

ZONING ORDINANCE

of the

CITY OF RIVERDALE, GEORGIA

ARTICLE I

TITLE, PREAMBLE/ENACTMENT, AND JURISDICTION

SECTION 1.1 TITLE

This ordinance shall be formally known as the “City of Riverdale Zoning Ordinance” and it may also be cited and referred to as the “Zoning Ordinance.”

SECTION 1.2 PREAMBLE AND ENACTMENT

Pursuant to authority conferred by the State of Georgia, and for the purposes of promoting the health, safety, convenience, order, prosperity, and general welfare of the City of Riverdale; lessening congestion in the streets; securing safety from fire, panic, and other dangers; providing adequate light and air; preventing the overcrowding of land; avoiding undue concentration of population; facilitating the adequate provision of transportation, sewerage, schools, parks, and other public requirements; conserving the value of buildings; and encouraging the most appropriate use of land and buildings throughout the municipality; the City Council of the City of Riverdale does ordain and enact into law the following Articles and Sections.

ARTICLE II

INTERPRETATIONS AND DEFINITIONS

SECTION 2.1 INTERPRETATIONS AND DEFINITIONS

Except as specifically defined herein, all words used in this Ordinance have their customary dictionary definitions. Unless otherwise expressly stated, the following words shall have the meaning herein indicated.

SECTION 2.2 INTERPRETATION OF CERTAIN WORDS

Words used in the present tense include the future tense.

Words used in the singular number include the plural and words used in the plural number include the singular.

Person includes a firm, association, organization, partnership, corporation, trust and company as well as an individual.

Lot includes the words “plot” or “parcel.”

Building includes the word “structure.”

Shall is mandatory, not directory.

Used or occupied as applied to any land or building shall be construed to include the words “intended, arranged, or designed to be used or occupied.”

Map, Zoning Map or Riverdale Zoning Map shall mean the “Official Zoning Map of the City of Riverdale, Georgia.”

City shall mean the City of Riverdale, Georgia.

City Council means the official City Council of the City of Riverdale, Georgia, as defined in the Charter.

SECTION 2.3 DEFINITIONS

ACCESSORY STRUCTURE: A structure which is detached from a principal building on the same lot and is used for an accessory use as defined herein.

ACCESSORY USE: A use or structure on the same lot, and of a nature customarily and subordinate to the principal use or structure. Examples of accessory uses include but are not limited to free standing garages, storage buildings, tennis courts, swimming pools and satellite dish antennas.

ADULT BOOKSTORE: Means a bookstore satisfying the definition of an Adult Bookstore contained in the Riverdale City Code, Chapter 10, Article II.

ADULT ENTERTAINMENT: Means any activity incorporated in the definition of Adult Entertainment Facility as defined in City of Riverdale City Code, Chapter 10, Article II. Adult Entertainment Establishments are permitted only within the geographical area enumerated in Chap. 10, Article II, of the City of Riverdale City Code.

ADULT ENTERTAINMENT FACILITY: Means any commercial establishment operating as an Adult Entertainment Facility pursuant to City of Riverdale City Code, Chapter 10, Article II. Adult Entertainment Establishments are permitted only within the geographical area enumerated in Chap. 10, Article II, of the City of Riverdale City Code.

ALLEY: A minor way used for service access to the back or side of properties otherwise abutting on a street or a public or private thoroughfare that affords only a

secondary means of access to abutting property.

ALTERATION, BUILDING OR STRUCTURAL: Any change in the supporting members of a building (such as any type of support in structural member) except such changes as may be required for its safety; any addition to a building; any change in use from that of one zoning district classification to another; or of a building from one location to another.

ANIMAL HOSPITAL: Facility for the treatment or temporary boarding of domestic animals operated under the supervision of a licensed veterinarian. This facility may not include the boarding of animals in outside runs or kennels.

ANIMAL QUARTERS: Any structure which surrounds or is used to shelter, care for, house, feed, exercise, train, exhibit, display or show any animals, or other fenced pasture land for grazing.

APARTMENT: A room or suite of rooms used as a dwelling for one (1) family, which does its cooking therein.

APARTMENT BUILDING: A building designed for or occupied exclusively by three (3) or more families with separate housekeeping facilities for each family.

AUTO LAUNDRY ESTABLISHMENT OR CAR WASH: A structure equipped with facilities for washing automobiles. An auto laundry establishment or car wash as defined herein is specifically not a permitted use in any zoning district in the City of Riverdale.

AUTO LEASING ESTABLISHMENTS: An establishment whose primary business is the leasing of motor vehicles by the day or week(s) as opposed to long-term leasing for more than one calendar year.

AUTO REPAIR GARAGES: Buildings and premises wherein the primary use is the repair of automobiles and related vehicles with engines exceeding five horsepower, but with a carrying capacity not exceeding three-quarters of a ton or designed to carry more than 11 passengers. Repair activities may include engine, transmission, and other heavy auto-related work in addition to other routine auto service functions.

AUTO SERVICE ESTABLISHMENTS: An establishment which shall include minor auto service activities, including but not limited to tires, oil changes, tune-ups, brakes, and other activities and/or uses; provided that any such uses and/or activities shall not constitute activities and/or uses under the definition of auto repair garages.

AUTOMOBILE SALES: Establishments that sell passenger cars, trucks, and vans to the general public with less than 8,500 lbs. gross vehicle weight rating. "Automobile sale" shall include the long-term leasing of autos for more than one calendar year.

AUTOMOBILE SERVICE STATION: Buildings and premises wherein the primary use is the retail sale of gasoline to the general public, and where the incidental sales of oil, grease, batteries, and motor vehicle accessories to the general public and minor auto services may be provided; however, such services shall not include major mechanical or body work, repair of transmissions or differentials, straightening of body parts, painting, welding or other work involving noise, glare, fumes, smoke or other characteristics to an extent greater than normally found in automobile service stations. An automobile service station is neither an auto repair garage nor an automobile sales establishment.

BARBERING ESTABLISHMENT: An establishment that engages in the shaving or trimming of the beard, cutting or dressing the hair, giving facial or scalp massages, giving facial or scalp treatment with oils or cream or other preparations made for this purpose, either by hand or by means of mechanical appliances, singeing and shampooing the hair, dyeing the hair, or permanently waving or straightening the hair of any living person for compensation. A barbering establishment as defined herein is specifically not a permitted use in any zoning district in the City of Riverdale.

BARBERING SCHOOLS AND COLLEGES: Any premises, not operated as part of the public school system of this state, where barbering is taught for a fee or other compensation. Technical institutes whose programs have been approved by the department of technical and adult education are not barbering schools and colleges within the meaning of this section.

BASEMENT: That portion of any building for which the finished surface of its floor meets any of the following conditions:

- (A) More than six feet below grade.
- (B) More than six feet below the finished ground level for more than 50 percent of the total building perimeter; or
- (C) More than 12 feet below the finished ground level at any point.

BOARDING HOUSE: A building, where for compensation, both lodging and meals are provided for two or more but not more than ten (10) persons, provided that a single-family dwelling shall not be deemed to be a boarding house by reason of a contribution to or expense sharing arrangement with the owner or tenant occupying the dwelling by a person related by blood or marriage. A boarding house as defined herein is specifically not a permitted use in any zoning district in the City of Riverdale.

BODY PIERCING ESTABLISHMENT: Establishments that engage in the perforation or penetration of the human anatomy with a needle or similar instruments to insert various ornamental objects. A body piercing establishment as defined herein is specifically not a permitted use in any zoning district in the City of Riverdale.

BUFFER STRIP: A portion of a lot or a land area used to visually separate one use from another through the use of vegetation, screening and distance; to shield or obstruct noise illumination, visual or other incompatibilities or nuisances. A buffer is measured from the common property line of the different uses.

BUILDING: Any structure attached to the ground having a roof supported by columns or by walls and intended for shelter, housing or enclosure of persons, animals or personal property.

BUILDING, HEIGHT OF: The vertical distance measured from the grade to the highest point of the coping of a flat roof; to the deck lines of a mansard roof; or to the mean height level between the eaves and ridge of a gable, hip or gambrel roof. Grade is defined as the average elevation of the ground on all sides of a building.

BUILDING, PRINCIPAL: A building in which is conducted the principal use of the lot on which said building is situated. In a residential district, the dwelling unit shall be defined to be the principal building.

BUILDING, SETBACK LINE: A line establishing the minimum allowable distance between the main or front wall of the building and the street right-of-way line when measured perpendicularly thereto. Covered porches, whether enclosed or not, shall be considered as a part of the building and shall not project into the required yard.

BUILD-TO LINE: The line generally parallel to the front lot line to which buildings shall enfront to the extent identified in this article. It is a requirement, not a permissive minimum, as is a setback, however where a minimum and maximum build-to line exists, the building may enfront anywhere between the two lines. The line shall be measured from the back of the sidewalk clear zone along all street frontages and not from the front lot line. For the purposes of this article, the build-to line shall exist when not enfronted by a building.

CASH ESTABLISHMENTS: Establishments that offer “payday loan,” “cash advance,” “check cashing” or other similar services. A cash establishment as defined herein is specifically not a permitted use in any zoning district in the City of Riverdale.

CENTER LINE OF STREET: The line surveyed and monumented by the City of Riverdale, Clayton County, or the Georgia State Highway Department or if a center line has not been surveyed and monumented, it shall be that line running midway between the outside curbs or ditches of the street.

CERTIFICATE OF OCCUPANCY: Compliance Approval or a Certificate of Occupancy issued by the City indicating that the use of the building or land in question is in conformity with this Ordinance, or that there has been a legal variance therefrom as provided by this Ordinance.

CHURCH: A permanent building where persons regularly assemble for religious worship. For zoning purposes, church organizations must be registered as non-for-profit entities with the office of the secretary of state.

CITY COUNCIL: The Mayor and Council of the City of Riverdale.

CLINIC: An establishment where patients, who are not lodged overnight, are admitted for examination and treatment by a physician or dentist or group of physicians or dentists practicing medicine.

CLUB: A building or facilities owned or operated by and for special educational and recreational purposes but not for profit or to render a service that is customarily carried on for gain.

COMMUNITY SHELTER: A non-profit, institutional use comprised of a building, institutional in nature which provides overnight shelter, sleeping accommodations and services, and not otherwise mandated by the State government, for related or non-related individuals for a period of time not to exceed fifteen (15) hours every twenty-four (24) hours. Community shelters as defined herein are specifically not allowed as a permitted use in any zoning district in the City of Riverdale.

COMPREHENSIVE PLAN: A comprehensive plan, which may consist of several maps, data, and other descriptive matter, for the physical development of the City or any portion thereof, including any amendments, extensions or additions thereto indicating the general location for major streets, parks or other similar information.

CONDITIONAL USE: A use that is not automatically permitted by right but which may be permitted within in a zoning district subject to meeting specific conditions contained in this Ordinance or required by the City Council.

CONDOMINIUM: A condominium is a multiple dwelling in which each dwelling unit is owned or financed by the occupant but in which halls, entranceways and underlying lands are owned jointly.

CONVENIENCE STORES: A small often franchised market that may be open for business for extended hours. A convenience store as defined herein is specifically not a permitted use in any zoning district in the City of Riverdale.

COSMETOLOGY AND BEAUTY SUPPLY ESTABLISHMENT: A cosmetology supply establishment or a barbering supply establishment engaged in the sale of related goods and materials wholesale and/or retail.

COSMETOLOGY ESTABLISHMENTS: Establishments that perform any one or more of the following services for compensation:

- (A) Hair cutting or dressing;
- (B) Facial or scalp massage or facial and scalp treatment with oils or creams and other preparations made for this purpose, either by hand or mechanical appliance;
- (C) Hair singeing and shampooing, hair dyeing, or permanent hair waving;
- (D) Hair braiding by hair weaving, interlocking, twisting, plaiting, wrapping by hand, chemical, or mechanical devices, or using any natural or synthetic fiber for extensions to the hair;
- (E) Nail care, pedicure, or manicuring services; or
- (F) Performing the services of an esthetician, which means a person who, for compensation, engages in any one or a combination of the following practices, esthetics, or cosmetic skin care:
 - (1) Massaging the face or neck of a person;
 - (2) Trimming eyebrows;
 - (3) Dyeing eyelashes or eyebrows; or
 - (4) Waxing, stimulating, cleansing, or beautifying the face, neck, arms, or legs of a person by any method with the aid of the hands or any mechanical or electrical apparatus or by the use of a cosmetic preparation.

Such practices of esthetics shall not include the diagnosis, treatment, or therapy of any dermatological condition.

A cosmetology establishment as defined herein is specifically not a permitted use in any zoning district in the City of Riverdale.

COSMETOLOGY SCHOOLS AND COLLEGES: Any establishment that receives compensation for training more than one person in the occupation of cosmetology as defined by state law. Technical colleges whose programs have been approved by the state are not cosmetology schools and colleges as defined in this section.

COURTYARD: Open spaces that may or may not have direct street access, around which is arranged a single building or group of related buildings.

CUL-DE-SAC: A street having one end open to traffic and being permanently terminated within the plat by a vehicular turn-around.

CUSTODIAL CARE HOME: See Nursing Home.

CURB CUT: Any interruption or break in the line of a street curb for the purpose of connecting a driveway to a street or otherwise to provide vehicular access to abutting property.

CUSTODIAN CARE HOMES AND FACILITIES: See Nursing Home.

DAY CARE FACILITY: A non-residential structure or portion of a non-residential structure within which is provided care and supervision on a regular basis of minors away from their place of residence. Services are provided for compensation for less than 24 hours per day. Day care includes pre-schools, play schools, nursery schools, private kindergartens and early learning centers.

DAY CARE, FAMILY: See Family Day Care Home.

DENSITY: The overall intensity of land use for the total project. A buildable lot area shall not include any parts of rivers, streams, flood planes or wetland areas.

(A) The number of dwelling units per area of land used for residential purposes.

(B) The size of commercial or industrial building that conforms to a site plan that includes size of lot, buffer zones, landscaping, parking and etc. according to zoning regulations.

DISTRICT: A section of the City as shown on the Official Zoning Map within which the zoning regulations are uniform.

DRIVE-IN: A retail or service enterprise wherein service is provided to the customer on the outside of the principal building.

DRIVE-IN RESTAURANT: Any place or premises used for sale, dispensing or service of food, refreshment, or beverage in automobiles, including those establishments where customers may eat or drink the food or beverage on the premises.

DWELLING: A building or portion thereof which is designed or used exclusively for residential purposes, including single family, two-family, multiple-family dwellings, rooming and boarding houses, fraternities, sororities and manufactured dwellings but not including hotels or motel. For purposes of this Appendix, manufactured homes containing dwelling units are subject to such special regulations as are set forth herein.

DWELLING, LIVE-WORK: A one-family attached dwelling unit of a least two stories that contains a commercial component of not more than the lesser of 600 square feet in floor area or 40 percent of the dwelling's total floor area. Said commercial component shall be limited to the ground floor of the dwelling unit; shall be limited to the permitted business and professional offices/agencies, retail and restaurant uses permitted in the zoning district in which it is located; and shall be the place of employment for no more than two persons, one of whom shall be a resident thereof. A live-work dwelling shall not be a single structure containing a multifamily dwelling unit and a commercial use arranged vertically unless both dwelling and commercial use shall a common kitchen, utilities, and common deed or lease.

DWELLING, SINGLE-FAMILY: A building designed for or occupied exclusively by one family. The structure shall consist of a kitchen, eating area, sleeping quarters/bedrooms, a toilet with a washbasin, a shower and /or tub with a minimum of 60 sq. ft. per bedroom per occupant. Also in order to meet this definition, the lease or rental of this building by the owner, to any individual, **shall not be sub-leased.**

DWELLING, TWO-FAMILY (DUPLEX): A building designed or arranged to be occupied by two (2) families living independently of each other.

DWELLING, MULTI-FAMILY: A building designed for or occupied exclusively by three (3) or more families with separate house-keeping facilities for each family.

DWELLING UNIT: A building, or portion thereof, designed, arranged and used for living quarters for one (1) or more persons living as a single housekeeping unit with cooking facilities, but not including units in hotels or other structures designed for transient residence.

DWELLING UNIT, EFFICIENCY: A dwelling unit consisting of not more than one habitable room together with kitchen or kitchenette and sanitary facilities.

EMISSION TESTING FACILITIES: Privately owned establishments that offer, as their sole service related to the care and maintenance of vehicles, to test vehicle emission standards as regulated by the State. An emission testing facility as defined herein is specifically not a permitted use in any zoning district in the City of Riverdale.

ENFRONT: To place an element such as a building along a build-to line.

FAMILY DAY CARE HOME: A home occupation as defined herein in which shelter, care and supervision are provided for 6 or fewer persons on a regular basis. A Family Day Care Home may provide instruction.

FAMILY, IMMEDIATE FAMILY: This term would include health care providers, spouse, child, child's spouse, grandchild, grandchild's spouse, grandparents, parent, parent-in-law or sibling. The term "family" does not include any organization or institutional group.

FEE SIMPLE: The owner is entitled to the entire property with unconditional power of disposition during his life and which descends to his heirs and legal representatives upon his death intestate.

FENCE: An enclosure, barrier, or boundary made of boards, stakes, wire rails or iron to enclose a designated area.

FLOOD PLAIN: That area within the intermediate regional flood contour elevations subject to periodic flooding once in 100 years as designated by the City engineer based upon the U.S. corps of Engineer's Flood Plain Reports, U.S. Dept. of Agriculture Soils Reports, and other federal, state, county or local hydraulic studies.

FLOOR AREA, HEATED: The gross heated, finished horizontal area of the several floors of a dwelling unit normally excluding a basement, attic, carport and/or garage.

FLOOR AREA GROSS: The total number of square feet of floor area in a building determined by horizontal measurements between the exterior faces of walls, which would include unfinished basement areas, unfinished bonus rooms, porches, carports and garages.

FRONTAGE (LOT): The distance for which the front boundary line of the lot and the street line are coincident.

FRONTAGE (STREET): All of the property on one side of a street located between the street intersections.

FUNERAL HOME: A building or part thereof used for human funeral services. "Funeral homes" shall not include facilities for cremation but may contain space and facilities for:

- (A) Bodies to lie in state;
- (B) Chapel areas for services;
- (C) Embalming and the performance of other services used in the preparation of the dead for burial;
- (D) The performance of autopsies and other surgical procedures;
- (E) The storage of caskets, funeral urns and other related funeral supplies and equipment; and
- (F) The storage of funeral vehicles; but shall not include facilities for cremation.

GARAGE (PUBLIC): An accessory building or portion of a principal building used primarily for vehicle storage.

GARAGE (REPAIR): See auto repair garages.

HARD-SURFACED AREA or ALL-WEATHER SURFACE: An area which has been packed and covered with gravel and confined by landscaping timbers, railroad cross-ties, brick or rock wall.

HEALTH DEPARTMENT: Shall mean the Clayton County Environmental Authority as appropriate as the enforcing agent of the Georgia Department of Public Health.

HOME OCCUPATIONS: Business occupations, trades or professions customarily carried on by occupants in dwelling units as secondary uses of such dwellings and which are clearly incidental to the use of dwelling units for residential purposes.

HOSPITAL: A public or private institution receiving inpatients, or out-patients, and licensed under Georgia Law to render medical, surgical, and/or obstetrical care. The term “hospital” shall include a sanitarium for the treatment and care of mental patients, alcoholics or drug addicts, but shall not include office facilities for the private practice of medicine or dentistry.

HOTEL/MOTEL: A facility offering lodging accommodations for compensation to the general public on a nightly, weekly or monthly basis and in which ingress and egress to and from all rooms are made solely through an inside lobby. As such, it is open to the public in contrast to a boarding house or rooming house.

IMPOUND LOT: Property used for the outdoor storage of any abandoned or junked vehicle or parts thereof which is not used in connection with a garage or towing service authorized and properly licensed to operate within the City limits. Impound lots as defined herein are specifically not a permitted use in any zoning district in the City of Riverdale.

INDUSTRIALIZED BUILDING: A factory manufactured transportable building consisting of units designed to be assembled (attached) at a building site on a permanent foundation into a structure to be used for commercial or industrial purposes. An industrialized structure must be manufactured by a Department of Community Affairs approved manufacturer and meet the same requirements as a site-built structure located within the City of Riverdale.

INOPERABLE VEHICLE: Any motorized vehicle incapable of immediately being driven or not properly licensed or inspected for safety in accordance with State law.

JUNK/SALVAGE YARD: Any use on public or private property involving the parking, storage or disassembly for junk vehicles and machinery, the storage, sale or resale of used auto parts, tires, scrap iron, metal; used plumbing fixtures, old stoves, refrigerators and

other old household appliances; used brick, wood, or other building/structural materials; used paper, rags or other scrap materials.

These uses shall be considered junkyards whether or not all or parts of these operations are conducted inside a building or in conjunction with, or accessory to, other uses of the premises.

Junk/salvage yards are not a permitted use in any zoning district in the City of Riverdale.

JUNKED VEHICLES: means any vehicle which: (1) is unusable due to disrepair because one or more of the major parts needed for its operation have been removed or destroyed or have been made not safe for operation of the vehicle through disrepair or damage; (2) constitutes a nuisance or health or safety hazard in that it provides a place for insects, rodents and other animals to exist, attracts children, vagrants or other individuals and may cause injury to them; or (3) does not have a current license plate with an appropriate ad valorem tax decal affixed in accordance with the requirements of O.C.G.A. § 40-2-20, if that vehicle is required to have such under the provisions thereof.

KENNEL: An establishment where dogs are bred, trained or boarded.

KINDERGARTEN: A state-approved institution for the education of pre-school aged children.

LANDFILL, INERT WASTE: A landfill accepting only wastes that will not or are not likely to cause production of leachate of environmental concern. Such wastes are limited to earth and earth-like products, concrete, cured asphalt, rock, bricks, yard trash, stumps, limbs and leaves. This definition excludes other types of industrial and demolition waste not specifically listed above. Landfills as defined herein are specifically not a permitted use in any zoning district in the City of Riverdale.

LANDSCAPE STRIP: Land area located within the boundary of a lot and required to be set aside and used for landscaping upon which only limited encroachments are authorized.

LANDSCAPING: That portion of a given lot, not covered by buildings, parking, access and service areas, that is designed to enhance privacy and the amenity of the development by providing landscaping features, screening, and buffering for the benefit of the occupants or those in neighboring areas, or a general appearance of openness. Landscaped open space may include, but need not be limited to, grass lawns, decorative planting, beams, walls and fences, sidewalks/walkways, ornamental objects such as fountains, statues and other similar natural and man-made objects, wood areas, and water courses, any or all of which are designed and arranged to produce an aesthetically pleasing effect within the development.

LAUNDERING ESTABLISHMENT: Laundromats, coin laundries and all establishments where the public self launders clothes, garments or other fabrics. Laundering establishment does not include dry cleaners or companies that launder for commercial entities or private purposes. Laundering establishments as defined herein are specifically not a permitted use in any zoning district in the City of Riverdale.

LIVESTOCK: The term “livestock” as used herein shall mean and include cattle, horses, goats, sheep, swine, and other hoofed animals; poultry, ducks, geese and other live fowl; and rabbits, mink, foxes and other fur or hide-bearing animals customarily bred or raised in captivity for the harvesting of their skins; whether owned or kept for pleasure, utility or sale.

LOADING SPACE: Off-street vehicle parking space reserved for bulk pickups and deliveries.

LOBBY: A lobby is a public internal waiting area at or near the entrance of a building. A lobby may include a variety of uses but is limited to contiguous open area and shall not include separated space for public use such as restrooms or offices.

LOT: A portion or parcel of land separated from other portions or parcels by description as on a subdivision plat of record or survey map or as described by metes and bounds, and intended for transfer of ownership or for building development which is capable of being occupied by a use as herein defined. For the purpose of this Ordinance, the term does not include any portion of a dedicated right-of-way.

LOT, CORNER: A lot abutting on two or more street at their intersection.

LOT DEPTH: The mean horizontal distance between front and rear lot lines.

LOT, DOUBLE FRONTAGE: Any lot, other than a corner lot, which has frontage on two (2) streets.

LOT LINE, FRONT: The front property line coincident with a street right-of-way line.

LOT LINE: A boundary of a lot. Lot line is synonymous with property line.

LOT OF RECORD: A lot which is part of a subdivision, a plat of which has been recorded in the records of the Clerk of Superior Court of Clayton County or a parcel of land, the deed of which has been recorded in the same office as of the effective date of this ordinance.

LOT WIDTH: The distance between side lot lines measured at the minimum front yard setback line.

MANUFACTURED HOME: A dwelling unit meeting National Manufactured Home Construction and Safety Standards and approved by the Georgia Commission of

Insurance/Safety Fire Marshal. A manufactured homes is transportable in one or more sections, is a minimum of 10 feet in width, constructed on a permanent chassis, designed to be used as a dwelling unit with or without permanent foundation; to be attached to required utility systems, and containing electrical, heating, air conditioning and plumbing systems. The term “manufactured home” includes “mobile home.”

MANUFACTURED HOME PARK: A parcel of land that has been planned and improved for the placement of manufactured homes. Spaces or lots set aside and offered for rent to use as manufactured homes for living purposes. A manufactured home park does not include manufactured home sales lot on which unoccupied manufactured homes are parked for inspection or sale. Manufactured home parks as defined herein are specifically not a permitted use in any zoning district in the City of Riverdale.

MASSAGE ESTABLISHMENT: Service providing the manipulation of tissues by rubbing, kneading or tapping with the hand or an instrument for therapeutic purposes. An establishment that offers at least four other classifications of services for the human body, each of which requires a State license, in addition to massage is defined herein as a “Spa.” Massage establishments as defined herein are specifically not a permitted use in any zoning district in the City of Riverdale.

MASTER PLANNED DEVELOPMENT: Any alteration of the natural environment that requires approval of a site plan, construction drawings or issuance of a development permit in accordance with the requirements of this Ordinance.

MINI-WAREHOUSE/STORAGE LOTS:

- (A) A building or portion thereof use for dead storage, mainly of the excess personal property of an individual or family, but also of small amount of goods or merchandise for businesses or individuals. Mini-warehouses shall not include retail sales on the premises, commercial repair or other services, manufacturing or any other commercial use.
- (B) Spaces that provide storage for recreation vehicles, to include motor homes, campers, travel trailers, pop-ups, etc.
- (C) Spaces for all types of watercraft to include boats, jet skis, pontoons, etc. Storage lots are to be completely separated from mini warehouse by an eight-foot high fence.

Mini-warehouse/storage lots as defined herein are specifically not a permitted use in any zoning district in the City of Riverdale.

MOBILE HOME: See Manufactured Home.

MODULAR HOME: See Manufactured Home.

MOTEL: See Hotel/motel.

NON-CONFORMING USE: Any building or use of land or building lawfully existing at the effective date of this Ordinance or as a result of subsequent amendments to this Ordinance, which does not conform with the provisions of the regulations for the district in which it is located, shall be designated a nonconforming use.

NOT-FOR-PROFIT ENTITY: Establishment, organization, or institution that is not conducted or maintained for the purpose of making a profit, and is currently registered as such with the Office of the Secretary of State for the State of Georgia. A “not-for-profit-entity” sometimes may be referred to herein as a “nonprofit entity.” In order to qualify as a not-for-profit entity, the entity must provide the City with a certificate of good standing.

NURSERY OR KINDERGARTEN SCHOOL: See Day Care Facility.

NURSING HOME: Any facility, as defined and regulated by the Georgia Department of Human Resources, that primarily provides skilled nursing care and related services to residents who require medical or nursing care; rehabilitation services to the injured, disabled, or sick; or on a regular basis, health care and services to individuals who because of their mental or physical condition require care and services (above the level of room and board) which is available to them only through these facilities, and is not primarily for the care and treatment of mental diseases. No personal care home, assisted living facility, rehabilitation center or any other type of facility may be permitted under this part as a nursing home unless it is licensed by the State of Georgia as a nursing home.

OCCUPIABLE SPACE: Covered floor area utilized for any principal permitted use except parking, storage, digital industry switchboards, power generators, and other relay equipment.

OFFICE PARK: A development on a tract of land that contains a number of separate office buildings, supporting uses and open space designed, planned, constructed and managed on an integrated and coordinated basis.

OFFICIAL ZONING MAP: A map formally delineating the boundaries of zoning districts that, along with the zoning text, constitutes the Zoning Ordinance.

OUTDOOR AMUSEMENT ENTERPRISES: Establishments including but not limited to activities such as theatres, pony riding, miniature golf, carnivals and bazaars that are in operation for 60 calendar days or less.

PARKING SPACE, OFF STREET: An off-street parking space consisting of a space adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room. Design standards for off-street parking spaces are contained in this chapter.

PARKING SPACE: An area having suitable access and size to be used exclusively as a temporary storage space for a private motor vehicle.

PAWNBROKER: Any person or entity that shall in any manner lend or advance money or other things for profit on the pledge or possession of person property, or other valuable things other than securities or written evidences of indebtedness or any person or entity that deals in the purchasing of personal property or other valuable things on condition of selling the same back to the seller at a stipulated price. A pawnbroker establishment as defined herein is specifically not a permitted use in any zoning district in the City of Riverdale.

PERSONAL CARE HOME: See Custodian Care Home.

PLANNED SHOPPING CENTER: A planned shopping center is one or more contiguous retail structures under common ownership or management located on one lot, containing at least 10,000 square feet or up to 20 percent of the total parcel area of floor space excluding storage.

PLANNING COMMISSION: The Planning Commission of the City of Riverdale as described in the City Charter.

PRINCIPAL USE: The primary or predominant purpose for which a lot is occupied and/or used.

PRIVATE DEED RESTRICTIONS OR COVENANTS: Private deed restrictions or covenants imposed on land by private landowners. They bind and restrict the land in the hands of present owners and subsequent purchasers. They are enforced only by the landowners involved and not by the City or other public agency.

PROFESSIONAL OFFICE: An office used by members of a recognized profession such as architects, artists, dentist, engineers, lawyers, musicians, physicians, surgeons or pharmacists, and realtors or insurance agents and brokers.

PSYCHIC SERVICE ESTABLISHMENT: Psychic service establishments include those establishments that provide services involving sensitivity to non-physical or supernatural forces and influences or marked by extraordinary or mysterious sensitivity, perception or understanding and shall include but not be limited to palm readers, astrologers, psychics and crystal ball readers. A psychic service establishment as defined herein is specifically not a permitted use in any zoning district in the City of Riverdale.

PUBLIC STREET: Right-of-way dedicated to the City or owned by the City for public street purposes.

RECOVERED MATERIALS PROCESSING FACILITY, ACCESSORY: Any facility utilized for the purpose of collecting household and commercial materials to be recycled including, but not limited to, plastics, glass, paper, and aluminum materials

whenever such use is customarily incidental to a shopping center, church, school, multi family residential development, waste disposal facility or similar use.

RECOVERED MATERIALS PROCESSING FACILITY, PRINCIPAL: Any facility utilized for the purpose of collecting, sorting, processing and shipping materials to be recycled including, but not limited to, plastics, glass, paper and aluminum whenever such use is principal to the site.

RETAIL SERVICE ESTABLISHMENT: An establishment which sells commodities or goods in small quantities to ultimate consumers and which may sometimes be referred to in this Ordinance as “shop.” For zoning purposes, establishments may be classified as “retail service” only if said business is not specifically classified elsewhere.

REZONING: An amendment to or a change in the Zoning Ordinance. Rezoning can take three forms: (1) A comprehensive revision to the zoning text and Official Zoning Map; (2) A text change in the zoning district requirements; or (3) A change made to the Official Zoning Map.

RIGHT-OF-WAY: A strip of land occupied or intended to be occupied by transportation facilities, public utilities, or other special public uses. Rights-of-way intended for any use involving maintenance by a public agency shall be dedicated to the public use by the maker of the plat on which such right-of-way is established.

ROAD FRONTAGE: The distance on which a parcel of land adjoins a public street or public road right-of-way dedicated to and accepted by the City of Riverdale for vehicular traffic or over which the City of Riverdale may hold a prescriptive easement for public access, and including designated and numbered U.S. and State Highways.

ROOMING HOUSE: A building where, for compensation, lodging only is provided for not more than ten (10) persons. Rooming houses as defined herein are specifically not a permitted use in any zoning district in the City of Riverdale.

ROW HOUSE: One of a series of single-family dwellings, often of similar or identical design, situated side by side and joined by common walls.

SCHOOLS: Schools are organizations or institutions that provide instruction for the teaching of children and do not fall under the definition of daycare facility herein.

SCRAP TIRE PROCESSING PLANT: A facility that grinds, shreds, chops or otherwise processes scrap tires for secondary use. Scrap tire processing plants as defined herein are specifically not a permitted use in any zoning district in the City of Riverdale.

SCREENING: A method of shielding or obscuring one abutting or nearby structure or use from another by opaque fencing, walls, beams, densely planted vegetation or the like.

SHOPPING CENTER: A group of commercial establishments having a building composition that is an architectural unit and is not a miscellaneous assemblage of stores; planned, developed, analyzed as a unit, related in location, size and type of shops to the trade area that the unit serves, and providing on-site parking in definite relationship to the types and sizes of stores. Shopping centers are classified by type, and sizes of stores. Shopping centers are classified by type, each distinctive in its own function:

- (A) **Neighborhood Shopping Center** - provides for the sale of convenience goods (foods, drugs, sundries, etc.) and personal services (laundry, dry cleaning, barbering, shoe repair, etc.) for the day to day living needs of the immediate neighborhood, and is usually built around a supermarket which is the principal tenant.
- (B) **Community Shopping Center** - in addition to the convenience goods (foods, drugs, sundries, etc.) and personal services (laundry, dry cleaning, barbering, shoe repair, etc.) for the day to day living needs of the immediate neighborhood, and is usually built around a junior department store which is the principal tenant.
- (C) **Regional Shopping Center** - provides for general merchandise, apparel, furniture and home furnishings in full depth and variety. It is built with one or more full line department stores as the focal point.

SPA: An establishment that offers massage, as defined herein, along with at least four other classifications of services for the human body, each of which requires a State license. Examples of other classifications of services that are included in the definition of a spa include, but are not limited to, manicure/pedicure, waxing, wrapping and facials.

STABLE, PRIVATE: A building or facility used as a stable with a capacity of not more than two horses, mules or other draught animals. Land area must consist of five (5) acres within the City limits of Riverdale. Stable must be located 100 ft. from property line.

STORY: That portion of a building comprised between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, the space between the floor and the ceiling next above it, provided that a room suite, or story, with more than one-half of its height below grade shall not be considered a story for the purposes of regulations. The first floor of a two (2) or multi-story building shall be deemed the story that has no floor immediately below it that is designed for living quarters or for human occupancy. Those stories above the first floor shall be numbered consecutively.

STREET: A right-of-way for vehicular traffic whether designated as street, highway, thoroughfare, parkway, road, avenue, drive, expressway, boulevard, lane, place, circle, alley, or otherwise. Various classifications of streets are defined as follows:

- (A) Arterial - A street which is used primarily for fast and heavy traffic flow; is of considerable continuity; and is used as a traffic artery for

intercommunication between large areas.

- (B) Major Collector - A street which carries traffic from activity centers and minor collector streets to arterial streets and streets of higher classification.
- (C) Minor Collector - Principal entrance streets to subdivisions and the main streets for circulation within subdivision, which serve a network of four or more local streets. Minor collector streets are designated so that traffic circulation in a subdivision would cause such a street to be used as a link between local streets and major collector or arterial streets.
- (D) Local - A street used primarily in residential subdivisions for access to abutting properties as opposed to the collection and dispersion of traffic.
- (E) Cul-de-sac - A local street with only one (1) outlet closed and terminated by a vehicular turnaround.
- (F) Marginal Access - A street which is parallel to and adjacent to an arterial street or highway and which provides access to abutting properties and protection through traffic.
- (G) Private - A street or driveway which is wholly within private property except where it intersects with other streets within public rights-of-way. Private streets are maintained by the owner(s) of the property on which the street is located and have not been accepted by the City, County, or State.

STRUCTURE: Anything constructed or erected with a fixed location on the ground.

SUBDIVIDER: The person, firm or corporation having such a proprietary interest in the land to be subdivided as will authorize the maintenance of proceedings to subdivide such land under this Ordinance, or the authorized agent of such person, firm or corporation for the purpose of proceeding under this Ordinance.

SUBDIVISION: A tract of land that has been divided into two (2) or more lots, all fronting on a public street, and offered for sale as individual lots.

SUPPLEMENTAL AREA: The privately held area between the back of the required sidewalk clear zone and the build-to line.

SURFACE TREATED AREA: An area that has been covered with asphalt or concrete.

TANNING ESTABLISHMENT: Tanning establishments shall include any entity or service offering a brown color imparted to the skin by exposure to an artificial lighting source or other method.

TATTOO PARLORS: Tattoo parlors are establishments that provide services which create an indelible mark or figure fixed upon the body by insertion of pigment under the skin or by production of scars. Tattoo parlors as defined herein are specifically not a permitted use in any zoning district in the City of Riverdale.

TOBACCO RETAIL ESTABLISHMENTS: Retail establishments in which tobacco and tobacco-related products exceed 50 percent of the total merchandise in inventory.

TOURIST HOME: A dwelling in which sleeping accommodations are provided or offered to transient visitors for compensation. Tourist homes as defined herein are specifically not a permitted use in any zoning district in the City of Riverdale.

TOWN HOUSE: A group of three or more attached dwelling units under fee simple or condominium or cooperative ownership, as defined by laws of the State of Georgia.

TRAILER (MOTOR HOME): A motorized vehicle, designed and/or maintained for the use for travel or recreation purposes exclusively off the premises, having no foundation other than wheels or jacks.

TRAILER (TRAVEL): A non-motorized vehicle, pulled by an automobile or truck designed and/or maintained for use off the premises for travel or recreation purposes exclusively.

TUTORIAL SERVICE ESTABLISHMENTS: Establishments that provide educational or institutional services for minors.

USE: The purpose or purposes for which land or a building is designed, arranged or intended or to which said land or building is occupied, maintained or leased.

VARIANCE: A variance is a relaxation of the terms of this chapter where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the chapter would result in unnecessary and undue hardship. Establishment or expansion of a use otherwise prohibited shall not be allowed by a variance, nor shall a variance be granted because of the presence of nonconformities in the zoning district or uses in adjoining zoning district.

VEHICLE, ABANDONED: A motor vehicle or trailer: (1) which has been left by the owner or some person acting for the owner with an automobile dealer, repairman or wreck service for repair or for some other reason and has not been called for by such owner or other person within a period of 30 days after the time agreed upon or, if no such time is agreed upon, within 30 days after such vehicle is turned over to such; (2) which is left unattended on a public street, road or highway or other public property for a period of at least five days and when it reasonably appears to a law enforcement officer that the individual who left such motor vehicle unattended does not intend to return and remove such motor vehicle (unless on a state highway system, upon which any law enforcement

officer may authorize the immediate removal of vehicles posing a threat to public health or safety or to mitigate congestion); (3) which has been lawfully towed onto the property of another at the request of a law enforcement officer and left there for a period of not less than 30 days without anyone having paid all reasonable current charges for such towing and storage; (4) which has been lawfully towed onto the property of another at the request of a property owner on whose property the vehicle was abandoned and left there for a period of not less than 30 days without anyone having paid all reasonable current charges for such towing and storage; or (5) which has been left unattended on private property for a period of not less than 30 days.

VEHICLE, MECHANICAL TOOL AND LIGHT EQUIPMENT SALE, RENTAL AND ANCILLARY SERVICE ESTABLISHMENT: Any use of land whereon the primary occupation is the sale, rental or ancillary service of vehicles in operating condition, such as motorcycles, truck, trailer, mechanical tool, and light equipment, ambulance, taxicab, recreation vehicle, mobile home or boat. For the purpose of this ordinance, “auto, related vehicle, mechanical tool and light equipment sale, rental and ancillary service establishment” shall not be deemed to include “automobile sales,” “auto repair garages,” “auto service establishments” or “heavy equipment truck and R.V. sale, rental and ancillary service establishments.”

VETERINARY CLINIC: Facility for the treatment of domestic animals, operated under the supervision of a licensed veterinarian. The boarding of animals is limited to short-term care incidental to the clinic use and does not take place in outside runs or kennels.

WASTE INCINERATION FACILITY: Any facility that reduces waste volume by burning at a high temperature for a specified period of time. This term excludes air curtain destructors used for the on-site burning of yard trimmings and wood wastes at a building, land disturbing, or development site. Waste incineration facilities are specifically not a permitted use in any zoning district in the City of Riverdale.

YARD: A space on the same lot with a principal building, open unoccupied and unobstructed by buildings or structures from ground to sky except where encroachments and accessory buildings are expressly permitted.

YARD, FRONT: An open, unoccupied space on the same lot with a principal building, extending the full width of the lot, and situated between the street right-of-way and the front line of the building projected to the side lines of the lot.

YARD, REAR: An open, unoccupied space on the same lot with a principal building, extending the full width of the lot and situated between the rear line of the lot and the rear line of the building projected to the side lines of the lot.

YARD, SIDE: An open, unoccupied space on the same lot with the principal building, situated between the building and the side line of the lot and extending from the rear line of the front yard to the front line of the rear yard.

ARTICLE III

PROVISIONS FOR OFFICIAL ZONING MAP AND ESTABLISHMENT OF DISTRICTS

SECTION 3.1 OFFICIAL ZONING MAPS

The City of Riverdale is hereby divided into zoning districts, as shown on the Official Zoning Map which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Ordinance.

The Official Zoning Map shall be identified by the signature of the Mayor, attested by the City Manager or designee, and bearing the seal of the City under the following words: “This is to certify that this is the Official Zoning Map referred to in the Zoning Ordinance of the City of Riverdale.”

SECTION 3.2 AMENDMENTS

- A. In accordance with the laws of the State of Georgia, the City may amend or partially repeal the text of this Ordinance or may amend the Official Zoning Map of this Ordinance as follows:
 - 1. The City may initiate a proposal to amend or partially repeal the text according to the procedures prescribed by the laws of the state of Georgia and the City Code.
 - 2. The City or at least 50% of the affected property owners may initiate a petition to change the Official Zoning Map according to the procedures prescribed by the State of Georgia and the City Code including any requirements contained in this Ordinance.

- B. In its review of the text and zoning map amendments, the City shall pay reasonable regard to:
 - 1. The most recently adopted Comprehensive Plan,
 - 2. Current conditions and the character of structure and uses in each district,
 - 3. The most desirable use for which the land in each district is adapted,
 - 4. The conservation of property values throughout the jurisdiction,
 - 5. Responsible development and growth, and

6. The public health safety and welfare.

SECTION 3.3 REPLACEMENT OF OFFICIAL ZONING MAP

In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the Mayor and City Council may by resolution adopt a new Official Zoning Map, which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original Official Zoning Map. Unless the previous Official Zoning Map has been lost, or has been totally destroyed, the prior map or any significant remaining parts thereof, shall be preserved, together with all available records pertaining to its adoption or amendment.

SECTION 3.4 ESTABLISHMENT OF DISTRICTS

For the purposes of this Ordinance, the City of Riverdale is hereby divided into districts designated as follows:

R-1 This district is composed of certain lands and structures in the City having a medium-density single-family residential character.

R-2 This district is composed of certain lands and structures in the City having a medium-density single-family residential character.

R-3 This district is composed of certain lands and structures in the City having a medium-density single-family residential character.

R-4 This district is composed of certain lands and structures in the City having a medium-density residential character of single-family residences.

R-4D This district is composed of certain lands and structures in the City having a medium-density residential character of two-family residences.

R-4CT The purpose of the R-4CT district is to provide for medium density residential development in the form of condominiums and townhouses.

R-5 This district is composed of certain lands and structures in the City having a high-density residential character.

R-6 This district is intended to provide location for cluster-style single-family housing on small lots of medium density.

C-2 This district is intended to provide a land use category for small-scale commercial uses that provide products and services to neighborhoods.

C-3 This district is intended primarily for those commercial uses which are less attractive or less compatible with residential neighborhoods than are the uses generally included in other commercial districts.

C-4 This district is intended to provide a location for offices, governmental structures, institution, and limited related retail business and service activities in buildings of high character and attractive surroundings.

C-T This district is established to provide for the compatible transition from residential developments to commercial development in selected locations within the City.

M-1 This district is intended to comprise certain lands which are suitable for industrial development but where proximity to existing or proposed residential or commercial district make it desirable to limit the manner and extent of industrial operation.

MPMUD This district is intended to provide for planned mixed-use development. Application for rezoning to MPMUD will not be accepted or considered by the City of Riverdale until the Town Center Architectural Overlay District is adopted as part of this ordinance.

RMX This district is intended to provide a mixed-use classification. Application for rezoning to RMX will not be accepted or considered by the City of Riverdale until the Town Center Architectural Overlay District is adopted as part of this ordinance.

TCMU This district is intended to encourage the development of retail, residential and civic uses together to create a walkable mix of uses that will attract future residents, as well as visitors in a Town Center atmosphere. Application for rezoning to TCMU will not be accepted or considered by the City of Riverdale until the Town Center Architectural Overlay District is adopted as part of this ordinance.

SECTION 3.5 INTERPRETATIONS OF DISTRICT BOUNDARIES

Where uncertainty exists with respect to the location of the boundaries of any Zoning District in Riverdale, GA, the following rules shall apply:

1. Where a Zoning District boundary line is shown as approximately following a corporate limits line, a militia district line, a land lot line or the center line of a street, a county road, a state highway, right-of-way or such lines extended, then such lines shall be construed to be the Zoning District boundary lines.
2. Where a Zoning District boundary line is shown as being set back from a street,

a county road, a state highway, right-of-way, and approximately parallel thereto, then such Zoning District boundary line shall be construed as being at the scaled distance from the center line of the street, county road, state highway, interstate highway or railroad right-of-way and as being parallel thereto.

3. Where a Zoning District boundary line divides a lot, the location of the line shall be the scaled distance from the lot lines.
4. In the case of a double frontage lot fronting on two approximately parallel streets that is divided by a Zoning District boundary line paralleling the streets, the restrictions of the Zoning District in which each frontage of the double frontage lot lies shall apply to that portion of the double frontage lot.
5. Where Zoning District boundaries are in doubt, the Riverdale Board of Zoning Appeals shall determine boundaries using the appropriate scale from the Official Zoning Map.

SECTION 3.6 ANNEXATION

Any land annexed into the City of Riverdale shall be subject to rezoning in accordance with the provisions of this ordinance.

ARTICLE IV

GENERAL PROVISIONS

SECTION 4.1 APPLICABILITY TO LAND, BUILDINGS AND OPEN SPACE

No building, structure, land or open space shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered unless in conformity with all of the regulations herein specified for the district in which it is located.

No existing building, with a change of occupancy, shall be occupied until an inspection by the Director of Community Development and General Services Department and the Fire Marshal has been performed for conformity for the new use.

SECTION 4.2 EVERY USE MUST BE UPON A LOT

No building, structure, or land shall hereafter be used or occupied and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered unless in conformity with all of the regulations contained herein for the district in which it is located.

SECTION 4.3 HEIGHT AND DENSITY

No building or other structure shall hereafter be erected or altered to exceed the height of this chapter; to accommodate or house a greater number of families; to occupy a greater percentage of lot area; or to have narrower or smaller rear yards, front yards, or other open spaces than herein required; or be in any other manner contrary to the provisions of this chapter.

SECTION 4.4 YARD AND OTHER SPACES

No part of a yard or the off-street parking or loading spaces that are required in connection with any building or use for the purpose of complying with the regulations of this Ordinance shall be included as part of the yard or off-street parking or loading spaces required for another building except as specifically provided herein. No part of a lot that is flooded by a 100-year recurrence interval storm event may be counted as part of the required minimum lot area.

SECTION 4.5 ONE PRINCIPAL RESIDENTIAL BUILDING ON A LOT

Within residential districts, exempting group developments, not more than one (1) principal building or structure or use and its customary accessory buildings and uses shall be permitted on any lot.

In non-residential districts, more than one (1) structure housing a principal permitted use may be erected on a single lot, provided that yard and other requirements of the Ordinance shall be met for each structure as though it were on an individual lot.

SECTION 4.6 LOTS WITH WELL AND PRIVATE SEWERAGE SYSTEMS

Any lot upon which both an individual well and septic tank or other private sewerage system is to be provided shall have a minimum of 125 feet of lot frontage and an area of not less than one acre, or a greater lot area if required by the state or Clayton County Environmental Health Authority. Any lot upon which a septic tank or other private sewerage system is to be provided shall have a minimum area of 22,000 square feet, or a greater lot area if required by the state or Clayton County Environmental Health Authority.

SECTION 4.7 REDUCTION OF LOT AREA

Except as otherwise provided herein, no lot existing at the time of passage of this chapter shall be reduced, divided, or changed so as to produce a tract of land which does not comply with the minimum dimension or area requirements of this chapter for the district in which it is located unless said reduction or division is necessary to provide land which is needed and accepted for public use.

SECTION 4.8 SUBSTANDARD LOTS OF RECORD

Any lot of record existing at the time of the adoption of this chapter, which has an area or a width which is less than required by this chapter, shall be subject to the following requirements:

1. Adjoining lots- When two (2) or more adjoining and vacant lots within a non-approved development with continuous frontage are in a single ownership at the time of application for development under this ordinance and such lots have a frontage or lot area less than is required by the district in which they are located, such lots shall be re-platted or re-parceled so as to create one or more lots which conform to the minimum frontage and area requirements of the district.
2. Lots Not Meeting Minimum Lot Size Requirements- When a lot has an area or frontage which does not conform with the requirements of the district in which it is located, but was a lot of record at the effective date of this chapter, such lot may be used for any use allowed in the zoning district in which it is located provided that all other requirements of this chapter are met.

SECTION 4.9 LANDLOCKED LOTS

In the event there exists a landlocked lot as of the effective date of this chapter, the property owner shall be entitled to only one (1) building permit, provided:

1. No other principal building exists or is being constructed on said property.
2. No other valid building permit has been issued prior to the effective date of this chapter and is currently valid.
3. The property was under single ownership for at least five (5) years prior to the enactment of this ordinance and continues to be under single ownership from the effective date of this chapter.
4. The property owner has acquired a thirty (30) foot access easement to a publicly maintained street, and said easement has been duly recorded and made a part of the property deed; and
5. In the event said property is divided, no additional permits will be issued.

SECTION 4.10 STREET FRONTAGE REQUIREMENT

With the exception of fee simple townhouse units, condominium units, office park units and similar units, no building or structure shall hereafter be erected on a lot that does not abut for at least a distance of twenty-five (25) feet upon an open street which shall be either a public street, public maintained street, or a publicly approved street. Fee simple townhouse units, condominium units, office park units and similar units shall not have less street frontage than the building width at the building line.

SECTION 4.11 CITY AND COUNTY APPROVALS THAT ARE REQUIRED

All City and County approvals that are required for the use of land and structures and for the location and operation of businesses and industries shall be obtained by the applicant and transmitted with a request for a building permit, an occupancy permit, a zoning amendment, or a variance. Except as otherwise required by state law, no local action shall be taken and no public hearing shall be held until the above required approvals have been obtained by the applicant.

SECTION 4.12 APPROVALS FOR RESIDENTIAL, COMMERCIAL AND INDUSTRIAL DEVELOPMENTS ON STATE HIGHWAYS

For all residential, commercial, and industrial developments fronting on a state highway, no building permit shall be issued until the approval of the Georgia Department of Transportation (“DOT”) has been obtained by the applicant on entrances and exits, curb radii, drainage and other matters that are within the jurisdiction of the DOT.

SECTION 4.13 BUILDINGS UNDER CONSTRUCTION

Nothing in this chapter shall require any change in the construction or intended use of a

building that is legally under construction or for which a building permit has been lawfully issued as of the effective date of this chapter and the construction of which shall be diligently pursued until completion.

SECTION 4.14 DEVELOPMENT PROJECTS UNDER CONSTRUCTION

Nothing in this chapter shall require any change in development or proposed use of properties which are legally under construction or for which a development plan or preliminary plat has been lawfully approved as of the effective date of this chapter provided that construction shall commence within six (6) months from the effective date of this chapter.

SECTION 4.15 ACCESSORY USES OR STRUCTURES

Accessory uses or structures shall be permitted only in side or rear yards, unless otherwise provided in this chapter.

Accessory uses or structures shall be permitted if they meet the following:

1. Only one accessory structure shall be permitted on a lot.
2. Accessory structure shall comply with front yard set back and not less than ten feet from side and rear yard.
3. An accessory structure located on one acre or less shall not be any larger than 18' x 24'. An accessory garage shall be used solely to house vehicles and other accessory items such as garden tools, lawn mowers, weed eaters, carpenter tools, etc. as related to residential use.
4. Accessory structure located on property in excess of one acre or more will not be restricted to size, provided the structure meets all City codes and other requirements of this chapter and is clearly subordinate to the principal structure.
5. Accessory structures in residential districts shall not be used for any type of commercial operation whether permanent, part-time or as part of a home occupation. Accessory buildings in residential districts shall not be used for the storage or warehousing of bulk items, including but not limited to food, clothing, furniture, household supplies, automobile parts, building materials, landscaping supplies, and similar items.
6. No accessory structure shall exceed a height of twelve (12) feet to the top of the ridge board.
7. Detached accessory structure shall be located at least fifteen (15) feet from the principal structure on a lot.

8. Satellite dish antennas less than one meter in diameter shall be permitted as accessory structures in all districts. Satellite dish antennas larger than one meter but less than two meters in diameter shall be permitted as accessory structures in non-residential districts.
9. Accessory structures must conform to one of the following unless a variance is authorized by the board of zoning appeals:
 - (a) external walls must be of the same material, and of the same color, as are the external walls of the primary structure; or
 - (b) the accessory building must be surrounded by a screening fence which completely conceals the building. Said fence must be designed and constructed of a material designed or intended for such purpose.
10. Accessory structures shall not be modular structures designed for transportation, after fabrication, on streets or highways on their own wheels or on flatbed or other trailers; nor shall accessory buildings be of such construction as to required location on jacks or other temporary foundations.

SECTION 4.16 ADULT ENTERTAINMENT ESTABLISHMENTS

Adult Entertainment Establishments are permitted only within the geographical area enumerated in Chap. 10, Article II, of the City of Riverdale City Code.

ARTICLE V

EXCEPTIONS, MODIFICATIONS, AND ENCROACHMENTS

SECTION 5.1 EXCEPTIONS TO SIDE YARD REQUIREMENTS

When a lot of record has a width less than required in the district in which it is located and said lot cannot be increased in width as provided herein, then the Director of Community Development and General Services Department shall be authorized to reduce the side yard requirements for such lot; provided however, that the side yard shall not be reduced to more than five (5) feet.

SECTION 5.2 PERMITTED ENCROACHMENTS OF YARD SETBACKS

Architectural features such as cornices, eaves, steps, gutters, and fire escapes may project not more than three (3) feet beyond any required setback line, except where such projections would obstruct driveways that may be used for access for service or emergency vehicles. In case of automobile service stations, motels, and similar uses which serve the motoring public, canopies shall be allowed over a driveway or walkway within the front yard, not to extend from the principal building to a point any closer than fifteen feet to the street right-of-way.

SECTION 5.3 VISIBILITY AT INTERSECTIONS

On corner lots within all zoning districts, no fence, shrubbery, or other obstruction to traffic line of sight vision shall exceed a height of two and one-half (2 1/2) feet within a triangular area formed by the intersection of the right-of-way lines at two (2) points, each twenty (20) feet distance from the intersection of the right-of-way lines, or, in the case of a rounded corner, from the point of intersection of their tangents.

SECTION 5.4 YARD FENCING OR WALLS

No fence or walls in excess of eight (8) feet in height shall be installed. No barbed wire or field fence or electric fences are allowed in a subdivision or in residentially zoned areas. Instead, all fences, walls or enclosures of any type shall be constructed of decorative or conventional fence material only, such material being in the nature of chain link, wood, privacy, split rails, or solid fence consisting of brick or masonry block. It shall be unlawful to erect a fence or other enclosure or to repair an existing fence or other enclosure with slatted chainlink materials or with nonfence materials including, but not limited to, sheet metal, plywood, tin roofing material, plastic roofing material, doors, or automobile parts.

All fences shall be maintained in a sound, well maintained condition. No dilapidated or otherwise unsound, unsafe or unsightly fence or portion of a fence shall be allowed to exist on any property.

A yard fence shall not be placed any closer to a street than the front building line setback of any lot. In the case of corner lots the fence shall meet both setbacks.

It shall be unlawful to erect a fence or wall without first obtaining a permit to do so from the Director of Community Development and General Services Department.

SECTION 5.5 FENCES AND HEDGES, MEASUREMENT RULE

Height of fences, hedges and other continuous foliage shall be measured from the adjacent top of the street curb, surface of an alley or the official established grade thereof; whichever is the higher. On inside lot lines the measurements shall be from the average grade of the lot line of the parcel or property have the lower elevation.

ARTICLE VI

NON-CONFORMING USES

SECTION 6.1 CONTINUANCE OF NON-CONFORMING USES (GRANDFATHER CLAUSE)

The lawful use of any building or structure or land existing at the time of the enactment or amendment of this Ordinance (sometimes referred to as a legal non-conforming use or a grandfathered use) may be continued, even though such use does not conform with the provisions of this Ordinance, except that the non-conforming use shall not be:

1. Extended to occupy a different or greater area of land.
2. Extended to occupy a greater area of any building or structure unless such additional area of the building or structure existed at the time of the passage of amendment of this Ordinance and was clearly designed to house the same use as the non-conforming use occupying the other portion of the building or structure.
3. Re-established after discontinuance for six (6) months. Discontinuance of a non-conforming use for six (6) months or more shall constitute evidence of intent to abandon legal nonconforming status as defined herein.
4. Changed to another or different non-conforming use.

SECTION 6.2 ILLEGAL NONCONFORMING AND LEGAL NONCONFORMING

A structure or lot which was constructed or is being used without an approved Building Permit, Certificate of Occupancy, or approval from the City is considered illegal nonconforming. An illegal nonconforming property shall be subject to actions and penalties allowed by this Code and all other applicable laws and shall be altered to conform to all applicable standards and regulations of this ordinance.

Legal nonconforming differs from illegal nonconforming in that the reason for the nonconformance is caused by the enactment of a Zoning Code or a change to the Zoning Code (including the Official Zoning Map). The structure, lot or use has not changed, but due to the Zoning Code enactment or change, the property no longer conforms to the policies and standards of the zoning district in which it is located. When this situation occurs, the property is deemed legal nonconforming or “grandfathered.” See Section 6.1.

SECTION 6.3 REPAIRS AND MAINTENANCE

Any nonconforming building or any building containing a nonconforming use, which has been damaged by fire or other cause, may be rebuilt and used as before if such reconstruction is completed within one year of such damage. However, if such building or structure has been damaged to an extent exceeding 50 percent of its replacement cost at the time of such damage or destruction, as determined by the building inspector, any repair, reconstruction, or use of such building or structure shall be in conformity with the provisions of this ordinance.

SECTION 6.4 EXEMPTIONS DUE TO STATE OR COUNTY ACTION

Whenever a parcel of land becomes nonconforming as a result of land acquisition by the City, County or State, building permits shall be granted to new construction provided the proposed structure complies with all but lot area requirements, and setback requirements shall be reduced without requirement for a variance to the extent of the width of the acquired property.

ARTICLE VII

SPECIAL PROVISIONS

SECTION 7.1 REQUIREMENTS FOR MOVING A BUILDING

No dwelling unit or other permanent structure shall be relocated in or from the City unless, when relocated, it meets all requirements of this chapter and other City code requirements, and prior to the transportation of the structure the relocation must be approved and permitted by the Director of Community Development and General Services Department.

SECTION 7.2 TEMPORARY BUILDING

A temporary building or other structure for use in connection with a construction project or land subdivision development shall be permitted on the land of the project during the construction period. Temporary buildings related to a subdivision of development shall be removed when 95 percent of all lots are occupied by completed homes or within four years, whichever occurs first. It shall be considered a violation of this ordinance to erect or use a temporary building prior to obtaining a permit from the Director of Community Development and General Services Department.

SECTION 7.3 ACCESSORY SWIMMING POOLS

Swimming pools accessory to residences shall be enclosed by a security fence of a minimum height of five (5) feet with a gate containing a self-enclosing positive latch device to insure that the pool is enclosed at all times.

SECTION 7.4 OTHER SWIMMING POOLS

Any constructed or prefabricated pool used other than in conjunction with a private residence requires state and/or County Environmental Health Authority approval. All pools shall be enclosed by a fence of a minimum height of five (5) feet with all gates containing a self-enclosing latch device to insure the pool is enclosed at all times.

SECTION 7.5 PARKING OR STORAGE OF MAJOR RECREATIONAL EQUIPMENT

For purposes of this chapter, major recreational equipment is defined as including boats and boat trailers, travel trailers, pick-up campers or coaches (designed to be mounted on automotive vehicles), motorized dwellings, motor coaches, tent trailers, and cases or boxes used for transporting recreational equipment, whether occupied by such equipment or not. Such major recreational equipment may be parked or stored only in side yards or rear yards or in a carport or enclosed building; provided however, that such equipment may be parked anywhere on residential premises for a period not to exceed 24 hours during loading or unloading. In the case of a corner lot, no vehicles may be parked or

stored in the side yard on the street side of the lot. No such equipment shall be used for living, sleeping, or housekeeping purposes when parked or stored on a residential lot, or in any location not approved for such use.

SECTION 7.8 SALE OF VEHICLES

No vehicles shall be parked and offered for sale in a commercial parking lot or place of business, except in designated car sales lots. Cars parked in violation of this provision will be towed at owner's expense.

SECTION 7.9 HOME OCCUPATIONS

Home occupation is defined as business occupations, trades or professions customarily carried on by occupants in dwelling units as secondary uses of such dwellings and which are clearly incidental to the use of dwelling units for residential purposes. Home occupation specifically does not include adult daycare centers or family daycare centers with more than six children being kept each day. Home occupations are allowed in all districts designated residential in the City's Zoning Ordinance subject to the following provisions, conditions and restrictions:

1. *Location.* Home occupations shall be conducted only within the principal residential structure, not garages.
2. *Use of premises.* An area equal to not more than 25 percent of the floor area of the principal structure area may be utilized for home occupational purposes.
3. *Employees.* Only members of a family residing on the premises may be regularly employed on the premises in pursuit of the business, trade or occupation or profession.
4. *Visibility of merchandise.* No merchandise shall be displayed in such a manner as to be visible from off the premises.
5. *Outdoor storage.* No outdoor storage of any items related to the business, trade, profession or occupation shall be allowed in connection with any home occupation.
6. *Maintenance of residential character.* No alteration of the residential character of the premises may be made, and the home occupation shall not be allowed to create a nuisance or to create any undue disturbance.
7. *Noise.* No business, trade, profession or occupation shall qualify as a home occupation if the pursuit of such generates noise which is audible beyond the property lines of the property upon which the premise is located.

8. *Vehicles.*

- (a) No business delivery may be made to the premises of a home occupation by any common carrier.
- (b) For purposes of this paragraph, the term "common carrier" shall include any delivery vehicle having more than two axles.

9. *Vehicle limitations.* No more than one passenger vehicle displaying advertising related to the business, trade, profession or occupation carried on the premises may be parked on or about the premises at any one time. Off-street parking must be provided on paved surfaces.

10. *Storage or parking of equipment.* Except as allowed by item (11) above, no business, trade, occupation or profession otherwise qualifying as a home occupation shall be permitted to park or store any vehicular or motorized equipment, including, but not limited to, trucks, vans, tractors, earth-moving equipment, construction vehicles, trailers or like items used in the conduct of such business on the premises.

11. *Chemicals.* No business, trade, occupation or profession which would otherwise qualify as a home occupation may store any chemical not normally used for common household purposes on the premises.

12. *Inspections.* As a condition for the granting of an occupation tax permit to a home occupation, the licensee agrees that the City shall conduct the following:

- (a) Prior to issuance of the occupation tax permit, the applicant must allow the necessary inspections and obtain a pre-zoning certification from the Community Development and General Services Department; and
- (b) At any time after issuance of the occupation tax permit, the applicant must permit City inspections during normal business hours for the purpose of determining whether or not the provisions of the City Code are being complied with.

13. *Occasional use.* The occasional use of portions of the premises for the receipt of telephone calls of consultation with clients or the maintenance of a home office by an employee or owner of a business which maintains an active office location in a properly zoned area shall not require an occupation tax permit for a home occupation, provided that all the other limitations of this section shall control.

14. All persons, occupants and businesses, as those terms are defined elsewhere in this Code, operating a business, occupation, trade or profession in a residence, except as provided in subparagraph (15) above, shall annually obtain an occupation tax permit from the Community Development and General Services

Department. The costs and other rules associated with the occupation tax permit are those set forth in Chapter(s) of the City Code governing occupation tax permits. Failure to obtain the required occupation tax permit shall subject the violator to those penalties set forth in the Chapter(s) of the City Code governing occupation tax permits.

15. A home occupation includes but is not limited to the following:

- a) Art Studio;
- b) Dressmaking;
- c) Professional office of a lawyer, engineer, architect, accountant, salesman, real estate agent, insurance agent or other similar occupation.
- d) Teaching individual musical instruments, dance or academic pupils; provided instruction is limited to not more than two (2) pupils at a time;
- e) The shop of a barber, beautician, or similar occupation, provided facilities are designed to accommodate only two (2) persons at a time, and provided personal services are those which are provided on an appointment-only basis;
- f) The care of less than six (6) children for compensation.

16. A home occupation shall not be interpreted to include any occupation or profession providing medical or mental services including but not limited to physician, veterinarian, dentist, psychiatrist, or psychologist, nor shall it be interpreted to allow the preparation of food for sale on the premises.

In addition, a customary home occupation specifically does not include the following:

- a. Dancing or band instrument instruction in groups.
- b. Florists or flower shops.
- c. Tearooms and restaurants.
- d. Tourist homes, boarding houses, or rooming houses.
- e. Fish hatcheries, worm farms or bait houses.
- f. The care of more than six (6) children for compensation.
- g. Convalescent and nursing homes.
- h. Kennels and animal hospitals.
- i. Clinics and hospitals.
- j. Retail sales.
- k. Firewood sales.

ARTICLE VIII

SCHEDULE OF DISTRICT REGULATIONS

SECTION 8.1 LAND USES BY DISTRICT

The regulations contained in this Article are intended to: promote the orderly future development of Riverdale; discourage the size and type of development which would create excessive requirements and costs for public services; discourage uses which because of their size or type would generate abnormal amounts of traffic on minor streets; and protect and promote a suitable environment for family life.

Specific land uses are either Permitted, Prohibited or permitted only as a Conditional Use in each zoning district as provided herein. Except as otherwise provided, any use not specifically permitted in a zoning district as provided by this Code or approved as a conditional use through the provisions of this Code, shall be prohibited in that district.

SECTION 8.2 CONDITIONAL USES

It is found and declared that there exist uses and activities that have potentially serious objectionable and deleterious effects on the public health, safety, morals and welfare and that it is in the public interest to introduce special regulation of such uses and activities to abate or eliminate adverse effects contributing to a blighting or downgrading of surrounding neighborhoods and businesses. It is the purpose of this section, therefore, to safeguard the best interests of the citizens of the City, to protect and enhance the quality of the environment and to promote the public health, safety and welfare by achieving the following:

- A. Providing appropriately located areas for the various uses listed herein to meet the needs of the City.
- B. Supporting development compatibility with surrounding uses and neighborhoods while suggesting uniqueness and character.
- C. Protecting the property values of existing business developments from inappropriately located uses and to enhance the investment of residents and business owners.
- D. Encouraging uses to be grouped.

Any person requesting a permit under this section shall submit an application and shall submit sufficient evidence demonstrating compliance with standards contained herein. Permits issued under this section are non-transferable.

8.2.1 *Uses.*

Upon recommendation and favorable decision by the City Council, subject to additional stipulations as may be required by the mayor and council, the following uses may be permitted as conditional uses in the appropriate district(s) as reflected in section 8.2.2.

- (a) *Auto leasing establishments.* Auto leasing establishments are those establishments whose primary business is the leasing of motor vehicles by the day or week(s) as opposed to long-term leasing for more than one calendar year. The purpose of this section is to ensure that automobile leasing establishments and/or the display of vehicles on the premises of automobile leasing establishments do not create an adverse impact on adjacent properties and surrounding neighborhoods due to insufficient on-site customer and employee parking, traffic congestion, visual blight, bright lights, noise, fumes or drainage run-off and to ensure compatibility with adjacent uses and surrounding neighborhoods and businesses. In addition to an application for a conditional use permit, the applicant shall submit sufficient evidence to demonstrate compliance, and at all times thereafter remain compliant with each of the following standards:
 - i. Auto leasing establishments shall be situated on at least three acres;
 - ii. Auto leasing establishments shall be located in a stand-alone building, permanently constructed, with at least 1,500 square feet of heated space in size;
 - iii. Auto leasing establishments shall be located in a building completely constructed of stucco or brick;
 - iv. Any freestanding sign identifying the business premises shall be a monument sign constructed of the same materials as the building; and
 - v. A drive-through carwash is permitted on-site but shall adhere to each of the following requirements:
 - 1. A drive-through car wash shall be completely enclosed by an opaque, decorative fence. No chain link or slat fences are permitted;
 - 2. A drive-through car wash shall not be visible from an arterial or collector street; and

3. A drive-through car wash shall be considered an accessory structure on the property. No further accessory structures shall be permitted.
- (b) *Automobile sales.* Automobile sales shall include establishments that sell passenger cars, trucks and vans with less than 8,500 lbs. gross vehicle weight rating to the general public and shall include the long-term leasing of automobiles for more than one calendar year. The purpose of this section is to protect residential areas and adjacent properties from fumes, noise, bright lights, blight and drainage run-off and to ensure compatibility with adjacent uses and surrounding neighborhoods and businesses. In addition to an application for a conditional use permit, applicant shall submit sufficient evidence to demonstrate compliance, and at all times thereafter remain compliant with each of the following standards:
- i. All vehicles on the sales lot shall be in operating condition at all times;
 - ii. No repairs shall be conducted on the premises;
 - iii. The sales office shall be permanently constructed and shall comply with building and architectural codes;
 - iv. All-weather-paved driveways and parking areas shall be properly curbed and landscaped;
 - v. Automobile sales premises shall contain not less than three acres of land all of which shall be dedicated exclusively to the sales area and shall be a separate parcel not part of a larger tract such as strip mall or similar locations;
 - vi. No automobile sales permits shall be issued when the total number of such licenses issued equals more than one per each 2,000 persons residing in the City. Insubstantial increases in population shall not be the basis for issuing an additional license. The population shall be determined from the most recent annual population estimates as compiled by the U.S. Census Bureau; and
 - vii. Only businesses properly licensed as used car dealers may sell used cars from their premises. Businesses not so licensed shall not allow third parties to park or otherwise offer used cars for sale on their premises.

- (c) *Auto service establishments.* Auto service establishments are defined in Article II, Section 2.3. The purpose of this section is to mitigate the negative effects of potential noise, fumes, litter, harmful run-off, contaminates, spillage, impervious surfaces, parking problems and to ensure compatibility with adjacent uses and surrounding neighborhoods and businesses. In addition to an application for a conditional use permit, the applicant shall submit evidence sufficient to demonstrate compliance, and at all times thereafter remain compliant with the following standards:
- i. The minimum land area set aside and exclusively devoted to auto service establishments shall total at least 20,000 square feet;
 - ii. All storage, parts, waste materials and/or inoperative vehicles and all service activities shall be carried out and/or accommodated entirely within enclosed buildings;
 - iii. All buildings shall be located at least 50 feet from adjacent street right-of-way lines;
 - iv. All exterior parking, maneuver and driveway areas shall be constructed with an all-weather-paved surface surrounded by a raised curb. The surrounding raised curb must be located in such a manner so that no vehicle can be parked within 15 feet of a street right-of-way line nor within five feet of any other property line;
 - v. Aisles, drives and accessways shall be adequately designed for vehicle movement and access for service and/or emergency vehicle;
 - vi. Auto service establishments shall not be located within 1,500 feet of a parcel zoned for residential use;
 - vii. Garage doors or bays shall neither front nor lay in the line of sight of parcels zoned for residential use;
 - viii. Proximity to restaurants and food service establishments should be considered and reviewed;
 - ix. The applicant shall provide a list of all chemicals and equipment expected for use in the normal operation of the auto service establishment, with a yearly update of said chemicals required as part of the business license renewal process. The list of chemicals must include a material safety data sheet (MSDS) or equivalent as provided by the manufacturer, per chemical; and
 - x. The sprinkler system shall comply with NFPA 13.

- (d) *Cosmetology and barbering supply establishments.* Cosmetology and barbering supply establishments are defined in Article II, Section 2.3. The purpose of this section is to mitigate negative environmental and health effects, to reduce pollutants, promote diverse economic uses, to increase water quality and to ensure compatibility with adjacent uses and surrounding neighborhoods and businesses. Cosmetology and barbering supply establishments may exist alone or as a combined establishment and may exist in a shopping center. In addition to an application for a conditional use permit, the applicant shall submit evidence sufficient to demonstrate compliance, and at all times thereafter remain compliant with the following standards:
- i. Barbering and beauty supply establishments may exist in planned shopping centers or multi-tenant buildings;
 - ii. A suite occupied by a barbering and beauty supply establishment in a shopping center or multi-tenant building shall be at least 1,000 square feet in size;
 - iii. Stand-alone structures housing barbering and beauty supply establishments shall be situated on at least a 20,000 square foot parcel;
 - iv. A cosmetology or barbering supply establishment shall be the single tenant located in the stand-alone building, containing at least 2,500 square feet of heated space, or up to 20 percent of the total parcel area, and entirely constructed of either brick or stucco;
 - v. Stand-alone structures housing barbering and beauty supply establishments shall comply with the parking regulations for retail establishments, as stated under section 2, article VI of appendix A. Sharing or leasing spaces from an adjacent parcel is expressly prohibited;
 - vi. Stand-alone structures housing barbering and beauty supply establishments shall devote 25 percent of the parking area to interior landscaping;
 - vii. Any freestanding sign identifying barbering and beauty supply establishments shall be a monument sign constructed of the same material as the building, unless attached to a pre-existing multi-tenant sign;
 - viii. A 20-foot landscaping buffer shall exist on all arterial or collector streets;

- ix. Barbering and beauty supply establishments shall only occupy a parcel that fronts an arterial street on at least one side;
 - x. Absolutely no cosmetology or barbering services shall be performed at barbering and beauty supply establishments, without approval of a conditional use permit by the mayor and council; and
 - xi. All chemicals and products for sale shall remain sealed by the manufacturer. Unsealed chemicals or products shall be listed with a yearly update of said chemicals required as part of the business license renewal process. The list of chemicals must contain a material safety data sheet (MSDS) or equivalent as provided by the manufacturer, per chemical.
- (e) *Cosmetology and barbering schools and colleges.* Cosmetology and barbering schools and colleges are defined in Article II, Section 2.3. The purpose of this section and standards with which the applicant must comply shall be the same standards set forth in section 10.4(d) of this Article.
- (f) *Day Care Facility.* Day care facilities are defined in Article II, Section 2.3. The purpose of this section is to promote continued and safe operation of day care facilities, to eliminate dangerous conditions potentially existing in day care facilities, to mitigate the negative effects on surrounding properties resulting therefrom and to ensure compatibility with adjacent uses and surrounding neighborhoods and businesses. In addition to an application for a conditional use permit the applicant shall submit evidence sufficient to demonstrate compliance, and at all times thereafter remain compliant with the following standards:
- i. At least 35 square feet of indoor space shall be provided for each child. Outdoor play areas shall conform to the following specifications:
 1. The minimum size of the outdoor area shall equal 100 square feet times one-third (1/3) of the center's licensed capacity for children;
 2. At least 100 square feet shall be available for each child occupying the outside play area at any one time;
 3. Groups of children may be rotated if necessary so that 100 square feet per child is provided at all times;

4. Outside play areas shall be adjacent to the day care facility or in an area which can be reached by a safe route or method approved by the state.
 5. Play areas shall be protected from traffic or other hazards by a six-foot or higher secure fence or other barrier on all sides as approved by the Community Development and General Services Department.
 6. Fencing material shall not present a hazard to children and shall be maintained so as to prevent children from leaving the play area by any other means than through an approved access route;
 7. Fence gates shall be kept closed except when persons are entering or exiting the play area;
 8. The outdoor play space shall have a surface suitable for varied activities;
 9. Hard surfaces, such as gravel, concrete, or paving shall not exceed one-fourth (1/4) of the total outdoor play area;
 10. Outside play areas shall be kept clean, free from litter, and free of hazards including, but not limited to, non-resilient surfaces under the fall-zone of play equipment, rocks, exposed tree roots and exposed sharp edges of concrete or equipment;
 11. Shaded areas shall be provided in the outside play areas;
 12. All outside play equipment shall be arranged so as not to obstruct supervision of children; and
 13. Climbing and swinging equipment shall be anchored, have a resilient surface beneath the equipment and include a fall-zone from such equipment which is adequately maintained by the day care facility to assure continuing resiliency.
- ii. Day care facilities shall be situated on a minimum one acre parcel;
 - iii. Day care facilities shall be situated only in a stand alone building containing at least 2,500 square feet of heated space, or up to 20 percent of the total parcel area;

- iv. Only one day care facility shall be permitted per every 3,000 in population determined from the most recent annual population estimates as compiled by the U.S. Census Bureau. Insubstantial increases in population shall not be the basis for issuing an additional license;
 - v. Day care facilities shall provide a covered entry and exit point for vehicular use, with a circular drive entering and exiting on the same road;
 - vi. Day care facilities shall provide one parking space for every two children, based on maximum enrollment capacity, plus one parking space per each two employees;
 - vii. Twenty-five percent of the vehicular use area shall be landscaped and shall not be included in the property line landscaping butlers;
 - viii. Day care facilities shall only occupy a parcel that fronts an arterial street on at least one side;
 - ix. Day care facilities shall submit all state certifications, requisite professional licenses and other licenses under state and local law, including any required occupation tax permits, annually. Failure to submit current and proper state certifications will result in a revocation of the business license;
 - x. The primary structure in which a day care facility is situated shall be constructed entirely of either brick or stucco;
- (g) *Multi-tenant building.* A multi-tenant building is a retail structure under common ownership or management located on one commercially zoned lot containing more than one suite or entity. Multi-tenant buildings shall contain no less than 2,500 square feet, or up to 20 percent of the total parcel area, with suites no less than 600 square feet each. The purpose of this section is to mitigate the negative effects of loitering, bright lights, noise, traffic, and impervious surfaces, to promote diverse economic uses and to ensure compatibility with adjacent uses and surrounding neighborhoods and businesses. In addition to an application for a conditional use permit, the applicant shall submit evidence sufficient to demonstrate compliance, and at all times thereafter remain compliant with the following standards:
- i. Multi-tenant buildings shall exist on a tract no less than one acre in area;

- ii. Individual suites shall be in no event less than 600 square feet in size each;
 - iii. The structure in which a multi-tenant building is located shall be constructed entirely of brick or stucco;
 - iv. Any monument sign(s) identifying the structure and the common tenants situated therein shall be constructed entirely of brick or stucco;
 - v. The multi-tenant building shall include features which provide for a proper transition from more sensitive land uses and incorporate buffering methods to separate commercial activities such as loading, lighting, and trash collection;
 - vi. The design of the multi-tenant building shall reflect the concept that it has been planned as a group of organized uses and structures;
 - vii. The multi-tenant building and all buildings, signs and landscaping in relation thereto shall be designed with similar architectural styles, similar exterior building materials, and coordinating landscaping themes;
 - viii. Management of the multi-tenant building shall make provisions for consistent maintenance, reciprocal access and reciprocal parking; and
 - ix. Vehicle and pedestrian access to the multi-tenant building shall be coordinated and logically linked to provide a comprehensive circulation system.
- (h) *Tobacco retail establishments.* Tobacco retail establishments are defined in Article II, Section 2.3. The purpose of this section is to promote public health through prevention of underage smoking, to promote diverse economic uses, and to ensure compatibility with adjacent uses and surrounding neighborhoods and businesses. In addition to an application for a conditional use permit, the applicant shall submit evidence sufficient to demonstrate compliance, and at all times thereafter remain compliant with the following standards:
- i. Tobacco retail establishments shall be permitted in shopping centers and multi-tenant buildings;

- ii. Tobacco retail establishments shall not occupy a suite of less than 1,000 aggregate square feet in a shopping center or multi-tenant building;
 - iii. Tobacco retail establishments located in a shopping center or multi-tenant building shall be required to install a sprinkler system complying with NFPA 13R or 13D, as determined by the fire marshal of the City ;
 - iv. Freestanding buildings containing tobacco retail establishments shall be situated on parcel containing at least 20,000 square feet;
 - v. Freestanding buildings containing tobacco retail establishments shall be the single tenant located in the building containing no less than 2,500 square feet of heated space or up to 20 percent of the total parcel area, and entirely constructed of either brick or stucco;
 - vi. Twenty-five percent of the parking area shall be devoted to interior landscaping;
 - vii. Any freestanding sign identifying the business premises shall be a monument sign constructed of the same material as the building in which the tobacco retail establishment is situated;
 - viii. A 20-foot landscaping buffer shall exist on all arterial or collector streets;
 - ix. Tobacco retail establishments shall only occupy a parcel that fronts an arterial street on at least one side;
 - x. Freestanding buildings containing these establishments shall install a sprinkler system complying with NFPA 13;
 - xi. The applicant shall provide evidence of all requisite professional and other licenses under state and local laws; and
 - xii. Compliance with section 50-13 of the Municipal Code of the City of Riverdale is required at all times.
- (i) *Tutorial services.* Tutorial services are defined in Article II, Section 2.3. The purpose of this section is to protect the health, safety and welfare of the residents of the City by monitoring the location of tutoring facilities for minors and children, to promote educational and learning opportunities, and to ensure compatibility with adjacent uses and surrounding neighborhoods and businesses. In addition to an application for a conditional use permit, the applicant shall submit evidence sufficient

to demonstrate compliance, and at all times thereafter remain compliant with the following standards:

- i. Tutorial services shall be permitted in shopping centers and multi-tenant buildings;
- ii. Tutorial services shall not occupy a suite of less than 1,000 aggregate square feet in a shopping center or multi-tenant building;
- iii. Freestanding buildings containing tutorial services must be situated on a parcel containing at least 20,000 square feet;
- iv. Tutorial services shall be the single tenant located in the freestanding building, containing no less than 2,500 square feet of heated space or up to 20 percent of the total parcel area, and entirely constructed of either brick or stucco;
- v. Freestanding buildings shall devote 25 percent of the parking area to interior landscaping;
- vi. Monument signs for any freestanding building shall be constructed of the same material as the building;
- vii. Freestanding buildings shall possess a 20-foot landscaping buffer on all arterial or collector streets;
- viii. Establishments under this section shall only operate from 12:00 noon through 6:00 p.m., Monday-Friday; 8:00 a.m. through 6:00 p.m., Weekends;
- ix. The applicant shall attest that the hours of operation shall be respected as well as attest that only tutoring services shall be provided and said services offered must be enumerated;
- x. The applicant shall submit the credentials of all employees of said establishment, qualifying each as a tutor, and/or stating their position in the organization;
- xi. Playgrounds, play areas, or recreational areas shall be expressly prohibited for establishments under this section;
- xii. The applicant shall provide evidence of all requisite professional and other licenses under state and local law;
- xiii. Tutoring services sponsored by the county board of education or other public institutions, are exempt from this section; and

- xiv. Professional tutoring establishments providing services expressly for those 18 years of age and over are exempt from this section.

8.2.2 *Conditional uses by district.*

Conditional Use Table							
Zoning District	C-2	C-3	C-4	CT	MPM UD	RMX	TCMU
X = Conditional Use							
Auto Leasing Establishments	X	X					
Auto Sales	X	X					
Auto Service Establishments		X					
Cosmetology and Barbering Supply Establishments		X					
Cosmetology and Barbering Schools & Colleges		X					
Multi-Tenant Building	X						
Day Care Facility	X						
Tobacco Retail Establishments					X	X	X
Tutorial Services	X	X	X	X	X	X	

SECTION 8.3 USES COMMON TO ALL RESIDENTIAL DISTRICTS

There exist certain uses that are deemed to be compatible and acceptable when located in a residential district provided each use meets the space limits and other requirements of the particular residential district.

The following uses are allowed in all residential districts subject to the restrictions and conditions imposed by the district regulations.

PERMITTED USES:

Single-family residences.

Local, State, and Federal Government buildings.

Accessory buildings and structures.

Home occupations.

Public parks, playgrounds and community buildings.

Subdivision recreation areas owned, operated, and maintained by Homeowners Associations exclusively for the use of residents and their guests.

The parking of one unoccupied travel trailer, motor coach or pleasure boat, subject to provisions of this Ordinance.

SECTION 8.4 RESIDENTIAL DISTRICTS

8.4.1 “R-1” residential district.

8.4.1-1 *Description of district:* This district is composed of certain lands and structures in the City having a medium-density single-family residential character.

8.4.1-2 *Dimensional requirements:* Dimensional requirements are presented in article VIII, chart 1.

8.4.2 “R-2” residential district.

8.4.2-1 *Description of district:* This district is composed of certain lands and structures in the City having a medium-density single-family residential character.

8.4.2-2 *Dimensional requirements:* Dimensional requirements are presented in article VIII, chart 1.

8.4.3 “R-3” residential district.

8.4.3-1 *Description of district:* This district is composed of certain lands and structures in the City having a medium-density single-family residential character.

8.4.3-2 *Dimensional requirements:* Dimensional requirements are presented in article VIII, chart 1.

8.4.4 “R-4” residential district – Single-family.

8.4.4-1 *Description of district:* This district is composed of certain lands and structures in the City having a medium-density residential character of single-family residences.

8.4.4-2 *Dimensional requirements:* Dimensional requirements are presented in article VIII, chart 1.

8.4.5 “R-4D” residential district – Two family.

8.4.5-1 *Description of district:* This district is composed of certain lands and structures in the City having a medium-density residential character of two-family residences. The minimum size of a land parcel permitted in this district shall be five acres.

8.4.5-2 *Permitted uses:* Within the R-4D residence district, the following uses shall be permitted in addition to the uses permitted in all residential districts.

(A) Two-family residences, provided:

- (1) The units are separated by a fire wall from footing to peak of roof of not less than four-hour fire rating.
- (2) The entrances and rear exits are designed with appropriate fences or walls so as to provide separate private entrances and exits.
- (3) The units are not constructed one above the other.
- (4) Both units combined meet the overall floor area requirements; however, one unit may have a floor area of not less than 600 square feet, provided the other unit floor

area is not less than that required to provide the required overall floor area of the dwelling structure, excluding garages and storage areas.

- (5) The lot width and area meets the dimensional requirements of a two-family residence.

8.4.5-3 *Buffers:* A planted buffer shall be constructed along the exterior property lines of the development and shall comply with all regulations contained in this ordinance.

8.4.5-4 *Landscaping:* New plant material shall be added to the development for privacy, shade, beauty of buildings and grounds and to screen out objectionable features.

8.4.5-5 *Dimensional requirements:* Dimensional requirements are presented in article VIII, chart 1.

8.4.6 “R-4CT” Residential condominium-townhouse district.

8.4.6-1 *Description of district:* The purpose of the R-4CT district is to provide for medium density residential development in the form of condominiums and townhouses. The minimum size of a land parcel permitted in this district shall be five acres.

8.4.6-2 *Permitted uses and limitations:* Within the R-4CT district, the following uses shall be permitted in addition to the uses permitted in all residential districts.

- (A) Single-family attached townhouse or rowhouse dwellings. Living spaces must share common party walls by not less than 50 percent of depth of units. The only exception to this requirement is where garages or carports are constructed so as to connect the townhouse units. These garages or carports must be separated from dwelling units and other garages or carports by approved fire walls of not less than four-hour fire rating.

- (B) Multifamily condominium dwellings.

8.4.6-3 *Regulations and dimensional requirements:*

- (A) *Density limitations:*

- (1) Density: 10 to 12 units per acre.

- (2) Townhouse and one-story condominium buildings shall contain not more than seven dwelling units per building. Multistory condominium buildings shall contain not more than seven dwelling units on each story level.
- (B) *Open space.* A minimum of 20 percent of the total development area shall be devoted to open space and the developer shall give an easement for this purpose. This open space shall be defined as usable spaces such as parks, gardens, pocket parks, etc., that may be used for passive and active recreation. This open space shall not include the building lots, required yard areas, streets or parking courts. At least 50 percent of the open space shall be maintained as a singular open area with the rest of the open space requirement to be distributed into smaller areas. Not more than 50 percent of each space within the development the 20 percent open space shall be in any floodplain. The minimum width of the open space shall average 100 feet with a maximum ratio of length to width of three to one. Access to public open spaces must be at least 20 feet in width, abut a public street, and not be located within 15 feet of any dwelling unit. Boundary and entrances from public streets shall be clearly defined.
- (C) *Development and preservation of open space areas:*
- (1) *Construction phases.* Each phase of development shall include the proportional open space and shall be designated on the preliminary and final plat. Also the developer shall submit, along with the preliminary plat, plans for developing the open space. At a minimum, the developer shall clear brush and undergrowth and install City approved ground cover during the construction phase of each phase development. Failure to do this shall be sufficient reason for the City to withhold building permits and/or occupancy permits.
- (2) *Covenants.* The developer of a condominium or townhouse development, or a homeowners' association created by the developer, by recorded covenants and restrictions, shall preserve and maintain for the owners and occupants of the development the lands set aside for open spaces, parks, recreation areas, common off-street parking spaces, and garbage and trash disposal. The book and page in which such covenants and restrictions are recorded shall be shown on final recorded plats of the development and on each deed transferring property within the development.

- (3) *Developer maintenance of open space and/or common use areas.* In the event the developer elects not to establish a homeowners' association, the developer shall continue to preserve and maintain for the owners and occupants of the development the lands set aside for open spaces and common use areas until such time as a homeowners' association is established.
 - (4) *Homeowners' associations.* Use of the open spaces shall be governed by the association bylaws within the bounds of the recorded covenants and restrictions.
- (D) *Site planning:*
- (1) *Off-street parking.* Required parking shall be provided within the development and shall consist of not less than 2 1/2 parking spaces per unit and shall comply with applicable provisions of off-street parking requirements according to uses. Pedestrian access from auto to dwelling unit shall not exceed 200 feet.
 - (2) *Circulation.* Public and private streets within the development shall have sidewalks contiguous to the front yards of all dwelling units. All sidewalks shall be connected between groupings of dwelling units in order to provide for continuous pedestrian circulation. As a minimum sidewalks shall be constructed on at least one side of all public and private streets. Easements not less than five feet wide may be required at the option of the City Council between each group of buildings containing more than two units and/or along rear lot lines. These easements may be for foot or bicycle paths and/or service accessibility.
 - (3) *Access and egress for service and emergency vehicles.* Site planning shall provide for access and egress for firefighting equipment, ambulances and service vehicles. Fire protection plans shall provide for required access and facilities necessary. Where vehicular access to individual dwelling units becomes infeasible, a standpipe arrangement may be used. Access arrangements, standpipe arrangements and related features must be reviewed and approved by the fire marshal of the City of Riverdale.
 - (4) *Driveway access and egress.* Driveway access and egress should not be made directly onto collector or arterial

streets. All access and egress shall be subject to approval of the City engineer and building inspector.

- (5) *Garbage and trash disposal.* Outdoor enclosed collection stations shall be provided for all condominium buildings and shall be located so as not to be a nuisance or hazard to occupants and shall be screened and/or landscaped to avoid visual exposure of garbage and trash containers. Townhouse dwellings and condominiums must have centralized garbage pickup stations.
 - (6) *Maintenance facilities.* Maintenance facilities and service facilities shall be located to prevent visual nuisance.
 - (7) *Convenience and safety.* Provisions shall be made for information signs to prevent confusion as to location of specific units. Provisions shall be made for mail and parcel protection. Parking areas, service areas, walks, steps, streets and driveways, and recreational areas within the development shall be illuminated to assure safe and convenient nighttime use. Lighting fixtures shall be properly shaded to screen the windows of habitable rooms from the direct ray of light. Minimum illumination requirements shall be in accordance with current Illuminating Engineering Society Standards.
 - (8) *Orientation of dwelling units.* Dwelling units shall be oriented to provide noise buffers between dwelling units themselves and the service activities (communal) and car zone (urban noise).
 - (9) *Landscaping.* New plant material shall be added to the development for privacy, shade, beauty of buildings and grounds and to screen out objectionable features.
 - (10) *Street frontage.* Lots within a townhouse development shall front on a public street.
 - (11) *Separate lots.* Each townhouse unit, whether attached or detached, shall be located on a separate lot.
- (E) *Dwelling unit planning:*
- (1) *Dwelling entrances.* Private and protected entrances shall be provided for each dwelling unit. No entry shall be directly opposite another entry unless shielded from direct

view of interior habitable space upon opening entrance door.

- (2) *Acoustics.* The acceptable standard for acoustics is 50 decibels for interior walls between dwelling units. Fifty decibels is considered to be a moderate level of noise or sound within a room resulting from average conversation or a quiet radio. The sound transmission class of partitions between units should be rated at 50 STC, loud speech not audible.
 - (3) *Fire safety.* Two exits shall be provided from each dwelling. A continuous easement not less than five feet wide shall be provided along rear of lots in order to allow unobstructed rear egress from dwellings unless the lots have direct access to a common open space leading to a street. Privacy fences shall be constructed with either a breakout panel or gate to the egress area. Fire walls shall be constructed between all dwelling units from footings through attic and shall meet all requirements of the state and local fire code. Walls may be offset at intermediate floors, provided the offset floor constructed has a fire resistance not less than that required for these walls.
 - (4) *Private yards.* Dwelling units in townhouse developments shall provide a minimum of one rear yard in addition to the front yard. Minimum area of the rear yard shall be 400 square feet with a least dimension of 20 feet. End units of each townhouse building shall also have a side yard not less than 15 feet wide and running the full depth of the lot.
- (F) *Covenants recorded:*
- (1) All covenants and restrictions shall be recorded at the Clayton County Courthouse and the book and page shall be included on the final recorded plat of the development and on each deed transferring property within the development.
- (G) *Dimensional requirements:*
- (1) Lot width at building line, or width of dwelling units:

TABLE INSET:

Detached units	--	60 feet minimum lot width
Two-unit	--	100 feet minimum lot width
Three-unit or more	--	Total units within each building shall have an average width of 24 feet with the smallest unit width limited to 20 feet.

(2) Minimum floor area of units:

TABLE INSET:

Detached unit	--	1100 sq. ft.	--	One story
	--	900 sq. ft.	--	Minimum ground floor of multistory
Two unit	--	1400 sq. ft.	--	Minimum ground floor

TABLE INSET:

Two units or more:			
	1 Bedroom	--	700 sq. ft.
	2 Bedroom	--	900 sq. ft.
	3 Bedroom	--	1100 sq. ft.
	4 Bedroom	--	1400 sq. ft.

(3) Maximum lot coverage by building--40%

(4) Minimum setback from street:

TABLE INSET:

Minor streets	--	65 feet from street centerline but not less than 40 feet from right-of-way line
Collector streets	--	80 feet from street centerline but not less than 50 feet from right-of-way line
Arterial streets	--	110 feet from street centerline but not less than 70 feet from right-of-way line

TABLE INSET:

(5)	Minimum rear yard depth	--	30 feet
(6)	Minimum side yard width	--	30 feet from exterior development property line, otherwise the minimum distances between buildings governs
(7)	Maximum height of buildings	--	35 feet
(8)	Minimum distances between buildings:		
	Front to front	--	80 feet
	Front to side	--	80 feet
	Front to rear	--	100 feet
	Rear to rear	--	60 feet
	Side to side	--	30 feet
	Corner arrangement	--	30 feet
	All other combinations	--	30 feet

8.4.6-4 *Administrative procedures*: Requirements and procedures for “preliminary plat approval” and “final plat approval,” as set forth in the City’s land subdivision regulations, “Article V. Plat Specifications,” shall be complied with and followed in order to gain approval for an R-4CT residential condominium-townhouse development.

(A) *Revised final plat*. After construction of dwelling units, a revised final plat of buildings, dwelling units and corresponding parcels of land shall be submitted for approval and recording with the designation “REVISED FINAL PLAT--AS BUILT” and shall reference the book and page numbers of all previously recorded plats dealing with development of this parcel. This “as built” final plat shall also contain the statement that all covenants, restrictions and development requirements as recorded previously are a part of this “as built” plat unless this plat specifically identifies and deletes the items being removed and contains signed approval of the deletions by the Director of the Community Development and General Services Department.

(B) *Building permits*. Applications for building permits shall be received and reviewed by the Director of Community Development and General Services Department. The application(s) shall include a copy of the recorded final subdivision plat. If start of construction has been approved prior to completion of the land development, then the application(s) shall include a copy of the approved preliminary plat and detailed information concerning completion of land development within the phase being constructed. If construction of buildings is to be completed prior to completion of the land development within that phase, then the City Council shall require a performance bond to insure completion of the land development. Occupancy permits may be withheld pending completion of the land construction, including final street paving.

Building permit applications for each block of dwelling units shall be accompanied by detail grading plans referencing floor elevations related to the elevation at rear of curb and conforming to drainage plans set for blocks of adjacent dwelling units.

(C) *Architectural designs*. Provided that any specific architectural design concept is to be a requirement or a prevailing development criteria, said concept shall be set forth in the protective covenants and restrictions as recorded.

8.4.7 “R-5” residential rental apartment district.

8.4.7-1 *Description of district*: This district is composed of certain lands and structures in the City having a high-density residential character. Due to the higher than average concentration of persons and vehicles, this district

should be situated where it is well served by urban services, and should be located adjacent to arterial or collector streets. The minimum size of a land parcel permitted in this district shall be five acres.

8.4.7-2 *Permitted uses:* Within the R-5 residential apartment district the following uses shall be permitted in addition to those permitted in all residential districts:

- (A) Multiunit residences.
- (B) Planned development for the elderly:
 - (1) Attached single-family dwellings.
 - (2) Multistory single-family dwellings.

All construction must have a four-hour fire rating between each unit and meet all applicable federal, state and local requirements and codes.

The facilities listed must be provided on site for use of residents only:

- (i) Community rooms.
 - (ii) Elevators provided in multistory structures.
 - (iii) Fitness and recreation facilities indoors.
 - (iv) Infirmary or health facility.
 - (v) Kitchens in each dwelling.
 - (vi) Restaurant/dining rooms.
 - (vii) Patio or balcony for each dwelling.
- (C) Public utilities, buildings, structures and land.
 - (D) Recreation facilities, such as tennis courts, badminton courts, swimming pools, clubhouses, playgrounds, parks and buildings provided operation is on a noncommercial basis for purposes of recreation only.

8.4.7-3 *Density limitations:*

- (A) Density formula:

Total development area (sq. ft.)

Less: Utility right-of-way
Public street right-of-way
10% recreation area
90% of any floodplain area

Remainder = Net development area for purposes of density determination
Maximum number of dwelling units permitted = Net development area for
purposes of density determination (sq. ft.) x 10

43,560

8.4.7-4

Development regulations:

- (A) *Number of dwelling units.* One-story apartment buildings shall contain not more than six dwelling units per building. Multistory apartment buildings shall contain not more than six dwelling units on each story level.
- (B) *Recreation area.* At least ten percent of the gross land area shall be set aside for recreational use or maintained open space. Each area so designated shall contain not less than one-half acre.
- (C) *Site planning:*
 - (1) *Off-street parking.* All required parking shall be provided within the development and shall consist of not less than two parking spaces per unit in designated off-street parking spaces. Pedestrian access from auto to dwelling unit shall not exceed 200 feet.
- (D) *Circulation.* Public streets within or adjoining the development shall have sidewalks not less than five feet wide. All sidewalks shall be connected between groupings of dwelling units in order to provide for continuous pedestrian circulation.
- (E) *Access and egress for service and emergency vehicles.* Site planning shall provide for access and egress for firefighting equipment, ambulance and service vehicles. Plans must be reviewed and approved by the fire marshal of the City of Riverdale.
- (F) *Access and egress.* Driveway access and egress should not be made directly onto collector or arterial streets. All access and

egress shall be subject to approval by the City engineer and director of community development department.

- (G) *Garbage and trash disposal.* Outdoor enclosed collection stations shall be provided and shall be located so as not to be a nuisance or hazard to occupants and shall be screened and landscaped to avoid visual exposure of garbage and trash containers.
- (H) *Maintenance facilities.* Maintenance facilities shall be located to prevent visual nuisance.
- (I) *Convenience and safety.* Provisions shall be made for information signs to prevent confusion as to location of specific units. Provisions shall be made for mail and parcel protection. Parking areas, service areas, walks, steps, streets and recreational areas within the development shall be illuminated to assure safe and convenient nighttime use. Lighting fixtures shall be properly shaded to screen the windows of habitable rooms from the direct rays of light. Minimum illumination requirements shall be in accordance with the current Illuminating Engineering Society Standards.
- (J) *Landscaping.* New plant material shall be added to the development for privacy, shade, beauty of buildings and grounds, soil erosion control and to screen out objectionable features.
- (K) *Buffer.* A planted buffer shall be constructed along the exterior property lines (see article VI, section 8).

8.4.7-5

Dwelling unit planning:

- (A) *Dwelling entrances.* Private and protected entrances shall be provided for each dwelling unit. No entry shall be directly opposite another entry unless shielded from direct view of interior habitable space upon opening entrance door.
- (B) *Acoustics.* The sound transmission class of partitions between units should be rated at 50 STC, loud speech not audible.
- (C) *Fire safety.* Two exits shall be provided from each dwelling unit. Privacy fences shall be constructed with either a breakout panel or gate to an egress area. Fire walls shall be constructed between all dwelling units from footing through attic and shall meet all requirements of the state and local fire codes. Floors of dwelling units constructed one above the other shall have a fire rating of not less than two hours.

- 8.4.7-6 *Dimensional requirements:* Dimensional requirements are presented in article VIII, chart 1.
- 8.4.7-7 *Administrative procedures:* Requirements and procedures for ‘preliminary plat approval’ and ‘final plat approval’ as set forth in the City’s land subdivision regulations, ‘Article V. Plat and Specifications,’ shall be complied with and followed in order to gain approval for development.
- 8.4.8 “R-6” residential district.**
- 8.4.8-1 *Description of district:* This district is intended to provide locations for cluster-style single-family housing on small lots of a medium density, urban environment.
- 8.4.8-2 *Within any R-6 residence district* the following regulations shall apply:
- (A) *Height:* No building shall exceed 35 feet in height.
 - (B) *Front yard setback.* There shall be a minimum front yard setback from the street right-of-way of 35 feet. (Front yard setback for garages may be reduced up to a minimum of 20 feet from the right-of-way line for attached garages that do not open towards the street.)
 - (C) *Side yard setback:* The side yard setback shall be no less than five feet; however, a minimum of 20 feet shall be maintained between buildings and no building shall be closer than 35 feet to the boundary of an R-6 district.
 - (D) *Rear yard setback:* There shall be a rear yard depth of at least 30 feet. Houses with rear yards abutting any street shall be provided with an approved privacy fence and appropriate landscaping between fence and street pavement. The fence shall extend along the entire rear yard property line. Alternatives may be accepted by the Director of Community Development and General Services Department if topographic or other conditions warrant. Outdoor storage may encroach into the rear yard setback to the extent of 100 square feet when attached to the house.
 - (E) *Corner lot side street setback.* The side yard setback on corner lots shall be not less than 30 feet.
 - (F) *Lot area per dwelling:* Every lot shall have lot area of not less than 6,500 square feet.

- (G) *Floor area:* Dwellings shall have an area of not less than 1,600 square feet of heated floor space, exclusive of porches and garages.
- (H) *Garage space:* Each dwelling shall have a garage for at least two automobiles, 400 square feet minimum.
- (I) *Lot coverage:* Buildings shall not occupy more than 40 percent of the lot.
- (J) *Lot width:* The minimum lot width at the building line shall be not less than 65 feet. (Also see appendix A, article V, section 8(a)). No principal building shall be erected on any lot which has less than 25 feet immediate frontage on at least one public street.
- (K) *Subdivision requirements:* A designated R-6 single-family residence area shall not be less than ten acres and shall be considered a residential subdivision and shall comply with the City subdivision regulations.
- (L) *Utilities, required location.* All utilities including gas, electric, telephone, cable TV, water and sewer shall be located underground. All easements shall be depicted on the subdivision plat.
- (M) *Sidewalks, required location:* Sidewalks, five feet in width, shall be installed continuously along both sides of the street, with a three-foot grass strip between the curb and sidewalk.
- (N) *Streetlights:* Streetlights shall be installed at the expense of the developer, the number and location as determined by the Director of Community Development and General Services Department.
- (O) *Landscaping:* Landscaping plans for the project and typical landscaping layout for individual lots must be submitted to the planning commission for approval prior to approval of the subdivision plans.
- (P) *Driveway access and egress.* Driveway access and egress shall not be made directly onto collector or arterial streets. All access and egress shall be approved by the City engineer. All driveways shall be paved.

SECTION 8.5 COMMERCIAL ZONING DISTRICTS

8.5.1 “C-2” general commercial district.

8.5.1-1 *Description of district:* The “C-2” district is intended to provide a land use category for small-scale commercial uses that provide products and services to neighborhoods. The provisions that regulate this land use district should promote appropriate commercial uses that are clearly non-conflicting with residential areas of Riverdale. This district is generally appropriate in areas where small-scale commercial centers can adequately serve neighborhoods. Businesses that may have an adverse effect on existing or future adjacent neighborhoods are not appropriate for this district.

8.5.1-2 *Buffers:* See Article XI.

8.5.1-3 *Permitted uses.*

Within the C-2 district the following uses are permitted:

- (A) Public utilities, structures and land.
- (B) Restaurants, other eating establishments and gift shops.
- (C) Auction gallery, provided that items auctioned are limited to art objects, antiques and collectibles; and that all activities are conducted within enclosed buildings; and that such use is located within a planned shopping center.
- (D) Bakery shops where products are sold exclusively at retail on the premises.
- (E) Banks and other financial institutions.
- (F) Book, card, stationery and office supply stores.
- (G) Churches and uses customarily related thereto provided that such uses are on a lot fronting an arterial or collector street, that all buildings are placed not less than 50 feet from any property line, and that churches are located on tracts of land not less than three acres in area which have street frontage of not less than 200 feet.
- (H) Clubs and lodges, provided that such uses have a minimum of 100 feet of frontage on a public street and that the land area set aside and exclusively devoted to such uses shall total a minimum of 20,000 square feet.

- (I) Drug stores.
- (J) Florist shops.
- (K) Funeral homes, provided that all buildings shall be placed not less than 50 feet from any property line.
- (L) General merchandise, hardware, department, specialty, variety and/or dry goods stores.
- (M) Grocery stores.
- (N) Health and fitness centers.
- (O) Hotel/motel.
- (P) Messenger and/or telegraph services.
- (Q) Outdoor amusement enterprises.
- (R) Pet shops.
- (S) Planned shopping centers.
- (T) Professional offices.
- (U) Radio, television and/or electronic equipment sales and service.
- (V) Retail service establishments. No outdoor storage shall be permitted.
- (W) Schools.
- (X) Shoe repair shops.
- (Y) Tailoring, dressmaking and/or millinery shops.
- (Z) Theatres and other recreational facilities enclosed within buildings.

8.5.2 “C-3” intense use commercial district.

8.5.2-1 *Description of district:* This district is intended primarily for those commercial uses which are less attractive or less compatible with residential neighborhoods than are the uses generally which are included in the commercial districts enumerated in the foregoing sections.

8.5.2-3 *Buffers:* See Article XI.

8.5.2-4 *Permitted uses:* The uses below are permitted in the C-3 district:

- (A) Ambulance service; provided, that such use has a minimum of 100 feet of frontage on a public street; that the minimum land area set aside and exclusively devoted to such use shall total at least 20,000 square feet; that all storage of goods, equipment and materials be accommodated entirely within an enclosed building and that all exterior driveways and parking areas be constructed and maintained with an all weather paved surface.
- (B) Animal hospital; provided, that such use has a minimum of 100 feet of frontage on a public street; that the minimum land area set aside and exclusively devoted to such use shall total a minimum of 20,000 square feet; that all activities shall be carried out within completely enclosed buildings; that such buildings shall be approximately soundproofed and constructed so that there will be no emission or odor or noise detrimental to other property in the area; and that construction and operation of all such facilities shall be approved by the City and county health department prior to the issuance of any building or occupancy permit.
- (C) Auto repair garages, provided they meet the following criteria:
 - 1. The maximum number of vehicles placed outdoors awaiting service, being stored or otherwise not being utilized by owners and/or employees for daily transportation to and from work cannot exceed 80 percent of the parking spaces dedicated to the business (as determined by the City) with an absolute maximum of 15 vehicles regardless of the number of parking spaces.
 - 2. Each vehicle awaiting service will contain a work order posted in a clearly visible location on the inside of the front windshield. The work order will contain the date the vehicle was brought to the business and the expected date of service. The City will place its own identification tag on vehicles awaiting repair to track the length of time the vehicle is stored outdoors. All costs associated with the identification tag and City labor to monitor same will be paid by the business owner. Removal or defacement of the City's identification tags is a violation of this section, punishable by fines and, in the case of continued violation, revocation of licenses and/or zoning classification.

3. No vehicle awaiting service, being stored or otherwise not being utilized by owners and/or employees for daily transportation to and from work shall be permitted to be placed outside the business for a period of longer than 30 days. After the expiration of 30 days, the vehicle is deemed a junked vehicle and is subject to towing and impoundment at the business owner's expense. In addition, businesses in violation of this provision may be cited by code enforcement and subject to fines and, in the case of continued violation, revocation of licenses and/or zoning classification.
-
- (D) Building materials, garden centers and/or lumber supply retail establishment; providing, that the minimum land area set aside and exclusively devoted to such use shall total at least 40,000 square feet; that outdoor storage areas, if any, be located at least 50 feet back from adjacent street right-of-way lines and at least 15 feet back from all other property lines; that all outdoor storage areas contain no used, discarded or junk materials; that materials stored outdoors be maintained in an orderly condition; and that materials stored outdoors be surrounded by the exterior walls of buildings and/or chainlink fencing at least six feet in height.
 - (E) Cabinet shops. Maximum use area shall total 5,000 square feet with no outdoor storage.
 - (F) Hotel/motel. The same requirements applicable to such businesses located in C-2 apply to C-3.
 - (G) Office and limited warehousing, for uses requiring office space for contact with the public and warehouse space to stock parts and materials, provided there is no outside storage, no storage of hazardous materials, receipt of goods and/or materials does not exceed two times per week, and the total use area does not exceed 8,000 square feet.
 - (H) Outdoor amusement enterprises.
 - (I) Planned shopping centers. The same requirements applicable to such facilities located in C-2 apply to C-3.
 - (J) Public utilities, structures and lands.
 - (K) Retail service establishments; provided, that all service, storage and repair activities shall be carried out within an enclosed building.

- (L) Schools.
- (M) Tanning establishments, provided they meet the following conditions:
 1. Situated on a parcel no less than 20,000 square feet in area.
 2. At least 2,500 square feet of heated space, or up to 20 percent of the total parcel area and entirely constructed of either brick or stucco.
 3. Comply with the parking regulations for retail establishments. Sharing or leasing parking spaces is expressly prohibited.
 4. Twenty-five percent of parking area is devoted to interior landscaping.
 5. Any freestanding sign identifying the business premises shall be a monument sign constructed of the same material as the building.
 6. A 20-foot landscaping buffer shall exist on all arterial or collector streets.
 7. The parcel on which the tanning establishment occupies fronts an arterial street on at least one side;
 8. The applicant shall provide a list of all chemicals and equipment expected for the use in the normal operation of the business with a yearly updated as part of the occupation tax permit renewal process. The list of chemicals must contain a material safety data sheet or equivalent as provided by the manufacturer, per chemical.
 9. The sprinkler system shall comply with NFPA 13; and
 10. The applicant shall provide evidence of all requisite professional and other licenses under state and local laws.

- (N) Uses and activities clearly incidental and customarily accessory to the above listed uses, as determined by the zoning administrator.

8.5.2-5 *Dimensional requirements:* Dimensional requirements are presented in article VIII, chart III.

8.5.3 “C-4” office-commercial district.

8.5.3-1 *Description of district:* This district is established to provide a location for offices, governmental structures, institutions and limited related retail business and service activities in buildings of high character in attractive surroundings.

8.5.3-2 *Permitted uses:* Within the C-4 district the following uses are permitted:

- (A) Professional and business offices.
- (B) Semipublic institutions such as hospitals, churches and business clubs.
- (C) Governmental offices and related structures.
- (D) Health and fitness clubs.
- (E) Accessory retail business establishments such as restaurants and drug stores.
- (F) Accessory parking garages and parking lots.
- (G) Planned office or institutional parks.
- (H) Banks and savings and loan associations.
- (I) Schools.

8.5.3-3 *Dimensional requirements.* Dimensional requirements are presented in article VIII, chart III.

8.5.4 “C-T” commercial-transition district.

8.5.4-1 *Description of district:* This district is established to provide for the compatible transition from residential development to limited commercial development at selected locations within the City.

In order to assure compatibility between new commercial development and adjacent/surrounding residential uses, supplemental minimum area provisions for

commercial development within the C-T district require that each proposed commercial development have a minimum of 125 feet of frontage on a public street and that such development have a minimum land area of 20,000 square feet set aside and exclusively devoted to such individual development.

Exceptions to these minimum public street frontage and/or minimum land area requirements may be granted by the mayor and council only in those instances where it can be shown that previous commercial development precludes the possibility of assembling sufficient land to meet the minimum requirements. The minimum street frontage and/or land area do not apply when existing residential buildings are converted to commercial use, provided adjoining properties are zoned commercial. In conversions, the City Council shall specify any improvements, interior and exterior, required prior to occupancy for a business use.

Exterior wall materials shall be one or more of the following:

- (A) Hard-burned clay brick.
- (B) Stone with either a weathered face or a polished, fluted or broken face. No quarry-faced stone shall be used except in retaining walls.
- (C) Concrete masonry. Units shall be those generally described by the National Concrete Masonry Association as “customized architectural concrete masonry units” or shall be broken-faced brick-type units with marble aggregate. There shall be no exposed concrete block on the exterior of any building; however, rear walls which do not front any street or building may be painted concrete block. Any concrete masonry units that have a gray cement color shall be coated with a coating approved by the Director of Community Development and General Services Department.
- (D) Concrete may be poured in place, tilt-up or pre-cast. Poured-in-place and tilt-up walls shall have a finish of stone, a texture or a coating. Textured finishes shall be coated. Precast units which are not uniform in color shall be coated. Coating shall be an approved cementitious of any epoxy type with a life expectancy of at least ten years.
- (E) Conversion of residential buildings shall be undertaken only with the approval of the City Council and subject to requirements they approve.

Applications for rezoning and/or development under the C-T district provisions shall include a site plan. Rezoning and/or development permit approval by the City shall be subject to conditions and limitations as shown on an approved site plan and accompanying graphics and written statements submitted by the applicant.

- 8.5.4-2 *Permitted uses:* Within the C-T commercial transition district, the following uses shall be permitted:
- (A) Professional and business offices.
 - (B) Garden clubs.
 - (C) Governmental offices and related structures.
 - (D) Planned office parks, provided they are located on a tract of land not less than three acres in area.
 - (E) Banks and savings and loan associations.
 - (F) Schools.
- 8.5.4-3 *Dimensional requirements:* Dimensional requirements are presented in article VIII, chart III. In those areas where the public street right-of-way is less than 50 feet, the City Council may require deeding of additional right-of-way sufficient to provide a right-of-way of 25 feet from the centerline of the street to the property being developed or converted from residential to commercial use.
- 8.5.5 “M-1” light industrial district.**
- 8.5.5-1 *Description of district:* This district is intended to comprise certain lands which are suitable for industrial development but where proximity to existing or proposed residential or commercial districts make it desirable to limit the manner and extent of industrial operations. The purpose of this district is to permit the operation of the majority of industrial uses, but only in such locations and under such conditions of operations as will protect nearby residential or commercial land.
- 8.5.5-2 *Buffers:* See Article XI.
- 8.5.5-3 *Permitted uses:* Within the M-1 light industrial district, the following uses shall be permitted:
- (A) Agricultural uses.
 - (B) Auto, truck and R.V. repair garages, including body repair, motor rebuilding, painting; provided, that the minimum land area set aside and exclusively devoted to such use shall total at least 20,000 square feet; that all storage, parts, waste materials and/or inoperative vehicles, as well as all service and repair activities,

shall be carried out and/or accommodated entirely within enclosed buildings; that all buildings shall be located at least 50 feet from adjacent street right-of-way lines; that all exterior parking, maneuver and driveway areas be constructed with an all-weather-paved surface, surrounded by a raised curb; that said surrounding raised curb be so located that no vehicle can be parked within 15 feet of a street right-of-way line nor within five feet of any other property line; and that aisles, drives and accessways be adequately designed for vehicle movement and access for service and/or emergency vehicles.

- (C) Contractor, building and/or equipment operator's office, warehouse and storage facilities; provided, that the minimum land area set aside and exclusively devoted to such use shall total at least 40,000 square feet; that outdoor storage areas, if any, be located at least 50 feet back from an adjacent street right-of-way line and at least 15 feet back from all other property lines; that all outdoor storage areas contain no used, discarded or junk materials; that materials stored outdoors be maintained in an orderly condition; and that materials stored outdoors be surrounded by the exterior walls of buildings and/or chainlink fencing at least six feet in height. Storage areas adjacent to sidewalks and streets and residential areas shall screen such areas as required in article VI, section 9.1.
- (D) Automobile service stations.
- (E) Heavy equipment, truck and R.V. sale, rental and ancillary service establishment; provided, that the minimum land area set aside and exclusively devoted to such use shall total at least 40,000 square feet; that outdoor storage areas, if any, be located at least 50 feet back from an adjacent Street right-of-way line and at least 15 feet back from all other property lines; that all outdoor storage areas contain no used, discarded or junk materials; that materials stored outdoors be maintained in an orderly condition; and that materials stored outdoors be surrounded by the exterior walls of buildings and/or chainlink fencing at least six feet in height. Storage areas adjacent to sidewalks and streets and residential areas shall screen such areas as required in article VI, section 9.1.
- (F) Light industries which do not emit noise, dust, dirt, vibrations, odors, objectionable light or glare beyond the premises.
- (G) Office buildings.
- (I) Public utility lands and structures.

- (J) Repair service establishments for commercial and industrial appliances and equipment.
- (K) Warehouses.
- (L) Uses and activities clearly incidental and customarily accessory to the above-listed uses, as determined by the Director of Community Development and General Services Department.

8.5.5-4 *Dimensional requirements:* Dimensional requirements are presented in article VIII, chart III.

SECTION 8.6 MIXED USE DISTRICTS

8.6.1 MPMUD, Master Planned Mixed Use District

8.6.1-1 *District intent*

The “MPMUD” district is intended to provide for planned mixed-use development. Uses must complement and be compatible with the orderly development of the project as well as surrounding land uses. MPMUDs may be developed in distinct pods (development sites) or can be integrated with a mix of uses being interspersed with one another, including multiple uses within the same structure. The density of residential development and intensity of nonresidential development should be consistent with the Riverdale Comprehensive Plan.

MPMUDs must contain well landscaped streets, open spaces, parks and quality architecture that give unique character and image. MPMUDs should also promote multi-path trail connectivity and enhancement of pedestrian environment and experience.

Application for rezoning to MPMUD will not be accepted or considered by the City of Riverdale until the Town Center Architectural Overlay District is adopted as part of this ordinance.

8.6.1-2 *Land uses*

- (A) *Generally.* Uses shall provide an orderly relation and function to other uses in the development and to existing land uses, as well as with due regard to the Comprehensive Plan. Development within the district may be limited to those uses specifically requested as part of the MPMUD rezoning application and approved by the Mayor and City Council, unless otherwise specifically limited by the Mayor and City Council in its approval of the MPMUD rezoning application.

- (B) *Commercial, office, and institutional uses.* A MPMUD shall consist of commercial (retail and/or service) uses, and it shall consist of either office or institutional land uses, or both (i.e., institutional is not a requirement) as specified in this chapter. Commercial, office, and institutional land use calculations shall be calculated by square feet per acre of building space for the total project acreage (i.e., the entire land area within the MPMUD).

- (C) *Residential uses.* A MPMUD shall consist of residential uses. Residential land use calculations shall be calculated on the basis of units per acre for the total project acreage (i.e., the entire land area within the MPMUD).

- (D) *Open space.* MPMUDs shall require a minimum of thirty (30) percent of the total project acreage in open space, as defined in this ordinance. Mayor and Council may require any or all of the open space be preserved in perpetuity by a deeded conservation easement or similar approved document owned by the City, a homeowners association and/or a similar body acceptable to the City of Riverdale.

- (E) The following uses are permitted within a MPMUD district:
 - (1) Residential Uses:
 - Single-family detached dwellings
 - Single-family attached dwellings
 - Row homes, townhomes, or condominiums

 - (2) Office/Institutional/Public Uses:
 - Banks and loan associations
 - Professional and business offices

 - (3) Public Uses:
 - Government buildings
 - Parks and amphitheaters
 - Commuter transit, such as bus and train
 - Schools

 - (4) Business Uses:
 - Antique shops, provided that there is no outdoor display or storage
 - Artisans galleries and theaters

Clothing and apparel store
 Drug stores
 Fitness centers and gyms
 Florist and gift shops
 Furniture sales and showrooms
 Grocery Store
 Hardware Store
 Hotels/motels and bed and breakfast inns
 Indoor recreation, including bowling alleys, pool rooms,
 electronic gaming machines, and etc.
 Jewelry store
 Night club, dance club, tavern and similar private clubs
 Parking garage, deck, and lot
 Professional offices
 Restaurants
 Spas
 Tanning Establishments
 Theaters, assembly halls, concert hall, or similar places of
 assembly when conducted completely within enclosed
 building

(5) Live-work dwelling.

- 8.6.1-3 **Code provisions.** Whenever there is a conflict between the provisions of this article and those of other articles or sections contained in the zoning ordinance or any other City ordinance, the provisions of this article shall prevail.
- 8.6.1-4 **Residential density.** The MPMUD is not intended to increase the overall residential density for a particular property and should not exceed the density outlined in the Riverdale Comprehensive Plan. The residential density of a MPMUD shall be limited to a maximum of five (5) dwelling units per acre of the total project acreage, except as otherwise may be approved pursuant to a residential density bonus.
- 8.6.1-5 **Eligible applications.** Only properties zoned office, commercial, or multi-family residential are eligible for application to the MPMUD.
- 8.6.1-6 **Improvement requirements and design standards.** MPMUDs shall be subject to the improvement requirements and design standards contained in the Riverdale Town Center Architectural Overlay.
- 8.6.1-7 **Application requirements and procedures.** In addition to the requirements contained elsewhere in this ordinance, the following shall be required for applications to the MPMUD:

- (A) *Pre-Application Meeting:* Before submitting an application for rezoning to MPMUD, the applicant shall confer with the Director of Community Development and General Services Department Director to determine the feasibility of the proposed plan and its relationship to the Riverdale Comprehensive Plan, Riverdale Zoning Ordinance, and Riverdale Code of Ordinances.

- (B) *Master Development Plan.* To enable a thorough analysis of an application for MPMUD classification, the application requirements exceed those of other zoning districts. In addition to the standard requirements, applications for the MPMUD shall include a Master Development Plan. To avoid duplication, the information required for the Master Development Plan can be combined with the site plan requirements for amendments to the official zoning map. The Master Development Plan shall include:
 - (1) Master Project Plan: A plan of the project showing the location of proposed zones and the general trajectories of the various thoroughfares. At a minimum, the Master Project Plan shall differentiate between the following zones:
 - (i) Residential
 - (ii) Commercial/office, professional
 - (iii) Civic and institutional
 - (iv) Open space
 - (v) Vertical mixed use

The applicant may develop more specific zones and/or modify the name of the zones to better represent the theme of the proposed MPMUD. An application is not required to include each of the zones listed above.

- (2) Land use standards: A matrix of text and or diagrams that regulate the permitted uses and performance standards for each zone shall be identified in the Master Development Plan. At a minimum, the following shall be established for each zone identified in the Master Development Plan:
 - (i) Permitted uses
 - (ii) Minimum lot size and width

- (iii) Minimum setbacks
 - (iv) Minimum building separation
 - (v) Buffers and impervious surface setbacks
 - (vi) Maximum height
 - (vii) Maximum building coverage
 - (viii) Parking and loading requirements
- (3) Additional requirements: In addition to any other requirements imposed elsewhere in this ordinance, the following text and/or diagrams providing the following information are required:
- (i) The applicant shall submit a development phasing schedule or time line for phased projects, which assures that the entire development will be constructed. In order to ensure that the objectives of the district are met and development occurs which incorporates a mix of uses, the Mayor and City Council shall link the issuance of permits and/or certificates of occupancy for a portion of the development with the completion of other portions of the development.
 - (ii) Method of water and sewer service, including verification of capacity.
 - (iii) A summary of the anticipated maintenance and ownership of streets and open spaces.
 - (iv) Proposed amount and general location of open space.
 - (v) Proposed maximum number of residential dwelling units by type and minimum lot size. Examples include but are not limited to: single-family detached, single family attached, townhomes, and condominiums.
 - (vi) Proposed maximum gross floor area in square feet of building devoted to non-residential uses.

- (vii) A summary of issues related to connectivity. The information should include available information on private and public streets, significant vehicular parking and loading areas, the provision of bicycle parking areas, paths, sidewalks, and other similar features, and interconnections to adjoining property.

8.6.1-8 ***Criteria for approval.*** In considering and acting upon applications for rezoning to MPMUD, the Planning Commission and the Mayor and Council shall consider and base their recommendation and decision on the requirements and considerations of this ordinance. However, the Planning Commission and the Mayor and Council will additionally consider the extent to which the proposal is consistent with the purpose and intent, criteria, and requirements of this article.

In instances where the MPMUD rezoning application does not meet the criteria provided in this article, Director of Community Development and General Services Department may recommend, and the Mayor and Council may approve, conditions of zoning in order for the rezoning application and resulting development to comply completely or more fully with these criteria.

8.6.1-9 ***Amendments.***

- (A) ***Conformance to Approved Master Development Plan.*** All further development of the property shall conform to the approved Master Development Plan, regardless of any change in ownership, unless the City of Riverdale approves minor or major amendments.
- (B) ***Minor amendments.*** The Director of Community Development and General Services Department may approve minor amendments to the approved Master Development Plan, which are in compliance with the provisions and intent of this chapter, and do not depart from the principal concept of the approved Master Development Plan. Minor amendments are those determined by the Director of Community Development and General Services Department to meet the purpose and intent of the MPMUD, which would not affect adjacent properties. Minor amendments may be approved as part of the land disturbance permitting process. The Director of Community Development and General Services Department shall require the applicant to provide written justification for minor amendments. Minor amendments shall not include adjustments to approved permitted uses or the approved mix of land uses in the Master Development Plan approved by the Mayor and City Council.

- (C) *Major amendments.* Should the Director of Community Development and General Services Department determine that a requested change or deviation from the approved Master Development Plan departs from the principles of the Master Planned Plan and/or would affect adjacent properties, or would change the approved mix of land uses, the proposed modification will be classified as a major amendment. The applicant may apply to the Director of Community Development and General Services Department for approval of a major amendment by the Mayor and Council through standard zoning procedures.

8.6.1-10 ***Residential density bonus.*** In recognition of the community’s desire for preservation of open space, a residential density bonus of 0.1 unit per acre (calculated on the entire MPMUD land area) may be given for each percentage increase above the 30 percent minimum required open space (calculated on the entire MPMUD land area), not to exceed an additional 1 unit per acre maximum. For instance, if a development provides 35 percent open space, then the density bonus would be 0.5 units per acre. In no event shall an MPMUD exceed six units per acre.

8.6.2 RMX Mixed Use District

8.6.2-1 ***District Intent***

The “RMX” District is intended to:

- (A) Accommodate a mixed-use, urban fabric that preserves neighborhood scale;
- (B) Accommodate residents in the district with pedestrian access to services and employment typical of a live/work community;
- (C) Promote neighborhoods established near shopping and employment centers;
- (D) Encourage pedestrian and neighborhood uses in the commercial area;
- (E) Discourage land uses that are automobile or transportation related;
- (F) Exclude industrial uses such as manufacturing, processing and warehousing;
- (G) Promote retail and related commercial uses such as businesses, offices, florists, card shops, antique shops, new apparel shops and banks; and

- (H) Encourage intensified mixed-use with commercial uses on the ground floor and dwellings above.

Application for rezoning to RMX will not be accepted or considered by the City of Riverdale until the Town Center Architectural Overlay District is adopted as part of this ordinance.

8.6.2-2 ***Permitted Uses***

- (A) Residential Uses:

- Single-family detached dwellings
- Single-family attached dwellings
- Multiple-family dwellings
- Row homes, townhomes, or condominiums

- (B) Office/Institutional/Public Uses:

- Banks and loan associations
- Professional and business offices

- (C) Public Uses:

- Parks and amphitheaters
- Commuter transit, such as bus and train
- Schools

- (D) Business Uses:

- Antique shops, provided that there is no outdoor display or storage
- Artisans galleries and theaters
- Automobile service stations, including gasoline sales
- Barber shop and beauty salon
- Clothing and apparel store
- Drug stores
- Fitness centers and gyms
- Florist and gift shops
- Furniture sales and showrooms
- Grocery Store
- Hardware Store
- Hotels/motels
- Indoor recreation, including bowling alleys, pool rooms, electronic gaming machines, and etc.
- Jewelry store
- Night club, dance club, tavern and similar private clubs

Parking garage, deck, and lot
Professional offices
Restaurants
Spas
Tanning Establishments
Theaters, assembly halls, concert hall, or similar places of
assembly when conducted completely within enclosed
Building

(E) Live-work dwellings.

8.6.2-4 ***Standards.***

Within the RMX district, the following standards shall apply:

- (A) *Minimum Lot Area:* None
- (B) *Minimum Lot Width:* None
- (C) *Maximum Lot Depth:* None
- (D) *Minimum Lot Frontage:*
 - 1. Single family residential: 30 feet
 - 2. Other lots: 20 feet
- (E) *Sewer and Water:* Requires connection to a public water and sewer
- (F) *Build-to line:* The minimum build-to line shall be zero feet and the maximum shall be 15 feet, provided that the maximum build-to line may be increased as determined to be necessary and advisable by the City planning commission in the course of its site plan review process. In determining such increase, the City planning commission shall consider the size and configuration of the proposed buildings, their relationship to the existing and proposed parks and plazas, the location of existing mature trees, and supplemental area of adjacent structures. Where the build-to line is modified to provide parks and plazas, said facilities shall be directly accessible to the public during normal City park hours.
- (G) *Maximum Front Yard Setback:* See (f) above.
- (H) *Minimum Side Yard Setback:* 0 feet except as required herein for residential buffers.

- (I) *Minimum Rear Yard Setback:* 0 feet except as required herein for residential buffers.
- (J) *Minimum Distance Between Buildings:* 20 feet
- (K) *Maximum Lot Coverage:* all primary and accessory structures, and impervious surface can not exceed 70% of the lot area.
- (L) *Residential density:*
 - 1. The maximum permitted residential density of a master planned development shall be 40 units per acre as calculated based on the sum of all residential uses and the total acreage of the project, including multiple parcels or City blocks, but not rail lines, public streets, or other areas not owned by the applicant;
 - 2. The built residential density of individual parcels or blocks within a master planned development may be greater or less than 40 units per acre, provided the project's combined average maximum permitted residential density is not exceeded; and
 - 3. Any changes to an approved site plan shall require approval of the City planning commission and shall be reviewed based on the geographic extent of the original approved site plan, shall not exceed maximum density requirements of the original application, and shall indicate all built or planned improvements.
- (M) *Minimum Open Space:* 30 percent
- (N) *Maximum Building Size:* 25,000 square feet on ground floor
- (O) *Maximum Building Length:* 400 feet
- (P) *Maximum Structure Height:*
 - 150 feet for the Primary Structure
 - 35 feet for Accessory Structures
 - All agriculture related structures are exempt
 - All telecommunication facilities shall conform to the requirements of the Riverdale City Code

8.6.2-5 *Commercial design ground floor requirements*

In addition to any other requirements contained in this ordinance, the following shall apply to buildings with enfronting ground floor commercial uses:

- (A) Enfronting ground floor facades shall provide a display window area consisting of:
 - 1. A non-glass base or knee wall beginning at grade and extending not more than 24 inches above the required sidewalk.
 - 2. A glass display window beginning at the top of the bulkhead or knee wall, to a height not less than ten feet and not more than 12 feet above the adjacent required sidewalk. Such glass shall provide views into display windows that have a minimum depth of 2 ½ feet into and are accessible from the building interior.
 - 3. Primary pedestrian entrances to all commercial uses adjacent to the front yard shall be recessed a maximum of five feet from the exterior façade, remain unlocked during normal business hours, and have a surface area that is a minimum of 70 percent glass.
 - 4. A glass transom located above the glass display window and entry door shall have a minimum height of 24 inches and a maximum height of 36 inches.
 - 5. A minimum of 75 percent of the length of the enfronted portion of the build-to line shall be provided in glass, including glass doors and display windows.
 - 6. No linear distance of more than ten feet without intervening glass display windows or glass doors.
 - 7. A non-glass sign band located above the glass transom having a minimum height of 36 inches.
- (B) Ground floor drop ceilings shall be recessed a minimum of 18 inches from the display window opening.
- (C) The ground floor finished floor to ceiling slab shall be a minimum of 18 feet. Finished ceiling height shall be a minimum of 14 feet.

8.6.2-6 *Improvement requirements and design standards.*

The RMX district shall be subject to the improvement requirements and design standards contained in the Riverdale Town Center Architectural Overlay.

8.6.3 Town Center Mixed Use Zoning District (“TCMU”)

8.6.3-1 *Purpose and Intent*

The City of Riverdale enjoys a small town atmosphere despite its close proximity to the City of Atlanta. However, in order to maintain and improve upon this unique atmosphere, the City of Riverdale desires to encourage development and redevelopment, promote a variety of land uses and activities, and create a pedestrian friendly environment.

The purpose of the TCMU, Town Center Mixed Use Zoning District, is to encourage the development of retail, residential and civic uses together to create a walkable mix of uses that will attract future residents, as well as visitors in a Town Center atmosphere. A limited variety of uses are permitted within the TCMU such as a town green, civic buildings (community center and City hall) as well as mixed uses such as retail, office, condominiums, and town homes.

8.6.3-2 *Land Uses*

- (A) *Generally.* Uses shall provide an orderly relation and function to other uses in the development and to existing land uses, as well as with due regard to the Comprehensive Plan.
- (B) *Commercial, office, and institutional uses.* The TCMU shall consist of low-intensity commercial (retail and/or service) uses, and office uses as specified in this chapter. Commercial and office calculations shall be calculated by square feet per acre of building space for the total project acreage (i.e., the entire land area within the TCMU). Commercial establishments that are larger than 5,000 square feet of floor area on the ground floor are specifically not a permitted use in the TCMU.
- (C) *Residential uses.* The TCMU shall consist of residential uses as specified herein. Residential land use calculations shall be calculated on the basis of units per acre for the total project acreage (i.e., the entire land area within the TCMU).
- (D) *Open space.* A minimum of thirty (30) percent of the total project acreage must be developed as open space, as defined in this ordinance. Mayor and Council may require any or all of the open space be preserved in perpetuity by a deeded conservation

easement or similar approved document owned by the City, a homeowners association and/or a similar body acceptable to the City of Riverdale.

- (E) The following uses are permitted within the TCMU district:
- (1) Residential Uses:
 - Row houses, townhomes, or condominiums
 - (2) Office/Institutional Uses:
 - Banks and loan associations
 - Professional and business offices
 - (3) Public Uses:
 - Government buildings, including but not limited to City Hall and Community Center
 - Schools
 - (4) Business Uses:
 - Antique shops, provided that there is no outdoor display or storage of goods
 - Artisan galleries and theaters
 - Barbering establishment
 - Clothing and apparel retail establishment
 - Drug stores
 - Fitness centers and gyms
 - Florist shop
 - Furniture retail sales establishment
 - Grocery Store
 - Hardware Store
 - Hotels/motels
 - Jewelry store
 - Parking garage, deck, and lot
 - Professional offices
 - Restaurants
 - Spas
 - Tanning establishments
 - (5) Live-work dwelling.

All articles of the Riverdale Zoning Ordinance and the Riverdale code of ordinances shall apply unless otherwise stated. Whenever there is a conflict or difference between the provisions of this chapter and those of other chapters of the Riverdale Zoning Ordinance and the Riverdale code of ordinances, the provisions of this chapter shall prevail. Subjects not covered by this chapter shall be governed by the respective provisions found elsewhere in the Riverdale ordinances.

8.6.3-4 ***Residential density***

The TCMU is not intended to increase the overall residential density for a particular property and should not exceed the density outlined in the Riverdale Comprehensive Plan. The residential density of the TCMU shall be limited to a maximum of five (5) dwelling units per acre of the total project acreage, except as otherwise may be approved pursuant to a residential density bonus.

8.6.3-5 ***Improvement requirements and design standards***

The TCMU district shall be subject to the improvement requirements and design standards contained in the Riverdale Town Center Architectural Overlay.

8.6.3-6 ***Building permits***

In order to ensure that development of the TCMU complies with the spirit and intent of this chapter, the requirements for issuance of a building permit in the TCMU exceed those of other zoning districts. In addition to the standard requirements, an application for a building permit in the TCMU shall include a Master Development Plan. The Master Development Plan shall include:

- (A) Master Project Plan: A plan of the project showing the location of proposed zones and the general trajectories of the various thoroughfares. At a minimum, the Master Project Plan shall differentiate between the following zones:
 - (1) Residential
 - (2) Commercial/office, professional
 - (3) Civic and institutional
 - (4) Open space
 - (5) Vertical mixed use

The applicant may develop more specific zones and/or modify the name of the zones to better represent the theme

of the TCMU. An application is not required to include each of the zones listed above.

- (B) Land use standards: A matrix of text and or diagrams that regulate the permitted uses and performance standards for each zone shall be identified in the Master Development Plan. At a minimum, the following shall be established for each zone identified in the Master Development Plan:
 - (1) Permitted uses
 - (2) Minimum lot size and width
 - (3) Minimum setbacks
 - (4) Minimum building separation
 - (5) Buffers and impervious surface setbacks
 - (6) Maximum height
 - (7) Maximum building coverage
 - (8) Parking and loading requirements
- (3) Additional requirements: In addition to any other requirements imposed elsewhere in this ordinance, the following text and/or diagrams providing the following information are required:
 - (1) The applicant shall submit a development phasing schedule or time line for phased projects, which assures that the entire development will be constructed. In order to ensure that the objectives of the district are met and development occurs which incorporates a mix of uses, the Mayor and City Council shall link the issuance of permits and/or certificates of occupancy for a portion of the development with the completion of other portions of the development.
 - (2) Method of water and sewer service, including verification of capacity.
 - (3) A summary of the anticipated maintenance and ownership of streets and open spaces.
 - (4) Proposed amount and general location of open space.

- (5) Proposed maximum number of residential dwelling units by type and minimum lot size. Examples include but are not limited to: townhomes and condominiums.
- (6) Proposed maximum gross floor area in square feet of building devoted to non-residential uses.
- (7) A summary of issues related to connectivity. The information should include available information on private and public streets, significant vehicular parking and loading areas, the provision of bicycle parking areas, paths, sidewalks, and other similar features, and interconnections to adjoining property.

8.6.3-7 ***Eligible property***

The property shown in the shaded portion of the drawing attached hereto as Exhibit B, consisting of approximately 21.94 acres and comprising Land Lots ___ and ___, currently known as Trevon Wilson Park, shall be rezoned as of the effective date of this ordinance from ___ to TCMU. This is the only property in the City of Riverdale which shall be zoned TCMU.

ARTICLE VIII. DIMENSIONAL REQUIREMENTS

MINIMUM DIMENSIONAL REQUIREMENTS
 AGRICULTURAL AND RESIDENTIAL DISTRICTS
 SINGLE-FAMILY--TWO-FAMILY DWELLINGS

TABLE INSET:

	District*	A	R-1	R-2	R-3	R-4	R-4D
1.	Single-family dwellings--Floor area:						
	One story	1,200	1,600	1,400	1,200	1,100	1,200
	Minimum ground floor of multistory	1,000	1,200	1,100	1,000	900	1,000
2.	Two-family dwellings--Floor area:						
	Each unit						1,000**
	Both units						2,000

	District*	A	R-1	R-2	R-3	R-4	R-4D
	Minimum ground floor of multistory						1,000
3.	Lot width at building line--Single-family	150	110	100	90	85	100
	Lot width at building line--Two-family						100
4.	Minimum lot area (excludes area occupied by retention ponds);						
	Single-family	40,000	20,000	17,500	15,000	13,600	15,000
	Two-family						15,000

TABLE INSET:

		R/W	C/L										
5.	Minimum front yard setback (in feet) (R/W = right-of-way; C/L = centerline of street. Minimum setback from R/W or C/L shall always be whichever is the greater distance)												
	Arterial streets	70	110	70	110	60	100	60	100	60	100	60	100
	Collector streets	65	95	60	90	50	80	40	70	40	70	40	70
	Minor streets	65	90	60	85	50	75	40	65	40	65	40	65
6.	Each side yard width	20		15		15		12		10		10	
7.	Rear yard depth	50		40		40		35		35		35	

		R/W	C/L										
8.	Building height limit (from lowest ground)	35		35		35		35		35		35	
9.	Maximum percent lot coverage by buildings	10		15		20		20		20		20	

*All areas shown in square feet.

**Two family structures may have one unit with a floor area of not less than 600 square feet, provided the other unit floor area is not less than that required to provide the overall floor area required for the dwelling structure, excluding garages and storage areas.

***Dimensional requirements for the MPMUD, TCMU, and RMX districts are contained within the regulations pertaining to those districts.

[Sec. 2. Chart 11]

CHART II

DIMENSIONAL REQUIREMENTS--R-5 RESIDENTIAL RENTAL APARTMENT DISTRICT

TABLE INSET:

Minimum Requirements				Minimum Setback To Public Streets		Exterior Property Line Minimum Yard		
Minimum District Size	Lot Area (square feet)	Floor Area Per Unit (square feet)	Maximum Lot Coverage By Buildings	Minor and Collector	Arterial	Side (feet)	Rear (feet)	Maximum Height of Buildings (feet)
5 acres	See art. VII, sec. 8.3 for density formula	1 B.R. 600 2 B.R. 750 3 B.R. 900	30%	70 feet from C/L of street but not less than 40 feet from R/W line	100 feet from C/L of street but not less than 70 feet from R/W line	40	40 (Includes 10 feet buffer strip-- See art. VI, section 8)	35

MINIMUM DISTANCES BETWEEN BUILDINGS

TABLE INSET:

Front-to-front arrangement.....	85 feet
Front-to-side arrangement.....	85 feet
Front-to-rear arrangement.....	100 feet

Rear-to-rear arrangement.....	65 feet
Side-to-side arrangement.....	30 feet
Corner arrangement.....	30 feet between buildings
All other combinations.....	30 feet

[Sec. 3. Chart III.]

CHART III
 MINIMUM DIMENSIONAL REQUIREMENTS
 COMMERCIAL AND INDUSTRIAL DISTRICTS--PRINCIPAL
 AND ACCESSORY STRUCTURES

TABLE INSET:

		C-1	C-2 and C-3	C-4	C-T	M-1 and M-2
1.	Minimum district width*	150	125	125	125	150
2.	Minimum district area*	20,000	20,000	20,000	20,000	60,000
3.	Building height limits	60	60	60	60	40
4.	Maximum lot coverage by buildings	Subtract front, side and rear yard requirements, buffer, vehicular use area landscaping, off-street parking and drainage requirements to obtain building coverage.				

TABLE INSET:

5.	Minimum front yard setback (feet). (R/W = Right-of-way; C/L = Centerline of street)										
Minimum setback from R/W or C/L shall always be whichever is the greater distance.											
		R/W	C/L								
	Arterial streets	50	90	50	90	50	90	50	90	50	90
	Collector streets	50	80	50	80	50	80	50	80	50	80
	Minor streets	50	75	50	75	50	75	50	75	50	75

TABLE INSET:

6.	Side street yard of corner lot**	40	40	40	40	40
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7.	Side and rear yards when adjoining agricultural and all residential districts.	40	40	40	40	100
	Buffers--Side and rear yards***	25	25	10	10	25
8.	Side yard adjoining C-T district	40	40	15	10	40
	Rear yard adjoining C-T district	40	40	20	20	40
	(Buffers--Side and rear yards when adjoining C-T district***)	10	10	10	N/A	25
9.	Side yard--All commercial and industrial lots	10	10	10	N/A	10
	Rear yard--All commercial and industrial lots	20	20	20	N/A	20
	Provided yards do not adjoin C-T district					
10.	Sidewalks	See article V, section 12.6--supplementary regulations				

*Minimum district width and area does not apply when adjoining existing commercial or industrial zoned areas.

NOTE: Nothing herein shall relieve any person from complying with any other provision of this ordinance.

ARTICLE IX

OVERLAY DISTRICTS

SECTION 9.1 RIVERDALE TOWN CENTER

Reserved.

ARTICLE X

PARKING AND LOADING

SECTION 10.1 OFF-STREET PARKING AND LOADING SPACES REQUIRED

It is the intent of this chapter that all buildings, structures and uses of land shall provide off-street parking and loading space in an amount sufficient to meet the needs caused by the building or use of land and that such parking and loading spaces be so that they are in fact readily usable for such purposes.

Each use of land and each building or structure hereafter constructed or established, shall provide off-street parking and loading according to the standards set forth herein. When an addition is made to a building containing less than the required parking or loading requirements, a conforming amount of parking or loading shall be supplied based upon the size of the addition. No addition to an existing building shall be constructed which reduces the number of spaces, area or usability of existing parking or loading spaces unless such building and its addition conform with the regulations for parking and loading contained herein.

Parking spaces for the handicapped shall be required and shall be located as close as possible to elevators, ramps, walkways and entrances. Existing uses providing off-street parking shall have twelve (12) months from the date of adoption of this chapter to comply with handicapped parking requirements. New uses providing off-street parking shall incorporate handicapped spaces into the design of parking facilities.

SECTION 10.2 DESIGN STANDARDS

The following are the design requirements for off-street parking spaces and driveways; however, additional or different requirements may be contained in a particular district regulation which will control for that district:

1. Required Dimensions for Each Parking Spaces. Each automobile parking space shall be not less than nine (9) feet wide and nineteen (19) feet in length.

(Driveways shall connect each parking space with a public right-of-way)

2. Interior Driveways. Where 90 degree parking is utilized, all interior driveways shall be a minimum of 24 feet in width. If 60 degree angle parking is used, then interior driveways shall be at least 13 feet in width for one-way traffic and 24 feet in width for two-way traffic. In the instance where parallel parking is utilized or there is no parking, interior driveways shall be a minimum of 10 feet in width for one-way traffic and 24 feet in width for two-way traffic. A 10 ft stacking lane is required for drive-up window or pick-up stations.
3. Surfacing, Drainage and Lighting.
 - a. All off-street parking spaces, access and interior driveways will be graded to insure proper drainage, and surfaced with concrete or asphalt at least two inches thick, installed on an approved base of five (5) inches minimum and maintained in good condition free of weeds, dust, trash, and debris.
 - b. Hardened surface, see definition, may be approved only through a Conditional Use permit.
 - c. If the off-street parking facilities are used at night, they shall be properly illuminated for the safety of pedestrians, vehicles and for security. The lighting shall be designed so as not to reflect onto or cause glare in any adjacent residential district.
4. Sharing of Required Off-street Parking Spaces. One half of the off-street parking spaces required by a use whose peak attendance will be at night or on Sundays may be shared with a use that will be closed at night or on Sundays. Parking requirements for two (2) or more uses of the same or different types may be satisfied by the allocation of a common or collective parking facility. This facility shall not be less than the sum of the requirements for the individual uses computed separately in accordance with the requirements of the zoning district.

The following are the design requirements for off-street loading stalls:

1. Required Dimensions for Each Loading Stall. Each loading stall shall be a minimum of 10 feet wide and 30 feet in length except that for wholesale and industrial use, loading stalls shall be a minimum of 10 feet wide and 50 feet in length.
2. Access. All off-street loading stalls shall have access from an alley, or if there is no alley, from a public or private street.

3. Surfacing, Drainage, and Lighting. All off-street loading stalls and access shall be graded to insure proper drainage, surfaced with concrete or asphalt at least two inches thick, installed on an approved base of five (5) inches and maintained in good condition free of weeds, dust, trash and debris. If loading stalls are to be used at night, they shall be properly illuminated for the safety of pedestrians, vehicles and for security. Lighting shall be designed to preclude light spill onto adjacent properties.

SECTION 10.3 MISCELLANEOUS PARKING PROVISIONS

1. In any residential district, the parking of vehicles other than ordinary passenger automobiles, a pick-up or panel truck used to provide daily transportation to and from work, and any vehicle with a carrying capacity of more than 2,000 pounds, is prohibited in any residential district.
2. A parking plan for all but single-family residential uses shall be submitted to the Director of Community Development and General Services Department with the construction plans. The Director of Community Development and General Services Department shall review the proposed parking plan with staff to ensure its conformance with all applicable provisions of this chapter. The Director of Community Development and General Services Department shall not allow occupancy or use of a building until its related parking facilities are completed in accordance with the approved plan.
3. Parking spaces shall be separated from streets in public right-of-ways by curbs and by a strip of land at least 10 feet wide reserved as open space and planted in grass.
4. No parking lot areas may be used for the sale, repairs, dismantling, servicing or long term storage of any vehicles or equipment.

SECTION 10.4 MINIMUM OFF-STREET PARKING AND LOADING REQUIREMENTS

The following are the minimum number of off-street parking spaces and loading stalls required by type of permitted uses. For any use not listed the Director of Community Development and General Services Department shall determine the proper requirements by classifying the proposed use among the uses specified herein so as to assure equal treatment follows the principles set forth. In making any such determination, the Director of Community Development and General Services Department shall follow the principles set forth at the beginning of this Article. All off-street parking shall be paved with curb and gutter.

Use	Parking Required	Loading Space Required
Apartments and other Multiple-Family Uses	Two spaces for each dwelling unit	
Automotive or Machinery Sales and Service Garages	One for each 250 sq. ft. of gross floor area plus one for each employee	One for each 5,000 sq. ft. of gross floor area
Banks, Professional and General Offices, Beauty and Barber Shops	One for each 200 sq. ft. of floor area. Three for each operator.	None
Boarding and Rooming House	One for each bedroom	None
Bowling Lanes	Five spaces for each lane	One
Churches	One space for each three seats in main assembly area	None
Clubs or Organization Halls	One space per 100 sq. ft. of assembly space, plus one space per two employees	None
Duplexes	One for each bedroom	None
Fraternity and Sorority Houses	Two for each bedroom plus one for each five active members	None
Funeral Homes and Mortuaries	One for each three seats in chapel or one per 50 sq. ft. of public area, whichever is greater	One for each hearse, ambulance, or other non-passenger vehicle
Furniture and Appliances	One per each 500 sq. ft. of space plus one for each employee on the same shift	One for first 5,000 sq. ft. plus one each additional 20,000 sq. ft. or fraction thereof

Automobile service Stations	Three spaces for each service bay or similar facility plus one space for each attendant	None
Hospitals and Rest Homes	One for each three beds, plus one space for each staff member plus one space for each employee on the largest shift	One space for the first 5,000 sq. ft. of floor area plus one for each additional 50,000 sq. ft. or fraction thereof
Hotels and Motels fraction	One per unit plus one per two employees on the same shift	One space for the first 5,000 sq. ft. of floor area plus one for each additional 50,000 sq. ft. or thereof
Libraries, Museums and Similar Uses	One space for each 400 sq. ft. of gross space to which the public has access	One space for the first 5,000 sq. ft. of gross floor area plus one additional space for each additional 30,00 sq. ft. or fraction thereof
Manufacturing, Freight Terminals	Five spaces per each 10,000 sq. ft. of gross floor area or major fraction thereof plus one space for each employee on largest shift	Sufficient to allow for off-street loading, but in no event less than required herein for a warehouse
Manufactured Home Parks	Two spaces per pad	None
Places of Public Assembly or Amusement without Fixed Seats	One space for each 200 sq. ft. of floor space devoted to public use	None
Places of Public Assembly (Buildings and including theaters)	One space per each three seats in main assembly area, or one space for each 50 sq. ft. where fixed seats are not provided	None

Real Estate Sales Offices	Two for first 200 sq. ft. plus one for each 100 sq. ft. of office and public space	None
Restaurants and Taverns	One per each three seats plus one for each full-time employee	
Retail Stores	One per each 200 sq. ft. of gross sales space	One for first 5,000 sq. ft. plus one for each additional 30,000 sq. ft. or fraction thereof
Schools	One space for each teacher and employee plus one space for each 100 sq. ft. of seating space in auditoriums. Where spectator events are held (stadiums and gymnasiums) parking requirements include one space for each four seats. For senior high schools and colleges where students drive to and from school, there shall be an additional requirement of one space for each ten students for which the school was designed	None
Shopping Centers	One space per each 200 sq. ft. of	5,000 sq. ft. plus one for gross floor area each additional 30,000 sq. ft. or fraction thereof
Single-Family Residence	Two spaces (Side to side arrangement)	None
Small Item Service and Repair Shops	One space for each 200 sq. ft. one of gross floor area.	None

Supermarkets and Food Stores	One space for each 150 sq. ft. of floor area exclusive of storage area	Two for the first 10,000 sq. ft. and each additional 20,000 sq. ft.
Warehouses	Four spaces for the first 5,000 sq. ft. of gross floor area plus one additional space for each 5,000 sq. ft. or fraction thereof plus one for each full-time employee	Two spaces for the first 5,000 sq. ft. of gross floor area plus one space for each additional 10,000 sq. ft. or fraction thereof
Wholesale Stores	One space for each 400 sq. ft. of gross floor area plus one space for each full-time employee	One space for the first 6,000 sq. ft. of gross floor area plus one for each additional 20,000 sq. ft. or fraction thereof

SECTION 10.5 HANDICAPPED PARKING REQUIREMENTS

Handicapped parking spaces shall meet the requirements of the Georgia Accessibility Parking Requirements

SECTION 10.6 CURB CUT REQUIREMENTS AND DESIGN STANDARDS

Within any zoning district where the lowering or cutting away of any curbs for purposes of ingress and egress is required, such curb cut shall be subject to the following provisions:

1. No more than one (1) combined entrances and exits shall be allowed for any parcel of property, the frontage of which is less than three hundred (300) feet on any one street. Additional entrances or exits for parcels of property having a frontage in excess of three hundred (300) feet shall be permitted after showing the actual requirements of convenience and necessity and upon approval of the Community Development and General Services Department.
2. No curb cut shall be located within thirty (30) feet of any intersection.
3. Maximum width of any curb cut including curb returns shall not exceed thirty (30) feet except that a bona fide truck stop may not exceed the maximum figure as determined by the Director of Community Development and General Services Department.

4. Curb cuts shall be constructed so as to be at least five (5) feet from any property line.

ARTICLE XI

BUFFER AND LANDSCAPING REQUIREMENTS

SECTION 11.1 BUFFER REQUIREMENTS

It is recognized that the location of commercial or industrial land uses directly adjacent to single-family, two-family or multiple-family residential uses can create an incompatible situation. Additionally, the location of two-family or multiple-family residential land uses or manufactured home parks directly adjacent to single-family residential land uses can be an incompatible situation. Accordingly, in commercial and industrial districts, when a principal structure is expanded or modified, a planted screening buffer shall be provided along all side and rear property lines contiguous with a single-family residential district. The City Council may require a similar buffer strip between other districts and land uses deemed to be incompatible.

SECTION 11.2 GENERAL REQUIREMENTS

A planted buffer strip is required to protect residential land uses from excessive heat, dust, wind, light, spill, unsightly views, odor and other characteristics commonly associated with commercial and industrial land uses and related vehicular and pedestrian traffic, which can adversely impact the quality of residential life. The required buffer shall provide necessary visual and acoustical privacy for the conduct of residential lifestyles in a pleasing environment, and shall provide for the protection and preservation of property values in residential districts. The density of buffers should take precedence over width of buffer.

Required buffers shall be established and maintained by the developer and owner of the incompatible (less restrictive) land use. The required buffer must:

1. Be depicted in detail (the type and locations of natural and planted vegetation are to be illustrated) on each site plan prior to approval.
2. Not be disturbed by grading, property improvements or construction activities except where necessary to prevent a nuisance, or to thin such natural growth where too dense to permit normal growth, or to remove diseased, misshapen, or dangerous and decayed timbers. Any contemplated disturbance shall first be brought to the attention of the Director of Community Development and General Services Department and formal approval secured prior to initiating activity within required buffer area. Any hardwood trees with a diameter of 24 inches or more measured at three foot height shall not be removed unless approved by the Director of Community Development and General Services

Department.

3. Utilize existing vegetation where it has been determined that existing vegetation is appropriate for inclusion within the buffer strip, or when required be supplemented with approved, additional plantings.
4. Retain the natural topography of the land, except when a portion must be cleared and graded as required by the local law to prevent soil erosion or sedimentation.
5. Be completely installed in accordance with the approved plan prior to issuance of a Certificate of Occupancy.
6. Not be used for temporary or permanent parking or loading, other than for provision of drainage improvements as mandated by the local law or for a structure other than a fence.
7. Attain a height of not less than six (6) feet within three (3) years of the planting date.

SECTION 11.3 MINIMUM BUFFER SPECIFICATIONS

Buffered strip area shall be established to meet each of the following minimum width requirements for each of the following districts where adjacent to a single family district. This buffer screening shall be required along rear and side yard lot lines and shall not extend closer to street than the front building line. Buffer screening shall be of such density that the growth shall screen activity from the normal view level of the first story in a reasonable amount of time and shall attain a height of not less than six (6) feet within three years of the planting date.

- | | |
|---|---------|
| 1. Multi-family districts | 10 feet |
| 2. Mixed use districts | 20 feet |
| 3. Commercial and industrial other than C-4 and C-T | 25 feet |
| 4. C-4 and C-T | 10 feet |

SECTION 11.4 COMPOSITION OF BUFFER

In those instances where it is clearly obvious that existing natural vegetation and topography could not possibly achieve the desired level of screening as determined by this chapter, a planted buffer shall be provided and shall consist of plant material of such growth characteristics as will provide an acoustical and visual screen of planting date. The following are approved for us as part of the screening buffer:

1. Trees: Loblolly Pine
White Pine
Yaupon Holly
American Holly
Eastern Red Cedar
Laurel Cherry
Arizona Cypress Redbay
Virginia Pine

2. Shrubs: Cleyera
Euonymus
Japanese Privet
California Privet
European Privet
Southern Waxmyrtle
Northern Bayberry
Pittosporum
Japan Yew
Red Tip

3. Ground Cover: Short Juniper
Periwinkle
Lippie
Evergreen Candytuft

Other evergreen plant materials having the same growth characteristics as the aforementioned may be substituted, subject to approval by the Director of Community Development and General Services Department prior to installation.

SECTION 11.5 MAINTENANCE

The screening buffer planting and any required landscaped open space planting shall be guaranteed for the life of the commercial, industrial or residential development. Necessary trimming and maintenance shall be performed by the installing property owner and subsequent owners to maintain the health of the plant materials, to provide aesthetically pleasing appearance, and to assure that the buffer actually serves the purpose for which it is intended.

SECTION 11.6 OTHER SCREENING REQUIREMENTS

Certain uses such as junk or salvage yard operations and other commercial an industrial operations requiring the storage of inoperative equipment, vehicles and other types of bulk storage for prolonged periods of time could present unsightly views or health hazards. To preclude this from occurring, the Director of Community Development and General Services Department shall require owners of such properties to completely

enclose such operations by a fence which completely obscures views of the property from adjacent sidewalks, streets, and other properties built to a height greater than that of the height of the highest piece of equipment or vehicle and types of bulk storage stored on the property; however, the minimum height of any fence shall be eight (8) feet and the maximum height of such a fence shall be twenty (20) feet. Such fences shall be constructed of masonry or wood or combination thereof or other materials approved by the Director of Community Development and General Services Department.

SECTION 11.7 GENERAL LANDSCAPING REQUIREMENTS

The landscaping requirements listed are the minimum design standards for all development regulated under the provisions of this article. These requirements shall be used by the Director of Community Development and General Services Department in reviewing site plans, and may be supplemented by specific landscaping standards and specifications as established by the Director of Community Development and General Services Department and approved by the Mayor and Council.

Landscape design and planning shall be integrated with the overall design concept for any project; therefore, the Director of Community Development and General Services Department shall evaluate landscaping schemes as to their relationship to the existing natural landscape, developed and other proposed landscape including on adjacent properties and public right-of-way, and the building or buildings existing and/or proposed.

Existing tree cover and natural vegetation shall be preserved, whenever possible, or replaced with suitable vegetation.

Landscaping shall be used whenever possible to screen objectionable views or nuisances, such as parking and service areas, refuse containers, air conditioning units, transformers, etc.

All front green spaces shall be sodded. If grass seed must be used in the rear, it shall be of a variety suitable to the area that produces complete coverage.

No artificial plants, trees, or other vegetation shall be installed.

All existing, healthy deciduous and hardwood trees with a caliper of ten (10) or more inches at a point three (3) feet tall shall be retained, whenever feasible. If not feasible the tree shall be replaced with the same or similar type of tree in accordance with the following paragraph of this section, unless otherwise approved by the Director of Community Development and General Services Department.

SECTION 11.8 FRONTAGE AND PERIMETER LANDSCAPING REQUIREMENTS

The following landscaping requirements shall apply to all districts and uses regulated by this article:

A landscaping strip of at least ten (10) feet in width shall be required along all public rights-of-way, except where driveways or other openings may be required.

A landscaping strip of at least five (5) feet in width shall be required along any side lot that abuts adjoining property that is not a public right-of-way, except where driveways or other openings may be required.

The requirements of this section shall be included within the buffer strip where a buffer strip is required.

SECTION 11.9 INTERIOR LANDSCAPING

The following requirements shall apply for parking lots designed for twenty (20) or more parking spaces:

1. Not less than two (2) percent of the interior of a parking lot shall be landscaped.
2. The required landscape area need not be contiguous, but there shall be at least one (1) tree in each separate area; and each separate area shall have an area of at least fifty (50) square feet with a minimum width or diameter of five (5) feet.

SECTION 11.10 TREE REQUIREMENTS

A minimum of one (1) tree shall be required for each five hundred (500) square feet of the total minimum required open space. For purposes of meeting this requirement, all existing trees of at least twenty (20) feet in height shall be counted. Trees required for screening purposed shall not be included in the calculation.

1. Trees shall be planted and/or retained in areas of the site to enhance the overall project design and provide such amenities as visual attractiveness, natural resources preservation, energy conservation, etc.
2. All retained or planted trees shall be protected or situated as to prevent damage from environmental changes resulting from any building or other improvements.
3. Trees shall not be less than six (6) feet tall.

SECTION 11.11 MAINTENANCE

The owner, occupant, tenant and respective agent of each shall be jointly and severally responsible for the maintenance and protection of all landscaping.

SECTION 11.12 RECOMMENDED SPECIES LIST

APPROVED SPECIES

Plant materials for over-story, under-story, parking lot and street tree applications may be selected from the recommended species list maintained by the Community Development and General Services Department. Other species may be used upon approval of the Director of Community Development and General Services Department.

NON-APPROVED SPECIES

The following species are not approved for use in required landscaping:

1. Bradford Pear (*Pyrus calleryana* 'Bradford')
2. Eastern White Pine (*Pinus strobus*)
3. Siberian Elm (*Ulmus pumila*)
4. Silver Maple (*Acer saccharinum*)

NOT RECOMMENDED SPECIES

The following species are not recommended for use in required landscaping:

1. Catalpa (*Catalpa speciosa*)
2. Norway Maple (*Acer platanoides*)
3. Princess Tree (*Paulownia tomentosa*)
4. Tree-of-Heaven (*Ailanthus altissima*)

ARTICLE XII

ADMINISTRATION AND ENFORCEMENT

SECTION 12.1 ADMINISTRATION AND ENFORCEMENT

The Director of Community Development and General Services Department as designated by the City Council shall administer and enforce this chapter and carry out the duties required. The Director of Community Development and General Services Department may be provided with the assistance of such other persons as the City Council may direct.

If the Director of Community Development and General Services Department shall find that any of the provisions of this chapter are being violated, notification shall be given in writing to the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. Such written notice shall not be a necessary condition precedent to enforcement of this chapter. The Director of Community Development and General Services Department shall order discontinuance of illegal work being done; or shall take any other action authorized by this chapter to ensure compliance with or to prevent violation of its provisions.

The Director of Community Development and General Services Department shall also serve as administrative assistant of the Board of Zoning Appeals.

SECTION 12.2 DEVELOPMENT PERMIT REQUIRED

A development permit and soil erosion permit shall be required for any proposed use of land(s) to indicate and insure compliance with all provisions of this Ordinance before any building permit is issued or any improvement, grading or alteration of land(s) commences.

APPLICATION. All applications for development and soil erosion shall be made to the Director of Community Development and General Services Department and shall be accompanied by complete plans in duplicate drawn to scale, signed by the author with his address, and showing all site information.

ISSUANCE. All development permits issued by the Director of Community Development and General Services Department shall in no case grant any development permit for the use, construction or alteration of any land if the land as proposed to be used, constructed or altered could be in violation of any of the provisions of this Ordinance or any other codes and laws of the City, County or the State, except as provided herein.

DURATION OF VALIDITY. A development permit shall be valid for two years from its issuance subject to the following provisions: if the work described in any

development permit has not been begun within one hundred eighty (180) days from the date of issuance thereof, said permit shall expire, and if work described in any development permit has not been substantially completed within two years of the date of the issuance thereof, said permit shall expire. Written notice of the expiration shall be given to the persons affected together with notice that further work as described in the canceled permit shall not proceed until a new development permit has been obtained.

SECTION 12.3 BUILDING PERMIT REQUIRED

No building or other structure shall be erected, moved, added to, or structurally altered to a value of three hundred dollars (\$300.00) or more without a building permit being issued by the Director of Community Development and General Services Department. No building permit shall be issued until the applicant has complied with the provisions of this chapter.

All applications for building permits shall be accompanied by plans in duplicate, drawn to scale, showing:

1. The actual dimensions and location of the lot to be built upon.
2. The size of the building to be erected.
3. The location of the building on the lot.
4. The location of any existing structures on the lot.
5. The number of dwelling units the building is designed to accommodate.
6. The setback lines of buildings on adjoining lots.
7. Such other information as may be essential for determining whether the provisions of this ordinance are being observed.

One (1) copy of the layout or site plan shall be returned when approved by the Director of Community Development and General Services Department, together with any permit to the applicant upon payment of any fee or fees as shall be determined by the Mayor and City Council.

If no substantial construction progress has been made within six (6) months of the date of the issuance of the building permit, or if the work authorized by the permit is suspended or abandoned for a period of six months, the permit becomes void. Building permits shall not be transferable.

No building permit shall be issued by any officer, department or employee of the City of Riverdale unless the application for such permit has been examined and approved by the

Director of Community Development and General Services Department or his/her designee certifying that the proposed building, structure, or alteration complies with all provisions of this chapter. Building permits may not be issued on properties for which City taxes are delinquent. Any building permit issued in conflict with the provisions of this chapter shall be null and void.

SECTION 12.4 CONSTRUCTION AND USE TO BE AS PROVIDED IN APPLICATIONS, PERMITS, AND CERTIFICATE OF ZONING COMPLIANCE

Building Permits or Certificates of Occupancy issued on the basis of plans and applications approved by the Director of Community Development and General Services Department authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement or construction. Use, arrangement, or construction at variance with that authorized shall be deemed a violation of this chapter.

SECTION 12.5 CERTIFICATE OF OCCUPANCY REQUIRED

Certificate required: A certificate of occupancy issued by the Community Development and General Services Department is required in advance of occupancy or use of:

1. Any lot or change or extension in the use thereof.
2. A building or structure hereafter erected or changed in the use of an existing building or structure.
3. Any non-conforming use that exists at the time of the enactment of this Ordinance or an amendment thereto or that is changed, extended, altered or rebuilt thereafter. The certificate of occupancy shall state specifically wherein the non-conforming use fails to meet the provisions of this Ordinance.

Duties of the Director of Community Development and General Services Department: Upon receipt of an application for a certificate of occupancy, the Director of Community Development and General Services Department, or his/her designee, shall investigate the same to see that the structure and the proposed use meet all applicable zoning, building, traffic, parking and fire regulations, and when applicable, that the construction or alteration of same meets with the plans submitted when the building permit was issued. Upon determining affirmatively that the above requirements have been met, the Director of Community Development and General Services Department shall issue a certificate of occupancy to the applicant. When necessary, the Director of Community Development and General Services Department shall issue a certificate of occupancy to the applicant. The certificate of occupancy shall clearly state on the fact thereof the use permitted, the limitations imposed if any, and describe the portion not to be used, if any. Should the Director of Community Development and General Services Department decline to issue a certificate for any building or portion thereof, he shall in writing notify the applicant of his reasons for not issuing the certificate(s).

Exceptions: The Director of Community Development and General Services Department may exclude single-family and two-family residential structures from the requirement to obtain a certificate of occupancy and may instead consider final inspection as final approval.

If the certificate of occupancy is denied, the Director of Community Development and General Services Department shall state in writing the reasons for refusal and the applicant shall be notified of the refusal.

SECTION 12.6 ADMINISTRATIVE VARIANCES

The Director of Community Development and General Services Department shall have the power to grant administrative variances (except for density and use variances) from the development standards of this chapter, where, the intent of the chapter can be achieved and equal performance obtained by granting a variance. The authority to grant such variances shall be limited to the following:

1. Front yard or yard adjacent to public street - variance not to exceed ten (10) feet.
2. Side yard - variance not to exceed five (5) feet.
3. Rear yard - variance not to exceed five (5) feet.
4. Height of building - variance not to exceed five (5) feet.
5. Distance between buildings on the same lot - variance not to exceed five (5) feet.
6. Parking - not to exceed ten percent (10%) of that required. Handicapped parking is excluded.
7. Buffer - May reduce by twenty-five percent (25%) where the intent of the required buffer can be equally or otherwise achieved; if buffer is not a condition of zoning.

SECTION 12.7 MAJOR VARIANCES

Any variance from the requirements of this ordinance and not listed in Section 12.6 is a major variance. A major variance may be granted by the Board of Zoning Appeals as provided in Article XIII.

SECTION 12.8 CONDITIONAL USE EXECUTION AND TERMINATION

1. Any conditional use permit approved by the City of Riverdale ceases to be authorized and is terminated if a Building Permit or Certificate of Occupancy for the execution of the approved conditional use has not been obtained within one year of the date the conditional use was granted. The conditional use shall also be terminated if the approved construction has not been completed and approved by the Director of Community Development and General Services Department as being consistent with all written commitments or conditions, the requirements of this code, and all applicable permits within 2 years of the date the conditional use is granted.
2. Upon determination by the Director of Community Development and General Services Department that a conditional use is void and terminated pursuant to this section, the Director of Community Development and General Services Department shall notify the applicant for the conditional use via certified mail.
3. A conditional use that has been determined void and terminated pursuant to this section shall not be reconsidered by the City for a period of 24 months from the date of the notice sent by the Director of Community Development and General Services Department pursuant to this section.

SECTION 12.9 REMEDIES FOR VIOLATION OF THIS ORDINANCE

In case any building or structure is proposed to be erected, constructed, reconstructed, altered, converted, or any building, structure or land is proposed to be used in violation of any provision of this Ordinance, the Director of Community Development and General Services Department will, after due notice to the owner of the violation, issue a citation for violation of the City code requiring the presence of the violator in the Municipal Court. The Director of Community Development and General Services Department may also institute injunction, or take other appropriate action or proceeding to prevent each unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use to correct or abate such violation. In order to prevent the occupancy of such building, structure or land, the zoning administrator may, in addition to other remedies, notify the building inspector of such violation and require that public utility service will be withheld therefrom until such time as the structure or premises is no longer in violation of these regulations. Any violation of this Ordinance is subject to the penalties set forth in Chapter 1, Section 1-12 of the City Code.

ARTICLE XIII.

BOARD OF ZONING APPEALS*

SECTION 13.1 Establishment of board of appeals.

A board of zoning appeals is hereby established. Said board shall consist of five members appointed by the City Council for overlapping terms of five years. Each appointment shall be for five years. Any vacancy in the membership shall be filled for the unexpired term in the same manner as the initial appointment. Members shall be removable for cause by the appointing authority and after public hearing. None of the members shall hold any other public office or position in the City.

SECTION 13.2 Proceedings of the board of appeals.

The board of appeals shall elect a chairman and vice-chairman from its members who shall serve for one year or until re-elected or until their successors are elected. The board shall appoint a secretary who may be a City officer, an employee of the City, or a member of the appeals board. The board shall adopt rules and bylaws.

The chairman shall call meetings of the board, decide upon points of order and procedure, administer oaths and command the appearances of witnesses. The vice-chairman shall, in the absence of the chairman, administer the offices of the chairman. The board shall keep minutes of its proceedings, showing the vote of each member upon each question and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the board and shall be a public record.

All meetings of the board of appeals shall be open to the public.

SECTION 13.3 Powers and duties of the board of appeals.

The board of appeals shall have the following powers and duties:

1. *Administrative review:* To hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the building inspector or Director of Community Development and General Services Department in the enforcement of this ordinance.
2. *Major Variances:* To authorize upon appeal in specific cases such major variances as defined in this ordinance from the terms of the ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of the ordinance will, in an individual case, result in practical difficulty or unnecessary hardship, so that the spirit of the ordinance shall be observed, public safety and welfare

secured, and substantial justice done. The existence of a nonconforming use of neighboring lands, buildings or structures in the same or other districts shall not constitute a reason for a variance. A variance may be granted in an individual case of necessary hardship upon a finding by the board of appeals that all of the following conditions exist:

- (a) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography that are not applicable to other lands or structures in the same districts.
- (b) A literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties of the district in which the property is located.
- (c) Granting the variance requested will not confer upon the property of the applicant any special privileges that are denied to other properties of the district in which the applicant's property is located.
- (d) The requested variance will be in harmony with the purpose and intent of this ordinance and will not be injurious to the neighborhood or to the general welfare.
- (e) The special circumstances are not the result of the actions of the applicant.
- (f) The variance requested is the minimum variance that will make possible the legal use of the land, building or structure.
- (g) The variance is not a request to permit a use of land, buildings or structures which is not permitted by right in the district involved.

3. *Limitations on authorization of variances:* As defined in this article, a variance may only be authorized for the following terms of this ordinance:

- (a) Height of structure.
- (b) Area of structure.
- (c) Size of structure.
- (d) Amount of front, rear and side yard setbacks.
- (e) Size of open spaces (but not buffers).

A variance may not be granted to establish or expand a use otherwise prohibited. Presence of nonconformities in the zoning district or uses in an adjoining zoning district shall not be sole cause for granting a variance.

SECTION 13.4 Appeals, hearing and notices.

Appeals to the board of zoning appeals may be taken by any person aggrieved by any decision of the Director of Community Development and General Services Department. Such appeal shall be taken within 60 days of the complained of decision, as provided by the rules of the board by filing with the City clerk a written notice of appeal specifying the grounds thereof. The Director of Community Development and General Services Department shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken.

The board shall meet on the third Wednesday of each month for the hearing of appeals or other matters referred to the board. Upon a hearing, any party may appear in person or may be represented by agent or by attorney.

No matter presented to the board for decision may be again presented prior to the expiration of 12 calendar months from the original consideration with the exception of termination of a conditional use which shall not be again considered for 24 months.

SECTION 13.5 Decision of the board of appeals.

In exercising its powers, the board of appeals may, in conformity with the provisions of this ordinance, reverse or affirm, wholly or partly, or may modify the order, requirements, decision or determination, and to that end shall have all the powers of the Director of Community Development and General Services Department and may issue or direct the issuance of a building permit.

Three members of the board shall constitute a quorum, and a concurring majority vote of the members present shall be necessary to reverse any order, requirement, decision or determination of the Director of Community Development and General Services Department or to decide in favor of the applicant on any matter upon which it is required to pass under this ordinance or to effect any variation of this ordinance.

The board of appeals shall inform, in writing, all parties involved of its decision and reasoning concerning all appeals, applications and other matters brought before the board.

SECTION 13.6 Appeals from the board of appeals.

Any person or persons jointly or severally aggrieved by any decision of the board of appeals may within 30 days after the filing of the decision in the office of the board, but not thereafter, seek review of such decision by the superior court by writ of certiorari.

SECTION 13.7 Stay of proceedings.

An appeal stays all proceedings in furtherance of the action appealed from. However, if the Director of Community Development and General Services Department deems that

peril to life and property is imminent in the case of an appeal, proceedings shall not be stayed.

ARTICLE XIV

PROCEDURES FOR ZONING DECISIONS AND CONDITIONAL USES

SECTION 14.1 APPLICATION REQUIREMENTS

From time to time, zoning decisions as defined by O.C.G. 36-66-3 may be proposed by the City of Riverdale. Rezoning of property and conditional uses may also be initiated by a party other than the City. Unless initiated by the City Council, the owner of a majority interest in the property affected or their authorized representative shall initiate all such applications.

The following procedures shall be followed when a zoning decision or a conditional use is proposed by a party other than the City.

1. Any person or persons desiring to submit an application requesting a change in zoning district or a conditional use permit shall file such application with a plat of the affected property and payment of the appropriate non-refundable fee, with the Community Development and General Services Department.

The application shall include a statement of development of property (i.e., land use, setbacks, buffers, building height, access parking and loading) and other supporting documentation as may be required by the Community Development and General Services Department.

2. An application shall be filed and required fees paid no later than the deadline as established by the Community Development and General Services Department prior to the scheduled Planning Commission meeting, at which time the request will be heard.
3. A written justification for the request, submitted in letter form, shall accompany the application.
4. Names and addresses of adjoining property owners shall be provided as part of the application.
5. A correct legal description of the property shall accompany the application.
6. A legible sketch of the property shall accompany the application. Such plat shall include the following information, but not limited to other necessary information that may be required by the Community Development and General Services Department.

- (a) A correct scale and north arrow, land lot and district, acreage and bearings and distances of all property boundaries.
 - (b) The proposed land use as it would appear should the application be approved to include the following: sketch plan drawing to scale indicating footprint of building and layout of parking/loading spaces and points of ingress/egress.
 - (c) The present zoning classification of all adjacent parcels and proposed zoning classification and/or special use of the subject parcel.
 - (d) The location and extent of required buffer areas, depicting extent of natural vegetation and type and location of additional vegetation if required.
 - (e) Location of intermediate (100 year) regional floodplain and all structures within the 100-year floodplain.
7. An application shall not be withdrawn by the applicant after the legal advertising has been published.

SECTION 14.2 COMMUNITY DEVELOPMENT AND GENERAL SERVICES DEPARTMENT REVIEW

The Community Development and General Services Department, upon receiving an application for rezoning (whether initiated by the City Council or third party) or a request for conditional use permit, shall do the following:

- 1. Consult with other departments of the City to fully evaluate the impact of any zoning change or conditional use upon public facilities and services including, but not limited to, schools, drainage, traffic and related facilities.
- 2. Conduct a site review of property and surrounding area;
- 3. Review each application with reference to its appropriateness and effect on existing land use and its compliance with policy and map provisions of the Comprehensive Plan; and
- 4. Report its findings and recommendation to the Planning Commission and City Council, which report shall be a matter of public record.

The Community Development and General Services Department's report may recommend amendments to the applicant's request which would reduce the land area for which the application is made, change the district requested to a less intensive or lower density than requested or, recommend such additional conditions regarding the location, character and other features of the application which may be deemed advisable so that the

purpose of this chapter will be served, health, public safety, aesthetics and general welfare secured.

SECTION 14.3 PUBLIC NOTIFICATION

1. **Legal Notice.** Notice of the public hearing pursuant to this chapter shall be published in the local paper, legal organ, of general circulation within the City in which are carried the legal advertisements of the City advertising the application and date, time, place and purpose of the public hearing at least fifteen (15) days prior to the first public hearing but no more than (45) forty-five days prior to the date of the first hearing conducted by the Planning Commission. If the application is for rezoning of property then the notice shall also include the location of the property, the present zoning classification of the property, and the proposed zoning classification of the property.
2. **Signs posted.** At least 15 days prior to the Planning Commission public hearing, the Community Development and General Services Department shall post on a conspicuous place on the property for which the application has been submitted, a sign or signs that shall:
 - (a) Be readable from each street or road on which the property fronts, or if the property has no street frontage, from each street from which access will be gained;
 - (b) Clearly indicate:
 1. The property's present zoning classification;
 2. The proposed zoning classification or conditional;
 3. The date of the hearing; and
 4. The location of the hearing.
 - (c) Be maintained by applicant to prevent removal from property or destruction during public hearing process.
3. **Relocation of a halfway house, drug rehabilitation center, or other facility for treatment of drug dependency.** When a proposed zoning decision relates to or will allow the location or relocation of a halfway house, drug rehabilitation center, or other facility for treatment of drug dependency, a public hearing shall be held on the proposed action. Such public hearing shall be held at least six months and not more than nine months prior to the date of final action on the zoning decision. The hearing required by this subsection shall be in addition to any hearing required under subsection (a) of this Code section. The City shall give notice of such hearing by:
 - (a) Posting notice on the affected premises in the manner prescribed by this Code section; and

- (b) Publishing in a newspaper of general circulation within the territorial boundaries of the City a notice of the hearing at least 15 days and not more than 45 days prior to the date of the hearing.

Both the posted notice and the published notice shall include a prominent statement that the proposed zoning decision relates to or will allow the location or relocation of a halfway house, drug rehabilitation center, or other facility for treatment of drug dependency. The published notice shall be at least six column inches in size and shall not be located in the classified advertising section of the newspaper.

SECTION 14.4 PROCEDURES FOR PUBLIC HEARINGS

Before the City Council may take final action on a proposed rezoning or conditional use the Planning Commission and the City Council shall each hold a public hearing on the request. The public hearings shall be conducted in the following manner:

1. The Planning Commission Chair or Mayor or designated appointee, who will act as Presiding Official, will convene the public hearing at the scheduled time and place,
2. The Presiding Official will call for each application to be presented.
3. No person in attendance is to speak unless first formally recognized by the Presiding Official. Upon rising, to speak each person is to state his or her name and home address.
 - a. The Presiding Official may place reasonable time limits on the number of persons who may speak for or against a request, on the time allowed each speaker, and on the total time allowed for presentation of and opposition to the request (giving equal time to both proponents and opponents).
 - b. No less than 10 minutes is to be provided for all those speaking in support of the requests and no less than 10 minutes is to be provided for all of those speaking against, unless such proponents or opponents take less time than the minimum allowed.
 - c. If reasonable time limitations permit, any member of the general public may speak at the public hearing
4. The applicant will be allowed to speak first in order to present the application. Others in support of the application may then speak, followed by those in opposition to the request. The applicant may then be allowed time for rebuttal if adequate time remains. Rebuttal must be limited to points or issues raised at the hearing by opponents to the request.
5. During the hearing, members of the Planning Commission or the City Council may ask questions at any time. Time devoted to questions and answers will not be counted against any time limitations that have been

imposed on presentations.

6. Decisions:

- a. The Planning Commission shall make its recommendation no later than the next regular business meeting following its public hearing. The Planning Commission's action may include recommendations for amendments and/or conditions of approval it deems advisable. A failure to make a recommendation shall go forward as "No Recommendation".
- b. At the next regular business meeting following its public hearing, the City Council shall consider the application.
- c. In taking final action on an application, the City Council may, where appropriate:
 - i. Approve, approve with conditions or deny the application; or
 - ii. Approve or approve with conditions any portion of the area proposed for rezoning or conditional use or Major Variance thereby reducing the boundaries of the area; or
 - iii. If the application is to rezone property, rezone the property or any portion to a more restrictive zoning district than that requested; or
 - iv. Allow withdrawal if requested by the applicant (with or without imposing the 12 month waiting period for reconsideration); or
 - v. Table the application for consideration at a specified future regular meeting; or
 - vi. Return the application to the Planning Commission for further consideration.

SECTION 14.5 EVALUATION OF ZONING AMENDMENTS

In considering applications for amendments to the Zoning Ordinance text or Official Zoning Map, granting conditional uses or in making other zoning decisions, the following factors shall be considered by the Director of Community Development and General Services Department, Planning Commission and City Council:

1. The impact upon the overall appearance of the City and impacts upon aesthetic conditions of adjacent parcels;
2. The impact upon thoroughfare congestion and traffic safety;
3. The impact upon population density and the potential for overcrowding and

urban sprawl;

4. The impact upon the provision of water, sewerage, transportation and other urban infrastructure services;
5. The protection of property against blight and depreciation;
6. Consistency with the adopted Comprehensive Plan;
7. The impact upon adjacent property owners if the request is approved;
8. The impact upon adjacent property owners if the request is not approved;
9. Any other factor effecting the health, safety, morals, aesthetics, convenience, order, prosperity, or the general welfare of the present and future inhabitants of the City of Riverdale.

SECTION 14.6 CONDITIONAL ZONING

1. Whenever the petitioner(s) or petitioner(s) for an amendment to the comprehensive zoning of the City consents as a condition to the granting of the rezoning to the conveyance of additional right-of-way to the City, such conveyance shall be completed within 60 days of the approval of the rezoning at a petitioner(s)'s expense; failure to complete conveyance to the City shall cause the immediate reversion of the zoning on any such parcel to its previous zoning classification.
2. Notwithstanding other provisions of this section, failure of petitioner(s) to secure a building permit and commence bona fide and substantial construction in accordance with City Council approved conditional zoning within 12 months of the granting of conditional zoning shall cause the immediate reversion of the zoning of any such parcel to its previous zoning classification.
3. All conditions and stipulations heretofore required by the City Council in approving conditional zoning shall remain in full force and effect, and all terms, conditions and objections imposed as a condition to rezoning under the conditional provisions of the preceding zoning regulations shall remain in effect and be binding.
4. Any cessation of development or construction after final plat has been legally recorded shall not cause a zoning reversion to its previous zoning classification. The conditions and stipulations of the approved conditional zoning shall remain in effect and be binding on subsequent owners. In order to accomplish this, the recorded final plat shall have fully described on it the conditions and stipulations mutually agreed on, in writing, when the City Council granted the conditional

zoning. Thereafter, removal of the conditional zoning classification shall require a rezoning petition and favorable decision by the governing authority.

SECTION 14.7 LAPSE OF TIME REQUIREMENT FOR REAPPLICATION

An application for rezoning or conditional use affecting the same property shall not be considered by the City Council more often than once every 12 months from the date of action by the City Council either approving or denying the request.

SECTION 14.8 APPEALS PROCESS

Any person or persons, jointly or severally, aggrieved by any decision by the City Council of the City of Riverdale, may take an appeal to the Superior Court through a writ of certiorari.

ARTICLE XV

FEE SCHEDULES

SECTION 15.1 SCHEDULE OF FEES, CHANGES AND REVISIONS

The City Council shall establish a schedule of fees, charges, and expenses and a collection procedure for rezoning applications, building permits, variances, appeals, and other matters pertaining to this chapter. The schedule of fees shall be posted in the office of the Community Development and General Services Department, and may be altered or amended only by the City Council.

Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

ARTICLE XVI

LEGAL STATUS PROVISIONS

SECTION 16.1 PROVISIONS DECLARED TO BE MINIMUM REQUIREMENTS

In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements, adopted for the promotion of the public health, safety, morals, or general welfare. Whenever the requirements of this chapter are at variance with the requirements of any other lawfully adopted rules, regulations, or ordinances, the most restrictive or that imposing higher standards shall govern.

SECTION 16.2 PENALTIES FOR VIOLATION

It is unlawful to violate the provisions of this chapter or fail to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances, special exceptions or conditional uses). Any person who violates this chapter or fails to comply with any of its requirements shall upon conviction thereof be subject to the penalties provided in Chapter 1, § 1-12. Each day such violation continues shall be considered a separate offense.

The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation.

SECTION 16.3 REMEDIES

If any building or structure is constructed, reconstructed, altered, repaired, converted or maintained or if any building, structure or land is used in violation of this chapter, the City Council of Riverdale or the Director of Community Development and General Services Department, or any adjacent or other property owner or anyone else who would be damaged by such violation, in addition to other remedies, may institute injunction, mandamus or other appropriate action in proceeding to stop the violation in the case of such building, structure or land use.

SECTION 16.4 SEVERABILITY

Should any section or provision of this chapter be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the chapter as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 16.5 REPEAL OF CONFLICTING ORDINANCES

All Ordinances or parts of Ordinances in conflict with this Zoning Ordinance, or inconsistent with the provisions of this Ordinance, including the Riverdale Zoning Ordinance, as amended are hereby repealed to the extent necessary to give this Ordinance full force and effect.

This Ordinance shall take effect and shall be in force from and after it is adopted and approved.

ADOPTED AND APPROVED by the City Council of the City of Riverdale, Georgia after a public hearing on the _____ day of _____, 2008.

, Mayor

ATTEST:

City Clerk