

**AN ORDINANCE BY COUNCILMEMBER NATALYN M. ARCHIBONG AS AMENDED BY TRANSPORTATION COMMITTEE WAIVING THE SIDEWALK REQUIREMENTS OF SECTION 15-09.003 OF THE CITY OF ATLANTA CODE OF ORDINANCES FOR SUBDIVISION APPLICATION SD-18-032 (75 CLAY STREET, SE, ATLANTA, GA 30317); TO PROVIDE THAT IN LIEU OF CONSTRUCTING THE REQUIRED SIDEWALKS AT THE SUBDIVISION SITE, THE DEVELOPER OF THE SUBDIVISION SHALL CONSTRUCT 334 FEET OF SIDEWALK ALONG THE EAST SIDE OF CLAY STREET BEGINNING 155 FEET FROM THE INTERSECTION OF STANWOOD AVENUE; 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 Development”; and

WHEREAS, the developer, Chris Otto, has formally petitioned for the waiver of the sidewalk requirement for subdivision application SD-18-032 (75 Clay Street, SE, Atlanta, GA, 30317); and

WHEREAS, the City Council has received the formal comments on such petition from the Office of Zoning and Development, attached hereto as Exhibit “A”; and

WHEREAS, the City Council has received the formal comments on such petition from the Commissioner of Public Works, 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-18-032 (75 Clay Street, SE, Atlanta, GA 30317) may not benefit said area being that there are no existing sidewalks to serve as a connection; and

WHEREAS, the City and area residents would be better served by the construction of 334 feet of sidewalk along the east side of Clay street beginning 155 feet from the intersection of Stanwood Avenue.

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 Ordinances that sidewalks be provided on both sides of existing and proposed streets is hereby waived for subdivision application SD-18-032 (75 Clay Clay Street, SE, Atlanta, GA 30317).

SECTION 2: The waiver of said requirement for the aforementioned application is conditioned upon the agreement of developer Chris Otto or his successor(s)-in-interest to construct 334 feet of sidewalk along the east side of Clay street beginning 155 feet from the intersection of Stanwood Avenue.

SECTION 3: Prior to approval of the final subdivision plat by the Director of Office of Zoning and Development for SD-18-032, as provided by Sec. 15-07.005 (f)(1), the sidewalks as described in this ordinance, shall be constructed by the developer Chris Otto or his successor(s)-in-interest, inspected and accepted by City of Atlanta Department of Public Works.

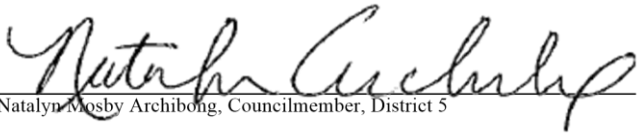
SECTION 4: In the event the developer, Chris Otto, or his successor(s)-in-interest, withdraws the land subdivision request, this ordinance is void and of no further effect.

SECTION 6: All other requirements of the Code of Ordinances for SD-18-032 above shall remain in full force and effect.

**CITY COUNCIL  
ATLANTA, GEORGIA**

18-O-1767

**SPONSOR SIGNATURES**



Natalyn Mosby Archibong, Councilmember, District 5

**CITY COUNCIL  
ATLANTA, GEORGIA**

18-O-1767

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**Workflow List:**

Clerk of Council	Completed	12/04/2018 12:06 PM
Atlanta City Council	Completed	12/03/2018 1:00 PM
Transportation Committee	Completed	12/12/2018 10:30 AM
Atlanta City Council	Completed	01/07/2019 1:00 PM
Transportation Committee	Completed	01/16/2019 10:30 AM
Atlanta City Council	Completed	01/22/2019 1:00 PM
Mayor's Office	Pending	

**HISTORY:**

12/03/18 Atlanta City Council REFERRED WITHOUT OBJECTION

<b>RESULT:</b>	<b>REFERRED WITHOUT OBJECTION</b>	<b>Next: 12/12/2018 10:30 AM</b>
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12/12/18 Transportation Committee HELD IN COMMITTEE

<b>RESULT:</b>	<b>HELD IN COMMITTEE [UNANIMOUS]</b>	<b>Next: 1/7/2019 1:00 PM</b>
<b>MOVER:</b>	Amir R Farokhi, District 2	
<b>SECONDER:</b>	Dustin Hillis, Councilmember, District 9	
<b>AYES:</b>	Dickens, Archibong, Farokhi, Hillis, Matzigkeit, Overstreet, Smith	

01/07/19 Atlanta City Council RETURNED AS HELD

<b>RESULT:</b>	<b>RETURNED AS HELD</b>	<b>Next: 1/16/2019 10:30 AM</b>
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01/16/19 Transportation Committee FAVORABLE AS AMENDED

<b>RESULT:</b>	<b>FAVORABLE AS AMENDED [UNANIMOUS]</b>	<b>Next: 1/22/2019 1:00 PM</b>
<b>MOVER:</b>	Andre Dickens, Chair	
<b>SECONDER:</b>	Matt Westmoreland, Councilmember, Post 2 At Large	
<b>AYES:</b>	Dickens, Sheperd, Farokhi, Ide, Westmoreland, Overstreet, Smith	

01/22/2019 Atlanta City Council ADOPTED AS AMENDED

**RESULT:** ADOPTED AS AMENDED BY CONSENT VOTE [UNANIMOUS]  
**MOVER:** Dustin Hillis, Councilmember, District 9  
**SECONDER:** Marci Collier Overstreet, Councilmember, District 11  
**AYES:** Bond, Westmoreland, Dickens, Smith, Farokhi, Winslow, Archibong, Ide, Shook,  
Matzigkeit, Hillis, Boone, Overstreet  
**ABSENT:** Joyce M Sheperd

AN ORDINANCE BY COUNCILMEMBER NATALYN M. ARCHIBONG AS AMENDED BY TRANSPORTATION COMMITTEE WAIVING THE SIDEWALK REQUIREMENTS OF SECTION 15-09.003 OF THE CITY OF ATLANTA CODE OF ORDINANCES FOR SUBDIVISION APPLICATION SD-18-032 (75 CLAY STREET, SE, ATLANTA, GA 30317); TO PROVIDE THAT IN LIEU OF CONSTRUCTING THE REQUIRED SIDEWALKS AT THE SUBDIVISION SITE, THE DEVELOPER OF THE SUBDIVISION SHALL CONSTRUCT 334 FEET OF SIDEWALK ALONG THE EAST SIDE OF CLAY STREET BEGINNING 155 FEET FROM THE INTERSECTION OF STANWOOD AVENUE; AND FOR OTHER PURPOSES.

<b>☛ VOTE RECORD - ORDINANCE 18-O-1767</b>						
<input type="checkbox"/> ADOPTED						
<input type="checkbox"/> ADVERSED						
<input type="checkbox"/> FAVORABLE						
<input type="checkbox"/> ACCEPTED AND FILED						
<input type="checkbox"/> FIRST READING						
<input type="checkbox"/> SECOND READING						
<input type="checkbox"/> THIRD READING						
<input type="checkbox"/> FOURTH READING						
<input type="checkbox"/> FIFTH READING						
<input type="checkbox"/> REFERRED TO COMMITTEE						
<input type="checkbox"/> HELD IN COMMITTEE						
<input type="checkbox"/> TABLED						
<input type="checkbox"/> DEFERRED						
<input type="checkbox"/> RECONSIDERED						
<input type="checkbox"/> FILED						
<input checked="" type="checkbox"/> ADOPTED AS AMENDED						
<input type="checkbox"/> AMENDED						
<input type="checkbox"/> ACCEPTED						
<input type="checkbox"/> SUBSTITUTED						
<input type="checkbox"/> AMENDED SUBSTITUTE						
<input type="checkbox"/> FILED BY COMMITTEE						
<input type="checkbox"/> REFERRED TO ZRB AND ZC						
<input type="checkbox"/> REFERRED WITHOUT OBJECTION						
<input type="checkbox"/> ADOPTED ON SUBSTITUTE						
<input type="checkbox"/> ADOPTED SUBSTITUTE AS AMENDED						
<input type="checkbox"/> FORWARDED WITH NO RECOMMENDATI						
<input type="checkbox"/> REFERRED TO SC						
<input type="checkbox"/> FILED WITHOUT OBJECTION						
<input type="checkbox"/> FAILED						
<input type="checkbox"/> FORWARDED TO FC/NQ						
<input type="checkbox"/> FAVORABLE ON SUBSTITUTE						
<input type="checkbox"/> FAVORABLE/SUB/AMENDED						
			YES/AYE	NO/NAY	ABSTAIN	ABSENT
	MICHAEL JULIAN BOND	VOTER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	MATT WESTMORELAND	VOTER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	ANDRE DICKENS	VOTER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	CARLA SMITH	VOTER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	AMIR R FAROKHI	VOTER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	CLETA WINSLOW	VOTER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	NATALYN MOSBY ARCHIBONG	VOTER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	JENNIFER N IDE	VOTER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	HOWARD SHOOK	VOTER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	JP MATZIGKEIT	VOTER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	DUSTIN HILLIS	MOVER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	ANDREA L BOONE	VOTER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	MARCI COLLIER OVERSTREET	SECONDER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	JOYCE M SHEPERD	VOTER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<ul style="list-style-type: none"><li><input type="checkbox"/> FAVORABLE/SUB/AMND/COND</li><li><input type="checkbox"/> FAVORABLE/AMND/COND</li><li><input type="checkbox"/> FAVORABLE AS AMENDED</li><li><input type="checkbox"/> RETURNED AS HELD</li><li><input type="checkbox"/> FAVORABLE ON CONDITION</li><li><input type="checkbox"/> FAVORABLE/SUB/CONDITION</li><li><input type="checkbox"/> QUADRENNIALY TERMINATED</li><li><input type="checkbox"/> QUESTION CALLED</li><li><input type="checkbox"/> ROUTED TO COW</li><li><input type="checkbox"/> SUSTAINED</li><li><input type="checkbox"/> OVERRIDEN</li><li><input type="checkbox"/> NOT ACCEPTED BY COMMITTEE</li><li><input type="checkbox"/> SUSTAINED W/O OBJECTION</li><li><input type="checkbox"/> TABLED W/O OBJECTION</li><li><input type="checkbox"/> HELD IN COW</li></ul>	
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[Unanimous]

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