

AN ORDINANCE BY  
COUNCILMEMBER HOWARD SHOOK



**AN ORDINANCE TO AMEND SEC. 15-06.001 OF THE SUBDIVISION ORDINANCE OF THE CITY OF ATLANTA SO AS TO AMEND THE DEFINITION OF THE TERM "HISTORIC NEIGHBORHOOD" AS A NEIGHBORHOOD ACTUALLY LISTED ON THE NATIONAL REGISTER OF HISTORIC PLACES; TO AMEND SEC. 15-08.005(d)(6) OF THE SUBDIVISION ORDINANCE SO AS TO REGULATE THE SUBDIVISION OF PROPOSED LOTS IN HISTORIC NEIGHBORHOODS; AND FOR OTHER PURPOSES.**

**WHEREAS**, the Subdivision Ordinance of the City of Atlanta regulates the subdivision and aggregation or consolidation of lots in the City of Atlanta; and

**WHEREAS**, the authority for, and the purposes and intent of, the Subdivision Ordinance and its associated regulations are set forth in Chapter 15 of the Land Development Code, Part III of Code of Ordinances; and

**WHEREAS**, existing or historic lot layout, patterns, and design can be directly related to identified elements of a neighborhood's historic character and therefore an application for subdivision and aggregation or consolidation of lots would tend to have an impact on such neighborhood if the application requested action inconsistent with that neighborhood's historic character; and

**WHEREAS**, certain neighborhoods which are historic in character are protected by designation under the Historic Preservation Ordinance of the City of Atlanta; and

**WHEREAS**, certain neighborhoods which are historic in character may only be protected by being listed on the National Register of Historic Places as a National Register District; and

**WHEREAS**, certain neighborhoods protected by designation under the Historic Preservation Ordinance of the City of Atlanta have subdivision regulations which are a part of their overall historic preservation regulations; and

**WHEREAS**, the Subdivision Ordinance provides protection for neighborhoods which are listed on the National Register of Historic Places as National Register Districts by specifying that all new lots shall conform to existing lot layout, patterns, and design, including, without limitation, orientation of lots to public streets; and

**WHEREAS**, the definition of Historic Neighborhood in the Subdivision Ordinance also provides that a neighborhood which was *eligible for listing* on the National Register of Historic Places would also be subject to the requirement that that all new lots shall conform to existing lot layout, patterns, and design, including, without limitation, orientation of lots to public streets; and

**WHEREAS**, the criteria for evaluation of eligibility for a district on National Register of Historic Places is to determine if it possesses a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united historically or aesthetically by plan or physical development; and

**WHEREAS**, one of the listing criterion that the Office of Planning considers with respect to whether a property which is the subject of an application for subdivision and aggregation or consolidation of lots is the approximate age of structures in the neighborhood to determine if that neighborhood might be eligible for listing on the National Register of Historic Places; and

**WHEREAS**, most neighborhoods in the City of Atlanta would be *eligible* for consideration on the evaluation of the single criteria of age, which is fifty (50) years; and

**WHEREAS**, given the difficulty of meeting the other criteria for the creation of a district which is to be listed on the National Register of Historic Places, it places an undue economic burden on property owners to be restricted by the application of this single criterion of age to applications where most neighborhoods which are eligible based on this single criteria of age are unlikely to become listed; and

**WHEREAS**, under the general criteria of the Subdivision Ordinance there already exist significant protections which prevent egregious and unusual lot configurations from being created in many neighborhoods; and

**WHEREAS**, removing the “eligible for listing” criterion will have no effect on neighborhoods actually listed on the National Register of Historic Places or more importantly protected by designation under the Historic Preservation Ordinance of the City of Atlanta; and

**WHEREAS**, amending Sec. 15-08.005(d)(6) pertaining to the layout of one and two-family building lots in the subdivision application process to more fully align with the amended definition of historic neighborhood will further protect the public welfare and intent of the Subdivision Ordinance.

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS:**

**Section 1:** The text of Subdivision Ordinance Sec-15-06.001(t), which defines the term “Historic Neighborhood”, and which reads as follows:

(t) *Historic Neighborhood:* Any neighborhood which is listed on or is eligible for listing on the National Register of Historic Places established by the National Historic Preservation Act of 1966, as amended.

is amended so that Sec-15-06.001(t) shall hereafter read as follows:

(t) *Historic Neighborhood:* Any neighborhood which is listed on the National Register of Historic Places established by the National Historic Preservation Act of 1966, as amended. Neighborhoods listed in the National Register of Historic Places may be determined by requesting such information from the Historic Preservation Division of the State of Georgia Department of Natural Resources.

**Section 2:** The text of Subdivision Ordinance Sec. 15-08.005(d)(6), pertaining to layout of one and two-family building lots, and which reads as follows :

(6) “In all historic neighborhoods, in which lot layout, patterns, and design are a part of and are directly related to identified elements of that neighborhood's character, all new lots shall conform to existing lot layout, patterns, and design, including, without limitation, orientation of lots to public streets.

is amended so that Sec. 15-08.005(d)(6) reads as follows:

(6) “In all historic neighborhoods, all new lots shall conform to existing or historic lot layout, patterns, and design, including, without limitation, orientation of lots to public streets.”

**Section 3:** No other sections of the Subdivision Ordinance or any other part of the City Code are amended or intended to be amended except as specifically set forth herein.

**Section 4:** This ordinance shall become effective when signed by the Mayor or as otherwise provided by operation of law.

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(Do Not Write Above This Line)

AN ORDINANCE BY H. S. S.  
COUNCILMEMBER HOWARD SHOOK

AN ORDINANCE TO AMEND SEC. 15-06.001 OF THE SUBDIVISION ORDINANCE OF THE CITY OF ATLANTA SO AS TO AMEND THE DEFINITION OF THE TERM "HISTORIC NEIGHBORHOOD" AS A NEIGHBORHOOD ACTUALLY LISTED ON THE NATIONAL REGISTER OF HISTORIC PLACES; TO AMEND SEC 15-08.005(d)(6) OF THE SUBDIVISION ORDINANCE SO AS TO REGULATE THE SUBDIVISION OF PROPOSED LOTS IN HISTORIC NEIGHBORHOODS; AND FOR OTHER PURPOSES.

- CONSENT REFER
- REGULAR REPORT REFER
- ADVERTISE & REFER
- 1st ADOPT 2nd READ & REFER
- PERSONAL PAPER REFER

Date Referred

Referred To:

Date Referred

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Referred To: BHarding/blueback 0614:698155\_1

Referred To:

First Reading

Committee \_\_\_\_\_  
Date \_\_\_\_\_  
Chair \_\_\_\_\_  
Referred To \_\_\_\_\_

Committee \_\_\_\_\_

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Action \_\_\_\_\_

Fav, Adv, Hold (see rev. side)

Other \_\_\_\_\_

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Fav, Adv, Hold (see rev. side)

Other \_\_\_\_\_

Members \_\_\_\_\_

Refer To \_\_\_\_\_

FINAL COUNCIL ACTION

2nd

1st & 2nd Readings

3rd

Consent

V Vote

RC Vote

CERTIFIED

MAYOR'S ACTION