

STATE OF GEORGIA

COUNTY OF CLAYTON

ORDINANCE NO. 2019- 37

AN ORDINANCE TO AMEND THE CLAYTON COUNTY ZONING ORDINANCE, SPECIFICALLY APPENDIX A – “ZONING”, ARTICLE 9 “NONCONFORMING STRUCTURES, LOTS, AND USES”, SECTION 9.5 “NON CONFORMING USES OR MAJOR STRUCTURES, AND PREMISES IN COMBINATION”, SUBSECTION E AND SUBSTITUTE IN LIEU THEREOF A NEW SECTION 9.5 (E) SO AS TO AMEND THE OFFICIAL ZONING ORDINANCE TEXT WHICH GOVERN THE EXERCISE OF ZONING POWER OF CLAYTON COUNTY; AND TO AMEND ARTICLE 4 “SPECIAL DISTRICTS” SUBSECTIONS 4.106 (a)(2) AND 4.93 (A)(2) AND SUBSTITTUTE IN LIEU THEREOF NEW SUBSECTIONS 4.106 (a)(2) AND 4.93 (a)(2) SO AS TO CONFORM WITH SECTION 9.5 (E); 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 Zoning Ordinance; 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 Zoning Ordinance.

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 amended by amending Appendix A – “Zoning”, 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. In all zoning districts except HI, LI, MXI and WH, when a nonconforming use of a major structure or major structure and premises in combination is entirely discontinued for 180 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. In zoning districts HI, LI, MXI and WH, when a nonconforming use of a major structure or major structure and premises in combination is entirely discontinued for one year, 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. These provisions include major structures and major structures and premises in combination located within overlay districts and control over any contrary provisions in such districts.”

Section 2. The Clayton County Zoning Ordinance, as amended, is hereby amended by amending Appendix A – “Zoning”, Article 4 “Special Districts”, Section 4.106 “Nonconforming Clause”, subsection (a)(2) to delete the current language and substituting in lieu thereof a new Section 4.106 “Nonconforming Clause”, subsection (a)(2) to read as follows:

“2. Discontinuance or abandonment. When a nonconforming use of a major structure or major structure and premises in combination is entirely discontinued for 180 days, the structure, or structure and premises in combination, shall not thereafter be used except in conformity with the regulations of the overlay district, unless the cessation of the

nonconforming use is a direct result of government action impeding access to the property, an act of God, or a direct result of major renovations or maintenance of existing space.”

Section 3. The Clayton County Zoning Ordinance, as amended, is hereby amended by amending Appendix A – “Zoning”, Article 4 “Special Districts”, Section 4.93 “Nonconforming Clause”, subsection (a)(2) to delete the current language and substituting in lieu thereof a new Section 4.93 “Nonconforming Clause”, subsection (a)(2) to read as follows:

“2. Discontinuance or abandonment. When a nonconforming use of a major structure or major structure and premises in combination is entirely discontinued for 180 days, the structure, or structure and premises in combination, shall not thereafter be used except in conformity with the regulations of the overlay district, unless the cessation of the nonconforming use is a direct result of government action impeding access to the property, an act of God, or a direct result of major renovations or maintenance of existing space.”

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 19 day of March 2019.

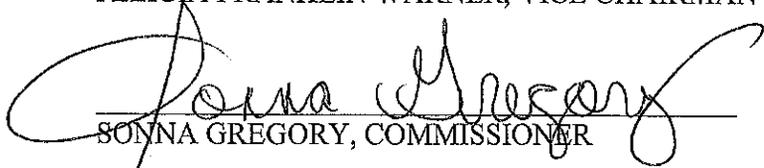
[Signatures on the following page.]

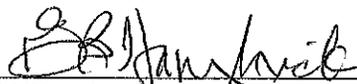
CLAYTON COUNTY BOARD OF COMMISSIONERS

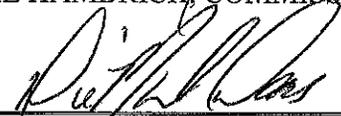


JEFFREY E. TURNER, CHAIRMAN


FELICIA FRANKLIN WARNER, VICE CHAIRMAN


SONNA GREGORY, COMMISSIONER


GAIL HAMBRICK, COMMISSIONER


DEMONT DAVIS, COMMISSIONER

ATTEST:


BRENDA B. JAMES, CLERK