

STATE OF GEORGIA

COUNTY OF CLAYTON

ORDINANCE NO. 2018-130

AN ORDINANCE TO AMEND THE CLAYTON COUNTY ZONING ORDINANCE, SPECIFICALLY APPENDIX A – “ZONING”, SO AS TO AMEND THE FUTURE LAND USE MAP, OFFICIAL ZONING ORDINANCE TEXT AND MAP AND VARIOUS ZONING STANDARDS WHICH GOVERN THE EXERCISE OF ZONING POWER OF CLAYTON COUNTY; TO PROVIDE AN EFFECTIVE DATE OF THIS ORDINANCE; TO PROVIDE FOR REPEAL OF CONFLICTING ORDINANCES; TO PROVIDE FOR CODIFICATION; TO PROVIDE FOR SEVERABILITY; AND FOR OTHER PURPOSES.

WHEREAS, the Board of Commissioners has determined there is a need to revise the Clayton County Future Land Use Map, the Zoning Ordinance and Map; and

WHEREAS, the Board of Commissioners has determined there is a need to revise these provisions in accordance with the zoning powers of Clayton County; and

WHEREAS, upon consideration of input from County staff, the citizens and interested parties, the Board of Commissioners believes it is in the best interests of the County and its citizens to make changes to the Future Land Use Map, Zoning Ordinance and Map.

NOW THEREFORE, BE IT ORDAINED BY THE CLAYTON COUNTY

BOARD OF COMMISSIONERS AND IT IS HEREBY ORDAINED

PART I

Section 1. The Clayton County Zoning Ordinance, as amended, is hereby further amended by amending Article 3 “Zoning District Intent, Uses and Standards”, Section 3.34 “MX Mixed Use District” to delete the current language and substituting in lieu thereof a new Section 3.34 “MX District, Permitted Uses and Standards” to read as follows:

Section 2. The Clayton County Zoning Ordinance, as amended, is hereby further amended by amending Article 3 “Zoning District Intent, Uses and Standards”, Section 3.19 “MXI Mixed Use Commercial-Industrial District Intent, Permitted Uses and Conditional Uses” to delete the current language and substituting in lieu thereof a new Section 3.19 “MXI Mixed Use Commercial-Industrial District Intent, Permitted Uses and Conditional Uses” to read as follows:

Section 3. The Clayton County Zoning Ordinance, as amended, is hereby further amended by amending Article 3 “Zoning District Intent, Uses and Standards”, to add a new Section 3.25 entitled “MXR Mixed Use Residential District Intent, Permitted Uses and Conditional Uses” to read as follows:

Section 4. The Clayton County Zoning Ordinance, as amended, is hereby further amended by amending Article 3 “Zoning District Intent, Uses and Standards”, to add a new Section 3.26 entitled “MMX Medical Mixed Use District Intent, Permitted Uses and Conditional Uses” to read as follows:

Section 5. The Clayton County Zoning Ordinance, as amended, is hereby further amended by amending Article 3 “Zoning District Intent, Uses and Standards”, Section 3.23 “UV Urban Village District Intent, Permitted Uses and Conditional Uses” to delete the current language and substituting in lieu thereof a new Section 3.23 “UV Urban Village District Intent, Permitted Uses and Conditional Uses” to read as follows:

Section 6. The Clayton County Zoning Ordinance, as amended, is hereby further amended by amending Article 3 “Zoning District Intent, Uses and Standards”, Section 3.24

“UV Urban Village District Standards” to delete the current language and substituting in lieu thereof a new Section 3.24 “UV Urban Village District Standards” to read as follows:

Section 7. The Clayton County Zoning Ordinance, as amended, is hereby further amended by amending Article 3 “Zoning District Intent, Uses and Standards”, Section 3.29 “LI Light Industrial District Intent, Permitted Uses and Conditional Uses” to delete the current language and substituting in lieu thereof a new Section 3.29 “LI Light Industrial District Intent, Permitted Uses and Conditional Uses” to read as follows:

Section 8. The Clayton County Zoning Ordinance, as amended, is hereby further amended by amending Article 3 “Zoning District Intent, Uses and Standards”, to renumber current Section 3.32 “Conservation Subdivision District (CS)” to new Section 3.33 “Conservation Subdivision District (CS); renumber current Section 3.33 “Lake Marina District,” to new Section 3.34 “Lake Marina District”; renumber current Section 3.34 “MX – Mixed Use District” to new Section 3.35 “MX – Mixed Use District” and renumber current Section 3.35 “Land Use Matrix,” to new Section 3.36 “Land Use Matrix.”

Section 9. The Clayton County Zoning Ordinance, as amended, is hereby further amended by amending Article 3 “Zoning District Intent, Uses and Standards” to add a new Section 3.32 entitled “HI Light Industrial District Standards” to read as follows:

Section 10. The Clayton County Zoning Ordinance, as amended, is hereby further amended by amending Article 6 “Development Standards,” section 6.35 “Buffer Yard Standards (BY)” as follows:

1. Delete subsection (B)(4) and to substitute in lieu thereof a new subsection (B)(4) to read as follows “*All required buffer yard areas shall be*

measured from the property line within the boundaries of the subject property”;

2. Delete subsection (D)(1) and to substitute in lieu thereof a new subsection (D)(1) to read as follows: *“1. Buffer Yard Type 1: Buffer yard type 1 shall include a minimum setback of fifteen (15) feet measured from the property line. In addition, one (1) deciduous canopy tree must be planted in the buffer yard for every thirty (30) feet of contiguous boundary between the subject and adjoining properties”;*
3. Delete subsection (D)(2) and to substitute in lieu thereof a new subsection (D)(2) to read as follows: *“2. Buffer Yard Type 2: Buffer yard type 2 shall include a minimum setback of twenty-five (25) feet measured from the property line. In addition, one (1) deciduous canopy tree and two (2) evergreen trees shall be planted in the buffer yard for every twenty-five (25) feet of contiguous boundary between the subject and adjoining properties”;*
4. Delete the first paragraph of subsection (D)(3) and substitute in lieu thereof a new first paragraph of subsection (D)(3) to read as follows: *“3. Buffer Yard Type 3: Buffer yard type 3 shall include a minimum setback of forty (40) feet. When Light Industrial (LI) and Heavy Industrial (HI) zoning district zoning districts adjoin a residential zoned property, the buffer yard shall be fifty (50) feet measured from the property line. In addition, two (2) rows of deciduous canopy trees shall be planted parallel to the property line within the buffer yard with one (1) tree placed every twenty (20) feet long the boundary between the subject and adjoining properties. Also, a six (6) feet tall opaque wooden fence or brick or stone wall, a five (5) feet tall undulating mound planted with shrubs, or a row*

of evergreen trees shall be placed parallel to the property line within ten (10) feet of the row of canopy trees along the boundary between the subject and adjoining properties.”

Section 11: The Clayton County Zoning Ordinance, as amended, is hereby further amended by:

1. Amending Article 1 “Basic Provisions”, Section 1.5 “Defined Words” to include the following definition: *“Special Event Facility - A building and/or premises used as a customary meeting or gathering place for personal social engagements or activities, where people assemble for parties, weddings, wedding receptions, reunions, birthday celebrations, corporate events, other business purposes, or similar such uses, in which food and beverages may be served to guests. This definition shall not include places of worship.”*
2. Amending Article 6 “Development Standards” to create a new Section 6.50 entitled “Special Event Facility” to read as follows: *“6.50 Special Event Facility The following development standards for Special Event Facility are applicable to all districts where the use is permitted outright or as a conditional use permit.*
 - a. The business must be licensed as a special event facility in Clayton County and be subject to meet all licenses and requirements for operation and building occupancy.*
 - b. The owner/operator may not sell alcoholic beverages to patrons. The selling of alcoholic beverages must be under the authority of the Clayton County Ordinance*
 - c. The facility may not advertise as a club on any social media platform.*
 - d. Provide adequate security interior and exterior to the facility during operational hours based on capacity. Security personnel must be POST satisfied.*

e. Parking area shall be lighted and located within 300 feet of building entrance. Parking lot camera surveillance shall be provided.”

Section 12. The Clayton County Zoning Ordinance, as amended, is hereby further amended by amending Article 9 “Nonconforming Structures, Lots and Uses”, Section 9.5 “Nonconforming Uses or Major Structures, and Premises in Combination”, subsection E to delete the current language and substituting in lieu thereof a new Section 9.5 “Nonconforming Uses or Major Structures, and Premises in Combination”, subsection E to read as follows: *“E. When a nonconforming use of a major structure or major structure and premises in combination is discontinued for 90 days, the structure, or structure and premises in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located. The Zoning Administrator shall have the authority to extend the grandfathering of the non-use period for an additional ninety (90) days upon the establishment that necessary work on the property has begun and been pursued consistently but cannot be completed within the original ninety (90) day period.”*

Section 13. The Clayton County Zoning Ordinance, as amended, is hereby further amended by deleting Article 1 “Basic Provisions”, Section 1.5 “Defined Words” definition for “Zoning Administrator” and substituting in lieu thereof a new definition to read as follows: *“Zoning Administrator: The Director of Community Development or such person appointed by the Director of Community Development having the duties and responsibilities set forth within the Ordinance.”*

Section 14. The Clayton County Subdivision Ordinance, as amended, is hereby further amended by deleting Chapter 86 “Subdivision Ordinance”, Article III “Subdivision Regulations”, Division 1 “Subdivision Ordinance,” Section 86-86 “Defined Words” definition for “Zoning Administrator” and substituting in lieu thereof a new definition to read as follows: *“Zoning Administrator: The Director of Community Development or such*

person appointed by the Director of Community Development having the duties and responsibilities set forth within the Ordinance.”

Section 15. The Clayton County Zoning Ordinance, as amended, is hereby further amended by amending Article 4 “Special Districts”, Section 4.44 “Residential Land Uses”, subsection C to delete the current language and substituting in lieu thereof a new Section 4.44 “Residential Land Uses”, subsection C to read as follows:

“C. Architecture and Appearance Standards. The Architecture and Appearance Standards (AA) in Article 6.7 of the Zoning Ordinance shall apply to the Panhandle Area Overlay District with the addition of the following standards:

- 1. Building materials for all exterior front facades shall consist of 75 percent brick, stone, hard-coat stucco, fiber cement siding, cementitious materials, and/or similar material approved by the Director of Community Development.*
- 2. A minimum of 30 percent of each facade of any primary structure other than front façade shall be constructed of brick, stone or hard-coat stucco, fiber cement siding, cementitious materials, and/or similar material approved by the Director of Community Development unless a craftsman style construction. A continuous minimum 3- foot high brick/masonry water table that is consistent with other masonry materials on the front façade maybe provided to meet the 30 percent.*
- 3. Duplication of exterior color combination of brick, stone, and/or cementitious materials on structures shall not be permitted on contiguous lots.*
- 4. Vinyl products shall only be used for soffits, caves and fascia of residential structures.*

5. *All buildings shall have pitched roofs. The roof pitch shall be a minimum of 6:12 over the primary structure.*
6. *Roofing materials for a dwelling shall be composed of either composition shingles, clay or concrete tile, metal, cedar shingles or shakes. Composition shingles shall be architectural style, with a certified performance of at least 25 years. Roofs covering the main body of the structure shall be symmetrical gables, hip-style, or mono-pitch (shed) style.*
7. *Each dwelling unit shall utilize at least four of the following architectural design features:*
 - a. *Dormers;*
 - b. *Bay or bow windows;*
 - c. *Garage setback at least 20 feet behind the facade of the principal structure;*
 - d. *Side- or rear-entry garage;*
 - e. *Covered porch entry (covered front porch);*
 - f. *Transoms and sidelights;*
 - g. *Off-sets on building face or roof (minimum two feet);*
 - h. *A roof with a pitch greater than 8:12 and a minimum overhang of 12 inches on all sides;*
 - i. *Columns, pillars, or posts on facade;*
 - j. *Shutters and other window decorations;*
 - k. *Arched or Palladian windows;*
 - l. *Hip and gable roof lines.*

8. *All single-family detached dwellings shall have a minimum two-car attached garage which is enclosed on all sides, and be architecturally consistent with the primary structure.*
9. *At least 40 percent of houses within all major subdivisions in the Panhandle Area Overlay District shall have side- or rear-entry garages.*
10. *All single family detached dwellings shall have a front porch that is a minimum of six feet deep and 48 square feet in area.*
11. *Chain-link fencing shall not be visible from any right-of-way.*
12. *Building materials, architectural features and colors of exterior finishes of accessory structures shall be consistent with the primary structure.”*

Section 16. The Clayton County Zoning Ordinance, as amended, is hereby further amended by amending Article 4 “Special Districts”, Section 4.70 “Architectural Standards”, to delete the current language and substituting in lieu thereof a new Section 4.70 “Architectural Standards”, to read as follows:

“The architectural standards shall be approved in accordance with the East-West Corridor Design Guidelines, with the following requirements.

1. All exterior wall elevations of primary structures shall have a minimum of 75 percent brick, stone, or other similar masonry material.”

Section 17. The Official Clayton Zoning Map and Future Land Use Map, as amended, is hereby further amended as indicated with the attached map amendments.

PART II

(a) It is hereby declared to be the intention of the Board of Commissioners that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are and were, upon

their enactment, believed by the Board of Commissioners to be fully valid, enforceable and constitutional.

(b) It is hereby declared to be the intention of the Board of Commissioners 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 therein. It is hereby further declared to be the intention of the Board of Commissioners, 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 Board of Commissioners 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.

PART III.

All Ordinances or parts of Ordinances in conflict with this Ordinance are, to the extent of such conflict, hereby repealed.

PART IV.

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

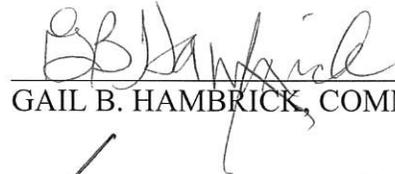
SO ORDAINED this 15th day of December 2018.

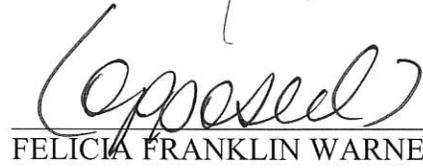
CLAYTON COUNTY BOARD OF COMMISSIONERS


JEFFREY E. TURNER, CHAIRMAN


MICHAEL EDMONDSON, VICE-CHAIRMAN


SONNA GREGORY, COMMISSIONER


GAIL B. HAMBRICK, COMMISSIONER


FELICIA FRANKLIN WARNER, COMMISSIONER

ATTEST:



SANDRA T. DAVIS, CLERK