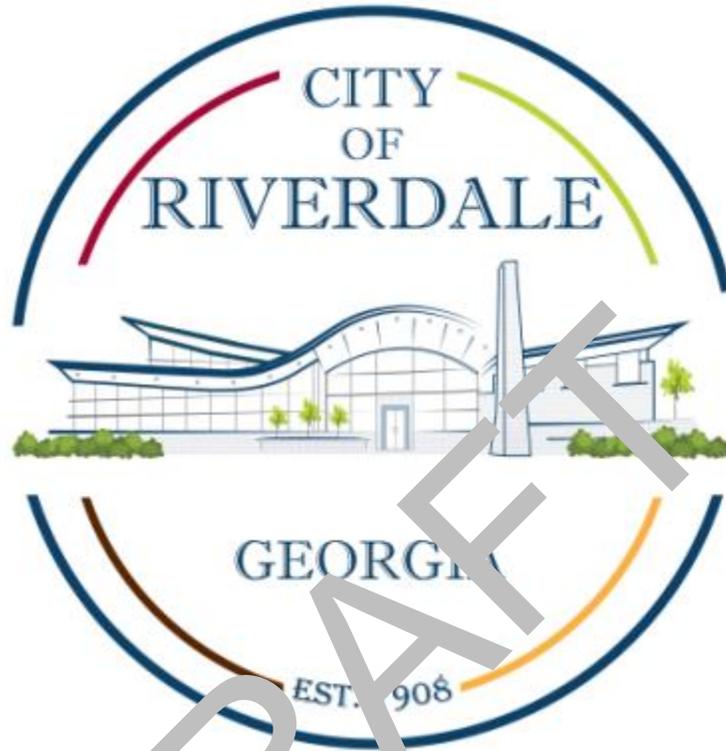


City of Riverdale, Georgia Zoning Ordinance



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**City of Riverdale, Georgia
Zoning Ordinance**

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ARTICLE 1. BASIC PROVISIONS

Introduction

An ordinance of the City of Riverdale, Georgia, establishing standards pertaining to the location and use of buildings and property; the size of lots and buildable areas, and the density and distribution of population; creating districts for such purposes and establishing district boundaries; defining certain terms appearing in the ordinance; providing the method of administration and amendment; acknowledging the authority and responsibility of the mayor and council and officers of the city; and providing for imposition of penalties for violation of the provisions of this ordinance.

Sec. 1.1. Enactment clause.

The Mayor and Council of the City of Riverdale, Clayton County, in accordance with the authority granted to cities by the Constitution of the State of Georgia (as amended through January 1, 2017), Article IX. Counties and Municipal Corporations, Section II. Home Rule for Counties and Municipalities, Paragraph IV. Planning and zoning which states, "The governing authority of each county and of each municipality may adopt plans and may exercise the power of zoning. This authorization shall not prohibit the General Assembly from enacting general laws establishing procedures for the exercise of such power." This Ordinance is also enacted under O.C.G.A. Title 36, Chapter 66 (2012) of the Georgia Code, Local Government Provisions Applicable to Counties and Municipal Corporations and in conjunction with the City of Riverdale Comprehensive Plan 2018 Update.

Sec. 1.2. Title.

This ordinance shall be formally known as the "City of Riverdale Zoning Ordinance" and may be cited and referred to as the "Zoning Ordinance."

Sec. 1.3. Jurisdiction.

This ordinance shall govern the development and use of all property within the corporate limits of the city of Riverdale, Clayton County, Georgia.

Sec. 1.4. Purpose.

Pursuant to authority conferred by the State of Georgia, and for purposes of promoting public health, safety, convenience, order, prosperity and welfare; minimizing congestion in the streets; securing safety from fire, panic, and other dangers; providing adequate light and air; preventing overcrowding of land; encouraging such timing, density and distribution of development that will facilitate economic and adequate provision of transportation, communication, water supply, drainage, sanitation, education, parks, recreation and other public facilities and services; protecting property values; preventing the overcrowding of land and undue concentration or dispersal of population; encouraging the most appropriate development and use of property in accordance with the Comprehensive Plan Update 2018; fostering greater economic development focusing on professional employment opportunities; promoting desirable living environments by reserving open space and creating walkable settings; facilitating mixed use districts that enhance resident convenience and accommodating employment and consumer services in close proximity to housing; promoting income, cultural and age diversity; expanding the range of housing types and home prices; and adopting architectural design standards that improve the quality of housing, the mayor and council of the City of Riverdale do hereby ordain and enact into law the following articles and sections.

This ordinance has been developed with reasonable consideration of the character of various zoning districts and their suitability for specific uses, and with the general objective of promoting desirable living environments, stable neighborhoods, attractive commercial districts, and desirable industrial areas; and protecting the natural resources of the city.

Sec. 1.5. Interpretation of certain terms.

Terms not defined in Sec. 1.6. Definitions shall be construed to have the meaning given by Merriam-Webster's Collegiate Dictionary, 2016 or later edition. Unless otherwise expressly stated, the terms found in Sec. 1.6 shall have the meaning indicated. Terms used in the present tense include the future tense. Terms used in the singular include the plural and terms used in the plural include the singular. The term "building" includes the term "structure." The term "shall" is mandatory; the term "may" is permissive. Used or occupied as applied to any lot or building shall be construed to include the terms "intended, arranged, maintained or designed to be used or occupied." The terms zone, zoning district and district have the same meaning and refer to the zoning districts established by this ordinance.

Sec. 1.6. Definitions.

Abandonment. The discontinuance of a use, activity or occupancy displaying no evidence of intent to continue or resume the use of a premises or land. Temporary or short-term interruptions to a use or activity during periods of remodeling, maintaining or otherwise improving or rearranging a building or property, during normal periods of vacation or seasonal closure or during a period of active marketing of a property for lease or sale shall not constitute abandonment. An "intent to resume" may be demonstrated by continuous operations in a building or portion of a building or land, maintenance of sewer, water and other public utilities; other evidence such as continuation of utility bills, delivery records, etc. See Sec. 10.6. Re-establishment following abandonment.

Abutting. Having a common border with, or being separated by only a right-of-way, alley, or easement. The term is synonymous with adjacent, adjoining and contiguous.

Accessory building. A building detached from the principal building on the same lot that is clearly subordinate to the principal building. Examples of accessory buildings include detached garages and carports, storage buildings, gazebos and pool houses.

Accessory dwelling. A second dwelling established in conjunction with and clearly subordinate to the primary dwelling, whether part of the primary dwelling or located in a detached accessory building on the same lot.

Accessory use. A use located on the same lot and under the same ownership as the principal use that is customary, incidental and subordinate in size and purpose to the principal on the lot.

Acre. An area of land equal to 43,560 square feet.

Addition. Any construction that increases the gross floor area of a building.

Administrative decision. Any determination made by the Community Development Director in applying this Ordinance.

Adult care center. A facility that undertakes through its ownership or management to provide basic adult care or adult care health services to more than six (6) adults not related by blood or marriage for less than

24-hour per day. Such individuals do not function fully independently, but do not need 24-hour nursing care. Such services include bathing, shaving, brushing teeth, combing hair, toileting, dressing, eating, grooming, taking medications, and transfers and/or ambulation. Adult care services facilities are administered by the Division of Aging Services housed within the Georgia Department of Human Resources. Adult care center includes any facility that regularly provides adult custodial services. This term does not include respite care services programs.

Adult care home. A private residence that provides basic adult care or adult health services to a minimum of three (3), but not more than six (6) adults, not related by blood or marriage 24-hours per day. Such individuals do not function fully independently, but do not need 24-hour nursing care. Services include bathing, shaving, brushing teeth, combing hair, toileting, dressing, eating, grooming, taking medications, and transfers and/or ambulation. Adult care services facilities are administered by the Division of Aging Services housed within the Georgia Department of Human Resources. Adult care home includes any facility that regularly provides adult custodial services. This term does not include respite care services programs.

Affordable housing. Living quarters available for a monthly rent not exceeding 30 percent of the total monthly household income of low-income households defined as a household earning less than 80 percent of the median annual income adjusted for household size, as determined by the United States Department of Housing and Urban Development (HUD); or living quarters that may be purchased with monthly payments including principal, interest, taxes, insurance, homeowners association fees, and assessments that do not exceed 30 percent of the total monthly household income of low-income households defined to be a household earning less than 80 percent of the median annual income adjusted for household size, as determined by HUD.

Agent. Any person authorized to act on behalf of a property owner.

Agriculture. Any form of farming, including plowing, tilling, cropping, seeding, cultivating, or harvesting for the production of food and fiber products (except commercial logging and timber harvesting operations); grazing or raising of livestock (except on feed lots); aquaculture; sod production; orchards; Christmas tree farms; nurseries; and the cultivation of produce as a commercial enterprise.

Air pollution. The emission of any contaminants in such place or manner which, when by itself or combined with other contaminants present in the atmosphere, is detrimental to or endangers public health, comfort, or safety, or which may cause injury or damage to property or premises.

Alley. A vehicle access used for service access to the rear or side of properties otherwise abutting on a street or a public or private thoroughfare that affords a secondary means of access to abutting properties.

Alteration, building or structural. Any change in the supporting members of a building, such as bearing walls, columns, beams, or girders except such changes as may be required for its safety; any addition to a building.

Amortization. A method of eliminating nonconforming uses by requiring termination of the nonconforming use, building or both, following a specified period. The amortization period is intended to afford the owner of the nonconforming use or building a reasonable period to continue the nonconforming use or building prior to termination. In this manner, the owner may recoup his or her investment in the nonconforming use or building made prior to the use or building becoming nonconforming by having been given a reasonable period to continue the nonconforming use or building prior to termination.

Animal hospital. Facility for the treatment or temporary boarding of domestic animals following a medical procedure performed by or under the supervision of a licensed veterinarian. The term does not include kennels or the boarding of animals in outside runs.

Assisted living facility. A personal care facility with a minimum of 25 beds, licensed by the Georgia Department of Community Health as an Assisted Living Community, and which provides meals and assistance with daily activities, such as dressing, grooming, bathing, etc. for the elderly or adults who are ambulatory, as defined by O.C.G.A. §31-7-12.2, but unable to manage these activities independently.

Bakery, retail. An establishment primarily engaged in preparing baked goods sold at retail and intended for off-premises consumption.

Bakery, wholesale. An establishment at which baked goods are produced for purchase by resellers of such goods intended for off-premises distribution. The term does not include on-premises sale, “over-the-counter” or other retail sale of baked goods.

Banquet hall. An establishment rented by individuals or groups to hold private functions such as anniversaries, dinners, reunions, weddings, and similar events. Banquet halls may offer kitchen facilities for preparation or catering of food and beverages only during scheduled events and are not available to the public. See also “Event center.”

Barber shop. An establishment that offers a variety of personal services to the public involving hair, facials, scalp massages or other treatments for compensation. Training of apprentices in a barber shop shall be deemed a customary accessory use but, shall not be the primary activity of the shop.

Barber shop or beauty salon workstation. An area within a beauty salon or barber shop assigned to a barber, stylist, or other employee to serve customers of the establishment.

Barbering schools and colleges. Any premises not operated as part of the public school system of Georgia where barbering is taught for a fee. The term does not include technical institutes whose programs have been approved by the Georgia Department of Technical and Adult Education.

Base flood elevation. A point on the ground, expressed as “feet above mean sea level” at which inundation by storm water or other surface waters may occur at a frequency of once every 100 years, or which is subject to a one (1) percent or greater chance of flooding in any given year.

Basement. That portion of a building having half or more of the distance between the ceiling and floor of the basement below the average grade at the exterior walls of the building.

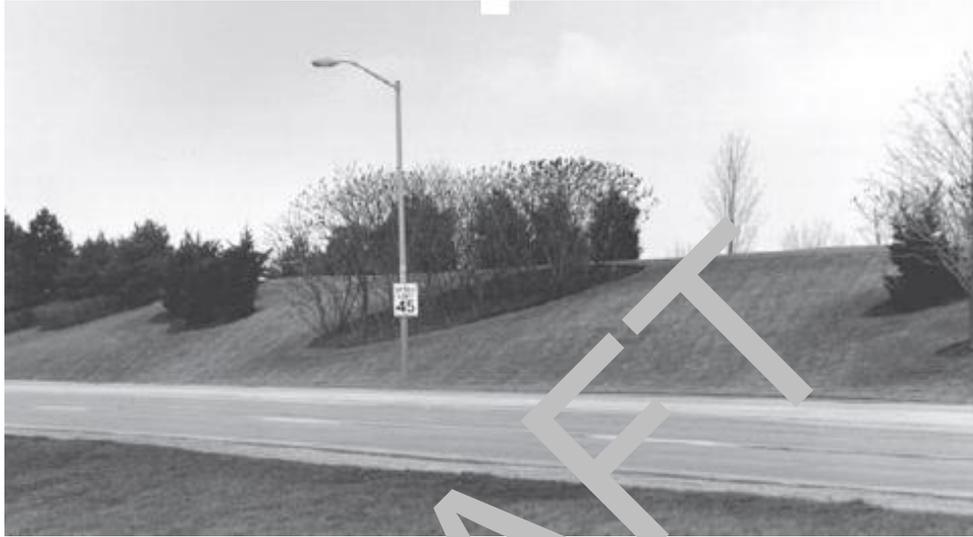
Base zoning district. A zoning district classification that may be combined with an overlay zoning district to assign specific development standards to a lot. The base, or “underlying” zoning district, controls the use and development of the property unless specifically superseded by the standards of the overlay district.

Beauty and barber supply establishment. A cosmetology supply establishment or a barbering supply establishment engaged in the wholesale and/or retail sale of related goods and materials.

Beauty salon. An establishment where cosmetology services are provided including hair care, nail care, and skin care on a regular basis for compensation. Training of apprentices in a salon shall be deemed a customary accessory use but, shall not be the primary activity of the salon.

Bed & Breakfast inn. A private residence offering sleeping accommodations to lodgers for compensation in the owner or operator's principal residence. Breakfast is served at no cost to lodgers, only. For the purpose of this ordinance, a lodger means a person who rents a room in a bed-and-breakfast establishment for 30 or fewer consecutive days.

Berm. An earth mound designed to provide visual interest on a site, screen undesirable views, reduce noise, or fulfill other such purposes.



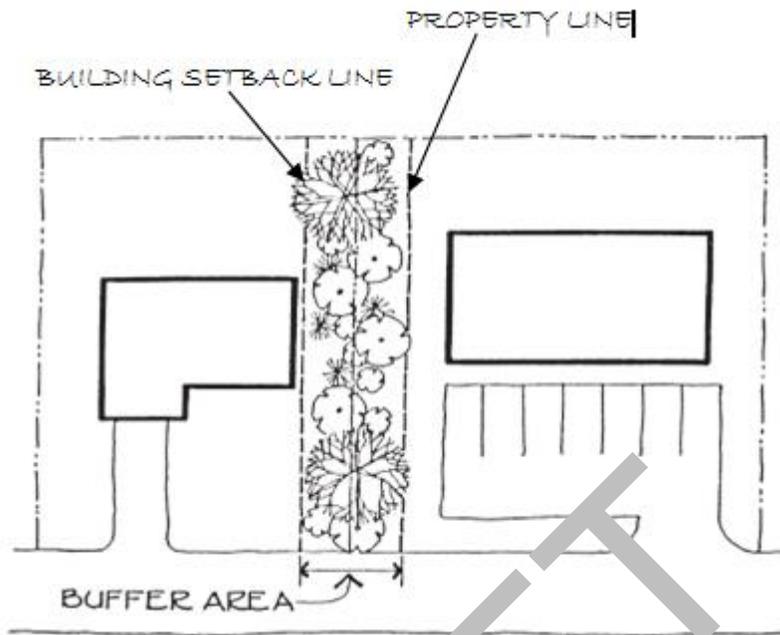
Billiard or pool hall. A commercial establishment containing more than two pool or billiard tables for the use of patrons. Billiard or pool halls may or may not sell alcoholic beverages.

Boarding house. A building where for compensation both lodging and meals are provided for two, but not more than ten 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 common kitchen facility is available to lodgers; no meals are provided to the public.

Body piercing establishment. An establishment engaged in the penetration the skin with a needle or similar instrument to insert various ornamental objects. Body piercing does not include the use of a mechanized, pre-sterilized ear-piercing system that penetrates the outer edge or lobe of the ear or both.

Body shop. A commercial facility that provides vehicle collision repair services, including body frame straightening, replacement of damaged parts, and painting. Body and frame repair does not include engine or power train repair.

Buffer. A portion of a lot dedicated to landscaped open space intended to visually screen one use from a more intense use by means of vegetation, screening and distance; to shield or diminish noise, light and undesirable views; or otherwise mitigate other incompatibilities and nuisances. The width of a buffer is measured from the common property line.



Building. Any structure attached to the ground completely enclosed within exterior walls having a roof for the shelter of persons, animals, or property.

Building articulation. Building articulation refers to the range of design elements, both horizontal and vertical, that help create a unique building facade. Various building materials, special ground-floor design treatments, facade modulation, corner treatments, building setbacks for upper stories, and facade elements such as transparency, building entrance, and other architectural details contribute to visual interest.

Building facade. The entire face of a building extending from the roof or top of a parapet wall to the ground and from one corner of the building to another.

Building height. The vertical distance measured from the average finished grade along the front of the building to the highest point of the roof. Chimneys, antennas, mechanical equipment and solar panels shall not be used in determining building height provided such features do not extend more than four feet above the height limit of the zoning district in which the building is located. Domes, towers, steeples or spires that are an integral part of religious buildings shall not be subject to this limit, provided such features are not occupied.

Building, principal. A building in which is conducted the principal use of the lot on which the building is located. A dwelling is the principal building on a residentially zoned or occupied lot.

Building, setback line. A line establishing the minimum allowable distance between any part of a building and the public right-of-way line measured perpendicularly. Covered porches, whether enclosed or not, shall be considered as part of the building and shall not project into a required yard.

Build-to line. A location on the ground generally parallel to the front lot line along which buildings shall be placed according to the zoning district in which the lot is located. Where a minimum and maximum build-to

line exists, the building may be placed anywhere between the two lines. The build-to-line shall be measured from the right-of-way.

Carport. A structure used for storage of a vehicle having a roof but not enclosed by walls and accessory to a dwelling unit. Carports may be attached to the dwelling or detached as a freestanding structure.

Car wash. A structure equipped with facilities for washing vehicles. Car washes may be “in-bay” or “self-service” car washes or automated, referred to as “conveyor car washes.” Conveyor car washes shall be subject to the Clayton County Water Authority Sewer Use Ordinance, Section 98-7 Pretreatment of Wastewater, subsection (L) Commercial Car Washwater Recycling Requirement adopted on March 6, 2018, as may be amended. Self-service and in-bay car washes shall be exempt from these requirements. See Sec. 4.3.2.35. Vehicle washing service for additional standards pertaining to car washes.

Catering service. An establishment in which the principal use is the preparation of food and beverages on the premises, and where such food and beverages are delivered to another location for consumption.

Certificate of occupancy (C.O.). A document issued by the City certifying that the use of a building or lot complies with this zoning ordinance and that any building on the lot has been erected in accordance with this ordinance, and that the building code and all other applicable codes and ordinances of the City of Riverdale have been met or that an appropriate variance has been granted as provided by this ordinance.

Check cashing establishments. A business that for a fee cashes checks, issues money orders and provides other financial services. The term does not include a state or federally chartered bank, savings association, credit union, or loan company. Retailers such as convenience stores that may cash checks in the course of their primary business shall not be deemed a check cashing establishment.

Child care learning center. Any non-residential place operated by an individual or any business entity recognized under Georgia law wherein are received for pay for group care, for fewer than 24 hours per day without transfer of legal custody, seven (7) or more children under 18 years of age and which is required to be licensed. Child care learning center also includes any day care center previously licensed by the Department of Human Resources and transferred pursuant to Code Section 20-1A-1 et seq.

Child caring institution. A child welfare facility licensed by the Georgia Department of Human Resources which provides full-time care for six (6) or more children through 18 years of age outside their own homes. Full-time care shall be defined as provided by regulations of the Georgia DHR, including, but not limited to, room, board and watchful oversight, as well as any of the services allowed under the definition of “personal care home.” Medical, nursing or health services are prohibited in a child caring institution.

Child care home. See "Family child care learning home."

City council. The mayor and council of the City of Riverdale.

Clear vision area. The vertical space between three (3) and eight (8) feet above grade and defined by the street property lines of a corner lot and a line joining points along the street lines 20 feet from their point of intersection.

Clinic. An establishment where patients are examined and treated by a physician, dentist or other health care professional on an out-patient basis.

Club, private. A building or facilities owned or operated by nonprofit association of persons who are bona fide members paying annual dues, with the use of premises being restricted to members and their guests for social, cultural, intellectual, fraternal, literary, political, recreational, athletic or similar activities operated for the benefit of its members and not open to the public. Such facilities are generally not operated for profit or for rendering a service customarily conducted for gain. The term includes “lodge.”

College or university. An educational facility that provides training beyond high school for students who attend classes in a campus setting. These facilities may offer associates, bachelors, masters, and doctoral degree programs.

Community Development Director. The officer of the City responsible for managing the Community Development Department or his or her designee.

Comprehensive plan. The official document adopted by the elected officials of a local government that sets forth goals, objectives, and policies to guide an array of decisions in the administration of the jurisdiction of the city. These decisions include investment in public infrastructure such as streets and water and sewer utilities and services such as police and fire. Importantly, the comprehensive plan contains a “Future Development Map” that guides land use decisions. The Plan forms the basis of the zoning ordinance that is the primary tool for implementing land use goals and objectives adopted in the Plan. In Georgia, the comprehensive plan encompasses population dynamics, housing supply, economic development, transportation, natural and historic resources, community facilities and services, intergovernmental cooperation and land use.

Condominium. A form of property ownership providing individual ownership of spaces within a building together with an undivided interest in the land or other parts of the building in common with the other owners. Typically, condominiums are attached dwelling units; however, office condominiums are also common.

Consumer retail goods. A retail establishment offering apparel, fashion accessories, furniture, household appliances and similar goods. Typical uses include clothing stores, department stores, appliance stores, TV and electronics stores, bicycle shops, book stores, costume rental stores, stationery stores, art galleries, hobby shops, furniture stores, pet stores and pet supply stores, shoe stores, antique shops, secondhand stores, record stores, toy stores, sporting goods stores, variety stores, musical instrument stores, medical supply stores, office supply stores, office furnishing stores and wig shops. The term does not include small box discount stores or grocery stores.

Convalescent home. An intermediate care facility, primarily engaged in providing nursing or rehabilitative services to residents who require watchful care or medical attention or treatment on a temporary basis, although staff is on duty 24 hours per day. Convalescent home shall not include hospitals, clinics or similar institutions devoted primarily to the diagnosis and treatment of sick or injured individuals.

Convenience retail goods. A retail establishment offering sundries, personal grooming products, health maintenance products, retail bakeries and similar uses that provide incidental food and beverage services as part of their primary retail sales business. Typical uses include convenience stores, drug stores, specialty food stores, wine or liquor stores, gift shops, newsstands, florists and tobacco stores. The term does not include small box discount stores or grocery stores.

Convenience store. A retail establishment offering a limited range of groceries, prepackaged foods, household goods, medicines, cosmetics, and beer and wine, and may offer on-site food or drink services

for immediate consumption. Convenience stores typically operate on extended hours and are designed to attract a large volume of stop-and-go traffic.

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.

Coworking Space. A facilitated environment which may contain desks or other workspaces and facilities and is used by a recognized membership who share the location to interact and collaborate with each other as part of a community. Rules for membership and participation in the coworking space are explicit, transparent and available to the public. Coworking spaces may host classes or networking events which are open to the public or to current and prospective members.

Covenants. Private deed restrictions imposed on land by private landowners which bind and restrict the land and apply to all present and subsequent owners. Covenants are enforced only by the landowners involved and not by the city or other public agency.

Cul-de-sac. A street having one end open to traffic and permanently terminated by a vehicular turn-around.

Curb cut. Any break in a street curb for the purpose of connecting a driveway to a street to provide vehicular access to abutting property.

Dangerous or hazardous use. Any activity conducted on property or in a building in any manner to create any injurious, noxious, or otherwise objectionable fire, explosion, or other hazard; noise or vibration, smoke, dust, odor, or other form of air pollution; heat, cold, dampness, electrical, or other disturbance; glare; liquid or solid refuse or waste; or other substance, condition, or elements in such manner or in such amount to adversely affect the property or adjacent or nearby property.

Dealer in precious metals or gems. An owner, manager, person or entity whose business involves receiving, buying, selling or trading precious metals such as gold or silver or platinum, including coins, and receiving, buying, selling or trading jewelry, gems or precious or semiprecious stones, whether known as a redemption center, gold and silver dealer, pawnshop, or any other name. The term shall not include purchases from licensed wholesalers in the normal course of business, nor pawnbrokers who only accept precious metals or gems on pawn or pledge.

Density. The number of dwelling units per acre of land.

Design standards. A set of guidelines concerning the architectural appearance and exterior finish materials of a building that governs the construction, alteration, or relocation of a building.

Detention pond. A natural or man-made structure, including wetlands, used for the temporary storage of storm water by providing for the controlled release of such waters to minimize downstream flooding.

Development standards. Regulations controlling the size of structures and the relationships of structures and uses to each other and to the boundaries of a lot. Development standards include regulations controlling maximum building height, minimum lot area, minimum lot frontage, minimum building setbacks, maximum lot coverage and maximum floor area ratio.

Domestic pet. A tame animal customarily kept for pleasure rather than utility or profit and that is typically kept within a residence or an outside run for personal use and enjoyment including domestic dogs, domestic cats, domestic potbellied pigs, canaries, parrots, parakeets, domestic tropical birds, hamsters, guinea pigs, lizards and turtles. Domestic pet does not include livestock, poultry, or snakes, nor does it include hybrids of animals normally found in the wild.

Drive-in or drive-through window. A building feature used to offer goods or services to customers who remain in their vehicles.

Dry cleaners. An establishment that accepts soiled laundry for cleaning without maintaining any laundry or dry-cleaning equipment or machinery on the premises.

Dry cleaning plant. A building used for cleaning apparel, fabrics, carpets, textiles, or articles of any sort by immersion and agitation, or by immersion only, in volatile solvents including, but not by way of limitation, petroleum distillate solvents or chlorinated hydrocarbon solvents and related processes.

Dwelling. A building or portion of a building designed, arranged and used for living quarters for one or more individuals living as a single housekeeping unit with cooking facilities, including single family, two family, multifamily dwellings, and manufactured dwellings, but not including hotels, motels or other buildings designed for transient residence or for group living arrangements such as rooming and boarding houses, fraternity and sorority houses. The term also includes dwelling units.

Dwelling, live-work. A dwelling that accommodates a living area and retail, commercial, service or office space. The commercial component may be the place of employment for individuals not resident on the premise; however, the owner of the dwelling must be a resident of the dwelling. No living quarters shall be permitted at the street level, although living quarters may be above the commercial space, to the rear and below street grade.

Dwelling, single family. A building designed for or occupied by one household consisting of a kitchen, dining area, sleeping quarters and bathroom.

Dwelling, two-family. A building designed for or occupied by two households living independently. The term is also known as a duplex.

Dwelling, multifamily. A building designed for or occupied exclusively by three or more households living independently. The term includes triplexes and quadruplexes, containing three dwelling units and four dwelling units, respectively.

Dwelling, efficiency. A dwelling consisting of not more than one habitable room together with kitchen or kitchenette and sanitary facilities.

Emission testing facilities. An establishment offering vehicle emissions testing as regulated by the state.

Family. A group of individuals related by blood, marriage, adoption, guardianship or other custodial relationship, or a group of not more than four (4) persons not so related, living together as a single housekeeping unit.

Family child care learning home. A private residence operated by any person who receives therein for pay for supervision and care fewer than 24 hours per day, without transfer of legal custody, at least three (3) but not more than six (6) children under 13 years of age who are not related to such persons and whose

parent(s) are not residents in the same private residence as the provider and which is required to be licensed by the Georgia Department of Early Care and Learning; provided, however, that the total number of unrelated children cared for in such home, for pay and not for pay, may not exceed six (6) children under 13 years of age at one time, except that a provider may care for two (2) additional children three (3) years of age or older for two (2) designated one hour-periods daily upon approval by the Georgia Department of Early Care and Learning.

Fee simple. A form of land ownership that encompasses all property rights, including the right to develop the land.

Fence. An enclosure or barrier consisting of masonry or concrete walls, excluding retaining walls, or wood, vinyl, metal or concrete posts connected by boards, rails, panels, wire, or mesh used as a boundary, a means of protection, privacy screening or confinement, but not including hedges, shrubs, trees, or other natural growth manufactured specifically for fencing.

Fenestration. The arrangement, proportion and design of windows and other openings in a building, including doors.

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

Floor area, heated. The gross finished horizontal area of all floors of a dwelling in which temperature is controlled by an HVAC system.

Floor area, gross. The total interior space in a building encompassed by all exterior walls and including all stories.

Food truck. A motorized vehicle or trailer drawn by a motorized vehicle used to prepare and sell food to the public directly from the vehicle or trailer.

Food truck court. An area designated in a private parking lot that is accessory to a permitted use conducted in a building on the lot or a permitted uses on a freestanding commercial parking lot, subject to the requirements of Sec. 4.3.18. Food trucks of this ordinance.

Food truck vendor. Any person or entity that prepares and sells food from a food truck in a designated food truck court.

Fresh or fresh frozen food. Food for human consumption that is unprocessed, or otherwise in its raw state; food that was quickly frozen while still fresh. The term includes unprocessed meat and seafood.

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.

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

Funeral home. A building or portion of a building used for human funeral services. "Funeral homes" may include the following facilities and services, but shall not include facilities for cremation:

- A. Bodies to lie in state;
- B. Chapel areas for services;
- C. Embalming and performance of other services used in preparation of the deceased for burial;
- D. Performance of autopsies and other surgical procedures;
- E. Storage of caskets, funeral urns and other related funeral supplies and equipment; and
- F. Storage of funeral vehicles.

Garage. An accessory building or portion of a principal building, used primarily for vehicle storage.

Grocery Store. A retail establishment engaged in the sale of a general line of groceries, packaged frozen foods, dairy products, poultry and poultry products, confectioneries, fish and seafood, meats and meat products, fresh fruits and vegetables, and related products where frozen or fresh frozen foods including fresh meat, poultry, seafood, fruits and produce comprise a minimum of twenty-five (25) percent of store shelf space and display areas. Grocery stores may include a restaurant as an accessory use for on-premises consumption of food and beverages.

Halfway house. A facility licensed by the state that provides housing, meals, care, supervision, training and treatment or rehabilitation to individuals on supervised release from the criminal justice system and who have been assigned by a court to a residential facility in lieu of placement in a correctional institution; or to individuals who have been institutionalized and released from the criminal justice system; or to individuals suffering from the effects of drug or alcohol addiction which render functioning in society difficult and who require the protection of a supervised group setting. The purpose of a halfway house is to afford a transition period for individuals released from the criminal justice system prior to re-entering the community.

Health department. The Office of Environmental Health Services, a division of the Clayton County Board of Health, is the enforcement agency for the Georgia Department of Public Health.

Home occupations. Business occupations, trades or professions customarily carried on by residents of a dwelling as an accessory use clearly incidental to the residential use of the dwelling.

Homeless shelter. Also known as a "transitional housing facility," a building in which is provided long-term, overnight accommodations not to exceed 16 hours each day, and related services, but no permanent living accommodations for more than four (4) individuals who have no permanent residence and are in need of long-term housing assistance. Homeless shelters may also provide meals and social services, including counseling and substance abuse recovery assistance; however, such facilities are not among those mandated by State government.

Hospital. An institution licensed by the Georgia Department of Community Health providing primary health care services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, or other abnormal physical or mental conditions, and including as an integral part of the institution, related facilities such as laboratories, outpatient facilities and training facilities.

Hotel. A facility offering lodging accommodations for compensation to the public on a nightly basis and in which access to all guest rooms is made solely through an inside lobby.

Hotel, extended stay. A hotel in which a maximum of ten (10) percent of hotel or motel guest rooms may have fixed cooking appliances. For purposes of this section, the term "fixed cooking appliances" shall mean a stove top burner; a hotplate that does not serve as an integral part of an appliance designed solely to produce coffee; a conventional oven; a convection oven; or any oven producing heat using resistance heating elements, induction heating, or infrared heating sources.

Impound yard. Property used for temporary, outdoor storage of wrecked motor vehicles usually awaiting insurance adjustment or transport to a repair shop, but may also include vehicles towed from public or private property on which parking is illegal.

Industrialized building. A structure or component thereof that is, or in substantial part made, fabricated, formed, or assembled in manufacturing facilities for installation on a building site on a permanent foundation and has been manufactured in compliance and conformity with the Industrialized Building Act of the State of Georgia, 1982 Ga. Laws, page 1637 (O.C.G.A. title 8, ch. 2, art. 1, § 1) as the same may be amended from time to time and complies with standards applicable to a site-built building.

Industrialized or modular dwelling. A single family dwelling manufactured in one or more sections in accordance with the Georgia Industrialized Buildings Act as amended, and the rules of the Georgia Department of Community Affairs. An industrialized or modular dwelling unit is designed for placement on a permanent foundation and not intended to be moved at a later date. Such units do not have a permanent chassis, axles or wheels.

Inoperable vehicle. Any motorized vehicle incapable of immediately being driven and not properly licensed or insured in accordance with state law.

Jewelry store. A retail establishment offering merchandise comprised of precious metals to the public. Jewelry store does not include a dealer in precious metals or gems or a pawnshop as defined herein.

Junk. Scrap or waste material of any kind collected or accumulated for resale, disposal, or storage.

Junk yard. A lot or portion of a lot used for the collection, storage, and sale of waste paper, rags, scrap metal, or discarded materials; or for the collecting, dismantling, storage, salvaging, or sale of inoperable vehicles, used vehicle parts or machinery.

Junked vehicle: Any vehicle which is in such disrepair as to be unusable, constitutes a nuisance or health or safety hazard or, is not licensed in accordance with O.C.G.A. § 40-2-20 (2010).

Kennel, commercial. A commercial establishment where three or more dogs, cats over three months of age, or other domestic animals of any age are kept, raised, sold, boarded, bred, shown, treated, trained or groomed for commercial gain.

Kennel, non-commercial. The keeping, breeding, raising, showing, or training of four or more dogs over six months of age for personal enjoyment of the owner or occupants of the property, and for which commercial gain is not the primary objective. See Sec. 4.3.3.1. Domestic pets.

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 resulting in an environmental hazard. Such wastes are limited to fill dirt, concrete, cured asphalt, rock, bricks, lumber, stumps, and yard debris, including tree limbs and leaves. The term excludes industrial and demolition wastes, and hazardous wastes such as construction debris contaminated by lead or materials containing asbestos not specifically listed above.

Landscaping. An area of a site dedicated to lawns, trees, plants, wooded areas, water courses and other organic or inorganic materials used to enhance the appearance of the property or mitigate the impacts of development.

Laundering establishments. Laundromats, coin laundries and all establishments offering public self-service laundry facilities for washing clothes and other fabrics. The term does not include dry cleaners or companies that offer laundering services for compensation.

LEED (Leadership in Energy and Environmental Design). An internationally recognized green building certification system, providing third-party verification that a building was designed and built using strategies intended to improve performance in metrics such as energy savings, water efficiency, CO₂ emissions reduction, improved indoor environmental quality, stewardship of resources and sensitivity to the impacts of the building.

Livestock. Cattle, horses, goats, sheep, swine, and other hoofed animals; poultry, ducks, geese and other 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 reserved for temporary use in the pickup and delivery of goods.

Lobby. A public, interior waiting area 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 separate spaces for public use such as restrooms or offices.

Lot. A parcel of land separate from other parcels as defined by a legal description as on a subdivision plat of record, a property survey or as described by metes and bounds, which may be developed and occupied by any use allowed by the zoning district assigned to the parcel. 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 average horizontal distance between the front and rear lot lines.

Lot, double frontage. Any lot, other than a corner lot, which has frontage on two streets.

Lot line, front. The front property line coincident with a street right-of-way line. On a corner lot, the front lot line shall be the line having the least dimension.

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

Lot of record. A lot identified on a plat that has been recorded with the Clerk of Superior Court of Clayton County or a parcel of land, the deed of which has been recorded in the Clerk of Superior Court of Clayton County as of the effective date of this ordinance.

Lot coverage. The area of impervious surfaces, including building foot print, drives and parking spaces, walks and any other surface that prevents water from entering the ground divided by total lot area. Lot coverage is represented in this ordinance by a maximum lot coverage ratio that varies with the zoning of the property.

Lot width. The distance between side lot lines measured at the minimum, front yard setback.

Maker Space. A collaborative work space which allows members access to fabrication tools similar to those in machine shops or other light industrial facilities for making, learning, exploring and sharing.

Manufactured home. Class I is a single family dwelling unit meeting National Manufactured Home Construction and Safety Standards, approved by the Georgia Department of Insurance and bearing an insignia issued by the U.S. Department of Housing and Urban Development, or a single family dwelling unit that, if constructed prior to applicability of such standards and insignia requirements, was constructed in conformity with the Georgia State Standards in effect on the date of manufacture.

The term "manufactured home" includes "mobile home." Recreation vehicles and modular homes are not included in this definition.

Manufactured home park. A parcel of land that has been planned and approved for placement of manufactured homes. Spaces or lots are set aside and offered for rent to accommodate manufactured homes for residential occupancy. A manufactured home park does not include a manufactured home sales lot on which unoccupied manufactured homes are placed for inspection or sale.

Massage establishment. A personal service involving the manipulation of tissues by rubbing, kneading or tapping with the hand or an instrument for therapeutic purposes.

Microbrewery. An establishment offering the retail sale of beer brewed on the premises to the public. Customers may purchase beer in a container owned by the customer known as a "growler." Such establishments may include a restaurant or limited food sales as an accessory use.

Mobile home. A detached, single family dwelling designed for long-term occupancy transported on its own wheels, arriving at the site as a complete dwelling unit, usually including major appliances and furniture, and ready for occupancy. Removal of the wheels and placement on a foundation does not change the classification of the unit.

Modular home. A factory-built, single family dwelling that is constructed in one (1) or more sections and complies with the definition of "industrialized building" designed to be placed on a permanent foundation as a permanent structure with the appearance of a conventional on site constructed building and to be used for residential purposes. A modular home is not a mobile home.

Motel. A facility offering lodging accommodations for compensation primarily to the motoring public on a nightly, weekly or monthly basis and in which access to guest rooms may be accessed directly from parking areas.

Nightclub. An establishment having a minimum capacity of 100 persons with all booths and tables unobstructed and open to view which offers the sale of alcoholic beverages and in which music, dancing or entertainment is featured.

Nonconforming use. Any use of land or building lawfully existing on the effective date of adoption of this ordinance that was rendered out of compliance with one or more standards of the ordinance as a result of such adoption.

Nursing home. An establishment providing inpatient nursing and rehabilitative services to patients who require continuous medical supervision, providing skilled nursing care and rehabilitative nursing care as defined by the rules and regulations of the Georgia Department of Community Health and is licensed as a “nursing home” by the Department. Care must be ordered by and under the direction of a physician. Staff must include a licensed nurse on duty continuously with a minimum of one (1) full-time registered nurse on duty during each day shift.

Personal care home. An establishment, whether operated on a for profit or nonprofit basis, and licensed as a personal care home by the Georgia Department of Community Health, which undertakes through its ownership or management to provide, or arrange for the provision of housing, food service, and other necessary services for adults who are not related to the owner or administrator by blood or marriage.

Personal care home, congregate. A personal care facility that offers care as described under personal care home in which seven (7) or more individuals reside.

Personal care home, family. A dwelling, whether operated for profit or not, which undertakes through its ownership or management to provide or arrange for the provision of housing, food service, and one or more personal services for not more than six (6) individuals who are not related to the owner or administrator by blood or marriage.

Personal care home, registered. A personal care home registered with, but not licensed by, the Georgia Department of Community Health pursuant to the provisions of O.C.G.A. §31-7-12 and any regulations promulgated by the Department of Community Health pursuant thereto. A personal care home, registered offers care to one (1) but not more than three (3) individuals. For purposes of determining potential locations for this use, personal care homes, registered, shall be treated as a family personal care home.

Office. An occupancy of a building that features administrative activities as opposed to retail sales or fabrication such as that conducted in an industrial building.

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 public record comprised of a graphic representation of every property in the city limits which defines the boundaries of the zoning district assigned to various properties. The Official Zoning Map and the text of the zoning ordinance comprise the zoning ordinance.

Outdoor amusement enterprises. Establishments including, but not limited to, drive-in theatres, pony rides, miniature golf, carnivals and bazaars that are in operation for 60 or fewer calendar days.

Overlay district. A set of standards that are in addition to and superimposed upon the base zoning district or underlying district. Overlay districts typically address enhanced architectural design and materials standards and streetscape and site landscaping standards or may be used to protect historic resources.

Parking space. An area marked on pavement defining the location reserved for temporary storage of a motor vehicle having suitable access to a public street or alley and sufficient maneuvering room.

Pawnbroker. Any person or entity that lends or advances money for profit on the pledge or possession of person property, or other valuable items other than securities or written evidences of indebtedness in any manner, or any person or entity that deals in the purchasing of personal property or other valuable items on condition of selling the same back to the seller at a stipulated price within a specified period.

Place of worship. A building where persons assemble primarily for religious worship and conducting religious activities which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such primary purpose. Such uses include schools, religious education, social gathering rooms, food service facilities, indoor and outdoor recreation facilities, and child day care centers. The term includes synagogue, temple, mosque, church or other such place for worship and religious activities. The term does not include any building or property owned or operated by a religious organization or group that is not primarily used for religious worship or other religious activities.

Planning commission. The planning commission of the City of Riverdale as described in Division 2. City Planning Commission of the City Charter.

Principal use. The primary activity conducted on a lot.

Psychic service establishment. Commercial premises that provide services involving sensitivity to non-physical or supernatural forces and influences; or marked by extraordinary or mysterious sensitivity, perception or understanding; and include, but are not limited to palm readers, astrologers, psychics and crystal ball readers.

Recreational vehicle. A motorized vehicle designed as a site living accommodations for travel or recreation purposes having no foundation other than wheels or jacks; also referred to as a motor home.

Recycling center, building materials. The collection and indoor storage of used lumber, brick, windows and doors, fireplace mantels, lighting and bathroom fixtures and other architectural elements and construction components for reuse. Used appliances shall not be considered building materials.

Restaurant, drive-in. Any premises used for the sale, dispensing or serving of food or beverages to customers in private vehicles, including the on-premises consumption of food or beverages.

Restaurant, fast food. An establishment at which customers are served food or beverage for on-premises consumption at a table or counter or in a vehicle in packages prepared for off-premises consumption. Such establishments do not provide wait staff service. The term includes carry-out, drive-through, drive-in and curb service restaurants.

Restaurant, full service. An establishment that offers food and beverages are prepared, served and consumed within the building or outside on the premises; also known as a "sit down" restaurant.

Retention ponds. Also referred to as wet ponds, retention ponds maintain a pool of water throughout the year and hold stormwater runoff following storms. The permanent pool of water characterizing retention ponds fluctuates in response to precipitation and runoff from the surrounding areas contributing to storm water and ground water flows. Unlike retention ponds, detention ponds hold water for a short period before discharging to a downstream water body.

Right-of-way. An area of land established for providing vehicle access to adjacent properties, for placement of public infrastructure and quasi-public utilities and for streetscape improvements such as lighting, landscaping and directional signs.

Retail establishment. A commercial business that sells commodities or goods in small quantities to consumers and may sometimes be referred to as a "retail shop." Such businesses may be classified as a "retail establishment" only when the business is not specifically classified elsewhere.

Rezoning. A change in the zoning classification or the conditions of zoning affecting a lot.

Rooming house. A building where for compensation lodging, only is provided for two, but not more than ten persons, provided that a single family dwelling shall not be deemed to be a rooming house by reason of a contribution to, or an expense sharing arrangement with, the owner or tenant occupying the dwelling by a person related by blood or marriage. Kitchen facilities are not available to lodgers and no meals are served to lodgers.

Row house. One of a series of single family attached dwellings, often of similar or identical design, situated side by side and sharing common walls.

Schools. Organizations or institutions that provide pre-school and pre-kindergarten through 12th grade instruction. Private schools as defined by O.C.G.A. § 20-2-690 are encompassed within this definition. Qualifying entities must comply with all applicable state laws and regulations including, but not limited to, any applicable licensing requirements concerning such instruction. The term does not include child day care facilities.

Scrap tire processing plant. A facility that grinds, chews, chops or otherwise processes scrap tires for secondary use.

Screening. A method of shielding or obscuring an objectionable view on an abutting or nearby property from another property by open fencing, walls, berms, densely planted vegetation or similar means.

Service station. Buildings and premises where the primary use is the retail sale of fuel to the public, and where the incidental sale of oil, batteries, motor vehicle accessories and minor vehicle repair services may be provided. Such services shall not include major mechanical or body work, engine, transmission or differential repair, straightening of body parts, painting, welding or other work involving noise, glare, fumes, smoke or other offensive characteristics perceptible beyond the property boundary.

Shipping container. Also known as cargo containers, a standardized, reusable metal box used in the transport of freight, goods and commodities and designed for mounting on a rail car or a truck trailer, or loaded on a ship. Alternate uses of shipping containers include dwellings, dormitories and commercial building and storage applications.

Shopping center. A group of retail establishments planned, built, and managed by a single entity. Off-street parking and landscaped areas are provided on site; indoor pedestrian malls or plazas may also be provided.



shopping center

Single housekeeping unit. A group of individuals jointly occupying a dwelling unit that share a lease agreement, have consent of the owner to reside on the property, or own the property; jointly use all common areas including living, kitchen and dining areas, and share household responsibilities such as meals, cleaning, expenses and maintenance; and whose make-up is determined by the members of the dwelling rather than by the landlord, property manager, or other third party. The term does not include a boarding or rooming house.

Small Box Discount Store. A retail establishment having a floor area below 12,000 square feet and offering a variety of convenience retail goods and consumer retail goods a majority of which sell for less than \$5.00 each. Such stores are not characterized as follows:

- Dedicate a minimum of 500 square feet of floor area to fresh or fresh frozen meats, fruits and vegetables;
- Contain a prescription pharmacy; or
- Sell vehicle fuel.

Spa. An establishment that offers massages and a minimum of four other personal services, each of which requires a state license. Examples include manicures, pedicures, waxing, wrapping, tanning and facials.

Special use. A use that is not automatically permitted by right, but which may be permitted subject to compliance with specific standards found in Article 4. Development Standards of this ordinance and any conditions assigned to an approval of a special use by city council.

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 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.

Street, public. The paved area located with the public right-of-way designed and built to accommodate vehicular traffic and used by the public to access property and the larger street network.

Street, private. The paved area located within a private development that has not been dedicated to the city and is used to access property within such developments. Private streets may be restricted to the use of owners of property within the development and are maintained by the developer or a subsequent ownership entity.

Structure. Anything constructed or built having a fixed location on the ground or attached to something having a fixed location on the ground, excluding in-ground swimming pools, fences and walls.

Subdivider. The person, firm or corporation having a proprietary interest in land to be subdivided or the authorized agent of such person, firm or corporation that may apply for the subdivision of such land under the City of Riverdale Subdivision Regulations.

Subdivision. The process of dividing land into two or more lots or the combination of lots resulting in one or more new lots; also refers to a development consisting of subdivided lots.

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

Swimming pool. Any permanent structure, tank or basin recessed in the ground or attached to the ground for wading or bathing.

Tattoo parlors. Establishments that provide services that create an indelible mark on the body by insertion of pigment under the skin or by production of scars.

Tobacco retail establishments. Retail establishments in which the sale of tobacco and tobacco-related products exceed 50 percent of the total value of the merchandise in inventory.

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.

Tool and light equipment sale or rental. A commercial establishment engaged in the rental or sale of tools such as circular saws, chain saws, weed eaters and light equipment such as electrically-powered jack hammers, log splitters or utility trailers. Tool and light equipment sale or rental shall not include the sale or rental of vehicles, heavy equipment, trucks, boats, motorcycles or RVs.

Trailer, travel. A non-motorized vehicle, pulled by an automobile or truck, designed for the exclusive off premises use for travel or recreation purposes.

Trailer, utility. A vehicle designed to be towed by a motorized vehicle which may be open as in a landscape trailer or closed as in a car hauler. Utility trailers classified as up to Class IV which are rated up to 10,000 pounds are considered light duty and include boat trailers, horse trailers and landscape trailers. Utility trailers having a rating above Class IV are considered commercial vehicles and shall be regulated as heavy trucks.

Tutoring services. Educational instruction offered to school-age children as a supplement to public or private school education.

Use. The purpose for which land or a building is designed, arranged or intended, or for which land or a building is occupied, maintained or leased.

Use permitted "by right." Any use of a lot complying with all standards of the zoning district in which such lot is located and other applicable ordinances without further approvals with the exception of appropriate development and building permits.

Variance. A relaxation of the standards of this ordinance based on extraordinary conditions associated with a particular property where a strict application of such standards would comprise an unnecessary and undue hardship.

Vehicle, abandoned. A motor vehicle or trailer which (1) has been left by the owner or an agent of the owner with an automobile dealer, repair shop or wrecker service for repair or other reason and has not been retrieved by such owner or agent within 30 days after the agreed upon time or, if no such time is agreed upon, within 30 days after the vehicle is turned over to such an entity; (2) has been left unattended on a public right-of-way or other public property for five or more days; (3) has been lawfully towed onto the property of another at the request of a law enforcement officer and left for 30 or more days without payment of all reasonable charges for such towing and storage; (4) has been lawfully towed onto private property at the request of a property owner on whose property the vehicle was abandoned for 30 days or more without payment of 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 rental or leasing establishment. A commercial enterprise in which the primary business is the leasing of motor vehicles by the day or week and may include long-term leasing typically for more than one calendar year.

Vehicle repair garage. A building and premises where the primary use is the repair of passenger automobiles, trucks and vans limited to Class 2 vehicles having a gross vehicle weight rating of 10,000 pounds or less. Repair activities may include engine and transmission repair or replacement, but shall not include body shop services.

Vehicle service establishment. An establishment at which minor vehicle services are performed, including but not limited to tire sales, oil change, tune-ups, brakes and other minor repairs.

Vehicle sales establishment. A commercial enterprise in which the primary business is selling passenger cars, trucks, and vans at retail to the public. Such trucks and vans shall not exceed a Class 2 GVWR rating. "Vehicle sales" may include long-term leasing of vehicles typically for more than one calendar year.

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 services of the clinic and makes limited use of outdoor runs.

Warehouses, mini. A commercial facility providing secured spaces for storage of personal property.

Warehouses, climate-controlled. A commercial facility providing secured spaces for storage of personal property, which are protected from temperature and humidity extremes and are accessed solely by way of interior hallways.

Waste incinerator. Any facility that reduces waste volume by burning at a high temperature for a specified period. This term excludes air curtain destructors used for the on-site burning of yard trimmings and wood wastes as regulated by the Georgia Forestry Commission.

Wine store. A retail establishment specializing in the sale of wine and consumer products associated with wine.

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 are specifically allowed and accessory buildings may be placed.

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 yard setback line projected to the side boundary lines of the lot. The front yard of a corner lot shall be the frontage having the least dimension.

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 boundary line of the lot and the rear yard setback line projected to the side boundary lines of the lot.

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

Youth entertainment center. A commercial establishment dedicated to recreation and other activities for children ages 12 and under.

Zoning district. A classification used to identify the purpose, allowed uses and development standards of that classification and assigned to properties within the city limits of Riverdale as reflected on the zoning map.

Zoning ordinance map amendment. Also referred to as a property rezoning, a change to the zoning classification of property or properties as reflected on the official zoning map.

Zoning ordinance text amendment. A change to the text of the zoning ordinance.

Secs. 1.7. – 1.16. Reserved.

ARTICLE 2. PROVISIONS FOR OFFICIAL ZONING MAP AND ESTABLISHMENT OF DISTRICTS

Sec. 2.1. Official zoning map.

The city of Riverdale is divided into zoning districts, as shown on the official zoning map that together with all explanatory matter such official zoning map is hereby adopted by reference and declared part of this ordinance.

The official zoning map shall be authorized by the signature of the mayor, attested by the city clerk, and bear the seal of the city under the following statement: "This is to certify that this is the official zoning map referenced in the zoning ordinance of the city of Riverdale."

Sec. 2.2. Replacement of official zoning map.

The event the official zoning map is damaged, destroyed, lost or difficult to interpret due to the nature or number of revisions, mayor and council may adopt a new official zoning map by resolution that shall replace the previous official zoning map. Drafting errors or other errors or omissions in any previous official zoning map may be corrected on the new official zoning map, but no such correction shall have the effect of amending the original official zoning map. Unless the previous official zoning map is lost or destroyed, that previous map or any significant remaining portions of that map shall be preserved, together with all available records pertaining to its adoption and amendment.

Sec. 2.3. Establishment of districts.

For purposes of this ordinance, which among other things is to assure property rights to individual lots, the land area of the city of Riverdale is divided into the following zoning districts:

Residential Districts

The following zoning districts represent the residential districts established in the city of Riverdale.

"R-1" Single family detached residential district. The R-1 District is established to accommodate households seeking a suburban lifestyle on relatively large lots.

"R-2" Single family detached residential district. The R-2 District is established to accommodate households desiring an urban lifestyle on moderately sized lots.

"R-3" Residential attached district. The purpose of the R-3 District is to provide housing options for households that choose to rent living quarters rather than purchase for a variety of reasons. Duplexes, tri-plexes and quadruplexes are allowed dwelling types in the R-3 District.

"MR" Multifamily district. The MR District is established to accommodate demand for attached dwelling units involving virtually no property maintenance. Permitted densities are not considered excessive in the context of the urban area that characterizes Riverdale. Such densities should be accommodated in locations well served by public infrastructure, particularly the transportation network comprised of collector and arterial streets. Optimally, MR Districts are located at the periphery of single family detached neighborhoods, providing a transition in use from more intense uses such as pedestrian scale commercial establishments to such low density neighborhoods. Rental apartments, and condominiums and townhouses intended for owner-occupancy, are among the allowed dwelling types.

Commercial Districts

The following zoning districts represent the commercial districts established in the city of Riverdale.

“NC” Neighborhood Commercial District. The Neighborhood Commercial District is intended to serve the consumer needs of adjacent neighborhoods. Uses are limited to those that will not tend to attract shoppers from beyond those neighborhoods. Properly located, the NC District is walkable for nearby residents. Building sizes are restricted to small shops to achieve a pedestrian scale. Drive-through businesses are prohibited to foster walking.

“GC” General Commercial District. The General Commercial District acknowledges the auto-dependent character of the development pattern along Riverdale’s arterials such as Highway 85 and Highway 138. This District protects the substantial investments made by the owners of such properties and the contribution of these businesses to Riverdale coffers. The broad range of uses permitted in the General Commercial District assigned to these commercial corridors yields more options in identifying tenants thereby enabling owners to better tap into market demand represented by the substantial traffic volumes along these corridors.

“O-I” Office-Institutional District. The O-I District is a typical office-institutional district that should be promoted by the city of Riverdale as a source of high paying jobs. As with the majority of zoning districts in the ordinance, the O-I is an exclusive district, prohibiting low density residential development that could compete with office development in a market where vacant land is limited. Given that reality, development standards that foster high intensity development, in combination with a reservation of open space, are intended to create park-like settings that will attract and sustain office tenants and employees. Institutional uses such as places of worship and schools of all types are also allowed in the O-I District. Buffers and setbacks can facilitate an appropriate transition from office and institutional uses to either neighborhood commercial districts or multifamily districts that would be appropriate uses to step down from O-I District uses to single family neighborhoods.

“H” Hospital Overlay. The Hospital Overlay recognizes the limited amount of land in close proximity to Southern Regional Medical Center and the “economic engine” the Medical Center represents to Riverdale. Accordingly, the Overlay features greater building mass, zero lot line development and reduced parking ratios. A limit is placed on uses that are not medically related and have the potential to displace medically related uses and attract motorists that would add traffic congestion inappropriate to a location characterized by frequent emergency vehicle traffic. The Hospital Overlay allows multifamily development targeting hospital employees and medical staff and would also allow “suites” hotels for visiting medical professionals and family members of patients. The allowed uses represent the full range of life cycles, including child day care, adult day care and long term care such as nursing homes and skilled nursing centers. Hospice facilities are also allowed.

“MU” Mixed Use District. The MU Mixed Use District is intended to accommodate flexibility in design and a mix of uses to empower private developers to build projects that will lease up and sell, and that investors and mortgage lenders will finance. Architectural and Urban Design Standards developed for the Town Center Mixed Use District are incorporated into the MU District. Applied to properties at such intersections as Main Street/Valley Hill Road at Highway 85, and Highway 85 and Highway 138, the Mixed Use District can facilitate transformation of the primary function of Riverdale’s arterials as commuter routes into destination environments. The preferred configuration

is nodal development, reserved for such key intersections. Given traffic volumes, these properties are expected to focus on commercial uses with vehicle and pedestrian circulation that favors a menu of shops and services for commuters rather than the single purpose shopping of “get it and go,” strip commercial development. The MU District is characterized by upscale, architectural design standards and open space reservation that create inviting settings. Reduced parking ratios to allow more vertical construction, less pavement and incentives to place new building construction at the street rather than on the deep building setbacks typical of suburban locations are hallmarks of the Mixed Use District. Mixed Use District developments incorporate residential uses such as townhouses to the rear of office and commercial developments, buffering nearby single family neighborhoods.

“TCMU” Town Center Mixed Use District. The TCMU Town Center Mixed District is intended to inspire private market development such as that seen in other “Livable Centers Initiative” town centers across the Atlanta region. The enhanced architectural style showcased by a unique city hall and community center building is expected to attract similar private market development. The TCMU District accommodates substantial development intensity in a range of complementary uses that will foster a sense of place.

The town center is viewed as the focus of development in Riverdale where residents and visitors can interact in a walkable setting offering a range of amenities. These amenities include a pedestrian plaza with fountains, a community center building, an amphitheater and useable open space. A public parking deck built as an incentive to private development serves to minimize the use of limited land area for parking. With these public improvements in place, and the projected growth of metropolitan Atlanta, Riverdale is poised to become a premier destination. The TCMU District standards and associated Architectural Design Standards encourage true, mixed-use development essential to a vibrant town center.

Architectural Design Standards. The Architectural Design Standards seek to create developments that provide a safe, convenient, dynamic and attractive environment through the integration of uses and building design where people can live, work, and play in Riverdale. The purpose of these design standards is to eliminate the ambiguity for the development community and ensure complementary environments. Supplemental design guidelines are found in the City’s Streetscape and Improvement Design Standards which can be accessed through the Community Development Department. The building and site design standards set forth in Article 5. Architectural Design Standards integrate landscape, urban design, transportation, and architecture that comprise the built environment and address building orientation, setbacks, connectivity, building design, landscaping, lighting, building height, fenestration, signs, screening, streetscapes, as well as parking and circulation for certain types of development.

Industrial Districts

The following zoning district represents the single industrial district established in the city of Riverdale.

“M” Light Industrial District. The M Light Industrial District recognizes the “bedroom community” character of Riverdale and the proximity of retail and service uses to industrial zoning districts. Accordingly, the range of uses in the M District is limited to “clean” industry. Much of Riverdale’s industrial property is undeveloped with a trucking business and mini-warehouses being the dominant uses. Warehouses and manufacturing uses tend to dominate the industrial base on the Southside. Given the proximity of Riverdale to air cargo and truck transport, freight intensive uses

may represent future market demand. These uses should be limited to locations on arterials designed to accommodate truck traffic. As Riverdale is not dominated by the warehouse uses found in Forest Park and south Atlanta, and DeKalb and Fulton counties, and such uses are not characterized by a significant number of professional employment options, creation of opportunities for warehouse development facilitated by rezoning of property to the M District should be limited.

Parks and Open Space District

This Parks and Open Space District is comprised of certain properties within the city limits of Riverdale primarily owned by the City of Riverdale in fee simple interest. Such properties may be developed as active and passive recreation facilities such as parks, jogging or walking trails, bicycling and hiking trails, lakes or ponds, golf courses, playgrounds, ballfields and outdoor ball courts or reserved as greenspace, wooded areas and environmentally sensitive areas, whether public or private. The P District is intended to provide reference information concerning the location of cultural, historic, environmental and outdoor recreational resources and to foster their preservation. Properties within this shall not be subject to the standards and regulations of this ordinance.

In the event any Parks and Open Space District property is sold to a private individual or individuals or other entity and the City of Riverdale no longer owns the underlying fee simple interest or any other interest in the property, such property shall be rezoned to a classification that is compatible with the future land use map designation of the property and the future land use map designation and zoning of nearby properties.

Sec. 2.4. Zoning district and land use compatibility

The future land use categories adopted in the comprehensive plan and indicated on the future land use map are intended to guide zoning decisions. The future land use categories and the zoning districts deemed compatible with those categories are identified Table 2.1. Zoning District and Land Use Category Compatibility.

Table 2.1. Zoning District and Land Use Category Compatibility.

Zoning District	Land Use Category
(R-1) Single Family Detached Residential District	Low Density Residential
(R-2) Single Family Detached Residential District	Low Density Residential
(R-3) Residential Attached District	Medium Density Residential
(MR) Multifamily District	High Density Residential
(NC) Neighborhood Commercial District	Community Commercial
(GC) General Commercial District	Planned Commercial

(O-I) Office-Institutional District	Office Professional / Public Institutional
(H) Hospital Overlay	Office Professional
(MU) Mixed Use District	Mixed Use Planned Development
(TCMU) Town Center Mixed Use District	Mixed Use Town Center
(M) Light Industrial District	Light Industrial
(P) Parks and Open Space District	Parks Recreation Conservation

Sec. 2.5. Interpretation of district boundaries.

- A. Where uncertainty exists with respect to the location of the boundaries of any zoning district, the following rules shall apply:
 - 1. The boundaries of the several zoning districts are indicated on the official zoning map. Street rights-of-way shall serve as district boundaries adjoining property lines, and no such rights-of-way shall be zoned.
 - 2. Where a zoning district boundary is shown on the zoning map as approximately following a corporate limits line; a municipal district line; a land lot line; streambed; lot line; or the centerline of a city street, county road, state highway, public right-of-way; or railroad right-of-way, or such lines extended, such lines shall be construed to be the zoning district boundary line.
- B. Inconsistencies between legal boundary descriptions submitted at the time of a rezoning and lot lines identified on more recent surveys shall be interpreted to attach the zoning to the legal lot.
- C. Where zoning district boundaries remain in doubt, the Riverdale community development director shall determine such boundaries.

Sec. 2.6. Lots divided by a zoning district boundary.

In the event a zoning district boundary line on the official zoning map divides a lot of record held in one ownership on the date of adoption of this ordinance, each part of the lot so divided shall be used in conformity with the standards established by this ordinance for the zoning district in which each portion of such lot is located.

Sec. 2.7. Lots divided by corporate limits.

Any lot divided by corporate limits of the city or county shall fully meet the ordinance standards of the county on that portion of the lot within the unincorporated county for the purposes of a building permit. All corporate limits dividing a lot shall be viewed in the same manner as a property line. Setbacks shall be measured from corporate city limit lines and county boundary lines.

Sec. 2.8. Annexation.

All land annexed into the city of Riverdale shall be subject to rezoning in accordance with the provisions of this ordinance found in Article 13. Procedures for zoning decisions and the Georgia Zoning Procedures Law.

Secs. 2.9 – 2.18. Reserved.

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ARTICLE 3. ZONING DISTRICT INTENT, USES AND STANDARDS

Introduction

This article describes the various zoning district in each category of uses, including residential, commercial, office-institutional, mixed use and industrial uses. The purpose, land uses and development standards associated with those uses are presented in this article. Certain land uses are allowed “by right,” meaning that no further zoning approvals are required to establish such uses. Other uses may be approved as “special uses” following a public hearing by planning commission and a public hearing and favorable decision by city council. Both “allowed” and special uses shall be subject to applicable standards contained in Art. 4. Development standards. Unless otherwise provided, any use not specifically allowed in a zoning district or subject to approval as a special use shall be prohibited in that district. Administrative discretion available in Sec. 9.2. Interpretive authority of the community development director or the zoning administrator may be used to permit uses having characteristics and impacts similar to allowed uses.

DIVISION 1 – GENERAL PROVISIONS

Sec. 3.1. RESIDENTIAL ZONING DISTRICTS

Sec. 3.1.1. Purpose.

The intent of city council in adopting the residential zoning districts and associated standards of this section is to (1) preserve and continue housing development that will enhance resident lifestyles and create a desirable environment for families, (2) promote design and development standards consistent with market and consumer preferences, and (3) foster a wide range of housing options that serve a diverse population as concerns age groups and incomes.

Sec. 3.1.2. Residential land uses by zoning district.

The following zoning districts comprise the residential districts in the city of Riverdale:

1. R-1 Single Family Detached Residential District
2. R-2 Single Family Detached Residential District
3. R-3 Residential Attached District
4. MR Multifamily District

DIVISION 2 – R-1 LOW DENSITY RESIDENTIAL DISTRICT

Sec. 3.1.3. "R-1" Single Family Detached Residential District.

Sec. 3.1.3.1. Purpose. The R-1 District is established to cater to households seeking a suburban lifestyle on relatively large lots.

Sec. 3.1.3.2. Allowed uses. The following uses shall be allowed in the R-1 Single Family Detached Residential District:

- A. Single family detached dwellings.

- B. Adult care home serving six (6) or fewer adults, subject to the supplemental standards of Sec. 4.3.1.1. Adult care homes and the application procedures of Sec. 9.5. Adult care home.
- C. Child care home, subject to the standards of Sec. 4.3.1.2. Child care home and the application procedures of Sec. 9.6. Child care home.
- D. Family personal care home, including personal care home, registered, subject to the standards of Sec. 4.3.1.3. Personal care home, family, as appropriate, and the application procedures Sec. 9.7. Family personal care home.
- E. Schools.
- F. Places of worship.
- G. Subdivision recreation and open space areas owned, operated, and maintained by homeowners' associations for the exclusive use of residents and their guests.

Sec. 3.1.3.3. Special uses. Special uses in the R-1 District are identified in Division 13 – Uses Table and are subject to the approval process established in Sec. 13.12. Special use approvals.

Sec. 3.1.3.4. Accessory uses and buildings. The following accessory uses of land and buildings shall be authorized in the R-1 Single Family Detached Residential District, as subordinate to the principal dwelling and use:

- A. Accessory buildings, including private garages, subject to the standards of Sec. 4.2.1. Accessory buildings. Carports shall be allowed provided the structure is an integral part of the dwelling, the design and materials are identical to those of that of the dwelling and the carport is erected concurrently with the dwelling.
- B. Home occupations, subject to the standards of Sec. 4.3.3.2. Home occupations.

Sec. 3.1.3.5. Development standards. The following development standards shall apply to any lot within an R-1 Single Family Detached Residential District; Table 3-1. Single Family Detached Residential Development Standards summarizes the standards applicable to the R-1 District.

Table 3-1. *Single Family Detached Residential Development Standards*

Standard	R-1
Minimum Lot Area	20,000 square feet
Minimum Lot Frontage	80 feet
Min. Lot Width @ Building Line	100 feet
Minimum Front Yard Setback	30 feet

Minimum Side Yard Setback	15 feet
Minimum Street Side Setback	20 feet
Minimum Rear Yard Setback	25 feet
Maximum Lot Coverage	30 %
Minimum Heated Floor Area	1,600 square feet
Minimum Ground Floor Area	1,100 square feet
Maximum Building Height	35 feet
Minimum Tract Size	n/a
Minimum Open Space ¹	15 %
Maximum Density	2 units/acre

¹Applies to subdivision developments and not to individual lots of record.

- A. Minimum lot area: Minimum lot area shall be 20,000 square feet.
- B. Minimum lot frontage: Minimum lot frontage shall be 80 feet.
- C. Minimum lot width at the building line: Minimum lot width at the building line shall be 100 feet.
- D. Front yard setback: The minimum front yard setback shall be 30 feet.
- E. Side yard setback: The minimum side yard setback shall be 15 feet. The minimum side yard setback on the street side of a corner lot shall be 20 feet.
- F. Rear yard setback: The minimum rear yard setback shall be 25 feet.
- G. Lot coverage: Impervious surfaces shall not occupy more than 30 percent of the lot.
- H. Access. All lots shall have the required frontage on a public street.

Sec. 3.1.3.6. Dwelling unit standards.

- A. Minimum heated floor area: Minimum heated floor area shall be 1,600 square feet, exclusive of porches and garages. The minimum ground floor area of multi-story construction shall be 1,200 square feet, also exclusive of porches and garages.

- B. Building height: Maximum building height shall be 35 feet.
- C. Exterior finish materials standards:
 - 1. Allowed exterior finishes include, but are not limited to, full-depth brick, stone, cast stone or other finished masonry, fiber cement panels, high-quality vinyl siding, EIFS, glass, wood or other natural materials, or similar material as approved by the community development director.
 - 2. Restrictions on vinyl siding and Exterior Insulations Finish System (EIFS):
 - a. Vinyl siding shall comply with product standards of the Vinyl Siding Institute (VSI). Vinyl siding shall be installed to the vinyl manufacturer's standards.
 - b. EIFS siding shall be installed in accordance with the EIFS manufacturer's specifications.
 - c. Use of these materials shall be consistent with the use of these materials on surrounding development.
 - 3. Siding materials installed on all front facades shall be entirely comprised of full-depth brick, stone or cast stone, fiber cement panels or an appropriate combination of these materials.
- D. Design repetition. The architectural style of a dwelling shall not be repeated more often than once every four (4) building lots. Reversed elevations shall be deemed a change in architectural style.
- E. Front loading garages. Garages on which the vehicle access doors face the street shall not extend more than four feet from the finished elevation of the dwelling.

Sec. 3.1.3.7. Site improvement standards. Site improvements in an R-1 District, including parking, sidewalks, streetlights, landscaping, utilities and streets, shall be subject to the following standards:

- A. Off-street parking. Parking shall comply with all applicable standards for off-street parking contained in Art. 7. Parking and loading.
- B. Sidewalks. Sidewalks having a minimum width of five (5) feet shall be installed within the right-of-way throughout the development on both sides of all streets within the development and shall connect to public sidewalks at convenient and appropriate locations. In the event no public sidewalk is present, the private sidewalk shall be laid to the location of the future sidewalk as determined by the community development director. Sidewalks shall also connect each dwelling unit to a sidewalk within the development. A landscaped area having a minimum width of four (4) feet shall be provided between the back of curb and sidewalk.
- C. Streetlights. Pedestrian-scale lighting standards having a height of 14 and to 18 feet shall be installed at the sole expense of the developer. The number and location of such lighting standards shall be determined by the community development director.
- D. Landscaping. Landscaping plans for the development and a typical landscaping layout for individual lots shall be submitted to planning commission concurrent with submittal of a

preliminary subdivision plat. New plant materials shall be added to the development to achieve privacy and shade, enhance curb appeal, minimize soil erosion and screen objectionable views.

- E. Utility installation. All utilities, including gas, electric, phone, cable, and fiber optics, shall be located underground.
- F. Streets. All streets shall be built to city standards dedicated to, and accepted by, the city of Riverdale.

Sec. 3.1.3.8. Open space and recreation areas.

Open space to be preserved or created and maintained in an R-1 District shall be subject to the following standards:

- A. Open space standards. A minimum of 15 percent of the total development tract shall be reserved as open space that shall be recorded on the final plat or other instrument satisfactory to the city attorney. Open space shall be defined as usable space such as parks, gardens, natural areas, recreation facilities and athletic courts, etc., that may be used for passive or active recreation. Open space shall not include building lots or any portion thereof, required yards, street rights-of-way, parking lots or retention ponds. A minimum of 50 percent of the open space shall be maintained as a single open area with the remaining open space distributed as smaller areas. A maximum of 20 percent of each required open space area may be located within a floodplain. Minimum width of any open space area shall be 50 feet with a maximum ratio of length to width of three to one (3:1). Pedestrian access to open space shall be a minimum of 10 feet in width and located a minimum of 15 feet from any dwelling unit.
- B. Establishment and preservation of open space.
 - 1. Construction phases. Each phase of development shall comply with the proportional open space for individual development phases and shall be designated on the preliminary and final plats. The developer shall submit plans for establishing the open space with the preliminary plat. The developer shall establish the proportional open space as indicated on the plats during the construction of each development phase. No certificate of occupancy shall be issued until open space in proportion to the development and as indicated on the approved final plat has been established.
 - 2. Covenants. The developer, or homeowners' association created by the developer, shall preserve and maintain the land reserved for open space, parks, natural areas and recreation areas by recorded covenants and restrictions. The deed book and page number in which all such covenants and restrictions are recorded shall be shown on the recorded final plat of the development and on each deed transferring ownership of property located within the development.
 - 3. Developer maintenance of open space and/or common areas. In the event the developer elects not to establish a homeowners' association, the developer shall continue to preserve and maintain the land reserved for open space and common areas for the owners and occupants of the development until a homeowners' association is established.

4. Homeowners' associations. Use of open space shall be governed by the association bylaws within the bounds of the recorded covenants and restrictions. These documents shall be satisfactory to the city attorney.

DIVISION 3 - MEDIUM DENSITY RESIDENTIAL DISTRICT

Sec. 3.1.4. "R-2" Single Family Detached Residential District.

Sec. 3.1.4.1. Purpose. The R-2 District is established to accommodate developers seeking higher density projects to reduce development costs and market housing to households seeking an urban lifestyle on moderately-sized lots.

Sec. 3.1.4.2. Allowed uses. The following uses shall be allowed in the R-2 Single Family Detached Residential District:

- A. Single family detached dwellings.
- B. Adult care home serving six (6) or fewer adults, subject to the supplemental standards of Sec. 4.3.1.1. Adult care homes and the application procedures of Sec. 9.5. Adult care home.
- C. Child care home, subject to the standards of Sec. 4.3.1.2. Child care home and the application procedures of Sec. 9.6. Child care home.
- D. Family personal care home, including personal care home, registered, subject to the standards of Sec. 4.3.1.3. Personal care home, family care appropriate, and the application procedures Sec. 9.7. Family personal care home.
- E. Planned developments for the elderly, including the following facilities and features, provided applicable standards of the R-2 District are met:
 1. Community rooms.
 2. Indoor fitness and recreation facilities.
 3. Infirmary or health facility.
 4. Kitchenettes in each dwelling unit.
 5. Restaurant or catered dining rooms.
 6. Patio or balcony for each dwelling unit
- F. Schools.
- G. Places of worship.
- H. Subdivision recreation and open space areas owned, operated, and maintained by homeowners' associations for the exclusive use of residents and their guests.
- I. Public parks and recreation areas.

Sec. 3.1.4.3. Special uses. Special uses in the R-2 District are identified in Division 13 – Uses Table and are subject to the approval process established in Sec. 13.12. Special use approvals.

Sec. 3.1.4.4. Accessory uses and buildings. The following accessory uses of land and buildings shall be authorized in the R-2 Single Family Detached Residential District, as subordinate to the principal dwelling and use:

- A. Accessory buildings, including private garages, subject to the standards of Sec. 4.2.1. Accessory buildings. Carports shall be allowed provided the structure is an integral part of the dwelling, the design and materials are identical to those of that of the dwelling and the carport is erected concurrently with the dwelling.
- B. Home occupations, subject to the standards of Sec. 4.3.3.2. Home occupations.

Sec. 3.1.4.5. Development standards. The following development standards shall apply to any lot within an R-2 Single Family Detached Residential District; Table 3-2 Single Family Detached Residential Development Standards summarizes the standards applicable to the R-2 District.

Table 3-2. Single Family Detached Residential Development Standards

Standard	R-2
Minimum Lot Area	10,000 square feet
Minimum Lot Frontage	60 feet
Min. Lot Width @ Building Line	80 feet
Minimum Front Yard Setback	25 feet
Minimum Side Yard Setback	10 feet
Minimum Street Side Setback	15 feet
Minimum Rear Yard Setback	20 feet
Maximum Lot Coverage	35 %
Minimum Heated Floor Area	1,400 square feet
Minimum Ground Floor Area	1,000 square feet
Maximum Building Height	35 feet

Minimum Tract Size	n/a
Minimum Open Space ¹	15%
Maximum Density	4 units/acre

¹Applies to subdivision developments and not to individual lots of record.

- A. Minimum lot area: Minimum lot area shall be 10,000 square feet.
- B. Minimum lot frontage: Minimum lot frontage shall be 60 feet.
- C. Minimum lot width at the building line: Minimum lot width at the building line shall be 80 feet.
- D. Front yard setback: The minimum front yard setback shall be 5 feet.
- E. Side yard setback: The minimum side yard setback shall be 5 feet. The minimum side yard setback on the street side of a corner lot shall be 15 feet.
- F. Rear yard setback: The minimum rear yard setback shall be 20 feet unless abutting a side yard on a residentially zoned or used lot to the rear. In that case, the minimum rear yard shall be 25 feet.
- G. Lot coverage: Impervious surfaces shall not occur more than 35 percent of the lot.
- H. Access. All lots shall have the required frontage on a public street.

Sec. 3.1.4.6. Dwelling unit standards

- A. Minimum heated floor area: Minimum heated floor area shall be 1,400 square feet, exclusive of porches and garages. The minimum ground floor area of multi-story construction shall be 1,100 square feet, also exclusive of porches and garages.
- B. Building height: Maximum building height shall be 35 feet.
- C. Exterior finish materials standards:
 - 1. Allowed exterior finishes include, but are not limited to, full-depth brick, stone, cast stone or other finished masonry, fiber cement panels, high-quality vinyl siding, EIFS, glass, wood or other natural materials, or similar material as approved by the community development director.
 - 2. Restrictions on vinyl siding and Exterior Insulations Finish System (EIFS):
 - a. Vinyl siding shall comply with product standards of the Vinyl Siding Institute (VSI). Vinyl siding shall be installed to the vinyl manufacturer's standards.
 - b. EIFS siding shall be installed in accordance with the EIFS manufacturer's specifications.

- c. Use of these materials shall be consistent with the use of these materials on surrounding development.
- 3. Siding materials installed on all front facades shall be entirely comprised of full-depth brick, stone or cast stone, fiber cement panels or an appropriate combination of these materials.
- D. Design repetition. The architectural style of a dwelling shall not be repeated more often than once every four (4) building lots. Reversed elevations shall be deemed a change in architectural style.
- E. Front loading garages. Garages on which the vehicle access doors face the street shall not extend more than four feet from the front elevation of the dwelling.

Sec. 3.1.4.7. Site improvement standards. Site improvements in an R-2 District, including parking, sidewalks, streetlights, landscaping, utilities and streets, shall be subject to the following standards:

- A. Off-street parking. Parking shall comply with all applicable standards for off-street parking contained in Art. 7. Parking and loading.
- B. Sidewalks. Sidewalks having a minimum width of five (5) feet shall be installed within the right-of-way throughout the development on both sides of all streets within the development and shall connect to public sidewalks at convenient and appropriate locations. In the event no public sidewalk is present, the private sidewalk shall be extended to the location of the future sidewalk as determined by the community development director. Sidewalks shall also connect each dwelling unit to a sidewalk within the development. A landscaped area having a minimum width of four (4) feet shall be provided between the back of curb and sidewalk.
- C. Streetlights. Pedestrian scale lighting standards having a height of 14 and to 18 feet shall be installed at the sole expense of the developer. The number and location of such lighting standards shall be determined by the community development director.
- D. Landscaping. Landscaping plans for the development and a typical landscaping layout for individual lots shall be submitted to planning commission concurrent with submittal of a preliminary subdivision plat. New plant materials shall be added to the development to achieve privacy and shade, enhance curb appeal, minimize soil erosion and screen objectionable views.
- E. Utility installation. All utilities, including gas, electric, phone, cable, and fiber optics, shall be located underground.
- F. Streets. All streets shall be built to city standards dedicated to, and accepted by, the city of Riverdale.

Sec. 3.1.4.8. Open space and recreation areas.

Open space to be preserved or created and maintained in an R-2 District shall be subject to the following standards:

- A. Open space standards. A minimum of 15 percent of the total development tract shall be reserved as open space that shall be recorded on the final plat or other instrument satisfactory

to the city attorney. Open space shall be defined as usable space such as parks, gardens, natural areas, recreation facilities and athletic courts, etc., that may be used for passive or active recreation. Open space shall not include building lots or any portion thereof, required yards, street rights-of-way, parking lots or detention ponds. A minimum of 50 percent of the open space shall be maintained as a single open area with the remaining open space distributed as smaller areas. A maximum of 20 percent of each required open space area may be located within a floodplain. Minimum width of any open space area shall be 50 feet with a maximum ratio of length to width of three to one (3:1). Pedestrian access to open space shall be a minimum of 10 feet in width and located a minimum of 15 feet from any dwelling unit.

B. Establishment and preservation of open space.

1. Construction phases. Each phase of development shall comply with the proportional open space for individual development phases and shall be designated on the preliminary and final plats. The developer shall submit plans for establishing the open space with the preliminary plat. The developer shall establish the proportional open space as indicated on the plats during the construction of each development phase. No certificate of occupancy shall be issued until open space in proportion to the development and as indicated on the approved final plat has been established.
2. Covenants. The developer, or homeowners' association created by the developer, shall preserve and maintain the land reserved for open space, parks, natural areas and recreation areas by recorded covenants and restrictions. The deed book and page number in which all such covenants and restrictions are recorded shall be shown on the recorded final plat of the development and on each deed transferring ownership of property located within the development.
3. Developer maintenance of open space and/or common areas. In the event the developer elects not to establish a homeowners' association, the developer shall continue to preserve and maintain the land reserved for open space and common areas for the owners and occupants of the development until a homeowners' association is established.
4. Homeowners' associations. Use of open space shall be governed by the association bylaws within the bounds of the recorded covenants and restrictions. These documents shall be satisfactory to the city attorney.

DIVISION 4 – R-3 HIGH DENSITY RESIDENTIAL DISTRICT

Sec. 3.1.5. "R-3" Residential Attached District

Sec. 3.1.5.1. Purpose. The R-3 District is established to provide a relatively medium to high density housing option for households seeking affordable housing in duplex, triplex and quadruplex dwellings.

Sec. 3.1.5.2. Permitted uses: The following uses shall be permitted in the R-3 District.

1. Duplex, triplex, and quadruplex dwellings and townhouses.
2. Schools.

3. Places of worship.
4. Adult Care Centers - seven (7) or more persons.

Sec. 3.1.5.3. Special uses. Special uses in the R-3 District are identified in Division 13 – Uses Table and are subject to the approval process established in Sec. 13.12. Special use approvals.

Sec. 3.1.5.4. Accessory uses and buildings. The following accessory uses of land and buildings shall be authorized in the R-3 Residential Attached District, as subordinate to the principal dwellings and uses:

1. Accessory buildings, including private garages, shall be subject to the standards of Sec. 4.2.1. Accessory buildings. Carports shall be prohibited.
2. Home occupations, subject to the standards of Sec. 4.3.3.2. Home occupations.

Sec. 3.1.5.5. Development standards. The following development standards shall apply to any lot with-in an R-3 Residential Attached District; Table 3-3. Residential Attached Development Standards summarizes the development standards applicable to the R-3 District. Table 3-4. Residential Attached Building Standards summarizes the building standards applicable to the R-3 District.

Table 3-3. Residential Attached Development Standards

Standard	R-3
Minimum Lot Area	
• Duplex	14,520 square feet
• Triplex	21,780 square feet
• Quadplex	29,040 square feet
Minimum Lot Frontage	75 feet
Min. Lot Width @ Building Line	100 feet
Minimum Front Yard Setback	25 feet
Minimum Side Yard Setback	15 feet
Minimum Street Side Setback	20 feet

Minimum Rear Yard Setback	25 feet
Maximum Lot Coverage	40 %
Minimum Heated Floor Area	1,000 square feet
Maximum Building Height	35 feet
Minimum Tract Size	n/a
Minimum Green Space	n/a
Maximum Density	6 units/acre

¹Applicable to townhouse and condominium development only.

Table 3-4. Residential Attached Building Standards

Standard	R-3
• One Bedroom Unit	n/a
• Two Bedroom Unit	n/a
• Three Bedroom Unit	n/a
• Local Street	n/a
• Collector Street	n/a
• Arterial Street	n/a
Minimum Building Height	n/a
Minimum Tract Size	n/a
• Front to Front	60 feet
• Front to Side	60 feet

• Front to Rear	60 feet
• Side to Side	60 feet
• Side to Rear	60 feet
• Rear to Rear	60 feet

- A. Minimum lot area: Minimum lot area shall be 14,520 square feet for each individual duplex building, 21,780 square feet for each individual triplex building and 29,040 square feet for each individual quadruplex building. Maximum density shall be six (6) dwelling units per acre.
- B. Minimum lot frontage: Minimum lot frontage shall be 75 feet.
- C. Minimum lot width at the building line: Minimum lot width at the building line shall be 100 feet.
- D. Front yard setback: The minimum front yard setback shall be 25 feet.
- E. Side yard setback: The minimum side yard setback shall be 15 feet. The minimum side yard setback on the street side of a corner lot shall be 20 feet.
- F. Rear yard setback: The minimum rear yard setback shall be 25 feet.
- G. Lot coverage: Impervious surfaces shall not occupy more than 40 percent of the lot.

Sec. 3.1.5.6. Dwelling unit standards.

- A. Minimum heated floor area: Minimum heated floor area shall be 1,000 square feet, exclusive of porches and garages.
- B. Building height: Maximum building height shall be 35 feet.
- C. Building separation: No duplex, triplex or quadruplex building shall be located less than 60 feet from another such building on the same lot.
- D. Exterior finish materials standards:
 - 1. The allowed exterior finishes include, but are not limited to, full-depth brick, stone, cast stone or other finished masonry, fiber cement panels, high-quality vinyl siding, EIFS, glass, wood or other natural materials, or similar material as approved by the community development director.
 - 2. Restrictions on vinyl siding and Exterior Insulations Finish System (EIFS):
 - a. Vinyl siding shall comply with product standards of the Vinyl Siding Institute (VSI). Vinyl siding shall be installed to the vinyl manufacturer's standards.

- b. EIFS siding shall be installed in accordance with the EIFS manufacturer's specifications.
 - c. Use of these materials shall be consistent with the use of these materials on surrounding development.
3. Fully one-half of the siding materials installed on all front facades shall be comprised of full-depth brick, stone or cast stone, fiber cement panels or an appropriate combination of these materials.

Sec. 3.1.5.7. Site improvement standards. Site improvements in an R-3 District, including parking, sidewalks, streetlights, landscaping, utilities and streets, shall be subject to the following standards:

- A. Off-street parking. Parking shall comply with all applicable standards for off-street parking contained in Art. 7. Parking and loading.
- B. Sidewalks. Sidewalks having a minimum width of five (5) feet shall be installed within the right-of-way throughout the development on both sides of all streets within the development and shall connect to public sidewalks at convenient and appropriate locations. In the event no public sidewalk is present, the private sidewalk shall be laid to the location of the future sidewalk as determined by the community development director. Sidewalks shall also connect each dwelling unit to a sidewalk within the development. Unless otherwise provided, a landscaped area having a minimum width of five (5) feet shall be provided between the back of curb and sidewalk.
- C. Streetlights. Pedestrian-scale lighting standards having a height of 14 and to 18 feet shall be installed at the sole expense of the developer. The number and location of such lighting standards shall be determined by the community development director.
- D. Landscaping. Landscaping plans for the development shall be submitted to planning commission concurrently with submittal of a preliminary subdivision plat. New plant materials shall be added to the development to achieve privacy and shade, enhance curb appeal, minimize soil erosion and screen objectionable views.
- E. Utility installation. All utilities, including gas, electric, phone, cable, and fiber optics, shall be located underground.
- F. Streets. All streets shall be built to city standards dedicated to, and accepted by, the city of Riverdale.

Sec. 3.1.5.8. Buffers: A buffer shall be maintained along the exterior property boundary in compliance with Article 8. Buffer and landscaping standards.

Sec. 3.1.5.9. Landscaping: Landscaping shall be installed subject to owner's selection of landscape design and plant materials, including any combination of trees, shrubs and groundcovers sufficient to stabilize the landscaped portions of the lot. Landscaping of parking areas shall comply with Article 8. Buffer and landscaping standards.

Sec. 3.1.5.10. Open space and recreation areas.

Open space to be preserved or created and maintained in an R-3 District shall be subject to the following standards:

- A. Open space standards. A minimum of 15 percent of the total development tract shall be reserved as open space that shall be recorded on the final plat or other instrument satisfactory to the city attorney. Open space shall be defined as usable space such as parks, gardens, natural areas, recreation facilities and athletic courts, etc., that may be used for passive or active recreation. Open space shall not include building lots or any portion thereof, required yards, street rights-of-way, parking lots or detention ponds. A minimum of 50 percent of the open space shall be maintained as a single open area with the remaining open space distributed as smaller areas. A maximum of 20 percent of each required open space area may be located within a floodplain. Minimum width of any open space area shall be 50 feet with a maximum ratio of length to width of three to one (3:1). Pedestrian access to open space shall be a minimum of 10 feet in width and located a minimum of 15 feet from any dwelling unit.
- B. Establishment and preservation of open space.
 1. Construction phases. Each phase of development shall comply with the proportional open space for individual development phases and shall be designated on the preliminary and final plats. The developer shall submit plans for establishing the open space with the preliminary plat. The developer shall establish the proportional open space as indicated on the plats during the construction of each development phase. No certificate of occupancy shall be issued until open space in proportion to the development and as indicated on the approved final plat has been established.
 2. Covenants. The developer shall preserve and maintain the land reserved for open space, parks, natural areas and recreation areas by recorded covenants and restrictions. The deed book or page number in which all such covenants and restrictions are recorded shall be shown on the recorded final plat of the development. These documents shall be satisfactory to the city attorney.
 3. Developer maintenance of open space and/or common areas. The developer shall preserve and maintain the land reserved for open space and common areas in perpetuity.
 4. Use of open space. All open space and common areas shall be available for use by all residents of the development and their guests within the bounds of the recorded covenants and restrictions.

Division 5 – MR MULTIPLE FAMILY RESIDENTIAL DISTRICT

Sec. 3.1.6. "MR" Multifamily District.

Sec. 3.1.6.1. Purpose. The purpose of the MR District is to provide housing options for households seeking a lifestyle in which property maintenance is light or performed by others compared to neighborhoods featuring detached single family dwellings. Such developments are deemed medium density residential development in the Riverdale context and include condominiums and townhouses intended for owner-occupancy.

Sec. 3.1.6.2. Allowed uses: The following uses shall be allowed in the MR Multifamily District:

- A. Multifamily dwellings, synonymous with apartments.
- B. Condominiums.
- C. Townhouses.
- D. Patio homes intended for rental and age-restricted dwellings and subject to the development standards of the R-2 District.
- E. Planned developments for the elderly, including the following facilities and features:
 - 7. Community rooms.
 - 8. Indoor fitness and recreation facilities.
 - 9. Infirmary or health facility.
 - 10. Kitchenettes in each dwelling unit.
 - 11. Restaurant or catered dining rooms.
 - 12. Patio or balcony for each dwelling unit.
- F. Schools.
- G. Places of worship.
- H. Recreation facilities, such as tennis courts, badminton courts, swimming pools, clubhouses, playgrounds, parks, pet parks, community gardens and nature paths.

Sec. 3.1.6.3. Special uses. No special uses shall be allowed in the MR District.

Sec. 3.1.6.4. Accessory uses and buildings. The following accessory uses of land and buildings shall be authorized in the MR District, as subordinate to the principal dwellings and uses:

- A. Accessory buildings, including private garages reserved for the exclusive use of residents of the premises, shall be subject to the standards of Sec. 4.2.1. Accessory buildings. Carports shall be prohibited.
- B. Home occupations, subject to the standards of Sec. 4.3.3.2. Home occupations.

Sec. 3.1.6.5. Development standards: The following standards shall apply to the MR District; Table 3-5 Multifamily Development Standards summarizes the development standards applicable to the MR District. Table 3-6. Multifamily Building Standards summarizes the building standards applicable to the MR District.

Table 3-5. Multifamily Development Standards

Standard	MR
Minimum Lot Area	6,000 square feet ¹
• Duplex	n/a
• Triplex	n/a
• Quadruplex	n/a
Minimum Lot Frontage	175 feet
Min. Lot Width @ Building Line	200 feet
Minimum Side Yard Setback	15 feet
Minimum Street Side Setback	20 feet
Minimum Rear Yard Setback	25 feet
Maximum Lot Coverage	50%
Maximum Building Height	40 feet
Minimum Tract Size	5 acres
Minimum Green Space	20 %
Maximum Density	12 units/acre

¹Applicable to townhouse developments, only.

Table 3-6. Multifamily Building Standards

Standard	MR
• One Bedroom Unit	700 square feet
• Two Bedroom Unit	900 square feet

• Three Bedroom Unit	1,100 square feet
• Local Street	40 feet
• Collector Street	50 feet
• Arterial Street	60 feet
Minimum Building Height	35 feet
Minimum Tract Size	5 acres
• Front to Front	80 feet
• Front to Side	40 feet
• Front to Rear	60 feet
• Side to Side	30 feet
• Side to Rear	30 feet
• Rear to Rear	30 feet

- A. Minimum tract size: Minimum tract size shall be five (5) acres.
- B. Minimum lot area: Minimum lot area for a townhouse lot shall be 6,000 square feet.
- C. Minimum lot frontage: Minimum lot frontage shall be 175 feet.
- D. Minimum lot width at the building line: Minimum lot width at the building line shall be 200 feet.
- E. Front yard setback: The minimum front yard setback shall be 40 feet.
- F. Side yard setback: The minimum side yard setback shall be 15 feet. The minimum side yard setback on the street side of a corner lot shall be 20 feet.
- G. Rear yard setback: The minimum rear yard setback shall be 25 feet.
- H. Lot coverage: Impervious surfaces shall not occupy more than 50 percent of the lot.

Sec. 3.1.6.6. Lot standards:

- A. Lots within a condominium or townhouse development shall front on a public street that shall be built to city standards and dedicated to the city.
- B. Each townhouse unit, whether attached or detached, shall be located on an individual building lot.

Sec. 3.1.6.7. Density and building standards:

- A. Density. Maximum density shall be 12 units per gross acre. The maximum density for mid-rise apartment and condominium buildings shall be 24 units per gross acre, provided that an additional set-back of one foot shall be met for every foot of building height above 35 feet.
- B. Limitations on bulk. All buildings shall be limited to a maximum of eight (8) dwelling units on each floor, provided that 10 dwelling units per floor shall be allowed in mid-rise apartment and condominium developments. This increase in building bulk or mass shall be accompanied by an additional setback of two feet for every dwelling unit per floor above eight (8) dwelling units.
- C. Maximum building height. Maximum building height shall be 40 feet, provided that a mid-rise apartment or condominium building may be 60 feet in height.
- D. Minimum building height. Minimum building height shall be 35 feet.
- E. Common walls. Dwelling units shall share common walls along a minimum of 50 percent of the depth of each unit.

Sec. 3.1.6.8. Dwelling unit standards:

- A. Minimum dwelling unit size. Minimum heated floor area shall be as follows:
 - 1. One-Bedroom Unit: 700 square feet
 - 2. Two-Bed Unit: 850 square feet
 - 3. Three-Bedroom Unit: 1,100 square feet
- B. Private yards. Dwelling units in all multifamily, condominium and townhouse developments shall provide a rear yard in addition to the front yard. The minimum area of the rear yard shall be 400 square feet with a least dimension of 20 feet. End units of each condominium or townhouse building shall have a minimum side yard of 15 feet that shall run the full depth of the lot. An opaque fence or wall shall be installed at a 90-degree angle from the rear wall of the building that divides the dwelling units to create an appropriately-sized, private outdoor space for each household. Such fence or wall shall have a minimum height of six (6) feet and extend a minimum of 12 feet from the rear of building. Multi-story buildings shall provide a terrace having minimum dimensions of 10 feet in width and four feet in depth.
- C. Architectural design. In the event that a specific architectural design concept is to be a condition of approval of the development, the concept shall be set forth in the recorded protective covenants and restrictions. All multifamily housing types allowed in the Multifamily District shall comply with the following standard:
 - 1. The front elevation of a multifamily building shall feature a minimum building articulation of four (4) feet every three dwelling units or alternately, creation of a distinctive facade based

on varied architectural features or exterior finish materials. This standard is intended to achieve variation in the building facade that minimizes the bulk of the building and creates visual interest.

D. Exterior finish materials standards:

1. The allowed exterior finishes include, but are not limited to, full-depth brick, stone, cast stone or other finished masonry, fiber cement panels, high-quality vinyl siding, EIFS, glass, wood or other natural materials, or similar material as approved by the community development director.
2. Restrictions on vinyl siding and Exterior Insulations Finish System (EIFS):
 - a. Vinyl siding shall comply with product standards of the Vinyl Siding Institute (VSI). Vinyl siding shall be installed to the vinyl manufacturer's standards.
 - b. EIFS siding shall be installed in accordance with the EIFS manufacturer's specifications.
 - c. Use of these materials shall be consistent with the use of these materials on surrounding development.
3. Fully one-half of the siding materials installed on all front facades shall be comprised of full-depth brick, stone or cast stone, fiber cement panels or an appropriate combination of these materials.

Sec. 3.1.6.9. Site improvements. Site improvement standards in an MR District, including off-street parking, sidewalks, streetlights, landscaping, service and emergency vehicle access, vehicle access, refuse disposal, maintenance facilities, utilities, streets, and convenience and safety, shall be subject to the following standards:

- A. Off-street parking. All required parking shall be provided within the development and shall comply with all applicable standards for off-street parking contained in Art. 7. Parking and loading. Parking spaces shall be designated spaces, specifically reserved for an individual dwelling unit. Walkway distance from a dwelling unit to an associated parking space shall not exceed 200 feet.
- B. Sidewalks. Sidewalks having a minimum width of five (5) feet shall be installed throughout the development on both sides of all public and private streets within the development and shall connect to public sidewalks at convenient and appropriate locations. In the event no public sidewalk is present, the private sidewalk shall be laid to the location of the future sidewalk as determined by the community development director. Unless otherwise provided, a landscaped area having a minimum width of five (5) feet shall be provided between the back of curb and sidewalk. Sidewalks may be incorporated into the landscaping, but shall not displace required landscaping. See Art. 7. Parking and loading.
- C. Streetlights. Pedestrian-scale lighting standards having a height of 14 and to 18 feet shall be installed at the sole expense of the developer. The number and location of such lighting standards shall be determined by the community development director.

- D. Landscaping. Landscaping plans for the development and a typical landscaping layout for individual lots in a townhouse development, only shall be submitted to planning commission concurrent with submittal of a preliminary subdivision plat. New plant materials shall be added to the development to achieve privacy and shade, enhance curb appeal, minimize soil erosion and screen objectionable views. Landscaping of parking facilities and buffers shall comply with Article 8. Buffer and landscaping standards.
- E. Service and emergency vehicle access. Site plans shall provide for access for firefighting equipment, ambulance and emergency service vehicles and solid waste vehicles and shall be subject to approval by the Riverdale fire marshal and the city engineer.
- F. Vehicle access: Vehicle access to all dwelling units within a residential subdivision shall be from an internal street within the subdivision and not directly on to a collector or arterial street. Vehicle access shall generally be made from the lowest street classification available for such access. However, access to a multifamily development via a local street shall only be granted when no other street access is available. All access shall be subject to approval by the city with the exception of developments accessing a state route.
- G. Refuse disposal. Outdoor collection stations shall be enclosed and provided at central locations selected to minimize creation of a nuisance or hazard to residents. Dumpsters, compactors and any other refuse equipment shall be appropriately screened by means of a fence, wall or landscaping. In no event shall such screening exceed a height of 10 feet.
- H. Maintenance facilities. Maintenance facilities shall be located in such a manner as to minimize the impact on residents.
- I. Utility installation. All utilities, including gas, electric, phone, cable, and fiber optics, shall be located underground.
- J. Streets. All streets in a condominium and townhouse development shall be built to city standards designated to, and adopted by, the city of Riverdale. All streets and parking areas in a multifamily development shall be privately owned and maintained by the owner.
- K. Convenience and safety. Provisions shall be made for informational signs to facilitate locating individual dwelling units within a development. Provisions shall also be made for securing mail and parcel deliveries. Parking areas, service areas, walks, steps, streets, driveways and recreational areas shall be illuminated to ensure resident safety and convenience. Lighting fixtures shall be properly designed to prevent spillover into nearby dwelling units. Minimum illumination provisions shall comply with the most current Illuminating Engineering Society Standards.

Sec. 3.1.6.10. Buffers: A buffer shall be maintained along the exterior property boundary in compliance with Article 8. Buffer and landscaping standards.

Sec. 3.1.6.11. Open space and recreation areas.

Open space to be preserved or created and maintained in an MR District shall be subject to the following standards:

- A. Open space standards. A minimum of 20 percent of the total development tract shall be reserved as open space that shall be recorded on the final plat or other instrument satisfactory to the city attorney. Open space shall be defined as usable space such as parks, gardens, natural areas, recreation facilities and athletic courts, etc., that may be used for passive or active recreation. Open space shall not include building lots or any portion thereof, required yards, street rights-of-way, parking lots or detention ponds. A minimum of 50 percent of the open space shall be maintained as a single open area with the remaining open space distributed as smaller areas. A maximum of 20 percent of each required open space area may be located within a floodplain. Minimum width of any open space area shall be 50 feet with a maximum ratio of length to width of three to one (3:1). Pedestrian access to open space shall be a minimum of 10 feet in width and located a minimum of 15 feet from any dwelling unit.
- B. Establishment and preservation of open space.
 - 1. Construction phases. Each phase of development shall comply with the proportional open space for individual development phases and shall be designated on the preliminary and final plats. The developer shall submit plans for establishing the open space with the preliminary plat. The developer shall establish the proportional open space as indicated on the plats during the construction of each development phase. No certificate of occupancy shall be issued until open space in proportion to the development and as indicated on the approved final plat has been established.
 - 2. Covenants. The developer shall reserve and maintain the land reserved for open space, parks, natural areas and recreation areas by recorded covenants and restrictions. The deed book and page number in which all such covenants and restrictions are recorded shall be shown on the recorded final plat of the development. These documents shall be satisfactory to the city attorney.
 - 3. Developer maintenance of open space and/or common areas. The developer shall preserve and maintain the land reserved for open space and common areas in perpetuity.
 - 4. Use of open space. All open space and common areas shall be available for use by all residents of the development and their guests within the bounds of the recorded covenants and restrictions.

Sec. 3.2. COMMERCIAL DISTRICTS

Sec. 3.2.1. Purpose.

The intent of city council in adopting the commercial zoning districts and associated standards of this section is to (1) foster commercial development that meets the needs of residents and commuters, (2) promote design and development standards that will yield quality commercial development, (3) prohibit uses that would diminish the curb appeal of the city's commercial areas or otherwise adversely affect the appearance of these areas, and (4) accommodate neighborhood scale development that promotes resident attachment to place.

Sec. 3.2.2. Commercial land uses by zoning district.

- A. The following zoning districts comprise the commercial districts in the city of Riverdale:

1. NC Neighborhood Commercial District.
2. GC General Commercial District.

DIVISION 6 – NC NEIGHBORHOOD COMMERCIAL

Sec. 3.2.3. "NC" Neighborhood Commercial District.

Sec. 3.2.3.1. Purpose. The NC District is to serve the consumer needs of adjacent neighborhoods. Uses are limited to those that will not tend to attract shoppers from beyond those neighborhoods. Properly located, the Neighborhood Commercial District is walkable for nearby residents. Building sizes are restricted to small shops to achieve a pedestrian scale. Drive-through businesses are prohibited to promote walking.

Sec. 3.2.3.2. Allowed uses. Uses allowed in the Neighborhood Commercial District are presented in Division 13 - Uses Table.

Sec. 3.2.3.3. Special uses. Special uses that may be allowed in the Neighborhood Commercial District are presented in Division 13 - Uses Table.

Sec. 3.2.3.4. Accessory uses and buildings. The following accessory uses of land and buildings shall be authorized in the NC Neighborhood Commercial District, as subordinate to the principal use or building:

- A. Accessory buildings, subject to the standards in Sec. 4.2.4. Non-residential accessory building standards.

Sec. 3.2.3.5. Development standards. The following development standards shall apply to any lot with-in an NC Neighborhood Commercial District. Table 3.7. Neighborhood Commercial Development Standards summarizes these standards.

Table 3.7. Neighborhood Commercial Development Standards

Standard	NC
Minimum Lot Area	4,000 square feet
Minimum Lot Frontage	40 feet
Min. Lot Width @ Building Line	40 feet
Minimum Front Yard Setback	0 feet
Minimum Side Yard Setback	0 feet
Minimum Street Side Setback	0 feet

Minimum Rear Yard Setback	10 feet
Maximum Lot Coverage	85 %
Minimum Heated Floor Area	1,000 square feet
Maximum Building Height	35 feet
Minimum Tract Size	n/a
Minimum Open Space	None

- A. Minimum lot area: Minimum lot area shall be 4,000 square feet.
- B. Minimum lot frontage: Minimum lot frontage shall be 40 feet.
- C. Minimum lot width at the building line: Minimum lot width at the building line shall be 40 feet.
- D. Front yard setback: The minimum front yard setback shall be zero feet.
- E. Side yard setback: The minimum side yard setback shall be zero feet. The minimum side yard set-back on the street side of a corner lot may be zero, provided the clear vision area is not encroached upon.
- F. Rear yard setback: The minimum rear yard setback shall be 10 feet.
- G. Lot coverage: Impervious surfaces shall not occupy more than 85 percent of the lot.
- H. Access. All lots shall have the required frontage on a public street.

Sec. 3.2.3.6. Building standards. The following standards shall apply to all new construction within an NC Neighborhood Commercial District.

- A. Minimum heated floor area: Minimum heated floor area shall be 1,000 square feet.
- B. Building height: Maximum building height shall be 35 feet.
- C. Exterior finish materials standards:
 1. The allowed exterior finishes include, but are not limited to, full-depth brick, stone, cast stone or other finished masonry, fiber cement panels, high-quality vinyl siding, EIFS, glass, wood or other natural materials, or similar material as approved by the community development director.
 2. Restrictions on vinyl siding and Exterior Insulations Finish System (EIFS):

- a. Vinyl siding shall comply with product standards of the Vinyl Siding Institute (VSI). Vinyl siding shall be installed to the vinyl manufacturer's standards.
- b. EIFS siding shall be installed in accordance with the EIFS manufacturer's specifications.
- c. Use of these materials shall be consistent with the use of these materials on surrounding development.
- d. Fully one-half of the siding materials installed on all front facades shall be comprised of full-depth brick, stone or cast stone.

Sec. 3.2.3.7. Site improvement standards. Site improvements in an NC District, including off-street parking, sidewalks, streetlights, landscaping, service and emergency vehicle access, vehicle access, utilities, and refuse disposal, shall be subject to the following standards:

- A. Off-street parking. Parking shall comply with all applicable standards for off-street parking contained in Art. 7. Parking and loading. Parking in the front yard shall be limited to 50 percent of the required spaces.
- B. Sidewalks. Sidewalks having a minimum width of five (5) feet shall be installed within the right-of-way along any street frontage serving the property and align with adjacent public sidewalks. In the event public sidewalks are not present, the alignment shall be determined by the community development director. Sidewalks that connect the building entrance(s) to the public sidewalk shall also be installed. All such sidewalks shall be installed at the sole expense of the developer or property owner. Unless otherwise provided, a landscaped area having a minimum width of five (5) feet shall be maintained between the back of curb and sidewalk. Sidewalks may be incorporated into the landscaping, but shall not displace required landscaping. See Art. 7. Parking and loading.
- C. Streetlights. Pedestrian scale lighting standards having a height of 14 and to 18 feet shall be installed at the sole expense of the developer or property owner. The number, type and location of such lighting standards shall be determined by the community development director.
- D. Landscaping. Landscaping plans for the development shall be submitted to the community development director concurrent with submittal of an application for a building permit. Such plans shall conform to Art. 8. Buffer and landscaping standards.
- E. Service and emergency vehicle access. Site plans shall provide for access for firefighting equipment, ambulance and emergency service vehicles and solid waste vehicles and shall be subject to approval by the Riverdale fire marshal and the city engineer.
- F. Vehicle access. Vehicle access shall generally be made from the lowest street classification available for such access. However, access to a commercial development via a local street shall only be granted when no other street access is available. All access shall comply with Sec. 7.14. Access standards and shall be subject to approval by the city with the exception of developments accessing a state route.
- G. Utilities. All utilities, including gas, electric, phone, cable, and fiber optics, shall be located under-ground.

- H. Refuse disposal. Collection stations shall be enclosed and placed at the rear of the property to minimize unsightly views. Dumpsters, compactors and any other refuse equipment shall be appropriately screened by means of a fence, wall or landscaping. In no event shall such screening exceed a height of 10 feet.

DIVISION 7 – GC GENERAL COMMERCIAL

Sec. 3.2.4. "GC" General Commercial District.

Sec. 3.2.4.1. Purpose. The General Commercial District is to acknowledge the auto-dependent character of the historic development pattern along Riverdale's arterials such as Highway 85 and Highway 138. This District protects the substantial investments made by the owners of such properties and the contribution of these businesses to Riverdale coffers. Application of the North American Standard Industry Classification (NASIC) uses to these commercial corridors and the interpretive authority of the community development director established in Sec. 9.2. Interpretive authority of the community development director or the zoning administrator affords substantial flexibility in the range of allowed uses. This flexibility will enable business owners to better tap into the market demand represented by the very significant traffic volumes on these corridors.

Sec. 3.2.4.2. Allowed uses. Uses allowed in the General Commercial District are presented in Division 13 - Uses Table.

Sec. 3.2.4.3. Special uses. Special uses that may be allowed in the General Commercial District are presented in Division 13 - Uses Table.

Sec. 3.2.4.4. Accessory uses and buildings. The following accessory uses of land and buildings shall be authorized in the GC General Commercial District, as subordinate to the principal use or building:

- A. Accessory buildings, subject to the standards of Sec. 4.2.4. Non-residential accessory building standards.

Sec. 3.2.4.5. Development standards. The following development standards shall apply to any lot with-in a GC General Commercial District; Table 3-8. General Commercial Development Standards summarizes these standards.

Table 3.8. *General Commercial Development Standards*

Standard	GC
Minimum Lot Area	20,000 square feet
Minimum Lot Frontage	125 feet
Min. Lot Width @ Building Line	125 feet
Minimum Front Yard Setback	20 feet

Minimum Side Yard Setback	0 feet
Minimum Street Side Setback	0 feet
Minimum Rear Yard Setback	10 feet
Maximum Lot Coverage	90 %
Minimum Heated Floor Area	2,000 square feet
Maximum Building Height	40 feet; maximum of four (4) stories
Minimum Tract Size	n/a
Minimum Open Space	None

- A. Minimum lot area: Minimum lot area shall be 2,000 square feet.
- B. Minimum lot frontage: Minimum lot frontage shall be 100 feet.
- C. Minimum lot width at the building line: Minimum lot width at the building line shall be 125 feet.
- D. Front yard setback: The minimum front yard setback shall be the average of the building placement on adjacent lots or 20 feet where no buildings are present.
- E. Side yard setback: The minimum side yard setback shall be zero feet. The minimum side yard set-back on the street side of a corner lot may be zero, provided the clear vision area is not encroached upon.
- F. Rear yard setback: The minimum rear yard setback shall be 10 feet.
- G. Lot coverage: Impervious surfaces shall not occupy more than 90 percent of the lot.
- H. Access. All lots shall have the required frontage on a public street.

Sec. 3.2.4.6. Building standards. The following standards shall apply to all new construction within a GC General Commercial District.

- A. Minimum heated floor area: Minimum heated floor area shall be 2,000 square feet.
- B. Building height: Maximum building height shall be 40 feet; maximum of four (4) stories.
- C. Exterior finish materials standards:

1. The allowed exterior finishes include, but are not limited to, full-depth brick, stone, cast stone or other finished masonry, fiber cement panels, high-quality vinyl siding, EIFS, glass, wood or other natural materials, or similar material as approved by the community development director.
2. Restrictions on vinyl siding and Exterior Insulations Finish System (EIFS):
 - a. Vinyl siding shall comply with product standards of the Vinyl Siding Institute (VSI). Vinyl siding shall be installed to the vinyl manufacturer's standards.
 - b. EIFS siding shall be installed in accordance with the EIFS manufacturer's specifications.
 - c. Use of these materials shall be consistent with the use of these materials on surrounding development.

Sec. 3.2.4.7. Site improvement standards. Site improvements in a GC District, including off-street parking, sidewalks, streetlights, landscaping, service and emergency vehicle access, vehicle access, utilities, and refuse disposal, shall be subject to the following standards:

- A. Off-street parking. Parking shall comply with all applicable standards for off-street parking contained in Art. 7. Parking and loading. Parking in the front yard shall be limited to 50 percent of the required spaces.
- B. Sidewalks. Sidewalks having a minimum width of five (5) feet shall be installed within the right-of-way along any street frontage serving the property and align with adjacent public sidewalks. In the event public sidewalks are not present, the alignment shall be determined by the community development director. Sidewalks that connect the building entrance(s) to the public sidewalk shall also be installed. All such sidewalks shall be installed at the sole expense of the developer or property owner. Unless otherwise provided, a landscaped area having a minimum width of five (5) feet shall be maintained between the back of curb and sidewalk. Sidewalks may be incorporated into the landscaping, but shall not displace required landscaping. See Art. 7. Parking and loading.
- C. Streetlights. Pedestrian-scale lighting standards having a height of 14 and to 18 feet shall be installed at the sole expense of the developer or property owner. The number, type and location of such lighting standards shall be determined by the community development director.
- D. Landscaping. Landscaping plans for the development shall be submitted to the community development director concurrent with submittal of an application for a building permit. Such plans shall conform to Art. 8. Buffer and landscaping standards.
- E. Service and emergency vehicle access. Site plans shall provide for access for firefighting equipment, ambulance and emergency service vehicles and solid waste vehicles and shall be subject to approval by the Riverdale fire marshal and the city engineer.
- F. Vehicle access. Vehicle access shall generally be made from the lowest street classification available for such access. However, access to a commercial development via a local street shall only be granted when no other street access is available. All access shall comply with Sec. 7.14. Access standards and shall be subject to approval by the city with the exception of developments accessing a state route.

- G. Utilities. All utilities, including gas, electric, phone, cable, and fiber optics, shall be located under-ground.
- H. Refuse disposal. Collection stations shall be enclosed and placed at the rear of the property to minimize unsightly views. Dumpsters, compactors and any other refuse equipment shall be appropriately screened by means of a fence, wall or landscaping. In no event shall such screening exceed a height of 10 feet.
- I. Vending machines and newsstands shall be located to the side or rear of the principal structure and shall comply with Sec. 4.4.3.4. Collection bins, vending machines and newsstands.

Sec. 3.2.4.8. Commercial Design Standards.

All non-residential development shall comply with the standards of Sec. 5.2. Commercial Architectural Design Standards.

DIVISION 8 – O-I OFFICE – INSTITUTIONAL DISTRICT

Sec. 3.3. OFFICE-INSTITUTIONAL DISTRICTS

Sec. 3.3.1. Purpose.

The intent of city council in adopting the office-institutional district and the hospital overlay as well as the associated standards of this section is to (1) foster office and institutional development that not only brings expanded services to residents, but expanded employment opportunities as well; (2) pro-mote design and relaxed development standards that will yield quality and more intensive office development; and (3) encourage medical related uses to the exclusion of incompatible and non-complementary uses to support establishment of a dynamic medical center for both professional employment and accessible medical services.

Sec. 3.3.2. Office-Institutional and uses by zoning district.

A. The following zoning districts comprise the office-institutional districts in the city of Riverdale:

- 1. "O-I" Office-Institutional District.
- 2. "H" Hospital Overlay.

Sec. 3.3.3. "O-I" Office-Institutional District.

Sec. 3.3.3.1. Purpose. The O-I District is a typical office-institutional district that should be promoted by Riverdale as a source of high paying jobs. As with the majority of zoning districts in the Ordinance, the O-I is an exclusive district, prohibiting low density residential development that could compete with office development in a market where vacant land is limited. Given that reality, development standards that foster high intensity development, in combination with the reservation of open space, are intended to create park-like settings that will attract and sustain office tenants and employees. Institutional uses such as places of worship and schools of all types are also allowed in the O-I District. Buffers and setbacks can facilitate an appropriate transition from office and institutional uses to either neighborhood commercial districts or multifamily districts that would be appropriate uses to step down from O-I District uses to single family detached neighborhoods.

Sec. 3.3.3.2. Allowed uses. Uses allowed in the Office-Institutional District are presented in Division 13 - Uses Table.

Sec. 3.3.3.3. Special uses. Special uses that may be allowed in the Office-Institutional District are presented in Division 13 - Uses Table.

Sec. 3.3.3.4. Accessory uses and buildings. The following accessory uses of land and buildings shall be authorized in the Office-Institutional District, as subordinate to the principal use or building:

- A. Accessory buildings, subject to the standards of Sec. 4.2.4. Non-residential accessory building standards.

Sec. 3.3.3.5. Development standards. The following development standards shall apply to any lot with-in an O-I Office-Institutional District; Table 3-9. Office-Institutional Development Standards summarizes these standards.

Table 3-9. Office-Institutional Development Standards

Standard	Requirement
Minimum Lot Area	17,000 square feet
Minimum Lot Frontage	100 feet
Minimum Lot Width of Building Line	80 feet
Minimum Front Yard Setback	0 feet
Minimum Side Yard Setback	0 feet; 10 feet when abutting residential
Minimum Street Side Setback	0 feet
Minimum Rear Yard Setback	0 feet; 10 feet when abutting residential
Maximum Lot Coverage	80 %
Minimum Heated Floor Area	3,000 square feet
Maximum Building Height	60 feet; maximum of six (6) stories

Minimum Open Space	10 %
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- A. Minimum lot area: Minimum lot area shall be 17,000 square feet.
- B. Minimum lot frontage: Minimum lot frontage shall be 100 feet.
- C. Minimum lot width at the building line: Minimum lot width at the building line shall be 80 feet.
- D. Front yard setback: The minimum front yard setback shall be zero feet.
- E. Side yard setback: The minimum side yard setback shall be zero feet; 10 feet when abutting residential. The minimum side yard setback on the street side of a corner lot may be zero, provided the clear vision area is not encroached upon.
- F. Rear yard setback: The minimum rear yard setback shall be zero feet; 10 feet when abutting residential.
- G. Lot coverage: Impervious surfaces shall not occupy more than 80 percent of the lot.
- H. Access. All lots shall have the required frontage on a public street.

Sec. 3.3.3.6. Building standards.

- A. Minimum heated floor area: Minimum heated floor area shall be 3,000 square feet.
- B. Building height: Maximum building height shall be 60 feet; a maximum of six (6) stories.
- C. Architectural design and materials standards. All other building construction shall comply with the Architectural Urban Design Overlay Standards adopted in this ordinance.

Sec. 3.3.3.7. Site improvement standards. Site improvements in an O-I District, including off-street parking, sidewalks, streetlights, landscaping, service and emergency vehicle access, vehicle access, utilities, and refuse disposal, shall be subject to the following standards:

- A. Off-street parking. Parking shall comply with all applicable standards for off-street parking contained in Art. 7. Parking and loading. Parking in the front yard shall be limited to 25 percent of the required spaces.
- B. Sidewalks. Sidewalks having a minimum width of eight (8) feet to encourage walking shall be installed within the right-of-way along any street frontage serving the property and align with adjacent public sidewalks. In the event public sidewalks are not present, the alignment shall be determined by the community development director. Sidewalks that connect the building entrance(s) to the public sidewalk shall also be installed. All such sidewalks shall be installed at the sole expense of the developer or property owner. Unless otherwise provided, a landscaped area having a minimum width of five (5) feet shall be maintained between the back of curb and sidewalk. Sidewalks may be incorporated into the landscaping, but shall not displace required landscaping. See Art. 7. Parking and loading.

- C. Streetlights. Pedestrian-scale lighting standards having a height of 14 and to 18 feet shall be installed at the sole expense of the developer or property owner. The number, type and location of such lighting standards shall be determined by the community development director.
- D. Landscaping. Landscaping plans for the development shall be submitted to the community development director concurrent with submittal of an application for a building permit. Such plans shall conform to Art. 8. Buffer and landscaping standards.
- E. Service and emergency vehicle access. Site plans shall provide for access for firefighting equipment, ambulance and emergency service vehicles and solid waste vehicles and shall be subject to approval by the Riverdale fire marshal and the city engineer.
- F. Vehicle access. Vehicle access shall generally be made from the lowest street classification available for such access. However, access to a commercial development via a local street shall only be granted when no other street access is available. All access shall comply with Sec. 7.14. Access standards and shall be subject to approval by the city with the exception of developments accessing a state route.
- G. Utilities. All utilities, including gas, electric, phone, cable, and fiber optics, shall be located under-ground.
- H. Refuse disposal. Collection stations shall be enclosed and placed at the rear of the property to minimize unsightly views. Dumpsters, compactors and any other refuse equipment shall be appropriately screened by means of a retaining wall or landscaping. In no event shall such screening exceed a height of 10 feet.

Sec. 3.3.3.8. Open space and recreation areas.

Open space to be preserved or created and maintained in an O-I District shall be subject to the following standards:

- A. Open space standards. A minimum of 10 percent of the total development tract shall be reserved as open space that shall be recorded on the final plat or other instrument satisfactory to the city attorney. Open space shall be defined as usable space such as parks, gardens, natural areas, recreation facilities and athletic courts, etc., that may be used for passive or active recreation. Open space shall not include building lots or any portion thereof, required yards, street rights-of-way, parking lots or detention ponds. A minimum of 50 percent of the open space shall be maintained as a single open area with the remaining open space distributed as smaller areas. A maximum of 20 percent of each required open space area may be located within a floodplain. Minimum width of any open space area shall be 50 feet with a maximum ratio of length to width of three to one (3:1). Pedestrian access to open space shall be a minimum of 10 feet in width and located a minimum of 15 feet from any dwelling unit.
- B. Establishment and preservation of open space.
 - 1. Construction phases. Each phase of development shall comply with the proportional open space for individual development phases and shall be designated on the preliminary and final plats. The developer shall submit plans for establishing the open space with the preliminary plat. The developer shall establish the proportional open space as indicated on the plats during the construction of each development phase. No certificate of occupancy

shall be issued until open space in proportion to the development and as indicated on the approved final plat has been established.

2. Covenants. The developer shall preserve and maintain the land reserved for open space, parks, natural areas and recreation areas by recorded covenants and restrictions. The deed book and page number in which all such covenants and restrictions are recorded shall be shown on the recorded final plat of the development. These documents shall be satisfactory to the city attorney.
3. Developer maintenance of open space and/or common areas. The developer or owner shall pre-serve and maintain the land reserved for open space and common areas in perpetuity.
4. Use of open space. All open space and common areas shall be available for use by all commercial tenants and their employees, residents of the development, and registered guests of any hotel or motel within the bounds of the recorded covenants and restrictions.

DIVISION 9 – M INDUSTRIAL USE DISTRICT

Sec. 3.4. “M” LIGHT INDUSTRIAL DISTRICT

Sec. 3.4.1. Purpose.

The intent of city council in adopting the M Light Industrial District is to (1) acknowledge the presence of light industrial uses, (2) limit future such development to appropriate areas which will minimize truck and passenger vehicle conflicts and any adverse impact on Riverdale’s office, institutional and residential developments, (3) narrow the range of allowed industrial uses restricting future such uses to warehousing and wholesale trade and (4) promote industrial operations that are “clean” and feature a significant office component.

Sec. 3.4.2. Light Industrial land uses in zoning district.

- A. The “M” Light Industrial District comprises the industrial district that may be established in the city of Riverdale.

Sec. 3.4.3. “M” Light Industrial District.

Sec. 3.4.3.1. Allowed uses. Uses allowed in the Light Industrial District are presented in Division 13 - Uses Table.

Sec. 3.4.3.2. Special uses. Special uses that may be allowed in the Light Industrial District are also presented in Division 13 - Uses Table.

Sec. 3.4.3.3. Accessory uses and buildings. The following accessory uses of land and buildings shall be authorized in the Light Industrial District, as subordinate to the principal use or building:

- A. Accessory buildings, subject to the standards of Sec. 4.2.4. Non-residential accessory building standards.
- B. Night watchman living quarters not to exceed 600 square feet of heated floor area.

Sec. 3.4.3.4. Development standards. The following development standards shall apply to any lot with-in a Light Industrial District; Table 3-1. Industrial Development Standards summarizes these standards.

Table 3-10. *Industrial Development Standards*

Standard	M
Minimum Lot Area	60,000 square feet
Minimum Lot Frontage	150 feet
Min. Lot Width @ Building Line	150 feet
Minimum Front Yard Setback	50 feet
Minimum Side Yard Setback	10 feet
Minimum Street Side Setback	40 feet
Minimum Rear Yard Setback	10 feet
Maximum Lot Coverage	90 %
Minimum Heated Floor Area	5,000 square feet
Maximum Building Height	40 feet
Minimum Open Space	None

- A. Minimum lot area: Minimum lot area shall be 60,000 square feet.
- B. Minimum lot frontage: Minimum lot frontage shall be 150 feet.
- C. Minimum lot width at the building line: Minimum lot width at the building line shall be 150 feet.
- D. Front yard setback: The minimum front yard setback shall be 50 feet.
- E. Side yard setback: The minimum side yard setback shall be 10 feet; minimum side yard setback on the street side of a corner lot shall be 40 feet. The minimum side yard setback shall be 75 feet when abutting any residential district.

- F. Rear yard setback: The minimum rear yard setback shall be 10 feet; 75 feet when abutting any residential district.
- G. Lot coverage: Impervious surfaces shall not occupy more than 90 percent of the lot.
- H. Access. All lots shall have the required frontage on a public street.

Sec. 3.4.3.5. Building standards.

- A. Minimum heated floor area: Minimum heated floor area shall be 5,000 square feet.
- B. Building height: Maximum building height shall be 40 feet.
- C. Building separation: No building shall be located less than 20 feet from another such building on the same lot.
- D. Exterior finish materials standards:
 - 1. The allowed exterior finishes include, but are not limited to, full-depth brick, stone, cast stone or other finished masonry, fiber cement panels, EIFS, glass, or similar material as approved by the community development director. Steel buildings as an exterior finish shall be prohibited.
 - 2. Restrictions on Exterior Insulation Finish System (EIFS):
 - a. EIFS siding shall be installed in accordance with the EIF manufacturer's specifications.
 - b. Use of EIFS shall be consistent with the use of EIFS on surrounding development.

Sec. 3.4.3.6. Site improvement standards. Site improvements in an M District, including off-street parking, sidewalks, landscaping, service and emergency vehicle access, vehicle access, utilities, and refuse disposal, shall be subject to the following standards:

- A. Off-street parking. Parking shall comply with all applicable standards for off-street parking contained in Art. 7. Parking and loading. Parking in the front yard shall be limited to 50 percent of the required spaces.
- B. Sidewalks. Sidewalks having a minimum width of five (5) feet shall be installed within the right-of-way along any street frontage serving the property and align with adjacent public sidewalks. In the event public sidewalks are not present, the alignment shall be determined by the community development director. Sidewalks that connect the building entrance(s) to the public sidewalk shall also be installed. All such sidewalks shall be installed at the sole expense of the developer or property owner. Unless otherwise provided, a landscaped area having a minimum width of five (5) feet shall be maintained between the back of curb and sidewalk. Sidewalks may be incorporated into the landscaping, but shall not displace required landscaping. See Art. 7. Parking and loading.
- C. Truck bays. All truck bays shall be limited to the rear of the building.

- D. Landscaping. Landscaping plans for the development shall be submitted to the community development director concurrent with submittal of an application for a building permit. Such plans shall conform to Art. 8. Buffer and landscaping standards.
- E. Service and emergency vehicle access. Site plans shall provide for access for firefighting equipment, ambulance and emergency service vehicles and solid waste vehicles and shall be subject to approval by the Riverdale fire marshal and the city engineer.
- F. Vehicle access. Vehicle access shall generally be made from the lowest street classification available for such access. However, access to a commercial development via a local street shall only be granted when no other street access is available. All access shall comply with Sec. 7.14. Access standards and shall be subject to approval by the city with the exception of developments accessing a state route.
- G. Utilities. All utilities, including gas, electric, phone, cable, and fiber optics, shall be located under-ground.
- H. Refuse disposal. Collection stations shall be enclosed and placed at the rear of the property to minimize unsightly views. Dumpsters, compactors and any other refuse equipment shall be appropriately screened by means of a fence, wall or landscaping. In no event shall such screening exceed a height of 10 feet.

DIVISION 10 – MU MIXED USE DISTRICT

Sec. 3.5. "MU" MIXED USE DISTRICT

Sec. 3.5.1. Purpose.

The intent of city council in adopting the mixed use zoning district and associated standards of this section is to (1) create destination environments which residents and commuters may choose to frequent for shopping, dining, entertainment and living; (2) capitalize on a growing market trend toward goods and services being available in a walkable setting; (3) focus development on locations served by extensive public infrastructure and (4) avoid the inefficiencies in services delivery associated with sprawl.

Sec. 3.5.2. Mixed use land uses by zoning district.

- A. The MU Mixed Use District may be established in the city of Riverdale; the Town Center Mixed Use District has also been adopted for a specific geography surrounding the town center complex:

Sec. 3.5.3. "MU" Mixed Use District.

Sec. 3.5.3.1. Allowed uses. A combination of use types are allowed in the Mixed Use District as presented in Division 13 – Uses Table 3, provided a minimum of two (2) use types per lot, including commercial, retail, residential or office/institutional, are proposed.

Sec. 3.5.3.2. Special uses. Special uses that may be allowed in the Mixed Use District are presented in Division 13 – Uses Table.

Sec. 3.5.3.3. Accessory uses, buildings and structures. The following accessory uses of land, buildings and structures shall be authorized in the Mixed Use District, as subordinate to the principal use or building:

- A. Accessory building and structures, subject to the standards of Sec. 4.2.4. Non-residential accessory building standards or Sec. 4.2.1. Accessory buildings, as appropriate to the use.

Sec. 3.5.3.4. Development standards. The following development standards shall apply to any lot within a Mixed Use District. Table 3-11. Mixed Use Development Standards summarizes these standards.

Table 3-11. *Mixed Use Development Standards*

Standard	MU
Minimum Lot Area	22,000 square feet
Minimum Lot Frontage	125 feet
Min. Lot Width @ Building Line	100 feet
Minimum Front Yard Setback	0 feet
Minimum Side Yard Setback	0 feet ¹
Minimum Street Side Setback	0 feet
Minimum Rear Yard Setback	10 feet
Maximum Lot Coverage	80 %
Minimum Heated Floor Area	3,000 square feet
Maximum Building Height	60 feet
Minimum Open Space	15 %
Principal Building Setback	5-foot minimum; 10-foot maximum

¹Buffer requirements of Art. 8. Buffer and landscaping standards control setback.

- A. Minimum lot area: Minimum lot area shall be 22,000 square feet.

- B. Minimum lot frontage: Minimum lot frontage shall be 125 feet.
- C. Minimum lot width at the building line: Minimum lot width at the building line shall be 100 feet.
- D. Front yard setback: The minimum front yard setback shall be zero feet.
- E. Side yard setback: The minimum side yard setback shall be zero feet. The minimum side yard set-back on the street side of a corner lot may be zero, provided the clear vision area is not encroached upon.
- F. Rear yard setback: The minimum rear yard setback shall be 10 feet.
- G. Lot coverage: Impervious surfaces shall not occupy more than 80 percent of the lot.
- H. Access. All lots shall have the required frontage on a public street.

Sec. 3.5.3.5. Building standards.

- A. Minimum heated floor area: Minimum heated floor area shall be 3,000 square feet.
- B. Building height: Maximum building height shall be 40 feet; building heights up to 60 feet may be allowed for zero lot line development or the provision of on-site, pedestrian amenities.
- C. Building separation: No building shall be located less than 20 feet from another such building on the same lot.
- D. Exterior finish materials standards:
 1. The allowed exterior finishes include, but are not limited to, full-depth brick, stone, cast stone or other finished masonry, fiber cement panels, glass, wood or other natural materials, or similar material as approved by the community development director.
- E. The Architectural and Urban Design Standards are incorporated in the MU Mixed Use District as though fully printed here.

Sec. 3.5.3.6. Dwelling unit standards for residential buildings in a mixed use development.

- A. Minimum heated floor area: Minimum heated floor area shall be 1,000 square feet, exclusive of porches and garages.
- B. Building height: Maximum building height shall be 35 feet.
- C. Exterior finish materials standards:
 1. The allowed exterior finishes include, but are not limited to, full-depth brick, stone, cast stone or other finished masonry, fiber cement panels, high-quality vinyl siding, EIFS, glass, wood or other natural materials, or similar material as approved by the Community Development Director.
 2. Restrictions on vinyl siding and Exterior Insulations Finish System (EIFS):

- a. Vinyl siding shall comply with product standards of the Vinyl Siding Institute (VSI). Vinyl siding shall be installed to the vinyl manufacturer's standards.
- b. EIFS siding shall be installed in accordance with the EIF manufacturer's specifications.
- c. Use of these materials shall be consistent with the use of these materials on surrounding development.
- d. Fully one-half of the siding materials installed on all front facades shall be comprised of full-depth brick, stone or cast stone.

Sec. 3.5.3.7. Site improvement standards. Site improvements in an MU District, including off-street parking, sidewalks, streetlights, landscaping, service and emergency vehicle access, vehicle access, utilities, and refuse disposal, shall be subject to the following standards:

- A. Off-street parking. Parking shall comply with all applicable standards for off-street parking contained in Art. 7. Parking and loading. Parking in the lot yard shall be limited to 25 percent of the required spaces. Parking spaces along any property frontage not abutting a state route may be credited to the adjacent property as an incentive to zero lot line development or the provision of on-site, pedestrian amenities.
- B. Sidewalks. Sidewalks having a minimum width of five (5) feet shall be installed within the right-of-way along any street frontage serving the property and align with adjacent public sidewalks. In the event public sidewalks are not present, the alignment shall be determined by the community development director. Sidewalks that connect the building entrance(s) to the public sidewalk shall also be installed. All such sidewalks shall be installed at the sole expense of the developer or property owner. Unless otherwise provided, a landscaped area having a minimum width of five (5) feet shall be maintained between the back of curb and sidewalk. Sidewalks may be incorporated into the landscaping, but shall not displace required landscaping. See Art. 7. Parking and loading.
- C. Streetlights. Pedestrian-scale lighting standards having a height of 14 and to 18 feet shall be installed at the sole expense of the developer or property owner. The number, type and location of such lighting standards shall be determined by the community development director.
- D. Landscaping. Landscaping plans for the development shall be submitted to the community development department concurrent with submittal of an application for a building permit. Such plans shall conform to Art. 8. Buffer and landscaping standards.
- E. Service and emergency vehicle access. Site plans shall provide for access for firefighting equipment, ambulance and emergency service vehicles and solid waste vehicles and shall be subject to approval by the Riverdale fire marshal and the city engineer.
- F. Vehicle access. Vehicle access shall generally be made from the lowest street classification available for such access. However, access to a commercial development via a local street shall only be granted when no other street access is available. All access shall comply with Sec. 7.14. Access standards and shall be subject to approval by the city with the exception of developments accessing a state route.

- G. Utilities. All utilities, including gas, electric, phone, cable, and fiber optics, shall be located under-ground.
- H. Refuse disposal. Collection stations shall be enclosed and placed at the rear of the property to minimize unsightly views. Dumpsters, compactors and any other refuse equipment shall be appropriately screened by means of a fence, wall or landscaping. In no event shall such screening exceed a height of 10 feet.

DIVISION 11 – TCMU TOWN CENTER MIXED USE DISTRICT

Sec. 3.6. TOWN CENTER MIXED USE DISTRICT

Sec. 3.6.1. Purpose.

Located just outside Atlanta, the City of Riverdale has long desired to create a Town Center area to be the focus of development and redevelopment; a walkable community center where residents are able to live, work, and play. The concept of developing a Town Center was introduced in the early 2000's, with plans becoming a reality when City Hall, a Community Center, an amphitheater and open space, and a public parking deck were completed in 2010.

With these public improvements in place and with renewed growth of the Metro Atlanta area, the City is in a position to promote development within the Town Center Mixed Use (TCMU) District. The TCMU District standards and related Architectural and Urban Design Standards seek to encourage the desired mixed use development necessary to establish a viable Town Center while maintaining clarity and flexibility in zoning.

Sec. 3.6.2. Guiding principles.

A. Support mixed use development.

The intent of the TCMU District is to encourage development of retail, residential, office and civic uses that collectively create a walkable, mixed-use setting. New residential, commercial, office, and institutional development will provide the opportunity for people to live, work, shop and engage in civic and cultural activities.

To accomplish this intent within the TCMU geography, vertical mixed-use, with retail, restaurants, or office on the lower floors and residences above, is encouraged. Generally, development in the Town Center should include medium to high-density mixed-use buildings with above ground-floor residential and townhouses. Residential density is an important component of a successful mixed-use area to support walkable retail and restaurants. Compatibility with adjacent development in terms of density and intensity is necessary and shall be considered. Higher residential density and higher intensity commercial uses should be established near similar existing development and along prominent corridors. Mixed-use development will promote employment, residential, commercial and cultural opportunities and enrich the varied social life of the TCMU District.

B. Promote a pedestrian-oriented environment through design.

New development should focus on human-scale design that is compatible with the Riverdale context to create a walkable environment that accommodates all ages and abilities. Streetscape elements shall complement building form and orientation to create a well-defined pedestrian zone. The visitor experience shall be enhanced through the provision of community amenities, including but not limited to sidewalks,

crosswalks, street trees, lighting, and pedestrian oriented spaces. In addition, connections to open spaces, public buildings and public transportation shall be included in the network of pedestrian infrastructure.

- C. Establish a unique architectural identity for Riverdale that balances consistency and variety.

The design standards established in the Architectural and Urban Design Standards apply to development within the TCMU District and are intended to ensure that new buildings are compatible with existing and future development in the District. Variety in architectural elements is encouraged to define a unique character for Riverdale.

Sec. 3.6.3. Applicability.

These standards apply to all proposed development within the TCMU District that is subject to site plan approval. Development within the TCMU District is also subject to the Architectural Design Standards set forth in Art. 5 Architectural Design Standards. Planning Commission, at its discretion, may approve minor deviations from the design standards if, in the opinion of the Commission, such deviations contribute to the principles articulated in Sec. 3.5.2 more effectively than strict compliance with specific standards. Applicants shall clarify how proposed deviations advance the goals of the Town Center as defined by the guiding principles. These design standards do not exempt applicants from obtaining all required permits and complying with all applicable building codes, laws, and regulations in force.

Sec. 3.6.4. Land uses.

- A. Generally. Land uses shall provide an orderly relationship and function with other uses in the development, including existing land uses. Land uses shall also be consistent with the 2018 Comprehensive Plan Update, Riverdale's Livable Centers Initiative (LCI) Town Center Study, and Riverdale Zoning Ordinance. A combination of the following use types are allowed in the Mixed Use District as presented in Division 13 – Uses Table 3, provided a minimum of two (2) use types per lot, including commercial, retail, residential or office/institutional, are proposed.
- B. Commercial, office and institutional uses. The TCMU District shall consist of commercial (retail and service) uses, office uses, and institutional uses. Commercial development in this district should be limited to uses that are compatible with a traditional Town Center setting. Commercial establishments in TCMU Districts shall be consistent with the desired character and functionality of this area as defined in Sections 3.5.1 and 3.5.2 of this article.
- C. Residential uses. The TCMU shall consist of residential uses as specified in this section.
- D. Mixed Uses. Development within the TCMU District should provide a minimum of one (1) “mixed use” building that includes a combination one (1) residential component and a minimum of one (1) commercial component, or similar combination of uses that supports the intent of this district. A common example of this scenario is a building with upper floor residential units above commercial/retail-oriented uses. A combination of use types are also allowed in the TCMU District as presented in Division 13 – Uses Table 3, provided a minimum of two (2) use types per lot or development site, including commercial, retail, residential or office/institutional, are proposed.
- E. Open space. A minimum of fifteen (15) percent of the total project acreage must be preserved as open space, as defined in this ordinance. Mayor and council may require that any or all open space be preserved in perpetuity by a deeded conservation easement or similar approved document,

owned by the city, or owned by a homeowners' association or similar body acceptable to the City of Riverdale.

F. Allowed uses in the TCMU District are presented in the Uses Table in Division 13.

Sec. 3.6.5. Development standards.

All development within the TCMU District shall conform to applicable lot and building standards set forth in Article 5. Architectural Design Standards.

Sec. 3.6.6. Application requirements.

A. Pre-application meeting required.

Applicants shall meet with the community development director prior to submitting an application for development within the TCMU District or rezoning to TCMU. The purpose of the meeting is to determine the appropriateness of the proposed plan and its relationship to related local plans including, but not limited to, the Riverdale Comprehensive Plan, Riverdale LCI Town Center Study, Riverdale Zoning Ordinance, and Riverdale Code of Ordinances.

B. Rezoning and special use applications shall follow the requirements and procedures of Article 13. Procedures for zoning decisions.

C. Applications for development within the TCMU District shall include all information noted below to be reviewed during the site plan approval process:

1. Completed application form;
2. Development narrative including site plan, breakdown of square footage for each use, and number of housing units;
3. Location map with lot identification;
4. Existing site plan including all existing structures, trees, topography, and easements, prepared by a licensed surveyor;
5. Accurate list of adjacent property owners;
6. Photos of adjacent properties and other properties impacted by the development;
7. Proposed site plan, indicating project boundaries, building footprints, onsite and remote parking areas, where applicable, and topography at two-foot contour intervals;
8. Building plans, all levels including roof;
9. Building elevations, all sides including courtyards and interior lot elevations;
10. Massing perspective sketches or renderings illustrating the key elements of the development proposal within its context;

11. Proposed street tree and landscape plan;
12. Proposed exterior lighting plan with photometric information;
13. Proposed storm water management plan with runoff calculations; and
14. All documents shall clearly differentiate between existing and proposed work by use of screened lines or color. Changes and revisions to subsequent submittals shall be prominently noted.

DIVISION 12 – H HOSPITAL OVERLAY

Sec. 3.7. Hospital Overlay

Sec. 3.7.1. Purpose. The Hospital Overlay is established in recognition of the unique resource and opportunity represented by Southern Regional Medical Center and its affiliated uses. The Overlay acknowledges the emphasis Clayton County has placed on this local economic engine. In addition to employment opportunities at the hospital and support uses, Southern Regional is vital to rendering medical services convenient to Southside residents.

Sec. 3.7.2. Allowed Uses.

A. The following uses are allowed in the H, Hospital Overlay; any use not specifically identified as an allowed use in this section shall be prohibited unless the base zoning allows such uses:

1. Residential Uses:

- a. Attached residential units may be permitted, provided such units are part of a single mixed use building.

Sec. 3.7.3. Special uses.

A. Special uses in the Hospital Overlay encompass residential and lodging uses with the scale of such uses being limited. The intended occupants are hospital and medical facility staffs and short term stays for family members of hospital patients. The following uses shall be special uses:

1. Residential uses:

- a. Single family attached dwellings in the form of row houses, townhouses or condominiums, subject to the following conditions:
 - i. Such developments shall be limited to 24 dwelling units.
 - ii. The location of such developments shall be limited to those properties served by sidewalks linking the dwellings to Southern Regional Medical Center.
 - iii. A minimum of twenty percent of the gross acreage of the development tract shall be dedicated to usable open space.

- iv. An assessment by city council to determine whether the Hospital Overlay has sufficient such uses as to number and scale to ensure that an oversupply of such dwellings that could attract residents having no connection to Southern Regional and its environs is not created.

2. Multifamily dwellings subject to the following conditions:

- a. Such developments shall be limited to 24 dwelling units.
- b. The location of such developments shall be limited to those properties served by sidewalks linking the dwellings to Southern Regional Medical Center.
- c. A minimum of twenty percent of the gross acreage of the development tract shall be dedicated to usable open space.
- d. An assessment by city council to determine whether the Hospital Overlay has sufficient such uses as to number and scale to ensure that an oversupply of such dwellings that could attract residents having no connection to Southern Regional and its environs is not created.

3. Commercial uses:

Hotels, subject to the following conditions and including bed and breakfast inns, subject to the standards of Sec. 4.3.2.7. Bed and breakfast inn:

- a. Hotels, limited to a maximum of 80 guest rooms and excluding "extended stay" hotels.
- b. Access to guest rooms shall be via interior corridors, only with no access available directly from the parking lot.
- c. The hotel reception desk shall be staffed 24 hours a day, seven days a week.

4. Professional, Office and Institutional Uses:

- a. Hospitals
- b. Skilled nursing facilities.
- c. Rehabilitation centers.
- d. Nursing homes.
- e. Personal care homes.
- f. Medical testing and laboratory facilities.
- g. Medical offices.
- h. Adult care centers

- i. Child care centers
5. Commercial uses:
- a. Book, card and stationery stores.
 - b. Coffee shops.
 - c. Drug stores, subject to a maximum gross floor area of 6,000 square feet.
 - d. Fitness centers and gyms, subject to a maximum gross floor area of 4,000 square feet.
 - e. Florists and gift shops.
 - f. Food stores, subject to a maximum gross floor area of 3,000 square feet and excluding fuel sales.
 - g. Hotels, limited to 80 guest rooms and excluding “extended stay” hotels.
 - h. Parking lots and decks.
 - i. Sit-down restaurants, subject to a maximum gross floor area of 4,000 square feet.
 - j. Spas.

Sec. 3.7.4. Prohibited uses.

Any commercial enterprise of such scale that would, as determined by, likely attract customers from locations removed from Southern Oregon Regional Medical Center and its environs. Such determination shall consider the scale of the proposed commercial use relative to surrounding uses, hours of operation, and relationship to medical uses and other factors.

Sec. 3.7.5. Accessory uses.

Any use that is customarily accessory to a permitted or an approved special use shall be allowed, provided the use is clearly subordinate in scale or activity to the principal use and is commonly associated with the principal use.

Sec. 3.7.6. Development standards. Standards for commercial and institutional development in the Hospital Overlay feature aggressive utilization of land as seen in maximum building heights, building massing and lot coverage. Residential densities are also high with single family detached dwellings prohibited in favor of row houses, townhouses, condominiums and multifamily dwellings.

The following standards shall apply to residential development:

- A. Minimum lot frontage: Minimum lot frontage shall be 100 feet; 60 feet on a cul-de-sac lot.
- B. Minimum lot width at the building line: Minimum lot width at the building line shall be 125 feet.

- C. Minimum heated floor area: Minimum heated floor area applicable to single family attached dwellings and multifamily dwellings shall be as follows:
 1. One Bedroom: 576 square feet
 2. Two Bedroom: 864 square feet
 3. Three Bedroom: 1,152 square feet
- D. Minimum front yard setback: Minimum front yard setback shall be zero feet for residential uses; 20 feet for residential uses having front-loaded garages.
- E. Minimum side yard: Minimum side yard shall be 15 feet for buildings adjacent to a street.
- F. Maximum building height: Maximum Building Height shall be 60 feet.
- G. Maximum lot coverage: Impervious surfaces shall not exceed 75 percent of the total site.
- H. Maximum density: Maximum density shall be 24 units per acre.
- I. Building to building separation: Buildings on a development tract having multiple buildings that are front facade to front facade or rear facade to rear facade shall be not less than sixty (60) feet apart. Buildings that are front facade to rear facade shall be not less than eighty (80) feet apart. Buildings that are side facade to side facade shall not be less than twenty (20) feet apart. Buildings that are side facade to front facade or rear facade shall be not less than forty (40) feet apart.

The following standards shall apply to non-residential development within the Hospital Overlay. These standards are summarized in Table 3-12 Hospital Overlay Development Standards.

Table 3-12. Hospital Overlay Development Standards

Standard	H
Minimum Lot Area	20,000 square feet
Minimum Lot Coverage	100 feet
Min. Lot Width @ Building Line	80 feet
Minimum Front Yard Setback	20 feet
Minimum Side Yard Setback	0 feet; 10 feet when abutting residential ¹
Minimum Street Side Setback	0 feet

Minimum Rear Yard Setback	0 feet; 10 feet when abutting residential
Maximum Lot Coverage	90 %
Minimum Heated Floor Area	3,000 square feet
Maximum Building Height	40 feet; maximum of four (4) stories
Minimum Open Space	20 %

¹Buffer requirements of Art. 8. Buffer and landscaping standards control setback.

- A. Minimum lot area: Minimum lot area shall be 20,000 square feet.
- B. Minimum lot frontage: Minimum lot frontage shall be 100 feet.
- C. Minimum lot width at the building line: Minimum lot width at the building line shall be 80 feet.
- D. Minimum front yard setback: Minimum front yard setback shall be 20 feet.
- E. Minimum side yard setback: Minimum side yard setback shall be zero feet for all buildings; 10 feet when adjacent to property zoned or occupied in residential use.
- F. Minimum rear yard setback: Minimum rear yard setback shall be zero feet for all buildings; 10 feet when adjacent to property zoned or occupied in residential use.
- G. Building massing: No structure shall exceed two hundred (200) feet in length along any elevation.
- H. Maximum building height: Maximum building height shall be 40 feet.
- I. Maximum lot coverage: Impervious surfaces shall not exceed 90 percent of the total site.
- J. Minimum parking and loading requirements: See Sec. 7.11. Minimum and maximum off-street parking and loading ratios.
- K. Landscaping and buffers: See Sec. 8.3. Minimum buffer specifications and Sec. 8.9. Landscaping standards for parking lots.
- L. Minimum open space ratio: As serene environments are key to pleasant hospital, rehabilitation center and personal care home stays and medical facility visits, ample landscaping and open space reservation is a hallmark of the Hospital Overlay. A minimum of 20 percent of the project acreage shall be reserved in usable open space.

Sec. 3.7.7. Improvement requirements and design standards. Developments in the Hospital Overlay shall be subject to the improvement requirements and design standards contained in the Architectural Design Standards.

Sec. 3.7.8. Code provisions. Whenever a conflict between the provisions of the Hospital Overlay and those of other articles or sections contained in the zoning ordinance or any other city ordinance exists, the provisions of the base zoning district shall govern.

Sec. 3.7.9. Application requirements and procedures. In addition to the requirements contained in Sec. 6.3. Plan submittal requirements, an inventory of all uses similar to the use or uses being pro-posed in an application for Hospital Overlay zoning within 5,280 feet of the property proposed for re-zoning shall be submitted with the zoning application. Such distance shall be measured in a straight line from nearest property boundary to nearest property boundary.

DIVISION 13 - USES TABLE

Sec. 3.8. Interpretation.

- A. Some degree of interpretation will occasionally be required in applying the below Uses Table, as it is not possible or desirable to list every name or variation of a given use.
- B. In all cases of uncertainty, the determination of whether or not a particular use should be allowed in a specific zoning district shall reflect the purposes of the zoning district as stated in the respective sections contained in this Article 3. Zoning districts, intent, use, and standards, both the common and dictionary definitions of the proposed use as contained in the Merriam-Webster Dictionary (latest edition), and the array of listed uses that are allowed in the zoning district based on their character and intensity, as determined by the community development director.

Principal Uses ↓	Zoning Districts →	R-1	R-2	R-3	MR	NC	GC	MU	TCMU	O-I	H	M	Development Standards
		<i>A = Allowed</i>			<i>S = Allowed if Approved as a Special Use</i>				<i>Blank = Prohibited</i>				
RESIDENTIAL USES		R-1	R-2	R-3	MR	NC	GC	MU	TCMU	O-I	H	M	
Single-Family Detached Dwelling: Site-Built or Modular Home		A	A	A									
Dwelling: Duplex, Triplex, Quad					A								
Multi-Family: Townhouses, Apt., Condominiums					A								
Live-Work Units- Lofts in Mixed-Use Building						A		A	A		A		Sec. 4.3.2.19
Home Occupations (Accessory use, only)		S	S	S									Sec. 4.3.3.2
Housing and Lodging		R-1	R-2	R-3	MR	NC	GC	MU	TCMU	O-I	H	M	
Assisted Living Facility					A			A		A	A		
Convalescent Home					A			A		A	A		
Nursing Care Facility					A			A		A	A		
Halfway House/Transitional Housing													
Multifamily Dwellings, Supportive Living					S			A			A		
Child Care Home (6 or less)		S	S	S									Sec. 4.3.1.2
Child Caring Institution (7 or more)							A				A		
Adult Care Home (6 or less)		S	S										Sec. 4.3.1.1
Adult Care Center (7 or more)										A	A		Sec. 4.3.2.1
Personal Care Home, Family (up to 6)		S	S										Sec. 4.3.1.3
Personal Care Home, Congregate (7 or more)								A		A	A		Sec. 4.3.2.14
Hotels							A	A	A				Sec. 4.4.3.7
Motels							A						Sec. 4.4.3.7
Short-term Rentals		S	S	S									Sec. 4.3.2.25
Hotel or motel, extended stay							S						Sec. 4.4.3.7
Bed and Breakfast Inn		S	S	S							S		Sec. 4.3.2.7
EDUCATIONAL USES		R-1	R-2	R-3	MR	NC	GC	MU	TCMU	O-I	H	M	
Private/Public Schools: Kindergarten, Elementary, Middle, and High Schools		S	S	S		A	A	S	S				Sec. 4.3.2.22
Private /Public Schools: Junior Colleges		S	S	S				A	S				

Principal Uses ↓	Zoning Districts →	R-1	R-2	R-3	MR	NC	GC	MU	TCMU	O-I	H	M	Development Standards
Private/Public Schools: Colleges/Universities		S	S	S				A	S				
Vocational Schools							A			S	S		
Specialized Schools							A		S	S	S		
Public Institutional Uses		R-1	R-2	R-3	MR	NC	GC	MU	TCMU	O-I	H	M	
Outpatient Medical Care Centers, Kidney Dialysis Centers and Urgent Care Facilities											A		
Hospitals											A		
Child and Youth Services, such as adoption agencies, Youth centers (except recreational, only), child guidance organizations, youth self-help organizations and foster care placement services								A			A		
Services for the Elderly and Persons with Disabilities								A			A		
Other Individual and Family Services, such as Marriage Counseling Services, Self-Help Organizations, and Telephone Counseling Services						A		A			A		
Community Food Services, Housing/Shelters								A					
Emergency and Other Relief Services										A			
Vocational Rehabilitation Services								A		A			
Religious & Professional Organizations		R-1	R-2	R-3	MR	NC	GC	MU	TCMU	O-I	H	M	
Churches, Mosques, Temples, Synagogues and Other Facilities for Religious Organizations		S	S	S		A	A	A	S	A			
Fraternal Lodges, Veterans Membership Organizations, and Other Civic and Social Organizations, Business Professional						A	A	A	A	A			
Cemeteries (accessory to a place of worship)		A								A			Sec. 4.3.2.9
Crematories												S	Sec. 4.3.2.9
COMMERCIAL USES		R-1	R-2	R-3	MR	NC	GC	MU	TCMU	O-I	H	M	
Automotive		R-1	R-2	R-3	MR	NC	GC	MU	TCMU	O-I	H	M	
New Car Dealers (automobiles and light trucks)							A						Sec. 4.3.2.32

Principal Uses ↓	Zoning Districts →	R-1	R-2	R-3	MR	NC	GC	MU	TCMU	O-I	H	M	Development Standards
Auto Broker (no vehicles stored or for sale on site)							A	A		A			Sec. 4.3.2.5
Used Car Dealers (for automobiles and light trucks)							S						Sec. 4.3.2.32
Recreational Vehicle Dealers, Boat, ATV etc.							S					A	Sec. 4.3.2.23
Automotive Parts and Accessories Stores							A						Sec. 4.3.2.29
Tire Dealers												A	Sec. 4.3.2.33
General Auto Repairs							A					A	Sec. 4.3.2.33
Vehicle specialty shop							A						Sec. 4.3.2.33
Auto system repairs Exhaust/Transmission												A	Sec. 4.3.2.33
Auto paint, Custom services												A	Sec. 4.3.2.30
Oil Change Services							A					A	Sec. 4.3.2.33
Car Wash (Accessory use, only)							A						Sec. 4.3.2.35
Furniture and Home furnishings								A					
Electronic /Appliance Stores							A	A					
Music Stores (e.g. new records and compact discs)							A	A	A				
Building Material and Garden Equipment and Supplies Dealers		R-1	R-2	R-3	MR	NC	GC	MU	TCMU	O-I	H	M	
Home Centers							A	A					
Paint and Wallpaper Stores							A	A					
Hardware Stores						A	A	A					
Wood or Ceramic Tile Flooring Stores							A						
Lumber Yards, retail							A					A	
Outdoor Power Equipment Stores							A					A	
Garden Centers and Nurseries							A	A				A	Sec. 4.3.2.12
Farm Supply Store (e.g. Feed and Seed Store)							A						
Building and Construction Contractors Lot							S					A	Sec. 4.3.2.8
Contractors Office							A					A	
Food and Beverage Stores		R-1	R-2	R-3	MR	NC	GC	MU	TCMU	O-I	H	M	
Supermarkets and Other Grocery Stores							A	A					
Convenience Food Stores with Fuel Pumps							A						Sec. 4.3.2.15
Convenience Food Stores without Fuel Pumps							A						Sec. 4.3.2.16

Principal Uses ↓	Zoning Districts →	R-1	R-2	R-3	MR	NC	GC	MU	TCMU	O-I	H	M	Development Standards
Specialty Food Stores; not for on-premises consumption and not made on site						A	A	A	A				
Produce Stands, Permanent							A						Sec. 4.3.2.2
Temporary Outdoor Seasonal Sales						S	S	S					Sec. 4.3.4.6
Temporary Outdoor Retail Sales						S	S	S					Sec. 4.3.4.5
Package Stores, Retail							A	S					
Retail Bakeries ¹						A	A	A					¹ May allow light production with Special Use Approval.
Personal Care/Interest Stores	R-1	R-2	R-3	MR	NC	GC	MU	TCMU	O-I	H	M		
Pharmacies, Drug Stores							A	A	A		A		
Beauty Supplies								S					
Optical Goods Stores							A	A		A			
Clothing and clothing accessory stores						A		A	A				
Luggage and Leather Goods Stores							A	A					
Sporting Goods, Hobby, Music and Book Stores							A	A	A				
General Merchandise Stores	R-1	R-2	R-3	MR	NC	GC	MU	TCMU	O-I	H	M		
Department Stores							A	A					
Warehouse Clubs and Supercenters							A	S				A	
Dollar Stores and Other General Merchandise Stores, including Small Box Discount Stores							S	S					
Miscellaneous Store Retailers	R-1	R-2	R-3	MR	NC	GC	MU	TCMU	O-I	H	M		
Pharmacies, Drug Stores							A	A	A		A		
Optical Goods Stores							A	A		A			
Clothing and clothing accessory stores						A	A	A	A				
Luggage and Leather Goods Stores							A	A					
Sporting Goods, Hobby, Music and Book Stores						A	A	A	A				
Florists						A	A	A	A	A	A		
Office Supplies and Stationary Stores							A	A		A			

Principal Uses ↓	Zoning Districts →	R-1	R-2	R-3	MR	NC	GC	MU	TCMU	O-I	H	M	Development Standards
Gift, Novelty, and Souvenir Stores						A	A	A					
Used Merchandise Stores (including Antiques, Used Books, Second-Hand Clothing, Indoor Flea Markets and Other Used Merchandise Stores), not including Pawnshops						A	A	A	S				
Pawnshops, including Title Pawn												A	Sec. 4.3.2.21
Pet and Pet Supply Stores						A	A	A					
Art Dealers (includes commercial studios and galleries); see under Manufacturing for Artisans and Craftsmen						A	A	A					
Cigar and Tobacco Shops (excludes lounges; see under Arts, Entertainment and Recreation: NAICS Ref. 713990)						A	A	A					
Art Supply Stores						A	A	A					
Swimming Pool and Pool Supply Stores							A	A				A	
Auction House							A	A					
Business Support and Other Services	R-1	R-2	R-3	MR	NC	GC	MU	TCMU	O-I	H	M		
Banks, Credit Unions and Savings Institutions							A	A	A	A			
Check Cashing Services (Accessory use, only)							A						Sec. 4.3.2.10
Insurance Agencies, Brokerages and Other Insurance Related Activities							A	A	A	A			
Banquet Hall or Event Center						S	A	A					Sec. 4.3.2.17
Self-Storage Unit Rental, Climate Controlled							A	S				A	Sec. 4.3.2.11
Self-Storage Unit Rental, Mini-warehouses													Sec. 4.3.2.20
Passenger Car Rental							S						Sec. 4.3.2.31
Truck, Utility Trailer, and RV Rental and Leasing							S						
General Rental Centers							A	A					
Construction Equipment Rental and Leasing												A	
Truck Stops												A	
Employment Placement Agencies & Executive Search Services, Temp Agencies							A	A		A			

Principal Uses ↓	Zoning Districts →	R-1	R-2	R-3	MR	NC	GC	MU	TCMU	O-I	H	M	Development Standards
Business Support Offices							A	A		A			
Testing Laboratories (includes physical, chemical, and other analytical testing; excludes medical and veterinary testing)							S					A	
Travel Agencies						A	A	A	A	A			
Retailing New Cellular Phones and Service Plans (with or without repair services)							A	A					
Convention and Visitors Bureaus								A	A	A			
Locksmiths								S				A	
Exterminating and Pest Control Services												A	
Janitorial Services							A	S				A	
Landscaping Services												A	
Carpet and Upholstery Cleaning Services							A	A				A	
RESTAURANTS/FOOD SERVICES	R-1	R-2	R-3	MR	NC	GC	MU	TCMU	O-I	H	M		
Mobile Food Services (i.e., Food Truck Courts)							A	A	S	A	A	A	Sec. 4.3.2.18
Restaurants, Full-Service (excluding Brewpubs)							A	A	A		A		
Brewpubs							A	A	A				
Restaurants, Limited-Service, including Fast Food and Take-Out, with drive-through windows							A						
Restaurants, Drive-In							A		S				
Cafeterias, Grill Buffets, and Buffets							A	A			A		
Specialty Snack Shops and Non-Alcoholic Beverage Bars							A	A	A		A		
Bars, Taverns and Other Drinking Places							A	A	A				
Commercial and Industrial Machinery and Equipment Repair and Maintenance Services	R-1	R-2	R-3	MR	NC	GC	MU	TCMU	O-I	H	M		
Commercial and Industrial Machinery and Equipment (except Automotive and Electronic) Repair and Maintenance Services							A					A	
Recreation Boat and Motorcycle Repair and Maintenance							S					A	

Principal Uses ↓	Zoning Districts →	R-1	R-2	R-3	MR	NC	GC	MU	TCMU	O-I	H	M	Development Standards
Personal Care Services		R-1	R-2	R-3	MR	NC	GC	MU	TCMU	O-I	H	M	
Barber Shops						A	A	S					Sec. 4.3.2.6
Beauty Salons						A	A	S					Sec. 4.3.2.6
Hair Braiding Salon						A	A	S					Sec. 4.3.2.6
Nail Salons						A	A	A					Sec. 4.3.2.6
Beauty Supplies							A						
Diet and Weight Reducing Centers							A	A					
Hair replacement Offices								A			A		
Day Spa						S	A	A	S				
Tattoo and Body Piercing Studios							A						
Coin-Operated Laundries and Drycleaners													
Other Services		R-1	R-2	R-3	MR	NC	GC	MU	TCMU	O-I	H	M	
Photography Studios, Portrait (including still, video, digital, and passports)						S	A	A					
Photofinishing Services							A					A	
Home Health Care Services, including In-Home Hospice Care and Skilled Nursing Services							A	S			A		
Funeral Homes and Funeral Services							A						
Crematories												S	
Animal Hospitals and Veterinary Clinics							A			A	A		Sec. 4.3.2.4
Animal Shelters							A					A	Sec. 4.3.2.4
Pet Grooming Shops						S	A	A					Sec. 4.3.2.4
Pet Daycare						S	A	A					Sec. 4.3.2.4
Kennels, Pet boarding							A					A	Sec. 4.3.2.4
Kennels, Breeding							A					A	Sec. 4.3.2.4
Keeping of domestic pets		A	A	A	A								Sec. 4.3.3.1
Personal Fitness Training Services							A	A	S	A			
Other Personal Services							A	A		A			

Principal Uses ↓	Zoning Districts →	R-1	R-2	R-3	MR	NC	GC	MU	TCMU	O-I	H	M	Development Standards
Mortgage and Non-mortgage Loan Brokers							A	A		A			
Professional Office						A	A	A	A	A			
Scientific Research and Development Services							A	A		A		A	
Business Incubator							A	A	A	A			
Coworking Space							A	A	A	A			
Maker Space							A	A	A	A		A	
Corporate Management Offices							A	A	A	A		A	
Medical Offices								A		A	A		
Medical and Diagnostic Laboratories								A		A	A		
ARTS, ENTERTAINMENT AND RECREATION	R-1	R-2	R-3	MR	NC	GC	MU	TCMU	O-I	H	M		
Outdoor Amphitheaters and Performance Venues								A					
Arena, Stadium, or Other Facility for Presenting Sporting Events													
Museums and Commercial Historical Sites, including non-retail Art Galleries								A	A				
Zoos, Botanical Gardens, and Nature Parks													
Amusement Parks and Arcades							A						
Golf Courses, with or without a Country Club							A	A					Sec. 4.3.2.13
Fitness Centers, Health Clubs and Recreation Centers (includes Non-Profit facilities, e.g. YMCA)						A	A	A					
Swimming Pools/Aquatic Centers, Commercial							A	A					Sec. 4.3.2.27.2
Recreational facilities							A	A	A				Sec. 4.3.2.13
Recreational or Youth Sports Teams Fields							A	A	A				Sec. 4.3.2.13
Miniature Golf Course							A	A					Sec. 4.3.2.13
Golf Driving Range							A	A					Sec. 4.3.2.13
Paintball Competition Courses							A	A					Sec. 4.3.2.13
Temporary Outdoor Events						S	S	S					Sec. 4.3.4.4
Special Outdoor Events						S	S	S					Sec. 4.3.4.2

Principal Uses ↓	Zoning Districts →	R-1	R-2	R-3	MR	NC	GC	MU	TCMU	O-I	H	M	Development Standards
Billiard and Pool Halls							S	S ²					² As part of a mixed use project. Sec. 4.3.2.13
Dance Halls and Night Clubs							S	S ³					³ As part of a mixed use project.
Cigar Lounges (with or without retail component)							S	S ⁴					⁴ As part of a mixed use project.
Hookah Lounges							S						⁵ As part of a mixed use project.
Motion Picture Theaters							A	A					
Libraries and Archives							A	A	A	A			
MANUFACTURING, WHOLESALING AND WAREHOUSING		R-1	R-2	R-3	MR	NC	GC	MU	TCMU	O-I	H	M	
Craftsmen Studios (pottery, jewelry, woodworking, etc.)						A	A	A	A			A	
Brewery								A				A	
Microbrewery							A	A					
Winery												A	
Distillery												A	
Manufacturing		R-1	R-2	R-3	MR	NC	GC	MU	TCMU	O-I	H	M	
Manufacturing, traditional												A	
Apparel Manufacturing, excluding Tailors and Dressmakers												A	
Leather and Allied Product Manufacturing,												A	
Wood Product Manufacturing and Sawmills													
Paper Manufacturing,												A	
Printing and Related Support Activities												A	
Pharmaceutical and Medicine Manufacturing												A	
Plastics and Rubber Product Manufacturing													
Clay Product and Refractory Manufacturing, excluding Studios of Pottery and Ceramics Artisans/ Craftsmen												A	

Principal Uses ↓	Zoning Districts →	R-1	R-2	R-3	MR	NC	GC	MU	TCMU	O-I	H	M	Development Standards
Computer and Electronic Product Manufacturing												A	
Electrical Equipment, Appliance, and Component Manufacturing												A	
Transportation Equipment Manufacturing												A	
Furniture and Related Products Manufacturing, excluding Studios of Custom Architectural Woodwork and Millwork Craftsmen												A	
Medical Equipment and Supplies Manufacturing												A	
Miscellaneous Manufacturing,												A	
Wholesale/Warehouse	R-1	R-2	R-3	MR	NC	GC	MU	TCMU	O-I	H	M		
Wholesale Trade with Customer Showrooms												A	
Distribution Centers												A	
Medium- and Heavy-Duty Trucks, Bus, and Similar Motor Vehicle Dealer							S					S	
General Warehousing and Indoor Storage (Cold Farm product)												A	
Lumber Storage Terminals												A	
Sound Recording Studios							A					A	
Motion Picture and Video Production (including sound stages)							A	A				A	
Motion Picture and Video Postproduction Services							A	A					
TRANSPORTATION & COMMUNICATIONS	R-1	R-2	R-3	MR	NC	GC	MU	TCMU	O-I	H	M		
Transportation	R-1	R-2	R-3	MR	NC	GC	MU	TCMU	O-I	H	M		
Airport													
Private Airstrip or Heliport													
Taxi and Limousine Service							S					A	Sec. 4.3.2.3
Taxi and limousine service, dispatch& storage							S						Sec. 4.3.2.27
General Freight Trucking, Local												A	

Principal Uses ↓	Zoning Districts →	R-1	R-2	R-3	MR	NC	GC	MU	TCMU	O-I	H	M	Development Standards
Charter Bus Terminal												A	
Special Needs Transportation							A					A	
Shuttle Services, Vanpools and Other Ground Passenger Transportation							A					A	
Motor Vehicle Towing and Wrecker Services												A	
Trucking Terminal												A	
Courier and Express Delivery Services (FedEx, UPS), sorting and forwarding ("UPS Store" would be classified under Commercial Services, NAICS Ref. 56143 Business Service Centers)												A	
Local Messengers and Local Delivery Services (includes grocery and restaurant meal services, independent of a grocery store or restaurant)							A					A	
Ambulance Services											A	A	
Parking Lots								S ⁶				A	⁶ As part of a mixed use project.
Parking Garages							A	S ⁷				A	⁷ As part of a mixed use project.
Communications		R-1	R-2	R-3	MR	NC	GC	MU	TCMU	O-I	H	M	
Radio and Television Broadcasting Stations							A					A	
Cable and Other Subscription Distribution							A					A	
Wired Telecommunications Carriers							A					A	
Satellite Telecommunications							A					A	
Monopole Towers and Antennae							S					S	
Lattice Towers												S	
Amateur Radio Service Antenna Structure		A	A	A									
Data Processing, Hosting, and Related Services							A			A			
News Syndicates							A						

ARTICLE 4. DEVELOPMENT STANDARDS

Sec. 4.1. Introduction

Sec. 4.1.1. Organization of standards. This article is organized by building standards, use standards, and general standards.

Sec. 4.1.2. Standards are in addition to development standards. Standards contained in this article shall apply to the uses specified in all zoning districts unless otherwise provided. These standards shall be in addition to the development standards of individual zoning districts. In the event of a conflict with any other ordinance or code, the more stringent standard shall apply.

Sec. 4.2. Building Standards. The following standards apply to all new construction, including building additions.

Sec. 4.2.1. Accessory buildings. An accessory building is an unoccupied building detached from the principal building, the use of which is incidental and subordinate to the primary use of the property. Accessory buildings may be accessory to a residential use or to a non-residential use. Accessory buildings shall comply with the standards of this section and all other applicable standards of this ordinance.

Sec. 4.2.2. Residential accessory building standards. The following standards shall apply to attached accessory buildings on property developed in residential use:

- A. Accessory buildings shall be subordinate in area, extent and purpose to the primary residential use. No accessory building shall have a ground floor area greater than that of the principal dwelling except in the R-3 and MR Districts which may have a common garage.
- B. Accessory buildings, including detached garages, shall be permitted in the R-1 Single Family Detached Residential District, R-2 Single Family Detached Residential District, R-3 Attached Residential District and the MR Multifamily District. Such buildings shall also be permitted in the Mixed Use District when the principal use of the property is residential, subject to the following standards as concerns the maximum number and size of accessory buildings:
 1. One accessory building shall be allowed on a residential lot having an area of 15,000 square feet or less. A second accessory building shall be allowed on a lot having an area of 20,000 square feet or less and a third accessory building shall be allowed on a lot having an area of one (1) acre or more. A detached carport having the capacity to shelter one passenger vehicle shall be allowed on any residential lot provided such carport shall be used in determining the allowable number of accessory buildings, provided further that a carport having a capacity to shelter one passenger vehicle shall be allowed on any residential lot in addition to one (1) accessory building.
 2. The maximum size of an individual accessory building on a lot having an area of 15,000 square feet or less shall be 576 square feet. The maximum size of an individual accessory building on a lot having an area of 20,000 square feet or more shall be 576 square feet. The combined size of all accessory buildings and structures on a lot having an area of 20,000 square feet or more shall be 720 square feet. The maximum size of an individual accessory building located on any residential lot having an area of one (1) acre or more shall be 720 square feet. The combined area of all accessory buildings on a lot having an area of greater than one (1) acre

shall be 864 square feet. Table 4.1 Maximum number and area of accessory buildings summarizes this information.

3. Duplex, triplex, quadruplex and multifamily properties shall be limited to one (1) accessory building per dwelling unit and having a maximum floor area of 288 square feet.
4. No accessory building shall exceed the area of the ground floor of the principal dwelling.

Table 4.1. *Maximum number and area of accessory buildings*

Lot Area (In Square Feet)	Maximum Number of Accessory Buildings	Maximum Combined Area of Accessory Buildings
15,000 or less	1	576 square feet
20,000 or more	2	720 square feet
One acre or more	3	864 square feet

C. Accessory building placement.

1. Located on a lot with a principal dwelling. Accessory buildings shall only be located on the same lot as the principal dwelling to which it is accessory, and shall only be allowed in a side or rear yard to the rear of the principal dwelling, provided that garages may be located in a front yard, subject to the setbacks applicable to the principal dwelling.
2. Side and rear yard setbacks. Accessory buildings shall maintain a minimum side and rear yard setback equal to fifty (50) percent of the minimum setbacks applicable to the principal dwelling.
3. Setback on corner lot. Accessory buildings on a corner lot shall comply with the setback for the principal dwelling. No accessory building on a corner lot that adjoins the side yard of a lot occupied by or zoned for a residential use shall be located within 25 feet of the rear property line. This 25-foot setback shall not be required when the adjoining yard is a rear yard.
4. Distance from dwelling and other accessory buildings. All accessory buildings shall be located a minimum of ten (10) feet from the principal dwelling or other accessory buildings on the lot and a minimum of ten (10) feet from the principal dwelling or accessory buildings on adjacent lots. This distance shall be measured from outside wall to outside wall.

D. Accessory building height.

1. No accessory building shall exceed a height of 24 feet as measured from the average adjacent grade at the front of the accessory building to highest point of the roof of the accessory building or the height of the principal dwelling as measured from the average adjacent grade at the front of the principal dwelling to the highest point of the roof of the principal dwelling, whichever is less.

2. No accessory building shall be a full two-story building, provided an accessory building may be one and one-half story.

E. Architectural character and exterior finish.

1. The exterior finish and color of all accessory buildings and structures shall be similar to the exterior finish and color of the principal dwelling on the lot. In the case of brick dwellings, the exterior finish of an accessory building shall mirror the trim work or other siding materials of the principal dwelling and shall consist of materials intended for use as siding.
2. Roof pitch and style, whether gable, hip, shed or mansard, shall be similar to the roof pitch and style of the principal dwelling.
3. Second story access. Where applicable, access to an upper story of an accessory building shall be located within the interior of the ground floor area of the accessory building.

F. Limitation on use.

1. Accessory buildings shall not be used for residential occupancy. Accordingly, accessory buildings shall not be fitted with potable water or sanitary sewer connections and shall not be equipped with any bathroom or kitchen appliances or fixtures.
2. Accessory buildings on residentially zoned properties shall not be used for any commercial operation whether permanent, part-time, or temporary, provided that a home occupation may be operated within an accessory building.

G. Miscellaneous accessory structures.

Outdoor cooking facilities, gazebos, arbors, pool houses and equipment shelters, fireplaces, and waste receptacle enclosures shall be exempt from calculating the maximum number of accessory buildings on a lot. However, such structures shall be subject to the accessory building setback standards and shall not exceed a combined area of 288 square feet.

H. Permitting schedule.

Occupancy of an accessory building to follow occupancy of the principal dwelling. Building permits for a principal dwelling and an accessory building may be issued concurrently. However, no certificate of occupancy for an accessory building shall be issued prior to issuance of a certificate of occupancy for the principal dwelling.

I. Construction standards.

1. All accessory buildings shall meet the International Building Code, the International Residential Code for One- and Two-Family Dwellings adopted by the city of Riverdale as provided in Chapter 18 Buildings and Building Regulations, Sec. 18-11. State minimum standard codes adopted and Sec. 18-27. International Building Code.
2. Life safety codes apply.

Accessory buildings shall comply with all life safety and building code regulations adopted by the city of Riverdale as provided in Chapter 18 Buildings and Building Regulations, Sec. 18-11. State minimum standard codes adopted and Sec. 18-27. International Building Code and Sec. 18-28. International Residential Code for One- and Two-Family Dwellings.

- J. Prohibited accessory buildings. Manufactured homes, mobile homes, shipping containers, freight trailers, box cars, trailers or any other structure or vehicle not originally fabricated for use as an accessory building shall be prohibited.
- K. Pre-fabricated storage sheds prohibited. Accessory buildings shall not be modular structures designed for transport 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 require placement on jacks or other temporary foundations.

Sec. 4.2.3. "Attached" accessory building standards.

- A. When an accessory building is attached to the principal dwelling by a breezeway, passageway or similar means, the accessory building shall comply with the setback applicable to the principal dwelling on the lot. An attached garage or accessory building must share a common wall with the principal dwelling that is a minimum of 50 percent of the wall length of the dwelling or 12 feet, whichever is greater, to qualify as an attached garage or attached accessory building, thereby eliminating the need for compliance with the accessory building standards of this section. Such common wall shall be an integral part of the principal dwelling. An attached garage or accessory building shall comply in all respects with the standards applicable to the principal dwelling.
- B. Second story access. Where applicable, access to the second story of an attached accessory building shall be located within the interior of the ground floor area of the accessory building.
- C. Prohibited accessory building structures.
 - 1. Manufactured homes, mobile homes, freight trailers, box cars, trailers, shipping containers or any other structure or vehicle not originally fabricated for use as an accessory building shall be prohibited.

Sec. 4.2.4. Non-residential accessory building standards. The following standards shall apply to accessory buildings on property developed in non-residential use. Where a number of non-residential buildings are present on a lot rendering a determination of the "primary building" difficult, the architectural design, exterior finish materials and roof type and pitch shall be consistent as concerns these characteristics across all buildings on the lot.

- A. Scale of non-residential accessory buildings. The height of an accessory building as measured from the average adjacent grade along the front facade of the accessory building to the highest point of the roof of the accessory building shall not exceed 35 feet or the height of the primary building as measured from the average adjacent grade along the front facade of the primary building to the highest point of the roof of the primary building, whichever is less.
- B. Building setback. The setbacks of the residential zoning district assigned to any abutting property shall apply when the property abuts a lot occupied as or zoned for residential use. No non-residential accessory building shall be located in a required parking lot of a commercial property. Such accessory buildings shall be located to the rear of the front elevation of the principal building.

- C. Residential occupancy. No residential occupancy of a non-residential accessory building shall be permitted, provided that a mixed use building may be permitted in the MU Mixed Use District.
- D. Building mass. The building mass of an accessory building shall not exceed the mass of the primary building.
- E. Building materials shall be identical to the primary building.

Sec. 4.3. Use Standards. Use standards are organized by residential and non-residential standards.

Sec. 4.3.1. Residential use standards. The following standards shall apply to residential uses.

Sec. 4.3.1.1. Adult care homes.

- A. Adult care homes shall comply with the Rules of the Georgia Department of Community Health, Chapter 111-8, Healthcare Facility Regulation 111-8-1, Rules and Regulations for Adult Day Centers.
- B. Adult care homes may be established in an R-1 or R-2 District, subject to approval of a special use and shall be limited to a maximum of six (6) individuals receiving care or supervision.
- C. The minimum heated floor area for a dwelling in which an adult care home may be established shall be 1,800 square feet.
- D. All outdoor recreation areas shall be enclosed by a fence or wall not less than four (4) feet in height.
- E. No adult care home shall be located within one thousand (1,000) feet of another adult care home as measured in a straight line between the boundary lines of the properties on which each home is located.
- F. An adult care home may be operated as a home occupation; the operator shall be resident on the property.
- G. Each adult care home shall provide off-street parking spaces in compliance with Art. 7. Parking and loading and an adequate, on-site vehicle turnaround.
- H. No adult care home may be established and operated until a permit has been obtained in accordance with procedures set forth in Art. 9. Administration and enforcement.

Sec. 4.3.1.2. Child care home. A child care home may only be established and operated in an R-1, R-2 or R-3 District subject to special use approval, the application procedures of Sec. 9.6. Child care home and in compliance with the following standards:

- A. The holder of any permit for a child care home shall make no alterations or additions to the dwelling as it existed on the date such permit was granted for the purpose of increasing the number of children accommodated by the home which shall be limited to the care of a maximum of six (6) children.
- B. The operator of a child care home shall be resident on the property.

- C. The facility shall comply with all regulations of the Georgia Department of Early Care and Learning applicable to the licensing and operation of a family child care learning home.
- D. No child care home shall be located within one thousand (1,000) feet of another child care home as measured from property line to property line.

Sec. 4.3.1.3. Personal care home, family. A family personal care home may be established in any single family detached residential district subject to approval as a special use and the following standards:

- A. For purposes of this ordinance, a family personal care home shall provide housing and care for a maximum of six (6) individuals.
- B. No family personal care home shall be located within one thousand and five hundred (1,500) feet of any family personal care home as measured in a straight line from the boundary lines of the properties on which each home is located.
- C. The operator of a family personal care home shall register with the Riverdale community development department and provide a copy of all required State licenses and documentation to the community development director.
- D. The facility shall at all times adhere to the rules, guidelines and procedures as provided by the state Department of Community Health.
- E. The facility shall be in compliance with all applicable life safety codes at all times including, but not limited to federal, state and local fire and building codes.
- F. The dwelling shall comply with the Americans with Disabilities Act of 1990.
- G. The operator of a family personal care home shall provide a current list of residents living in the facility who have disabilities, and information concerning special needs to the Riverdale Fire Services and the Riverdale Police Department to ensure resident safety and timely evacuation from the premises in the event of a fire or other emergency within the home; provided that all residents must be ambulatory and must not have a behavioral condition that requires the use of physical or chemical restraints, isolation, or confinement.
- H. The governing body for the facility shall provide the City with the names and phone numbers of two (2) persons who can be contacted at all times in the event of an emergency. As used here, "governing body" shall mean the board of trustees, partnership, corporation, association, or the person or group of persons who maintain and control the facility and are held legally responsible for operation of the facility.
- I. An operable phone shall be maintained and readily available in the facility at all times.
- J. The existing dwelling shall be upgraded and inspected by the city with respect to the accommodation and accessibility of the dwelling by disabled persons. Any exterior modifications to the existing dwelling shall be consistent with the residential character of the surrounding neighborhood.
- K. The operator of a family personal care home shall be resident on the property.

- L. Unless more stringent standards apply, every room in all family personal care homes and similar facilities occupied for sleeping purposes by one (1) person shall contain a minimum of 80 square feet of floor area and every room occupied for sleeping purposes by more than one person shall contain a minimum of an additional 80 square feet of floor area for each occupant thereof; not to exceed four (4) persons per bedroom.
- M. The family personal home shall meet all parking regulations identified in this ordinance and provide on-site parking and drop-off space adequate to meet the needs of the facility. No additional parking beyond the existing driveway and garage areas shall be allowed on property where the family personal home is located, and vehicles may only be parked on such areas. In the event that additional parking is required, the operator of the home may apply for a variance from the board of zoning appeals to increase the existing parking area, provided such increase shall be confined to the rear yard.
- N. No controlled substances shall be stored, served, sold, consumed, or in the possession of any person on the premises.
- O. All violations of local, state or federal laws and any other reporting required by the Department of Community Health occurs on the premises shall be immediately reported to the City.
- P. The operator of a family personal care home shall have obtained all federal and state permits or licenses required for its operation.
- Q. The operator of the family personal care home shall apply for and receive a City occupational tax permit prior to operation.

Sec. 4.3.2. Non-Residential use standards. The following standards shall apply to non-residential uses.

Sec. 4.3.2.1. Adult day care centers.

- A. Adult day care centers shall comply with the Rules of the Georgia Department of Community Health, Chapter 111-8, Healthcare Facility Regulation 111-8-1, Rules and Regulations for Adult Day Centers.
- B. Adult day care centers may be established in an H or an O-I District for the care or supervision of seven (7) or more individuals.
- C. Each adult day care center shall provide off-street parking spaces in compliance with Art. 7. Parking and loading and an adequate, on-site vehicle turnaround.
- D. No adult day care center may be established and operated until a permit has been obtained in accordance with procedures set forth in Art. 9. Administration and enforcement.

Sec. 4.3.2.2. Agricultural produce stands. Agricultural produce stands shall be setback a minimum of ten feet from the right-of-way and shall provide a minimum of four (4) off-street parking spaces.

Sec. 4.3.2.3. Ambulance, taxi, and limousine service.

- A. No facility from which ambulances are dispatched shall be located within 1,000 feet of a dwelling, library, park, school or place of worship.
- B. No ambulance, taxi or limousine service involving the dispatch or storage of vehicles shall be located within 1,000 feet of another such ambulance, taxi or limousine service measured in a straight line from the boundary lines of the properties on which each facility is located.
- C. Vehicles used for ambulance, taxi, or limousine services shall be parked a minimum of fifty (50) feet from property zoned in a residential classification unless parked in a building or the parking area is adequately screened by a fence or wall having a minimum height of six (6) feet or evergreen buffer having a minimum width of ten (10) feet and minimum height of six (6) at planting. The fence, wall or buffer shall run the full length of the parking area. Such vehicles shall be parked a minimum of ten (10) feet from any property zoned in a non-residential classification.

Sec. 4.3.2.4. Animal care facilities.

A. Animal hospitals and veterinary clinics.

- 1. Any building used as an animal hospital or veterinary clinic shall be located a minimum of one hundred (100) feet from any property zoned or used for residential purposes.
- 2. The use shall be adequately sound and odor proofed when directly adjoining other commercial tenant space so as not to create a nuisance.
- 3. No overnight boarding shall be allowed unless required in conjunction with medical treatment.
- 4. Outside runs or kennels shall be prohibited other than facilities necessary for occasional use. A maximum of one (1) animal shall be placed in an outdoor run or kennel at one time. The total number of runs shall be limited to two (2) such runs.

B. Animal shelter housing four (4) or more animals.

- 1. No animal shelter shall be located within four hundred (400) feet of any property zoned or used for residential purposes.
- 2. Any area housing animals shall be completely enclosed by a wall or fence having a minimum height of five (5) feet.
- 3. Outside pens or runs shall be located a minimum of seventy-five (75) feet from any stream.
- 4. No more than four (4) dogs may be maintained in an outdoor run at any time.
- 5. The floor of all buildings used as a kennel to which animals have access shall be concrete or other impervious surface.

- C. Pet grooming shops. Any building used as a pet grooming shop shall be located a minimum of one hundred (100) feet from any property zoned or used for residential purposes.
- D. Pet day care. Any pet day care shall be located a minimum of four hundred (400) feet from any property zoned or used for residential use. Any areas housing animals shall be completely enclosed by a wall or fence having a minimum height of five (5) feet.
- E. Commercial kennels, boarding and breeding kennels. All kennels shall comply with the following standards:
 - 1. Any building used for kennels shall be located a minimum of four hundred (400) feet from any property zoned or used for residential use.
 - 2. Kennels shall be located on a site having a minimum area of one (1) acre.
 - 3. All outdoor areas in which animals are maintained shall be completely enclosed by an opaque fence or wall having a minimum height of five (5) feet.
 - 4. No more than ten (10) breeding animals shall be maintained on the premises at any time.
 - 5. No more than four (4) dogs shall be maintained in an outdoor run at any time.
 - 6. No more than six (6) animals of one species shall be maintained on the premises at any time.
 - 7. The floor of all buildings used as a kennel to which animals have access shall be concrete or other impervious surface.
 - 8. The portion of the building in which animals are housed shall be adequately soundproofed to meet the minimum requirements of the Riverdale noise ordinance.

Sec. 4.3.2.5. Auto brokers. The offices of an auto broker may be established in a GC General Commercial District or a M Light Industrial District, provided that no sale, storage or display of any vehicle or vehicle parts shall be permitted on the premises.

Sec. 4.3.2.6. Beauty supply stores, hair salons and barber shops. Beauty supply stores, and hair salons and barber shops shall be located a minimum of 500 feet from another such use as measured in a straight line from the boundary lines of the properties on which each such establishment is located.

Sec. 4.3.2.7. Bed and breakfast inn.

- A. Minimum lot size. Minimum lot size shall be 10,000 square feet.
- B. Maximum capacity. Maximum capacity of a bed and breakfast inn shall be four (4) guestrooms and eight (8) guests, subject to inspection and approval by the Clayton County Board of Health and Riverdale Fire Services, as applicable.
- C. Length of stay. The length of stay for any lodger shall not exceed seven (7) consecutive days.

- D. Meals. Breakfast shall be the only meal served and shall only be served to registered, overnight guests. No guest room may be equipped with cooking facilities.
- E. Outside employees. A maximum of two (2) employees who are not resident on the premises may be employed.
- F. Ownership and occupancy. The owner of a bed and breakfast inn, or his or her agent, shall be resident on the premises. An officer of a corporation that is the owner of a bed and breakfast inn, or a partner in the case of a partnership, shall be resident on the premises.
- G. Off-street parking. Adequate off-street parking shall be required. Paved parking shall not be required; pavers and decorative stone shall be acceptable. Grasscrete products or other pervious materials shall also be acceptable. Gravel such as "57 Stone" typically used for commercial or industrial applications shall not be permitted. The minimum number of parking spaces shall be two (2) for the occupant and one (1) additional space for each guest room.
- H. Residential character. The residential character and exterior appearance of the dwelling shall not be altered.
- I. Occupational tax permit. All individuals, occupants or businesses operating a bed and breakfast inn shall obtain an annual occupational tax permit from the city of Riverdale. Failure to obtain the required occupational tax permit shall subject the violator to those penalties set forth in Sec. 11.6. Penalties.
- J. Zoning districts. Bed and breakfast inns shall be allowed in the R-1, R-2 and R-3 zoning districts subject to approval of a special use.
- K. Hotel/Motel sales tax. Bed and breakfast inns shall be subject to payment of hotel taxes as applied to other lodging facilities.

Sec. 4.3.2.8. Building and construction establishments, landscape contractors.

- A. The following standards shall be required for building and construction establishments and landscape contractors:
 1. Storage of equipment and/or materials shall be located in the rear yard and screened from view from adjoining properties and public streets by means of an opaque fence or wall having a minimum height of six (6) feet.
 2. Vehicles shall be stored in the side or rear yard, only.

Sec. 4.3.2.9. Cemeteries, columbariums and mausoleums.

- A. Cemeteries, columbariums and mausoleums shall be allowed subject to the following standards:
 1. A cemetery, columbarium or mausoleum shall only be located on property having a minimum area of ten (10) acres and a minimum frontage on a public road of one hundred (100) feet.

2. Permanent public access shall be provided for the lot on which a cemetery, columbarium or mausoleum is located.
 3. Compliance with all requirements of the State of Georgia shall be maintained.
- B. Cemeteries shall be allowed as an accessory use to a place of worship.
- C. Crematories may be allowed as a special use in the M Light Industrial District.

Sec. 4.3.2.10. Check cashing establishments

- A. The following standards shall apply to all check cashing establishments:
1. Check cashing operations shall only be allowed as accessory to a permitted use, including convenience stores and other food stores.
 2. Free standing check cashing establishments whose primary business is the sale of money orders, cashing of payroll checks and similar operations shall be prohibited.

Sec. 4.3.2.11. Climate-controlled storage facilities

- A. Climate-controlled storage facilities may be permitted in the GC General Commercial District, subject to the following standards and subject to special use approval in the MU Mixed Use District.
1. Location. No climate-controlled storage facility shall be located within one thousand (1,000) feet of another climate-controlled storage facility as measured in a straight line from the boundary lines of the properties on which each facility is located.
 2. Parking and loading requirements.
 - a. Parking spaces. One (1) space for every 40 rental units and one (1) space for each employee.
 - b. Loading space. One space for every 200 rental spaces or major fraction thereof.
 - c. Customer and employee parking spaces shall be full size spaces; loading spaces shall be a minimum of 12 feet by 24 feet and have 14 feet of vertical clearance. No part of any parking and loading spaces or maneuvering space shall encroach into a public right-of-way.
- B. Minimum number of stories. For the purpose of maximizing land utilization and minimizing impervious area, all climate-controlled storage facility developments shall be a minimum of three stories.
- C. Architectural design.
1. In order to avoid the industrial appearance of traditional mini-warehouses, the design and exterior finishes shall, at a minimum, reflect the following standards:

- a. Exterior finish materials shall be limited to full-depth brick, stone, cast stone, fiber cement siding, EIFS, glass, or similar material as approved by the community development director.
- b. No blank walls devoid of windows shall be permitted. Windows on each floor shall comprise a minimum of twenty-five (25) percent of each building elevation.
- c. All features that would afford a view into a private rental storage space shall be faux or "one way" windows and shall present an opaque panel on the building facade.
- d. All storage units shall be accessed through an interior entrance, only. Outside access to storage units shall be prohibited.

D. Operational standards.

- 1. All storage units and common areas available to customers shall be climate-controlled achieving temperature and humidity regimens that protect personal goods stored on the premises from damaging temperatures, sun and humidity extremes.
- 2. Outside storage of goods shall be prohibited.
- 3. Storage of recreational vehicles and dry storage of pleasure boats of any type customarily maintained by private individuals for personal use shall be prohibited.
- 4. Storage of flammable liquids, highly combustible or explosive materials, or hazardous chemicals shall be prohibited.
- 5. No units within the facility shall be used for or considered to be premises for the purpose of establishing residency or for obtaining a legal address in order to obtain an occupational tax permit or any other government permit or license to conduct business.
- 6. The hours of operation during which individuals with a written contract to rent or lease one or more storage units on the property shall be between 6:00 a.m. and 11:00 p.m., Monday through Sunday.
- 7. No resident manager or any type of overnight accommodations shall be permitted.
- 8. No units shall be used to manufacture, fabricate or process goods; to service or repair vehicles, boats, small engines or electrical equipment; to conduct similar repair activities; to conduct garage sales or retail sales of any kind; to rehearse or practice utilizing band instruments; for conversion to an apartment or dwelling unit; or to conduct any other commercial or industrial activities on the site; provided that the owner may conduct retail sales in the leasing office limited to such items as locks, boxes and other moving supplies.

- E. Building and site plan review. Any new construction or renovation, including interior renovation, shall be subject to approval by the community development director. Any conversion of a building to a climate-controlled storage facility shall comply with the standards contained herein for new construction, including the minimum building height of three stories.

Sec. 4.3.2.12. Commercial greenhouses and plant nurseries. Any structure used as a commercial greenhouse or plant nursery shall be set back a minimum of fifty (50) feet from the common boundary of any property that is zoned for residential use.

Sec. 4.3.2.13. Commercial recreation and entertainment.

A. The standards of this sub-section shall pertain to golf course; golf driving ranges; miniature golf courses; batting cage facilities; tennis centers; and recreation grounds, fishing lakes and related facilities.

1. Such uses shall maintain a twenty-five foot, landscaped buffer sufficient to screen the view from adjacent properties. Such buffer shall be fifty (50) feet when abutting any residential zoning district or residential use.
2. Central loudspeakers shall be prohibited. All uses permitted under this subsection shall comply with Article VII. Noise of the city code.
3. Lighting shall be directed inward onto the property such that no spillover of light onto adjacent properties or roadways occurs.
4. All other outdoor recreation facilities shall meet the standards of this sub-section.

B. The following standards of this sub-section shall pertain to outdoor go-cart concessions.

1. All buildings and structures associated with such use shall be set back not less than two hundred (200) feet from any property line.
2. Such use shall not be permitted within five hundred (500) feet of the boundary of a residential district.
3. Such use shall be enclosed by a six-foot, masonry wall.
4. The motor of any go-cart shall not exceed five (5) horsepower.
5. The maximum area occupied by the facility, excluding areas used solely for parking, shall not exceed one (1) acre.
6. Central loudspeakers shall be prohibited. All uses permitted under this subsection shall comply with Article VII. Noise of the city code.
7. All go-carts shall be fitted with mufflers.

Sec. 4.3.2.14. Congregate personal care home.

A. Congregate personal care homes may be allowed in a MU Mixed Use District, an O-I Office-Institutional District and the H Hospital Overlay, subject to the provisions of Sec. 9.8. Congregate personal care home.

B. Congregate personal care homes offer the following services:

1. Individual assistance with self-administered medications, not to include medical or nursing services; and
2. Assistance with the activities of daily living, as defined by Georgia Department of Community Health regulations, including, but not limited to eating, bathing, grooming, dressing, shaving, brushing teeth, combing hair, toileting, laundering, cleaning private living space, managing finances, writing letters, shopping, accessing public transportation, placing phone calls, setting appointments, and engaging in leisure and recreational activities.

C. Personal care homes shall not include the following facilities:

1. Boarding homes or rooming houses which provide no personal services other than lodging and meals.
 2. Facilities offering temporary emergency shelter, such as those for the homeless and victims of family violence.
 3. Other facilities, homes or residences licensed by the Department which have not been classified as personal care homes, e.g. assisted living communities, hospices, traumatic brain injury facilities and drug abuse treatment facilities.
 4. Facilities providing residential services for federal, state, or local correctional institutions under the jurisdiction of the criminal justice system.
 5. Facilities licensed by the Department of Behavioral Health, Developmental Disabilities, and Addictive Diseases.
 6. Host homes as defined in O.C.G.A. §37-1-20-(18).
- D. All congregate personal care homes shall provide a minimum of 80 square feet of personal living space for each resident or that amount required by the State of Georgia for the licensing of personal care homes, whichever is greater.
- E. The operator of a congregate personal care home shall provide transportation services for residents of the personal care home.
- F. The parking requirement for a congregate personal care home shall be one (1) space for each employee on the largest shift and one (1) additional space for every four (4) beds.
- G. For purposes of this ordinance, a congregate personal care home may provide housing and care for seven (7) or more individuals.

Sec. 4.3.2.15. Convenience and other food stores that dispense fuels.

- A. Convenience and other food stores that also dispense fuels shall comply with the following standards:
1. No store shall have a gross floor area greater than 3,000 square feet.

2. No store shall be located within 1,000 feet of any lot zoned for residential purposes as measured in a straight line from property boundary to property boundary.
3. No store shall be located within 1,000 feet of another such store as measured in a straight line from property boundary to property boundary.
4. The hours of operation shall be no earlier than 6:00 AM and no later than 11:00 PM Sunday through Thursday and no earlier than 6:00 AM and no later than 12:00 AM on Friday and Saturday. These hours of operation shall include solid waste removal and fuel deliveries.
5. Site lighting shall be directed downward and on to the property.
6. No loudspeakers shall be operated on the property.
7. The number of fuel dispensers shall not exceed eight (8) individual fuel pumps.
8. All such store properties shall provide two points of vehicle access to the property.
9. A minimum of two (2) trash receptacles shall be provided in location and in sufficient sizes to accommodate customer traffic.
10. Landscaping in the form of shrubs and ground covers shall be installed along a minimum of ten (10) percent of the front building facade. Such landscaping shall be in addition to landscaping required by Art. 8. Erosion and Landscaping Standards. A minimum of four (4) planters each having a capacity of ten (10) gallons and planted and maintained with shrubs and ground covers, including mulch, shall be placed along the front building facade of developed sites.
11. Placement of vending machines, other goods, merchandise or equipment shall comply with Sec. 4.4.3.4. Collection bins, vending machines and newsstands
12. No trailer or accessory building of any kind shall be placed, parked or otherwise stored on the premises.

Sec. 4.3.2.16. Convenience and other food stores that do not dispense fuels.

A. Convenience and other food stores shall comply with the following standards:

1. No store shall have a gross floor area greater than 3,500 square feet.
2. No store shall be located within 1,000 feet of any lot zoned for or used for any residential purposes as measured in a straight line from property boundary to property boundary.
3. No store shall be located within 1,000 feet of another such store as measured in a straight line from property boundary to property boundary.
4. The hours of operation shall be no earlier than 6:00 AM and no later than 11:00 PM Sunday through Thursday and no earlier than 6:00 AM and no later than 12:00 AM on Friday and Saturday. These hours of operation shall include solid waste removal and fuel deliveries.

5. Site lighting shall be directed downward and on to the property.
6. No loudspeakers shall be operated on the property.
7. A minimum of two (2) trash receptacles shall be provided in location and in sufficient sizes to accommodate customer traffic.
8. Landscaping in the form of shrubs and ground covers shall be installed along a minimum of ten (10) percent of the front building facade. Such landscaping shall be in addition to landscaping required by Art. 8. Buffer and Landscaping Standards. A minimum of four (4) planters each having a capacity of ten (10) gallons and planted and maintained with shrubs and ground covers, including mulch, shall be placed along the front building facade of developed sites.
9. Placement of vending machines or other goods, merchandise or equipment shall comply with Sec. 4.4.3.4. Collection bins, vending machines and newsstands.
10. No trailers or accessory buildings of any kind shall be placed, parked or otherwise stored on the premises.

Sec. 4.3.2.17. Event center. Event centers may be utilized for events held by a third party who provides some form of consideration to the owner or his or her agent. Event centers shall not be utilized for concerts, sporting events or vehicle racing. Weddings, reunions, corporate functions and religious or cultural events shall be allowed as regulated by this section.

- A. Minimum lot size. Event centers whose primary venue is outdoors shall have a minimum lot size of two (2) acres; event centers whose primary venue is indoors shall have a minimum floor area of 2,000 square feet and associated parking in compliance with Art. 7. Parking and loading.
- B. Maximum floor area. Such facilities shall be limited to a maximum floor area of 6,000 square feet.
- C. Minimum setback. A minimum setback of fifty (50) feet shall separate all outdoor areas utilized for events from any existing residential zoning district. All buildings so utilized shall comply with the minimum setbacks and buffers of the NC Neighborhood Commercial District.
- D. Off-street parking. Adequate off-street parking shall be required. Paved parking shall not be required for any overflow parking that is not required by Art. 7. Parking and loading; pavers and decorative stone shall be acceptable. Grasscrete products or other pervious materials shall also be acceptable. Gravel such as "57 Stone" typically used for commercial or industrial applications shall not be permitted. Off-street parking and all existing buildings shall be depicted on a sketch, drawn to scale on a property survey of the lot.
- E. Hours of operation. The hours of operation shall be 9:00 AM to 10:00 PM Sunday through Thursday and 9:00 AM to 11:00 PM on Friday and Saturday. These hours of operation shall not apply to setup and cleanup time before and after an event.

- F. Accessory buildings and structures. All buildings and structures, including tents and canopies, utilized for events shall meet all applicable building and Life Safety codes. All tents and canopies larger than 144 square feet shall require Riverdale Fire Marshal approval.
- G. Sanitation. Sanitation facilities shall be approved by the Clayton County Board of Health.
- H. Food service. Food service shall meet all Clayton County Environmental Health requirements.
- I. Tourist accommodations. Overnight accommodations shall not be permitted in conjunction with an event center.
- J. Occupational tax permit. All individuals, occupants or businesses operating an event center shall obtain an annual occupational tax permit from the city of Riverdale. Failure to obtain any required occupational tax permit shall subject the violator to those penalties set forth in Sec. 11.6. Penalties.
- K. Site plan. A sketch, drawn to scale on a property survey of the lot depicting all existing and proposed buildings, structures and outdoor areas utilized for events shall be required. In the event 5,000 or more square feet of impervious surface is added in conjunction with an event center, a site plan in compliance with the stormwater standards of Sec. 30-184. Post-development stormwater management for new development and redevelopment of the city code shall be required.
- L. Event centers shall be allowed in the GC General Commercial and the MU Mixed Use Districts; event centers are subject to approval of a special use in the NC Neighborhood Commercial District.

Sec. 4.3.2.18. Food trucks

- A. Food trucks may be operated in a GC General Commercial, MU Mixed Use, O-I Office Institutional, Hospital and Light Industrial District as an allowed use and subject to approval of a special use in the TC MU Town Center Mixed Use District. Food trucks may be operated on a lot within these districts that is occupied by a permitted use or on any freestanding commercial parking lot within these zoning districts.
- B. The following standards shall apply to food truck operations:
 1. The lot has been designated for food truck courts by the city as provided in this section.
 2. Parking supply exists in excess of that required by Art. 7. Parking and loading for uses permitted by this ordinance.
 3. A minimum of two (2) off-street parking spaces shall be reserved for the exclusive use of customers of each food truck vendor. All parking spaces shall be paved.
 4. Food trucks shall not be permitted on the premises before 7:00 a.m. or after 10:00 p.m.
 5. Each food truck vendor shall obtain an annual transient merchants license prior to operating in any area designated as a food truck court.

6. Food truck courts need not be contiguous and may be designated in several locations within a single lot.
 7. No wastes of any kind shall be discharged from a food truck. Trash receptacles shall be provided by the food truck vendor for customers to dispose of food wrappers, food utensils, paper products, cans, bottles, food and other such waste. Such receptacles shall be located no more than ten (10) feet from the food truck. The food truck vendor shall be responsible for removing all trash, litter and refuse attributed to his or her operation from the site at the end of each business day.
 8. No LED strip lighting shall be used in conjunction with any food truck court.
 9. No loudspeakers shall be used for announcements or hawking of products in conjunction with any food truck court.
 10. The property owner or agent may provide limited seating in the food truck court to customers of the food truck vendor(s). Canopies for the protection of customers from the elements may also be provided by the property owner or the food truck vendor(s). Such canopies shall be temporary, located within three feet of the food truck, not exceed an area of 144 square feet and shall be subject to approval by the fire marshal.
 11. A minimum distance of 100 feet shall be maintained between any food truck and the entrance to any restaurant.
 12. Food trucks shall not be located within any required setback, any sight distance triangle or required buffer. Access shall be sufficient to provide emergency access to any food truck shall be provided subject to approval by the fire marshal.
 13. Sales of articles other than food and beverages shall be prohibited.
- C. Designation of a food truck court shall be subject to review and approval by the community development director who shall maintain the following database:
1. Property address and number of spaces designated as a "food truck court."
 2. Site sketch depicting the building, vehicle drives, parking spaces and parking spaces so designated.
 3. Dimensions and color photos (front, both sides and rear) of the dispensing vehicle.
 4. A copy of all lease agreement between the property owner and any food truck vendor, including the specific spaces being leased which shall be marked on the ground.
 5. Written proof of compliance with all Clayton County Health Department regulations.
- D. A vendors license shall be obtained from the city prior to operating a food truck, which permit shall be posted in the front window of the food truck vendor vehicle or trailer while in use.

Sec. 4.3.2.19. Live-work units.

A. Live-work units shall meet each of the following standards:

1. Uses conducted shall be compatible with residential uses and shall not produce noise, smoke, vibration, glare, fumes, odor, electrical interference, or fire hazards that would unreasonably interfere with adjacent or nearby residential uses.
2. Live-work units located in a residential district shall be limited to the uses allowed in Neighborhood Commercial District. Live-work units located in a non-residential district may engage in any use allowed in that district. Such units shall be permitted in a Neighborhood Commercial District, the MU Mixed Use District, the TCMU Town Center Mixed Use District and the H Hospital Overlay.
3. Restroom facilities shall be provided to serve the commercial portion of the unit. Individual public restrooms facilities are not required within each live-work unit when accessible public restroom facilities are provided elsewhere on an accessible route within the building or building site.
4. Live-work units shall be subject to all applicable licenses and occupational tax permits.

Sec. 4.3.2.20. Mini-warehouses.

- A. Mini-warehouses shall not include retail sales on the premises, commercial repair or other services, manufacturing or any other commercial use.
- B. Areas for storage of recreation vehicles, including motor homes, campers, travel trailers; and all types of watercraft including boats, jet skis, pontoons, etc. may be established on the premises provided that such areas shall be completely separated from mini-warehouse units and shall be screened by an opaque fence having a height of eight feet.
- C. Mini-warehouses shall be prohibited upon adoption of this ordinance. Such facilities may continue to operate subject to the provisions of Art. 10. Nonconforming uses, buildings and lots.

Sec. 4.3.2.21. Pawn shops.

- A. Pawn shops, including title pawn, shall be subject to Georgia Official Code of Georgia Annotated, Title 44. Property, Chapter 12. Rights in Personality, Article 3. Bailments. Part 5. Pawnbrokers.
- B. Pawn shops shall also be subject to the following local standards:
 1. Pawn shops shall not be permitted within fifteen hundred (1,500) feet of an existing pawn shop. For the purpose of this section, distance shall be measured by the most direct pedestrian route of travel on the ground.
 2. The window and door area of any existing first floor facade that faces a public street or sidewalk shall not be reduced, covered, or otherwise obscured in a manner that blocks the view into the building.

3. A minimum of thirty (30) percent of the first floor building facade that faces a public street or sidewalk shall be comprised of window or glass doors of clear or slightly tinted glass that afford visibility into the building shall apply to new construction.
4. The use of bars, chains, roll down doors or similar security devices placed on the outside of the building shall be prohibited.

Sec. 4.3.2.22. Private and public kindergarten, elementary, middle and high schools.

- A. Private and public elementary, middle and high school shall be subject to approval of a special use in the R-1, R-2, R-3, MU and TCMU Districts; allowed by right in the NC and GC Districts.
- B. Minimum lot size for private elementary, middle and high schools shall be as follows:
 1. Elementary school: Two (2) acres plus one (1) additional acre for each one hundred (100) students based on the designed capacity of the school.
 2. Middle school: Three (3) acres plus two (2) acres for each one hundred (100) students based on the designed capacity of the school.
 3. High school: Five (5) acres plus two (2) acres for each one hundred (100) students based on the designed capacity of the school.
- C. The minimum public road frontage for a private school shall be two hundred (200) feet.
- D. Accessory ball fields shall be located a minimum of seventy-five (75) feet from a residential district or property used for residential purposes.
- E. A fifty-foot, natural buffer shall be maintained when adjacent to a residential district or property used for residential purposes.

Sec. 4.3.2.23. Recreational Vehicle Dealers, Boat, ATV, etc.

- A. All vehicles on the lot shall be in operating condition and substantially free of body damage.
- B. No vehicle repairs shall be conducted on the premises.
- C. Established on a lot having a minimum area of three (3) acres.
- D. Vehicle sales shall be the only use permitted on the property.
- E. An automatic car wash may be permitted, subject to the following standards:
 1. The car wash shall be operated in a completely enclosed building in the rear yard of the property.
 2. The car wash shall only be used to wash vehicles being offered for sale on the lot and shall not be available to the public.

Sec. 4.3.2.24. Shopping center. Shopping centers are classified by the scale of the center:

- A. Neighborhood shopping center. Neighborhood shopping centers focus on the sale of convenience goods and provision of personal services for the day-to-day needs of the immediate neighborhood.
- B. Community shopping center. In addition to convenience goods and personal services, community shopping centers are typically built around a junior department store or grocery store as the principal tenant.
- C. Regional shopping center. Such centers offer general merchandise, apparel, furniture and home furnishings in full depth and variety. Regional shopping centers are built around major department stores as the focal point and may include fitness centers, movie theaters and home DIY stores.

Sec. 4.3.2.24.1. Each shopping center class shall have a common architectural theme, subject to the standards of Sec. 5.2. Commercial Architectural Design Standards.

- A. Neighborhood shopping centers. Neighborhood shopping centers shall be allowed in the NC Neighborhood Commercial District, subject to the following standards:
 - 1. Minimum lot size shall be two (2) acres. Minimum lot area for individual lots within a neighborhood shopping center shall be 3,000 square feet.
 - 2. Maximum building height shall be 24 feet or two stories.
 - 3. Minimum setback applicable to all buildings and parking areas when adjoining residentially zoned property shall be 20 feet.
 - 4. Minimum parking ratio shall be five (5) spaces per 1,000 square feet of floor area available to the public.
- B. Community shopping centers and regional shopping centers shall be subject to the following standards:
 - 1. Minimum lot size shall be five (5) acres. Minimum lot area for individual lots within a community or regional shopping center shall be 5,000 square feet.
 - 2. Maximum building height shall be 40 feet or three stories.
 - 3. Minimum parking ratio shall be ten (10) spaces per 1,000 square feet of gross floor area.

Sec. 4.3.2.25. Short-term rentals or “Airbnb” facilities.

Such facilities shall be subject to the standards of Sec. 4.3.2.7. Bed and breakfast inn with the exception of payment of the occupational tax permit fee, provided documentation of such fee being paid in another jurisdiction is presented to the City.

Sec. 4.3.2.26. Small Box Discount Stores.

A. The development standards of this section are intended to advance the following objectives:

1. Promote consumer access to fresh meats, fresh fruits and fresh vegetables;
2. Foster a community-based approach to the distribution and purchase of fresh meats, fresh fruits and fresh vegetables;
3. Encourage greater diversity in retail offerings;
4. Minimize the concentration of small box discount stores;
5. Enhance regulation of the number and proximity of small box retail stores to assure the best possible opportunity to provide fresh meats, fresh fruits and fresh vegetables to the Riverdale community.

B. In order to avoid the concentration of small box discount stores in the commercial districts of Riverdale, a small box discount store shall not be located within 5,280 feet of another such store. This minimum distance shall apply whether the store is located within the Riverdale city limits or in unincorporated Clayton County. This distance shall be measured in a straight line from the nearest boundary of the property occupied by a small box discount store to the nearest boundary of the property proposed for establishment of a small box discount store.

C. Small box discount stores shall be limited to a maximum floor area of 12,000 square feet.

D. A minimum of 500 square feet of floor area shall be reserved for fresh meats, fresh fruits and fresh vegetables.

E. These standards shall apply to all new retail uses and buildings and all building alterations and site improvements requiring a building permit proposed within the boundaries of a GC General Commercial District.

F. Exemptions

The following uses shall be exempt from the standards of this section:

1. Uses that contain a prescription pharmacy;
2. Uses that dedicate a minimum floor area of 500 square feet to the sale of fresh meats, fresh fruits and fresh vegetables; and
3. Grocery stores having a minimum floor area of 12,000 square feet

Sec. 4.3.2.27. Swimming pools.

The following standards shall apply to all swimming pools:

All swimming pools shall comply with the 2018 International Swimming Pool and Spa Code.

Sec. 4.3.2.27.1. Swimming pools, private.

All private swimming pools shall comply with the following standards:

- A. Private swimming pools and their customary accessory buildings shall be set back a minimum of ten (10) feet from all side and rear lot lines. The setback is measured from the pool decking except where established elsewhere.
- B. Private pools shall be enclosed by a wall or fence not less than four (4) feet or more than six (6) feet in height equipped with a self-closing gate and a self-latching device.
- C. No swimming pool shall be permitted in a front yard.

Sec. 4.3.2.27.2. Swimming pools, public.

- A. Any site built or prefabricated pool used other than in conjunction with a single family or duplex dwelling shall comply with the Georgia Department of Public Health Rules and Regulations "Public Swimming Pools, Spas, and Recreational Water Parks Chapter 511-3-5" adopted by the Clayton County Board of Health and enforced by Clayton County Environmental Health. In-ground pools shall be exempt from the building setbacks of the zoning district in which the property is located. However, above ground pools and any pool house or related building shall comply with the applicable building setbacks. All swimming pools shall be enclosed by a security fence having a minimum height of five (5) feet and fitted with a gate with a self-closing, positive latch device to secure the pool at all times.
- B. All swimming pools available to the public shall also comply with the following standards:
 - 1. Public swimming pools and their customary accessory buildings and structures shall be set back a minimum of fifteen (15) feet from all side and rear lot lines. The setback is measured from the pool decking except where established elsewhere.
 - 2. Public pools shall be enclosed by a wall or fence not less than four (4) feet or more than six (6) feet in height equipped with a self-closing gate and a self-latching device.

Sec. 4.3.2.28. Taxi and limousine service, dispatch and storage.

- A. Unless stored within a building, taxis and limousines available for dispatch shall be stored a minimum of fifty (50) feet from the boundary of any residentially zoned lot.
- B. The perimeter landscaped areas required in Art. 8. Buffer and Landscaping Standards shall be planted with a continuous hedge having a minimum height of three (3) feet at installation.
- C. No taxi or limousine service involving the dispatch or storage of vehicles shall be located within 1,000 feet of another such taxi or limousine service measured in a straight line from the boundary lines of the properties on which each facility is located.

Sec. 4.3.2.29. Vehicle parts and accessory sales

- A. The sale and installation of vehicles accessories shall be permitted in the GC General Commercial District subject to the following standards:

1. All installation work shall be performed within an entirely enclosed building.
2. Any outdoor display of vehicle accessories, including tires and rims, shall occupy no more than ten (10) percent of the front yard of the lot and shall only be displayed during business hours. No merchandise may displace required parking.
3. No vehicle accessory sales establishment shall be located within 1,000 feet of another vehicle accessory sales establishment measured in a straight line from the boundary lines of the properties on which each facility is located.
4. Overnight outdoor storage of any equipment or merchandise, including tires and rims shall be prohibited.
5. The perimeter landscaped areas in the front yard as may be required in Art. 8. Buffer and Landscaping Standards shall be planted with a continuous hedge having a minimum height of three (3) feet at installation.

Sec. 4.3.2.30. Vehicle paint and body work, engine or transmission repair or installation.

All such work shall only be allowed in an M Light Industrial District and shall be subject to the standards of vehicle service establishments. No such facility shall be located within 1,000 feet of another facility performing such work measured in a straight line from the boundary lines of the properties on which each facility is located.

Sec. 4.3.2.31. Vehicle rental agencies. The following standards shall apply to vehicle rental agencies upon approval as a special use:

- A. Established on a lot having a minimum area of three (3) acres.
- B. Located in a stand-alone building, having a minimum heated floor area of 1,500 square feet.
- C. Vehicle rentals shall be the only use permitted on the property; however, the sale of vehicles in the rental lot as an accessory use shall be permitted.
- D. An automatic car wash may be permitted, subject to the following standards:
 1. The car wash shall be operated in a completely enclosed building in the rear yard of the property.
 2. The car wash shall only be used to service vehicles in the rental fleet and shall not be available to the public.

Sec. 4.3.2.32. Vehicle sales. The following standards shall apply to vehicle sales lots upon approval as a special use:

- A. Vehicle sales shall be limited to passenger cars, and trucks and vans that do not exceed a GVWR of 10,000 pounds.
- B. All vehicles on the lot shall be in operating condition and substantially free of body damage.

- C. No vehicle repairs shall be conducted on the premises.
- D. Established on a lot having a minimum area of three (3) acres.
- E. Vehicle sales shall be the only use permitted on the property.
- F. Only businesses properly licensed by the state as used car dealers may sell used cars from the premises. No vehicle shall be parked and offered for sale in a commercial parking lot or the parking lot of a place of business unless such lot is a designated vehicle sales lot. Vehicles parked and offered for sale in violation of this section shall be towed at the owner's sole expense.
- G. An automatic car wash may be permitted, subject to the following standards:
 - 1. The car wash shall be operated in a completely enclosed building in the rear yard of the property.
 - 2. The car wash shall only be used to wash vehicles being offered for sale on the lot and shall not be available to the public.
 - 3. Wastewater from all vehicle washing facilities shall be pretreated in accordance with Clayton County standards found in Sec. 9-7-7. Pretreatment of wastewater prior to being drained into the public sanitary sewer or into any stormwater structure.

Sec. 4.3.2.33. Vehicle service establishments. The following standards shall apply to vehicle service establishments upon approval as a special use.

- A. Established on a lot having a minimum area of 20,000 square feet.
- B. Vehicle repair shall be the only use permitted on the property.
- C. All vehicle parts, tires, fluids, waste materials and damaged vehicles shall be stored within an entirely enclosed building and all repairs and services shall be performed within an entirely enclosed building.
- D. Vehicle service establishments shall not be located within 1,500 feet of a lot zoned for residential use, within 500 feet of a restaurant or within 1,000 feet of another vehicle service establishment measured in a straight line from the boundary lines of the properties on which each facility is located.
- E. A maximum of four (4) vehicles awaiting service per service bay shall be stored on the premises.

Sec. 4.3.2.34. Vehicle specialty shops.

Auto repair limited to diagnostic testing and adjustments to achieve emissions compliance shall be permitted. All such testing and work on a vehicle shall be conducted within an entirely enclosed building. No vehicle specialty shop shall be located within 1,000 feet of another vehicle specialty shop measured in a straight line from the boundary lines of the properties on which each facility is located.

Sec. 4.3.2.35. Vehicle washing service.

- A. Vehicle washing services shall be accessory to a vehicle rental and vehicle sales lot, only. The following standards shall apply to this accessory use:
1. An accessory single-bay, automatic car wash completely enclosed except for openings necessary to allow entry and exit of vehicles shall be permitted. Self-service washes shall be prohibited.
 2. No vehicle washing service shall be located within 1,000 feet of another vehicle washing service facility measured in a straight line from the boundary lines of the properties on which each facility is located.
 3. The exterior finish of the building shall be consistent with building materials of the principal building, including the roof.
 4. The doors of the vehicle washing building shall be closed when the facility is not in operation.
 5. The vehicle washing building shall be located behind the principal building.
 6. Wastewater from all vehicle washing facilities shall be pretreated in accordance with Clayton County standards found in Sec. 98-7. Pretreatment of wastewater prior to being drained into the public sanitary sewer into any stormwater structure.

Sec. 4.3.3. Accessory uses, residential.

The following standards shall pertain only to accessory uses on residential properties.

Sec. 4.3.3.1. Domestic pets. Except as otherwise provided, a maximum of three (3) domestic pets may be kept on any lot in a residential district. One (1) additional domestic pet may be kept on lots having a minimum area of one (1) acre and one additional domestic pet may be kept for each additional acre up to a maximum of ten (10) domestic pets. Litters of animals not more than six (6) months of age shall not be used to calculate the total number of domestic pets on a lot.

Sec. 4.3.3.2. Home occupations.

A. Purpose and Intent. The City of Riverdale seeks to promote home occupations to capitalize on a growing trend toward entrepreneurship and as a means of increasing resident incomes and reducing traffic congestion. Accordingly, certain business uses that are clearly incidental to the primary use of residential property may be conducted in any residential zoning district. Such "home occupations" are assigned specific standards to ensure the use will not be a detriment to the residential character and appeal of the surrounding neighborhood. These standards recognize that a variety of home occupations can be conducted with little or no effect on the neighborhood and may be allowed as a special use provided such home occupations comply with the following standards:

1. The use is clearly incidental to the primary use of the premises as a residence;
2. The use is conducted within the bona fide residence of the principal operator;

3. The use is compatible with residential uses;
 4. The use is limited in scope and does not detract from the residential character of the neighborhood; and
 5. The use involves no group instruction, assembly or similar activity.
- B. General Provisions. All home occupations shall comply with the following standards:
1. Location. Home occupations may be conducted in any residential zoning district and shall only be operated within the confines of the principal dwelling or accessory building.
 2. Use of premises. An area not to exceed twenty-five (25) percent of the floor area of the dwelling and encompassing the total floor area of a permitted accessory building may be used for a home occupation.
 3. Operator of home occupation to be resident on the premises. The home occupation shall only be operated by a resident of the dwelling in which the home occupation is established.
 4. Scope. No more than 800 square feet, or 25 percent of the floor area of the dwelling, including the area of an attached garage, whichever is less, may be used for a home occupation.
 5. Maintenance of residential character. No alteration of the premises that would diminish the residential character shall be made, nor shall any exterior evidence of a business being conducted on the premises be present.
 6. Additional parking prohibited. The operator of a home occupation shall not install additional parking spaces above the number of parking spaces mandated for single family dwellings.
 7. Expansion of a home occupation. Any alteration or addition that expands the floor area of the principal dwelling dedicated to the home occupation shall void the occupational tax permit and require that a new occupational tax permit be obtained subject to compliance verification by the community development director.
 8. Employees. A minimum of one individual residing on the premises must be the primary operator of the business. Residents of the premises may participate in the home occupation and a maximum of one (1) other individual not resident on the premises may be engaged in the conduct of a home occupation.
 9. Clients and customers prohibited. Except as otherwise provided, no clients or customers shall be permitted on the premises.
 10. Occupational tax permit required. Any individual operating a home occupation shall obtain an occupational tax permit from the city of Riverdale. Failure to obtain the required occupational tax permit shall be a violation of this ordinance and shall subject the violator to those penalties set forth in Sec. 11.6. Penalties.
 11. Multiple occupational tax permits allowed. Nothing in this section shall prohibit the resident of the premises from obtaining a maximum of two (2) occupational tax permits, provided

each use complies with the standards of this section, an occupational tax permit is obtained for each such use and the premises are subject to the inspection schedule of this section.

12. Inspections. As a condition for granting an occupational tax permit for a home occupation, the licensee shall agree to the following inspection schedule:
 - a. Prior to issuance of an occupational tax permit, the applicant shall allow all necessary inspections of the premises and shall obtain a zoning certification from the community development director; and
 - b. At any time following issuance of an occupational tax permit, the operator shall allow inspections by city representatives during normal business hours for determining compliance with all applicable provisions of this ordinance and city codes.
 13. Impact on infrastructure. Home occupations shall not require an increase in the capacity of public infrastructure including public streets, water service and sanitary sewer system, or natural gas or electrical service beyond that required by residential uses in the neighborhood.
- C. Operating Standards. The following standards shall apply to the operation of a home occupation:
1. Outdoor operation or storage. No outdoor operations associated with the home occupation or outdoor storage of inventory of materials of any kind to be used in conjunction with a home occupation shall be permitted.
 2. Chemicals. No storage of any chemical not normally used for common household purposes shall be permitted on the premises.
 3. Environmental impacts. No home occupation shall generate noise, fumes, odor, dust, vibration, smoke, heat, glare, electrical interference or vibration detectable by a normal individual at any property boundary or otherwise create a nuisance or any undue disturbance. The use or storage of hazardous materials on the premises shall be prohibited.
 4. Visibility of merchandise. No merchandise shall be displayed in such a manner as to be visible from the public right-of-way or adjacent property.
 5. Repair operations prohibited. Any type of repair or assembly of vehicles or equipment with internal combustion engines (such as autos, motorcycles, marine engines, lawn mowers, chain saws and other small engines) or large appliances (such as washing machines, dryers, and refrigerators) or any other work related to vehicles or vehicle parts shall be prohibited.
 6. Group instruction. All group instruction, assembly or other group activity shall be prohibited. For purposes of this section the term "group" shall mean more than two (2) individuals who are not engaged in the operation of the home occupation, rather they are considered clients of the operator of the home occupation.

7. Dispatch center prohibited. Home occupations shall not serve as headquarters or dispatch centers to which employees report and are dispatched to other locations.
 8. Deliveries. Business deliveries may be made to the premises of a home occupation by any common carrier such as FedEx, UPS or similar entity. For purposes of this section, the term "common carrier" shall not include any delivery vehicle having more than two axles.
 9. Vehicle limitations. No more than one passenger vehicle associated with the home occupation may be parked on or about the premises at any time. No van, truck or tractor having a rating higher than Class 2, defined as a class of light duty trucks having a Gross Vehicle Weight Rating of 10,000 pounds, shall be parked or otherwise stored on or about the premises. All off-street parking spaces shall be paved. A maximum of one (1) passenger vehicle, or light duty truck or van displaying any commercial or non-commercial message may be parked or stored on the premises in a fully enclosed garage.
 10. Signs. Any sign displayed on the premises shall comply with the City of Riverdale Sign Ordinance.
- D. Permitted home occupations. A home occupation may include the following uses:
1. Office of a lawyer, engineer, architect, accountant, salesman, real estate agent, insurance agent or similar occupation within a dwelling occupied by such an individual.
 2. Musical instrument, dance or academic instruction, provided instruction is limited to no more than two (2) students at a time.
 3. Artist studio.
 4. Dressmaking.
 5. The shop of a barber, beautician, or similar occupation, provided facilities are designed to accommodate only two (2) persons at a time, and further provided that such personal services are offered on an appointment, only basis.
 6. Office of any occupation or profession providing medical services including, but not limited to, licensed physicians, dentists, psychiatrists, psychologists, surgeons, chiropractors or similar services, provided that patient visits shall be limited to no more than two (2) patients at any given time.
 7. Adult care homes.
 8. Cottage bakery, subject to approval by the Clayton County Board of Health Environmental Health Office.
 9. Catering.
- E. Prohibited Uses. The following uses shall be specifically prohibited as home occupations. This list is not exhaustive and any use that threatens the character or stability of the neighborhood shall be prohibited as a home occupation.

1. Bed & breakfast inns, tourist homes or short- term vacation rentals such as Airbnb.
2. Boarding or rooming houses.
3. Tea rooms, cafes, restaurants or any facility engaged in food or drink preparation for on premises consumption.
4. Dance or musical instrument group instruction.
5. Florists and greenhouses as commercial enterprises.
6. Convalescent and nursing homes.
7. Kennels.
8. Animal hospitals and veterinary clinics.
9. Clinics and hospitals.
10. Vehicle sales, leasing or repair.
11. Vehicle washing or detailing.
12. Places of assembly.
13. Retail or wholesale shops.
14. Special event facilities.
15. Firewood sales.
16. Fish hatcheries, worm farms or bait houses
17. Activities that involve the use of chemicals, machinery or equipment that may create or cause to be created noise, fumes, odors, vibration, electrical interference, heat, light, or glare perceptible beyond any property boundary of the premises or hazards that will endanger the health, safety or welfare of the community.

Sec. 4.3.3.3. Yard sales.

- A. Yard or garage sales may be conducted on private property without a permit, provided no display of goods shall be located within the public right-of-way.
- B. Goods sold at yard sales must originate as the legal property of the homeowner, tenant, other persons participating in the sale, or members of a participating organization. Goods shall not include any items purchased for resale at the yard sale.
 1. Two (2) temporary signs shall be permitted one week prior to and during the yard sale, provided that such signs shall be on private property with permission of the owner, and

shall not be within the public right-of-way or attached to a utility pole. Such signs shall be removed immediately following the conclusion of the sale.

2. All unsold yard sale merchandise remaining at the conclusion of the sale must be removed immediately. Purchased merchandise must be removed within twenty-four (24) hours of conclusion of the sale.

Sec. 4.3.4. Accessory uses, non-residential.

The following standards shall pertain only to accessory uses on non-residential properties.

Sec. 4.3.4.1. Drive-through facilities.

All drive-through facilities shall comply with the following standards:

- A. No drive-through facility shall be located within sixty (60) feet of a residentially zoned lot, as measured from any menu or speaker box to the property line of the residential property.
- B. No drive-through facility shall be located on a lot having an area less than ten thousand (10,000) square feet.
- C. Drive-through lanes and service windows serving drive-through lanes shall only be located to the side or rear of buildings.
- D. Vehicle stacking lanes for queuing of a minimum of five (5) vehicles shall be provided at the drive-through lane. Vehicle stacking lanes shall comply with the following standards:
 1. Drive-through lanes shall not impede on- and off-site traffic movements and shall not create unsafe conditions for pedestrians crossing a public entrance of a building.
 2. Drive-through lanes shall be separated from off-street parking areas by striping or curbing. In the case of multiple lanes, individual lanes shall be striped, marked or otherwise identified.
 3. All drive-through facilities shall include a bypass lane having a minimum width of ten (10) feet by which motorists may pass around the drive-through facility. The bypass lane may also serve as a parking access aisle.
 4. Drive-through lanes shall be set back five (5) feet from all lot lines and public rights-of-way.
- E. Speaker boxes shall be directed away from any adjacent residential lot and shall be shielded by masonry sound attenuation walls with landscaping or other speaker volume reduction measures. Speaker boxes shall only be used for communication in placing orders.
- F. All lighting from drive-through facilities shall be directed away from any adjacent residential lot.
- G. Owners and operators shall be responsible for daily litter clean-up of trash, litter and debris.
- H. Drive-through restaurants shall not be located within five hundred (500) feet of an elementary, middle or high school.

Sec. 4.3.4.2. Special outdoor events.

Special outdoor events may include art shows, carnival rides, social or religious events, entertainment, athletic events, car shows, and other events of community interest. All such events shall be subject to Article III. Parades, Motorcades and Special Events of the Riverdale Code of Ordinances.

A. Special outdoor events standards. Such events shall be subject to the following standards:

1. Site requirements.

- a. Employees shall be in uniform and identified with nametags.
- b. Security or off-duty police officers shall be on-site during operating hours.
- c. Portable toilets or access to bathrooms shall be provided.

2. A site plan covering all aspects of the event shall be included with the building permit application for special outdoor events associated with structures that require issuance of a building permit. The site plan shall document compliance with all applicable requirements of this ordinance.

B. Lot restrictions. Special outdoor events shall be set back a minimum of one hundred (100) feet from any residential zoning district or use.

C. Temporary sites for worship. The establishment of stages or tents for temporary worship conducted on a site not designated as a place of worship shall require the granting of an administrative permit by the community development director.

Sec. 4.3.4.3. Temporary buildings

A. Except where otherwise specifically permitted, temporary buildings such as a manufactured home or trailer intended for human occupancy shall be prohibited in any zoning district with the exception of the following circumstances:

1. Sleeping accommodations for caretaker residence in an M Light Industrial District,
2. Home sales office for a subdivision only during such time as lots and dwellings in a subdivision are being marketed, or
3. In conjunction with construction work or pending completion of a permanent building for a period concurrent with approved land disturbance and building permits. Such temporary buildings shall be sited and permitted in any district upon approval by the community development director through an administrative permit. Such temporary buildings shall be removed when site construction activities have been completed.

B. Temporary buildings for use in conjunction with a construction project or subdivision development shall be permitted on the property undergoing such development during construction. Temporary buildings related to a residential subdivision shall be removed upon issuance of a certificate of occupancy for a minimum of 95 percent of all lots, or within four (4) years of initiation of construction, whichever occurs first. For purposes of this section, initiation

of construction shall be work related to any utility or street installation or building construction. Placement or otherwise locating a temporary building on the property being developed without first obtaining the applicable permit from the community development director shall be a violation of this ordinance.

Sec. 4.3.4.4. Temporary outdoor events.

- A. Applicants for temporary outdoor events shall obtain an administrative permit from the community development director prior to staging or holding conducting such an event.
- B. Applicants for a permit for temporary outdoor use shall have the written authorization by the owner of the property documenting permission to use the property for the specific event for which an application has been submitted.
- C. All applicants for a permit for temporary outdoor event shall obtain an occupational tax permit from the community development department, as applicable.
- D. All approvals and permits granted under this section shall be displayed in a conspicuous location on the premises at all times for inspection by the city of Riverdale.
- E. No temporary outdoor event may be located within or encroach upon any drainage easement, public sidewalk or right-of-way, fire lane, designated loading area, driveway, maneuvering aisles, or an ADA minimum four-foot sidewalk within private sidewalks or other areas intended for pedestrians.
- F. No operator, employee, or representative of the operator of a temporary outdoor event shall solicit the motoring public.
- G. Merchandise shall only be displayed in a manner that does not obstruct pedestrian or vehicular circulation.
- H. The premises used for a temporary outdoor event shall be restored to a sanitary condition; cleaned and cleared of all water, trash and debris; and all equipment, materials, signs, temporary power poles, etc. associated with the temporary outdoor event shall be removed from the property within two (2) days of the last day approved for such event, except for yard sales. All unsold merchandise remaining at the conclusion of the event shall be removed immediately. Purchased merchandise shall be removed within twenty-four (24) hours of conclusion of the sale.
- I. Any temporary outdoor event that has not complied with this section shall be a violation of this ordinance. Any person or other entity found to be in violation of this section may be punished as provided in Sec. 11.6. Penalties.
- J. Duration, frequency and hours of operation of temporary outdoor events.

The maximum duration, frequency and hours of operation for temporary outdoor events shall be limited to those shown in Table 4.2. Temporary Outdoor Uses, below:

Table 4.2. Temporary Outdoor Uses

Operational requirement maximums for temporary outdoor uses				
Temporary Use	Duration	Frequency	Hours of Operation	Administrative Permit Required?
Christmas tree sales	Nov. 15 thru Jan. 1		Cease at 9:00 p.m. Mon.—Thurs. & Sun.; 10:00 p.m. Fri. & Sat.	Yes
Pumpkin and Halloween sales	Sept. 15 thru Oct. 31		Cease at 9:00 p.m. Mon.—Thurs. & Sun.; 10:00 p.m. Fri. & Sat.	Yes
Charitable/non-profit event	7 consecutive days	4 times/calendar year	Daylight hours only	Yes
Temporary Produce stand	One full year	Year round	Daylight hours only	Yes
All other seasonal sales	3 consecutive days	4 times/calendar year	Daylight hours only	Yes
Temporary outdoor retail sales display	30 consecutive days	4 times/calendar year	Cease at 9:00 p.m. Mon.—Thurs. & Sun.; 10:00 p.m. Fri. & Sat.	Yes
Temporary outdoor event	14 consecutive days	2 times/calendar year	Cease at 9:00 p.m. Mon.—Thurs. & Sun.; 10:00 p.m. Fri. & Sat.	Yes
Yard sales	3 consecutive days	Once/six months	Daylight hours only	No
Farmer's Markets	Year Round	3 consecutive days per week or one day per week	Cease at 9:00 p.m. Mon.—Thurs. & Sun.; 10:00 p.m. Fri. & Sat.	Yes

Sec. 4.3.4.5. Temporary outdoor retail sales.

Temporary outdoor retail sales include the display of goods, merchandise, materials, or other items sold at a retail establishment in which the items are displayed and sold outside the confines of an enclosed building, and which are associated with an existing business on the lot. Temporary outdoor retail sales shall not include events for which no occupational tax permit is required, for example, cookie sales. Temporary outdoor retail sales shall be subject to the following standards:

- A. Temporary outdoor retail sales standards.
 1. An administrative permit shall be required for any temporary outdoor retail sales.
 2. Temporary outdoor retail sales shall only include the display and sale of retail merchandise associated with an existing business on the lot for a limited period.
 3. Any object, device, display or building, or part thereof, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service or event, shall also be considered part of the temporary outdoor retail sales display.

4. Sales transactions associated with the temporary outdoor retail sales shall be conducted by employees of a business on the lot, and goods displayed shall be owned by the owner or tenant of a business on the lot. Consignment operations or any temporary arrangement with a transient merchant or vendor seeking to display goods shall be prohibited.

B. Lot restrictions.

1. Goods and merchandise may be displayed on public sidewalks only when the storefront directly abuts the sidewalk. Displays on public or private sidewalks shall not interfere with pedestrian travel, and the minimum ADA-required sidewalk width shall be maintained.
2. Temporary outdoor retail sales shall be prohibited on a vacant lot.
3. Temporary outdoor retail sales shall only be conducted on a paved surface, unless approved by the community development director.
4. Temporary outdoor retail sales shall only be permitted only on a lot where such sales do not disrupt vehicle access and are shall not be permitted within areas required, set aside or designated for loading and maneuvering areas, emergency access lanes, driving aisles or driveways.

C. Setback and display requirements.

1. All temporary outdoor retail sales including installation of associated temporary display and sales structures and stand-alone merchandise, display tables, or display racks, shall be set back a minimum of ten (10) feet from the right-of-way.
2. A temporary shade structure, tent, tilt-ups, umbrellas or similar covering may be erected as a part of the temporary outdoor retail sales. Tents having an area of two hundred (200) square feet or greater and canopies having an area of four hundred (400) square feet or greater shall require a building permit and approval by the fire marshal.
3. Display tables, racks and shelves may be used as part of a temporary outdoor retail sales display.
4. Temporary outdoor retail sales displays, excluding shade structures, tents, tilt-ups, umbrellas or coverings, shall not exceed six (6) feet above grade.

Sec. 4.3.4.6. Temporary outdoor seasonal sales.

Temporary outdoor seasonal sales include the sale of retail merchandise associated only with recognized seasonal and federal holidays, the sale of farm produce, and such holidays as Mother's Day, Easter, Halloween and Valentine's Day, subject to the following standards:

A. Temporary outdoor seasonal sales standards.

1. An administrative permit shall be required for any temporary outdoor seasonal sale.
2. Events or sales of retail merchandise not customarily associated with seasonal or federal holidays or farm produce shall be prohibited.

B. Lot restrictions.

1. A temporary outdoor seasonal sale may be held on a vacant lot having a non-residential zoning classification.
2. A temporary outdoor seasonal sale may be held on a lot where the temporary outdoor seasonal sale is not associated with the principal use of the property.
3. Temporary outdoor seasonal sales shall only be permitted on a lot where such sale does not disrupt vehicle access.
4. All exterior lighting utilized in conjunction with temporary outdoor seasonal sales shall be directed downward to minimize glare on adjacent properties.
5. Spotlights, searchlights, LED lights and other such attention getting lighting associated with temporary outdoor seasonal sales shall be prohibited.

C. Setback and structure standards.

1. All temporary outdoor seasonal sales, including installation or erection of associated temporary display and sales structures, shall not be located within any public right-of-way, and no display or sales area shall be located within twenty-five (25) feet of the curb or edge of pavement.
2. Tents having an area of two hundred (200) square feet or greater and canopies having an area of four hundred (400) square feet or greater shall require a building permit and approval by the fire marshal.

Sec. 4.4. General Standards

These general standards supplement district standards found in Art. 3. Zoning District Intent, Uses and Standards. The general standards are organized by all zoning districts, residential districts and non-residential districts.

Sec. 4.4.1. All Zoning Districts

Sec. 4.4.1.1. Double frontage or "through" lots.

The front yard setback required for the zoning district in which the lot is located shall be provided on each street.

Sec. 4.4.1.2. Fences, walls and hedges.

- A. Fences along a public right-of-way shall not be comprised of opaque materials.
- B. Fencing. Electrified fences, razor-wire, barbed wire, hog wire and similar fencing types shall be prohibited on any property.
- C. Walls shall consist of brick, stone, masonry block or railroad ties.

- D. No fence or other enclosure or repair to a fence or other enclosure shall consist of slatted chain-link materials, or other inappropriate materials not intended for use as fencing including, but not limited to, sheet metal, plywood, tin roofing, plastic roofing, doors, automobile parts or other materials not designed and fabricated for use as fencing.
- E. All fences and walls shall be maintained in good condition. No dilapidated or otherwise unsafe or unsightly fence or wall, or portion of a fence or wall, shall be permitted on any property.
- F. Fences shall not be installed in such a manner as to obstruct the view of adjacent property owners entering a public street. Adequate provision shall be made for access by normal utility services, including solid waste collection, water and other utility meter readers, and mail delivery.

Sec. 4.4.1.3. Height limits.

- A. Height limits shall not apply to spires, belfries, cupolas, domes, ornamental towers and other architectural features not intended for human occupancy; monuments; water towers; transmission towers; telecommunications towers and monopoles; radio or television towers or aerials; smokestacks; antennas; or flagpoles.
- B. Height limits shall not apply to chimneys or parapet walls necessary to screen mechanical equipment, provided such roof appurtenances do not extend more than four (4) feet above the roofline of the building.

Sec. 4.4.1.4. Height measurement: fence, wall and hedges.

The height of fences, walls, hedges and other plants shall be measured from the natural adjacent grade, exclusive of any filling, berming or bounding.

Sec. 4.4.1.5. Moving a building.

- A. No dwelling or other permanent building shall be moved into or relocated within the city unless when relocated the dwelling or building and the lot upon which such dwelling or building will be placed meets all applicable standards of this ordinance and other city and county codes. Such relocation of a dwelling or building shall require the filing of an application for a permit with the community development director and police chief a minimum of ten (10) business days prior to the date of the move. The applicant shall identify the property address to which the building is to be moved, the proposed route, the time and date of the proposed move, and shall complete all other portions of the application. Any relocation of a dwelling or building shall be subject to written approval by the community development director and the police chief three (3) business days prior to such relocation.
- B. No dwelling or other permanent building shall be moved out of the city until an application for a permit is filed with the police chief a minimum of ten (10) business days prior to the date of the move providing the property address from which the building is to be moved, the proposed route, the time and date of the proposed move, and all other information required by the application. Such permits shall be subject to written approval by the police chief three (3) business days prior to such relocation.

Sec. 4.4.1.6. Minimum street frontage of a cul-de-sac lot.

The minimum street frontage on a cul-de-sac lot shall be 50 percent of the minimum lot frontage for the zoning district in which the lot is located, provided that the minimum lot width at the building line shall be met.

Sec. 4.4.1.7. Visibility at intersections.

No sign, fence, tree, shrub, or other visual obstruction to motorists line of sight shall exceed a height of three feet above the established grade or be permitted below eight (8) feet on a corner lot within a triangular area defined as the "Clear vision area," and formed by the intersection of the right-of-way lines at two points, each 20 feet 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." This provision shall also apply to the intersection of private driveways with a street right-of-way except the point along the driveway shall be measured five (5) feet from the intersection with a street right-of-way into the lot.

Sec. 4.4.2. Residential Districts

Sec. 4.4.2.1. Building projections. Every part of a required yard shall be open to the sky except as follows:

Architectural features such as sills, belt courses, cornices, eaves and ornamental features may project a maximum of eighteen (18) inches into a required yard. Canopies and steps may project up to three (3) feet beyond any required setback line.

Sec. 4.4.2.2. Fences, walls and hedges.

- A. Fence or wall height in the front yard of a residential lot shall not exceed a height of four (4) feet or six (6) feet in the side and rear yard. Fences, walls and hedges shall comply with Sec. 4.4.1.7. Visibility at intersections.
- B. Fencing. All fencing on any residentially zoned or occupied lot shall be fabricated of decorative or conventional fence materials, only, commonly known as stockade fence, privacy fence, split rail, vinyl fence or wrought iron fence.

Sec. 4.4.2.3. Front yard setback responsive to context.

The required front yard setback on a lot zoned for single family use adjacent to developed residential lots may be calculated as the average of the front yard setbacks of the two adjacent lots having frontage on the same street and within the same zoning district, provided that no dwelling shall be placed less than 10 feet from the front property boundary. In addition, no dwelling shall be placed on a front yard setback greater than 150 percent of the average front yard setback of the dwellings on the two, such adjacent lots.

Sec. 4.4.2.4. Number of buildings on a lot.

The number of buildings allowed on a lot zoned for single family residential development shall be limited to the principal dwelling and any accessory buildings as provided in Sec. 4.2. Building Standards.

Sec. 4.4.2.5. Reduction in side yard.

When the width of a lot of record is less than the standard established in the zoning district in which the lot is located and lot width cannot be increased, the community development director shall be authorized to reduce the side yard requirement for such lot; provided that a minimum interior side yard setback of five (5) feet and a minimum side yard setback at the street of seven and one-half feet (7-1/2') feet shall be maintained. This provision shall not apply to adjacent lots that have frontage on the same street and are held in common ownership.

Sec. 4.4.2.6. Dwelling unit standards.

Single family dwellings shall meet or exceed the following minimum standards:

- A. The minimum building dimension shall be greater than 24 feet.
- B. Minimum gross floor area shall be as required for detached dwellings by the zoning district in which the dwelling is located.
- C. The dwelling roof shall have a minimum pitch of 4:12, and shall be covered with asphalt shingles, concrete or clay roof tiles, wood shingles or shakes, metal or similar materials.
- D. Exterior siding materials shall consist of wood, stone, fiber cement, stucco or vinyl consistent with the standards of this ordinance or other materials similar appearance and composition to the above as approved by the zoning administrator.
- E. The dwelling shall be permanently attached or bolted to a permanent masonry or concrete foundation, fully enclosed around the dwelling from grade to the dwelling floor.
- F. The dwelling shall be permanently equipped with both gutters and downspouts.
- G. A minimum roof overhang of six (6) inches shall be provided around the entire exterior perimeter of the dwelling.
- H. All lap siding shall be a maximum width of eight (8) inches per lap.
- I. A masonry or wood landing shall be provided at each exterior door having minimum dimensions of 36 inches by 48 inches.
- J. A site-built home shall be constructed according to standards established by the city's building codes, as amended from time to time.
- K. The dwelling shall not be an industrialized building or mobile home.

Sec. 4.4.2.7. Manufactured homes shall meet or exceed the following standards:

- A. Manufactured home, Class II is a single family dwelling unit meeting the requirements of a Manufactured Home Class I and, in addition, bearing the insignia of the Southern Standard Building Code Congress International.

Such dwelling units are transportable in one or more sections, having a minimum width of ten feet, built on a permanent chassis, designed to be used as a dwelling unit with or without a permanent foundation and designed to be attached to required utility systems and containing electrical, heating, air conditioning and plumbing systems.

Sec. 4.4.3. Non-Residential Districts

Sec. 4.4.3.1. Architectural Design Standards

Art. 5. Architectural Design Standards are hereby incorporated within the TCMU Town Center Mixed Use District, the MU Mixed Use District, and the GC General Commercial District as though fully reprinted here.

Sec. 4.4.3.2. Building lighting.

Use of light emitting diodes and neon lights placed on windows, doors or on any building facade shall be prohibited.

Sec. 4.4.3.3. Building projections. Every part of a required yard shall be open to the sky except as follows:

- A. A canopy may project into a required front or side yard of a commercially zoned or occupied lot, provided such canopy is unenclosed and is located within fifteen (15) feet of a street right-of-way or within five (5) feet of side lot line. Building features such as sills, belt courses, cornices, eaves and steps may project up to eighteen (18) inches into a required yard. Steps and canopies may project up to three (3) feet beyond any required setback line, except where such projections would obstruct driveways that may be used for access by service or emergency vehicles. In no event shall such projection be less than 10 feet from the front property boundary. In the case of hotels, motels, and similar uses that serve the motorists, canopies shall be allowed over a driveway, provided such canopy is unenclosed and is not located within fifteen (15) feet of a street right-of-way or within five (5) feet of a side lot line.
- B. Covered porches, whether enclosed or not, shall be considered as a part of the building and shall not project into any required yard.

Sec. 4.4.3.4. Collection bins, vending machines and newsstands.

- A. Collection bins. Chapter 18 - Buildings and Building Regulations, Sec. 18-36. International Property Maintenance Code, Section 302.10 - Clothing, Donation and Charitable Storage Containers of the City Code provides standards for regulation of collection bins.
- B. Vending machines and newsstands. The term vending machines encompasses ice making machines, propane sales, newsstands and similar equipment used to market various products and are typically placed outside a retail business. The following standards shall apply to vending machines:
 - 1. All vending machines shall be placed at the side or rear of the building in compliance with the rear and side yard setbacks, and shall be placed on a concrete or asphalt surface.

2. No vending machines shall be displayed at the front of the building or elsewhere in the front yard of the site. On corner lots, the front yard shall be considered that area between the building and the street, along both street frontages.
3. No vending machine shall impede access to the premises and their placement shall comply with the Americans with Disabilities Act of 1990.

Sec. 4.4.3.5. Fences, walls and hedges.

- A. Fence or wall height in the front yard of a non-residential lot shall not exceed a height of six (6) feet or eight (8) feet in the side and rear yard. Fences, walls and hedges shall comply with Sec. 4.4.1.7. Visibility at intersections.
- B. Chain link fencing may be used in the front yard of any non-residential use.

Sec. 4.4.3.6. Fuel pumps, islands.

Fuel pump islands may extend into a required yard, provided no portion of any fuel pump or fuel pump island shall be located within twenty (20) feet of any street right-of-way and no fuel pump canopy shall be located within ten (10) feet of any street right-of-way.

Sec. 4.4.3.7. Hotel, motel, and extended stay hotel.

- A. Applicability. These standards shall not apply to motels in the Hospital Overlay District. Extended stay hotels or motels shall be subject to approval as a special use in the GC General Commercial District.
- B. A maximum of ten (10) percent of hotel or motel guest rooms shall have fixed cooking appliances. For purposes of this section, the term "fixed cooking appliances" shall mean a stove top burner; a hotplate that does not serve as an integral part of an appliance designed solely to produce coffee; a conventional oven; a convection oven; or any oven producing heat using resistance heating elements, induction heating, or infrared heating sources.
- C. No hotel, motel, or extended-stay hotel shall allow any person to occupy such hotel, motel, or extended-stay hotel for more than thirty (30) days during a one hundred eighty-day period.
- D. For each person paying in cash for occupancy of a hotel, motel, or extended-stay hotel room every person operating a hotel, motel, or extended-stay hotel shall require each such person to provide proper identification prior to renting a room. Proper identification is defined as a current and valid government issued photo identification card such as a driver's license, military identification card, state identification card, or passport. A record shall be kept on file for the duration of the occupancy and for sixty (60) days thereafter. Until such identification is produced and entered into the records of the hotel, motel, or extended-stay hotel, no guest shall be permitted to occupy any room in such hotel, motel or extended-stay hotel. Such record shall be subject to inspection at all times provided that the city produces appropriate legal authorization through a warrant or subpoena.
- E. No extended-stay hotel shall be initially constructed or thereafter operated, and no hotel may be converted to operate as an extended-stay hotel unless in full compliance with each of the following standards:

1. The minimum square footage per guest room of an extended-stay hotel shall be three hundred (300) square feet and occupancy limited to two (2) adults per room. An additional adult is allowed per each additional one hundred fifty (150) square feet, for a maximum of four (4) adults.
2. The extended-stay hotel shall be no less than three (3) stories in height.
3. The extended-stay hotel must have enclosed, heated and air conditioned laundry space containing a minimum of three (3) clothes washers and three (3) clothes dryers the use of which shall be restricted to guests of the hotel.
4. The extended-stay hotel shall provide a minimum of one thousand (1,000) square feet for recreational use by guests, and a minimum of ten (10) percent of the lot area shall be dedicated to such recreational use and passive recreation.
5. Maid service shall be included within the standard room rate of an extended-stay hotel. Maid service shall be provided no less than two (2) times per week for each occupied guest room.
6. Parking areas of extended-stay hotels must be secured parking.
7. Extended-stay hotels shall be classified as one (1) of the following chain segments: Upper Midscale; Upscale; Upper Upscale; or Luxury as classified by the STR Chain Scales Report. No extended-stay hotels shall be constructed or thereafter operated unless the extended-stay hotel is classified in one (1) of the above segments. For purposes of this section, "the STR Chain Scales Report" means a report produced by Smith Travel Research, a leading lodging industry data and benchmarking firm, which is updated on an annual basis to reflect equivalent Average Daily Rates (ADR) across lodging chains within a particular market or geography.
8. The city may re-evaluate the chain scale classification report every twelve (12) months to reflect current market conditions.
9. No occupational tax certificate shall be issued for conduct of business from a guest room of an extended-stay hotel, and no home occupation shall be conducted from such room.
10. Each guest room of an extended-stay hotel shall be equipped with a sprinkler system and hard wired smoke detector approved by the fire marshal.
11. The extended-stay hotel shall provide a fifty-foot undisturbed buffer from any property zoned for multifamily purposes and a one hundred-foot undisturbed buffer from any property zoned for single family residential uses.
12. An extended-stay hotel that fails to meet the standards of the above subsections 1. through 11. shall be prohibited from offering fixed cooking appliances in more than ten (10) percent of the total guest rooms. Further, any extended-stay hotel that fails to meet the requirements of this section shall be subject to citation for each day of noncompliance. Each day of noncompliance shall constitute a separate offense punishable by a separate citation.

Sec. 4.4.3.8. Number of buildings on a lot.

Commercial and industrial lots shall not be limited as to the number of buildings allowed as reflected on the approved site plan, provided all setbacks, lot coverage maximums and other applicable development standards are met.

Sec. 4.4.3.9. Wine stores.

No wine store shall sell distilled spirits or malt beverages and shall not occupy a retail space greater than 5,000 square feet.

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ARTICLE 5. ARCHITECTURAL DESIGN STANDARDS

Sec. 5.1. Mixed Use Architectural Design Standards.



Sec. 5.1.1. Purpose and Intent.

The Mixed Use Architectural Design Standards (Design Standards) seek to create developments that provide a safe, convenient, dynamic and attractive environment through the integration of uses and building design, where people can live, work, and play in Riverdale. The purpose of these design standards is to eliminate the ambiguity for the development community and ensure complementary environments. The building and site design standards set forth in this Article integrate land use, urban design, transportation, and architecture that comprise the built environment and address the following components:

• Building Orientation	• Setbacks	• Connectivity
• Building Design	• Landscaping	• Lighting
• Building Height	• Fenestration	• Signs
• Screening	• Streetscape	• Parking & Circulation

Sec. 5.1.2. Applicability.

- A. General. These standards apply to all new construction and modifications within the designated Town Center Mixed Use District and other eligible property zoned as a mix-use classification. Single family dwellings are exempt from these provisions. For Commercial Design Standards, see Section 5.2. Commercial Architectural Design Standards.

These standards shall also be applied to properties that are rezoned to a mix-use classification.

- B. Relationship to Underlying Zoning District Standards. These standards are supplemental to the underlying zoning district classifications established in the Riverdale Zoning Ordinance. The

provisions of this Article shall be imposed in addition to the underlying zoning regulations and other City ordinances. In any case where these Design Standards conflict with standards of the base-zoning district or with other provisions of this Zoning Ordinance, the Architectural Design Standards shall govern.

C. Modifications to existing structures.

1. Any building that is non-conforming with respect to the development and design standards of this ordinance or any future amendments shall not be enlarged, expanded, or altered in any manner which may increase its nonconformity, with the exception that the structure may be repaired to the extent necessary to maintain it in a safe and sanitary condition in accordance with Article 10, Non-Conforming Uses, Buildings, and Lots.
2. Any existing building that is enlarged, expanded, or altered in any manner would increase its non-conformity must be brought into compliance with the design standards set forth in Sec. 5.1., Mixed Use Architectural Design Standards.
3. Rebuilding of a damaged, non-conforming building must conform with Article 10, Non-Conforming Uses, Buildings, and Lots.

D. Alternate Standards. The standards herein are intended to be followed as outlined below. However, at its discretion, the City Council may approve minor deviations from the design standards if, in the opinion of the Council, the intent of the goals and purpose of this Article can be achieved with the proposed minor deviations. Applicants must clearly indicate how proposed deviations further the purpose and intent defined in the guiding principles in Article 3, Section 3.6.2. the purpose statements in each section in this article. These design standards do not exempt applicants from obtaining all required permits and complying with all applicable city codes and regulations in force.

Sec. 5.1.3. Building Form and Location.

Building form and mass are crucial in defining the specific “town center” or “main street” character that many mixed-use developments seek to achieve. Human-scaled, pedestrian-oriented architectural features on buildings help reduce mass so that building form does not overwhelm the public space. A variety of architectural elements can be applied to the building design to create desired massing, which may include windows, doors, columns, massing detailing, façade articulation, variations in roof lines, building wall recesses, and variations in colors and exterior materials.

Other techniques to reduce mass include integrating view corridors between pedestrian destinations, such as building entrances and public parks. Additionally, the location of buildings on a site and their orientation to the street helps to define the public realm and promote pedestrian activity that supports development.

Sec. 5.1.3.1. Setbacks.

- A. Maximum front setback (mixed-use or commercial structures) = 20 feet; Build-to line = zero (0) feet.
- B. Minimum required side setback yard = zero (0) feet.

In order to achieve a continuous building façade, side yards between adjoining buildings shall be minimized to the greatest extent possible.

- C. A minimum of 60 percent of front façades at ground level shall be located at the minimum setback line to reinforce the building line. When the space between the façade and setback line is specifically designed for pedestrian uses, such as outdoor dining, the maximum setback shall be permitted. The setback of minor portions of the ground level, front façade may vary to articulate building entries, provide variety and maintain a defined, pedestrian-oriented environment.
- D. All multi-family and residential structures shall be built to the same front and side setbacks as commercial buildings.

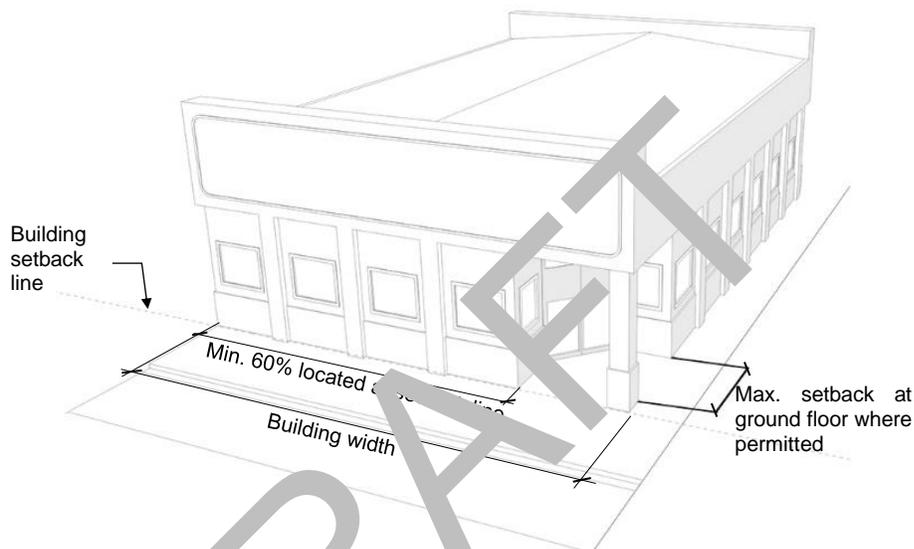


Figure 1: Building setback

Sec. 5.1.3.2. Orientation/Location.

- A. A principal building shall be oriented to face or be nearly parallel to a primary street (nearly parallel means within a maximum of 15 degrees of being parallel).
- B. Residential façades, elevations, and entrances shall be oriented towards the street to maximize visual appearance and pedestrian access.

Sec. 5.1.3.3. Height.

- A. Building height shall be a minimum of three stories and a maximum of six stories (85 ft), excluding mechanical and elevator enclosures.
- B. Architectural features such as a tower, cupola, etc., located above the roof line, are permitted provided the feature is in character with the architecture of the building, and the total height of the building and feature does not exceed requirements in Sec. 5.1.3.3.(a).

Sec. 5.1.4. Building Design Standards.

The purpose of these standards is to promote high-quality development that incorporates variety in architectural and design elements using attractive, durable building materials to enhance overall visual appearance of the community. Careful consideration of mass and scale, window size and placement, exterior finish materials and decorative elements help define local character and create a sense of place.

Horizontal elements (e.g., belt courses, projecting cornices, canopies, and step-backs) should be combined with vertical elements (e.g., recesses, projecting bays, parapets and vertically aligned windows) in order to reinforce the human-scale. Change in materials or textures is encouraged to accentuate the building proportions and create desired aesthetic for the City of Riverdale.

Sec. 5.1.4.1. Facades.

- A. Façade elements, including exterior siding materials, shall continue around to all sides of buildings visible from public streets and/or parking areas. Elements may be simplified at the rear of buildings that are not facing a public street or parking area to clarify a front/rear hierarchy.
- B. Building facades greater than 100 feet in length shall feature a change in plane articulated by projecting or recessed bays, balconies, step-backs, banding, cornices, or similar features. Large, monolithic, box-like structures are prohibited to reduce the incompatible visual impact of such structures in a pedestrian-oriented environment.
- C. Rooftop mechanical equipment shall not be visible from the street and shall be screened from view behind parapets or otherwise integrated into the building design.
- D. Franchise architecture, distinctive building design that is trademarked or identified with a particular chain or corporation and is generic in nature, shall not be allowed in the TCMU District: Buildings shall not be branded using an architectural style of a company; franchises or national chains must adopt architectural styles to follow these design standards to create a building that is compatible with the TCMU District and maintains the unique character of the District.



Figure 2: Example of variety in building forms and architectural features.

Sec. 5.1.4.2. Entries.

- A. Entries shall be clearly articulated to activate the street front and pedestrian spaces. Residential and commercial entries shall be separated.
- B. Retail and commercial entries shall face a public street or sidewalk and are to be primarily transparent to reinforce the public nature of the ground floor uses.
- C. Lighting and signs shall be integrated into the entry design to reinforce the public nature of the entry.

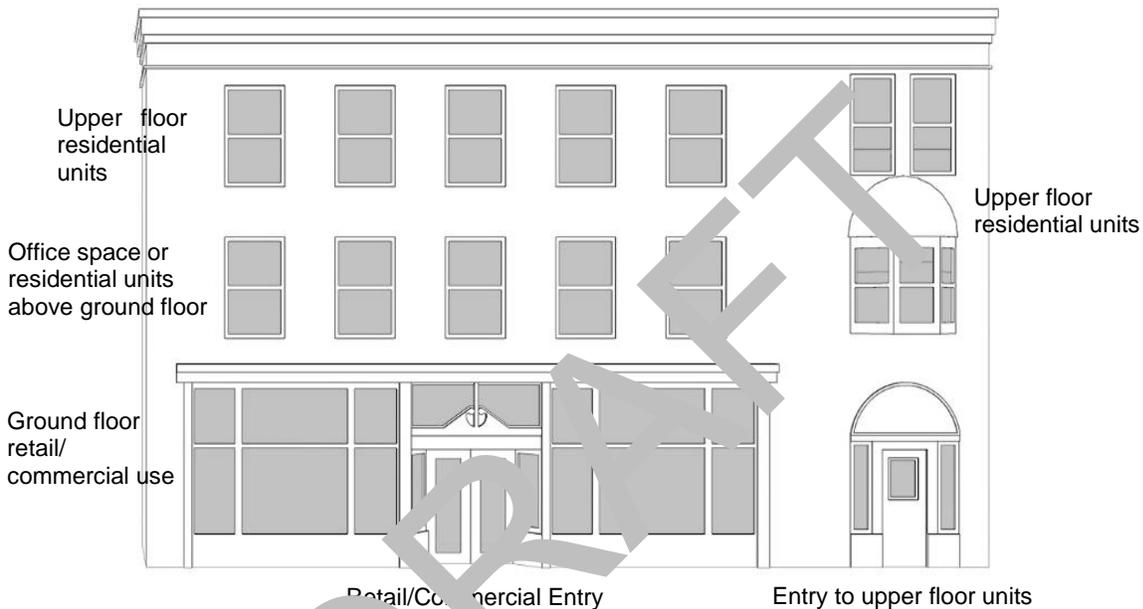


Figure 3: Example of clearly articulated entries in a mixed-use building.

Sec. 5.1.4.3. Fenestration

- A. Fenestration shall reinforce the dominant horizontal character for commercial uses and a dominant vertical character for residential uses. Windows shall be spaced and grouped logically, vertical upper story windows shall contrast with horizontal lower story windows, and larger windows shall exist on the lower level to the street.



Figure 4: Fenestration.

- B. The façade of ground floor commercial and retail uses shall be a minimum of 60 percent glass. The view into the sales floor or seating area of ground floor commercial or retail spaces shall be maintained and shall not be completely blocked by merchandise displays. Transom windows above view windows and doors are encouraged.
- C. A minimum of 25 percent of the second and third floor building frontages (as measured from floor to ceiling) shall be window glass. Second floor residential and commercial uses shall have relatively less glass area to emphasize the public nature of the street-front uses.
- D. Glass shall be clear, or reflective to the extent that such reflectivity reduces interior heat.
- E. Mirrored glass, window awnings or similar window screening shall be prohibited.
- F. Windows shall not be boarded, boarded up, or reduced in size, unless otherwise required by code for security of a vacant structure.

Sec. 5.1.4.4. Exterior Materials.

- A. Allowed exterior siding materials include, but are not limited to full-depth brick, stone, cast stone or other finished masonry, fiber cement panels, high-quality vinyl siding, EIFS, glass, wood or other natural materials, or similar material as approved by the Community Development Director.
- B. Materials shall continue around to all sides of buildings in accordance with Section 5.1.4.1 (A).
- C. Restrictions on exterior siding materials:
 1. Vinyl siding is prohibited on a building façade that faces a public street. However, this material is permitted on facades not visible from a public street providing the vinyl siding is installed in accordance with the vinyl manufacturer's specifications.

2. Exterior Insulation Finish System (EIFS) siding must be installed in accordance with the EIFS manufacturer's specifications.
3. The application of these materials must be consistent with the architectural character of the surrounding development.

Sec. 5.1.5. Site design standards.

Site design includes street and pedestrian networks, parking areas, landscaping and buffers, screening, lighting, fences and walls, signs, and other components. Pedestrian circulation should be an integral part of the initial site layout. Landscaping should be used to enhance appearance of buildings, sidewalks, and streets, and is also encouraged as screening in parking areas. Special consideration should be given when designing buffers between incompatible uses to minimize potential nuisances.

Supplemental design guidelines for streetscapes are found in the City's Streetscape and Improvement Design Standards which can be accessed through the Community Development Department. Guidelines presented in the Streetscape and Improvement Design Standards document are encouraged but are not enforceable as standards.

Sec. 5.1.5.1. Streets.

- A. Streets shall be arranged in a grid pattern or regular layout that maximizes connectivity and circulation and enhances safety for pedestrians and vehicles.
- B. Public streets in mixed-use/commercial areas shall contain one travel lane in each direction with on-street parking on both sides of the street. This configuration is recommended for mixed-use developments with street-front retail and commercial uses on both sides of the street.
- C. Public streets in residential areas shall have one travel lane in each direction with on-street parking on at least one side of the street.

Sec. 5.1.5.2. Blocks.

- A. The maximum block size shall be a length no greater than 450 feet and a width no greater than 450 feet, with a block perimeter no greater than 1,800 feet.
- B. Any block side greater than 500 feet shall be broken up by a public right-of-way allowing through pedestrian connections.
- C. Development that abuts existing developments which are not a part of the Town Center or mixed use district shall be compatible with the surrounding development.

Sec. 5.1.5.3. Sidewalks.

- A. Sidewalks shall be constructed in the right-of-way on both sides of the streets with a minimum width of 12 feet in mixed-use and commercial areas. However, in areas that contain solely residential (e.g., townhomes), and no commercial or mixed-use component, the minimum width may be reduced to eight (8) feet.

- B. Pedestrian crosswalks are required at the intersection of any two local streets within the development.
- C. Usable open spaces adjoining sidewalks that create an active pedestrian zone for outdoor dining, open air markets, or similar uses, are encouraged. Such spaces in the vicinity of public uses shall be integrated into the site design when feasible.
- D. Amenities that increase the comfort and safety of pedestrians along sidewalks such as lighting, projecting canopies, and street trees shall be included, when feasible.
- E. The Community Development Director (CDD), may require the developer to provide benches, trash receptacles, bollards, bicycle racks, or similar features to serve abutting within the development. This street furniture shall meet the uniform design standard for the district as approved by the CDD.
- F. Continuous pedestrian networks shall connect building entrances and public sidewalks.
- G. All driveways between parking areas and building entrances shall have designated pedestrian walkways. Walkways that cross travel lanes in parking lots shall be clearly designated through pavement marking or similar means to emphasize the need for driver caution.
- H. Pedestrian walkways through parking lots shall be separated from vehicle lanes with curbing, landscape strips, decorative walls, or similar means.
- I. Sidewalks shall be continued across driveways in order to emphasize the need for driver caution.
- J. Improvements to adjacent crosswalks, curbing, and sidewalks to accommodate increased pedestrian activity associated with new developments are encouraged.

Sec. 5.1.5.4. Parking.

Sec. 5.1.5.4. Driveway and Parking Areas.

- A. All parking areas and driveways must comply with ADA Standards for Accessible Design and be designed to maximize pedestrian and motorist safety
- B. Parking lots shall be located to the rear or side of a building and shall not be located between the front of a building and the right-of-way.

The required number of off-street parking spaces for nonresidential uses set forth in Article 7, Parking and Loading, of this Zoning Ordinance shall be reduced in the following manner:

- 1. All uses, regardless of size, are permitted a 25 percent reduction of the required parking.
- C. On-street parking adjacent to the property being development shall be counted towards minimum parking requirements to reduce the need for off-street parking and to minimize impervious surfaces.

D. Standards for parking space dimensions:

1. Each parking space shall not exceed nine (9) feet in width and 18 feet in length.
2. Parallel parking spaces shall not exceed eight (8) feet in width and 22 feet in length.
3. Accessible parking areas must comply with ADA Standards for Accessible Design.
4. Alternative dimensions may be proposed, in accordance with Sec. 5.1.2(d), to accommodate certain aspects of the site design (e.g. traffic calming features), but must comply with applicable state regulations, accessible standards, or similar.

E. The maximum pavement width of any driveway shall be 24 feet for two-way traffic and 15 feet for one-way traffic with angled parking spaces.

F. Driveways shall not interrupt the continuity of sidewalk and pedestrian spaces. Curb cuts shall be located away from the primary commercial streets whenever possible, preferably on side streets and alleys.

Sec. 5.1.5.4.2. Shared Parking and Interparcel Access.

- A. Shared parking plans and interparcel access shall be implemented between developments when feasible.
- B. Parking lots shall be aggregated across property lines wherever possible to maximize the efficiency of the paved space and minimize the number of curb cuts and driveways. Shared parking areas shall follow the access easement requirements of Article 7, Parking and Loading.

Sec. 5.1.5.4.3. Parking Decks.

- A. Parking structures shall be set back a minimum of 30 feet from the property lines of all adjacent streets to reserve room for "linear/wrap-around" buildings between parking structures and the lot frontage.
- B. On-site deck parking structures are encouraged where the topography is advantageous.
- C. Below grade parking is encouraged, especially where existing changes in grade make on-grade access possible while allowing economical structuring of buildings above. Ramping must be incorporated within the building envelope or below grade.
- D. All exposed parking deck façades shall be compatible with design of adjacent buildings.

Sec. 5.1.5.5. Bicycle parking.

- A. For parking areas of six spaces or more, bicycle parking shall be provided at five percent of the amount of required automobile parking spaces. Bicycle parking may be used to reduce the amount of vehicular parking spaces otherwise required.

- B. Bicycle parking shall be in plain view of the main entry of the principal building on the site. If site constraints require that bicycle parking is placed elsewhere, signs shall direct bicyclists to the parking area.
- C. Bicycle parking shall be placed such that it does not interfere with on-site pedestrian and vehicular traffic.
- D. Bicycle parking shall be placed in a location that is convenient, accessible, sheltered and well lit. Safe access to and from bikeways (or, where none exists, the public right-of-way) is required.

Sec. 5.1.5.6. Landscaping.

- A. Landscaping shall be used to enhance entrance drives, parking areas, and pedestrian-oriented spaces, such as plazas and pocket parks.
- B. Landscaping shall be used to provide variation along building façades at the street level.
- C. Landscaping at retail frontages should be minimal and shall not interfere with the connection between the sidewalk and interior uses. Landscaping to define commercial entries or outdoor dining areas shall not interfere with the continuity of the sidewalks. Landscaping to define residential entries shall not compete with or overwhelm the continuity of the retail frontages.
- D. Landscaping shall be used to accentuate primary building entrances. Hanging plants, potted plants, and wall planters that do not impede pedestrian movement may be used in the event a landscaped strip is not feasible.
- E. Landscaping that creates usable public open space, or continues existing public open space, is encouraged, provided such landscaping does not interrupt the continuity of retail frontages in commercial areas.
- F. Street trees shall be provided along commercial and mixed-use streets. One appropriately sized canopy tree shall be planted every 30 feet. Design for street trees should follow the City of Riverdale LDC Study and supplemental document, Streetscape and Improvement Design Standards, and must comply with applicable City landscaping requirements in Article 8 Buffer and Landscaping Standards.
- G. Attractive, low maintenance landscaping geared to the scale of development shall be incorporated into the designated open space and parking areas of the lot to the greatest extent feasible. Acceptable plantings shall include trees planted in locations with sufficient growing space to reach full maturity, including hedges, flower beds, planters, fountains, etc. An irrigation system shall be provided to ensure long-term survival of all plant materials.
- H. Parking lots having more than ten (10) parking spaces shall comply with the landscaping requirements in Article 8, Buffer and Landscaping Standards.
- I. Bio-swales and other natural drainage areas shall be integrated into the design of surface parking lots to the greatest extent feasible.

- J. Landscaping to buffer parking lots from adjacent residential areas shall meet applicable requirements in Article 8, Buffer and Landscaping Standards, of this Zoning Ordinance.
- K. Entry or “gateway” areas into the Town Center should be distinguished by enhanced landscaping, architectural treatments, or identification signs in accordance with Sec. 5.1.5.12.(D).
- L. Landscaping shall be used in conjunction with fences and walls to screen undesirable public views, such as loading docks, maintenance areas, or storage yards in accordance with Article 8, Buffer and Landscaping Standards, of this Zoning Code and other applicable city regulations.

Planting materials shall be native species that require minimal irrigation and fertilizing, when feasible. Invasive species, as defined by the Georgia Exotic Pest Plant Council (<https://www.gaepcc.org/list/>) shall be avoided to the greatest extent possible. Selections for parking lot and street trees should be based on the criteria found in "Community Tree Planting and Establishment Guidelines", published by the Georgia Forestry Commission and available on their website www.GaTrees.org, or similar standards, at the discretion of the Community Development Director. Planning staff will evaluate all tree selections for conformance with these criteria.

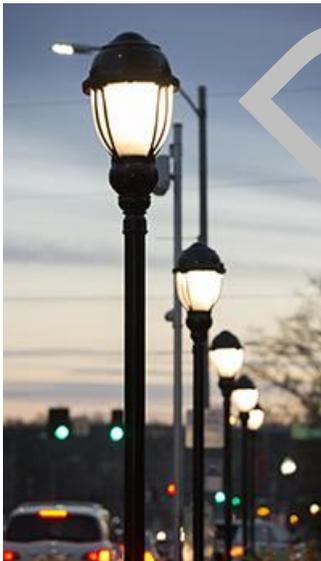
Illustrative examples of landscaping design standards (MUD & TCMU)



Sec. 5.1.5.7. Lighting.

- A. Façade lighting and architectural lighting shall articulate building entries and other features and reinforce the public nature of the sidewalk and building frontage.
- B. Lighting along street fronts shall reinforce, rather than compete with, the continuity of the city's street lighting. If the sidewalk includes street trees, streetlights shall be located between the trees so that the tree canopy does not interfere with illumination coverage.
- C. Lighting in parking areas and at the side and rear of buildings abutting adjoining properties shall be designed to cut off light at the property line to prevent spillover onto adjacent properties or the right-of-way.
- D. Lighting should contribute to public safety by lighting entries, exits, and adjacent open spaces and pedestrian access to parking areas.
- E. All lighting shall be oriented downward and otherwise conform to "dark skies" standards. Uplighting is permitted to light a primary entrance when the light fixture is mounted under an architectural element (e.g. roof, cornice, walkway, entryway or overhanging non-translucent eaves) so that the uplight is captured.
- F. Prohibited lighting includes neon or other edge lighting sources, mercury vapor, low-pressure sodium, high-pressure sodium, searchlights, and flashing or changing light sources.

Illustrative examples of shielded lighting for pedestrian & street lighting as well as lighting that articulates building façades and pedestrian areas





Sec. 5.1.5.8. Awnings.

- A. Awnings shall be made of fire resistant, water repellent marine fabric (e.g. canvas) or may be constructed of metal or glass.
- B. The following awning types shall be prohibited:
 1. Continuous, uninterrupted awning spans: Fixed awnings shall not span numerous bays, windows, or store fronts. Awnings shall delineate storefronts on a multi-tenant building.
 2. Internally illuminated awnings: Except that down lighting that is intended to illuminate the sidewalk may be provided under the awning. All lighting under a canopy shall be cutoff or recessed, with no lens dropping below the horizontal plane of the canopy. The light source shall not illuminate or cause the awning to "glow".
 3. Backlit awnings.

Sec. 5.1.5.9. Screening Enclosures.

- A. Loading docks, dumpsters, mechanical equipment, utility meters and similar equipment shall be located at the rear or side of buildings where they are not visible from primary commercial streets and do not interrupt the continuity of the sidewalk or building façades.

- B. Loading docks, dumpsters, mechanical equipment, and similar equipment shall be screened on all sides by opaque materials that are consistent with the architecture of the building and Sec. 5.1.4.4. Screening shall meet applicable requirements in Article 8, Buffer and Landscaping Standards, of the Zoning Ordinance.
- C. Dumpster enclosures shall be higher than the dumpster, not to exceed eight (8) feet in height.
- D. Where feasible, shared loading areas, dumpsters, and mechanical equipment shall be incorporated into the design.

Sec. 5.1.5.10. Utilities

Above ground electrical lines or utility cables shall be minimized to the greatest extent possible.

Sec. 5.1.5.11. Drainage and storm water management.

- A. Storm water management systems shall incorporate "Best Management Practices" (BMP) as prescribed by the US Department of Environmental Protection Agency, in addition to employing Low Impact Development (LID) strategies. BMP/LID means all methods should be carefully integrated within the site design approach with a goal of decentralizing storm water management systems to the greatest extent practical and minimizing environmental impact of new development. The specific goals of the BMP/LID measures should be mitigation of post-development downstream impacts and achieving the highest level of water quality for all storm water runoff.
- B. A storm water operations and maintenance plan shall be submitted at the time of application for all development projects to ensure compliance with the City of Riverdale Zoning Ordinance. The plan shall include a map of the proposed system specifying the parties responsible for the system, required easements, and a maintenance schedule tasks. The storm water operations and maintenance plan must be approved by the storm water division of the Clayton County Water Authority.
- C. All water from roofs and paved areas shall be retained on site and recharged into the ground, or incorporated into a recovery system for use as on-site irrigation, gray water flushing, etc.
- D. Sites shall be graded with a positive slope greater than 0.5 percent as necessary to prevent ponding of water.
- E. Developments located on sites that are more than two (2) acres shall require retention areas for storm water management. Detention ponds are prohibited on such sites.

Sec. 5.1.5.12. Sign design standards.

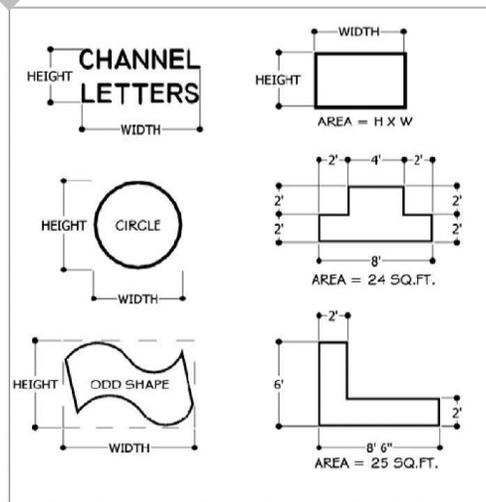
Sec. 5.1.5.12.1. Exterior signs.

- A. Sign materials shall be compatible with the building appearance.
- B. A residential-only development or the residential component of a mixed-use development project shall be permitted one sign at each principal entrance to the site which shall not exceed 16 square feet.

- C. Each mixed-use development may include a primary storefront sign, a storefront cantilevered sign, a display window sign, an awning sign, or some combination thereof.
- D. Signs on buildings shall not obstruct elements such as cornices, arches, lintels, pediments, windows, pilasters, etc.
- E. Signs shall be designed primarily to be visible to pedestrians and slow-moving vehicular traffic.
- F. No sign maker labels or other identification (including UL labels), are permitted on the exposed surfaces of signs, except as may be required by the building code. If required, such labels or other identification shall be in an inconspicuous location.
- G. Awnings used to accommodate signs should be standardized by height above grade, type, size, materials, colors, illumination, and installation method, across the building façade and within the block to the largest extent practical.

Sec. 5.1.5.12.2. Primary storefront signs.

- A. A primary storefront sign shall be located within a sign band beginning approximately eight (8) to fifteen (15) feet above the finish floor level. When a tenant has elevations fronting on different sides of a building, the tenant may place a primary storefront sign on each façade. Wall signs in multi-tenanted buildings shall be placed within the same sign band. The placement of wall signs on individual buildings shall be consistent with the sign band on adjacent buildings.
- B. The total sign area for the primary storefront sign shall not contain more than two (2) square feet of sign area for each linear foot of storefront. Sign area shall be calculated by creating a box around the main body of the primary sign. The width of individual tenant spaces multiplied by the height shall equal the maximum sign area which shall not exceed 75 square feet.
- C. Tenant signs are limited to one wall sign per elevation.
- D. Signage shall not be located above the first floor elevation.



SIGNAGE AREA GUIDE

Sec. 5.1.5.12.3. Storefront cantilevered signs.

- A. Each tenant shall be allowed one (1) cantilevered ("blade sign"), installed perpendicular to the building façade, not exceeding eight square feet as measured on one face of the sign. Any such storefront cantilevered sign shall not count toward the total allowable sign area on a single façade.
- B. One storefront cantilevered sign shall be allowed per tenant on each elevation of a building with a customer entrance. The sign shall be attached to the tenant storefront at a minimum eight feet six inches above finish floor level.
- C. Each storefront cantilevered sign may be externally illuminated with two integrated lights (one light on each sign face or panel). Formed plastic, injection molded plastic, and internally illuminated panels are prohibited.
- D. Signs on the inside or outside surface of display windows may be permitted provided, however, that such signs shall not cover more than ten percent of the display window area and shall be lighted only by building illumination (white, non-flashing).

Sec. 5.1.5.12.4. Gateways and markers.

- A. Gateway elements (landscaped sign, monument, or other marker) shall be placed at key entry points to the Town Center Mixed Use District.
- B. Gateway markers should be distinct, easily recognizable, and harmonious with the town center character.

Sec. 5.1.5.12.5. Prohibited signs.

- A. The following signs are prohibited in the TCMU District:
 - 1. Signs employing luminous plastic letters;
 - 2. Signs with lights that move, change, flash, make noise, or emit smoke. Such prohibition shall include commercial balloon devices, high-powered searchlights and signs expressed or portrayed by emitted light, digital display or liquid crystal display;
 - 3. Box style cabinet signs or "can" signs, whether internally illuminated or not;
 - 4. Signs utilizing paper, cardboard, Styrofoam, stickers, or decals hung around, on or behind storefronts, or applied to or located behind the storefront glazing;
 - 5. Any imitation of official traffic signs or signals;
 - 6. Roof, pole, billboard, or pylon signs;
 - 7. Inflatable figures and/or signs; and
 - 8. Signs with flashing lights or bare bulbs, rotating signs, automatic changeable copy signs, and bench signs.

Sec. 5.2. Commercial Architectural Design Standards.

Sec. 5.2.1. Purpose and Intent.

The Commercial Architectural Design Standards (Design Standards) seek to promote a safe and aesthetically pleasing environment by promoting high-quality streetscape and site design along major commercial corridors and in commercial developments.

Sec. 5.2.2. Applicability.

A. General.

1. These standards shall apply to all new construction and modifications within the General Commercial (GC) District. All existing GC properties must be brought into compliance with these standards by March 30, 2021.
2. Single family dwellings are exempt from these provisions. However, any single-family residential structure that is altered for commercial use shall comply with the architectural design standards and other applicable codes set-forth in this ordinance.

B. Relationship to Underlying Zoning District Standards. These standards are supplemental to the underlying zoning district classifications established in the Riverdale Zoning Ordinance. The provisions of this Article shall be imposed in addition to the underlying zoning regulations and other City ordinances. In any case where these Design Standards conflict with standards of the base-zoning district or with other provisions of the Zoning Ordinance, the Architectural Design Standards shall govern.

C. Modifications to existing structures.

1. Any building that is non-conforming with respect to the development and design standards of this ordinance or any future amendments shall not be enlarged, expanded, or altered in any manner which may increase its nonconformity, with the exception that the structure may be repaired to the extent necessary to maintain it in a safe and sanitary condition, in accordance with Article 10, Non-Conforming Uses, Buildings, and Lots.
2. Any existing building that is enlarged, expanded, or altered in any manner would increase its non-conformity shall be brought into compliance with the design standards set forth in Sec. 5.2., Commercial Architectural Design Standards.
3. Rebuilding of a damaged, non-conforming building must conform with Article 10, Non-Conforming Uses, Buildings, and Lots.

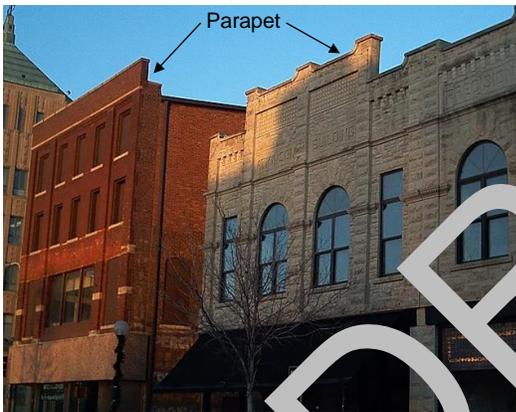
D. Alternate Standards. The standards herein are intended to be followed as outlined below. However, at its discretion, the City Council may approve minor deviations from the design standards if, in the opinion of the Council, the intent of the goals and purpose of this Article can be achieved with the proposed minor deviations. Applicants must clearly indicate how proposed deviations further the purpose and intent defined in the guiding principles in Article 3, Section 3.6.2. and the purpose statements in each section in this Article. These design standards do not exempt applicants from obtaining all required permits and complying with all applicable city codes and regulations in force.

Sec. 5.2.3. Buildings.

Sec. 5.2.3.1. Facades.

- A. Façade elements, including exterior siding materials, shall continue around to all sides of buildings visible from public streets and/or parking areas. Elements may be simplified at the rear of buildings that are not facing a public street or parking area to clarify a front/rear hierarchy.
- B. Large, monolithic, box-like structures should be avoided to the greatest extent possible. Building facades should feature a change in plane articulated by projecting or recessed bays, balconies, step-backs, banding, cornices, or similar features to minimize the visual impact of such structures.
- C. Rooftop mechanical equipment shall not be visible from the street and shall be screened from view behind parapets or otherwise integrated into the building design.

Illustrative examples of commercial building façade design standards



Continuous building design and architectural features on front and sides facades



Sec. 5.2.3.2. Fenestration.

- A. Mirrored glass, window appliqués or similar window screening shall be prohibited.
- B. Windows shall not be blocked, boarded up, or reduced in size, unless otherwise required by code for securing a vacant structure.

Sec. 5.2.3.3. Exterior Materials.

- A. Allowed exterior siding materials include, but are not limited to full-depth brick, stone, cast stone or other finished masonry, fiber cement panels, high-quality vinyl siding, EIFS, glass, wood or other natural materials, or similar material as approved by the Community Development Director.
- B. Materials shall continue around to all sides of buildings in accordance with Section 5.1.4.1(A).

Sec. 5.2.4. Site design standards.

Site design standards for commercial development focus on improving parking areas, landscaping and screening, lighting, fences and other components. Pedestrian circulation should be an integral part of the initial site layout. Landscaping should be used as screening in parking areas and can be can also be used to enhance appearance of buildings, streets, and sidewalks.

Sec. 5.2.4.1. Landscaping & Screening.

- A. Landscaping shall be used to enhance entrance drives, parking areas, and building entrances, when applicable.
- B. Landscaping shall be used in conjunction with fences and walls to screen undesirable public views, such as loading docks, maintenance areas, or storage yards in accordance with Article 8, Buffer and Landscaping Standards, of this Zoning Code and other applicable city regulations.
- C. If a parking lot or parking structure is next to a sidewalk or is clearly visible from the public right-of-way, a five (5) foot wide landscaped buffer or a fence and a two (2) foot wide buffer combination is recommended.
- D. The design of visual screens and landscaping along the parking lot edge should be dense enough to screen adjacent residences and public rights-of-way from headlight glare and movement of traffic generated by vehicles using the parking area.
- E. Fences, planter boxes and low walls can help screen the views of cars as well as soften the appearance of the street.
- F. Planter boxes and walls must be made of brick, masonry, textured or aggregate concrete.
- G. Chain link or wire mesh may be used only in combination with plant material of sufficient density to create a screen. The fence should be either black or green to blend with the plant materials.
- H. Solid fences, hedges, or walls along lot lines abutting the public right-of-way may not exceed three feet in height to allow visibility into the lot for security.

- I. Landscaped areas must have a properly designed irrigation system providing full coverage on all plant material areas. Impulse sprinklers, pop-up and surface spray sprinklers or other means appropriate for the areas to be irrigated may be installed as determined by the Community Development Director.
- J. Methods for harvesting runoff water for use on site are encouraged to reduce the need for potable water for irrigation and to reduce burdens upon storm drainage systems.
- K. The property owners, their successors, heirs, and assigns are responsible for the proper maintenance of the landscaped area and parking lot subject to a landscape plan approved by the Community Development Department.

Illustrative examples commercial landscaping/screening



Sec. 5.2.4.2. Lighting.

- A. Parking areas must have properly designed lighting. A qualified lighting designer or the property owner must certify that the proposed lighting will produce the minimum foot candle levels required.

- B. Light fixtures should be of the cut-off (down cast) type, equipped with house side guards and mounted in heights and locations to minimize off-site glare. Fixtures must be approved by the Community Development Department.
- C. The owner is responsible to maintain light fixtures and light levels to illuminate the parking areas from dusk until midnight or one (1) hour after the end of business hours, whichever is the later of the two.

Illustrative examples of commercial lighting standards for downcast lighting



Sec. 5.2.4.3. Screening Enclosures

- A. Loading docks, dumpsters, mechanical equipment, utility meters and similar equipment shall be located at the rear or side of buildings where they are not visible from primary commercial streets and do not interrupt the continuity of the sidewalk or building façades.
- B. Loading docks, dumpsters, mechanical equipment, and similar equipment shall be screened on all sides by opaque materials that are consistent with the architecture of the building. Screening shall meet applicable requirements of Sec. 5.2.4.1(D).
- C. Dumpster enclosures shall be higher than the dumpster, not to exceed eight (8) feet in height.

ARTICLE 6. BUILDING AND PERMITTING

Sec. 6.1. State minimum standard codes adopted.

- A. Sec. 18-11. State minimum standard codes adopted, Chapter 18. Buildings and Building Regulations of the City Code adopts and incorporates by reference the state minimum standard codes for construction and provides for the administration and enforcement of these state minimum standard codes as adopted and amended by the Georgia Department of Community Affairs.

All development and use of property in the city limits shall comply with Life Safety Code (NFPA 101, 2012 Edition), the Georgia Accessibility Code, ISPSC - the International Swimming Pool and Spas Code and the IEBC - the International Existing Building code.

- B. Building code adopted. The International Building Code (IBC), defined as the Georgia State Minimum Standard Code by the Georgia Legislature at O.C.G.A. § 8-2-20(9), as may hereafter be amended or revised, is made a part of this article as fully as though stated verbatim here.

Sec. 6.2. Permitting authority. The officials listed below shall be authorized to issue the referenced permits, subject to all valid ordinances of the city of Riverdale prescribing standards for issuing certain permits and approvals, or in the absence of such ordinances, subject to the valid ordinances of Clayton County, Georgia. No development or building permit approved by the city shall grant permission for the use, construction or alteration of any land or building that would violate any provision of this ordinance or any other codes or laws of the city, county, state or federal government.

- A. Demolition permits shall be issued by the City of Riverdale Building Official.
- B. Building permits shall be issued by the City of Riverdale Building Official.
- C. Land disturbance permits (LDPs) shall be issued by the City of Riverdale.
- D. Flood damage prevention ordinance. Any development within a recognized flood plain shall comply with Chapter 38 - Floods of the City of Riverdale, Georgia Code of Ordinances. All necessary permits shall be obtained from the community development director prior to initiation of land disturbance.

Sec. 6.3. Plan submittal requirements.

- A. Review of all construction drawings and architectural plans shall be required for any proposed use of land prior to issuance of any land disturbance or building permit for determining compliance with the standards of this ordinance. No clearing, site improvement, grading or alteration of land or any expansion, erection, placement or exterior renovation of any building shall be initiated prior to a determination of such compliance. Construction drawings, site plans, architectural plans and other development plans required by this ordinance shall only be prepared by individuals currently registered for such work in accordance with applicable state laws.
- B. Land disturbance and building permit applications shall be reviewed by the community development department and shall be accompanied by complete plans signed and sealed by the preparer. All applications for building permits shall be accompanied by three (3) sets of printed plans and should also be submitted in electronic format, drawn to scale and containing the following information:

1. Contact information for that individual who may be reached at all times concerning the development;
2. Address of the property proposed for development and parcel identification number;
3. A scaled drawing indicating the configuration and dimensions of the lot to be built upon;
4. Dimensions and locations of all existing and proposed buildings, site improvements and proposed alterations to any buildings or site improvements;
5. Existing and proposed use of each building, or portion thereof;
6. Location of any existing buildings on adjoining lots.
7. Number of dwelling units each building is designed to accommodate;
8. Building setbacks;
9. Vehicle access, parking and loading;
10. Open space, as appropriate;
11. Any canopy tree having a DBH of twelve (12) inches or more and any understory or ornamental tree having a caliper of eight (8) inches or more with a designation of such trees to be preserved or removed;
12. Location of all solid waste containers and
13. Such other information concerning the lot and adjacent lots as may be essential for determining compliance with the standards of this ordinance.

Sec. 6.4. Land disturbance and building permit required.

A land disturbance permit shall be required for any proposed use of land to document and insure compliance with all provisions of this ordinance prior to issuance of any building permit or before any improvement, clearing, grading or alteration of land commences.

- A. Application. All applications for a land disturbance permit and shall be made to the community development department and shall be accompanied by complete plans in duplicate drawn to scale, signed by the preparer with his or her address and contact information, and depicting all site information.
- B. Issuance. No development permit issued by the community development department shall grant permission for the use, construction upon or alteration of any land that as proposed to be used, built upon 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 here.
- C. Duration of validity. A development permit shall be valid for two (2) years from the date of issuance subject to the following provisions:

1. The permit shall expire if the work described in any development permit has not been initiated within 180 days from the date of issuance, and
2. The permit shall expire if work described in any development permit has not been substantially completed within two (2) years of the date of issuance.

D. Written notice required. Written notice of the expiration of a development permit shall be given to the persons affected, together with written notice that further work as described in the canceled permit shall not proceed until a new development permit has been granted.

Sec. 6.5. Building permit required.

Any owner, authorized agent or contractor who desires to construct, enlarge, alter, repair, move, demolish or change a building, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical, plumbing or fire sprinkler system, the installation of which is regulated by the construction codes, or to cause any such work to be done, shall first make application to the community development department and obtain the required permit for the work.

Sec. 6.6. Conditions of building permit issuance.

- A. One copy of the building plans shall be returned to the applicant following approval by the community development department, together with the permit upon payment of all applicable fees. In the event that no substantial construction progress has been made within six (6) months of the date of the issuance of the building permit, or the work authorized by the permit is suspended or abandoned for a period of six (6) months or more, the permit shall become void. Building permits shall not be transferable.
- B. No building permit shall be issued by any office department or employee of the city unless the application for such permit has been examined and approved by the community development department certifying that the proposed building or alteration complies with all provisions of this ordinance and the approved plans. Any building permit issued in conflict with the provisions of this ordinance or the approved plans shall be null and void.

Sec. 6.7. Construction and use to be as provided in applications, permits and certificates of zoning compliance.

Building permits or certificates of occupancy issued based on plans and applications approved by the community development department authorize only the use, arrangement and construction set forth in such approved plans and applications, and for no other use, arrangement or construction. Use, arrangement, or construction inconsistent with that so authorized shall be deemed a violation of this ordinance.

Sec. 6.8. Conformance prerequisite to issuance of occupational tax permit.

The finance director shall issue an occupational tax permit only upon written confirmation by the community development director that the proposed use complies with the standards of the zoning district in which the business entity is located or is to be located, or written confirmation that the proposed use is a legal, nonconforming use. A duly issued certificate of occupancy shall be evidence of such compliance. See Art. 10. Nonconforming uses, buildings and lots.

Sec. 6.9. Certificate of occupancy (C.O.).

- A. A certificate of occupancy issued by the community development department shall be required prior to establishment of the following uses or occupancies:
1. Initial use of any lot, or a change in, or expansion of, the existing use.
 2. Any building hereafter erected or a change in the use of an existing building.
 3. Any nonconforming use that exists as of the effective date of this ordinance or amendment thereto that is changed to a conforming use.
- B. The community development department shall upon receipt of an application for a certificate of occupancy investigate the building and the proposed use and make a determination as to compliance with all applicable zoning, building, traffic and life safety codes, standards and regulations in conjunction with the building official, fire marshal and police chief. The community development department shall also assess compliance of the construction or alteration with the plans submitted with the building permit application and approved by the community development director. The community development department shall issue a certificate of occupancy to the applicant upon a determination that these requirements have been met. The C. O. shall clearly state the use being permitted, any limitations imposed on the use, and a description of any portion of a building or land not to be so used. The community development department shall decline to issue a C.O. for any building, lot or portion thereof upon a determination that these requirements have not been met and shall notify the applicant via certified mail return receipt requested or by hand delivery of the denial of the certificate in writing stating the reasons for such denial.
- C. No occupational tax permit shall be issued to any person or firm unless the proposed use conforms to the standards of the zoning district in which the use is to be located or the use is established as a legal, nonconforming use. A certificate of occupancy duly issued by the city of Riverdale as provided in this section shall be evidence of such conformity.
- D. The community development director may exclude single family and two family dwellings from the requirement to obtain a certificate of occupancy and may deem final inspection to be final approval.

Sec. 6.10. Stop work order. Whenever the community development department determines that any building is being constructed, altered or modified, or any land is being used in violation of this ordinance, and in his or her judgment immediate cessation of such construction, alteration, or modification of buildings, or use of land is required to prevent harm to any person, firm, corporation, or public agency, or to preserve the status quo, he or she may issue a stop work order to the responsible party. Appeals from the decision of the community development director with regard to interpretation, administration and enforcement of this ordinance shall be made to the board of zoning appeals in accordance with the provisions of Sec. 14.3. Appeals.

Sec. 6.11. Permits and licenses void when issued in conflict.

Any permit or license issued in conflict with the provisions of this ordinance shall be null and void.

Sec. 6.12. Applicability to land, buildings and open space.

- A. No building, land or open space shall be used or occupied, and no building or portion of a building shall be erected, constructed, reconstructed, moved, or structurally altered unless in conformity with the standards of this ordinance applicable to the zoning in which the lot is located.
- B. No change in occupancy type shall be permitted prior to a review and inspection by the director of community development and the fire marshal, as applicable, has been performed to assess compliance of the proposed use with the standards of this ordinance.

Sec. 6.13. Every use must be on a lot.

No building or lot shall be used or occupied and no building or portion of a building shall 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.

Sec. 6.14. Building height and residential density.

No building shall be erected or altered to exceed the height of this ordinance; to accommodate a greater number of households; to occupy a greater percentage of lot area; or to have narrower or smaller front, side or rear yards or other open spaces than required; or be rendered in any other manner that does not conform with the standards of this ordinance.

Sec. 6.15. Yards and other spaces.

No part of a yard or off-street parking or loading spaces required to comply with the standards of this ordinance shall be included as part of the yard or off-street parking or loading spaces required for another lot except as specifically provided herein. No part of a lot that is located within the flood plain shall be used in the determination of compliance with the minimum lot area of the zoning district in which the lot is located.

Sec. 6.16. One principal dwelling on a lot.

No more than one principal dwelling and the customary accessory buildings as permitted by Sec. 4.2.2. Residential accessory building standards and uses shall be permitted on any lot zoned in a single family detached residential district.

More than one dwelling may be erected on a single lot located in an R-3 Residential Attached District or an MR Multifamily Residential District, provided that yard dimensions and all other applicable standards of this ordinance shall be met.

Sec. 6.17. Lots with a private sanitary sewer system.

Any lot on which both a private water well and septic tank or other private sanitary sewer system is to be provided shall have a minimum lot frontage of 125 feet and a minimum area of one (1) acre, or a greater as may be required by the state or Clayton County Environmental Health Office. Any lot on which public water supply will serve the property and a septic tank or other private sanitary sewer system is to be provided shall have a minimum area of 25,000 square feet, or a greater as may be required by the state or Clayton County Environmental Health Office.

Sec. 6.18. Reduction of lot area.

Except as otherwise provided, no lot existing on the effective date of this ordinance shall be reduced, divided, changed or otherwise altered to yield a lot that does not comply with the minimum standards of this ordinance for the district in which the lot is located unless said reduction or division is necessary to provide land that is required and accepted for public use.

Sec. 6.19. Substandard lots of record.

Any lot of record existing on the effective date of this ordinance that has an area or width less than required by this ordinance shall be subject to the following requirements:

1. Adjoining lots. When two (2) or more adjoining and undeveloped lots having continuous frontage are held in common ownership at the time of application for development and such lots have lot frontage or lot area less than required by the zoning district in which they are located, such lots shall be re-platted to create one (1) or more lots that comply with minimum lot frontage and lot area of the district.
2. Lots not meeting minimum lot area standards. When a lot has an area or frontage that does not conform with the standards of the district in which the lot is located, but was a lot of record on the effective date of this ordinance, such lot may be used for any use allowed in the zoning district in which such lot is located provided that all other requirements of this ordinance shall be met.

Sec. 6.20. Landlocked lots.

In the event a landlocked lot exists as of the effective date of this ordinance, the property owner shall be entitled to a single building permit, provided the following conditions are met:

1. No other principal building permits are being constructed on the property.
2. No other valid building permit has been issued prior to the effective date of this ordinance and that is currently valid.
3. The property has been under single ownership for a minimum of five (5) years prior to the effective date of this ordinance and continues to be under single ownership from the effective date of this ordinance.
4. The property owner has acquired a 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 the property is subdivided, no additional permits shall be issued.

Sec. 6.21. Street frontage requirement.

With the exception of fee simple townhouses, condominiums, office condominiums and similar units, no building shall be erected on a lot that does not abut upon an open street that shall be a public street, a publicly maintained street, or a publicly approved street for a minimum distance of 25 feet. The minimum street frontage for fee simple townhouses, condominiums, office condominiums and similar units shall be equal to or greater than the minimum width at the building line.

Sec. 6.22. Approvals for residential, commercial and industrial developments on state highways.

No building permit shall be issued for residential, commercial or industrial development fronting on a state highway until the approval of the Georgia Department of Transportation (GDOT) has been obtained by the applicant for all entrances and exits, curb radii, drainage and other matters within the jurisdiction of GDOT.

Sec. 6.23. Buildings under construction.

Nothing in this ordinance shall require any change in the construction or intended use of a building that is lawfully under construction or for which a building permit has been lawfully issued as of the effective date of this ordinance and the construction of which shall be diligently pursued until completion.

Sec. 6.24. Development projects under construction.

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

Secs. 6.25. – 6.34. Reserved.

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ARTICLE 7. PARKING AND LOADING

Sec. 7.1. Intent.

The intent of city council in adopting these standards is to (1) allow flexibility in addressing vehicle parking, loading and access requirements; (2) create an appropriate range of parking and loading space ratios that establishes minimum and maximum ratios for parking and loading spaces; and (3) ensure that off-street parking, loading, and access requirements are met without adversely affecting nearby uses, particularly surrounding neighborhoods.

Sec. 7.2. Off-street parking included in permitted uses.

The respective uses permitted in each zoning district shall be deemed to include off-street parking of vehicles accessory or incidental to any use permitted within such district.

Sec. 7.3. Off-street parking and loading spaces required.

Every building on a lot, every addition erected or building moved on to a lot and every use of a lot following the date of adoption of this article shall be accompanied by off-street parking and loading spaces in compliance with Sec. 7.11. Minimum and maximum off-street parking and loading ratios. Those requirements are deemed to be the minimum necessary to accommodate the demand for parking and loading associated with the proposed use of a lot. The owner shall be responsible for providing sufficient parking and loading spaces and vehicle maneuvering space appropriate to the specific use or uses on the lot prior to issuance of a Certificate of Occupancy.

Sec. 7.4. Continuing obligation.

The property owner or leasee shall permanently maintain the parking and loading spaces in compliance with this article. It shall be unlawful for a property owner or leasee to diminish or discontinue the vehicle parking or loading spaces required by this article without first establishing alternate vehicle parking and loading spaces in compliance with the standards of this article.

Should an addition be made to a building or an expansion of a use of property be proposed, parking and loading spaces in an amount that maintains the property in compliance with Sec. 7.11. Minimum and maximum off-street parking and loading ratios shall be provided. No addition to an existing building shall be built or a use of property expanded that reduces the number of spaces, area or usability of existing parking or loading spaces unless such building and any addition or expansion of a use complies with the parking and loading standards of this article.

Sec. 7.5. Maximum paved surfaces.

As some business owners equate abundant parking supply with increased sales, paved surface maximums should be considered to guard against increased stormwater runoff, heat islands and unsightly seas of asphalt. The community development director shall evaluate the availability of all paved surfaces, acting to prevent excessive pavement on a development site.

Sec. 7.6. Relaxation of parking and loading standards.

Deviation from the parking or loading standards, or both, may be considered by the community development department upon presentation of an inventory of parking or loading usage patterns by the applicant. Such

inventory shall document the use of parking or loading facilities, or both, on similar properties. The inventory shall report the number of parking or loading spaces present on the property, number occupied, time and date of the inventory, address of the property, use of the property and building floor area. Such inventory shall be verifiable by performance of an independent inventory by the city. Should the inventory indicate that an alternate parking and/or loading ratio is appropriate, the standards of this section shall be adjusted accordingly, but only for that property.

Sec. 7.7. Sharing of off-street parking spaces.

- A. Applicants wishing to use shared parking as a means of reducing the total number of required spaces may submit a shared parking analysis using the Urban Land Institute (ULI) Shared Parking Model (latest edition).
- B. The study must be provided in a form established by the community development director.
- C. Reductions in the total number of required spaces for shared parking shall not be permitted unless the community development director determines that a reduction is appropriate on a case-by-case basis through the use of the ULI Shared Parking Model (latest edition).
- D. Uses providing shared parking must have either mutually exclusive or compatibly overlapping normal hours of operation. The community development director will determine whether hours of operation are compatibly overlapping on a case-by-case basis using the ULI Shared Parking Model (latest edition).

Sec. 7.8. Design standards for off-street parking spaces. The following design standards shall apply to off-street parking and driveways:

- A. Minimum parking space dimensions. The minimum dimensions for parking spaces shall be nine feet wide and 18 feet deep.
- B. Interior driveways. Driveways shall have a minimum width of 24 feet for two-way traffic with 90-degree parking spaces and 18 feet for one-way traffic with 60-degree parking spaces. Interior driveways shall connect each parking space to a public street or a private street approved by the City.
- C. Stacking lane. A stacking lane shall be required for drive-up windows adequate in length to prevent vehicle queuing on a public street.
- D. Standards for landscaped islands are found in Article 8. Buffer and Landscaping Standards, Sec. 8.9. Landscaping standards for parking lots.

Sec. 7.9. Design standards for loading spaces. The following standards shall comprise the design standards for off-street loading spaces:

- A. Required dimensions. Each loading space shall be a minimum of 10 feet wide and 30 feet in length except that loading spaces serving a wholesale or industrial use shall be a minimum of 12 feet wide and 50 feet in length.
- B. Access. All off-street loading spaces shall have access via an alley, or if no alley is present, from a public or private street. Such access shall be two-way and have a minimum dimension of 24 feet.

C. Loading space to be restricted. All non-residential properties shall accommodate a minimum of one (1) loading space. Adequate maneuvering space shall be designed to ensure that delivery truck drivers are not required to back into the street. No parking space established to achieve compliance with the standards of this article shall be used as a loading space.

Sec. 7.10. Standards for off-street parking and loading spaces.

A. Surfacing. All off-street parking and loading spaces and access and interior driveways shall be designed to ensure proper drainage and provide curb and gutter. All such areas shall be surfaced with concrete, asphalt, pavers, pervious concrete, or porous asphalt and maintained in good condition free of weeds, dust and debris. All parking spaces shall be marked.

B. Lighting. All parking and loading areas and driveways shall be properly lit for the safety of pedestrians and motorists in compliance with the Illuminating Engineer Society's current illumination recommendations. Lighting shall be designed to prevent spillover onto adjacent property or the public right-of-way. Lighting shall also be shielded to achieve "Dark Sky" objectives that require lighting to be directed downward.

Sec. 7.11. Minimum and maximum off-street parking and loading ratios.

The ratios in Table 7.1. Parking and loading minimum and maximum ratios are the minimum necessary to fulfill the off-street parking and loading standards for allowed uses. A maximum ratio is also given in certain instances to provide for variation in these ratios as appropriate to the individual development and to allow the community to benefit from reduced impervious surface. The parking and loading requirements for any use not specifically named in Table 7.1. shall be determined by the community development department which shall reference the parking or loading ratios for the use most closely related to the proposed use that is so named.

Table 7.1. *Parking and loading minimum and maximum ratios*

Use	Parking Ratio	Loading Space Ratio
Multifamily dwellings	Two (2) spaces per dwelling unit and one additional space for every four (4) units.	N/A
Townhouses, apartments and condominiums	Two (2) spaces per dwelling unit	N/A
Single family detached dwellings	Two (2) spaces per dwelling unit	N/A
Mixed use dwellings and live work units	Two (2) spaces per dwelling unit	N/A
Duplexes, Tri-plexes & Quadruplexes	Two (2) spaces per dwelling unit	N/A
Boarding and rooming house	One space per residential bed	One
Use	Parking Ratio	Loading Space Ratio

Banks	One space for every 400 square feet of gross floor area	None
Offices	One space for every 250 square feet of gross floor area	None
Barber and beauty shops	One space for every employee, plus one space for every employee station	None
Bowling lanes	Four (4) spaces for every lane	One for every 50 lanes or fraction thereof
Places of worship	One space for every three seats, or where no fixed seats are used, one space for every 50 square feet of floor area in the largest assembly hall	None
Funeral homes and mortuaries	The greater of one space for every three seats in an assembly area or one space for every 50 square feet of floor area available to the public, plus one space for every two employees on the shift of greatest employment	None
Furniture and appliance store	One space for every 400 square feet of floor area available to the public, plus one for every two employees on the shift of greatest employment	One space for the first 5,000 square feet of floor area, plus one for each additional 20,000 square feet or fraction thereof
Convenience store with fuel sales	Minimum: One space for every 400 square feet of gross floor area Maximum: One space for every 200 square feet of gross floor area	None
Automobile sales	One space per 200 square feet of repair space, plus one space per 400 square feet of showroom/office	None
Automobile repair shop	Minimum: Two spaces for every service bay, plus one space for every employee Maximum: Four spaces for every service bay, plus one space for every employee	None
Hospitals	One for every two beds, plus one space for every staff member on the shift of greatest employment	One space for the first 5,000 square feet of floor area, plus one for each additional 50,000 square feet or fraction thereof
Nursing homes, personal care homes and hospice facilities	One space for every four beds, plus one space for every employee on the shift of greatest employment	One space for the first 5,000 square feet of floor area, plus one for each additional 50,000

			square feet or fraction thereof
Family child care/ learning home	One space for every two children, plus two spaces for residents of the dwelling employee		None
Adult day care center	One space for every four adults receiving care, plus one space for every employee		None
Personal care/convalescent home, group and congregate	One space for every four adults receiving care, plus one space for every employee		One space for the first 5,000 square feet of floor area, plus one for each additional 30,000 square feet or fraction thereof
Personal care home, family	One space for every four adults, plus one space for every employee		
Assisted living facility	One space for every four adults receiving care, plus one space for every employee		One space for the first 5,000 square feet of floor area, plus one for each additional 30,000 square feet or fraction thereof
Child care learning center	One space for every four children, plus one space for every employee		None
Child caring institution	One space for every four children, plus one space for every employee		None
Veterinary clinic	One space for every examination room, plus one space for every employee		One space for the first 5,000 square feet of floor area, plus one for each additional 30,000 square feet or fraction thereof
Medical or dental clinic	One space for every examination room, plus one space for every employee		One space for the first 5,000 square feet of floor area, plus one for each additional 30,000 square feet or fraction thereof
Hotels and motels	Minimum: One space for every two rooms when a shuttle is available, plus one space for every two employees on the shift of greatest employment	Maximum: One space for every room, plus one space for every two employees on the shift of greatest employment	One space for the first 60 rooms, plus one additional space for each additional 100 rooms or fraction thereof

Bed & breakfast inn	Two spaces for the inn operator, plus one space for every guest room	None
Libraries, museums and similar uses	The greater of one space for every 400 square feet of floor area available to the public or one space for every three seats in the largest assembly room	One space for the first 5,000 square feet of gross floor area, plus one additional space for each additional 30,000 square feet or fraction thereof
Manufacturing	The greater of one space for every 2,000 square feet of gross floor area or major fraction thereof, or one space for every two employees on the shift of greatest employment	Sufficient to allow for off-street loading, but in no event less than required herein for a warehouse
Places of public assembly	One space for every three seats in the main assembly hall or one space for every 50 square feet of floor area where fixed seating is not present	None
Restaurants and taverns	Minimum: One space for every 200 square feet of indoor and outdoor dining area, plus one space for each employee on the shift of greatest employment Maximum: One space for every 100 square feet of indoor and outdoor dining area, plus one space for each employee on the shift of greatest employment	One space for first 3,000 square feet of floor area, plus one space for each additional 10,000 square feet or fraction thereof
Fast food drive-in restaurants	One space for every 75 square feet of indoor and outdoor dining area,	None
Elementary and middle school	One space for every teacher and every employee, plus one space for every four seats in the largest auditorium or gymnasium	One space for first 30,000 square feet of floor area, plus one space for each additional 50,000 square feet or fraction thereof
High Schools	One space for every teacher every employee plus one space for every four seats in an assembly hall, plus one space for every 10 students	One space for first 30,000 square feet of floor area, plus one space for each additional 50,000 square feet or fraction thereof

College	One space for every professor and every employee, plus one space for every four seats in an assembly hall, plus one space for every four students		One space for first 30,000 square feet of floor area, plus one space for each additional 50,000 square feet or fraction thereof
Retail stores or shops	Minimum: One space for every 200 square feet of sales floor area available to the public	Maximum: One space for every 100 square feet of sales floor area available to the public	One space for first 5,000 square feet, plus one space for each additional 30,000 square feet or fraction thereof
Any commercial use not otherwise identified	Minimum: One space for every 400 square feet of gross floor area	Maximum: One space for every 200 square feet of gross floor area	As determined by the community development director
General office	One space per 350 square feet		None
Grocery stores and specialty food stores	Minimum: One space for every 150 square feet of floor area, excluding storage areas	Maximum: One space for every 75 square feet of floor area, excluding storage areas	Two spaces for the first 10,000 square feet of floor area and one space for each additional 50,000 square feet of floor area or fraction thereof.
Warehouses	Minimum: One space for every two employees on the shift of greatest employment	Maximum: One space for every employee on the shift of greatest employment	Two spaces for the first 5,000 square feet of gross floor area plus one space for each additional 10,000 square feet or fraction thereof
Wholesale stores	Minimum: One space for every 300 square feet of floor area available to the public, plus one space for every employee on the shift of greatest employment	Maximum: One space for every 150 square feet of floor area available to the public, plus one space for every employee on the shift of greatest employment	One space for the first 6,000 square feet of gross floor area, plus one for each additional 20,000 square feet or fraction thereof

Sec. 7.12. Miscellaneous parking provisions.

- A. A parking plan for all developments other than single family detached residential developments shall be submitted to the community development department and fire services with the construction drawings. These officials shall review the parking plan to ensure conformance with all applicable provisions of this article and life safety codes. A Certificate of Occupancy for the development shall only be issued upon compliance with the approved parking plan.
- B. No parking lot shall be used for the sale, repair, dismantling, servicing or long term storage of any vehicle or equipment unless such uses are permitted in the zoning district in which the lot is located. The sale of vehicles is addressed in Sec. 4.3.2.30. Vehicle sales that restricts the sale of vehicles to designated vehicle sales lots.
- C. Standards for landscaping of parking lots that are adjacent to a public right-of-way are addressed in Article 8. Buffer and Landscaping Standards.

Sec. 7.13. Accessible parking.

All new development and any planned alteration of parking lots (re-striping, re-surfacing, etc.) as defined by the Americans with Disabilities Act (ADA) 2010 shall comply with 2010 ADA Standards for Accessible Design. Any alterations made after March 15, 2012 shall comply with the 2010 Standards to the maximum extent feasible. The accessible parking ratios in Table 7.2. Accessible parking ratios shall be met as concerns accessible parking; one of every six accessible parking spaces, or fraction of six, shall be “van-accessible.”

Table 7.2. Accessible parking ratios

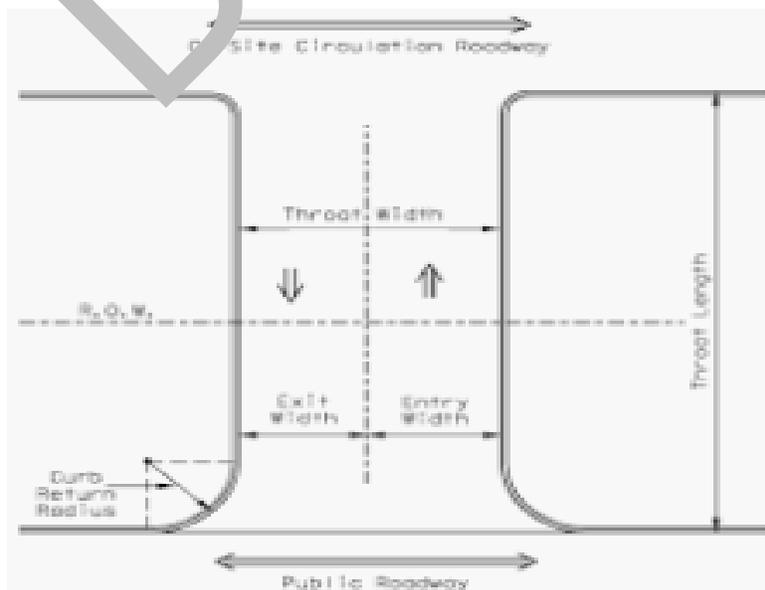
Total Number of Parking Spaces in Parking Facility (Lot or Garage)	Minimum Total Number of Accessible Parking Spaces	Minimum Number of Van Accessible Parking Spaces
1 - 25	1	1
26 - 50	2	1
51 - 75	3	1
76 - 100	4	1
101 – 150	5	1
151 – 200	6	1
201 - 300	7	2

301 – 400	8	2
401 - 500	9	2
501 – 1,000	2% of total	
1,001 and greater	20, plus 1 for every 100, or fraction thereof, over 1,000	

Sec. 7.14. Access standards.

A. Driveway access to non-residential lots.

1. Limits on access. Any non-residential lot having a street frontage of 300 feet or less on the street from which access is proposed shall be limited to a maximum of one (1) driveway that accommodates entry and exit to the lot. An additional entrance and exit drive for lots having a frontage in excess of 300 feet of frontage on a single street from which access is proposed may be approved upon demonstrating to the community development department and chief of police the necessity of such access. Properties having a frontage in excess of 600 feet on a single street shall be entitled to a second driveway.
2. Driveway placement. No driveway shall be located within 30 feet of any intersection or within five (5) feet of any property boundary.
3. Driveway width. The maximum width of any driveway, as measured at the “throat width,” shall not exceed 30 feet except that a bona fide truck stop may exceed this maximum upon approval by the community development department and the police chief.



4. Consolidation of access drives. Multiple driveways on properties with more than one driveway access for each 200 linear feet of frontage shall be consolidated when renovation of the building or buildings comprising more than 50 percent of the floor area or resurfacing of the parking lot involving more than 50 percent of the surface area of the parking lot is proposed. Permits for subsequent building or buildings renovation or parking lot resurfacing shall not be granted for a period of two (2) years from the date of issuance of the initial building or resurfacing permit.
 5. Interparcel access. All commercial properties shall accommodate interparcel access. Vehicle access between and among all adjoining commercial properties via internal access networks shall be created when new development or parking lot resurfacing is proposed. Such access shall be accomplished by granting an access easement as described in subsection a. Access easements to each adjoining property owner. The benefit of such access is reduced traffic congestion, improved customer convenience and enhanced traffic flow and safety.
 - a. Access easements. Recorded easements shall permit vehicle access between adjacent, commercial properties intended for tenant and customer use. Respective parking spaces may be limited to the use of the individual property owner. The granting of such easements shall become effective only upon the granting of a reciprocal easement by the adjoining property owner. Consenting owners shall extend the driveway pavement on their property to the point of access at the common property boundary.
 - b. Relief. Whenever the adjoining land use would create a documented adverse impact on the property to which the easement would pertain, and such adverse impact outweighs the benefit of the reduced impact on the public street, the city council may waive the requirement for such access.
- B. Driveway access to residential lots.
1. Driveway width. Driveways accessing a one-car garage or a single parking pad on a lot containing a single family detached dwelling shall have a maximum width of 10 feet. Driveways accessing a two-car garage or a tandem parking pad shall have a maximum width of 18 feet at the garage or parking pad and a maximum width of 12 feet at the street with a flare in the pavement extending no further than 20 feet from the garage or tandem parking pad.
 2. Driveway placement. No driveway shall be located within 20 feet of any intersection or within five (5) feet of any property boundary.

Secs. 7.15 – 7.24. Reserved.

ARTICLE 8. BUFFER AND LANDSCAPING STANDARDS

Sec. 8.1. Buffer and landscaping standards

The buffer and landscaping standards of this article are established to enhance the attractiveness of properties throughout the city, particularly in office, commercial and light industrial settings. Buffers are designed to screen more intense uses such as retail centers from less intense uses such as single family neighborhoods. Such buffers enhance the quality of life for occupants of the less intense use and add value to real estate as unsightly views can be minimized.

Similarly, landscaping of vehicle parking lots can enhance the attractiveness of properties containing substantial paved areas as well as affording adjacent and nearby properties protection by landscaping that minimizes the impact of unsightly views. These views encompass glare generated by vehicle windshields; outdoor storage, including refuse; and the paved area itself as well as reducing noise generated by commercial properties relative to residential uses.

Sec. 8.2. Buffer standards

- A. Buffer width. A natural or planted buffer having the minimum width provided in Table 1. Buffer Width by Land Use shall be established. Such buffer shall be located on the more intense use that is generating the need for screening. The width of buffers that contain landscaped berms having the maximum practical grade change may be reduced by twenty (20) percent upon written approval by the community development director. Buffer width may be reduced by the same percentage upon written approval by the community development director when the buffer is preserved in a natural state and no grading is performed within the buffer during site development.
- B. Tree save areas shall be credited toward buffer dimensions, as appropriate.

Sec. 8.3. Minimum buffer specifications

- A. The location and character of a buffer shall be depicted on the landscape plan.
- B. Supplemental planting of trees and shrubs may be accomplished within a natural buffer. Limited thinning of a natural buffer when the vegetation is too dense to permit normal growth, or to remove decayed, diseased, missing or dangerous trees, may be accomplished. Any contemplated disturbance within a natural buffer shall be brought to the attention of the community development director. Written approval by the community development director shall be secured prior to initiating any activity within a natural buffer. No hardwood tree having a diameter of 24 inches or greater as measured four and one-half (4½) feet above the adjacent grade shall be removed unless approved in writing by the community development director.
- C. Existing vegetation shall be retained in a planted buffer when such vegetation is appropriate for inclusion within the buffer. Such vegetation shall be supplemented with approved, additional plantings, including a mix of trees and shrubs, as appropriate.
- D. No buffer shall be used for temporary parking, storage or loading during construction or for permanent parking. No structure shall be located within a buffer other than stormwater facilities mandated by the City of Riverdale and fences and walls.

- E. All tree species and tree form shrubs in a planted buffer shall have a minimum height of six (6) feet at installation; shrubs shall have a minimum height of three (3) feet at installation. The combination of plant materials shall achieve a virtually opaque screen at maturity.
- F. Buffers shall be installed along rear and side yard lot lines without the necessity of extending into the front yard unless required by parking lot landscaping standards found in Sec. 7.9. Landscaping standards for parking lots. Measurement of buffer width shall be from the common property boundary to a point within the property required to install and maintain a buffer in compliance with Table 8.1. Buffer Width by Land Use. The proposed use is reflected in the first column. That use must install a buffer having a minimum width as indicated. For example, a proposed industrial development that will abut a residential zoning district or a residential use must install a 40-foot buffer.
- G. Buffers shall be established in compliance with the standards of Table 8.1. Buffer Width by Land Use.

Table 8.1. *Buffer Width by Land Use.*

Zoning District	Single Family	Multifamily	Office	Commercial	Industrial
Single Family	0 feet	0 feet	0 feet	0 feet	0 feet
Multifamily	15 feet	0 feet	0 feet	0 feet	0 feet
Office	15 feet	10 feet	0 feet	0 feet	0 feet
Commercial	20 feet	15 feet	10 feet	0 feet	0 feet
Industrial	40 feet	30 feet	25 feet	20 feet	0 feet

NOTE: Properties developed in a use consistent with the zoning district that allows such use shall be subject to the buffer requirements associated with that zoning district whether so zoned or not.

Sec. 8.4. Composition of a planted buffer

- A. Hardwood species shall comprise a minimum of fifty (50) percent of all plant materials in a planted buffer. The remainder may be evergreen tree species and tree-form shrubs.

The following evergreen plant materials shall be approved for use in a planted buffer:

1. Trees:
 - American Holly
 - Eastern Red Cedar
 - Laurel Cherry
 - Arizona Cypress Redbay
 - Virginia Pine
 - Southern Magnolia
2. Shrubs:
 - Cleyera Japonica
 - Southern Waxmyrtle

Northern Bayberry
Pittosporum
Japanese Yew
Red Tip
Yaupon Holly

3. Ground Covers:

Shore Juniper
Periwinkle
Lippie
Evergreen Candytuft

- B. Other evergreen plant materials having growth characteristics similar to those listed above may be used, subject to written approval by the community development director prior to installation of plant materials.

Sec. 8.5. Buffer maintenance

All buffers and any required site landscaping depicted on the landscape plan shall be maintained by the developer, property owner or subsequent owner of the more intense use in a manner that maintains the health of plant materials, provides an aesthetically pleasing appearance, and assures that the buffer serves the intended purpose for the life of the development.

Sec. 8.6. Other screening standards

Certain uses such as junk or salvage yards and other commercial and industrial operations requiring outdoor storage of equipment, vehicles and other bulk storage for prolonged periods can present unsightly views. The community development director shall require owners of such properties to enclose outdoor storage areas by a fence or other means on the premises of such operations that completely masks the view of those areas from adjacent sidewalks, streets, and properties to minimize these impacts. The screening shall be greater in height than the height of the tallest piece of equipment, vehicle or bulk storage; however, the minimum height of any fence or other screening shall be six (6) feet and the maximum height shall be 10 feet. Such fencing shall be masonry or wood, or a combination of these materials or other materials as may be approved in writing by the community development director. The community development director may approve chain link fencing containing opaque slats in the case of 10-foot fencing, depending on the nature of adjacent uses and the visibility of the outdoor storage from the right-of-way and adjacent properties.

Sec. 8.7. Approval of buffer required prior to C.O.

Buffers shall be installed in accordance with the approved landscape plan prior to issuance of a Certificate of Occupancy.

Sec. 8.8. General landscaping standards

- A. The landscaping standards of this article shall apply to all property within the city with the exception of properties zoned or developed in single family use. Specifically, individual single family lots that are zoned R-1 or R-2 shall be exempt from these standards. Residential subdivisions proposed for development shall be subject to the standards of the City of Riverdale Tree Ordinance.

- B. These landscaping standards are the minimum standards for all development regulated by this article. The standards shall be applied by the community development director in reviewing landscape plans, and may be supplemented by other landscaping standards as established by the community development director and approved by mayor and council.
- C. Landscape design shall be integrated with the design concept of the development. The community development director shall evaluate landscape plans according to their relationship to the natural landscape, landscaping on adjacent properties and public rights-of-way, and building(s) existing and proposed on the development site.
- D. Existing tree cover and natural vegetation shall be preserved whenever possible and desirable, or replaced with suitable plant materials.
- E. Landscaping shall be used whenever possible to screen objectionable views or nuisances, such as parking and service areas, refuse containers, HVAC units, transformers, etc.
- F. All lawns proposed in a front yard shall be sodded.
- G. Use of artificial plants, trees and other artificial plant materials shall be prohibited.
- H. All existing, healthy hardwood trees having a diameter of eight inches (8) or more as measured four and one-half (4½) feet above the adjacent grade shall be retained whenever feasible. If not feasible, such trees shall be replaced with the same or similar tree species, unless otherwise approved by the community development director. In the event of a conflict between the standards of this article concerning trees and the City of Riverdale Tree Ordinance, the more stringent standard shall control.
- I. Buffer dimensions shall not be in addition to the standards of this article. For example, the width of any perimeter landscaping required for parking lots shall not be in addition to the width of a required buffer.

Sec. 8.9. Landscaping standards for parking lots

A. Intent.

The intent of this section is to reserve areas within parking lots for landscaping. Such areas diminish vast stretches of pavement, reduce stormwater runoff, provide the cooling effects of shade, and enhance the appearance of parking lots thereby adding value to commercial and industrial properties.

B. Applicability.

The following standards shall apply to all parking lots serving a commercial, industrial, institutional or multifamily use; parking structures shall be exempt from these standards.

C. Application requirements for development of private parking lots.

1. Permit requirements. No site grading or tree removal permit shall be issued prior to submittal and approval of a landscape plan for a proposed parking lot.
2. Submission of a property survey and landscape plan.

- a. Applicants shall submit three (3) copies of a property survey and landscape plan at a scale no greater than one inch equals 50 feet. The landscape plan may be depicted on a property survey or a site plan.
3. Survey. The property survey shall include the following information:
 - a. Legal description of the property.
 - b. Existing buildings, parking spaces, access ways, and abutting public streets.
 - c. Above and below ground utilities and easements.
 - d. Existing natural features and topography at a contour interval of two (2) feet. Where slopes are 20 percent or greater, a five-foot contour interval may be used.
 4. Landscape plan. The landscape plan shall include the following information:
 - a. Name, signature, address, phone number and email address of the owner, surveyor and designer.
 - b. North arrow and scale.
 - c. All boundary dimensions.
 - d. A table identifying all plant materials by common and scientific name, quantities and sizes.
 5. All trees, natural features and man-made structures to be retained.
 6. Grading plan indicating existing and proposed elevations.
 7. Location, size, quantity and name of all proposed landscaping and location of planting beds and other landscaping areas.
 8. A statement and appropriate graphics concerning site preparation, tree preservation and methods of installation and maintenance.
 9. All parking spaces, loading spaces, aisles, driveways, sidewalks, wheel stops, curbs and other vehicle controls.
 10. Location of curb cuts, median openings on abutting streets, lighting, underground irrigation system, hose bibs, decorative or screening walls, and existing and proposed buildings.
- D. Landscaping standards. All parking lots subject to these landscaping standards shall provide the following perimeter and interior landscaped areas:
1. Perimeter landscaping standards.
 - a. The entire perimeter of all parking lots, with the exception of driveways and sidewalks that may cross such landscaped areas, but only at an approximate angle of 90 degrees, shall feature a landscaped area having a minimum width of ten (10) feet. A decorative masonry wall, earthen

- d. No individual landscaped island shall have an area of less than eighty (80) square feet, or any dimension less than six (6) feet. The minimum area required for landscaped islands featuring a canopy tree shall be 250 square feet.
 - e. Where landscaped areas are established adjacent to vehicle overhangs, trees shall be planted in line with the parking space striping to minimize injury by vehicle bumpers.
3. Vehicle sales lots. Vehicle sales lots may be excluded from the interior landscaping standards at the sole discretion of planning commission provided landscape areas that would otherwise have been required equal in area to the required, interior landscaped areas are established elsewhere on the vehicle sales lot property. Such discretion shall be guided by the (1) size of the sales lot; (2) view from adjacent properties; and (3) characteristics of adjacent development, including use, landscaping and building siting. In no event shall such properties be exempt from perimeter landscaping standards when abutting any residential use or residential zoning district, including multifamily developments.
4. Landscape plan design and installation standards. All landscape plans shall be designed in a manner consistent with professional practice and installed in accordance with accepted planting practice.
5. New plant materials.
 - a. All new living plant materials shall satisfy the requirements of No. 1 or better as defined in the latest edition of the American Standard for Nursery Stock.
 - b. All individual landscaped areas shall contain a minimum variety of two (2) living plant species other than trees; a minimum variety of three (3) plant species other than trees must be achieved across the site.
 - c. Paving other than walkways shall not be permitted within landscaped areas, provided that the dimension of the required landscaped area shall be in addition to the walkway width.
 - d. Trees. Tree species shall be canopy trees appropriate to the planting zone. All trees shall be a species that can be pruned and maintained to a minimum height of five (5) feet. Trees shall be a minimum caliper of three (3) inches as measured 4.5 feet above the root collar and shall be a minimum height of eight (8) feet at installation.
 - e. Shrubs. Shrubs shall be a minimum of three-gallon container stock at installation. Shrubs, including tree form shrubs intended to screen non-residential uses from the view of any adjacent residential use or residential zoning district, shall be a minimum of three (3) feet in height at installation and achieve a minimum height of six (6) feet at maturity.
 - f. Grasses and other ground covers. Grass may be sodded, plugged, sprigged, or seeded except that solid sod shall be used in swales or other areas subject to erosion. In areas where plant materials other than solid sod or grass is used, a fast-growing grass seed shall be sown for immediate effect and protection until exposed soil coverage is otherwise achieved. Grass sod shall be clean and reasonably free of weeds and noxious pests or disease. Ground covers that achieve a finished appearance and reasonably complete coverage at installation may be used in lieu of grass sod.

6. Existing plant materials. Existing living plant materials to be preserved shall be consistent with the plant materials specifications and achieve the landscaping objectives of this article.
7. Earthwork. Earthen berms shall be of variable height and slope. Swales and ponds shall be permitted for on-site detention of stormwater, subject to approval by the community development director. Low Impact Development practices shall be followed when practical.
8. Encroachment. Landscaped areas, walls, structures, and walks shall be protected from vehicle encroachment by use of wheel stops, curbs, bollards, brickwork, or other acceptable means. Placement of such devices shall be located a minimum of two and one-half (2½) feet from sidewalks and curbs defining landscaped areas to minimize vehicle encroachment into landscaped areas.
9. Maintenance. The owner or his or her agent shall be jointly and severally responsible for the permanent maintenance of all landscaping in a healthy condition and orderly appearance, free of refuse and debris. All landscaped areas shall be provided with a sprinkler system or readily available water supply with a minimum of one (1) hose bib located within 50 feet of all plant material to be maintained. The owner or his or her agent shall replace all landscape materials identified on the approved landscape plan that do not survive two (2) years from the date of installation.
10. Planting beds. Planting beds for all landscaping materials shall be free of weeds, debris, and noxious material and shall consist of a healthy plant growth medium. Planting bed soil shall provide adequate support, drainage, and nutrients to the plants and may require incorporation of sand, peat, or topsoil. Such planting bed soil shall be placed throughout the planting area for each plant. Planting area for trees and shrubs shall be a minimum of twice the width and one and one-half (1½) the depth of the plant ball.

Sec. 8.10. City review and approval of landscape plan

The community development staff shall approve or reject the landscape plan. The decision of the community development director shall be deemed a final administrative action. Appeal of such decision shall be to the board of zoning appeals. Appeals shall be filed with the community development director in writing a minimum of thirty (30) calendar days prior to the board of zoning appeals hearing at which such appeal will be heard.

Sec. 8.11. Landscape material bond required.

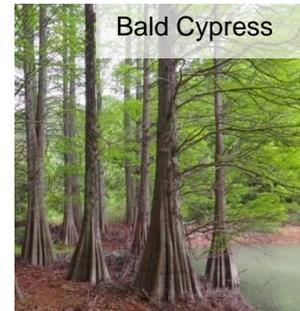
A financial guarantee by the developer or owner in an amount equal to one-third (1/3) the cost of all landscaping improvements effective for a period of two (2) years shall be provided to the community development director. Such guarantee shall be in a form acceptable to the city attorney.

Sec. 8.12. City of Riverdale approved tree species list

The City of Riverdale Approved Tree Species is incorporated into this article. Canopy and understory trees may be selected from this list, as appropriate to the site, in complying with this article. Any species not found on the tree species list shall be prohibited.

City of Riverdale Approved Tree Species

Alder, Hazel, *Alnus serrulata*
Arborvitae, Eastern (Northern Whitecedar), *Thuja occidentalis*
Arborvitae, Giant (Western Redcedar), *Thuja plicata*
Ash, Green, *Fraxinus pennsylvanica*
Ash, White, *Fraxinus Americana*
Bald Cypress, *Taxodium distichum*
Basswood, American (Linden), *Tilia americana*
Beech, American, *Fagus grandifolia*
Birch, River, *Betula nigra*
Birch, River 'Heritage,' *Betula nigra 'Heritage'*
Blackgum (Tupelo), *Nyssa sylvatica*
Boxelder, *Acer negundo*
Buckeye, Bottlebrush, *Aesculus parviflora*
Buckeye, Painted, *Aesculus sylvatica*
Buckeye, Red, *Aesculus pavia*
Buckthorn, Carolina, *Rhamnus caroliniana*
Buckthorn, Common, *Rhamnus cathartica*
Buttonbush, Common, *Cephalanthus occidentalis*
Catalpa, Southern, *Catalpa bignonioides*
Cedar, Deodar, *Cedrus deodara*
Cedar, Japanese, *Cryptomeria japonica*
Chastetree (Vitex), *Vitex agnus-castus*
Cherry, Black, *Prunus serotina*
Cherry, Carolina, *Prunus caroliniana*
Cherry, Japanese Flowering, *Prunus serrulata*
Cherry, Yoshino, *Prunus x yedoensis*
Chestnut, American, *Castanea dentata*
Chestnut, Chinese, *Castanea mollissima*
Chinaberry, *Melia azedarach*
Chinquapin, Allegheny, *Castanea pumila*
Cottonwood, Eastern, *Populus deltoides*
Crabapple, Japanese Flowering, *Malus floribunda*
Crabapple, Southern, *Malus angustifolia*
Crape myrtle, Common, *Lagerstroemia indica*
Cypress, Leyland, *Cupressocyparis leylandii*
Devil's Walking Stick, *Aralia spinosa*
Devilwood, *Osmanthus americanus*
Dogwood, Flowering, *Cornus florida*
Dogwood, Flowering Pink, *Cornus florida* var. *rubra*
Dogwood, Kousa, *Cornus kousa*
Dogwood, Swamp, *Cornus stricta*
Elm, American, *Ulmus americana*
Elm, American 'Princeton,' *Ulmus americana 'Princeton'*
Elm, Siberian, *Ulmus pumila*
Elm, Slippery, *Ulmus rubra*
Elm, Winged, *Ulmus alata*
Flametree, Chinese (Bougainvillea), *Koelreuteria bipinnata*
Fringetree (Grancy Gray Beard), *Chionanthus virginicus*



Bald Cypress



American Beech



Southern Catalpa



Chinese Chestnut

Fringetree, Chinese, *Chionanthus retusus*
 Ginkgo (Male), *Ginkgo biloba*
 Goldenraintree, *Koelreuteria paniculata*
 Hackberry, Common, *Celtis occidentalis*
 Hackberry, Georgia, *Celtis tenuifolia*
 Hawthorne, Washington, *Crataegus phaenopyrum*
 Hemlock, Eastern, *Tsuga canadensis*
 Hickory, Bitternut, *Carya cordiformis*
 Hickory, Mockernut, *Carya tomentosa*
 Hickory, Pignut, *Carya glabra*
 Hickory, Sand, *Carya pallida*
 Hickory, Shagbark, *Carya ovata*
 Hickory, Southern Shagbark, *Carya ovata* var. *australis*
 Holly, American, *Ilex opaca*
 Holly, Deciduous (Possumhaw), *Ilex decidua*
 Holly, Fosters, *Ilex x attenuata* 'Fosteri'
 Holly, Ornamental Variety, *Ilex* species
 Holly, Savannah, *Ilex x attenuata* 'Savannah'
 Holly, Yaupon, *Ilex vomitoria*
 Honeylocust, *Gleditsia triacanthos*
 Hophornbeam, American, *Ostrya virginiana*
 Hornbeam, Am. (Ironwood, Blue Beech), *Carpinus caroliniana*
 Hornbeam, European, *Carpinus betulus*
 Hornbeam, Japanese, *Carpinus japonica*
 Katsuratree, *Cercidiphyllum japonicum*
 Locust, Black, *Robinia pseudoacacia*
 Magnolia, Cucumber, *Magnolia acuminata*
 Magnolia, Japanese (Saucer), *Magnolia x soulangeana*
 Magnolia, Southern, *Magnolia grandiflora*
 Magnolia, Southern 'Little Gem', *Magnolia grandiflora* 'Little Gem'
 Magnolia, Star, *Magnolia stellata*
 Magnolia, Sweetbay, *Magnolia virginiana*
 Maple, Amur, *Acer ginnala*
 Maple, Chalk, *Acer leucoderme*
 Maple, Hedge, *Acer campestre*
 Maple, Japanese, *Acer palmatum*
 Maple, Norway, *Acer platanoides*
 Maple, Red, *Acer rubrum*
 Maple, Southern Sugar (Florida Sugar), *Acer barbatum*
 Maple, Sugar, *Acer saccharum*
 Maple, Sugar 'Green Mountain,' *Acer saccharum* 'Green Mountain'
 Maple, Sugar 'Legacy,' *Acer saccharum* 'Legacy'
 Maple, Trident, *Acer buergerianum*
 Mimosa, *Albizia julibrissin*
 Mulberry, Red, *Morus rubra*
 Oak, Black, *Quercus velutina*
 Oak, Cherrybark, *Quercus falcata* var. *pagodifolia*
 Oak, Chestnut, *Quercus prinus*
 Oak, Diamond Leaf (Laurel), *Quercus laurifolia*



Crape Myrtle



Dogwood



Ginkgo

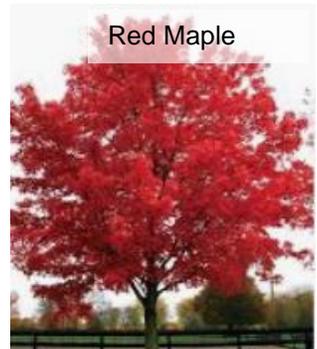


American
Hornbeam

Oak, English, *Quercus robur*
 Oak, Georgia, *Quercus georgiana*
 Oak, Laurel, *Quercus hemisphaerica*
 Oak, Laurel 'Darlington,' *Quercus hemisphaerica* 'Darlington'
 Oak, Live, *Quercus virginiana*
 Oak, Northern Red, *Quercus rubra*
 Oak, Nuttall, *Quercus nuttalli*
 Oak, Oglethorpe, *Quercus oglethorpensis*
 Oak, Overcup, *Quercus lyrata*
 Oak, Pin, *Quercus palustris*
 Oak, Post, *Quercus stellata*
 Oak, Sawtooth, *Quercus acutissima*
 Oak, Scarlet, *Quercus coccinea*
 Oak, Shumard, *Quercus shumardii*
 Oak, Southern Red, *Quercus falcata*
 Oak, Swamp Chestnut, *Quercus michauxii*
 Oak, Swamp White, *Quercus bicolor*
 Oak, Water, *Quercus nigra*
 Oak, White, *Quercus alba*
 Oak, Willow, *Quercus phellos*
 Orange, Osage, *Maclura pomifera*
 Parrotia, *Parrotia persica*
 Pear, Callery, *Pyrus calleryana*
 Pear, Common, *Pyrus communis*
 Pecan, *Carya illinoensis*
 Persimmon, Common, *Diospyros virginiana*
 Pine, Eastern White, *Pinus strobus*
 Pine, Loblolly, *Pinus taeda*
 Pine, Longleaf, *Pinus palustris*
 Pine, Shortleaf, *Pinus echinata*
 Pine, Slash, *Pinus elliotii*
 Pine, Virginia, *Pinus virginiana*
 Pistache, Chinese, *Pistacia chinensis*
 Planetree, London, *Platanus x hispaniolae*
 Plum, Chickasaw, *Prunus angustifolia*
 Plum, Purpleleaf, *Prunus cerasifera*
 Poplar, White, *Populus alba*
 Poplar, Yellow (Tuliptree), *Liriodendron tulipifera*
 Redbud, Eastern, *Cercis canadensis*
 Redbud, Eastern White, *Cercis canadensis* var. *alba*
 Redbud, 'Forest Pansy,' *Cercis canadensis* 'Forest Pansy'
 Redbud, 'Oklahoma,' *Cercis reniformis* 'Oklahoma'
 Redbud, 'Texas White,' *Cercis reniformis* 'Texas White'
 Redcedar, Eastern, *Juniperus virginiana*
 Redwood, Dawn, *Metasequoia glyptostroboides*
 Royal Paulownia (Princess-Tree), *Paulownia tomentosa*
 Sassafras, *Sassafras albidum*
 Serviceberry, Downy, *Amelanchier arborea*
 Silverbell, Carolina, *Halesia tetraptera*



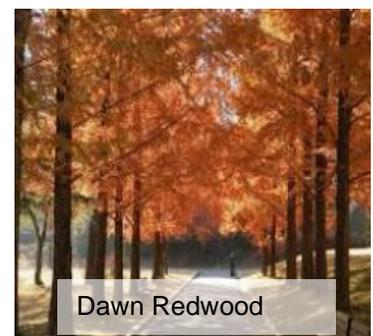
Star Magnolia



Red Maple



Cherrybark Oak



Dawn Redwood

Silverbell, Two-Winged, *Halesia diptera*
Smoketree, American, *Cotinus obovatus*
Smoketree, Common, *Cotinus coggygria*
Sourwood, *Oxydendrum arboreum*
Sparkleberry, Tree, *Vaccinium arboreum*
Spruce Varieties, *Picea* species
Sugarberry, *Celtis laevigata*
Sweetgum, *Liquidambar styraciflua*
Sycamore, *Platanus occidentalis*
Tallowtree, Chinese, *Sapium sebiferum*
Tree-of-Heaven (*Ailanthus*), *Ailanthus altissima*
Walnut, Black, *Juglans nigra*
Waxmyrtle, Southern, *Myrica cerifera*
Willow, Black, *Salix nigra*
Willow, Weeping, *Salix babylonica*
Winterberry, Common *Ilex verticillata*
Witchhazel, Common, *Hamamelis virginiana*
Yellowwood, American, *Cladrastis kentukea*
Zelkova, Japanese, *Zelkova serrata*

Secs. 8.13 – 8.22. Reserved.

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ARTICLE 9. ADMINISTRATION AND ENFORCEMENT

Sec. 9.1. Administration and enforcement.

The community development director shall administer and enforce this ordinance and may be assisted by designated staff.

- A. In the event any land is being used or any building is being erected, constructed, reconstructed, repaired, relocated, altered, demolished, converted, maintained, or used in violation of this ordinance, or is proposed to be erected, constructed, reconstructed, repaired, relocated, altered, demolished, converted, maintained, or used in violation of this ordinance or the applicable codes and ordinances of Clayton County, the community development director or any appropriate authority of Clayton County may, in addition to other remedies provided by law, and following written notice via certified mail return receipt requested to the person in violation, issue a citation for violation of this ordinance. Such written notice shall not be a necessary condition precedent to enforcement of this ordinance.

The community development director or designated staff may also issue a stop work order or institute an injunction, mandamus, or take other appropriate action or actions, and proceeding or proceedings, to correct or abate such violation or to prevent the occupancy of such building or land. The citation for the alleged violation shall be heard in a court of competent jurisdiction. Where a violation has been determined to exist with respect to a building or premises, the court may, in addition to other remedies provided by law, require that public utility services be withheld from the property until such time as the building or premises are no longer in violation.

- B. In the event any land is being used or any building is being erected, constructed, reconstructed, repaired, relocated, altered, demolished, converted, maintained or used in violation of this ordinance, or is proposed to be erected, constructed, reconstructed, repaired, relocated, altered, demolished, converted, maintained or used in violation of this ordinance or the applicable codes and ordinances of Clayton County, the community development director may also, in addition to other remedies, revoke any certificate of occupancy and disturbance permit, demolition permit, building permit or sign permit that has been issued for the property. Any further work involving the erection, construction, reconstruction, alteration, demolition or repair on such building(s) or the continued use of such building or land subsequent to such revocation shall be deemed a violation.

Sec. 9.2. Interpretive authority of the community development director or the zoning administrator.

- A. The community development director or the zoning administrator shall have the authority to determine whether a proposed use of property that is not specifically allowed or prohibited in a particular zoning district may be permitted. The community development director may exercise discretion and deny the use based on a finding of inconsistency with the uses allowed in the zoning district or allow the use as substantially similar to a use allowed in that zoning district. Such authority shall not apply to uses requiring approval as a special use.
- B. The community development director or the zoning administrator shall consider the following factors in assessing similarities between the proposed use and uses allowed in the zoning district in which such use is proposed:
1. Amount of vehicle traffic the proposed use will generate compared to uses allowed in the zoning district;

2. Impact of the proposed use on public infrastructure and services relative to uses allowed in the zoning district;
 3. Relationship of the proposed use to the purposes of the zoning district;
 4. Manner of operation, including the hours of operation and days of the week, compared to uses allowed in the zoning district; and
 5. Consistency of the proposed use with the goals and objectives of the comprehensive plan.
- A. The applicant shall be responsible for submitting evidence and information establishing the comparative similarities of the proposed use and uses allowed in the zoning district assigned to the property.
 - B. A decision of the community development director to deny a proposed use may be appealed to the board of zoning appeals as provided in Sec. 14.3. Appeals. The criteria used by the board of zoning appeals in determining whether the community development director erred in his or her decision shall be the consistency of the proposed use with the above factors compared to allowed uses. The community development director shall provide written notice to the city council concerning any decision involving the exercise of his or her interpretive authority immediately upon rendering such decision.

Sec. 9.3. Administrative variances. The community development director or the zoning administrator is hereby authorized to grant an administrative variance from the development standards of this ordinance upon a finding that the intent of the ordinance can be achieved and equal performance obtained by granting such variance. The criteria applied by the board of zoning appeals in deciding variance applications found in Sec. 14.4. Variances shall be used by the community development director in rendering a decision. Authority to grant an administrative variance shall be limited to the following deviations from the standards of the ordinance:

- A. Reduction in front yard setback of a lot adjacent to a public street, not to exceed ten (10) feet.
- B. Reduction in side yard setback, not to exceed five (5) feet.
- C. Reduction in rear yard setback, not to exceed five (5) feet.
- D. Increase or decrease in building height, not to exceed five (5) feet.
- E. Distance between buildings on a lot, not to exceed five (5) feet.
- F. Number of parking spaces, not to exceed ten (10) percent of the requirement, excluding accessible parking.
- G. Reduction in buffer width, not to exceed 25 percent of the required width, provided the intent of the required buffer can be achieved and the buffer is not a condition of zoning.

Sec. 9.4. Approval process for certain uses. The approval process for certain uses that are subject to standards contained in Article 4. Development Standards is described below:

Sec. 9.5. Adult care home.

- A. Individuals seeking approval of an adult care home shall file an application with the community development director together with any fees established by city council. Each adult care home application shall include a description of the program and an affidavit documenting that the applicant has applied for the required approvals from the Georgia Department of Community Health and certifying that the proposed adult care home will meet and be operated in compliance with all state, federal and local laws and regulations. The community development director may require clarification or additional information from the applicant deemed necessary to determine whether operation of the proposed adult care home will meet all applicable laws, regulations and development standards.
- B. Upon a determination by the community development department that a complete application has been filed, a sign provided by the city shall be posted by the applicant for a minimum of fifteen (15) calendar days in a conspicuous location on the property notifying the public that an application to establish an adult care home has been submitted. The sign shall inform the public that the pending application may be viewed at city hall. The community development director shall maintain a record of any public comments submitted concerning the application during the 15-day public notice period. No application shall be approved prior to expiration of this 15-day period.
- C. In the event that public comments in opposition to the proposed adult care home are received by the community development department, a public hearing before the board of zoning appeals shall be held.
- D. Upon a finding by the community development department that an application to operate an adult care home complies with all applicable standards, he or she shall approve the application for the adult care home permit. No certificate of occupancy shall be issued until the applicant has submitted proof of registration or authorization from the Georgia Department of Community Health to operate the adult care home.
- E. The operator of an adult care home shall obtain an annual occupational tax permit from the city. The permit for operation of an adult care home shall not be transferable.

Sec. 9.6. Child care home

- A. Individuals seeking approval of a child care home shall file an application with the community development director together with any fees established by city council. Each Child care home application shall include a description of the program and an affidavit documenting that the applicant has applied for the required approvals from the Georgia Department of Early Care and Learning and certifying that the proposed child care home will meet and be operated in compliance with all state, federal and local laws and regulations. The community development director may require clarification or additional information from the applicant that is deemed necessary to determine whether operation of the proposed child care home will meet all applicable laws, regulations and development standards.
- B. Upon a determination by the community development director that a complete application has been filed, a sign provided by the city shall be posted by the applicant for a minimum of fifteen (15) calendar days in a conspicuous location on the property notifying the public that an application to establish a child care home has been submitted. The sign shall inform the public that the pending application may be viewed at city hall. The community development director shall maintain a record of any public comments submitted concerning the application during the 15-day public notice period. No application shall be approved prior to expiration of this 15-day period.

- C. In the event that public comments in opposition to the proposed child care home are received by the community development department, a public hearing before the board of zoning appeals shall be held.
- D. Upon a finding by the community development director that an application to operate a child care home complies with all applicable standards, the community development director shall approve the application for a child care home permit. A certificate of occupancy shall not be issued until the applicant has submitted proof of registration or authorization from the Georgia Department of Early Care and Learning to operate the child care home.
- E. The operator of a child care home shall obtain an annual occupational tax permit from the city. The permit for operation of a child care home shall not be transferable.

Sec. 9.7. Family personal care home.

- A. Family personal care homes shall be subject to approval of a special use and compliance with this section and Sec. 4.3.1.3. Personal care home, family.
- B. Individuals seeking approval of a family personal care home shall file an application with the community development director together with any fees established by city council.
- C. Each application shall include an affidavit stating that the applicant has applied for or will immediately apply for the corresponding permit or authorization for operation of the facility from the State of Georgia Department of Community Health in accordance with the rules and regulations of the Department. The affidavit shall also certify that the proposed facility will meet and be operated in compliance with all applicable state and federal laws and regulations and all codes and regulations of the city. Issuance of any permit for operation of a family personal care home by the city shall precede issuance of permits or licenses from the State of Georgia; provided however, that any permit granted under the terms of this ordinance shall be conditioned upon issuance of the appropriate permits, licenses or registrations required by the State of Georgia.
- D. All application forms and information submitted to the State of Georgia Department of Community Health shall be submitted with the permit application.
- E. The applicant shall provide a statement detailing the services offered.
- F. Upon a finding by the community development director that an application to operate a family personal care home complies with all applicable requirements, the director shall approve the application for a permit. However, a certificate of occupancy shall not be issued until the applicant has obtained the corresponding permit or authorization for operation of the facility from the State of Georgia Department of Community Health.
- G. No such facility shall be operated without both a valid permit from the city and a valid license from the State of Georgia Department of Community Health.
- H. The community development director may require clarification or additional information from the applicant deemed necessary to determine whether operation of the proposed home will meet all applicable laws, regulations and development standards.
- I. The operator of a family personal care home shall obtain an annual occupational tax permit from the city.

J. Approval of a family personal care home as a special use to operate a family personal care home shall not be transferable.

Sec. 9.8. Congregate personal care home. A congregate personal care home may be established and operated in the city in accordance with the following policies and procedures:

- A. Individuals seeking to operate a congregate personal care home shall file a permit application with the city together with any fees established by city council.
- B. Each permit application shall include an affidavit stating that the applicant either has applied for or will immediately apply for the corresponding permit or authorization for operation of the facility from the State of Georgia Department of Community Health in accordance with the rules and regulations of the Department. The affidavit shall also certify that the proposed facility will meet and be operated in conformance with all applicable state and federal laws and regulations and with all codes and regulations of the city. Issuance of any permit for operation of a congregate personal care home by the city shall precede issuance of permits or licenses from the State of Georgia; provided however, that any permit granted under the terms of this ordinance shall be conditioned upon issuance of the appropriate permits, licenses or registrations required by the State of Georgia.
- C. All application forms and information submitted to the State of Georgia Department of Community Health shall be submitted with the permit application.
- D. Upon a finding by the community development director that an application to operate the proposed facility complies with all applicable requirements, he or she shall approve the application for a permit. However, a Certificate of Occupancy shall not be issued until the applicant has obtained the corresponding permit or authorization for operation of the facility from the State of Georgia Department of Community Health.
- E. No such facility shall be operated without both a valid building permit from the city and a valid license from the State of Georgia Department of Community Health.
- F. Congregate personal care homes shall be subject to the standards of Sec. 4.3.2.14. Congregate personal care home.
- G. The community development director may require clarification or additional information from the applicant deemed necessary to determine whether operation of the proposed home will meet applicable laws, regulations and development standards.
- H. The operator of a congregate personal care home shall obtain an annual occupational tax permit from the city. The permit for operation of a congregate personal care home shall not be transferable.

Secs. 9.9 – 9.18. Reserved.

ARTICLE 10. NON-CONFORMING USES, BUILDINGS AND LOTS.

Sec. 10.1. Non-conformance.

A use of property or a building on a lot, or the lot itself, that was legally established under a prior ordinance that was then rendered non-conforming as to the characteristics of use, or one or more development standards by adoption of this ordinance is a legal, non-conforming use, building or lot. The intent of this article is to permit such non-conformance to continue until the non-conforming use ceases or the non-conforming building is removed, but not to encourage their continuation or to allow expansion of the non-conformance.

Sec. 10.2. Continuation of a legal, non-conforming use.

The lawful use of any building, lot or portion thereof existing on the effective date of adoption of this ordinance and rendered non-conforming by the provisions of this ordinance or any future amendments may continue, subject to the following stipulations:

- A. No non-conforming use shall be expanded in any manner to occupy a larger portion of a building that existed on the effective date of adoption of this ordinance or any future amendments unless the building was clearly designed to accommodate the same use as the non-conforming use occupying the building. No such expansion of a non-conforming use shall occupy any land outside such building.
- B. A non-conforming use shall not be converted to another non-conforming use.
- C. Once the use of a lot is rendered conforming, the non-conforming use shall be re-established.
- D. In order to avoid unnecessary hardship, any building or use properly permitted prior to the effective date of adoption of this ordinance in compliance with the ordinance and all applicable city codes in effect at the time the permit was issued, and that were completely established within one (1) year of the date such permit was issued, such building or use shall be deemed legal non-conforming.

Sec. 10.3. Non-conforming use of land.

- A. No non-conforming use of land shall be enlarged to occupy a greater portion of a lot than that occupied on the effective date of adoption of this ordinance or any future amendments.
- B. No non-conforming use of land shall be moved in whole or in part to any portion of a lot that was not occupied by such use on the effective date of adoption of this ordinance or any future amendments.
- C. Use of a portion of a lot in a manner that does not conform to all applicable standards of this ordinance or other city codes shall not render remaining portions of the lot non-conforming.

Sec. 10.4. Non-conforming use of buildings.

- A. No existing building occupied by a non-conforming use shall be enlarged, extended or expanded in any manner except to convert the use of the building to a conforming use.
- B. In the event a non-conforming use of a building or lot is converted to a permitted use, the non-conforming use shall not thereafter be re-established.

Sec. 10.5. Non-conforming buildings.

- A. No building that is non-conforming with respect to the development standards of this ordinance or any future amendments shall be enlarged or expanded in any manner or moved to another location on the lot.
- B. No building that would be non-conforming in any manner shall be moved on to any lot.

Sec. 10.6. Re-establishment following abandonment.

- A. Any non-conforming use of a building or lot that is abandoned or the operation of which otherwise ceases for any reason for six (6) months or more shall not be re-established. Any subsequent use of such building or lot shall conform to the applicable standards of this ordinance or any future amendments for the district in which such building or lot is located.
- B. Discontinuance of a non-conforming use for six (6) months or more shall constitute evidence of intent to abandon the legal, non-conforming status of a use. The following factors shall be considered:
 - 1. Dilapidation or significant disrepair such as roofing deterioration or other condition or deficiency constituting a code violation;
 - 2. Unkempt lawn or poor maintenance of plants, trees or other landscape materials;
 - 3. Poorly maintained parking surfaces or driveways;
 - 4. Storage of inoperable or unregistered vehicles or vehicles otherwise in disrepair;
 - 5. Disconnection of electrical power or public water service at the request of the owner;
 - 6. Failure of the owner to maintain an occupational tax permit, as applicable;
 - 7. Revocation of a certificate of occupancy for a period greater than six (6) months;
 - 8. Failure to maintain local, state or federal licenses or other approvals required for active operation of the use; and
 - 9. Other appropriate evidence as determined by the community development director. The absence of on-site activity shall constitute abandonment.
- C. The community development department shall notify the owner of record in writing via hand delivery, email or certified mail of evidence of abandonment.

Sec. 10.7. Illegal nonconforming and legal nonconforming status.

- A. The use of a lot or building that has not been previously authorized by issuance of a building permit, certificate of occupancy and an occupational tax permit, as applicable, shall be deemed an illegal use.
- B. Any building erected or moved on to a lot without first having an approved building permit, certificate of occupancy, or other approval shall be deemed an illegal building.

- C. All new buildings, lots and uses established after the effective date of adoption of this ordinance that do not conform to all standards of this ordinance or any future amendments shall be deemed illegal.
- D. Any property on which an illegal building or use exists shall be brought into compliance with current standards of this ordinance and other city codes or shall be removed.
- E. Any property on which an illegal use or building exists shall be subject to actions and penalties allowed by this ordinance and all other applicable laws. Such properties shall be brought into compliance with all applicable standards of this ordinance and other city codes. Any illegal building shall be brought into compliance with all applicable standards of this ordinance and other city codes. Such property or building shall be brought into compliance within ninety (90) calendar days of adoption of this zoning ordinance or the owner shall be subject to a citation.

Sec. 10.8. Non-conforming lots of record.

- A. A single lot of record existing on the effective date of adoption or amendment of this ordinance may be developed even though such lot fails to meet the minimum requirements for lot area or lot width applicable in the zoning district in which the lot is located, provided such lot is owned by an entity different from the owner of any directly abutting lot. For purposes of this ordinance, a single lot of record is an individual parcel of land described on a deed or subdivision plat that has been legally recorded with the Clerk of Superior Court of Clayton County. Such lot shall conform to all other applicable standards of this ordinance not involving lot area or lot width unless a variance from such standard is approved by the board of zoning appeals.
- B. No lot shall be reduced in area, altered in shape, or re-platted in any manner that renders the lot non-conforming as concerns lot area, lot width or depth, yard dimensions or any other standard of this ordinance.
- C. No part of a yard, off-street parking or loading space required for any building or use shall be included as part of the yard, off-street parking or loading spaces required for any other building or use unless otherwise provided by this ordinance.

Sec. 10.9. Rebuilding of damaged, non-conforming building.

A non-conforming building damaged by fire, explosion, act of God or any other casualty to an extent less than fifty percent (50%) of replacement cost at the time such damage occurred as determined by the community development department may be restored and the building or portion of such building that existed at the time of such damage may be repaired provided all repairs have been made and a certificate of occupancy has been issued within twelve (12) months of such damage, subject to all other provisions of this ordinance and applicable city codes. The community development director may grant an extension of up to six (6) additional months upon issuing a written finding that the owner has diligently pursued restoration of the building.

Sec. 10.10. Reconstruction of a non-conforming building that has been destroyed.

A non-conforming building destroyed by fire, explosion, act of God or any other casualty to an extent equal to or greater than fifty percent (50%) of replacement cost at the time such destruction occurred as determined by the community development director shall be rebuilt or replaced in full compliance with all standards of this ordinance and other city codes, or shall be demolished at the option of the owner. Rebuilding or replacement shall be accomplished and a certificate of occupancy shall have been issued

within twelve (12) months of such destruction. The community development director may grant an extension of up to six (6) additional months upon issuing a written finding that the owner has diligently pursued re-construction of the building. The building shall thereafter comply with all standards of this ordinance and other city codes.

Sec. 10.11. Adoption not to create nonconformance of a single family dwelling or lot.

No provision of this ordinance shall render an existing single family detached dwelling or a single family lot nonconforming. No new use of land or a building, or construction of any improvement, following the effective date of adoption of this ordinance that does not fully comply with this ordinance or future amendment shall be permitted.

Sec. 10.12. Reconstruction of a damaged or destroyed non-conforming single family detached dwelling.

The owner of any single family detached dwelling located on a lot of record damaged or destroyed by fire, explosion, act of God or any other casualty may repair or replace such dwelling as the dwelling was established prior to such damage or destruction, provided all reconstruction work has been completed and a certificate of occupancy has been issued within twelve (12) months of such damage or destruction. The community development director may grant an extension of up to six (6) additional months upon issuing a written finding that the owner has diligently pursued restoration or re-construction of the dwelling.

Sec. 10.13. Repairs and maintenance.

The following stipulations shall apply to all legal, non-conforming buildings and all legal, non-conforming uses of buildings, or buildings and land in combination:

- A. Ordinary repairs or replacement of windows, doors, walls, roofing, heating systems, electrical wiring, or plumbing may be performed provided the size of the building shall not be increased.
- B. Nothing in this article shall prevent the stabilizing or restoration to a safe condition any building or portion of a building declared unsafe by the community development department or a court of competent jurisdiction.
- C. Any building rendered unsafe or unlawful due to dilapidated physical condition that has been demolished may be rebuilt provided that such rebuilding of all aspects of the building shall comply with the standards of the zoning district in which such building is located.

Sec. 10.14. Exceptions.

- A. Notwithstanding limitations imposed by other provisions of this article, a single family detached dwelling and customary accessory buildings may be erected on any vacant lot of record existing prior to the effective date of this ordinance or future amendment in any zoning district in which single family detached dwellings are permitted, provided the dwelling is used only as a single family detached dwelling. This provision shall apply even though such lot fails to meet the ordinance standards for lot area, lot width or lot frontage, or each of these standards assigned to the property, and provided further that yard dimensions and development standards other than those applicable to lot area, lot width and lot frontage shall be met. Variances concerning yard requirements applicable to construction of a single family detached dwelling and customary accessory buildings on any such vacant lot of record shall only be obtained through approval by the board of zoning appeals.

- B. No lot existing on the effective date of this ordinance shall be reduced in dimension or area below the minimum standards of this ordinance. In the event a lot is nonconforming as concerns lot area, lot width or lot frontage, and such lot is held in common ownership with an adjacent lot or lots on the same street frontage, no building or development permit shall be issued prior to re-platting of the lots through a combination plat to achieve compliance to the extent possible with lot area, lot width and lot frontage standards. Any lot created after the effective date of this ordinance shall meet the minimum standards of this ordinance.
- C. When two (2) or more lots or any combination of adjacent lots and portions of adjacent lots with continuous frontage on the same street and assigned the same zoning district are held in single ownership and are of record on the effective date of this ordinance or future amendments, and some or all of the lots do not meet the standards established by this ordinance, the lots involved shall be considered as an undivided lot. Any re-subdivision of such lot shall be accomplished in a manner that complies with all standards established by this ordinance.

Sec. 10.15. Exemption due to city, state or county action.

Whenever acquisition of a lot or portion of a lot by the City of Riverdale, Clayton County or the State of Georgia creates a nonconformity, the minimum development standards shall be reduced without the necessity of a variance. Such standards shall include lot frontage, lot area, lot width, lot depth, and building setbacks. Such reduction shall be limited only to the extent that practical development of the property is made possible and upon a written finding by the community development director that such development will not unreasonably impact adjacent properties or uses.

Secs. 10.16 – 10.25. Reserved.

ARTICLE 11. VIOLATIONS AND PENALTIES

Sec. 11.1. Ordinance provisions to be minimum requirements.

The provisions of this ordinance shall be the minimum requirements in their interpretation and application, adopted for the promotion of public health, safety, morals and welfare.

Sec. 11.2. Violation to constitute a misdemeanor.

It shall be unlawful to violate any provision of this ordinance or fail to comply with any ordinance requirement, including violations of conditions established in conjunction with approval of a rezoning application, approval of a special use, or granting of a variance. Any person, firm or corporation violating any of provision of this ordinance shall upon conviction be guilty of a misdemeanor. The owner or tenant of any building, 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 shall be subject to the penalties provided herein.

Sec. 11.3. Enforcement actions authorized.

Where a determination is made that property or premises are in violation of this ordinance, or any other codes and laws enforced by the community development director, and all reasonable efforts to obtain compliance having been exhausted, the community development director shall be authorized to effect such compliance at public expense. The cost of effecting compliance shall constitute a lien on the property, which shall be recorded by the director in accordance with applicable law.

Sec. 11.4. Remedies.

Should any building be constructed, reconstructed, altered, repaired, converted, maintained or relocated, or should any building or land be used in violation of this ordinance, city council may institute an injunction, mandamus or other appropriate action to halt the violation in addition to other remedies. Nothing contained herein shall prevent the city of Riverdale from taking such other lawful action as is necessary to prevent or remedy any violation.

Sec. 11.5. Jurisdiction.

The municipal court of the city of Riverdale and the state court of Clayton County shall each have jurisdiction to adjudicate offenses alleging violations of this ordinance by any person, firm, corporation, partnership, or other entity.

Sec. 11.6. Penalties.

Any person, firm, corporation, partnership, or other entity shall upon conviction be subject to a fine of up to \$1,000.00 or imprisonment for not more than sixty (60) days, or both such fine and imprisonment for each offense and shall pay all costs and expenses involved in each offense. Each day a violation of any provision of this ordinance or any such resolution, rule, regulation or order continues shall constitute a separate offense, but only beginning after the passage of thirty (30) calendar days from the date of conviction.

Sec. 11.7. Conflicting ordinances.

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed. Whenever the provisions of this ordinance and the provisions of any other city ordinance or statute apply to the same or similar subject matter, that ordinance or statute requiring the most restrictive standards shall govern.

Sec. 11.8. Effective date.

This ordinance shall be effective immediately upon its adoption by city council.

Sec. 11.9. Severability.

Should any article or section or part thereof of this ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of the ordinance as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

Secs. 11.10 – 11.19. Reserved.

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ARTICLE 12. FEE SCHEDULE.

Sec. 12.1. Schedule of fees; collection and location.

City council shall establish a schedule of fees, charges and expenses and a collection procedure for processing applications for rezonings, special uses, variances, appeals, building permits and other matters pertaining to this ordinance. The schedule of fees shall be posted in the office of the city clerk, and may only be amended by city council.

No action shall be taken on any application until all applicable fees, charges, and expenses have been paid in full.

Sec. 12.2. Fee waivers.

Fees may be reduced for redevelopment and new development projects in the TMCU and MU Districts and the Hospital Overlay at the discretion of the Community Development Director and City Manager.

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ARTICLE 13. PROCEDURES FOR ZONING DECISIONS

Sec. 13.1. Zoning decisions generally.

- A. A zoning decision as defined by O.C.G.A. § 36-66-3 of the Zoning Procedures Law shall only be rendered by city council. Planning commission and city council shall each hold a public hearing concerning a zoning decision. Planning commission shall forward a recommendation to city council following a public hearing. City council shall make no zoning decision until a public hearing has been held. Public notice for all public hearings shall comply with Sec. 13.4 Public notice of public hearings. Public hearings shall be conducted as provided in Sec. 13.5. Public hearing procedures. Zoning decisions may amend the text of the zoning ordinance, amend the official zoning map or approve a special use. The owner of a majority interest in the property affected, or his or her authorized agent, may petition city council for the rezoning of property or approval of a special use. Amendments to the text of the zoning ordinance shall only be initiated by city council.
- B. The community development director shall prepare a written report concerning an amendment to the text of the ordinance or an amendment to the official zoning map within ninety (90) calendar days of receipt of an amendment proposal from city council or receipt of a complete application proposing the rezoning of property or approval of a special use. Such reports shall be available to the public and the applicant on or before the date of publication of the public notice announcing the public hearing before planning commission and the city council public hearing at which such zoning decision shall be considered.

Sec. 13.2. Application requirements.

The requirements of this section shall be met prior to the community development director certifying an application for the rezoning of property or a special use as complete. Applications shall be submitted on forms provided by the community development director. Complete applications shall be processed according to the schedule of public hearings held by the planning commission and city council and maintained by the director. The following information shall be provided by the applicant:

- A. A written statement concerning the proposed use and zoning of the property.
- B. A boundary survey of the property prepared by a registered land surveyor, including a legal description, size of the property in square feet for properties less than one (1) acre and in acres for properties of one (1) acre or more, and the parcel identification number.
- C. A site plan of the property proposed for rezoning depicting the location of all existing and proposed buildings, building setbacks, building height, site access, parking and loading areas, wooded areas, buffers and 100-year floodplain.
- D. Current zoning classification of all adjacent parcels.
- E. Payment of the appropriate non-refundable fee as available in the office of the city clerk. Such fee shall be non-refundable following the ordering of a public notice by the community development director.
- F. Owner's affidavit granting permission to the applicant to file a rezoning petition or special use application for the property.
- G. Any other supporting documentation as may be required by the community development director.

Sec. 13.3. Community development director review.

- A. Upon receipt of a complete application, and payment of all applicable fees, the community development director shall perform the following tasks:
1. Consult with other departments of the city and county, as appropriate, to fully evaluate the impact of the proposed zoning or special use on public facilities and services including, but not limited to, the transportation network, public water, sanitary sewer, storm water system, schools, public safety services, fire protection and related facilities and services.
 2. Assess the potential impact of the proposed rezoning or special use on adjacent and surrounding uses by visiting the property and surrounding area.
 3. Evaluate compliance of the zoning petition or application for a special use with the comprehensive plan.
 4. Hold a pre-application conference according to the schedule of public hearings before planning commission. This conference shall be attended by the applicant and representatives of the city and county, as appropriate to the application.
 5. Prepare a written report of findings and recommendation to planning commission which report shall be a matter of public record available for review. The report may recommend approval, denial or approval with stated conditions designed to further the purposes of this ordinance and ensure that public health, safety, welfare and aesthetics are secured.

Sec. 13.4. Public notice of public hearing

- A. Legal notice. Notice of a hearing pursuant to this ordinance shall be published in the legal organ of the city in which the legal advertisements for the city are published announcing the application and date, time, place and purpose of the hearing a minimum of fifteen (15) calendar days and a maximum of forty-five (45) calendar days prior to the date of the hearing. Notices announcing a public hearing for considering an application to rezone property or an application for a special use shall also include the location of the property and the present and proposed zoning classification or the proposed special use of the property, as appropriate.
- B. Property posting. The applicant shall post a sign or signs provided by the community development department in a conspicuous place on the property a minimum of fifteen (15) calendar days and a maximum of 45 calendar days prior to a public hearing that shall comply with the following requirements:
1. Be readable from each street on which the property fronts, or if the property has no street frontage, from each street from which access will be gained;
 2. Clearly indicate the following information:
 - a. Present zoning classification of the property;
 - b. Proposed zoning classification or special use;
 - c. Hearing date and time; and

- d. Location of the public hearing.
- 3. Be maintained by applicant to prevent removal from the property or destruction for the period commencing on the date the public notice appears in the newspaper through the date of the public hearing.
- C. Written notice to adjacent and nearby property owners. The applicant shall give written notice by certified mail return receipt requested to all property owners within 300 feet of the boundaries of the property as appear in Clayton County tax records and as provided by the City's Geographic Information System. The measurement shall be performed from each boundary of the property that is the subject of a zoning petition or special use application. Public notices shall be mailed such that they are received a minimum of 15 calendar days and a maximum of 45 calendar days prior to the public hearing. The return receipts shall be provided to the community development director within one (1) week of receipt.
- D. Posting of property associated with an amendment to the official zoning map initiated by the city of Riverdale shall not be required.
- E. All hearings of the planning commission and city council shall be open to the public and shall comply with the Georgia Open Meetings Act.

Sec. 13.5. Public hearing procedures.

- A. Unless otherwise provided, public hearings at which zoning decisions are to be considered shall be advertised and held by planning commission prior to an application involving a zoning decision being considered at a public hearing held by city council. Public hearings shall be held in the following manner:
 - 1. The planning commission chair or the mayor acting as presiding officer shall convene the public hearing at the scheduled time and place. The presiding officer shall open the public hearing, introduce each application being considered, identify speakers and maintain order.
 - 2. The presiding officer shall open the public hearing by stating the specific zoning decision to be considered. He or she shall inform the public that anyone wishing to speak at the hearing concerning an amendment to the text of the zoning ordinance, an amendment to the official zoning map or an application for a special use must sign in with the planning commission secretary or the city clerk, as appropriate prior to speaking.
 - 3. Analysis to be presented at the hearing. Any analysis submitted by an applicant shall be presented by the applicant or his or her agent at the public hearing. The community development director shall then present his or her report, including a recommendation concerning the proposed zoning decision, and any other information related to an application for a property rezoning, an amendment to the text of this ordinance or an application for a special use. This information shall, at a minimum, consist of a statement of the findings and recommendations with respect to each standard contained in Sec. 13.10. Standards of review. A limited number of copies of the report shall be available to the public at the hearing and available for public review on or before the date of the public notice announcing the public hearing.
 - 4. Who may appear at the public hearing. Any party may appear at the public hearing in person, by agent, or by an attorney-at-law. Any party desiring a verbatim transcript of the proceedings shall notify the city clerk two (2) business days prior to the public hearing and shall be responsible for arranging such stenographic services and all associated costs.

5. Presentation of information. Individuals wishing to speak for or against an application shall enter their name and address on a sign-in sheet provided by the planning commission secretary or the city clerk, as appropriate, prior to the opening of the hearing, indicating whether they are proponents speaking for, or opponents speaking against, the application. The applicant for a rezoning or a special use shall speak first. Other parties in support of the application may then speak, followed by those opposed to the application. The applicant may then be allowed a rebuttal opportunity provided time remains and the applicant has reserved such rebuttal time. Proponents, including the applicant, shall be given a minimum of ten (10) minutes and a maximum of twenty (20) minutes to present data, evidence and/or opinion concerning the petition and may choose to reserve a portion of that time for rebuttal. Rebuttals must be limited to topics and issues raised at the hearing by opponents of the application. These minimum and maximum timeframes shall apply to each side and not to individuals wishing to speak.

6. Opponents of an application shall also be given a minimum of ten (10) minutes and a maximum of twenty (20) minutes in which to present information. The presiding officer may grant additional time to proponents or opponents, provided an equal amount of time is granted to each side. The presiding officer shall recognize individual parties wishing to speak and monitor the time allotted to each speaker. Prior to speaking, each person shall identify him or herself and state his or her current address. Each speaker shall limit remarks to data, evidence and opinions relevant to the application being considered. Speakers shall address all remarks to the presiding officer. Planning commission members or city council members may ask questions of the applicant at any time. Time devoted to questions and answers will not affect any time limitations imposed on presentations. Once all parties have concluded their comments, the presiding officer shall close discussion of that agenda item.

B. Printed copies of these procedures shall be available for distribution to the public at the public hearing and available for public review on or before the date of the public notice announcing the public hearing.

Sec. 13.6. Planning commission recommendation as concerns zoning decisions.

A. Planning commission shall form a recommendation of approval, denial or approval subject to specific conditions unless substantial reasons exist for tabling an application. These reasons shall be clearly recorded in the hearing minutes, and any additional information required by planning commission shall be identified. Failure to make a recommendation shall go forward as "No Recommendation." The presiding officer shall announce the new hearing date prior to adjourning the hearing. In the event of a tabling, the public notice procedures of Sec. 13.4. Public notice of public hearings shall be repeated, including the posting of signs on the property and applicant mailing of public notices.

B. The standards adopted in Sec. 13.10. Standards of review shall be applied by planning commission in forming a recommendation to city council concerning a zoning decision.

C. The planning commission secretary shall forward the recommendation of planning commission to city council within three (3) business days of the planning commission public hearing.

Sec. 13.7. Zoning decisions by city council.

A. Upon closing the public hearing, the presiding officer shall solicit a motion by a member of city council calling for approval of the application, denial or approval subject to conditions unless substantial reasons exist for tabling the application to a date certain that shall be announced at the public hearing.

These reasons shall be clearly recorded in the hearing minutes, and any additional information required by city council identified. In the event of a tabling, the public notice procedures of Sec. 13.4. Public notice of public hearings shall be repeated, including the posting of signs on the property and applicant mailing of public notices. City council may also vote to return the application to planning commission for further consideration.

- B. The standards adopted in Sec. 13.10. Standards of review shall be applied by city council in rendering a zoning decision. Such zoning decisions may also be based on public input received at the public hearing, the recommendation of planning commission and the findings and recommendations of the community development director.
- C. The city clerk shall inform the applicant in writing by certified mail return receipt requested of the decision of city council within five (5) business days following such decision.

Sec. 13.8. Establishment or relocation of a halfway house, drug rehabilitation center, or other facility for treatment of drug dependency.

A public hearing to consider such facilities shall be held by city council no less than six (6) months nor more than nine (9) months prior to the date of final action by city council concerning the zoning decision. Planning commission shall hold a public meeting and shall forward a recommendation concerning such applications to city council. Notice of the public hearing shall comply with the procedures of this section and the following additional requirements:

The posted notice and the legal notice shall prominently state that the proposed zoning decision concerns the location or relocation of a halfway house, drug rehabilitation center, or other facility for treatment of drug dependency. The legal notice shall be a minimum of six (6) column inches and shall not be located in the classified advertising section of the newspaper.

Sec. 13.9. Withdrawal of application

An applicant may withdraw a rezoning or special use application on one (1) occasion at any time prior to a vote by city council. Such withdrawal shall not cause imposition of the 12-month waiting period prior to reconsideration of the same application. Fees associated with applications withdrawn following the date the public notice has been ordered by the city clerk shall not be refunded.

Sec. 13.10. Standards of review.

Standards governing the exercise of zoning authority are hereby adopted. These standards are to be applied to consideration of special uses, future land use map amendments and zoning map amendments, which are also referred to as the rezoning of property. The standards to be considered in deciding zoning map amendments are also to be considered in deciding amendments to the text of the zoning ordinance.

Sec. 13.10.1. Standards of review applicable to special uses.

The following standards are found by the city of Riverdale to be relevant in balancing the promotion of public health, safety, morality and general welfare against the right to unrestricted use of property. Planning commission and city council shall consider the following criteria when reviewing special use applications. A written point-by-point application of each of the criteria in assessing the impact of the proposed special use shall be required of the applicant.

- A. The existing uses and zoning of nearby property;
- B. Whether the proposed amendment is compatible with the policies and intent of the comprehensive plan;
- C. Whether the proposed amendment will permit a use or uses compatible with the current or future use of adjacent and nearby properties comprising the established land use pattern or otherwise adversely affect the existing or potential use of adjacent or nearby properties;
- D. Whether unacceptable impacts on the environment could be caused by the proposed amendment, including, but not limited to, impacts on stormwater discharges, wetlands, groundwater recharge areas, wildlife habitats, soil erosion and sedimentation, floodplains, air quality, and water quality and quantity;
- E. Whether the proposed amendment will allow a use that will or could cause an excessive or burdensome use of existing or planned streets, other transportation facilities, utilities, schools, or other public facilities and services such as police protection, fire protection, emergency medical services, or public health facilities;
- F. The suitability of the property for the zoning classification currently assigned to the property;
- G. Whether the proposed amendment would tend to cause an undue concentration or an undue dispersal of development; and
- H. Whether existing or changing conditions affecting the use or development of the property are present that support approval or denial of the proposed amendment;
- I. Whether the proposed amendment will adversely affect the health, safety, morals, aesthetics, convenience, order, prosperity or welfare of residents, business owners or property owners of the city of Riverdale; and
- J. The length of time the property has been vacant as zoned considered in the context of land development in the area in the vicinity of the property.

Sec. 13.10.2. Standards of review applicable to future land use map amendments

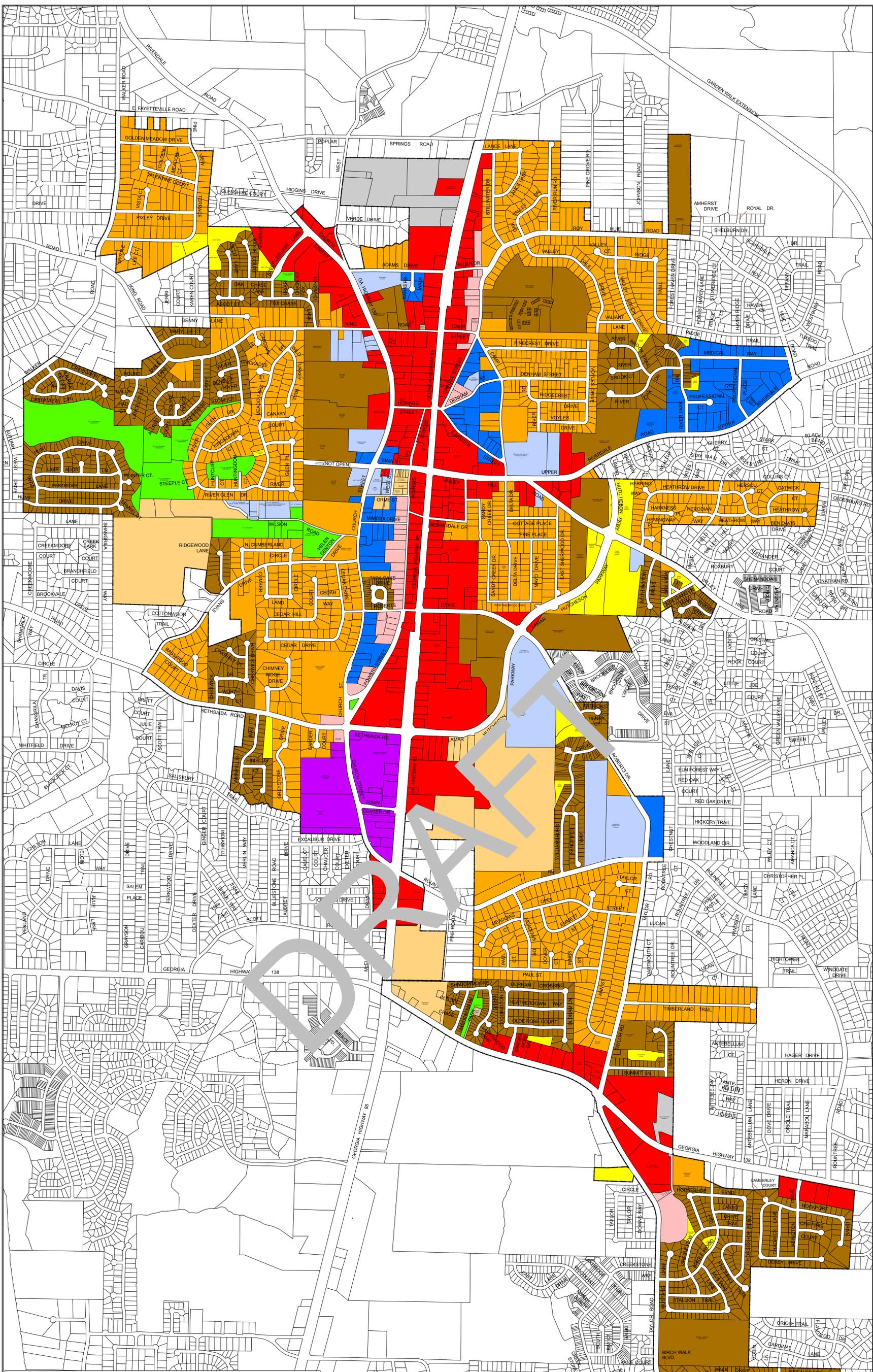
The following standards are found by the city of Riverdale to be relevant in balancing the promotion of public health, safety, morality and general welfare against the right to unrestricted use of property. Planning commission and city council shall consider the following criteria when reviewing future land use map amendment applications. A written point-by-point application of each of these criteria in assessing the consistency of the amendment with the proposed future land use map designation and the designation of nearby property shall be required of the applicant.

- A. Whether the proposed land use change will permit uses that are suitable in view of the use and development of adjacent and nearby property;
- B. Whether the proposed land use change will adversely affect the existing use or usability of adjacent or nearby property;
- C. Whether the proposed land use change will result in uses that will or could cause excessive or burdensome use of existing streets, transportation facilities, utilities, or schools;

- D. Whether the amendment is consistent with the written policies in the comprehensive plan text;
- E. Whether there are environmental impacts or consequences resulting from the proposed change;
- F. Whether there are impacts on properties in an adjoining governmental jurisdiction in cases of proposed changes near city boundary lines;
- G. Whether there are other existing or changing conditions affecting the use and development of the affected land areas that support approval or denial of the proposed land use change; and
- H. Whether there are impacts on historic buildings, sites, districts or archaeological resources resulting from the proposed change.

(Future Land Use Map found on next page)

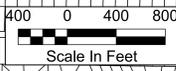
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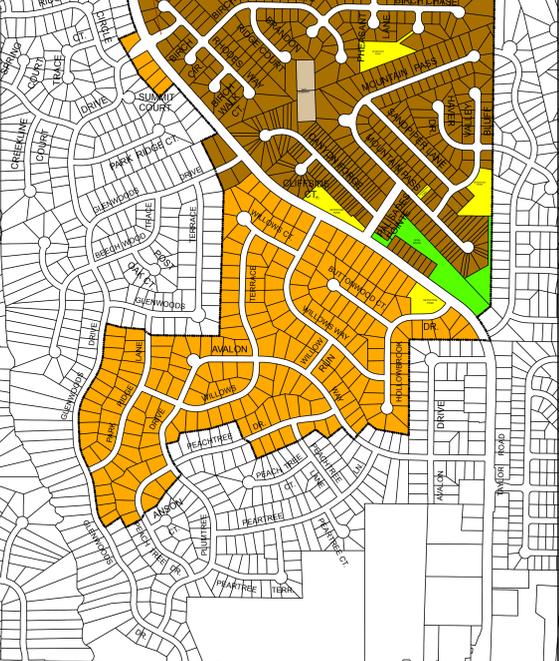
Land Uses

- Low-Density Residential (R-1)
- Medium-Density Residential (R-2)
- High-Density Residential (R-3/MF)
- Mixed Use Planned Development
- Mixed-Use Town Center
- General Commercial
- Community Commercial
- Office/Professional
- Public/Institutional
- Light Industrial
- Transportation/Communication/Utilities
- Parks/Recreation/Conservation

Future Land Use City of Riverdale, Georgia



FEBRUARY, 2020



Sec. 13.10.3. Standards of review applicable to amendments to the zoning map and zoning ordinance.

The following standards are found by the city of Riverdale to be relevant in balancing the promotion of public health, safety, morality and general welfare against the right to unrestricted use of property. Planning commission and city council shall consider the following criteria when reviewing rezoning applications. Planning commission and city council shall also consider these criteria when reviewing proposed amendments to the text of the zoning ordinance. A written point-by-point application of each of the criteria in assessing the impact of the proposed zoning shall be required of the applicant. Such application of the criteria shall not be required of the applicant as concerns amendments to the text of the zoning ordinance as only city council may propose such ordinance amendments.

- A. Whether the zoning proposal is in conformity with the policies and intent of the comprehensive plan;
- B. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties;
- C. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned;
- D. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property;
- E. Whether there are other existing conditions or changing conditions affecting the use and development of the property that provide supporting grounds for approval or denial of the zoning proposal.
- F. Whether the zoning proposal will adversely affect historic buildings, sites, districts or archaeological resources; and
- G. Whether the zoning proposal will result in a use that will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.

(Zoning Map found on next page)

Sec. 13.11. Zoning of property to be annexed.

Any parcel or parcels of land annexed to the City of Riverdale shall be designated the zoning district classification most similar to and consistent with the Clayton County zoning district classification applying to said property at the time of its annexation. Where Clayton County has raised an objection to the rezoning of any parcel or parcels of land to be annexed, the provisions of Title 36, Chapter 36, Article VII of the Code of Georgia Annotated shall apply.

Sec. 13.12. Special use approvals.

- A. It is hereby declared that certain uses have potentially serious damaging effects on public health, safety, morals and welfare. Accordingly, it is in the public interest to adopt heightened review and approval processes intended to minimize or prevent such adverse impacts that may comprise a blighting influence on surrounding properties and the Riverdale community. The purpose of this section therefore, is to safeguard the public interest, to protect and enhance the quality of the environment and to promote public health, safety and welfare by pursuing the following objectives:
1. Provide appropriate locations to accommodate the uses listed in the Uses Table here to meet the needs of consumers and business owners.
 2. Support development compatible with surrounding uses, thereby protecting residential property values and the investments of business owners.
- B. Special use approvals shall not be transferable and such approvals are limited to the applicant and the specific special use approved. Any change in a special use to a use allowed only as a special use shall require the filing of a new application to accommodate that use.
- C. Any approval of a special use by the City of Riverdale shall cease to be authorized and shall be terminated unless a building permit or certificate of occupancy for establishment of the approved special use has been obtained within one (1) year of the date the special use was granted. The special use shall also be terminated in the event the approved construction has not been completed and approved by the community development director as being consistent with all written commitments and conditions, the requirements of the ordinance, and all applicable permits within two (2) years of the date the special use is approved by city council.
- D. Upon a determination by the community development director that a special use is void and terminated pursuant to this section, the community development director shall notify the applicant via certified mail return receipt requested.
- E. A special use that has been determined to be void and terminated pursuant to this section shall not be reconsidered by the city for a period of twelve (12) months from the date of the notice sent by the community development director pursuant to this section.

Sec. 13.13. Conditional zoning.

Planning commission may recommend and city council may assign conditions of zoning intended to mitigate potentially adverse impacts that may be associated with the proposed zoning of the property. The process for deciding a conditional zoning shall be identical to the process for a property zoning that requires public notice, a public hearing and application of the standards contained in Sec. 13.10. Standards of review.

Removal of any conditions of zoning shall only be accomplished by the filing of a new zoning application and favorable decision by city council.

Sec. 13.14. Reversion of zoning approval.

The following development milestones shall be considered in assessing the need for reversion of a property rezoning or approval of a special use:

- A. Failure of the applicant to obtain a building permit and commence bona fide development and substantial construction in accordance with city council approval of a zoning application or a special use within twelve (12) months of such approval may, at the sole discretion of city council, subject the property to reversion to the former zoning classification or a reversal of the special use approval. For purposes of this section, the term "development" shall be defined as having obtained a land disturbance permit or building permit, as appropriate, mobilized equipment and/or labor, and proceeded diligently with development of the property. The process for reversion of zoning approval or reversal of a special use approval shall be identical to a property rezoning. City council may rezone such property to the original zoning district or may revoke the approval of a special use.
- B. All conditions and stipulations assigned by city council in approving a zoning petition shall remain in full force and effect, and all terms, conditions and stipulations imposed as a condition of rezoning or approval of a special use shall remain in effect and be binding.
- C. Any cessation of development or construction after a final plat containing all the conditions and stipulations assigned to the zoning approval or approval of a special use has been legally recorded shall not cause a zoning reversion to the previous zoning classification. The conditions and stipulations of the approved zoning or special use shall remain in effect and be binding upon subsequent owners unless a modification is requested and approved.

Sec. 13.15. Conflict of interest in zoning decisions.

Any government official, as defined in the Official Code of Georgia Annotated Chapter 67A of Title 36 having a financial interest in any real property affected by a property rezoning or consideration of a special use, or having a member of the family with such an interest, shall immediately disclose the nature and extent of such interest as required by law.

Sec. 13.16. Disclosure of campaign contributions.

- A. When any applicant for the rezoning of property or consideration of a special use has made a campaign contribution or contributions totaling \$ 250.00 or more to an official of the local government that will consider the application within a two (2) year period immediately preceding the filing of such application, it shall be the duty of the applicant to file a disclosure report with the city clerk documenting the following information:
 - 1. Name and official position of the local government official to whom the campaign contribution or contributions were made; and
 - 2. Dollar amount and description of each campaign contribution made by the applicant to the local government official during the two (2) years immediately preceding the filing of a rezoning application or an application for special use approval and the date of each such contribution.

3. Such disclosures shall be filed within ten (10) calendar days after a rezoning application or an application for special use approval is first filed with the city clerk.
- B. When any opponent of a rezoning application or an application for special use approval has made a campaign contribution or contributions totaling \$ 250.00 or more to an official of the local government that will consider the application within the two (2) years immediately preceding the filing of the rezoning application or an application for special use approval being opposed, it shall be the duty of the opponent to file a disclosure report with city council documenting the following information:
1. Name and official position of the local government official to whom the campaign contribution or contributions were made; and
 2. Dollar amount and description of each campaign contribution made by the opponent to the local government official during the two (2) years immediately preceding the filing of a rezoning application or an application for special use approval and the date of each such contribution.
- C. Disclosures required by subsection B. of this section shall be filed a minimum of five (5) calendar days prior to the first hearing on the rezoning application or an application for special use approval by city council.

Sec. 13.17. Re-application following denial of a rezoning or special use application.

An application for rezoning of property or a special use affecting the same property shall not be considered by city council more often than once every twelve (12) months from the date of the zoning decision by city council denying such application.

Sec. 13.18. Appeal of a zoning decision.

Any person or persons, jointly or severally aggrieved by a zoning decision of the city council of the city of Riverdale may appeal to Clayton County Superior Court through a writ of certiorari.

Sec. 13.19. Rezoning and special use application filing fee.

A fee schedule as adopted from time to time by resolution of city council shall be published and maintained by the city clerk.

Secs. 13.20 – 13.29. Reserved.

ARTICLE 14. BOARDS AND COMMISSIONS

The Board of Zoning Appeals and the Planning Commission form the respective boards of the City of Riverdale as concerns zoning matters. The formation and authority of each is described in this Article.

BOARD OF ZONING APPEALS

Sec. 14.1. Establishment of a board of zoning appeals

- A. A board of zoning appeals is hereby established. Such board shall consist of five (5) members appointed by city council for overlapping terms of two (2) years. The initial appointment of three members shall be for two (2) years; the appointment of the remaining members shall be for one (1) year. Each subsequent appointment shall be for two (2) years. Any vacancy in the membership shall be filled for the unexpired term in the manner in which the initial appointment was made. Members may be removed for cause by city council following a public hearing. No member shall hold any public office in the city.
- B. Quorum. Three (3) members of the board of zoning appeals shall constitute a quorum. A majority vote of the members present shall be necessary to decide an appeal or grant a variance. In deciding an appeal, the board may reverse any order, interpretation, decision or determination by the community development director being appealed by an applicant or decide any matter upon which the board is authorized to act.
- C. The board of appeals shall elect a chair and vice-chair from its membership who shall serve for one year or until re-elected or a successor is elected. The board shall appoint a secretary who may be a city officer, an employee of the city, or a member of the board of appeals. The board shall also adopt rules and bylaws.
- D. Quasi-judicial authority. The board of zoning appeals may compel witnesses to appear before the board and may accept testimony given by sworn witnesses in the conduct of a public hearing. In that regard, the board possesses authority similar to that of a court in exercising its responsibilities.
- E. Notice of decisions. The board of zoning appeals shall give written notice of its decision to all parties involved and the reasoning concerning all appeals, variances and other matters brought before the board. Such notice shall be given via certified mail return receipt requested.

Sec. 14.2. Proceedings of the board of zoning appeals.

- A. The chair shall call public hearings before the board, decide points of order and procedure, administer oaths and compel the appearance of witnesses. In the absence of the chair, the vice-chair shall carry out these responsibilities. The board secretary shall maintain minutes of board proceedings, documenting the vote of each member upon each question and shall maintain records of board examinations and other official actions, all of which shall be immediately filed in the office of the board and shall be a public record.
- B. The board of zoning appeals shall set their own hearing schedule which shall be published.
- C. All hearings before the board of zoning appeals shall be open to the public and shall comply with the Georgia Open Meetings Act.

Sec. 14.3. Appeals.

- A. The board of zoning appeals shall hear and decide appeals where it is alleged that an error in an order, interpretation, decision or determination has been made by the community development director or other authorized official of the City of Riverdale in the enforcement of this ordinance. Any person, firm or corporation seeking to challenge a decision of the community development director pursuant to enforcement of this ordinance, and having a substantial interest in such decision, may file an appeal. Such appeal shall be made to the secretary of the board of zoning appeals by filing a written notice of appeal specifying the grounds for the appeal and the modifications to the decision being sought by the individual filing the appeal. Such filing shall be accomplished no more than thirty (30) calendar days following receipt of written notice by the applicant of the decision being appealed. The board secretary shall provide such notice to the applicant via certified mail return receipt requested. The community development director shall transmit all documents comprising the record of the decision being appealed to the board secretary within ten (10) business days of receipt of a notice of an appeal. Such appeal shall be heard by the board at the next available hearing date following the filing of an appeal.
- B. In exercising the above powers, the board of zoning appeals may, in compliance with the provisions of this ordinance, reverse or affirm, wholly or partly, or may modify the order, interpretation, decision or determination under appeal and to that end shall have all the authority of the community development director, including authority to direct issuance of a permit.
- C. Appeal to stay all legal proceedings. An appeal shall stay all legal proceedings concerning the decision being appealed unless the community development director certifies to the board of zoning appeals following the filing of an appeal that by reason of facts stated in the decision that a stay would, in his or her opinion, cause imminent peril to life or property. In such instances, legal proceedings shall not be stayed otherwise than by a restraining order issued by a court of competent jurisdiction on application and written notice to the community development director and upon due cause shown.
- D. Time limit on application resubmission. An applicant shall not initiate an appeal affecting the same decision more often than once every six (6) months.

Sec. 14.4. Variances.

- A. The board of zoning appeals shall hear and may approve applications for variances from the standards of this ordinance as will not be contrary to the public interest where, owing to special circumstances unique to the property, strict enforcement of these standards would cause unnecessary hardship, provided that the spirit of the ordinance shall be preserved, the rights and interests of other property owners and tenants protected, public safety and welfare secured, and substantial justice served.
- B. A variance may be granted in an individual case only upon a finding by the board of zoning appeals that each of the following circumstances exist:
 1. The property is extraordinary and exceptional as concerns its size, shape or topography; and
 2. Strict application of the ordinance would create a practical difficulty or unnecessary hardship and would deprive the applicant of rights commonly enjoyed by owners of similarly situated properties located within the same zoning district in which the property is located; and
 3. The extraordinary and exceptional characteristics are unique to the property; and

4. Granting of the relief sought would not cause substantial detriment to other property owners or tenants, or to the public good, nor impair the purposes this ordinance.

C. The following additional considerations shall guide the board of zoning appeals in deciding variance applications:

1. No variance may be granted for establishment of a use that is not specifically allowed in the zoning district assigned to the property.
2. Relief granted is the minimum necessary to allow the legal use of the property without injury to the public interest.
3. Nonconforming uses of other property shall not be deemed grounds justifying a variance.
4. Financial loss to the property owner shall not by itself constitute sufficient grounds to justify a variance.
5. The extraordinary and exceptional nature of the property is not the result of actions by the applicant.

Sec. 14.5. Conditions of approval may be assigned. The board of zoning appeals may assign such conditions to an approval of a variance as will substantially secure the purposes of the ordinance and may also stipulate conditions to be met by the applicant that are intended to protect the health, safety, comfort, convenience and welfare of the community.

Sec. 14.6. Notice to applicant. Any applicant to whom a variance is granted shall be given written notice via certified mail return receipt requested specifying the variance(s) granted and any conditions or stipulations assigned to the granting of a variance.

Sec. 14.7. Limitation on the term of a variance. A variance shall remain in effect only as long as the zoning classification assigned to property at the time the variance was granted still applies to the property.

Sec. 14.8. Time limit on application resubmittal. An application for a variance affecting the same property and comprising the subject of a denial shall not be submitted more often than once every twelve (12) months. However, an applicant may file a petition with the board of zoning appeals for a waiver of the 12-month waiting period that shall demonstrate that the circumstances of the property or that the relief sought are materially different from the original application.

Sec. 14.9. Public notice announcing appeals and variances.

A. The Zoning Procedures Law mandates that local governments adopt procedures for announcing and conducting public hearings concerning zoning decisions. The City has elected to follow those guidelines as concerns public notice and the conduct of public hearings before the board of zoning appeals. Such procedures must specify a minimum amount of time for presentation of data, evidence, and opinion by proponents of an application and an equal minimum amount of time for presentation by opponents of an application. The amount of time allowed for presentation of an issue by each side shall be no less than ten (10) minutes.

B. Public notice of an appeal or variance hearing required.

Prior to deciding an appeal or a variance application, the board of zoning appeals shall hold a public hearing. Upon receipt of a complete application for the filing of an appeal or seeking a variance, the board of zoning appeals shall set a hearing date which shall be within sixty (60) days of such receipt. The board of zoning appeals secretary shall publish a notice of the public hearing at which the appeal or variance is to be heard in the legal organ of the City of Riverdale. Such public notice shall be given a minimum of fifteen (15), but not more than forty-five (45) calendar days, prior to the date of the public hearing. The board of zoning appeals shall also cause a sign or signs to be placed on the property that is the subject of a variance a minimum of fifteen (15), but not more than forty-five (45) calendar days, prior to the hearing date. The applicant shall post a sign provided by the community development director which is not less than three (3) square feet in area that shall contain the following information concerning a pending variance in a conspicuous location on the property:

The sign or signs announcing a public hearing for a variance shall contain the address of the property involved; the date, time and location of the hearing; nature of the variance; and the phone number of the community development director. The applicant shall maintain any such signs at all times until the decision of the board of zoning appeals concerning the variance application has been made public.

C. Written notice to adjacent and nearby property owners.

The applicant shall give written notice by certified mail return receipt requested to all property owners within 300 feet of the boundaries of the property as appear in Clayton County tax records and as provided by the City's Geographic Information System. The measurement shall be performed from each boundary of the property that is the subject of a variance application. Public notices shall be mailed such that they are received a minimum of 15 calendar days and a maximum of 45 calendar days prior to the public hearing. The return receipts shall be provided to the community development director within one (1) week of receipt.

Sec. 14.10. Public hearing procedures concerning appeals and variances.

- A. Board of zoning appeals chair to preside over the hearing. The chair shall open the public hearing by presenting the appeal or variance application to be considered. The chair shall inform the public that anyone wishing to speak at the hearing concerning the application must sign in with the secretary of the board of zoning appeals.
- B. Public hearing procedures to be available at the hearing. A copy of the procedures adopted by the City of Riverdale for conducting public hearings shall be available to the public at every public hearing.
- C. Conduct of a public hearing. Individuals wishing to speak for or against an appeal or variance application shall enter their name and address on a sign-in sheet provided by the board of zoning appeals secretary and indicate whether they are for or against the application prior to the opening of the public hearing. Proponents of an appeal or a variance application shall be given a minimum of ten (10) minutes and a maximum of twenty (20) minutes in which to present of data, evidence and/or opinion concerning the application and may choose to reserve a portion of that period for rebuttal. Opponents of an application shall also be given a minimum of ten (10) minutes and a maximum of twenty (20) minutes in which to present information to the board of zoning appeals. These minimum and maximum timeframes shall apply to each side and not to individuals wishing to speak. The board chair may grant additional time to proponents or opponents provided an equal amount of time is granted to each side. The chair shall recognize the individual parties wishing to speak at the hearing and monitor the time allotted to each speaker to present information to the board of zoning appeals. Once all parties have concluded their comments or testimony, the chair shall adjourn the public hearing.

- D. Who may appear at the hearing. Any party may appear at the public hearing in person, or by agent, or by attorney-at-law.
- E. Decision by the board of zoning appeals. The board of zoning appeals shall approve, approve with conditions, deny, or table an application for an appeal or a variance by a public vote. A decision to table an application shall include a statement by the chair as concerns the justification for such tabling and announce a specific hearing date at which time the appeal or variance application shall be reconsidered.
- F. Tabling requires a new public notice. Such tabling of an application shall cause a new public notice to be published in the legal organ of the City of Riverdale a minimum of fifteen (15), but not more than forty-five (45), calendar days prior to the new public hearing stating the date, time, location and purpose of the public hearing. The property involved in a variance application shall be reposted with a new sign or signs indicating the public hearing date, time, location and purpose of the hearing.
- G. Time limit on board decision. An appeal or variance shall be decided within a maximum of sixty (60) calendar days of the initial public hearing .

Sec. 14.11. Contents of an application for variance or appeal. Application for an appeal or a variance shall be filed with the board of zoning appeals secretary on forms provided by the community development director a minimum of thirty (30) calendar days prior to the public hearing at which the application will be heard. Each application for a variance shall contain a plat drawn to scale indicating the following information:

- A. All property lines, with dimensions, at an appropriate scale;
- B. Legal description of the property;
- C. Location of all buildings and other structures, water bodies, and easements on the property;
- D. North arrow, district and land use number; and
- E. Building setbacks or other ordinance standards from which a variance is being sought.

In the event an appeal concerns an alleged error in interpretation of a provision of the zoning ordinance, the community development director may accept an application citing the language in the text of the ordinance that is the subject of the appeal rather than submittal of a plat as provided immediately above.

Sec. 14.12. Applicant entitled to submit evidence. The applicant and any public agency or private individual shall be entitled to present evidence on matters concerning an appeal or variance before the board of zoning appeals. The board may request technical assistance, advice, data and factual evidence from the community development director to assist board member in rendering a decision concerning an appeal or a variance.

Sec. 14.13. Revisions to applications. No application for an appeal or a variance may be amended once public notice of the application has been given.

Sec. 14.14. Appeal of a decision by the board of zoning appeals.

Any person or persons jointly or severally adversely affected by a decision of the board of zoning appeals may within thirty (30) days of the filing of the decision in the office of the board, written notice of which has been provided to the applicant, may seek a review of such decision by writ of certiorari to the Superior Court of Clayton County pursuant to O.C.G.A. § 5-4-1 et seq.

Sec. 14.15. Filing fee for an appeal or variance application. A fee schedule as adopted from time-to-time by resolution of city council shall be published and maintained by the city clerk.

PLANNING COMMISSION

Sec. 14.16. Planning Commission created; membership.

- A. A planning commission is hereby created as part of the government of the city of Riverdale. The membership shall consist of any combination of Riverdale residents and owners of a business located in the Riverdale city limits as desired by the mayor or a member of council, provided a maximum of two (2) business owners shall serve at any one time. Mayor and council shall each appoint a member to serve on the commission for a total of five (5) members. Members of the governing body or any other appointed board, commission or committee shall not be eligible for appointment to planning commission. Each member shall serve a term of two (2) years or until a successor has been appointed. Initial appointments shall be for staggered terms with two members being appointed for one (1) year, two (2) other members being appointed for two (2) years and the fifth member appointed for an initial term of three (3) years to ensure that no more than two (2) appointments expire annually. Thereafter, all appointments shall be for a full term, except to fill vacancies of unexpired terms, which appointments shall be for the unexpired period, only such new member shall be appointed at the first regular meeting of city council each year. All members appointed to the commission shall take the oath prescribed for city council prior to assuming their duties as commission members.
- B. A quorum necessary for the transaction of business shall consist of three (3) members of planning commission. Matters coming before the commission shall be decided by the vote of a majority of members present, provided a hearing may only be convened when a quorum is present.

Sec. 14.17. Organization.

Planning commission shall elect one (1) member as chair, another member as vice-chair, and another member as secretary at the first meeting of the commission each year. The secretary shall maintain minutes of all proceedings which shall be a public record.

Sec. 14.18. Powers and duties, generally.

- A. Planning commission shall be authorized to forward recommendations to city council concerning the establishment of zoning districts; the use of property and manner of operation of uses; and the height, area and placement of buildings on a lot. Planning commission shall also be authorized to forward to city council recommendations concerning the future of the city as reflected in the comprehensive plan; and to propose measures that promote the public interest, health, morals, safety, comfort, convenience and welfare.
- B. Planning commission shall also be authorized to consider applications for the rezoning of property, amendments to the text of the zoning ordinance, special uses and landscape plans pursuant to Sec.

8.9. Landscaping standards for parking lots. These functions shall be performed in the context of a public hearing with public notice consistent with the Georgia Zoning Procedures Law and Article 13. Procedures for zoning decisions, more specifically Sec. 13.4. Public notice of public hearings.

Sec. 14.19. Assistance by city officials.

All officials of the city administration shall render assistance to planning commission in executing the responsibilities and authority of the commission.

Sec. 14.20. Appropriations.

City council may appropriate the necessary funds for implementing the mission of planning commission in such manner as city council deems appropriate.

Sec. 14.21. Public notice.

Public notice for planning commission public hearings shall be as provided in Sec. 13.4. Public notice of public hearings.

Sec. 14.22. Public hearings.

- A. Planning commission shall establish by resolution a schedule of public hearing dates at the first meeting of the commission each year which shall be published. Planning commission may choose to hold called meetings as circumstances dictate.
- B. Matters to be considered in hearings of planning commission encompass the Riverdale zoning ordinance and comprehensive plan as authorized in Sec. 14.18. Powers and duties, generally. All hearings shall be open to the public.
- C. Minutes shall be taken at such public hearings that shall be a public record. All such public hearings shall comply with Sec. 5.5. Public hearing procedures and the Georgia Open Meetings Act.

Sec. 14.23. Training.

Planning commissioners shall participate in an annual training session given by the community development director and city attorney and other city officials as appropriate to the training in January of each year. Such training may be supplemented by training programs offered by other entities, as approved by city council.

Sec. 14.24. Conflicts of interest.

Planning commission members shall adhere to the provisions contained in the following excerpt from the Official Code of Georgia Annotated:

“Any government official, as defined in the Official Code of Georgia Annotated, Title 36 - Local Government Provisions - Provisions applicable to Counties and Municipal Corporations, Chapter 67A - Conflict of Interest in Zoning Actions, having a financial interest in any real property affected by a rezoning or consideration of a conditional use, or having a member of the family with such an interest, shall immediately disclose the nature and extent of such interest as required by Title 36, Chapter 67A.”

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