "C".

NOW, THEREFORE, 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 Ordinance that sidewalks be provided on both sides of existing and proposed streets is hereby waived for Subdivision of SD-13-035 (2524, 2632, and 263 Oakdale Street, NW).

SECTION 2: The waiver of said requirement for the aforementioned application is conditioned upon the agreement of developer to construct sidewalks at 1917 thru 1931 Felker Ward St., NW., as more fully depicted on Exhibit "D", attached hereto.

SECTION 3: Prior to approval of the final subdivision plat by the Director of Office of Planning for SD-13-1035, as provided by Sec. 15-07.005 (0(1)), the sidewalks as described in this ordinance, shall be constructed by the developer, inspected and accepted by the Department of Public Works.

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

SECTION 6: All other requirements of the Code of Ordinances for SD-13-035 above shall remain in full force and effect.