THE CITY OF DORAVILLE
AGENDA ITEM SHEET

Subject: Driveway Limitations Code 5-40 & 608

Date of Meeting: ~~July 19, 2010~~ ~~August 16, 2010~~ 9/7/10

Budget Impact: ___Y _X N

Budget Impact Amount: $ None

Funding Source:
( )Annual
( )Capital
(X)N/A

Regular Meeting	(X)
Work Session	( )
Recommendation	( )
Policy/Discussion	( )
Report	( )
Other	( )

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Action Requested: Review & Consolidate conflicting and/or duplicate ordinances addressing the elimination of gravel driveways. Existing driveways whether primary or secondary shall not be affected as long as they are contained within a border of landscape timbers, railroad ties, or materials which will withstand erosion and run-off.

History, Facts, Issues: Ordinance 5-40 was amended on 3-21-05 causing the replacement of existing gravel driveways by 3-21-11. At the same time Section 608 of the Zoning Code of Ordinances was changed to reflect the same language for parking, storage or use of major recreational equipment.

Options:

Recommended Action: Delete the sections within the yellow highlighted areas

Department: City Council

City Council Member, Pam Fleming Submitted: July 8, 2010 via email

Administrative Comments and Recommendation: _____

_____

_____

Action Taken By Board: _____

_____

_____

STATE OF GEORGIA

CITY OF DORAVILLE

ORDINANCE NO. 2010-____

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF DORAVILLE, GEORGIA AS AMEND SECTIONS ON DRIVEWAYS, SECTION 5-40, ARTICLE II PROPERTY MAINTENANCE CODE, CHAPTER 5 BUILDINGS AND BUILDING REGULATIONS; TO PROVIDE PENALITIES; TO PROVIDE FOR REPEAL OF CONFLICTING ORDINANCES; TO PROVIDE FOR AN ADOPTION AND EFFECTIVE DATE; TO PROVIDE FOR CODIFICATION; AND TO PROVIDE FOR OTHER LAWFUL PURPOSES.

WHEREAS, the Mayor and Council have elected to modify the existing driveway regulations in order to accommodate existing gravel driveways; and

WHEREAS, the health, safety, welfare and aesthetics of the citizens of the City of Doraville shall be improved and protected by adoption and implementation of this Ordinance.

THE MAYOR AND COUNCIL OF THE CITY OF DORAVILLE, GEORGIA HEREBY ORDAIN:

Section 1.

That the Code of Ordinances, City of Doraville, Georgia is hereby amended by adding a section to be numbered Chapter 5 Buildings and Building Regulations, Article II Property Maintenance Code, Section 5-40, which said section reads as follows:

"Chapter 5. Buildings and Building Regulations.

. . .

Article II. Property Maintenance Code.

Sec. 5-40. Driveway limitations; maintenance.

(a) *The owner, lessee or tenant of any residential property located within the City may construct or expand driveways on said property to a maximum width of twenty-four feet (24'), but in no event shall such driveway cover more than thirty percent (30%) of total area of the property in question, excluding structures thereon. Such driveway may extend to a line which is located at a point parallel to the rear portion of the main structure located on such property, or if there is a garage behind such main structure, then to such garage. any driveway shall not be less than four inches (4") in thickness and shall be composed of either concrete, asphalt, pavers or brick. Visible grass and weeds shall not be allowed to grow through any such driveway. All persons shall obtain a building permit from the City before the commencement of any construction for any driveway.*

(b) *Existing driveways constructed of gravel shall have the soil under such gravel treated and visible grass or weeds shall not be allowed to grow through any such driveway. In addition, gravel driveways shall contain landscape timbers or similar retaining materials that will contain such gravel within its allocated location.*

(c) *Gravel driveways at houses which are more than sixty-five (65) years old shall be exempt from this provision.*

(d) *Any gravel driveway in existence and duly registered with the City pursuant to this section by December 31, 2010 shall not be required to comply with sections (a) or (b). However, no driveway shall cover more than thirty percent (30%) of the total area of any property excluding structures thereon.*

1. *Registration of existing driveways must occur in writing by December 31, 2010 on a form provided by the City.*

2. *Any person who desires to register a driveway must bring a clearly visible photograph(s) showing the existence, status and location of an existing driveway.*

3. *No existing driveway can be expanded beyond the parameters shown in the registration photograph(s).*

. . . "

Section 2.

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 or 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 Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

Section 3.

Penalties provided for violations of this Ordinance are set out in Section 1-12, as amended, of the Code of Ordinances, City of Doraville, Georgia and are hereby incorporated as if set out fully.

Section 4.

All ordinances or parts of ordinances in conflict herewith are hereby expressly repealed.

Section 5.

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

Section 6.

The Ordinance shall be codified in a manner consistent with the laws of the State of Georgia and the City of Doraville.

Section 7.

It is in the intention of the governing body, and it is hereby ordained that the provisions of this Ordinance shall become and be made part of the code Ordinances, City of Doraville, Georgia and the sections of this Ordinance may be renumbered to accomplish such intention.

Section 8.

This Ordinance shall become effective upon its adoption by the Mayor and Council.

SO ORDAINED, this _____ day of _____, 2010.

CITY OF DORAVILLE

_____

Ray Jenkins, Mayor

First Reading

Second Reading

ATTEST:

_____ (SEAL)
Rhonda Blackmon, City Clerk

APPROVED AS TO FORM:

_____
Murray J. Weed, City Attorney

	Yea	Nay
Maria Alexander	☐	☐
Brian Bates	☐	☐
Pam Fleming	☐	☐
Karen Pachuta	☐	☐
Donna Pittman	☐	☐
Bob Roche	☐	☐