



CITY OF DUNWOODY

400 Northridge Road
Suite 1250
Phone: 678.382.6700 • Fax: 678.382.6701
www.dunwoodyga.gov

MEMORANDUM

To: Mayor and City Council

From: Jennifer Peterson, Community Development Director

Date: March 16, 2009

Subject: *Development & Environmental Code*

The Development and Environmental Code was adopted by Council on December 18th. Since that time city staff has reviewed the text in detail and found various inconsistencies, mistitling, and unclear language. Staff's proposal clarifies the intent and procedures of the code adopted in December without proposing policy changes. Staff's recommendations for code "clean up" are in purple.

The staff recommendations in red are required changes stated by the State Environmental Protection Division (EPD). As a part of becoming a Local Issuing Authority (LIA) in the land disturbance permit process EPD must approve of our adopted regulations. We must make these changes to become an LIA.

The Development and Environmental Code consists of four articles. Three of the four articles can be amended at a public meeting. One article (Article 2, Environmental Controls) must be amended at a public hearing.

Therefore, second reading of Article 1, 3, and 4 will return to Council on March 23rd. Second reading of Article 2 will return to Council on April 13th as a public hearing.

**AN ORDINANCE AMENDING CHAPTER 14 OF THE CITY OF DUNWOODY CODE
OF ORDINANCES BY MAKING IT CONSISTENT WITH LATEST STATE
REQUIREMENTS**

WHEREAS, the City of Dunwoody has heretofore adopted an ordinance for Land Development and Environmental Protection, as set forth in Chapter 14 of the Code of the City of Dunwoody (the "Code"); and

WHEREAS, some of the provisions of Chapter 14 are currently inconsistent with the latest mandated requirements of the Environmental Protection Division of the State of Georgia as well as internally inconsistent; and

WHEREAS, the Mayor and City Council have determined that it may be appropriate to amend Articles 1, 3 and 4 of Chapter 14 to provide for internal consistency and to make it consistent with the latest requirements of the State of Georgia EPD.

THEREFORE, Mayor and City Council of the City of Dunwoody hereby ordain as follows:

Section 1: Articles 1, 3 and 4 of the Land Development and Environmental Protection ordinance, Chapter 14 of the City of Dunwoody Code of Ordinances, are hereby amended with the changes presented as attached hereto and incorporated herein.

Section 2: This Amendment shall become effective immediately upon its adoption by the City Council, and incorporated into the Code of the City of Dunwoody, Georgia. This Amendment hereby repeals any and all conflicting ordinances and amendments.

SO ORDAINED, this ____ day of _____, 2009.

Approved:

Ken Wright, Mayor

ATTEST:

Approved as to Form and Content:

Sharon Lowery, City Clerk
(Seal)

Brian Anderson, City Attorney

Chapter 14: Land Development and Environmental Protection

Article 1: In General

Section 1: Definitions

For the purposes of this Chapter, certain terms and words are hereby defined. Where words are not herein defined, but are defined in another applicable Chapter, Article or Section, those words shall have the meaning as defined therein. The following words, terms and phrases, when used in this Chapter, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

Addition (to an existing building) means any walled and roofed expansion to the perimeter of a building in which the addition is connected to a common load-bearing wall other than a firewall. Any walled and roofed addition, which is connected by a firewall or is separated by independent perimeter load-bearing walls is new construction.

Aggrieved person(s) means a person(s) whose property is the subject of the action appealed from or a person who has a substantial interest in the action appealed from that is in danger of suffering special damage or injury not common to all property owners similarly situated.

Agricultural operations means those practices involving the establishment, cultivation, or harvesting of products of the field or orchard, the preparation and planting of pasture land, farm ponds, dairy operations, livestock and poultry management practices and the construction of farm buildings.

Alley means a minor way, which is used primarily for vehicular service access to the back or side of properties otherwise fronting on a street.

Appeal means a review authorized by this Chapter of any final order, requirement, or decision of the Director of Community Development or the City Manager based on or made in the enforcement of this Chapter, excluding Article 2, Section 12 of this Chapter.

Applicant means any person who acts in the person's own behalf or as the agent of an owner of property and engages in alteration of land or vegetation in preparation for construction activity.

As-built drawings means amended site plans specifying the location, dimensions, elevations, capacities and operational capabilities of public improvements, including water, sewer, road and drainage structures and stormwater management facilities as they have been constructed.

Bank (stream bank) means as measured horizontally from that point where vegetation has been wrested by normal stream flow or wave action.

Basement means a space having one-half (1/2) or more of its floor-to-ceiling height below the average level of adjoining ground and with a floor-to-ceiling height of not less than six and one-half (6 1/2) feet.

Best management practices (BMP's) means a collection of structural practices and vegetative measures which, when properly designed, installed and maintained, will provide effective erosion and sedimentation control. The term "properly designed" means designed in accordance with the hydraulic design specifications contained in the Manual for Erosion and Sediment Control in Georgia specified in O.C.G.A. § 12-7-6(b).

Bicycle lane means that part of a street or highway adjacent to the roadway, designated by official signs or markings for use by persons riding bicycles.

Block means a piece or parcel of land entirely surrounded by public highways or streets, other than alleys. In cases where the platting is incomplete or disconnected, the Director of Community Development may delineate the outline of the block.

BNR means the Board of Natural Resources.

Breakaway wall means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting system.

Buffer area means that portion of a lot set aside for open space and/or visual screening purposes, pursuant to the applicable provisions of the City of Dunwoody Code and all conditions of zoning, to separate different use districts, or to separate uses on one (1) property from uses on another property of the same use district or a different use district.

Buffer, stream means the portion of a lot and/or area of land immediately adjacent to the banks of streams as regulated by the land development regulations of the City of Dunwoody Code.

Buffer zone, state means the area of land immediately adjacent to the banks of State waters in its natural state of vegetation, which facilitates the protection of water quality and aquatic habitat.

Buildable area means the area of a lot remaining after all setback requirements, including buffer areas, have been met.

Builder means a person who constructs a structure or dwelling for residential occupancy by humans.

Building means any structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of any individual, animal, process, equipment, goods, or materials of any kind.

Building permit means required written permission issued by the Director of Community Development, his designee, or a Building Inspector as defined in Chapter 78 of the City of Dunwoody Code, for the construction, repair, alteration, or addition to a structure.

Building setback line. Building setback line means the minimum horizontal distance required between the public right-of-way or the utility easement abutting a private street and the principal building or structure on a lot or any projection thereof except projections that are authorized exceptions to building set back line requirements in the Dunwoody Zoning Ordinance and any

zoning conditions approved by the City Council pursuant thereto. The size of the utility easement(s) for a private street shall be equal to the required size of the public right of way and shall not be any smaller in width or length than what would be required for a public right of way.

Caliper means the diameter of a tree trunk, applied only to new or replacement plantings, that is taken six (6) inches above the ground for up to and including four-inch caliper size, and twelve (12) inches above the ground for larger sizes.

Channel means a natural or artificial watercourse with a definite bed and banks that conduct continuously or periodically flowing water.

Channel protection means the protection of stream channels, in accord with the Georgia Stormwater Management Manual, from bank and bed erosion and degradation by preserving or restoring the applicable stream buffer, by providing extended detention, and by integrating erosion prevention measures such as energy dissipation and velocity control.

City means the City of Dunwoody, Georgia, an incorporated municipality of the State of Georgia. When appropriate to the context, the term "City" also includes authorized officers, employees and agents thereof.

City arborist means the City official having the primary responsibilities of administration and enforcement of the tree protection ordinance.

City Manager means the City Manager of the City of Dunwoody or designee.

City of Dunwoody Stormwater Management Manual means the Georgia Stormwater Management Manual.

City zoning ordinance or *zoning ordinance* means the zoning ordinance of the City of Dunwoody, Georgia.

Collector street means a street or road designated as a collector street in the City of Dunwoody Thoroughfare Plan.

Commission means the State of Georgia Soil and Water Conservation Commission.

Comprehensive plan means the City of Dunwoody Comprehensive Plan adopted by the City Council, as it may be amended from time to time, which divides the City into land use categories and which constitutes the official policy of the City regarding long term planning and use of land. If a Comprehensive Plan has not yet been adopted by the City Council, Comprehensive Plan shall mean the current Comprehensive Plan adopted by DeKalb County that covers the geographical boundaries of the City.

Conservation easement means a restriction or limitation on the use of real property which is expressly recited in any deed or other instrument of grant or conveyance executed by or on behalf of the owner of the land described therein and whose purpose is to preserve land or water areas predominantly in their natural scenic landscape or open condition or in an agricultural farming, forest or open space use and includes conservation easements authorized by State law.

Construction means any alteration of land for the purpose of achieving its development or changed use, including particularly any preparation for, building of or erection of a structure.

Construction waste means waste building materials and rubble resulting from construction, remodeling, repair and demolition operations on pavements, houses, commercial buildings and other structures. Such waste includes, but is not limited to: asbestos-containing waste, wood, tree stumps, tree tops, bricks, metal, concrete, wall board, paper, cardboard, glass, wire, plastics, and other typical construction waste products and refuse.

Council or City Council means the Council for the City of Dunwoody, Georgia.

Critical root zone means an area of root space that is within a circle circumscribed around the trunk of a healthy tree using a radius of one (1) foot per inch DBH.

Crosswalk means a right-of-way within a block dedicated to public use, ten (10) feet or more in width, intended primarily for pedestrians and from which motor-propelled vehicles are excluded, and which is designed to improve or provide access to adjacent roads or lots.

Cut means a portion of land surface or area from which earth has been removed or will be removed by excavation; the depth below original ground surface to excavated surface. Also known as "excavation."

DBH (Diameter at breast height) means the diameter of a tree trunk measured in inches at a height of four and one-half (4 1/2) feet above the ground. If a tree splits into multiple trunks below four and one-half (4 1/2) feet, then the trunk is measured at its most narrow point beneath the split.

DNR means the Department of Natural Resources of the State of Georgia.

Density factor means a unit of measurement used to prescribe the calculated required tree coverage on a site.

Department means the Department of Community Development.

Detention means the temporary storage of stormwater runoff in a stormwater management facility for the purpose of controlling the peak discharge of the stormwater, as that term is defined by state law, the City of Dunwoody Stormwater Management Manual or this Code.

Detention facility means a facility that provides for storage of stormwater runoff and controlled release of this runoff during and after a flood or storm.

Developer means any person who acts in the person's own behalf or as the agent of an owner of property and engages in alteration of land or vegetation in preparation for construction activity.

Development means all activities associated with the conversion of land or the expansion of replacement of an existing use to any new use intended for human operation, occupancy, or habitation, other than for agricultural purposes devoted strictly to the cultivation of land, dairying or animal husbandry. Such activities include, but are not limited to, land disturbance (clearing and

grubbing the land of vegetation and stumps, and grading) and the construction of improvements such as, but not limited to, streets, driveways or parking area, water sewer mains, storm water drainage facilities, sidewalks or other structures permanently placed in or on the property. Where appropriate to the context, development also may be used to denote a specific subdivision or project which is a single entity or intended to be constructed as in interrelated whole, whether simultaneously or in phases.

Development permit means any permit that authorizes land disturbance for the use, construction thereon or alteration of any real property within the City of Dunwoody.

| *Director* means the director of the Community Development Department or their designee.

Director, EPD means the director of the Environmental Protection Division of the Georgia Department of Natural Resources.

District means the DeKalb County Soil and Water Conservation District.

Drainage means the removal of surface or subsurface water from a given area, either by gravity or by pumping, commonly applied herein to surface water.

Drainage easement means an easement appurtenant or attached to a tract or parcel of land allowing the owners of adjacent tracts or other persons to discharge stormwater runoff onto the tract or parcel of land subject to the drainage easement.

Drainage plan means a plan prepared using appropriate and commonly accepted engineering standards, which specifies the means for alteration or development of a drainage system.

Drainage structure means a device composed of a virtually nonerodible material such as concrete, steel, plastic or other such material that conveys water from one (1) place to another by intercepting the flow and carrying it to a release point for stormwater management, drainage control, or flood control purposes.

Drainage system means the surface and subsurface system for the removal of water from the land, including, but not limited to, both the natural elements of streams, marshes, swales and ponds, whether of an intermittent or continuous nature, and the manmade element which includes culverts, ditches, channels, detention facilities that comprise the storm drainage system.

EPD means the Environmental Protection Division of the Georgia Department of Natural Resources.

Elevated building means a nonbasement building built to have the lowest floor elevated above ground level by means of fill, solid foundation perimeter walls, pilings, columns (posts and piers), and/or shear walls.

Erosion means the process by which land surface is worn away by the action of wind, water, ice or gravity.

Erosion and sedimentation control plan means a plan for the control of soil erosion and sedimentation resulting from a land disturbing activity and that conforms to the requirements of the Manual for Soil Erosion and Sedimentation Control in Georgia.

Exceptional and historical trees means those trees or stands of trees which are exceptional representatives of their species in terms of size, age or unusual botanical quality, or are associated with historically notable events.

Existing manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed before June 6, 1974.

Expansion to an existing manufactured home park or subdivision means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Extended detention means the detention of stormwater runoff for an extended period, typically twenty-four (24) hours or greater.

Extreme flood protection means measures taken to prevent adverse impacts from large low-frequency storm events with a return frequency of one hundred (100) years.

Fill means a portion of land surface to which properly compacted soils have been added: the depth above the original ground.

Finished grade means the final elevation and contour of the ground after cutting or filling and conforming to the proposed design.

Flood or flooding means a general and temporary condition of partial or complete inundation of normally dry land areas from the usual and rapid accumulation or runoff of surface waters from any source.

Flood hazard boundary map (FHBM) means an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been defined as zone A.

Flood hazard map means the official City map designating the elevation and boundaries of flooding and associated floodways under base flood conditions maintained by the City, based upon the flood insurance study for Dekalb County dated January 5, 1983 or any revision thereto, the United States Corps of Engineers or other reputable reports accepted by the Community Development Director or her designee, and based upon competent engineering studies prepared by a currently state-registered professional engineer, or the City.

Flood insurance rate map (FIRM) means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

Flood insurance study is the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the flood boundary floodway map and the water surface elevation of the base flood.

Floodway means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

Floor means the top surface of an enclosed area in a building (including basement), i.e., the top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

Frontage, lot means the distance for which the front boundary line of the lot and the street line are coincident.

Functionally dependent facility means a facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair, or seafood processing facilities. The term does not include long-term storage, manufacture, sales, or service facilities.

Georgia Stormwater Management Manual is the manual adopted by the City Council that provides the criteria, technical design specifications and standards for the proper implementation of the requirements of this Chapter.

Grading means altering the shape of ground surfaces to a predetermined condition; this includes stripping, cutting, filling, stockpiling and shaping or any combination thereof and shall include the land in its cut or filled condition.

Ground elevation means the original elevation of the ground surface prior to cutting or filling.

Highest adjacent grade means the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a building.

Impervious surface means any surface that is highly resistant to infiltration by water, including but not limited to surfaces such as concrete or asphalt as well as most conventionally surfaced streets, roofs, sidewalks, driveways, parking lots, and other similar structures.

Infiltration means the process of percolating stormwater runoff into the soil.

Inspection and maintenance agreement means a written agreement executed by an owner in a form approved by the director that will provide the long-term inspection and maintenance of stormwater management facilities and practices on a site or with respect to a land development project, which when properly recorded in the deed records constitutes a restriction on the title to a site or other land involved in a land development project.

Intermediate regional flood (IRF) means a one-hundred-year frequency flood as defined on the flood hazard map which has a probability of occurring once every one hundred (100) years or having a one (1) percent chance of being equaled or exceeded in any given year. Also known as the base flood, or one hundred-year flood.

Intermediate regional floodplain means the land area within the floodplain within a community subject to a one (1) percent or greater chance of flooding in any given year as defined on the flood hazard map. Also known as area of special flood hazard, or one hundred-year floodplain.

Land-disturbing activity means any activity which may result in soil erosion from water or wind and the movement of sediments into state waters or onto lands within the State, including, but not limited to, clearing, dredging, grading, excavating, transporting, and filling of land, but not including agricultural practices as described in Article 2, Section 11(b)(3) of this Chapter.

Larger common plan of development or sale means a contiguous area where multiple separate and distinct construction activities are occurring under one (1) plan of development or sale. For the purposes of this paragraph, "plan" means an announcement, piece of documentation such as a sign, public notice or hearing, sales pitch, advertisement, drawing, permit application, zoning request, or computer design, or physical demarcation such as boundary signs, lot stakes, or surveyor markings indicating that construction activities may occur on a specific plot.

Live detention means that quantity of water capable of being effectively contained by a designated facility for stormwater storage for a specified period of time.

Local issuing authority means the governing authority of the City of Dunwoody which is certified pursuant to subsection (a), O.C.G.A. 12-7-8.

Local street means a street used primarily for access to abutting properties in residential, industrial or other developments.

Lot means a designated parcel, tract, or area of land legally established by plat, subdivision, or as otherwise permitted by law, to be separately owned, used, developed, or built upon.

Lot, corner means a lot abutting upon two (2) or more streets at their intersection or upon two (2) parts of the same street forming an interior angle of less than one hundred thirty-five (135) degrees.

Lot, double-frontage means a lot that abuts two (2) parallel streets or that abuts two (2) streets that do not intersect at the boundaries of the lot. A double-frontage lot may also be referred to as a through lot.

Lowest floor means the lowest floor of the lowest enclosed area, including basement. An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of 44 CFR 60.3.

Maintenance of detention facility means preserving the enclosed walls or impounding embankments of the detention facility in good condition; ensuring structural soundness, functional adequacy and freedom from excessive sediment; removing obstructions affecting operation of outlet device(s) and rectifying any unforeseen erosion problems.

Major thoroughfare/major arterial means a street, road or highway shown as a major thoroughfare in the City of Dunwoody Transportation and Thoroughfare Plan, or if one has not been adopted, the most current DeKalb County Transportation and Thoroughfare Plan.

Manufactured home means a new or used structure, transportable in one (1) or more sections, which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length or, when erected on site, is three hundred twenty (320) or more square feet and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air-conditioning, and electrical systems contained therein; except that such term shall include any structure which meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the secretary of housing and urban development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. section 5401 et seq.

Mean sea level means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For purposes of this Chapter, the term is synonymous with national geodetic vertical datum (NGVD).

Metropolitan River Protection Act (MRPA) means a state law found at O.C.G.A. § 12-5-440 et seq., which addresses environmental and developmental matters in certain metropolitan river corridors and their drainage basins.

Minor thoroughfare/minor arterial means a street, road or highway shown as a minor thoroughfare in the City of Dunwoody Transportation and Thoroughfare Plan, or if one has not yet been adopted by the City, the most current DeKalb County Transportation and Thoroughfare Plan.

Multi-phase residential development means any development undertaken by a single developer or a group of developers acting in concert, to develop lots for sale in a residential subdivision where such land is developed pursuant to multiple preliminary or final plats and such land is contiguous or is known, designated, or advertised as a common unit or by a common name.

Multi-use trail means a recreation corridor intended for the use of non-motorized forms of transportation such as, but not limited to, walking, running, bicycles, in-line skates, as identified in a master plan for multi-use trails in the City of Dunwoody approved by the City Council or, if one has not been approved by the City, the current DeKalb County master plan for multi-use trails.

National geodetic vertical datum (NGVD), as corrected in 1929, is a vertical control used as a reference for establishing varying elevations within the floodplain.

North American Vertical Datum (NAVD), as corrected in 1988, is a vertical datum used as a reference for establishing varying elevations within the floodplain on flood maps created pursuant to the Georgia Flood Map Modernization Program.

Natural ground surface means the ground surface in its original state before any grading excavation or filling.

Nephelometric turbidity units (NTU's) means numerical units of measure based upon photometric analytical techniques for measuring the light scattered by finely divided particles of a substance in suspension. This technique is used to estimate the extent of turbidity in water in which colloiddally dispersed chapters are present.

New construction means any structure for which the permitted date of construction commenced after adoption of this Chapter.

New manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after June 6, 1974.

Nonpoint source pollution means a form of water pollution that does not originate from a discrete point such as a sewage treatment plant or industrial discharge, but involves the transport of pollutants such as sediment, fertilizers, pesticides, heavy metals, oil, grease, bacteria, organic materials and other contaminants from land to surface water and groundwater via mechanisms such as precipitation, stormwater runoff, and leaching. Nonpoint source pollution is a by-product of land use practices such as agricultural, silvicultural, mining, construction, subsurface disposal and urban runoff sources.

Nonstructural stormwater management practice or nonstructural practice means any natural or planted vegetation or other nonstructural component and practice of the stormwater management plan that provides for or enhances stormwater quantity and/or quality control or other stormwater management benefits, and includes, but is not limited to, riparian buffers, open and green space areas, overland flow filtration areas, vegetated channels and natural depressions.

Off-site facility means a stormwater management facility located outside the boundaries of the site.

One hundred-year floodplain means land in the floodplain subject to a one (1) percent or greater statistical occurrence probability of flooding in any given year.

On-site facility means a stormwater management facility located within the boundaries of the site.

Open space means that portion of a lot, including yards, established pursuant to the requirements of this Chapter as open space, which is open and unobstructed from ground level to the sky, with the exception of natural foliage or accessory recreational facilities or walkways, which is accessible to all persons occupying a building on the lot and is not a part of the roof of any portion of any building.

Operator means the party or parties that have: (a) operational control of construction project plans and specifications, including the ability to make modifications to those plans and specifications; or (b) day-to-day operational control of those activities that are necessary to ensure compliance with a storm-water pollution prevention plan for the site or other permit conditions, such as a person authorized to direct workers at a site to carry out activities required by the storm-water pollution prevention plan or to comply with other permit conditions.

Overbank flood protection means measures taken to prevent an increase in the frequency and magnitude of out-of-bank flooding (i.e. flow events that exceed the capacity of the channel and enter the floodplain), and that are intended to protect downstream properties from flooding for the two-year through twenty-five-year frequency storm events.

Owner means the person in whom is vested the fee ownership, dominion or title of property, the proprietor; this term may also include a tenant, if chargeable under the lease for maintenance of the property, and any agent of the owner or tenant including a developer.

Permit means the authorization necessary to conduct a land-disturbing activity under the provisions of this ordinance.

Person means any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, state agency, municipality or other political subdivision of this State, any interstate body or any other legal entity.

Planning commission means the planning commission of the City of Dunwoody.

Post-development refers to the time period, or the conditions that may reasonably be expected or anticipated to exist, after completion of land development activity on a site as the context may require.

Potential purchaser as used in this Chapter means a person purchasing property in a residential subdivision or a multi-phase residential development from a developer and/or builder for occupancy as a residence or as a residence to be rented or leased to others.

Pre-development refers to the wooded conditions of a site.

Project means the entire proposed development project regardless of the size of the area of land to be disturbed.

Protected zone means all areas of a parcel required to remain in open space, including all areas required as yard areas, buffer areas, stream buffers, state buffer zones or landscaped areas according to provisions of the City of Dunwoody Zoning Ordinance or by conditions of zoning or variance approval.

Public facilities shall mean the roads, water, sewer, schools, traffic control devices, and electrical service.

Public works director means the director of the Public Works Department or designee.

Qualified personnel means any person who meets or exceeds the education and training requirements of O.C.G.A. § 12-7-19.

Reach means a longitudinal segment of a stream or river measured along specified points on the stream or river.

Reasonable access means a fifteen-foot access easement from the public right-of-way to the stormwater management facility and a drainage and maintenance easement encompassing the stormwater management facility and extending ten feet outside the pond's 100-year water ponding elevation.

Recreation areas means those portions of open space designed and intended for active recreational use, such as sports fields and other play areas.

Recreational vehicle means a vehicle that is:

- (1) Built on a single chassis;
- (2) Four hundred (400) square feet or less when measured at the largest horizontal projection;
- (3) Designed to be self-propelled or permanently towable by a light duty truck; and
- (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Redevelopment means a land development project on a previously developed site, but excludes ordinary maintenance activities, remodeling of existing buildings, resurfacing of paved areas, and exterior changes or improvements which do not materially increase or concentrate stormwater runoff, or cause additional nonpoint source pollution.

Regional stormwater management facility or *regional facility* means stormwater management facilities designed to control stormwater runoff from multiple properties, where the owners or developers of the individual properties may assist in the financing of the facility, and the requirement for on-site controls is either eliminated or reduced.

Residential shall have the same meaning as given in the City of Dunwoody Zoning Ordinance except that it shall not include apartments.

Roadway drainage structure means a device such as a bridge, culvert, or ditch, composed of a virtually nonerodible material such as concrete, steel, plastic or other such material that conveys water under a roadway by intercepting the flow on one (1) side of a traveled way consisting of one (1) or more defined lanes, with or without shoulder areas, and carrying water to a release point on the other side.

Rock outcropping means a single, contiguous piece of exposed rock that has a horizontal surface area equal to or greater than two hundred (200) square feet.

Runoff means the portion of precipitation on the land that reaches the drainage system.

Runoff coefficient means the ratio of runoff to rainfall.

Sediment means solid material, both organic and inorganic, that is in suspension, is being transported, or has been moved from its site of origin by air, water, ice or gravity as a product of erosion.

Sedimentation means the process by which eroded material is transported and deposited by the action of water, wind, ice or gravity.

Sedimentation facility means a detention facility specifically developed for the purpose of allowing the deposit of sediment resulting from the land development process which may be constructed as part of or separately from a detention facility.

Sediment basin means a detention facility specifically developed for the purpose of allowing the deposit of sediment resulting from the land development process that may be constructed as part of or separately from a detention facility.

Seller as used in this Chapter means a builder or developer.

Significant tree means any existing, healthy, living tree eight (8) inches DBH or greater in size.

Site plan means that plan required to acquire a development, construction or building permit which shows the means by which the applicant will conform with applicable provisions of this Chapter and other applicable ordinances.

Soil and water conservation approved plan means an erosion and sedimentation control plan approved in writing by the DeKalb County Soil and Water Conservation District ~~approved by the City Council or, if one has not yet been approved by the City Council, the most current one approved by the DeKalb County Soil and Water Conservation District.~~

Specimen tree means any tree that has been determined to meet the criteria within Article 2, Section 12 of this Chapter for the determination of specimen trees.

SS&WCC means the State Soil and Water Conservation Commission.

Stabilization means the process of establishing an enduring soil cover of vegetation by the installation of temporary or permanent structures for the purpose of reducing to a minimum the erosion process and the resultant transport of sediment by wind, water, ice or gravity.

Start of construction Means the initial disturbance of soils associated with clearing, grading or excavating activities or other construction activities. (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348)), includes substantial improvements, and means the date the building permit was issued, provided the actual start of ~~(for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348)), includes substantial improvements, and means the date the building permit was issued, provided the actual start of~~

~~construction, repair, reconstruction, placement or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. Construction activities means the disturbance of soils associated with clearing, grading, excavating, filling of land, or other similar activities that may result in soil erosion.~~

State means the State of Georgia.

State general permit means the national pollution discharge elimination system general permit or permits for storm-water runoff from construction activities as is now in effect or as may be amended or reissued in the future pursuant to the state's authority to implement the same through federal delegation under the Federal Water Pollution Control Act, as amended, 33 U.S.C. § 1251 et seq. and O.C.G.A. § 12-5-30(f).

State waters means any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells, and other bodies of surface or subsurface water, natural or artificial, lying within or forming a part of the boundaries of the State, which are not entirely confined and retained completely upon the property of a single individual, partnership, or corporation ~~except as defined in O.C.G.A. § 12-7-17.~~

Stormwater better site design means nonstructural site design approach and technique that can reduce a site's impact on the watershed and can provide for nonstructural stormwater management. Stormwater better site design includes conserving and protecting natural areas and greenspace, reducing impervious cover and using natural features for stormwater management.

Stormwater hotspot means an area where the use of the land has the potential to generate highly contaminated runoff, with concentrations of pollutants in excess of those typically found in stormwater. Examples of stormwater hotspots include, but are not limited to the following: gas/fueling stations, vehicle maintenance areas, vehicle washing/steam cleaning facilities, auto recycling facilities, outdoor material storage areas, loading and transfer areas, landfills, construction sites, industrial sites, and industrial rooftops.

Stormwater management facility means those structures and facilities that are designed for the collection, conveyance, storage, treatment and disposal of stormwater runoff into and through the drainage system.

Stormwater management manual means the Georgia Stormwater Management Manual.

Stormwater management measure means any stormwater management facility or nonstructural stormwater practice.

Stormwater retrofit means a stormwater management practice designed for a currently developed site that previously had either no stormwater management practice in place or a practice inadequate to meet the stormwater management requirements of the site.

Stream means natural, running water flowing continuously or intermittently in a channel on or below the surface of the ground, and shall include, but not be limited to, all streams depicted on the 1995 DeKalb County Geographic Information System (GIS) map maintained by the DeKalb County GIS director. No stream shall be excluded from this definition due to its failure to be identified on the map. Field verification shall be performed to make a final determination as to the existence of a stream where a dispute exists. Such field verification shall be performed by the Director of Community Development, or his/her designee.

Streambank means a sloping land that contains a stream channel in the normal flows of the stream.

Stream channel means the portion of a watercourse that contains the base flow of the stream.

Street, private means an access way similar to and having the same function as a public street, providing access to more than one (1) property but held in private ownership. Private streets, when authorized, shall be developed in accordance with the specifications for public streets established in this Chapter.

Street, public means any right-of-way set aside for public travel dedicated to the City and any right-of-way that has been accepted for maintenance as a street by the City.

Street right-of-way line means the dividing line between a lot, tract or parcel of land and a street right-of-way.

Structure means anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on or in the ground. This does not include telephone poles and utility boxes.

Structural erosion and sedimentation control measures mean measures for the stabilization of erodible or sediment-producing areas by utilizing the mechanical properties of matter for the purpose of either changing the surface of the land or storing, regulating or disposing of runoff to prevent excessive sediment loss. Examples of structural erosion and sediment control practices are riprap, sediment basins, dikes, level spreaders, waterways or outlets, diversions, grade stabilization structures, sediment traps and land grading. Such measures can be found in the publication "Manual for Erosion and Sediment Control in Georgia."

Structural stormwater control means a structural stormwater management facility or device that controls stormwater runoff and changes the characteristics of that runoff including, but not limited to, the quantity and quality, the period of release or the velocity of flow of such runoff.

Subdivision means any division or redivision of a lot, tract or parcel, regardless of its existing and future use, into two (2) or more lots, tracts or parcels. Where appropriate to context, subdivision may also be used to reference the aggregate of all lots held in common ownership at the time of division.

Substantial damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

Substantial improvement means any combination of repairs, reconstruction, alteration or improvements to a structure taking place during the life of a structure, the cumulative cost of which equals or exceeds fifty (50) percent of the market value of the structure. The market value of the structure should be the appraised value of the structure prior to the start of the initial repair or improvement or, in the case of damage, the value of the structure prior to the damage occurring. This term includes structures that have incurred substantial damage regardless of the actual repair work performed. For the purposes of this definition, substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the structure commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include any project for improvement of a building required to comply with existing state or local health, sanitary, or safety code specifications which have been identified by a code enforcement official and which are solely necessary to assure safe living conditions, or any alteration to a structure listed on the National Register of Historic Places or a State inventory of historic places.

Substantially improved existing manufactured home parks or subdivision is where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds fifty (50) percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

Thoroughfare plan means a comprehensive street plan of the City of Dunwoody indicating proposed location and right-of-way widths for major thoroughfares, minor thoroughfares, collector streets and other streets.

Tree means any living, self-supporting, woody perennial plant which has a trunk caliper of two (2) inches or more measured at a point six (6) inches above the ground and which normally attains a height of at least ten (10) feet at maturity usually with one (1) main stem or trunk and many branches.

Tree harvesting means the felling, loading, and transporting of timber products done pursuant to a special exception issued by the Board of Zoning Appeals.

Tree save area means the boundaries of the area or areas surrounding trees wherein it is essential that they remain undisturbed in order to prevent damage and loss of trees that are to be retained on site during the development and building process.

Tree replacement means the replacement of trees and landscape plant materials into the minimum required landscape areas, as determined by the zoning regulations or the tree protection ordinance.

Trout streams means all streams or portions of streams within the watershed as designated by the Game and Fish Division of the Georgia Department of Natural Resources under the provisions of the Georgia Water Quality Control Act, O.C.G.A. § 12-5-20 et seq.

Trout waters, first order means streams into which no other streams flow except springs.

Trout waters, primary means streams or waters supporting a self-sustaining population of rainbow, brown or brook trout.

Trout waters, secondary means streams or waters in which there is no evidence of natural trout reproduction, but are capable of supporting trout throughout the year.

Used for includes the phrases "arranged for," "designed for," "intended for," "maintained for" and "occupied for."

Vegetation means all plant growth, especially trees, shrubs, vines, ferns, mosses and grasses.

Vegetative erosion and sedimentation control practices means practices for the stabilization of erodible or sediment producing areas by covering the soil with: (1) permanent seeding, sprigging or planting, producing long-term vegetative cover; or (2) temporary seeding, producing short-term vegetative cover; or (3) sodding, covering areas with a turf of perennial sod-forming grass. Such practices can be found in the publication "Manual for Erosion and Sediment Control in Georgia" published by the Georgia Soil and Water Conservation Commission.

Watercourse means any natural or artificial watercourse, stream, river, creek, channel, ditch, canal, conduit, culvert, drain, waterway, gully, ravine, or wash in which water flows either continuously or intermittently and which has a definite channel, bed and banks, and including any area adjacent thereto subject to inundation by reason of overflow or floodwater.

Water quality protection means the requirement that all developments must improve the quality of storm runoff from the development site.

Wetlands means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

Article III: Subdivisions

Division 1: Generally

Section 1: Title

This Article shall be known, cited, and referred to as the subdivision regulations of the City of Dunwoody.

Section 2: Effective Date

These subdivision regulations shall become effective upon adoption of this ordinance by the City Council.

Section 3: Policies and Purposes

(a) Policies.

- (1) It is declared to be the policy of the City of Dunwoody to consider the subdivision of land and the subsequent development of the subdivided land as subject to the control of the City pursuant to the City's official Comprehensive Plan in order to promote the orderly, planned, efficient, and economical development of the City.
- (2) Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, or other menace.
- (3) The existing and proposed public improvements shall conform to and be properly related to the proposals shown in the Comprehensive Plan, official map, and the capital budget and program of the county, and it is intended that these regulations shall supplement and facilitate the enforcement of the provisions and standards contained in building and housing codes, zoning ordinances, the comprehensive plan, official map and land use plan, and the capital budget and program of the City.

(b) These regulations are adopted for the following purposes:

- (1) To protect and provide for the public health, safety, and general welfare of the citizens of the City of Dunwoody.
- (2) To guide the future growth and development of the City in accordance with the Comprehensive Plan.
- (3) To protect and conserve the value of land and the economic stability of all communities in the City and to encourage the orderly and beneficial development of the City through appropriate growth management techniques, including consideration of the timing and sequencing of development, consideration of infill development in existing neighborhoods and nonresidential areas with adequate public facilities.

- (4) To guide public policy and both public and private actions in order to provide adequate and efficient transportation, water, sewerage, schools, parks, playgrounds, recreation, and public services and support facilities.
- (5) To provide for the safe and efficient circulation of traffic throughout the City, having particular regard to avoidance of congestion in the streets and highways and the pedestrians and bicycle traffic movements appropriate to the various uses of lands and buildings, and to provide for the proper location and width of streets and building lines.
- (6) To assure the adequate provision of safe and convenient traffic access and circulation, both vehicular and pedestrian, in new land developments.
- (7) To establish reasonable standards of design and procedures for subdivisions and re-subdivisions to further the orderly layout and use of land, and to ensure proper legal descriptions and monumenting of subdivided land.
- (8) To ensure to the extent legally possible that public facilities and services are available concurrent with development and will have a sufficient capacity to serve the proposed subdivision.
- (9) To protect and restore the highest quality of the City's air and water resources; to assure the adequacy of drainage facilities; to safeguard the water table, and to encourage the wise use and management of natural resources throughout the City in order to preserve the integrity, stability, and beauty of the City and the value of the land.
- (10) To preserve the natural beauty, environment, and topography of the City and to ensure appropriate development with regard to these natural features.

Section 4: Public Purpose

Regulation of the subdivision of land and the attachment of reasonable regulations to land subdivision is an exercise of valid police power delegated by the state to this City. A developer of land has the duty of compliance with the regulations set forth herein for design, dedication, improvement, and restrictive use of the land to conform to the physical and economic development of the City and to the health, safety, and general welfare of the future lot owners in the subdivision and of the community at large.

Section 5: Interpretation

In their interpretation and application, these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare. These regulations shall be construed broadly to promote the purposes for which they are adopted. Any conflict between provisions should be resolved in the way that best serves the purposes of the regulations.

Section 6: Scope and applicability

These regulations shall apply to all subdivision of land, as defined in Article 1, Section 1 of this Chapter, located within the boundaries of the City of Dunwoody.

Section 7: Exemptions

- (a) This Article does not apply to a lot or parcel of land established by deed or plat recorded among the land records of Dekalb County prior to the effective date of these subdivision regulations or the division or sale of land by judicial decree.
- (b) For purposes of this Article, the division of land into two (2) lots shall be considered a subdivision but exempt from the plat review procedures provided that:
 - (1) Each proposed lot complies with the requirements of the City of Dunwoody Zoning Ordinance and all conditions of zoning;
 - (2) Each proposed lot fronts an existing paved public street, which contains the necessary right-of-way width required by this Chapter;
 - (3) All such plats are drawn to final plat standards in this Chapter; and
 - (4) The lot being divided is not a lot which resulted from a subdivision of property that was exempt from these regulations in the immediately preceding twenty-four (24) months.

Section 8: Plats not to be recorded until accepted; lots not to be sold in unaccepted subdivision

No person shall record any subdivision plat until it has been approved and accepted by the Director, as the City's designee, nor shall any lot be sold by reference to any subdivision plat whether recorded or not, if the plat is made after the effective date of this Chapter, unless it shall have been approved and accepted by the Director. The recording of a plat shall be based on an approved plat and shall not be recorded solely on the basis of a metes and bounds description.

Section 9: Issuance of building permits and certificates of occupancy; extension of services

No development permit, building permit, or certificate of occupancy shall be issued for a lot or plat subdivided or sold in violation of the provisions of these regulations, nor shall the City have any obligation to extend services to any parcel created in violation of these regulations.

Section 10: Power and duty of ~~the Board of Zoning Appeals Planning Commission~~ to hear variances, criteria to be used in deciding variances, appeals

- (a) The ~~Planning Commission, or a Design Review Board if one is created by the City,~~ Board of Zoning Appeals shall hear and decide applications for variances from the strict application

of Division 3 of Article III of this Chapter 14 ("Design Standards"), where strict application of any regulation enacted in Division 3 of Article III would result in exceptional and undue hardship to the owner of such property. These regulations provide the minimum necessary requirements for subdivisions in the City of Dunwoody; thus, variances from the requirements of Division 3 of Article III shall be authorized only upon the ~~Planning Commission or Design Review Board~~ Board of Zoning Appeals making all of the following findings:

- (1) By reason of the shape or topographical conditions of a parcel of property which were not created by the owner or applicant, the strict application of Division 3 of Article III would deprive the property owner of rights and privileges enjoyed by other similarly situated property owners in the same zoning district;
- (2) By reason of the shape or topographical conditions of a parcel of property which were not created by the owner or applicant, there is no opportunity for development under any design configuration allowed by these subdivision regulations unless a variance is granted;
- (3) The requested variance does not go beyond the minimum necessary to afford relief, and does not constitute the grant of a special privilege inconsistent with the limitations upon other property owners in the zoning district in which the subject property is located;
- (4) The requested variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zoning district in which the subject property is located; and
- (5) The requested variance will not in any manner vary the provisions of the City of Dunwoody Zoning Ordinance, the City of Dunwoody Comprehensive Plan or the zoning map of the City of Dunwoody.

(b) No variance shall be granted by the ~~Planning Commission or Design Review Board~~ Board of Zoning Appeals to:

- (1) Allow any variance which conflicts with or changes any requirement enacted as a condition of zoning or of a special land use permit by the City Council;
- (2) Increase the density allowed on the property; or
- (3) Vary the requirements set forth in Division 3, Part E of this Article.

(c) Applications for variances must be submitted in writing to the Director of Community Development along with the application for sketch plat approval or if a variance becomes necessary after the ~~Planning Commission has approved approval of~~ the sketch plat, within thirty (30) days of discovery of the condition(s) requiring such a variance from the preliminary plat. Applications shall contain all those materials and documents required by the Director of Community Development that are necessary to demonstrate the necessity for the variance and compliance with the requirements of this Code. At a minimum, the variance

application must contain a full explanation of the reasons for the variance and must include a plat that shows the proposed subdivision designed without the variance and a plat that shows the proposed subdivision designed with the variance.

- (d) When the variance application is first considered by the ~~Planning Commission or Design Review Board~~Board of Zoning Appeals, the Director of Community Development shall provide the ~~Planning Commission or Design Review Board~~Board of Zoning Appeals with written findings of fact and a recommendation for approval or disapproval of the variance.
- (e) Applications for variances that accompany the application for sketch plat approval shall be heard by the ~~Planning Commission or Design Review Board~~Board of Zoning Appeals ~~prior to the approval of a sketch plat contemporaneously with the public hearing on the sketch plat.~~
- (f) Applications for variances from the preliminary plat shall be heard at a public hearing by the ~~Planning Commission or Design Review Board~~Board of Zoning Appeals at the next meeting of the ~~Planning Commission or Design Review Board~~Board of Zoning Appeals held after the filing of a complete application for variance from the preliminary plat. All land development activity associated with a proposed variance from a preliminary plat shall cease until a final decision on the variance is made by the ~~Planning Commission or Design Review Board~~Board of Zoning Appeals. Land development activity that is not related to the proposed variance may continue unabated.
- (g) All decisions by the ~~Planning Commission or Design Review Board~~Board of Zoning Appeals approving or disapproving a variance must be issued in writing and must provide the grounds for the decision of the ~~Planning Commission or Design Review Board~~Board of Zoning Appeals. The ~~Planning Commission or Design Review Board~~Board of Zoning Appeals shall issue a final decision on a variance submitted with the application for a sketch plat at the same time that it issues the final decision approving or disapproving the sketch plat. The ~~Planning Commission or Design Review Board~~Board of Zoning Appeals shall issue a final decision on a variance from the preliminary plat within fifty (50) days after the first meeting at which the ~~Planning Commission or Design Review Board~~Board of Zoning Appeals considers the variance. If a final decision is not made on a subdivision plat variance in accordance with the time constraints set forth in this section, the variance shall stand disapproved.
- (h) Appeals of variances that accompany applications for sketch plat approval shall be made by writ of certiorari to the Superior Court of DeKalb County. Any person or entity (i.e., an owner, applicant, adjoining neighbor or a neighbor whose property line is within one thousand five hundred (1,500) feet of the nearest property line of the proposed subdivision) aggrieved by a variance decision of the ~~Planning Commission or Design Review Board~~Board of Zoning Appeals affecting a preliminary plat, may appeal such decision by filing a petition for writ of certiorari to the Superior Court of DeKalb County.

Section 11: Enforcement, violations and penalties

- (a) General. It shall be the duty of the Director of Community Development to enforce this Chapter.

- (b) Violations and Penalties. Any person, firm or corporation violating any of the provisions of these regulations shall be deemed guilty of an offense and upon conviction in Municipal Court shall be punished as is provided in Chapter 1 of the City of Dunwoody Code of Ordinances. Each violation of these regulations shall be considered a separate offense. The owner of any structures, buildings, lots or parcels or parts thereof, where anything in violation of these regulations exists, and any architect, builder, contractor or any other agent of the owner, or any tenant, who commits or assists in the commission of any violation, shall be guilty of a separate offense.
- (c) Enforcement. Appropriate actions and proceedings, including the issuance of stop work orders and actions in a court of law, may be taken by the City of Dunwoody in law or in equity to prevent any violation of these regulations, to prevent unlawful construction, to recover damages, to restrain, correct, or abate a violation and to prevent illegal occupancy of a building structure or premises. These remedies shall be in addition to the penalties described above.

Division 2: Plat Approval Procedure

Part A. Conference

Section 1: Conference with City officials

Before filing the sketch plat for a subdivision for review and approval, the applicant shall meet with the Community Development Director or his/her designee to discuss the procedure for approval of a subdivision plat and the requirements as to general layout of streets, reservations of open space, street improvements, drainage, sewerage, fire protection, and similar matters, as well as the availability of existing services, including schools. The Director may advise the applicant, when appropriate, to discuss the proposed subdivision with those officials who must eventually approve those aspects of the subdivision plat coming within their jurisdiction. This conference will allow early evaluation of the applicant's intentions and coordination with the comprehensive plan and the zoning ordinance. This conference will also allow City officials to discuss with the applicant the necessary regulations that will properly accomplish the project.

Part B: Sketch Plat

Section 1: Application and sketch plat required

The owner of the land where the proposed development is to occur, or his authorized agent, shall file a sketch plat with the Department of Community Development along with an application for approval. The application shall:

- (1) Be made on forms prepared by the Department of Community Development;
- (2) Be accompanied by minimum of eighteen (18) copies of the sketch plat, which must be prepared by a registered civil engineer, surveyor, architect, or landscape architect, as described in these regulations and complying in all respects with these regulations;

- (3) Be accompanied by an application fee in the amount set by the City Council; and
- (4) Include the name, address and telephone number of an agent who is authorized to receive all notices required by these regulations.

Section 2: Required information

The following existing conditions shall be shown on a sketch plat:

- (1) *Boundary lines.* Perimeter boundary of the overall tract, bearings and distances, referred the legal point of beginning;
- (2) *Streets on or adjacent to tract.* Name, right-of-way width, and location of streets on and adjacent to the tract, and any existing railroad, sidewalk, trail, or bike lane;
- (3) *Contour data.* Topographic contour data at no more than two-foot elevation intervals. The source of this data shall be written on the plat. Existing contour data from the City of Dunwoody Geographic Information System Department may be used where available;
- (4) *Tree survey.* A tree survey in compliance with Article 2, Section 12 or tree sample calculations where allowed by the City Arborist which may be submitted as a separate plan;
- (5) *Historic resources.* Any building, structure, site or district identified as historic by the DeKalb County Historic Preservation Commission, the DeKalb County Historic Resources Survey, the City of Dunwoody Historic Preservation Commission, if one is established, the Comprehensive Plan, by listing on the Georgia or National Register of Historic Places, or by listing as a National Historic Landmark.
- (6) *Natural features on tract.* Other conditions on the tract such as stream buffers, state waters, cemeteries, wetlands, existing structures, intermediate regional floodplain boundary (where available), rock outcroppings, and archeological resources;
- (7) *Soils.* Location of soils as shown on Soil Survey of DeKalb County, Georgia by the United States Department of Agriculture;
- (8) *Geographical data.* Numerical and graphic scales, north arrow, land lot and district numbers and lines, city and county names and limit lines;
- (9) *Prior subdivisions.* Name and reference of any formerly recorded subdivision crossing any of the land shown on the plat;
- (10) *Zoning district.* Show zoning district, case number and conditions of zoning;
- (11) *Permits.* Show any special administrative permit number, special land use permit number, or Board of Zoning Appeals case number and conditions;

- (12) *Variances.* Show any administrative variance approvals;
- (13) *Septic tanks.* Show existing septic tank and drain field location or note absence;
- (14) *Sewers.* Show size and location of sanitary sewer main(s) available;
- (15) *Sewer easements.* Show a sanitary sewer easement with a minimum width of fifteen (15) feet of for all City and Dekalb County maintained lines not within City or County right-of-way, unless otherwise required by Dekalb County Water and Sewer Department;
- (16) *Water mains.* Show size and location of water main(s) and fire hydrants;
- (17) *Water main easements.* Show a water main easement with a minimum width of fifteen (15) feet for all City and County maintained lines not within right-of-way;
- (18) *IRF.* Show on plan whether FEMA, City or Dekalb County benchmark used to establish IRF also identify location of Benchmark;
- (19) *Wetlands.* Provide wetlands determination from U.S. Army corps of engineers;
- (20) *Receiving waters.* Provide distance to and name of receiving waters;
- (21) *Certificate of conformity.* Certification by the applicant that no lots platted are non-conforming or will result in any non-conforming lots.
- (22) *Bury pits.* Show location of any existing inert waste bury pits.
- (23) *Seal.* All sheets of plats must be sealed by a professional engineer, architect, surveyor, or landscape architect currently registered in the state of Georgia;

Section 3: Depiction of proposed physical layout

The following proposed features shall be shown on the sketch plat:

- (1) *Title.* The title under which the proposed subdivision is to be recorded, if known, with the name of the property owner(s) and designers and the date of the plat;
- (2) *Street names.* The name of all proposed streets.
- (3) *Rights-of-way.* Street rights-of-way and widths indicated, including any necessary right-of-way required for improvements as shown on the thoroughfare plan;
- (4) *Sidewalks.* All proposed sidewalk and bike lane locations;
- (5) *Lots.* Lot lines, lot numbers, block letters, and the total number of proposed lots within the development;

- (6) *Dedications.* Sites, if any, to be dedicated or reserved for common areas, public parks, open space, schools, playgrounds, multi-use trails, or other public uses, together with the purpose and the conditions or limitations of these dedications, if any;
- (7) *Yards.* Minimum building setback lines as required under the yard requirements of the zoning ordinance;
- (8) *Zoning conditions.* All conditions of zoning and proposed deed restrictions shall be recited on the sketch plat;
- (9) *Corner lots.* Show that corner lots shall have an extra width of not less than fifteen (15) feet more than required for interior lots for the zoning district within which they are located;
- (10) *Transitional buffers.* Show transitional buffers, if any, and any required screening fencing;
- (11) *BMPs.* Show conceptual location of storm water management and water quality BMP facilities on sketch plat;
- (12) *IRF.* Show proposed IRF contour, spot elevation (if available) and source;
- (13) *Covenants.* Indicate whether the proposed subdivision will be subject to private covenants and whether a homeowner's association will be established;
- (14) *Sewer easements.* Show a sanitary sewer easement with a minimum width of fifteen (15) feet for all City or Dekalb County maintained lines not within City or County right-of-way;
- (15) *Water main easements.* Show a water main easement with a minimum width of fifteen (15) feet for all City or Dekalb County maintained lines not within right-of-way of City or County;
- (16) *Fire hydrants.* Show new fire hydrant(s) and eight-inch fireline(s); and
- (17) *Fencing.* Show any required fencing around detention ponds, if required.
- (18) *Electrical service.* Show whether electrical service will be above ground or underground.

Section 4: Additional information to be filed with the sketch plat

The following additional information shall be submitted with the sketch plat:

- (1) *Owner consent.* The property owner must consent in writing to the proposed development in a consent affidavit provided by the Director of Community Development with the application;

- (2) *Taxes.* Provide statement from Dekalb County Tax Commissioner certifying that all ad valorem taxes on the property have been paid;
- (3) *Location.* A small map of the City of Dunwoody depicting the subdivision location within the City;
- (4) *Vicinity map.* Vicinity map at a scale of four hundred (400) feet to one (1) inch showing the location of the tract with reference to surrounding properties, streets, municipal boundaries, and streams within five hundred (500) feet of the tract, and showing zoning districts of adjoining property;
- (5) *Adjacent properties.* Names of adjoining property owners and the zoning classification of adjacent properties; and
- (6) *Engineer.* Name, address and phone of developer and engineer on plat.

Section 5: Scale

Sketch plats shall be prepared at an appropriate scale of not more than one hundred (100) feet to one (1) inch. Maximum sheet size shall be twenty-four (24) inches by thirty-six (36) inches.

Section 6: Official acceptance of application and sketch plat

- (a) The Director of Community Development shall give written notice to the applicant within seven (7) days from the date the sketch plat and application are submitted whether the sketch plat application is accepted for review and the official date of such official acceptance. An application shall be accepted when it fully complies with the requirements of Sections 1 through 5 of this Part.
- (b) If the application and sketch plat are not accepted, the Director of Community Development shall inform the applicant of the deficiencies and request the applicant to resubmit the application and sketch plat with the additional information.

Section 7: Referral of sketch plat for review

- (a) Upon official acceptance of the application and the sketch plat, the Director of Community Development shall provide copies of the sketch plat to the Community Development Department, Public Works, Police Department, and any other city department the Director determines should be consulted for the particularities of the proposed subdivision. Each such department and receiving entity shall review the sketch plat and shall make comments and recommendations regarding any required changes necessary to comply with all applicable regulations. Each department shall return its annotated copy of the sketch plat and written comments and recommendations to the Director within fourteen (14) days from the date of receipt.

- (b) Once the Director of Community Development has received each department's comments and recommendations, the Director shall either notify the applicant that the sketch plat has been approved or notify the applicant that revisions to the sketch plat are required.
- (c) In the event that any revisions to the sketch plat are required, the applicant may submit a revised sketch plat to the Director of Community Development and, if the applicant submits a revised sketch plat, the Director shall have fourteen (14) days to review the revisions and determine whether such revisions are sufficient for approval. If the revisions are insufficient, the Director shall notify the applicant that further revisions to the sketch plat are required and for each set of revisions submitted by the applicant the Director shall have fourteen (14) days for review as described in this section.
- (d) If a sketch plat is not approved within one hundred eighty (180) days of the official acceptance of the application, the application and sketch plat shall be considered withdrawn without further action by the City. The Director shall approve the sketch plat if the application and sketch plat conform to all requested revisions, the requirements of this Code and state law and shall deny the sketch plat if the application and sketch plat do not conform to all requested revisions, the requirements of this Code or State Law.

Section 8: Public Notification for sketch plats; and procedure for appeal

- (a) When the sketch plat has been submitted, the applicant shall place a public notification sign on the site of the proposed subdivision within seven (7) days of submittal for 30 days. At the same time as the sign is posted, the applicant shall also place in a box, on site of the proposed subdivision, in a place which is accessible to the public, fifty (50) 11"× 17" copies of the proposed sketch plat. The Director shall verify that the sign has been posted. If applicant fails to properly post the required sign, the sketch plat shall not be approved until the applicant has properly posted the required notification sign and made copies of the plat available to the public in a box on the site in accordance with requirements set forth in this Code.
- (b) Once the application has been submitted, the applicant and members of the public shall be allowed to submit written comments to the Community Development Director that supports or opposes the sketch plat.
- (c) The Community Development Director may approve or disapprove the proposed sketch plat in accordance with the approval standards contained in Section 9 of this Part.
- (d) Any person or entity (i.e., an owner, applicant, adjoining neighbor or a neighbor whose property line is within one thousand five hundred (1,500) feet of the nearest property line of the proposed subdivision) aggrieved by a denial or approval of a sketch plat, may appeal by filing a petition for writ of certiorari to the Superior Court of DeKalb County.

Section 9: Standards for approval of sketch plats; approved preliminary plats

- (a) The Community Development Director shall not approve a sketch plat unless it is found that:

- (1) Provisions have been made for a water supply system that is sufficient in terms of quantity, dependability, and quality for purposes of health, emergency, and adequate fire protection for the subdivision proposed;
 - (2) If a public sewage system is proposed, adequate provision has been made for such a system and, if other methods of sewage disposal are proposed, that such systems will comply with Federal, State, and local laws and regulations;
 - (3) Adequate areas have been allocated within a subdivision to meet the regulations in this Chapter for the long-term collection, management, and treatment of stormwater;
 - (4) The proposed subdivision is designed to avoid areas of flood plains, watercourses, wetlands, exceptional or specimen trees or woodlands;
 - (5) No platting of lots within the subdivision will create any non-conforming lots or increase the non-conformity of existing non-conforming lots on property within or adjacent to the subdivision;
 - (6) If the subdivision abuts a state highway, all applicable statutory provisions are followed, including the rules of Georgia Department of Transportation;
 - (7) The proposed subdivision meets all the requirements of this Chapter, the City of Dunwoody Zoning Ordinance, the official comprehensive plan, the official thoroughfare map, and all other standards and regulations adopted by all boards, commissions, agencies, and officials of the City of Dunwoody and all other applicable laws from other, relevant jurisdictions;
 - (8) A properly issued certificate of appropriateness, when the subdivision or portions thereof lie within a designated historic area that required such a certificate as may be required by State law or this Code; and
 - (9) Lot lines have been laid out so as to minimize crossing municipal or county boundaries;
 - (10) All requirements of Sections 2 and 3 of Part B of this Division have been fulfilled.
- (b) The Director of Community Development may require the applicant to submit a site plan for any lot to demonstrate that the lot contains adequate buildable area that is suitable for the intended use.
- (c) After review of the sketch plat and related comments, and where, in the judgment of the Director of Community Development, the sketch plat conforms to all of the requirements of this Chapter and the City of Dunwoody Zoning Ordinance, all conditions of zoning, and any other applicable City regulations or law, the Director of Community Development shall approve said sketch plat. The following wording for approval shall be shown on the sketch plat:

“This sketch plat has been submitted to and approved by the City of Dunwoody, on this _____ day of _____.

By: _____ (By Dir.)

Director of Community Development

City of Dunwoody, Georgia”

- (d) A sketch plat shall become and will be known as a preliminary plat upon its approval by the Community Development Director~~Planning Commission~~.

Section 10: Scope of approval of approved preliminary plat; digital submission of preliminary plat

The preliminary plat shall not constitute nor provide assurance of approval of the final plat, but is to be used as the development design for the subdivision and for the acquisition of a development permit as provided for in the City of Dunwoody Zoning Ordinance. The preliminary plat shall be submitted to the Community Development Department in a digital format acceptable to the City, prior to or simultaneous with an application for a development permit.

Section 11: Expiration

The preliminary plat shall expire twenty-four (24) months from the date of the approval of the preliminary plat. If fifty-one (51) percent of linear feet of total road in the entire development shown on the preliminary plat is complete at the expiration of twenty-four (24) months from the date of the approval of the preliminary plat, then the Director of Community Development is authorized to grant a one-time, one year extension of the approval of the preliminary plat. An expired preliminary plat is null and void and is of no effect. An expired preliminary plat may not be renewed.

Section 12: Revised preliminary plat

If the approved sketch plat, which becomes the preliminary plat, is amended or altered by the applicant, without an approved variance, after approval as a sketch plat, then the applicant shall be required to re-submit the revised preliminary plat as a new sketch plat and begin anew the application process contained in Part B (Sketch Plat) of this Division (Plat Approval Procedure).

Part C: Final Plat

Section 1: Preparation

The applicant shall have a registered surveyor prepare the final plat of the subdivision. An application for final plat approval may be made when a preliminary plat of the proposed subdivision has been approved and construction of all required infrastructure is complete to ascertain its location as built.

Section 2: Filing; digital submission of final plat; fee

The final plat and a fee in the amount established by the City Council shall be filed with the City. The final plat and as-built drawings shall also be submitted in a digital format acceptable to the City.

Section 3: Review, certification by City departments

- (a) Upon receipt of the final plat, the Director of Community Development shall forward copies of the final plat to the following City departments for certification that the improvements are complete and in conformity with the preliminary plat:
 - (1) Appropriate official of the Department of Community Development;
 - (2) ~~DeKalb County~~ Geographic information system department;
 - (3) Police and fire department;
 - (4) Public Works Department;
 - (5) Any other department or entity the Director of Community Development deems appropriate.
- (b) Any department to which the final plat is submitted shall note on the plat whether the development meets or fails to meet the requirements of this Code and of that department, specifically, whether all improvements were properly completed and whether the improvements are in conformity with the preliminary plat. If the improvements are incomplete or if the improvements are not in conformity with the preliminary plat, the department shall note on the plat the manner in which the plat fails to meet these requirements. Each department must return its copy of the final plat with notations made within twenty-one (21) calendar days of receipt thereof.
- (c) Upon receipt of the annotated copies from all of the departments which received the final plat for notation, the Director of Community Development shall independently review the final plat and determine whether it complies with all City zoning, environmental, and subdivision ordinances and regulations and all applicable State and Federal laws. The Director of Community Development shall certify in writing on the final plat his/her finding of whether the final plat complies with all City zoning, environmental, and subdivision ordinances and regulations and all applicable State and Federal laws.
- (d) The final plat shall conform to the approved preliminary plat on file with the City and shall comply with the City of Dunwoody Zoning Ordinance including conditions of zoning.
- (e) The final plat shall not be forwarded to the City ~~Council-Manager~~ until such time as the Director of Community Development certifies that the final plat conforms to the approved preliminary plat and complies with all City zoning, environmental, and subdivision ordinances and regulations and all applicable State and Federal laws.

Section 4: Referral to the City Manager

- (a) No later than fourteen (14) calendar days after receiving the annotated copies from all of the departments which received the final plat for notation, the Director of Community Development shall transmit the final plat, containing the certification required in Section 3(c) of Part C of this Division and any necessary supplemental materials to the City Manager for approval.
- (b) The City Manager as the designee for the governing authority of the City shall approve or disapprove the final plat within ten (10) days of receiving the final plat, as indicated by a receipt stamp on the final plat. If the final plat is not approved or denied within ten (10) days of receipt, the final plat shall be approved automatically and the City Manager shall acknowledge and certify such approval. If the final plat is denied, the City Manager shall provide the reason(s) for denial in writing and such writing shall be given to the applicant with the denied plat. If the final plat is approved, the City Manager shall place the following wording on the original as follows:

“This plat has been submitted to and accepted by the City Manager of the City of Dunwoody, Georgia, and has been approved as required by State law and City codes as meeting all conditions precedent to recording in the Superior Court of DeKalb County.
Dated this _____ day of _____, _____.
By: _____
[City Manager as designee of the governing authority]”
- (c) Final plat acknowledgement and approval by the City Manager shall constitute that approval, if any, required in order to file subdivision plats with the Clerk of the Superior Court of DeKalb County pursuant to O.C.G.A. § 15-6-67(d).

Section 5: Appeal of final plat decision

The decision of the City Manager to approve or disapprove the final plat may be appealed to the City Council by request in writing to the City Manager within thirty (30) days of the City Manager’s decision. If no appeal is made within the thirty-day period, the decision of the City Manager shall be final. If an appeal is made to the City Council, the City Council shall set a hearing date for the appeal within thirty (30) days of the appeal being requested and the decision of the City Council shall be final. The City Council decision may be appealed only by a petition for writ of certiorari to the Superior Court of DeKalb County.

Section 6: Recording

The approved final plat shall be recorded with the Clerk of the Superior Court of DeKalb County by the Director of Community Development and returned to the applicant.

Section 7: Dedication offers

The filing and recording of the final plat by the Director of Community Development shall, upon completion of the improvements by the applicant and compliance with all procedures of this

Chapter, be deemed an acceptance of the dedication of the streets and other public land as shown upon said plat on behalf of the public.

Section 8: Material specifications for drawing

The final plat shall be composed of mylar, or other durable, stable, and reproducible drafting medium approved by the Director of Community Development and must meet all provisions of the Georgia Plat Act, O.C.G.A. § 15-6-67.

Section 9: Scale

Final plats shall be prepared at a scale of not more than one hundred (100) feet to one (1) inch and shall have a maximum sheet size of not more than twenty-four (24) inches in width and thirty-six (36) inches in length, and a minimum sheet size of not less than seventeen (17) inches in width and twenty-one (21) inches in length.

Section 10: Compliance with zoning ordinance

The final plat shall comply with the requirements of the City of Dunwoody Zoning Ordinance and all conditions of zoning for the subject property to be shown in the upper right corner of the final plat with text height at a minimum of .18 inches for 24" × 36" sheet size and .09 inches for 17" × 21" sheet size.

Section 11: Required information

The final plat shall show the following:

- (1) Sufficient data to determine readily and reproduce on the ground the location, bearings and lengths of every right-of-way, street line, lot line, boundary line and building line, whether curved or straight;
- (2) Tract boundary lines, land lot and district lines, City and County limit lines, right-of-way lines of streets, easements and other rights-of-way and property lines of residential lots and other sites;
- (3) All dimensions shall be accurate to the nearest one hundredth of a foot and all angles accurate to the nearest second;
- (4) Name and right-of-way width of each street including necessary right-of-way required for present or future widening of major, minor, collector, residential or other streets as shown on the thoroughfare plan;
- (5) Sidewalk and bike path locations and width;
- (6) House numbers: numbers will be assigned by the Geographic Information System Department of DeKalb County and placed on the final plat ~~by the Director of Community Development~~;

- (7) Title, north arrow, date, scale, land lot numbers and district numbers;
- (8) Location, dimensions and purpose of easements and areas to be dedicated to public use, common areas or sites for other than residential use with notices stating their purpose and limitations;
- (9) Intermediate regional floodplain contour line and setback line required by this Chapter, state waters/state streams, wetlands, and required stream buffers;
- (10) Water and sewer utility locations, and the location and type of permanent stormwater management facilities and water quality facilities;
- (11) Lots numbered in numerical order and blocks lettered alphabetically; all lot and block numerals shall be kept in a uniform sequence on all plats and units of the subdivision;
- (12) Accurate location, material and description of monuments and markers; within each subdivision set one (1) monument on two (2) front corners of the property adjacent to existing rights-of-way on interior streets, or as otherwise approved by the development director; each monument shall be a minimum four-inch diameter disk by twenty-four-inch high concrete monument with brass caps set flush with finished grade; and
- (13) Lots which shall not be built upon until detailed plans for grading and drainage have been approved by the Director of Community Development.

Section 12: Space for comments, certifications

A blank space of fifty (50) square inches shall be provided on the final plat to allow room for any stamps, notes, approval or denials as required to be placed thereon by City agencies and for the certification of the Director of Community Development and approval or denial by the City Manager.

Section 13: Surveyor's and owner's acknowledgments

The following wording for the engineer's [surveyor's] and owner's acknowledgments shall be shown and certified on the final plat:

- (1) *Surveyor's acknowledgment.*

"In my opinion, this plat, drawn by me or under my supervision, was made from an actual survey, and is a correct representation of the land platted and has been prepared in conformity with the minimum standards and requirements of law.
_____R.L.S. No._____."

- (2) *Owner's acknowledgment.*

"I, _____, the owner of the land shown on this plat and whose name is subscribed hereto, acknowledges that this plat was made from an actual survey, and for value received the sufficiency of which is hereby acknowledged, do hereby convey all streets and rights-of-way, water mains and sewer lines shown hereon in fee simple to the City of Dunwoody, and further dedicate to the use of the public forever all alleys, parks, watercourses, drains, easements and public places hereon shown for the purposes and considerations herein expressed. In consideration of the approval of this development plan and other valuable considerations, the owner further releases and holds harmless the City of Dunwoody from any and all claims, damages or demands arising on account of the design, construction and maintenance of the property shown hereon; on account of the roads, fills, embankments, ditches, cross-drains, culverts, water mains, sewer lines, and bridges within the proposed rights-of-way and easements shown; and on account of backwater, the collection and discharge of surface water, or the changing of courses of streams.

"And further the owner warrants that he owns fee simple title to the property shown hereon and agrees that the City of Dunwoody shall not be liable to him/her, his/her heirs, successors or assigns for any claims or damages resulting from the construction or maintenance of cross-drain extensions, drives, structures, streets, culverts, curbs or sidewalks, the changing of courses of streams and rivers, flooding from natural creeks and rivers, surface waters and any other matter whatsoever. I further warrant that I have the right to sell and convey the land according to this plat and do hereby bind myself and owners subsequent in title to defend by virtue of these present.

"All single-family residential lots on this plat are included in a special taxing district for funding the maintenance of stormwater detention facilities required because of this development. [Note: This paragraph is only required in single-family residential subdivisions.]

"All roads have been properly designed and dedicated to accommodate any required parking in the right-of-way.

"In witness whereof, I have hereunto set my hand this _____ day of _____, _____.

(SEAL)
(Owner) _____
Witness: _____
Notary Public."

Section 14: Protective covenants to meet minimum zoning requirements

The final plat shall not contain protective covenants stipulating lower standards than the minimum restrictions required by the City of Dunwoody Zoning Ordinance.

Section 15: Disclosure statement required for residential subdivisions and multi-phase residential developments

- (a) Before any final plat for any residential subdivision and any multi-phase residential development may be submitted for review by the City, a disclosure statement, sworn to by the applicant under penalty of perjury before a notary public or other officer authorized to administer oaths, must be filed with the Director of Community Development. The disclosure statement shall be in a form promulgated by the Director of Community Development and approved by the City Attorney.
- (b) Any applicant for the final plat, intending to make written or oral representations to potential purchasers of homes in any residential subdivision and any multi-phase residential development must submit the information specified herein on the disclosure statement which shall be made available to members of the public by the Director of Community Development:
 - (1) An estimated date of completion of the entire residential subdivision;
 - (2) A statement of the average size of homes to be constructed in the subdivision, any specified style of architecture, landscaping, the type of construction materials to be used (i.e. brick, stone, stucco, pressboard, etc.), and the average size of lots;
 - (3) A statement of the applicant's commitment to build any community amenities within the subdivision, including but not limited to a clubhouse, tennis courts or swimming pool;
 - (4) A statement of the general terms and conditions at which the applicant proposes to dispose of the lots and/or homes in the residential subdivision;
 - (5) Copies of all forms of conveyance to be used in selling lots to potential purchasers;
 - (6) A statement of all deed restrictions, easements and covenants applicable to the residential subdivision;
 - (7) Copies of instruments creating any deed restrictions, easements and covenants applicable to the residential subdivision;
 - (8) A statement regarding whether there will be a mandatory membership in any homeowners association and if so, a copy of the budget for the association for its first year of operation including the estimated amount of the first year's assessments and the estimated amount of revenue to be subsidized by the developer; and
 - (9) An explanation of the timing and method of transfer of control of the association to the homeowners where there is a mandatory membership in the homeowner's association governing the residential subdivision.
- (c) With respect to the first phase and subsequent phases of a multi-phase residential development, the applicant must also submit the following information:
 - (1) An estimated date of completion of each phase of a multi-phase residential development and estimated date of completion of all phases of the development;

- (2) A statement of the average size of homes to be constructed in the future phases of the development, any specified type of architecture, landscaping, the type of construction materials to be used (i.e. brick, stone, stucco, pressboard, etc), and the average size of lots;
 - (3) A statement of any community amenities to be built within the development currently or in the future, including but not limited to a clubhouse, tennis courts or swimming pools the applicant is committed to constructing in future phases; and
 - (4) A statement of the general terms and conditions at which the applicant proposes to dispose of the lots and/or homes in the future phases of the development.
- (d) If the applicant intends to make no representations or commitments to potential purchasers concerning each of the representations set forth in subsection (b) and (c), the applicant shall note the same in the disclosure statement filed with the Director of Community Development which statement shall be made available by the Director of Community Development to the public.
 - (e) After the required disclosure statement has been submitted, the Director of Community Development shall examine the information provided and determine whether the information submitted is consistent with the final plat and if the information is consistent, the Director of Community Development shall approve the disclosure statement in writing within thirty-five (35) days of submission of the statement.
 - (f) If it appears to the Director of Community Development that a disclosure statement is incomplete or fraudulent, the Director shall disapprove the disclosure statement and notify the applicant for the final plat in writing within fourteen (14) days after the initial submission of the statement. Such notification shall serve to suspend the review of the final plat by any City employee or official until the applicant files such additional information, as the Director shall require. No final plat may be certified by the Director until such time as the Director approves the applicant's disclosure statement.
 - (g) If at any time after approval of the disclosure statement the Director of Community Development becomes aware that the disclosure statement contains false or misleading information, or that the applicant is developing in a manner inconsistent with the approved disclosure statement, the Director shall disapprove the disclosure statement and notify the applicant in writing that the disclosure statement has been disapproved.
 - (h) Subsequent to the recording of the final plat for a residential subdivision and for each phase of a multi-phase residential development, the approved disclosure statement on file with the City shall be provided by any seller to potential purchasers at the execution of the purchase and sales contract or, if no such contract is executed, ten (10) days prior to the real estate closing on any property governed by this section.

Section 16: Violations

It shall be unlawful for any person to sell property in a residential subdivision or a multi-phase residential development without providing a potential purchaser with a copy of an approved disclosure statement as required by Section 15 of this Part. It shall be unlawful for any person to provide the Director of Community Development with false or misleading information in an approved disclosure statement as required by Section 15 of this Part. It shall be unlawful for any person to develop in a manner inconsistent with the approved disclosure statement. Any person, firm or corporation convicted of violating this section shall be subject to fine and/or imprisonment in accordance with Chapter 1 of this Code.

Part D: Revised Final Plat

Section 1: Procedure

- (a) The original recorded plat shall be used for all revisions.
- (b) When it becomes necessary to revise an original recorded final plat due to some error, required adjustment or desired adjustment, the applicant shall confer with the Director of Community Development to determine if the revision is a minor or major revision. The applicant's surveyor shall make the necessary corrections on the original final plat or prepare a new tracing of that portion of the subdivision involved. The subdivision name, date and book and page number of the original recording shall be noted on the new plat. If the original final plat is not available, then any proposed revision to the final plat shall be considered a major change.
- (c) A minor change is one that corrects a drafting or scrivener's error or is otherwise administrative in nature and does not affect how the subdivision will be developed or built. A major change is any other change, including changes that alter how the subdivision will be developed or built, such as, but not limited to, changing or moving lot lines, increasing or decreasing the number of lots, changing the location of any public facilities or utilities, and revising protective covenants applying to the property.
- (d) If the Director of Community Development determines the change is minor, then the Director will obtain the City Manager's acknowledgement, approval, and acceptance of the revised final plat, and shall file such revised plat with the Clerk of the Dekalb County Superior Court.
- (e) If the Director of Community Development determines the change is major, the revised plat must proceed through the approval process for final plats described in this Code.
- (f) The basis for the Director's characterization of the change as either major or minor shall be recorded in black ink on the revised plat.

Section 2: When new tracing required

If the original final plat is not available, the applicant shall prepare a new mylar or other durable, stable, and reproducible drafting medium approved by the Department of Community Development, in accordance with Section 1(b) of this Part.

Section 3: Revisions and explanation to be in black ink

Revisions and a notation explaining the revisions shall be shown in black ink on the revised plat.

Section 4: Space for certifications

A blank space consisting of not less than fifty (50) square inches shall be provided on the revised plat to accommodate required certifications.

Section 5: Scale

Revised plats shall be prepared at a scale of not less than fifty (50) feet to one (1) inch.

Section 6: Compliance with zoning ordinance

The revised plat shall comply with the regulations of the City of Dunwoody Zoning Ordinance, including all conditions of zoning, which are to be shown in the upper right hand corner of the revised plat.

Section 7: Inclusion of required wording

The revised plat shall show the following wording in black ink:

“This revised plat has been submitted to the City Manager of the City of Dunwoody, Georgia, and has been approved as required by State Law and City codes as meeting all conditions precedent to recording in the Superior Court of Dekalb County. This plat is hereby approved subject to any protective covenants shown hereon.

Dated this _____ day of _____

City Manager
City of Dunwoody, Georgia”

Section 8: Original protective covenants not to be changed

All revisions to original plats shall be bound by the protective covenants on the original final plat and a statement to that effect shall be noted in black ink on the revised plat unless noted otherwise.

Section 9: City may require additional data

Other data which may be required in support of a revised final plat are: a final engineering design report on proposed revisions and such other certificates, affidavits, endorsements, or dedications as may be required by City officials in the enforcement of this Chapter.

Division 3: Design Standards

Part A: General Provisions

Section 1: Adequate public facilities

The applicant shall submit sufficient information and data with the application on the proposed subdivision to demonstrate compliance with the following:

- (1) Comprehensive plan consistency required. Proposed public improvements shall conform to and be properly related to the City of Dunwoody Comprehensive Plan and all applicable capital improvement plans.
- (2) Water. All habitable buildings and buildable lots shall be connected to a public water system capable of providing water for health and emergency purposes, including adequate fire protection.
- (3) Wastewater. All habitable buildings and buildable lots shall be served by an approved means of wastewater collection and treatment.
- (4) Stormwater Management. Drainage improvements shall accommodate potential runoff from the entire upstream drainage area and shall be designed to prevent increases in downstream flooding as required under Article II, Section 13 (Stormwater Management) of this Chapter. Stormwater quality management facilities shall be adequate as required by Article II, Section 14 of this Chapter. The City of Dunwoody may require the use of control methods such as retention or detention, and or the construction of offsite drainage improvements to mitigate the impacts of the proposed developments.
- (5) Roads. Proposed roads shall provide a safe, convenient, and functional system for vehicular, pedestrian, and bicycle circulation, shall be properly related to the comprehensive plan, and shall be appropriate for the particular traffic characteristics of each proposed development.
- (6) Extension policies. All public improvements and required easements shall be extended through the parcel on which new development is proposed. Streets, water lines, wastewater systems, drainage facilities, electric lines, and telecommunications lines shall be constructed through new development to promote the logical extension of public infrastructure.

Section 2: Conservation of natural resources

- (a) To better implement the policies and purposes of this Chapter, to protect the health, safety, and welfare of the citizens of the City of Dunwoody and to minimize the negative environmental effects of development, subdivisions shall be designed and developed to avoid areas of environmental sensitivity. The following land areas shall be preserved in their natural state or not subject to any development or land disturbance activity, and shall not be part of the buildable area:

- (1) Wetlands; and
 - (2) The intermediate regional floodplain;
- (b) Subdivisions shall be also laid out to:
 - (1) Avoid adversely affecting watercourses, ground water, and aquifer recharge;
 - (2) Minimize cut and fill;
 - (3) Minimize impervious cover and the environmental impacts of roads and access points;
 - (4) Minimize flooding; and
 - (5) Minimize adverse effects of noise, odor, traffic, drainage, and utilities on neighboring properties.
- (c) The Director of Community Development shall not recommend approval for a sketch plat or parts thereof if the Director determines that:
 - (1) The areas listed in subsection (a) above have not been set aside and protected from development;
 - (2) The proposed subdivision does not comply with the requirements of subsection (b) above; or
 - (3) If the proposed subdivision is not in the best interest of the public health, safety, and general welfare of the City.

Part B: Streets

Section 1: Generally

- (a) The provisions of this Part apply to streets in subdivisions and in other projects requiring a development or land disturbance permit from the City of Dunwoody.
- (b) The arrangement, character, extent, width, grade and location of all subdivision streets shall conform to the provisions of this Chapter and to the thoroughfare plan. New streets shall be designed and located with consideration of their relation to existing and planned streets, to topographical conditions, to public convenience and safety in their appropriate relation to the proposed uses of the land to be served by the streets.

Section 2: Arrangement where not shown on thoroughfare plan

Where not shown in the thoroughfare plan, the arrangement of streets in a subdivision shall either:

- (1) Provide for the continuation or appropriate projection of existing streets in surrounding areas; or
- (2) Conform to a plan for a neighborhood approved or adopted by the ~~board of commissioners~~ City Council to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impracticable.

Section 3: Minor streets/minor arterials

- (a) Local residential streets shall be so designed to discourage speeding and encourage safe environment for pedestrians and bicyclists. They shall be designed to discourage high speed through traffic by the use of traffic calming devices.
- (b) Within historic districts, the platting of lots and streets shall be compatible with the historic patterns that exist within the historic district except for numbered state or federal routes.

Section 4: Thoroughfare plan

The Director of Community Development and the Public Works Director shall review changes in the patterns of traffic, land development, and subdivisions, and prepare a report to the City Council with recommendations concerning appropriate revisions to the thoroughfare plan. Such review shall:

- (1) Ensure safe and efficient access between neighborhoods and local services;
- (2) Ensure the continuity and adequacy of local streets, collector streets and arterial streets to form a coherent and continuous system of routes;
- (3) Identify applications of appropriate traffic calming and traffic management strategies to discourage unnecessary traffic and travel speeds in neighborhoods; and
- (4) Ensure a coherent and continuous system for pedestrian and bicycle travel.

Section 5: Subdivisions bordering on or containing arterial streets, railroad right-of-way or limited-access highway right-of-way

Where a subdivision borders on or contains an arterial street (major thoroughfares, and minor thoroughfares), a railroad right-of-way or limited-access highway right-of-way, the Director of Community Development may require the following:

- (1) Rear service alleys to facilitate traffic flow, safety and public services;
- (2) Provision of one (1) or a pair of smaller marginal access streets approximately parallel to and on each side of this right-of-way at a distance suitable for the appropriate use of the intervening land as park or open space and to provide for

multipurpose trails. These distances shall also be determined with due regard for the requirements of approach grades and future grade separations; or

- (3) In the case of limited-access highways only, reverse frontage lots may be created with landscape buffers and a non-access reserve strip along the rear property line.

Section 6: Reserve strips

Reserve strips that separate developed or developable land from necessary access to streets shall be prohibited except when such access is controlled by the City of Dunwoody.

Section 7: Street intersection spacing

Street intersections with centerline offsets of less than one hundred twenty-five (125) feet as shown in the DeKalb County Standards for Construction and Design shall be prohibited in subdivisions.

Section 8: Intersections – Right angles

Street intersections in subdivisions shall be as nearly at right angles as practicable. No interior angle shall be less than seventy-five (75) degrees. Intersections or more than two (2) streets shall be designed according to the specific types illustrated in the DeKalb County Standards for Construction and Design.

Section 9: Intersections – Property line to be curved or mitered

At each street intersection in a subdivision the property line at each block corner shall either be mitered or rounded. A mitered property line shall be located on the interior chord of a convex curve or located fifteen (15) feet inside the tangent of a concave curve. A rounded property line shall be established with a curve of radius R varying with the interior angle as specified in the following table, unless sufficient data is presented to show that strict adherence to this requirement is impractical due to topographical or engineering considerations.

Table of Intersection Returns

TABLE INSET:

Interior angle in degrees	R	R
150 – 145	12	15
145 – 140	12	18
140 – 135	12	20
135 – 85	12	25
85 – 75	20	40
75 – 65	30	70
65 – 55	40	80
55 – 45	50	100

45 – 0	75	140
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Section 10: Traffic improvements, street improvements, curb cuts, visibility requirements, and private street construction standards

- (a) Each building shall be located on a lot or parcel that abuts a public street or private street. Private streets shall only be allowed if the development seeking to have a private street(s) is ten (10) acres or larger in size. The ~~Planning Commission Board of Zoning Appeals~~ shall have the authority to waive this minimum acreage requirement if all real property owners that abut the proposed private street agree to such waiver.
- (b) Where this Chapter measures minimum building setback lines and frontages, or imposes development standards in connection with, or with reference to public streets, such measurements or standards set forth in the district regulations and supplemental regulations of the City of Dunwoody Zoning Ordinance, in this Chapter or elsewhere in the Code of the City of Dunwoody shall apply similarly for property abutting a private street where such private street has been approved by the ~~Planning Commission Board of Zoning Appeals~~. Nothing in this Article is intended to authorize any kind of development on a private street that would not be authorized where there was public right of way.
- (c) Private streets within any zoning district shall not be used to satisfy the off-street parking requirements of the Code. Private streets within any district shall be assigned names and locations. The names of these streets shall be shown on plans required for the issuance of building and development permits as provided in this Chapter, Chapter 7 (Building Code), and the City of Dunwoody Zoning Ordinance. The County Geographical Information Services department shall approve all private street names and addresses, thereby avoiding conflicting names and addresses.
- (d) Lots may front on a public street or private street constructed to the standards found in this Chapter.
- (e) Where sewer lines are constructed underneath a private street, the developer is required to grant an easement to the City for installation, maintenance and repair of such sewer lines.
- (f) Private streets shall not be eligible for participation in the City's residential sidewalk district program as provided for in Chapter 23 (Streets and Sidewalks) of this Code.
- (g) Developers and property owners' associations shall ensure access to all private streets by emergency and law enforcement vehicles and shall ensure that private streets are constructed to allow access by all emergency vehicles and law enforcement vehicles.
- (h) The use of private streets may not result in an increase in permitted density above that which would otherwise be permitted by the applicable district regulations. Density calculations shall be made based on a public street system and the preliminary plat that provides for a private street shall be density neutral. Additionally, a utility easement(s) is not to be included in any

plat as a part of an individual lot and thus such land that comprises the utility easement(s) cannot be used to calculate the required minimum lot size, or minimum front yard size.

- (i) Private streets shall comply with requirements for public streets found in this Chapter and all other applicable sections of the Code of the City of Dunwoody. Private streets shall be surfaced with the same type of materials that are used by the City's Department of Public Works for the surfacing and resurfacing of public streets or with materials that are as protective as those used by the City to surface and resurface streets so long as such alternative materials are approved by the Director of Public Works.

Section 11: ~~Planning Commission~~ Board of Zoning Appeals approval to create a private street

- (a) The ~~Planning Commission~~ Board of Zoning Appeals shall authorize a private street where the Department of Community Development has certified that the applicant has submitted all required documentation as set forth herein and where the ~~Planning Commission~~ Board of Zoning Appeals finds that:

- (1) The location of the proposed private street(s) will not adversely impact use of any existing surrounding public street(s); and
- (2) The location of the proposed private street will not adversely impact adjacent existing communities or neighborhoods; and
- (3) The applicant has shown that there is the requisite legal mechanism for the maintenance of the proposed private street(s); and
- (4) The applicant has provided written evidence that the proposed private street system is acceptable to the City departments or divisions responsible for law enforcement, sanitation, transportation and fire and rescue; and

- (b) ~~If the private street is to be located in a historic district as that term is defined in the Dekalb County Code of Ordinances or the City of Dunwoody Code of Ordinances, then the applicant must provide the Planning Commission with a certificate of appropriateness authorizing the private street from the Historic Preservation Commission of Dekalb County or the Historic Preservation Commission of Dunwoody, if one is created. If no such certificate of appropriateness is provided to the Planning Commission then the Planning Commission shall deny the application for a private street.~~

- (c) Street rights-of-way shall be owned by the mandatory homeowners' association as required by Section 12 of this Part. Street rights-of-way shall comply with all the requirements set forth in this Code, including but not limited to the requirements set forth in this Chapter and in the City of Dunwoody Zoning Ordinance. An access easement and a utility easement shall entirely overlay the rights-of-way and shall be dedicated to the City of Dunwoody for public use. All applicable setbacks, lot widths and lot areas shall be measured from the homeowner's association right of way.

Section 12: Legal mechanisms of maintenance of private streets, resurfacing fund

(a) Maintenance of private streets.

- (1) Each developer that chooses to include private streets within a condominium, as that term is defined by State Law, or any other residential, commercial, institutional, industrial or office development, shall organize and establish a property owners' association prior to recording of the final plat. Membership in the property owners' association shall be mandatory for each original and successive purchaser of a lot, building or unit within the development. The property owners' association shall be organized so that it has clear legal authority to maintain and exercise control over the private street(s) and required improvements associated with private streets, including, but not limited to, sidewalks, bikeways, curbs and gutters, traffic signs and markings, associated landscaping and lighting, entry signs, monuments, perimeter walls and fences, entry gates and gatehouses. The declaration of covenants creating the property owners' association shall be recorded with the clerk of the Superior Court of DeKalb County and the recorded declaration of covenants and articles of incorporation creating the property owners' association shall provide that all private streets and associated improvements are owned by the property owners' association or are held in common by the property owners within the development. Said streets shall be properly maintained and insured with no liability or maintenance responsibilities accruing to the City. The recorded declaration of covenants and articles of association shall specifically require the property owners' association repair and maintain each private street in the same manner as similar public streets are maintained by the City and such maintenance and repair shall be performed in compliance with all City standards and all applicable provisions of law.
- (2) Prior to any final plat approval, the developer shall submit articles of incorporation, declaration of covenants and bylaws for the property owners' association to the Department of Community Development. Those documents must thereafter be reviewed and approved by the City attorney.

- (b) Maintenance fund. The declaration of covenants and articles of association shall provide for a street maintenance fund the proceeds of which shall be used solely for the purpose of regular maintenance of the street(s), whether for resurfacing or a similar purpose. For the purposes of providing further assurance that City funds shall not be used for maintenance of private streets, the developer shall submit proof of deposit of fifty (50) percent of the current estimate of resurfacing costs, as determined by the Director of Community Development or designee, in an interest bearing account on behalf of the property owners' association.

- (c) Maintenance bond. At the end of the twelve-month maintenance period provided for in Division 4, Part D, Section 6 of this Article, a developer must provide a maintenance bond renewable annually to cover the cost of maintenance and repair for any private streets within a subdivision. The bond shall be for an amount equal to fifty (50) percent of the current estimate of resurfacing costs, as determined by the Director of Community Development or designee. The developer may avoid securing the maintenance bond set forth in this subsection if the developer submits proof to the Department of Community Development that one hundred (100) percent of the then-current estimate of resurfacing costs, as determined by the Director or designee, has been deposited in an interest-bearing account

on behalf of the property owners' association. If the developer chooses this alternative, the declarations of covenants and articles of association shall specifically require the property owners' association to continuously maintain one hundred (100) percent of the then-current estimate of resurfacing costs of the private streets in this maintenance fund.

- (d) Assessment and liens. The property owners' association must be empowered to levy assessments against owners within the development for the payment of expenditures made by the association for maintenance of the private streets and other items set forth in subsection (a) herein. At least fifteen (15) percent of all fees or assessments paid shall be set aside in the maintenance fund. Any unpaid assessments shall constitute a lien in favor of the property owners' association on the lot, building or unit of the owner.

Section 13: Inspection of private streets within nine months of approval of the final plat; failure to correct deficiencies

- (a) Within nine (9) months following approval of the final plat, the City's Director of Community Development or designee shall inspect the private street(s) to ensure compliance with all City standards and all applicable provisions of this Code including, but not limited to, the requirements set forth in law for public streets, curbs, sidewalks, signage and street lighting. The developer shall be notified of any deficiencies in writing and such deficiencies shall be corrected within sixty (60) days of the written notice of deficiencies unless the City agrees to extension of that period in writing.
- (b) Failure to correct the complete list of deficiencies shall be a violation of this section and shall subject the developer to prosecution for a code violation in the Municipal Court of the City of Dunwoody. Any person found to have violated this section shall be subject to a fine of not less than five hundred dollars (\$500.00) for each violation. A separate and distinct offense shall be regarded as committed each day on which such person shall continue any such violation.
- (c) The Director of Community Development or designee shall deny the issuance of certificates of occupancy until all deficiencies have been corrected.

Section 14: Abandonment of existing public streets

- (a) Any abandonment of a public street by the City pursuant to this section must comply with the applicable requirements set forth in State Law and this code, including but not limited to the requirements set forth in O.C.G.A. §§ 32-7-2(b) and 32-7-4 and as may hereinafter be amended.
- (b) A property owner(s) may petition the City Council to abandon an existing public street that abuts the owner(s)' property. The petition must include documents that comply with all of the following requirements set forth in this section.
- (c) The petition shall contain evidence that each abutting landowner to the public street seeks to have the street abandoned.
- (d) The petition shall contain evidence that once abandoned pursuant to the requirements of State Law, all property owners that abut the street agree that ownership of the street shall be

placed in a property owners' association. The petition shall include evidence that one hundred (100) percent of all property owners in the property owners' association have agreed that the street at issue may become private and have agreed to maintain and exercise control over the private street as required by this ordinance.

- (e) The petition shall contain evidence that the property owners' association has the financial ability to maintain the street and associated improvements in perpetuity.
- (f) The petition shall include evidence that the declaration of covenants and articles of association or other legal instrument(s) creating the property owners' association provide or have been amended to provide that membership in the property owners' association shall be mandatory for each original and successive purchaser of a lot, building or unit on the street.
- (g) The petition shall include evidence that the property owners' association shall be organized so that it has absolute legal authority to maintain and exercise control over the private street(s) and required improvements associated with private streets, including, but not limited to, sidewalks, bikeways, curbs and gutters, traffic signs and markings, associated landscaping and lighting, entry signs, monuments, perimeter walls and fences, entry gates and gatehouses.
- (h) The petition shall include evidence that the declaration of covenants creating the property owners' association shall be recorded with the clerk of the Superior Court of DeKalb County and the recorded declaration of covenants and articles of incorporation creating the property owners' association shall provide that all private streets and associated improvements are owned by the property owners' association or are held in common by the property owners within the development. Said streets shall be properly maintained and insured with no liability or maintenance responsibilities accruing to the City.
- (i) The petition shall include evidence that the declaration of covenants and articles of association shall provide for a maintenance fund, the proceeds of which shall be used solely for the purpose of regular maintenance of the street(s), whether for resurfacing or similar purpose. For the purposes of providing further assurances that City funds shall not be used for maintenance of private streets, the property owners' association shall submit proof of a maintenance fund equal to fifty (50) percent of the current estimate of resurfacing costs, as determined by the Director of Community Development or designee, in an interest bearing account on behalf of the property owners' association.
- (j) The petition shall include evidence that the property owners have a maintenance bond renewable annually in an amount equal to fifty (50) percent of the current estimate of resurfacing costs, as determined by the Director of Community Development or designee.
- (k) The petition shall include evidence that the property owners' association is empowered to levy assessments against owners on the street(s) for the payment of expenditures made by the association for maintenance of the private streets and improvements associated with private streets, including, but not limited to, sidewalks, bikeways, curbs and gutters, traffic signs and markings, associated landscaping and lighting, entry signs, monuments, perimeter walls and fences, entry gates and gatehouses and evidence that any unpaid assessments shall constitute a lien in favor of the property owners' association on the lot, building, or unit of

the owner. At least fifteen (15) percent of all fees or assessments paid shall be set aside in the maintenance fund.

(l) The City Council shall not consider a petition for abandonment unless it:

- (1) Contains all of the evidence and documents required by this ordinance ~~and has been reviewed by the Planning Commission~~; and
- (2) Is supported by an analysis by the Department of Public Works that shows that the street is no longer used by the public to the extent that it serves no substantial public purpose and that the public at large will benefit from its closure since the public will no longer be responsible for any costs to maintain and repair the street; and
- (3) Is supported by an analysis by the Department of Community Development that shows that the abandonment of the street shall not negatively impact adjacent neighboring communities and the public at large.

~~Deferral of a petition and/or failure to provide a recommendation by the Planning Commission shall not prevent the City Council from taking any and all appropriate action with respect to the petition identified in this section.~~

Section 15: Street classification and right-of-way width

All streets shall be classified according to the table in this section. Street construction standards shall be no less than as follows:

TABLE INSET:

Type of Road	Travel Lanes	Bike Lanes	Paving Width	Planting Strips	Sidewalks	Utility Strips	Property ROW	Under-ground utilities	Street Lights
Parkway, 4 lane divided	4 @ 11'	2 @ 4'	*	2 @ 6'	2 @ 5'	2 @ 15'	120	Y	Y
Major arterial	4 @ 11'	2 @ 4'	*	2 @ 6'	2 @ 5'	2 @ 15'	100	Y	Y
Minor arterial	2 @ 11'	2 @ 4'	*	2 @ 6'	2 @ 5'	2 @ 15'	80	Y	Y
Residential arterial	2 or 4 @ 11'	2 @ 4'	*	2 @ 6'	2 @ 5'	2 @ 15'	**	Y	Y
Collector	2 @ 11'	2 @ 4'	*	2 @ 5'	2 @ 5'	2 @ 15'	70	Y	Y
Res. Pkwy (min. 100 homes)	2 @ 11'		*	2 @ 5'	2 @ 5'	2 @ 15'	**	Y	Y
Local residential	2 @ 12'	0	*	2 @ 5'	2 @ 5'	2 @ 14'	**	Y	Y

Local office and institutional	2 @ 12'	0	<u>*</u>	2 @ 5'	2 @ 5'	2 @ 15'	<u>**</u>	Y	Y
Local industrial	2 @ 14'	0	<u>*</u>	2 @ 5'	1 @ 5'	2 @ 15'	<u>**</u>	Y	Y
Alley, private	1 @ 12'	0	<u>*</u>	0	0	0	0	Y	O
Alley, public	1 @ 16'	0	<u>*</u>	0	0	0	20	Y	Y

*Paving Width = travel lanes + bike lanes

**Property Right-of-way = paving width + curb & gutter width + utility strip + bike lanes + other (median or shoulder)

Section 16: Improvements, right-of-way dedication

- (a) All proposed new streets shall be designed and built according to one of the standards listed in Section 15 of this Part and as shown in the DeKalb County Standards for Construction and Design.
- (b) Where a proposed subdivision or project requiring a land development permit has frontage on an existing public street, right-of-way shall be dedicated along that frontage so as to meet the standards of that street's classification in the City thoroughfare plan. The right-of-way shall be improved wherever required as further provided in this section. For existing streets on which a proposed subdivision or project requiring a land development permit has frontage, the applicant shall:
 - (1) Dedicate a minimum of fifty (50) percent of the required right-of-way width as measured from the centerline of the existing street right-of-way;
 - (2) Install all required sidewalks, street trees, streetlights, and place utilities according to the standards in Section 15 of this Part; and
 - (3) Provide a minimum of fifty (50) percent of the roadway pavement required in Section 15 of this Part and install it to the right-of-way centerline.
- (c) Land reserved for any road purposes may not be counted in satisfying yard or area requirements on the City of Dunwoody Zoning Ordinance where the land is to be dedicated to the public in fee simple or an easement associated with the road is granted to the City of Dunwoody.
- (d) Right-of-way dedication and road widening shall extend for the full length of road frontage of the property under development and shall conform to the standards in these regulations. Flares at pavement ends may be required to extend beyond property under development.

- (e) The City Council, after considering all related factors, may authorize deviations from this section as follows:
- (1) Right-of-way dedication may be waived or modified if:
 - (A) Existing use of property is not to be substantially changed as a result of proposed development or construction;
 - (B) Existing government construction plans for the roadway indicate lesser right-of-way would be required for dedication; or
 - (C) The adjoining frontage is developed and the predominant existing right-of-way meets City standards.
 - (2) Road improvements may be waived or modified if:
 - (A) Existing use of property not to be substantially changed (i.e., traffic generation and ingress/egress would remain the same);
 - (B) Governmental construction plans for the road indicate a pavement width less than City standards (only the planned pavement width shall be required);
 - (C) No more than five (5) percent of average daily traffic generation would occur between 7:00 a.m. and 9:00 a.m. and 4:00 p.m. and 6:00 p.m., on weekdays;
 - (D) The existing road meets current county standards; or
 - (E) Widening would create a hazard to traffic, pedestrians, or bicyclists along the thoroughfare.
 - (3) The applicant may, with written concurrence of the Director of Community Development and the City attorney, provide payment to the City in lieu of road improvements when:
 - (A) Road improvements by state or local action are scheduled within twenty-four (24) months;
 - (B) Existing utility companies' improvements are situated so as to require their removal or relocation before road improvements should be accomplished;
 - (C) Improvements would be economically unfeasible or would cause unreasonable land development hardships because of topography, soils, bridges, grades, etc., and delay of improvements would not adversely impact the City's road system; and
 - (D) Payment for road improvements shall be in accordance with a schedule adopted by the City Council in January of each year and based on current street construction costs for the required section.

Section 17: Half Streets

Half streets are prohibited. The applicant shall be required to pave the full standard width of any existing unpaved public right-of-way or any proposed public street on which the proposed subdivision has frontage and access.

Section 18: Temporary dead-end streets

Temporary dead-end streets may be platted, if recommended by the Director of Community Development and approved by the City Manager, where the proposed subdivision adjoins property not yet subdivided or property that may be redeveloped. A temporary dead end street shall end in a temporary turn-around. The right-of-way of any temporary dead end street shall be carried to the boundary of the properties being subdivided. Street signs shall be posted stating: "No Exit -- temporary dead-end street."

Section 19: Permanent dead-end streets; cul-de-sac required

- (a) Dead-end streets designed to be so permanently shall be provided with a cul-de-sac at the closed end and shall not exceed one thousand two hundred (1200) feet.
- (b) The minimum outside radius of a cul-de-sac on a public street shall be forty (40) feet, measured to the inside face of the outside curb. Each cul-de-sac shall provide a landscaped island at the center, and the clear width of the paved roadway measured from the outside of the landscaped island to the inside face of the outside curb shall not be less than twenty-four (24) feet. The radius of the right of way for the cul-de-sac shall not be less than fifty (50) feet.

Section 20: Alleys

- (a) Alleys shall be required wherever topography or the presence of arterial roads or other features makes vehicular access from the front of the lot impractical or unsafe. Where the alley serves as the primary means of vehicular access to the lot, it shall be dedicated as a public right-of-way and built to the standards required in these regulations/this Chapter.
- (b) Alleys may be permitted as private streets providing secondary or service access and where the principal buildings have adequate access for emergency vehicles from a public street on their frontage. Private alleys may end in a turn-around. All alleys dedicated to the public shall provide a continuous connection between one (1) or more public streets. Alleys shall be paved and constructed to the same standards as the connecting public streets except that:
 - (1) The paved width of an alley shall be not less than twelve (12) feet;
 - (2) Alleys shall be constructed with flush curbs;
 - (3) Buildings shall be set back at least ten (10) feet from the back of curb of an alley.

Section 21: Street grades

- (a) Subdivision street grades shall not exceed the following, with due allowance for reasonable vertical curves:

TABLE INSET:

Type	Percent Grade
Major arterial	8
Minor arterial	10
Residential arterial and alley	12
Collector street	12
Local residential	12
Alleys	12

- (b) A sixteen (16) percent grade on local residential streets may be approved by the Director of Community Development where a sight distance in feet of ten (10) times the speed limit is maintained. An as built street profile may be required.
- (c) No street grade shall be less than one (1) percent and no one (1) percent grade shall be longer than three hundred (300) feet.
- (d) Up to a twelve (12) percent grade on alleys may be allowed, provided the development director approves any required drainage plan.

Section 22: Minimum horizontal curve radius

Subdivision streets with design speeds of twenty (20) miles per hour may not have a minimum centerline horizontal curve radius less than ninety (90) feet. No other subdivision street shall have a horizontal curve radius less than one hundred fifty (150) feet. Radius shall be measured from the centerline of the right-of-way.

Section 23: Minimum sight distance

All subdivision streets shall have a minimum sight distance of at least two hundred (200) feet.

Section 24: Design of intersections

Subdivision intersections shall not be designed in such a manner as to create a traffic hazard. A minimum of one hundred fifty (150) feet clear sight distance in each direction from the intersection shall be provided. Where a subdivision street enters an existing major or minor arterial, a minimum of two hundred fifty (250) feet sight distance in each direction shall be maintained. If, due to other restrictions, this minimum sight distance cannot be maintained, the applicant shall, at the applicant's expense, provide adequate traffic-control devices or other physical improvements subject to the approval and installation by the City.

Section 25: Access management

The following standards shall apply to all subdivisions and all projects requiring a land development permit where the primary access is from a state or federal highway or an arterial classified as a major, minor or residential arterial or collector street in the City of Dunwoody Transportation and Thoroughfare Plan. These standards shall apply unless a more restrictive standard is required by the Georgia Department of Transportation:

- (1) Commercial or office properties may be required, based on site conditions as determined by the Director of Community Development, to provide a cross access drive and pedestrian access to allow circulation between sites. Cross access is not required between non-residential uses and single-family uses.
- (2) Joint driveways, cross access easements and pedestrian access shall be established wherever feasible along a major or minor arterial or collector street. The building site shall incorporate the following:
 - (A) Continuous service drive or cross access corridor extending the entire length of each block served to provide for driveway separation of at least 1,000 feet of linear frontage along the thoroughfare.
 - (B) A design speed of ten (10) mph and a two-way travel aisle width of twenty-four (24) feet to accommodate automobiles, service vehicles, and loading vehicles.
 - (C) Stub-outs and other design features to indicate that abutting properties may be connected to provide cross access via a service drive.
- (3) The Director may reduce the required separation distance of access points where they prove impractical, provided all of the following requirements are met:
 - (A) Joint access driveways and cross access easements are provided in accordance with this section.
 - (B) The site plan incorporates a unified vehicular and pedestrian access and circulation system in accordance with this section.
 - (C) The property owner shall enter a written agreement with the City of Dunwoody, recorded with the deed, that pre-existing connections on the site that do not meet the requirements of this section will be closed and eliminated after construction of each side of the joint use driveway.
- (4) All developments shall have access to a public right-of-way. The number of access points shall be as follows:

Minimum Number of Access Points

TABLE INSET:

Type of Development	Minimum No. of Access Points	Type of Primary Access
Residential, under 75 units	1	Residential arterial or collector street
Residential, 76 to 150 units	2	Residential arterial or connector street
Residential, 151 – 300	3	Collector street
Residential, over 300 units	4	Collector street
Nonresidential, less than 300 required parking spaces	1	Collector street
Nonresidential, 300 – 999 required parking spaces	2	Major or minor arterial or collector street
Nonresidential, 1000 or more required parking spaces	2 or more as determined by the Department	Major or minor arterial or collector street

- (5) The separation of access points on a major or minor arterial or collector street shall be determined by the speed limit of the road with the following minimum spacing requirements:

TABLE INSET:

Posted Speed Limit of Road	Minimum Driveway Spacing
Less than 35 MPH	125 feet
36 to 45 MPH	245 feet
Greater than 45 MPH	440

- (A) The distance between access points shall be measured from the centerline of the proposed driveway or public street to the centerline of the nearest existing adjacent driveway or public street.
- (B) Driveway spacing at intersections and corners shall provide adequate sight distance, response time, and permit adequate queuing space.
- (C) No driveway, except residential access, shall be allowed within one hundred (100) feet of the centerline of an intersecting arterial or collector street.
- (D) No non-residential access except right in/right out channelized access shall be allowed within one hundred (100) feet of the centerline of any other major or minor arterial.
- (E) The requirements of this section are not intended to eliminate all access to a parcel of land that was legally subdivided prior to the enactment of this section.
- (6) Where major or minor arterials or collector streets include medians, directional median openings shall be separated by a minimum of three hundred thirty (330) feet

and full median openings shall be separated by a minimum of six hundred sixty (660) feet.

- (7) All street design and other development activities, including landscaping, shall be arranged on site so as to provide safe and convenient access for emergency vehicles.
- (8) Along major or minor arterials, residential arterials, or collector streets, a deceleration lane, a turn lane, larger or reduced turning radius, traffic islands or other devices or designs, including traffic calming devices and designs, may be required to avoid specific traffic hazards which would otherwise be created by the proposed driveway location.
- (9) Deceleration lanes are required for subdivision entrances of subdivisions of twenty (20) or more units that provide less sight distance (in feet) than ten (10) times the posted speed limit (in miles per hour). The minimum deceleration lengths shall be as specified below. The Director may vary length requirements based upon a consideration of available sight distances.

Deceleration Lanes

TABLE INSET:

Operating Speed	Deceleration Lanes
Subdivision streets	Not required
35 MPH	150' + 50' taper
40 MPH	150' + 50' taper
45 MPH	150' + 50' taper
55 MPH	200' + 150' taper

Deceleration lanes located within 75' of an intersection radius may be extended to the intersection.

Section 26: Planting Strips

The City Arborist shall maintain a list of trees that are appropriate for the planting strips, and no trees other than those on the list shall be placed in the planting strips. The City Arborist shall also maintain specifications regarding spacing trees, and the appropriate time for planting. The trees may not count toward the fulfillment of the requirement to plant front yard trees but may fulfill any remaining density tree requirements under the tree protection ordinance, provided the requirements for tree type for planting strips are met.

Part C: Easements

Section 1: Scope

The provisions of this Division apply to easements for or in subdivisions.

Section 2: Permission for dedication required

The applicant must obtain permission from the Director of Community Development for the dedication of utility easements prior to the submission of the dedication.

Section 3: Floodplain easements – On site

Where a subdivision is traversed by a stream, or floodplain, a floodplain easement shall be dedicated to the City. The easement shall conform to the requirements of this Chapter and shall conform substantially to the limits of such stream or floodplain plus additional width as necessary to accommodate future access, but shall not exceed five (5) feet outside the edge of the floodplain.

Section 4: Drainage Easements – Off site

Where drainage system improvements are required on private land outside the subdivision, appropriate drainage rights must be secured by the applicant and indicated on the plat.

Section 5: Pedestrian and bicycle easements and path

Pedestrian and bicycle easements and paths shall be required in subdivision or projects requiring a land development permit to provide circulation or access to schools, parks, libraries, shopping centers, transportation centers and other community facilities. Such easements shall have a paving width of five (5) feet. Such paths shall be constructed according to the specifications set forth in the DeKalb County Standards for Construction and Design Drawings.

Part D: Blocks

Section 1: Generally

The lengths, widths and shapes of blocks in subdivisions shall be determined with due regard to:

- (1) Provision of building sites suitable to the special needs of the type of use contemplated or for the conservation of open space or existing historic features;
- (2) Zoning requirements as to lot sizes and dimensions;
- (3) Needs for convenient access by pedestrians and bicyclists to public transit, nearby schools, or commercial districts, vehicular circulation at safe speeds and adequate access for emergency vehicles; and

- (4) Limitations and opportunities of topography to minimize land disturbance and erosion.

Section 2: Desirable maximum and minimum lengths

The dimensions of blocks shall be designed to accommodate and promote vehicular circulation at safe speeds. The desirable maximum block length in a subdivision is one thousand two hundred (1,200) feet and the desirable minimum length is three hundred (300) feet.

Section 3: Mid-block easements and pedestrian paths

In blocks of eight hundred (800) feet or more, the Director of Community Development may require the reservation of a ten-foot easement and the paving of a five-foot wide path through the block to accommodate utilities, drainage-facilities, or pedestrian traffic. Such paths shall be constructed according to the specifications set forth in the City of Dunwoody Standards of Construction and Design Drawings or Dekalb County Standards of Construction and Design Drawings if the same has not been created by the City.

Part E: Lots

Section 1: Generally

The lot size, width, depth, shape and orientation and the minimum building setback, side yard, and rear yard lines in subdivisions shall be in accordance with requirements of the City of Dunwoody Zoning Ordinance.

Section 2: Corner lots

Corner lots for residential use in a subdivision shall have an extra width of not less than fifteen (15) feet more than required for interior lots by the City of Dunwoody Zoning Ordinance for the zoning district within which they are located in order to provide appropriate front building setback from and orientation to both streets.

Section 3: Frontage

Each subdivision lot shall front upon a publicly maintained street.

Section 4: Through lots and reverse frontage lots prohibited

Through lots and reverse frontage lots shall be prohibited in subdivisions except along limited access highways, such as interstate highways. Where it is necessary to provide separation of residential development from major arterials or to overcome specific disadvantages of topography and orientation, the lots fronting such features may be platted in greater depth so that dwellings may be set back an appropriate distance from the major arterial or other feature. Such lots may obtain vehicular access from a rear alley. Lots having access from a public alley shall not constitute a prohibited through lot. A landscape reservation of at least ten (10) feet in width, and across which

there shall be no right of vehicular access, may be required along the lot lines of lots abutting any disadvantageous feature or land use where access should be restricted in the public interest.

Section 5: Side lot lines

Side lot lines in subdivisions shall be substantially at right angles or radial to street lines as they extend from the front lot line to the front building line.

Part F: Reservation of Open Spaces

Section 1: Open spaces required; purposes

- (a) All residential subdivisions under five (5) acres or consisting of thirty-six (36) or less dwelling units may, and all residential subdivisions greater than five (5) acres or consisting of more than thirty-six (36) dwelling units shall be required to provide open space, in order to achieve the following public purposes:
 - (1) Conserve open land, including those areas containing historic or cultural resources, or sensitive natural features and wildlife habitats;
 - (2) Reduce erosion and sedimentation by minimizing land disturbance; and
 - (3) Preserve and develop an adequate-tree cover.
- (b) Open space shall be a minimum of twenty (20) percent of the land in all new subdivision developments.
- (c) Open space required by this section may be used in a variety of ways, including natural areas for wildlife and ecological functions, parks, gardens, landscaped medians, squares, village greens, courtyards, recreational space, or recreational facilities, provided the use is consistent with the requirements of this part.

Section 2: Restrictions on open space

No more than twenty (20) percent of the open space area may be covered with an impervious surface. Impervious surfaces may include paved trails, bike paths or multi-use paths, buildings, plazas, swimming pools, or athletic courts. Impervious surfaces in open space may not include sidewalks along public rights of way or parking lots, streets, or other areas for motorized vehicular use.

Section 3: Dedication of parks, open space, recreation areas and conservation easements

Parks, open space, multi-use trails, recreation areas and conservation easements may be offered for dedication to the City by the property owner.

Part G: Sites for Civic Uses

Section 1: Reservation of sites for civic uses

A developer may reserve and offer property within a subdivision as a site for a civic use, including but not limited to public schools, fire stations, police stations, or recreation centers. The developer shall allow a minimum period of one (1) year from the date of submittal of the preliminary plat during which time the proper authorities may authorize acquisition of the property for its intended civic purposes. If the reserved site has not been authorized for acquisition by the proper authorities within one (1) year, the reservation shall terminate unless extended by the developer. If not extended, development of the formerly reserved site must follow the standard plat approval process. An amended final plat for the entire subdivision shall then be processed in the required manner when submitted by the developer.

Division 4: Required Improvements

Part A: General Provisions

Section 1: Scope

This division applies to required improvements for or in subdivisions.

Section 2: Location of required utilities in public rights of way

All required utilities within City rights of way shall be located as shown in the City of Dunwoody Standards of Drawing and Specification, if existing, and if not existing, those shown in the DeKalb County Standards of Drawings and Specifications maintained by the DeKalb County Development Department and as otherwise provided herein.

Part B: Water

Section 1: Certification of final plat

There shall be a certification placed upon the final plat from the chief engineer of the Dekalb County water system, or such other watershed services provider as the City may contract with for provision of water services to the City, after the applicant has complied with the requirements of this part.

Section 2: Right to design water mains

The City, or its designated watershed services provider, shall have the right and privilege to design water mains and appurtenances of the right size and materials in subdivisions. The design will include necessary improvements to the water system, including extensions along the entire roadway frontage of the development.

Section 3: Materials, location of mains

- (a) All materials for water mains in subdivisions will conform to specifications of the American Water Works Association.
- (b) Water mains will be laid a minimum distance of four (4) feet back of the curbline.

Section 4: Fire hydrants

Fire hydrants will be installed in subdivisions so that all residential property will meet the requirements of the fire prevention code of Dekalb County, if the County continues to provide fire and rescue services to the City, or the fire prevention code of the City should the City create its own Fire Department. The location of fire hydrants shall be reviewed and approved by the Public Works Director. Additional fire hydrant locations may be required to ensure water quality and air release standards.

Section 5: Water valves

Water valves will be installed in subdivisions to affect a minimum cutoff of mains in case of shutdowns.

Section 6: Stub-out services

Stub-out services will be installed in all cases where necessary to avoid cutting of pavement or sidewalks and will be placed on the lot as specified by the City.

Section 7: Determination of size of mains

Sizes of water mains in subdivisions will be determined by the City to ensure adequate domestic supply and fire protection for the subdivision.

Section 8: Submission of water service data for location of water system

- (a) The applicant shall furnish data on the final subdivision plat in digitized form, and/or as required, to the Director of Community Development.
- (b) The City shall design on this plat the location and size of all pipe, valves, fire hydrants, fittings and stubs to lots, consistent with design regulations promulgated by the Director of Community Development in conjunction with the City's watershed services provider. It will then furnish to the owner/applicant copies of this plat with a list of materials that will include the total linear feet of main to be extended.
- (c) With this information the applicant will take bids from contractors and when the contract is awarded, furnish the City with a copy of the contract.

Section 9: Engineer's or surveyor's certification

The applicant's engineer or surveyor shall furnish the City with an engineer's certificate.

Section 10: Prerequisites to delivery of materials to contractor

- (a) No materials to be used for subdivision water improvements will be delivered to the job site until the requirements of Sections 8 and 9 of this Part have been complied with.
- (b) No work will commence on the water improvements until DeKalb County water and sewer division inspectors have inspected and approved all materials on the site for compliance with the materials specifications as published by the water and sewer division of the DeKalb County public works department.
- (c) Any water line material or appurtenances found not to meet specifications shall be removed from the job site by the contractor prior to commencement of any water line construction activity.

Section 11: Final inspection; cost of labor information to be supplied

Upon completion of the job of installing water improvements in a subdivision, the owner/applicant's engineer and the City's watershed service provider will measure the work done showing station numbers to all valves, fire hydrants and other pertinent fittings including stub locations. The owner/applicant will furnish the City a copy of this report showing the work done. The owner/applicant will furnish the City with a final cost of the labor to install the materials.

Section 12: Material storage and responsibility

It shall be the contractor's responsibility to acquire, properly handle, store and protect all materials. The City shall not be held responsible for loss or damage to any materials. No damaged material shall be utilized in the water line construction.

Section 13: Excavation

- (a) Depth. Trenches shall be excavated to a depth sufficient to provide a minimum of three (3) feet of cover over subdivision water mains, and two and one-half (2 1/2) feet over subdivision water service lines. In rock cuts, the excavation shall be of sufficient depth and width to provide a minimum of six (6) inches' earth cushion below and along the sides of the mains.
- (b) Sheeting. The contractor shall install sheeting and bracing where necessary to prevent caving, to protect new work and to protect adjacent utility lines, and public and private property.
- (c) Blasting. Blasting shall be permitted only with the written approval of the City for each location. The contractor shall provide adequate protection, such as mats, and permit only qualified, experienced personnel to supervise blasting. Approval by the City in no way relieves the contractor from any liability for any damages whatsoever resulting from the blasting operations.

Section 14: Pipe laying

Pipe laying shall conform to the specifications prepared and approved by the Community Development Department in effect at the time a development permit application is received by the Community Development Department. The Director of Community Development is authorized to promulgate specifications and regulations to govern and implement this provision.

Section 15: Backfilling

- (a) All backfilling in subdivisions shall be done with material free from roots, stumps and other foreign material. No rock will be permitted within a distance of six (6) inches from the pipe or ground surface. Rock larger than twelve (12) inches in greatest dimension will not be allowed in any part of the trench. All rock larger than twelve (12) inches shall be disposed of by the contractor.
- (b) The placing and compaction of all backfill material shall be as follows:
 - (1) Backfill from bottom of trench to one (1) foot above the top of the pipe shall be compacted in layers not exceeding six (6) inches, after compaction. Backfill along the sides and to the top of the pipe shall be hand tamped with acceptable hand tamps or mechanically operated hand-tampers, vibrators, etc.
 - (2) From a point one (1) foot above the top of the pipe to the surface of the trench, backfill shall be placed and compacted in layers not exceeding twelve (12) inches in thickness after compaction. The method of compaction in this section of the trench may be by any reasonable method that will give required compaction. After compaction, the dry weight per cubic foot of any six-inch depth of backfill shall be at least ninety-five (95) percent of the maximum dry weight per cubic foot, as determined by the American Association of State Highway Official Method T-99.
 - (3) The contractor shall restore to the original condition as at the start of the job, all shrubbery, grass, sod, fences, etc., disturbed during the contractor's operations.

Section 16: Pavement replacement

Cuts in existing street pavement and driveways will be patched by the applicant/owner. The applicant/owner shall maintain the cuts in good condition until a permanent patch is made. When necessary to abate dust, mud or potholing, the contractor shall furnish and install crushed rock or cold patch asphaltic concrete to the surface of the trench. Appropriate utility permits must be obtained from the Public Works Director prior to work being initiated.

Section 17: Barricades and lights

The contractor shall furnish and place sufficient barricades and lights to adequately protect the work on subdivision water improvements, and to protect all vehicular and pedestrian traffic. No street shall be completely blocked, without the permission of the Public Works Department.

Section 18: Testing

- (a) All subdivision mains, including fire hydrants and service laterals, shall be subject to a minimum of one hundred fifty (150) pounds per square inch, hydrostatic test for a period of three (3) hours. When static pressure exceeds one hundred (100) pounds per square inch, the test pressures shall be equal to static pressure plus fifty (50) pounds per square inch.
- (b) The contractor shall fill the line slowly, taking care to blow off air at fire hydrants or service laterals at high points of line. If a fire hydrant or service lateral is not available at high points, the contractor shall furnish all materials and install one-and-one-half-inch blowoffs to relieve trapped air. After the line has been filled, pressure shall be increased to test pressure with a pump.
- (c) A pressure gauge shall be installed on the discharge side of the pump. The pressure shall be maintained for three (3) hours; and during the last hour of the test period, the volume of water required to maintain the pressure will be measured. The leakage, or volume of water required, shall not exceed the requirements of the American Water Works Association Standard Specifications, C-600.87, or latest revision thereof. No line will be accepted until it has passed leakage test requirements. The contractor, at the contractor's option, may cover all joints prior to testing. However, if the water mains do not pass the leakage requirements, the contractor will be required to uncover joints and pipe until all leaks have been located and repaired. All visible leaks shall be repaired, regardless of results of leakage tests.

Section 19: Sterilization of mains

The contractor will furnish all chemicals, feeding equipment and manpower for the sterilization of water mains. The contractor is responsible for the disposal of dose water in accordance with Environmental Protection Division regulations. The contractor must employ a hydric meter to record the quantity of water used and reimburse the City's watershed services provider for the appropriate amount.

Section 20: Cleanup

A thorough cleanup shall be made before final acceptance of subdivision water improvements. All excess rock shall be removed; private and public property shall be restored to original condition, and all excess water line materials removed from the job site.

Section 21: Service lateral locations

The contractor shall submit an as-built drawing showing the location, lot number and street address for each service lateral installed in a subdivision.

Section 22: Maintenance

- (a) The owner/applicant shall maintain all water mains, appurtenances, trenches and other disturbed surfaces for a period of twelve (12) months after approval and acceptance by the City.

- (b) The contractor shall be responsible for repairs to any leaking pipe, fittings, etc. Should any trench settle, the contractor shall promptly furnish and place fill to original grade. Should any leak or trench settlement occur under any pavement, the contractor will be held responsible for the cost of replacing the pavement.

Part C: Sewers

Section 1: Where laid; exceptions

- (a) Sanitary sewers shall be laid in all streets, service connections installed to property lines, and connections made to trunk line sewers in all subdivisions including subdivisions with private disposal systems.
- (b) The developer of a property adjacent to undeveloped and unserved land lying upgradient from the subject property, shall extend the sewer main to the outside boundary of the property being developed in order to allow for the future provision of sewer service to such unserved adjacent property unless waived by the Director of Community Development.
- (c) In all developments with private disposal systems, lines shall be laid and temporarily plugged or capped at the points of service connections to the proposed trunk sewer line and individual lot lines in accordance with DeKalb County requirements and specifications.
- (d) Corresponding service connections shall be installed and temporarily plugged or capped from each principal structure in such a manner that a proper service connection can be made when permanent sewer service is available. This subsection may be waived by the Director of Community Development based upon service feasibility to the principal structure as determined by the elevation of the structure with reference to the elevation of the proposed sewer line.
- (e) The requirements of this section may be waived by the City Council. Applications for this waiver shall be submitted to the Council through the Director of Community Development, who shall schedule the request for a public meeting before the Council. The waiver may be *granted by the Council if it finds that the property for which a waiver is sought is in accordance with applicable provisions of this Code and the DeKalb County board of health regulations concerning the minimum lot size for private disposal systems, and if the property is located in any of the following areas:*
 - (1) *An area of the City where, due to topographic or soil conditions, public sewer service is not feasible.*
 - (2) *An area of the City where the installation of sewer service is not scheduled under the approved capital improvements program of the City or DeKalb County.*
 - (3) *An area of the City where the installation of sewer service is not planned to be accomplished within a six-year period.*

Section 2: Design

Design of the proposed sewer system within a development shall conform to the specifications prepared and approved by the Department of Community Development in effect at the time a development permit application is received by the Department of Community Development.

Section 3: Filing of plan

Filing of plans shall conform to the specifications prepared and approved by the Department of Community Development in effect at the time a development permit application is received by the Department of Community Development. The lowest minimum finished floor elevation shall be noted for each lot.

Section 4: Materials

Materials shall conform to the specifications prepared and approved by the Department of Community Development in effect at the time a development permit application is received by the Department of Community Development.

Section 5: Construction

Construction shall conform to the specifications prepared and approved by the Department of Community Development in effect at the time a development permit application is received by the Department of Community Development.

Section 6: Comments, recommendations to be marked on preliminary plan

Upon receiving the preliminary plat the, Director of Community Development will compare the proposed subdivision in relation to existing and proposed sewer systems. Comments, recommendations and changes deemed advisable will be marked on the preliminary plat and returned to the Director of Community Development.

Section 7: Certification on final plat

The Director of Community Development shall place certification upon the final plat after the applicant has complied with the sewer system requirements of DeKalb County. Such certification is required prior to final approval by the City Manager.

Section 8: Acceptance

The City or its designated wastewater services provider shall not accept the subdivision sewer project until the applicant has complied with all applicable requirements of the City and DeKalb County.

Section 9: Maintenance

- (a) The owner/applicant shall maintain all sewer lines, appurtenances, trenches and other disturbed surfaces for a period of twelve (12) months after approval and acceptance by the City Manager and/or the City's wastewater services provider.
- (b) The owner/applicant shall be responsible for repairs to sewer system. Should any trenches settle, the owner/applicant shall promptly furnish and place fill to original grade. Should any leaks or trench settlement occur under any pavement, the contractor will be held responsible for the cost of replacing pavement.

Part D: Streets

Section 1: Standards

- (a) Generally. Street improvements shall be provided in each subdivision in accordance with the specifications in this part and the standard plans and specifications available from the City. The term "state transportation department specifications" shall refer to the State Department of Transportation specifications in effect at the time the work is placed under contract. The references made to these specifications shall control the materials and equipment as well as the construction method of every class of work so applicable unless otherwise noted.
- (b) Grading. The construction limits shall be cleared of all trees, stumps, brush and rubbish before grading operations are begun. No trees, stumps, brush or rubbish shall be placed in fill sections within the construction limits. Such debris shall be disposed of in a manner satisfactory to the Director of Community Development. Fill sections shall be placed in six-inch layers with each layer thoroughly compacted with a sheep foot roller or by other approved methods before the next layer is placed, compaction to be not less than ninety-five (95) percent as determined by AASHO, section T-99. Where unsatisfactory material is encountered (namely any material that will not compact properly, including solid rock) an additional twelve (12) inches shall be excavated below the subgrade elevation and backfilled with a select material. Where unstable material is used in fills, the fill shall be left twelve (12) inches below the subgrade elevation. This twelve-inch fill section shall be filled with select material. Streets shall be graded to width of not less than forty-two (42) feet in the center of the right-of-way to provide eight-foot shoulders in accordance with City's standard plan.
- (c) Curbing. Header curbing shall be required on all streets and shall be furnished and installed by the applicant unless grassed swales are used for water quality control and approved by the Director of Community Development. The minimum classes and types of curbing permitted will be as follows:
 - (1) Granite curbing, class D or better.
 - (2) Other as approved by the Director of Community Development. All curbing shall be placed in firm, well-compacted subgrade, and curbing displaced prior to acceptance for maintenance by the City shall be reset or replaced. Specifications for the granite

curbing are available from the City of Dunwoody Department of Community Development.

- (d) Base and paving. All roadways shall be paved according to the specifications prepared and approved by the Director of Community development in effect at the time a development permit application is received by the Department of Community Development.
- (e) As-built drawings for all new streets shall be submitted to the Department of Community Development depicting a street profile based on the centerline and fifty (50) foot stations.

Section 2: Street signs

- (a) The City's standard steel post with horizontal reflectorized street nameplates with four-inch letters shall be furnished and set by the City at all subdivision street intersections.
- (b) Street name signs shall have four-inch black letters on reflectorized silver background with black border. Nameplates shall be mounted parallel or nearly parallel to the street. The names shall be marked and visible from both sides. Signposts shall be ten-foot poles with at least three (3) feet well-embedded in the ground.
- (c) The applicant shall pay to the City for each street name sign a fee in the amount established by the Director of Community Development and approved by the City Council.
- (d) To ensure that all street markers are paid for by the applicant and installed at the proper time, the required street markers will be paid for by the applicant at the time of recording.
 - (1) For subdivisions recorded under a performance bond, the street marker will not be installed until the paving has been completed.
 - (2) For subdivisions recorded under a maintenance bond, the Public Works Department will be furnished a plat and a memo requesting that street markers be installed at the time of recording.

Section 3: Road hazards prohibited

Subdivision signs, planter boxes, and other similar permanent structures shall not be located on street rights-of-way and shall not be constructed in a manner which, in the opinion of the City, obstructs driveway sight distance or creates a traffic hazard; detailed plans for these structures shall be submitted to the Director of Community Development.

Section 4: Surface drainage specifications

- (a) The size, length and location of all surface drainage pipes or structures shall be shown on the final subdivision plats and shall be subject to the approval of the Public Works Department. All storm drain pipes or culverts carrying stormwater from the street and adjacent property between or through lots shall be extended to at least thirty (30) feet behind the rear of the house. Stormwater must be released into a channel without causing scouring, erosion or

resulting sedimentation to the receiving channel. When necessary, the outlet channel shall include structural and vegetative measures to assure non-erosion velocities. This requirement for pipe extension shall only apply to the discharge ends of piped systems.

- (1) An exception to extending pipes thirty (30) feet behind the rear of the house may be made for pipes fifty-four (54) inches and larger where the house site is proposed to be more than thirty (30) feet from the center of the drainageway.
 - (2) An exception to extending pipes thirty (30) feet behind the rear of the house may be granted by the City when soil conditions prohibit erosion.
 - (3) An exception to extending pipes thirty (30) feet behind the rear of the house may be granted by the City where lots are at least one (1) acre in size, open channels are provided, and neither ponding nor erosion control will result.
- (b) Installation, backfilling and compaction shall be in accordance with State Transportation Department specifications, sections 106 and 520. All pipes shall have a minimum cover of one (1) foot and headwalls or inlet basins constructed at the end of each pipe.
 - (c) The design of drainage structures shall be based on recognized hydrological formulas as outlined in the City of Dunwoody Stormwater Management Manual, or, if one is not in existence, the approved DeKalb County Stormwater Management Manual.
 - (d) A contour map with an interval of two (2) feet shall be submitted as part of preliminary plats; where available, the DeKalb County two-foot topographic map shall be used. As determined by the Director of Community Development, any lots within the subdivision which are undesirable for building due to bad drainage conditions shall be excluded, and no building shall be permitted thereon until these conditions have been corrected as specified by the Department.

Section 5: Plans, profiles to be approved

Four (4) copies of the complete plans and profiles for subdivision street improvements shall be submitted for review and recommendation of approval or denial by the Public Works Department prior to approval of the final plat.

Section 6: Bonds or escrow required

- (a) If, at the time the final plat is submitted for approval, the construction of the street improvements has not been accomplished, then the final plat shall be disapproved. No performance bonds shall be allowed or authorized except the Director of Community Development shall require a performance bond to be filed with the City to ensure that all final road improvements required by this Code are made by the owner or applicant. The City shall accept no road until such time as all road improvements required by the City are made.
- (b) After the work has been completed according to the City specifications and duly inspected by the City, then a maintenance bond shall be required equal to ten (10) percent of the

estimated construction cost. The proposed maintenance bond shall be reviewed and approved as to form by the City Attorney prior to acceptance by the City. The maintenance bond shall cover the street improvements, drainage system, water system and sewer system. Funds may be placed in escrow with the City in lieu of maintenance bonds.

- (c) The applicant shall be required to sign a maintenance agreement with the City, by which the applicant shall agree to maintain the streets, drainage, water quality BMPs, water and sewer systems, and rights-of-way for a period of twelve (12) months. During the applicant maintenance period, the City shall make inspections and instruct the applicant by letter as to what correction must be made.
- (d) In case of emergency repairs, which must be made immediately, or required corrections, which are not made within thirty (30) days of notice, the City shall have the authority to make these corrections and recover costs from the applicant. In cases where funds are being held in escrow by the City, the cost of making these corrections shall be deducted from these funds, and the applicant charged with any costs above the amount of escrow funds.
- (e) At the end of the twelve-month applicant maintenance period, the City shall make a final inspection and notify the applicant and the bonding company of any corrections to be made. If the work is acceptable, the Director of Community Development shall recommend to the City Attorney that all remaining escrow funds be released.
- (f) Provided, however, in the discretion of the Director of Community Development, based upon:
 - (1) Weather conditions;
 - (2) Labor market;
 - (3) Material market; or
 - (4) Circumstances beyond the control of the applicant or the City unforeseen by either party,

The maintenance period may be extended for a definite period of time sufficient to make the necessary corrections by an agreement in writing executed by the City, the applicant and his/her surety. Provided further, that the applicant shall be responsible for any damages done to work already completed by him to the time of the extension agreement whether or not the City had accepted it.

- (g) Maintenance bonds and acceptance by the City of any dedicated improvements shall be as one (1) package upon completion of all improvements, even though the final plat may have been approved prior to completion.

Section 7: Standard plans and specifications available

Standard City plans and specifications referred to in this part are on file and may be obtained from the Community Development Department. The plans are cross sections and construction

drawings for a graded street, paved street, driveway section for curbed streets, brick catch basin, barricade for dead-end streets, twenty-four-inch concrete curb and gutter section and standard street marker.

Section 8: Sidewalks and bicycle lanes

- (a) Sidewalks shall be required on all sides of street frontage on all new and improved local residential streets in all subdivisions and along the street frontage of all new and improved non-residential developments and as set forth in Division III, Part B, Section 15 of this Article, unless determined by the ~~Planning Commission-Director~~ to be infeasible only due to severe cross-slopes, shallow rock, soil or topographic conditions. At a minimum, however, continuous sidewalks shall be required on at least one (1) side of all new and improved local residential streets. No other variances or exceptions are allowed.
- (b) The Director of Community Development ~~or the Planning Commission~~ may require that sidewalks required pursuant to subsection (a) of this section be continued to the nearest major or minor arterial or collector street.
- (c) A grassed, planted or landscaped strip, as set forth in Division III, Part B, Section 15 of this Article, shall separate all sidewalks from adjacent curbs, bridges excepted. The Director of Community Development may approve a variable sidewalk location and landscape strip width based on site conditions and future road expansions. Where sidewalks currently exist, new sidewalk construction or re-construction shall be continuous with existing sidewalks.
- (d) Sidewalks shall be concrete and a minimum of five (5) feet wide and four (4) inches thick. In non-residential districts, where the Director of Community Development may approve sidewalks to be located immediately behind the curb, such sidewalks shall be six (6) feet in width. Concrete shall be Class "B", as defined by the Georgia Department of Transportation, and have strength of two thousand five hundred (2,500) psi at twenty-eight (28) days. Disturbed areas along sidewalks shall be backfilled, stabilized, and grassed. The required width of a sidewalk may be increased, as determined by the Director of Community Development, based on site conditions to ensure pedestrian safety. See also, Division III, Part B, Section 15 of this Article.
- (e) Sidewalks shall be installed at the same time as the building construction, unless an alternative method is approved by the Director of Community Development. Sidewalks shall be completed prior to the issuance of certificate of occupancy for property on which the sidewalk fronts. The sidewalk plan shall be recorded on the final plat and all sidewalks completely installed prior to approval of the final plat.
- (f) Sidewalks shall not be cut, removed or closed temporarily without a permit from the Public Works Department. Such permit shall not be issued unless safe, adequate, and convenient provision is made for pedestrian travel through the area that is disrupted. Damage to sidewalks caused during construction or development activity shall be repaired at no cost to the City within thirty (30) days or prior to issuance of a certificate of occupancy, whichever is earlier.

- (g) ~~In any "landmark district" or "historic district", as defined by the City, or if the City has not defined same by DeKalb County, where replacement or reconstruction of the sidewalk is deemed necessary, the sidewalk shall be replaced or reconstructed using materials, widths, and designs that are compatible with the historic materials and designs, if any, that exist within the historic district. Design compatibility shall be determined by the City of Dunwoody Historic Preservation Commission or, if one is not established by the City, by the DeKalb County Historic Preservation Commission.~~
- (h) All sidewalk construction and repairs shall provide for wheelchair ramps to and from sidewalks at the intersection of each street corner and crosswalk. Access ramps shall be constructed pursuant to standards approved by the Public Works Department.
- (i) No person shall construct a sidewalk on any street in the City without first having obtained a permit to do so from the Public Works Department. Any person constructing a sidewalk on a street, without first obtaining a permit, shall be in violation of this Code, and the Public Works Department shall be authorized to condemn the sidewalk and have it removed and replaced at no cost to the City.
- (j) Bicycle lanes shall be required on new or substantially improved major or minor arterials, parkways, or collector streets where the posted speed limit is thirty-five (35) miles per hour or greater. Bicycle lanes may also be required by the Director of Community Development where necessary to provide connections to bikeways in concert with the City bikeway master plan, if one is established by the City. Bicycle lanes shall be constructed as follows:
- (1) Bicycle lanes, where required, shall be at least four (4) feet wide and placed in the outside lane of a roadway, adjacent to the curb or shoulder. When on-street parking is permitted, the bicycle lane shall be at least five (5) feet wide and located between the parking lane and the outer lane of moving vehicles. Bicycle pavement widths shall be in addition to the minimum pavement width required for the road. See also Division III, Part B, Section 15 of this Article.
 - (2) Bicycle lanes shall be delineated with signs and striping consistent with the latest edition of the manual for uniform traffic control devices, and approved by the Director of Community Development.
 - (3) Bikeways and bicycle lanes shall be constructed according to the most recent specifications set forth in American Association of State Highway and Transportation Officials (AASHTO) guidelines.
 - (4) The design, striping and sign system for bicycle lanes shall be coordinated with that of the vehicular road system to provide a safe and continuous route for bicycles. Deceleration lanes shall be striped so that bicycles can safely remain in a lane marked between the deceleration lane and the through traffic lane.
- (k) No wall, fence, sign or other structure shall obstruct passage along a sidewalk or bicycle lane.

Section 9: Parking on public right-of-way

- (a) For residential projects constructed under the provisions of the zoning ordinance as single-family attached residential projects, wherein title to the single-family unit is held by fee simple ownership, the City may assume maintenance responsibility one (1) year after the release of the subdivision bonds for parking constructed on public rights-of-way, in accordance with minimum City standards. A special parking maintenance district, as authorized by Ga. Const. art. IX, § II, ¶ VI, comprised of all property within such single-family attached residential subdivision, may be established by Resolution of City Council for the maintenance of such parking constructed on the public right-of-way at the time the subdivision plat is finally recorded, provided such plat is so noted as required by subsection (b) of this section.
- (b) Final subdivision plats for single-family attached residential projects shall have the following notation when a special district is to be established for City maintenance of parking within the public right-of-way:

“All single-family residential lots on this plat are included in a special taxing district for funding the maintenance of parking provided in the development.”
- (c) If the City creates a special parking district, as authorized by Ga. Const. art. IX, § II, ¶ VI, revenue to fund City parking maintenance will be obtained by an ad valorem tax levied on all properties within such parking district. Such ad valorem millage will be set annually by the City Council when other ad valorem millage rates are set. No assessment will be made in a special parking district in the calendar year in which it is established.

Section 10: Underground utilities

All utilities are required to be placed underground in all new subdivisions of two (2) or more lots except where no utility improvements are required by this Chapter, or where the Director of Community Development determines underground utilities are infeasible due to shallow rock, high water table, or other similar geologic or hydrologic conditions.

Section 11: Streetlights

Streetlights consistent with Georgia Power specifications, are required in all new subdivisions of two (2) or more lots except where no utility improvements are required by this Chapter. Streetlights shall be provided on the same side of the street as sidewalks.

Part E: Private Sewage Disposal

Section 1: Submission of information with preliminary plat

At the time of submittal of the preliminary subdivision plat and application to the Director of Community Development, the applicant shall submit to the DeKalb County Board of Health the following information when public sewers are not available to the proposed subdivision:

- (1) Four (4) copies of a sewer feasibility report;

- (2) Four (4) copies of soil data records on forms provided by the Board of Health; and
- (3) Four (4) copies of the subdivision analysis record on forms provided by the Board of Health.

Section 2: Contour intervals

Topographic data submitted to the City pursuant to the provisions of this Division shall show contour intervals of two (2) feet; where available, the DeKalb County two-foot topographic map shall be used.

Section 3: Soil Analysis

Soil analysis shall be conducted in accordance with Chapter 13 (Health Regulations), Article 9 (On-site Sewage Disposal) of the DeKalb County Code.

Section 4: Analysis of preliminary plat

- (a) Upon receiving the preliminary plat from the Department of Community Development and data required in sections 1-3 of this Part from the applicant, the DeKalb County Board of Health personnel shall make an overall analysis of the subdivision and shall indicate in writing on the preliminary plat the results of this analysis. The plat shall then be returned to the Department of Community Development.
- (b) Regarding the preliminary analysis, each lot shall have sufficient area and topographic features to accommodate the installation of an individual sewage disposal system in accordance with regulations applicable to these installations.
- (c) Any condition in the area to be subdivided found to be in violation of any health regulation shall be sufficient grounds for disapproval of the preliminary plat.

Section 5: Inspection of lots; signing of final plat

- (a) Upon receiving the final plat from the City and when streets have been cut and individual lots are staked and identified, the Board of Health personnel will inspect each lot for adaptability to individual sewage disposal systems.
- (b) After the above inspection has been completed, the Board of Health shall render a written report to the Director of Community Development that shall include changes or recommendations or deletions. The final plat shall be signed by the authorized representative of the Board of Health, written report attached, and returned to the City.

Section 6: Issuance of septic tank permits

No septic tank permits shall be issued until four (4) copies of the approved final plat, signed by the City Manager, have been submitted to the Board of Health. The four (4) copies of the approved plat shall be provided by the City.

Section 7: Drainage between lots

Where drainage between subdivision lots is involved and pipe is required, a watertight pipe shall be used and shall extend for a sufficient depth of the lot and not terminate at some point just behind the building line causing pools to be formed or stormwater flooding the area of the septic tank drain field.

Section 8: Facilities discharging into public waters; review of plans

The State Department of Natural Resources is authorized by the Georgia Water Quality Control Act to review plans and specifications of all sewage treatment facilities discharging into any waters of the state.

Section 9: Board of Health recommendations

The Board of Health may reject any or all domestic sewage disposal systems and may recommend in lieu thereof the extension of the public sewerage system or the installation of any approved temporary community sewerage system conforming to the Georgia Water Quality Control Act.

Section 10: Impoundment permit

Where ponds one-tenth (1/10) of an acre or larger are located in a subdivision or adjoin a subdivision, an impoundment permit shall be obtained in compliance with the impounded water regulations of the State Board of Natural Resources.

Section 11: Compliance with Board of Health requirements

All septic tank systems shall conform to the requirements of the Board of Health.

Article IV: Floodplain Management

Division 1: Findings of Fact and Statement of Purpose

Section 1: Findings of fact

- (a) The flood hazard areas of the City are subject to periodic inundation which results in loss of property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
- (b) These flood losses are caused by uses that are inadequately elevated, floodproofed, or protected from flood damage. The cumulative effects of obstructions in areas of special flood hazards which increase flood heights and velocities also contribute to the flood loss.

Section 2: Statement of purpose

- (a) It is the purpose of this Article to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:
 - (1) Protect human life and health;
 - (2) Minimize expenditure of public money for costly flood control projects;
 - (3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
 - (4) Minimize prolonged business interruptions;
 - (5) Minimize damage to public facilities and utilities such as water and gas mains; electric, telephone and sewer lines; and streets and bridges located in areas of special flood hazard;
 - (6) Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future blighted areas caused by flood damage;
 - (7) Ensure that potential buyers are notified that property is in an area of special flood hazard; and
 - (8) Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

Section 3: Methods of reducing flood losses

- (a) In order to accomplish its purposes, this Article includes methods and provisions to:

- (1) Restrict or prohibits uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or flood heights or velocities;
- (2) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (3) Control the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- (4) Control filling, grading, dredging, and other development which may increase flood damage; and
- (5) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

Division 2: Definitions

Section 1: Specific definitions

Unless specifically defined below, words or phrases used in this Article shall be interpreted so as to give them the meaning they have in common usage and to give this Article its most reasonable application.

Accessory use means a use which is incidental and subordinate to the principal use of the parcel of land on which it is located.

Alluvial fan means a geomorphologic feature characterized by a cone or fan-shaped deposit of boulders, gravel, and fine sediments that have been eroded from mountain slopes, transported by flood flows, and then deposited on the valley floors, and which is subject to flash flooding, high velocity floods, debris flows, erosion, sediment movement and deposition, and channel migration.

Apex means the point of highest elevation on an alluvial fan, which on undisturbed fans is generally the point where the major stream that formed the fan emerges from the mountain front.

Appeal means a request for a review of the Floodplain Coordinator's interpretation of any provision of this Article.

Area of shallow flooding means a designated AO or AH zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of special flood hazard. See "Special flood hazard area."

Base flood means a flood which has a one percent chance of being equaled or exceeded in any given year (also called the "100-year flood"). Base flood is the term used throughout this Article. It is equivalent to the "intermediate regional floodplain" (IRF), previously used in Dekalb County.

Basement means any area of the building having its floor subgrade i.e., below ground level on all sides.

Building. See "Structure."

Development means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavating or drilling operations or storage of equipment or materials.

Encroachment means the advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain which may impede or alter the flow capacity of a floodplain.

Existing manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

Expansion to an existing manufactured home park or subdivision means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Flood, flooding, or flood water means:

- (1) A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland waters; the unusual and rapid accumulation or runoff of surface waters from any source; and/or mudslides (i.e., mudflows); and
- (2) The condition resulting from flood-related erosion.

Flood boundary and floodway map (FBFM) means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the floodway.

Flood hazard boundary map means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated the areas of flood hazards.

Flood Insurance Rate Map (FIRM) means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Flood Insurance Study means the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Insurance Rate Map, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.

Floodplain or flood-prone area means any land area susceptible to being inundated by water from any source. See "Flooding."

Floodplain Coordinator is the individual appointed to administer and enforce the floodplain management regulations.

Floodplain management means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

Floodplain management regulations mean this Article and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as grading and erosion control) and other application of police power which control development in flood-prone areas. This term describes Federal, State or local regulations in any combination thereof which provide standards for preventing and reducing flood loss and damage.

Floodproofing means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents (Refer to FEMA technical Bulletins TB 1-93, TB 3-93, and TB 7-93).

Floodway means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot; also referred to as "regulatory floodway".

Floodway fringe is the area of the floodplain on either side of the regulatory floodway where encroachment may be permitted.

Fraud and victimization as related to Division 6, Variances, of this Article, means that the variance granted must not cause fraud on or victimization of the public. In examining this requirement, the City Council will consider the fact that every newly constructed building adds to government responsibilities and remains a part of the community for fifty (50) to one hundred (100) years. Buildings that are permitted to be constructed below the base flood elevation are subject during all those years to increased risk of damage from floods, while future owners of the property and the community as a whole are subject to all the costs, inconvenience, danger, and suffering that those increased flood damages bring. In addition, future owners may purchase the property, unaware that it is subject to potential flood damage, and can be insured only at very high flood insurance rates.

Functionally dependent use means a use which cannot perform its intended purposes unless it is located or carried out in close proximity to water. The terms include only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, and do not include long-term storage or related manufacturing facilities.

Governing body is the local governing unit, i.e., county or municipality, that is empowered to adopt and implement regulations to provide for the public health, safety and general welfare of its citizenry.

Hardship as related to Division 6, Variances, of this Article means the exceptional hardship that could result from a failure to grant the requested variance. The City Council requires that the variance be exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

Highest adjacent grade means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic structure means any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (3) Individually listed on a State inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
- (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved State program as determined by the Secretary of the Interior or directly by the Secretary of the Interior in states without approved programs.

I.R.F. means the intermediate regional flooding delineated in the Dekalb County tax maps. It is based in the first set of FIRM maps and was never upgraded with revised issues as they were released by FEMA. This delineation is no longer valid after February 15, 1995 when Dekalb County's geographic information system was available. It remains a useful tool as guide when locating parcel in the tax maps but must not be used for a final flood zone determination.

Levee means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.

Levee system means a flood protection system which consists of a levee, or levees, and associated structures, such a closure and drainage devices, which are constructed and operated in accord with sound engineering practices.

Lowest flood means the lowest floor of the lowest enclosed area, including basement (see "Basement").

- (1) An unfinished or flood resistant enclosure below the lowest floor that is usable solely for parking or vehicles, building access or storage in an area other than a basement area, is not considered a building's lowest floor provided it conforms to applicable non-elevation design requirements, including, but not limited to:
 - (A) The wet floodproofing standard in Division 5, Section 6(a)(3) of this Article.
 - (B) The anchoring standards in Division 5, Section 6(a)(1) of this Article.
 - (C) The construction materials and method standards in Division 5, Section 6(a)(2) of this Article.
 - (D) The standards for utilities in Division 5, Section 7 of this Article.
- (2) For residential structures, all subgrade enclosed areas are prohibited as they are considered to be basements. This prohibition includes below-grade garages and storage areas.

Manufactured home means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

Manufactured home park or subdivision means a parcel (or contiguous parcels) or land divided into two (2) or more manufactured home lots for rent or sale.

Market value shall be determined by estimating the cost to replace the structure in new condition and adjusting that cost figure by the amount of depreciation which has accrued since the structure was constructed. The cost of replacement of the structure shall be based on a square foot cost factor determined by reference to a building cost estimating guide recognized by the building construction industry. The amount of depreciation shall be determined by taking into account the age and physical deterioration of the structure and functional obsolescence as approved by the floodplain coordinator, but shall not include economic or other forms of external obsolescence. Use of replacement costs or accrued depreciation factors different from those contained in recognized cost estimating guides may be considered only if such factors are included in a report prepared by an independent professional appraiser and supported by a written explanation of the differences.

Mean sea level means, for purposes of the national flood insurance program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's flood insurance rate map are referenced.

New construction for floodplain management purposes, means structures for which the "start of construction" commenced on or after the effective date of floodplain management regulations adopted by this community, and includes any subsequent improvements to such structures.

New manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by this community.

Obstruction includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, channelization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation or other materials in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water, or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

One-hundred-year flood or 100-year flood. See "Base flood."

Public safety and nuisance as related to Division 6, Variances, of this Article means that the granting of a variance must not result in anything which is injurious to safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

Recreational vehicle means a vehicle which is:

- (1) Built on a single chassis;
- (2) Four hundred (400) square feet or less when measured at the largest horizontal projection;
- (3) Designed to be self-propelled or permanently towable by a light-duty truck; and
- (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Regulatory floodway means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

Remedy a violation means to bring the structure or other development into compliance with State or local floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing state or federal financial exposure with regard to the structure or other development.

Repetitive loss structure means a building covered by a contract for flood insurance that has incurred flood-related damages on two (2) occasions during a ten-year period ending on the date of the event for which a second claim is made, in which the cost of repairing the flood damage, on the

average, equaled or exceeded twenty-five (25) percent of the market value of the building at the time of each such flood event.

Riverine means relating to, formed by, or resembling a river (including tributaries), streams, brooks, etc.

Sheet flow area. See "Area of shallow flooding."

Special Flood Hazard Area (SFHA) means an area in the floodplain subject to a 1 percent or greater chance of flooding in any given year. It is shown on an FHBM or FIRM as zone A, AO, A1-A30, AE, A99 or AH.

State of construction includes substantial improvement and other proposed new development and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred eighty (180) days from the date of the permit. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab for footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufacture home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure means a walled and roofed building that is principally above ground; this includes a gas or liquid storage tank or a manufactured home.

Substantial damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

Substantial improvement means any reconstruction, rehabilitation, addition, or other proposed new development of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage" regardless of the actual repair work performed. The term does not, however, include either:

- (1) Any project for improvement of a structure to correct existing violations or State or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or
- (2) Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure".

Variance means a grant of relief from the requirements of this Article which permits construction in a manner that would otherwise be prohibited by this Article.

Violation means the failure of a structure or other development to be fully compliant with this Article. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this Article is presumed to be in violation until such time as that documentation is provided.

Water surface elevation means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

Watercourse means a lake, river, creek, stream, wash, arroyo, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

Zone A means the special flood hazard areas inundated by the 100-year flood; base flood elevations are not determined.

Zone A1-A30 and zone AE means the special flood hazard areas inundated by the 100-year flood; base flood elevations are determined.

Zone AO means the special flood hazard areas inundated by the 100-year flood; with flood depths of one (1) to three (3) feet (usually sheet flow on sloping terrain); average depths are determined. For areas of alluvial fan flooding, velocities are also determined.

Zone AH means the special flood areas inundated by the 100-year flood; flood depths of one (1) to three (3) feet (usually areas of ponding); base flood elevations are determined.

Zone A99 means the special hazard areas inundated by the 100-year flood to be protected from the 100-year flood by a federal flood protection system under construction; no base flood elevations are determined.

Zone B and zone X (shaded) means areas of 500-year flood; areas subject to the 100-year flood with average depths of less than one (1) foot or with contributing drainage area less than one (1) square mile; and areas protected by levees from the base flood.

Zone C and zone X (unshaded) means areas determined to be outside the 500-year floodplain.

Zone D means areas in which flood hazards are undetermined.

Division 3: General Provisions

Section 1: Lands and structures to which this Article applies

This Article shall apply to all areas of special flood hazards within the jurisdiction of the City, and all new or substantial improvement residential units, all subdivisions, non residential structures,

manufactured homes, recreational vehicles, and utilities. This Article will be enforced in areas outside the floodplain where runoff poses a risk similar to the special flood hazard areas.

Section 2: Basis for establishing the areas of special flood hazard

The areas of special flood hazard identified by the Federal Insurance Administration (FIA) of the Federal Emergency Management Agency (FEMA) in the flood insurance study (FIS) date June 15, 1994 and accompanying flood insurance rate maps (FIRMs) and flood boundary and floodway maps (FBFMs), dated June 15, 1994, and all subsequent amendments and/or revisions, are hereby adopted by reference and declared to be a part of this Article. This FIS and attendant mapping is the minimum area of applicability of this Article and may be supplemented by studies for other areas which allow implementation of this Article and which are recommended to the City Council by the floodplain coordinator. The study, FIRMs and FBFMs are on file at the Department of Public Works or may be found at the Dekalb County Department of Public Works, division of roads and drainage. Areas of special flood hazard may also include those areas known to have flooded historically or defined through standard engineering analysis by governmental agencies or private parties but not yet incorporated in a FIS.

Section 3: Compliance

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this Article and other applicable regulations. Violation of the requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a violation of this Chapter. Any person who violates this Article or fails to comply with any of its requirements shall, upon conviction thereof, be subject to a fine and/or imprisonment in accordance with Chapter 1 of the City of Dunwoody Code of Ordinances. Each day such violation continues shall be considered a separate offense. Nothing herein shall prevent the City Council from taking such lawful action as is necessary to prevent or remedy any violation.

Section 4: Repetitive loss structure and cumulative substantial damage

A building must be brought into compliance with requirements for new construction if it has incurred flood-related damages on two (2) occasions during a ten-year period in which the cost of repairing the flood damage, on the average, equaled or exceeded twenty-five (25) percent of the market value of the building at the time of each such flood event, or damage of any origin is sustained whereby the cost of restoring the building to its before damage condition would equal or exceed fifty (50) percent of the market value of the building before the damage occurred.

Section 5: Mandatory purchase of flood insurance

In the event that a property owner chooses not to purchase flood insurance on property at risk, or does not comply with a notice to bring a building into compliance, reducing the community efforts for flood protection, the insurance premium discount for the community's property owners as a community rating system participant, may not apply.

Section 6: Abrogation and greater restrictions

This Article is not intended to repeal, abrogate, or impair any existing easements, covenant, or deed restrictions. However, where this Article and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

Section 7: Interpretation

- (a) In the interpretation and application of this Article, all provisions shall be:
 - (1) Considered as minimum requirements;
 - (2) Liberally construed in favor of the governing body; and
 - (3) Deemed neither to limit nor repeal any other powers granted under state statutes.

Section 8: Warning and disclaimer of liability

The degree of flood protection required by this Article is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Article does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This Article shall not create liability on the part of the City Council, any officer or employee thereof, the State of Georgia, or the Federal Insurance Administration, Federal Emergency Management Agency, for any flood damages that result from reliance on this Article or any administrative decision lawfully made hereunder.

Section 9: Severability

This Article and the various parts thereof are hereby declared to be severable. Should any section of this Article be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Article as a whole, or any portion thereof other than the section so declared to be unconstitutional or invalid.

Division 4: Administration

Section 1: Establishment of development permit

A development permit shall be obtained before any construction or other development begins within any area of special flood hazard established in Division 3, Section 2 of this Article. Application for a development permit shall be made on forms furnished by the floodplain coordinator and may include, but not be limited to: plans in duplicate drawn to scale showing the nature, location, dimensions, and elevation of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required.

- (1) Application stage:
 - (A) Site plan, including but not limited to:

- (i) For all proposed structures, spot ground elevations at building corners and twenty-foot or smaller intervals along the foundation footprints, or one (1) foot contour elevations throughout the building site; and
 - (ii) Proposed locations of water supply, sanitary sewer, and utilities; and
 - (iii) If available, the base flood elevation from the flood insurance study and/or flood insurance rate map; and
 - (iv) If applicable, the location of the regulatory floodway; and
 - (B) Foundation design detail, including but not limited to:
 - (i) Proposed elevation in relation to mean sea level, of the lowest floor (including basement) of all structures; and
 - (ii) For a crawl space foundation, location and total net area of foundation openings as required in Division 5, Section 6(a)(3) of this Article and FEMA Technical Bulletins 1-93 and 7-93; and
 - (iii) For foundations placed on fill, the location and height of fill, and compaction requirements (compacted to 95 percent using the Standard Proctor Test Method); and
 - (C) Proposed elevation in relation to mean sea level to which any nonresidential structure will be floodproofed, as required in Division 5, Section 6(a)(3)(B) of this Article and FEMA Technical Bulletin TB 3-93; and
 - (D) All appropriate certifications listed in Division 5, Section 6(a)(4) of this Article; and
 - (E) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
- (2) Construction stage:
- (A) For all new construction and substantial improvements, the permit holder shall provide to the administrator an as-built certification of the regulatory floor elevation or floodproofing level immediately after the lowest floor or floodproofing is completed. Any lowest floor certification made relative to mean sea level shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same. When floodproofing is utilized for non residential structures, said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same.

- (B) Any work undertaken prior to submission of these certifications shall be at the permit holder's risk. The administrator shall review the above referenced certification data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being allowed to proceed. Failure to submit certification or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

Section 2: Designation of the ordinance administrator

The Director of Community Development is hereby appointed to administer, implement, and enforce this Article by granting or denying development permits in accord with its provisions.

Section 3: Duties and responsibilities of the floodplain coordinator

- (a) The duties and responsibilities of the Floodplain Coordinator shall include, but not be limited to the following:
 - (1) Permit review. Review all development permits to determine that:
 - (A) Permit requirements of this Article have been satisfied,
 - (B) All other required State and Federal permits have been obtained,
 - (C) The site is reasonably safe from flooding, and
 - (D) The proposed development does not adversely affect the carrying capacity of areas where base flood elevations have been determined but a floodway has not been designated. For purposes of this Article, "adversely affects" means that the cumulative effect of the proposed development when combined with all other existing and anticipated development will increase the water surface elevation of the base flood more than one foot at any point.
 - (2) Review, use and development of other base flood data.
 - (A) When base flood elevation data has not been provided in accordance with Division 3, Section 2 of this Article, the Floodplain Coordinator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal or State agency, or other source, in order to administer Division 5. Any such information shall be submitted to the City Council for adoption; or
 - (B) If no base flood elevation data is available from a Federal or State agency or other source, then a base flood elevation shall be obtained using one (1) of two (2) methods from the FEMA publication "Managing Floodplain Development in Approximate Zone A Areas - A Guide for Obtaining and Developing Base (100-year) Flood Elevations" dated July 1995 in order to administer Division 5:

- (i) Simplified method:
 - a. 100-year or base flood discharge shall be obtained using the appropriate regression equation found in a U.S. Geological Survey publication, or the discharge-drainage area method; and
 - b. Base flood elevation shall be obtained using the Quick-2 computer program developed by FEMA; or
 - (ii) Detailed method:
 - a. 100-year or base flood discharge shall be obtained using the U.S. Army Corps of Engineers' HEC-HMS computer program; and
 - b. Base flood elevation shall be obtained using the U.S. Army Corps of Engineers' HEC-RAS computer program.
- (3) Notification of other agencies. In alteration or relocation of a watercourse:
 - (A) Notify adjacent communities and the Georgia Department of Water Resources prior to alteration or relocation;
 - (B) Submit evidence of such notification to the Federal Insurance Administration, Federal Emergency Management Agency; and
 - (C) Assure that the flood carrying capacity within the altered or relocated portion of said watercourse is maintained.
- (4) Documentation of floodplain development. Obtain and maintain for public inspection and make available as needed the following:
 - (A) Certification required by Division 5, Section 6(a)(3) and Section 9 of this Article (lowest floor elevations);
 - (B) Certification required by Division 5, Section 6(a)(3)(C) of this Article (elevation or floodproofing of nonresidential structures);
 - (C) Certification required by Division 5, Section 6(a)(3)(B) of this Article (wet floodproofing standard);
 - (D) Certification of elevation required by Division 5, Section 8(b) of this Article (subdivision standards);
 - (E) Certification required by Division 5, Section 11(a) of this Article (floodway encroachments).

- (5) Map determinations. Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazard. Where there appears to be a conflict between a mapped boundary and actual field conditions, grade and base flood elevations shall be used to determine the boundaries of the special flood hazard area. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in subsection (6).
- (6) Remedial action. Take action to remedy violations of this Article as specified in Division 3, Section 3 of this Article.
- (7) The adopted method for disclosure at the time of sale or rental of a property is accomplished by providing to the interested parties, general public, realtor, insurance, mortgage and engineering consulting firms of an electronic database listing all properties in the floodplain, annually updated, and free of charge. Permits issued for construction in the floodplain shall be forwarded to the City's recorder.
- (8) All records pertaining to the provisions of this Article shall be maintained in the Department of Community Development and shall be open for public inspection.

Section 4: Appeals

The City Council shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Coordinator in the enforcement or administration of this Article.

Division 5: Provisions for Flood Hazard Reduction

Section 1: Floodplain management planning and public information

- (a) To comply with requirements of the community rating system, the City adopts the following:
 - (1) A floodplain management plan and progress that will be reported in the annual recertification process. This plan will be updated for each subsequent two-year period.
 - (2) Public information shall include, but it is not limited to, elevation certificate repository, map information, outreach projects, hazard disclosure, flood protection, and flood protection assistance.

Section 2: Geographical information system

For all final floodplain determinations the City adopts the geographical information system's maps compiled using the aerial photography taken February 22, 1995 which are available to the public in the GIS's department products office, including, but not limited to: 1" = 200' planimetric/topographic maps, 1" = 600' aerial photograph contact print copies, and 1" = 3000' comprehensive land use plan, survey control monument locations and thoroughfare plan.

Section 3: Reserved

Section 4: Stream dumping penalties

Any natural growth or human-made debris that reduces the carrying and storage capacity of the City drainage system may be a violation of this Article. Any person who dumps log, trash, trees, and similar debris, shall, upon conviction, is subject to a fine and/or imprisonment according to Chapter 1 of the City of Dunwoody Code of Ordinances.

Section 5: Plan review and field inspections of structures

The building code effectiveness grading used by the community rating system required from Dekalb County, in October 1999, to perform plan review and field inspections of one- and two-family dwellings to obtain additional insurance benefits for its citizenry. Plan review and field inspections of one- and two-family dwellings in the floodplain, as they relate to flood prevention and protection, will be effective [and] start upon approval of this Article.

Section 6: Standards of construction

- (a) No structure or land shall hereafter be located, extended, converted or altered without full compliance with the terms of this Article and other applicable regulations. In all areas of special flood hazards the following standards are required:
 - (1) Anchoring.
 - (A) All new construction and substantial improvements shall be adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
 - (B) Manufactured homes shall meet the anchoring standards of Section 9 of this Division.
 - (2) Construction materials and methods. All new construction and substantial improvements shall be constructed:
 - (A) With flood resistant materials as specified in FEMA Technical Bulletin TB 2-93, and utility equipment resistant to flood damage;
 - (B) Using methods and practices that minimize flood damage;
 - (C) With electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding; and
 - (D) Within zones AH or AO, so that there are adequate drainage paths around structures on slopes to guide flood waters around and away from proposed structures.

(3) Elevation and floodproofing. (See Division 2, Section 1 of this Article, definitions for "basement," "lower floor," "new construction," "substantial damage" and "substantial improvement.")

(A) Residential construction, new or substantial improvement, shall have the lowest floor, including basement:

- (i) In an AO zone, elevated above the highest adjacent grade to a height equal to or exceeding the depth number specified in feet on the FIRM, or elevated at least (3) three feet above the highest adjacent grade if no depth number is specified.
- (ii) In an A zone, elevated (3) three feet above the base flood elevation; said base flood elevation shall be determined by one (1) of the methods in Division 4, Section 3(a)(2) of this Article.
- (iii) In all other zones, elevated (3) three feet above the base flood elevation.

Upon the completion of the structure, the elevation of the lowest flood including basement shall be certified by a registered professional engineer or surveyor, and verified by the community building inspector to be properly elevated. Such certification and verification shall be provided to the floodplain coordinator.

(B) Nonresidential construction, new or substantial improvement, shall either be elevated to conform with subsection (a)(3) of this Section or together with attendant utility and sanitary facilities:

- (i) Be floodproofed below the elevation recommended under subsection (a)(3) of this Section so that the structure is watertight with walls substantially impermeable to the passage of water;
- (ii) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
- (iii) Be certified by a registered professional engineer or architect that the standards of this subsection (a)(3) are satisfied. Such certification shall be provided to the floodplain coordinator.

(C) All new construction and substantial improvement with fully enclosed areas below the lowest floor (excluding basements) that are usable solely for parking of vehicles, building access or storage, and which are subject to flooding, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Designs for meeting this requirement shall follow the guidelines in FEMA Technical

Bulletins TB 1-93 and TB-7-93, and must exceed the following minimum criteria:

- (i) Have a minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding. The bottom of all openings shall be no higher than one (1) foot above grade. Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwater; or
 - (ii) Be certified by a registered professional engineer or architect.
- (D) Manufactured homes shall also meet the standards in Section 9 of this Division.
- (E) Any alteration, repair, reconstruction or improvement to a structure which is not compliant with the provisions of this Article, shall be undertaken only if the non conformity is not furthered, extended or replaced.

Section 7: Standards for utilities

- (a) All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate:
 - (1) Infiltration of flood waters into the systems, and
 - (2) Discharge from the systems into flood waters.
- (b) On-site waste disposal systems shall be located to avoid impairment to them, or contamination from them during flooding.

Section 8: Standards for subdivisions

- (a) All preliminary subdivision proposals shall identify the special flood hazard area and the elevation of the base flood.
- (b) All subdivision plans will provide the elevation of proposed structure(s) and pad(s). If the site is filled above the base flood elevation, the lowest floor and pad elevations shall be certified by a registered professional engineer or surveyor and provided to the Floodplain Coordinator.
- (c) All subdivision proposals shall be consistent with the need to minimize flood damage.
- (d) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
- (e) All subdivisions shall provide adequate drainage to reduce exposure to flood hazards.

Section 9: Standards for manufactured homes

- (a) All manufactured homes that are placed or substantially improved, within zones A1-30, AH, and AE on the community's flood insurance rate map, on sites located:
 - (1) Outside of a manufactured home park or subdivision,
 - (2) In a new manufactured home park or subdivision,
 - (3) In an expansion to an existing manufactured home park or subdivision, or
 - (4) In an existing manufactured home park or subdivision on a site upon which a manufactured home has incurred "substantial damage" as the result of a flood, shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated three feet above the base flood elevation and be securely fastened to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
- (b) All manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within zones A1-30, AH and AE, on the community's flood insurance rate map that are not subject to the provisions subsection (a) above will be securely fastened to an adequately anchored foundation system to resist flotation, collapse, and lateral movement, and be elevated so that either the:
 - (1) Lowest floor of the manufactured home is three (3) feet above the base flood elevation, or
 - (2) Manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade.

Upon the completion of the structure, the elevation of the lowest floor including basement shall be certified by a registered professional engineer or surveyor, and verified by the community building inspector to be properly elevated. Such certification and verification shall be provided to the Floodplain Coordinator.

Section 10: Standards for recreational vehicles

- (a) All recreational vehicles placed on sites within zones A1-30, AH, and AE on the community's flood insurance rate map will either:
 - (1) Be on the site for fewer than one hundred eighty (180) consecutive days, and be fully licensed and ready for highway use, where a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or

- (2) Meet the permit requirements Division 4 of this Article and the elevation and anchoring requirements for manufactured homes of Section 9(a) above.

Section 11: Floodways

- (a) Located within areas of special flood hazard established in Division 3, Section 2 of this Article are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters, which carry debris, potential projectiles, and erosion potential, the following provisions apply.
 - (1) Prohibit encroachments, including fill, new construction, substantial improvement, and other new development unless certification by a registered professional engineer is provided demonstrating that encroachments shall not result in any increase in flood elevation during the occurrence of the base flood discharge.
 - (2) If subsection (a)(1) above is satisfied, all new construction, substantial improvement, and other proposed new development shall comply with all other applicable flood hazard reduction provisions of Division 5.

Division 6: Variance Procedure

Section 1: Nature of variance

The variance criteria set forth in this Division of the Article are based on the general principle of zoning law that variances pertain to a piece of property and are not personal in nature. A variance may be granted for a parcel of property with physical characteristics so unusual that complying with the requirements of this article would create an exceptional hardship to the applicant or the surrounding property owners. The characteristics must be unique to the property and not be shared by adjacent parcels. The unique characteristics must pertain to the land itself, not to the structure, its inhabitants, or the property owners.

It is the duty of the City Council to help protect its citizens from flooding. This need is so compelling and the implications of the cost of insuring a structure built below flood level are so serious that variances from the flood elevation or from other requirements in the flood ordinance are quite rare. The long term goal of preventing and reducing flood loss and damage can only be met if variances are strictly limited. Therefore, the variance guidelines provided in this Article are more detailed and contain multiple provisions that must be met before a variance can be properly granted. The criteria are designed to screen out those situations in which alternatives other than a variance are more appropriate.

Section 2: Appeal board

- (a) In passing upon requests for variances, the City Council shall consider all technical evaluations, all relevant factors, standards specified in other sections of this Article, and the:

- (1) Danger that materials may be swept onto other lands to the injury of others;
 - (2) Danger of life and property due to flooding or erosion damage;
 - (3) Susceptibility of the proposed facility and its contents to flood damage and the effects of such damage on the existing individual owner and future owners of the property;
 - (4) Importance of the services provided by the proposed facility to the community;
 - (5) Necessity to the facility of a waterfront location, where applicable;
 - (6) Availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 - (7) Compatibility of the proposed use with existing and anticipated development;
 - (8) Relationship of the proposed use to the Comprehensive Plan and floodplain management program for that area;
 - (9) Safety of access to the property in time of flood for ordinary and emergency vehicles;
 - (10) Expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site; and
 - (11) Costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
- (b) Any applicant to whom a variance is granted shall be given written notice over the signature of a community official that:
- (1) The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance, and
 - (2) Such construction below the base flood level increases risks to life and property. A copy of the notice shall be recorded by the floodplain coordinator in the office of the clerk of Superior Court of DeKalb County in a manner so that it appears in the chain of title of the affected parcel of land.
- (c) The Floodplain Coordinator will maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its biennial report submitted to the Federal Insurance Administration, Federal Emergency Management Agency.

Section 3: Conditions for variances

- (a) Generally, variances may be issued for new construction, substantial improvement, and other proposed new development to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing that the procedures of Divisions 4 and 5 of this Article have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.
- (b) Variances may be issued for the repair or rehabilitation of historic structures (as defined in Division 2, Section 1 of this Article) upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- (c) Variances shall not be issued within any mapped regulatory floodway if any increase in flood levels during the base flood discharge would result.
- (d) Variances shall only be issued upon a determination that the variance is the "minimum necessary" considering the flood hazard, to afford relief. "Minimum necessary" means to afford relief with a minimum of deviation from the requirements of this Article. For example, in the case of variances to an elevation requirement, this means the City Council need not grant permission for the applicant to build at grade, or even to whatever elevation the applicant proposes, but only to that elevation which the City Council believes will both provide relief and preserve the integrity of the local ordinance.
- (e) Variances shall only be issued upon a:
 - (1) Showing of good and sufficient cause;
 - (2) Determination that failure to grant the variance would result in exceptional "hardship" (as defined in Division 2, Section 1 of this Article) to the applicant; and
 - (3) Determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create a nuisance (as defined in Division 2, Section 1 of this Article - see "Public safety or nuisance"), cause fraud or victimization (as defined in Division 2, Section 1 of this Article) of the public, or conflict with existing local laws or ordinances.
- (f) Variances may be issued for new construction, substantial improvement, and other proposed new development necessary for the conduct of a functionally dependent use provided that the provisions of subsection (a) through (e) above are satisfied and that the structure or other development is protected by methods that minimize flood damages during the base flood and does not result in additional threats to public safety and does not create a public nuisance.
- (g) Upon consideration of the factors of Section 2(a) above and the purposes of this Article, the City Council may attach such conditions to the granting of variances as it deems necessary to further the purposes of this Article.