

STATE OF GEORGIA

COUNTY OF CLAYTON

RESOLUTION NO. 2021 - 171

A RESOLUTION TO INITIATE AN AMENDMENT TO THE CLAYTON COUNTY CODE OF ORDINANCES, CHAPTER 18 – “BUILDINGS AND BUILDING CODE REGULATIONS”, ARTICLE IV, “PERMITS AND CERTIFICATES”, SECTION 18-41 “PERMIT APPLICATION” TO REMOVE SECTION 18-41(a)(3), AS WELL AS TO INITIATE A TEXT AMENDMENT TO APPENDIX A, ZONING, ARTICLE 6 TO AMEND AND FURTHER CLARIFY PERMITTING REQUIREMENTS FOR THE REPAIR AND REPLACEMENT OF FENCES; TO PROVIDE AN EFFECTIVE DATE OF THIS RESOLUTION; AND FOR OTHER PURPOSES.

WHEREAS, the Clayton County Board of Commissioners (the “County”) has the authority under the Constitution of the State of Georgia to Amend the County Code of Ordinances; and

WHEREAS, the County has the authority under O.C.G.A. § 36-66-4 to amend its Zoning Ordinance codified in Section 1.1 of Appendix A of the Clayton County Code; and

WHEREAS, the County Code of Ordinances does not currently require a permit for the replacing and/or repairing of existing fences, and

WHEREAS, in an effort to ensure fence replacements and/or repairs are constructed to meet the required aesthetics, location, height, and approved materials and to ensure for safety purposes the code needs to be updated to require a permit for an existing fence replacement and/or repair, the County now wishes to require such permitting; and

WHEREAS, the current County Code of Ordinances, including the Zoning Ordinance, must be amended to allow the County to require fence permitting; and

WHEREAS, amending the County code will allow the County to keep track of the number of fences being replaced, allow the County to ensure the fences being installed meet

the requirements set forth in the code, as well as ensure all County residents are aware of new requirements for the permitting of all fence replacements and repairs; and

WHEREAS, creating Residential Design Standards that address new single-family developments will improve residential building aesthetics, which will, in turn, attract new residents to the County, contribute to the County's sustainability of stable residential communities, as well as benefit the tax base; and

WHEREAS, the County finds that is in the best interest of the citizens of Clayton County that the County initiate a text amendment to the Code of Ordinances to require permitting for the replacement and repair of existing fences; and

WHEREAS, the County finds that is in the best interest of the citizens of Clayton County that the Code of Ordinances be amended in order to set forth with specificity the permitting requirements for repairs and/or replacement of existing fences in order to reduce or eliminate any adverse impact of these changes on the surrounding properties; and

WHEREAS, pursuant to the Georgia Constitution and Section 1.14(A)(1) of the County Code, the Board of Commissioners deem it in the best interest of the citizens of Clayton County, and the County will best be served by initiating an amendment to Chapter 18 – “Buildings and Building Code Regulations”, Article IV, “Permits and Certificates”, Section 18-41 “Permit Application” by removing in its entirety Section 18-41(a)(3), as well as to initiate a text amendment to Appendix A, Zoning, Article 6 to create the new permitting requirements for the replacement and repair of existing fences in accordance with the procedures of State law and the Board of Commissioners’ Rules and Procedures.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF  
CLAYTON COUNTY, GEORGIA, AND IT IS HEREBY RESOLVED

**Section 1.** Pursuant to provisions of Georgia law and the Clayton County Code of Ordinances, the Board of Commissioners hereby initiates an amendment to Chapter 18 –

“Buildings and Building Code Regulations”, Article IV, “Permits and Certificates”, Section 18-41 “Permit Application” to remove in its entirety Section 18-41(a)(3).


**Section 2.** Pursuant to provisions of Georgia law and the Clayton County Code of Ordinances, the Board of Commissioners hereby initiates a text amendment to Appendix A, Zoning, Article 6 to create the new permitting requirements for the replacement and repair of existing fences and directs appropriate staff to initiate a text amendment to the Official Zoning Code to amend Appendix A, Articles 6 to codify new permitting requirements for the replacement and/or repair of existing fences.

**Section 2.** This Resolution shall become effective upon its approval by the Board of Commissioners.


SO RESOLVED, this 17<sup>th</sup> day of August, 2021.

**CLAYTON COUNTY BOARD OF COMMISSIONERS**

  
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JEFFREY E. TURNER, CHAIRMAN

  
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GAIL HAMBRICK, VICE-CHAIR

  
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FELICIA FRANKLIN, COMMISSIONER

  
\_\_\_\_\_  
DEMONT DAVIS, COMMISSIONER

*(vacant)*  
\_\_\_\_\_  
COMMISSIONER DISTRICT 1

ATTEST:

  
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BRENDA B. JAMES, CLERK