

STATE OF GEORGIA
CLAYTON COUNTY
CITY OF RIVERDALE

ADOPTED BY THE GOVERNING BODY THIS 14th DAY OF MARCH, 2016.

ORDINANCE NO. **7-03-2016**

AN ORDINANCE OF THE CITY OF RIVERDALE'S MAYOR AND COUNCIL AMENDING APPENDIX A ZONING – ARTICLE VIII SCHEDULE OF DISTRICT REGULATIONS – SECTION 8.4 RESIDENTIAL DISTRICTS – SUBSECTION 8.4.6-3 RESIDENTIAL AND DIMENSIONAL REQUIREMENTS (A) THROUGH (C); TO ALLOW FOR COMPLIANCE WITH NEW REGULATIONS IMPOSED BY THE ENVIRONMENTAL PROTECTION DEPARTMENT AND THE CLAYTON COUNTY WATER AUTHORITY; TO PROVIDE FOR SEVERABILITY; TO REPEAL ANY CONFLICTING ORDINANCES; TO PROVIDE FOR AN EFFECTIVE DATE.

WHEREAS, the City of Riverdale (hereinafter "City") is governed by the Mayor and Council;

WHEREAS, the current Zoning Code requires amending to comply with regulations imposed by the Environmental Protection Department and administered by the Clayton County Water Authority; and

WHEREAS, said revisions would allow developers to build in ways that reduce the impact of development on downstream waters and aide in the development of green infrastructures; and

Section 1. NOW THEREFORE IT IS HEREBY RESOLVED that Section 8.4.6-3 Residential and Dimensional Requirements, Subsections (A) through (C) of the Zoning Code be amended so that Section 8.4.6-3 (A) through (C) shall be deleted in its entirety and replaced with the following language:

8.4.6-3. Regulations and dimensional requirements:

A. Density limitations:

- 1) *Density: Ten to 12 units per acre.*
- 2) *Townhouse and one-story condominium buildings shall contain not more than seven dwelling units per building. Multistory condominium buildings shall contain not more than seven dwelling units on each story level.*

- B. Open space.** *A minimum of 20 percent of the total development area shall be devoted to open space and the developer shall give an easement for this purpose. This open space shall be defined as usable spaces such as parks, gardens, pocket parks, etc., that may be used for passive and active recreation. This open space*

shall not include the building lots, required yard areas, streets or parking courts. At least 50 percent of the open space shall be maintained as a singular open area with the rest of the open space requirement to be distributed into smaller areas. Not more than 50 percent of each space within the development the 20 percent open space shall be in any floodplain. The minimum width of the open space shall average 100 feet with a maximum ratio of length to width of three to one. Access to public open spaces must be at least 20 feet in width, abut a public street, and not be located within 15 feet of any dwelling unit. Boundary and entrances from public streets shall be clearly defined.

C. Development and preservation of open space areas:

- 1) *Construction phases. Each phase of development shall include the proportional open space and shall be designated on the preliminary and final plat. Also the developer shall submit, along with the preliminary plat, plans for developing the open space. At a minimum, the developer shall clear brush and undergrowth and install city approved ground cover during the construction phase of each phase development. Failure to do this shall be sufficient reason for the city to withhold building permits and/or occupancy permits.*
- 2) *Covenants. The developer of a condominium or townhouse development, or a homeowners' association created by the developer, by recorded covenants and restrictions, shall preserve and maintain for the owners and occupants of the development the lands set aside for open spaces, parks, recreation areas, common off-street parking spaces, and garbage and trash disposal. The book and page in which such covenants and restrictions are recorded shall be shown on final recorded plats of the development and on each deed transferring property within the development.*
- 3) *Developer maintenance of open space and/or common use areas. In the event the developer elects not to establish a homeowners' association, the developer shall continue to preserve and maintain for the owners and occupants of the development the lands set aside for open spaces and common use areas until such time as a homeowners' association is established.*
- 4) *Preservation of existing trees and shrubs shall be maximized wherever practicable. Except when otherwise necessary to provide access or when exempted by other sections, any tree six inches or greater in caliper located within the setback from a public right-of-way shall be retained. Tree removal may be approved where site design modification is not feasible.*
Comments #8and 9,4points
- 5) *The removal of trees or the clearing and grading of land by the subdivider shall be generally permitted only to accommodate the construction and installation of those improvements required by this chapter or other portions of this Code or on those lots for which a valid building permit has been issued. Mature trees throughout the remainder of the area encompassed by any proposed subdivision of property shall be protected during construction*

and installation of subdivision improvements. In any case, limits of clearing and grading shall be clearly shown on development plans.

- 6) *Homeowners' associations. Use of the open spaces shall be governed by the association bylaws within the bounds of the recorded covenants and restrictions*

Section 2. The preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

Section 3. This Ordinance shall be codified in a manner consistent with the laws of the State of Georgia and the City of Riverdale.

Section 4. This Ordinance shall take effect immediately upon adoption by the Mayor and Council. All Ordinances in conflict herewith are expressly repealed. It is the intention of the governing body, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances, City of Riverdale, Georgia, and the sections of this Ordinance may be renumbered, if necessary, to accomplish such intention.

Section 5.

- a. It is hereby declared to be the intention of the Mayor and Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.
- b. It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause and phrase of this Ordinance is severable from every other, section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.
- c. In the event that any phrase, clause, sentence, paragraph or Section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise

unenforceable any of the remaining phrases, clauses, sentences, paragraphs or Sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and Sections of the Article shall remain valid, constitutional, enforceable, and of full force and effect.