03-O -1700

AN ORDINANCE BY
COUNICLMEMBER FELICIA A. MOORE

AN ORDINANCE TO WAIVE THE SIDEWALK REQUIREMENTS OF SECTION 15-09.003 OF THE CITY OF ATLANTA CODE OF ORDINANCES TO PROVIDE THAT CERTAIN SUBDIVISION APPLICATIONS DEPOSIT A DOLLAR AMOUNT EQUAL TO THE VALUE OF THE REQUIRED SIDEWALK CONSTRUCTION INTO A DESIGNATED TRUST FUND ACCOUNT FOR DISTRICT 9, AND FOR OTHER PURPOSES.

WHEREAS, pursuant to the application for the subdivision of land submitted by several developers, in compliance with the provisions of Section 15-09.003 to provide sidewalks on both sides of existing as well as proposed streets; and

WHEREAS, the construction of sidewalks along the frontage of these subdivisions would adversely affect the appearance and character of the neighborhood due to the lack of any existing sidewalks on the streets that contain the proposed subdivided lots to which the sidewalks could connect; and

WHEREAS, the City and area residents would be better served by the construction of sidewalks and pedestrian improvements in the area of said subdivisions with in District 9.

NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA as follows:

Section 1: The requirements of Section 15-09.003 of the City of Atlanta Code of Ordinance, which requires that applications for subdivision of land provide sidewalks is hereby waived for subdivisions SD–03-32, SD-03-33, SD-03-37, SD-03-38, SD-03-39, SD-03-43, and SD-03-44.

Section 2: That the waiver of said requirements for the afore mentioned applications are conditioned upon the agreement of the applicants to pay the City of Atlanta a dollar amount equal to the value of construction of said sidewalks as required by Section 15-09.003 and as determined by the Commissioner of Department of Public Works.

Section 3: That before the Director of Bureau of Building issues any building permit for construction within the subdivisions sited above, said funds shall be deposited in trust fund account 3P02 492403 Y63T1200QNA0, to be used for pedestrian improvements and sidewalk construction in Council District 9.

Section 4: That all other requirements of the Code of Ordinance for the subdivisions sited above shall remain in full force and effect.

Section 5: That all ordinances and parts of ordinances in conflict herewith be and the same are hereby waived.