

STATE OF GEORGIA

COUNTY OF CLAYTON

ORDINANCE NO. 2012 - 258

AN ORDINANCE TO AMEND THE CLAYTON COUNTY ZONING ORDINANCE, SPECIFICALLY ARTICLE 5 “ZONING MAP” SO AS TO DELETE ARTICLE 5 AND INSERT IN LIEU THEREOF A NEW ARTICLE 5 “ZONING MAP”; 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 Article 5 “Zoning Map”.

**NOW THEREFORE, BE IT ORDAINED BY THE CLAYTON COUNTY
BOARD OF COMMISSIONERS AND IT IS HEREBY ORDAINED**

PART I

The Clayton County Zoning Ordinance, as amended, is hereby further amended by deleting Article 5 “Zoning Map”, and inserting in lieu thereof a new Article 5 “Zoning Map” to read as follows:

5.1 Official Zoning Map

The zoning map for Clayton County, officially labeled "Clayton County Zoning Map,” is hereby included as part of this Ordinance. The map may also be known as and referred to as the “Official Zoning Map.”

5.2 Official Zoning Map Copies

Copies of the Official Zoning Map may be made and distributed to interested persons. The Official Zoning Map copies shall be labeled as copies and have the date which they were last modified printed on them. Clayton County may collect a fee for the reproduction of this map or distribution of Geographic Information System (GIS) digital data.

5.3 Location of the Official Zoning Map

The Official Zoning Map is the County's Enterprise GIS digital zoning layer, and will be located in the office of the Clayton County Community Development Department.

5.4 Zoning District Boundaries

The Zoning District boundaries shall be shown on the Official Zoning Map. The abbreviations for the zoning districts appearing in this Ordinance shall be used to identify the zoning districts on the Official Zoning Map.

5.5 Regular Revisions

The Official Zoning Map may be formally revised annually, or as the Board of Commissioners and/ or the Community Development Department determines necessary. Other revisions may be made to correct drafting or other errors or omissions in the prior map, but shall not have the effect of amending the Official Zoning Map except as adopted by the Board of Commissioners.

5.6 Official Zoning Map Standards

District boundaries of the Official Zoning Map shall be interpreted as follows:

- A. District boundaries indicated as following land lot lines, platted lot lines, or County or City corporation lines shall be construed as following such lines.
- B. District boundaries indicated as approximately following the center line of streams, rivers, or other bodies of water shall be construed to follow such center lines.
- C. Where a district boundary line divides a lot at the time such line is adopted, the district in which the majority of the area of the property is included shall apply to the entire property. In cases where a property is divided equally between two or more zoning districts, the most restrictive district shall apply to the entire property. The Zoning Administrator shall determine the applicable zoning for properties divided into several zoning districts consistent with this section.
- D. If the Zoning Administrator cannot definitely determine the location of a district boundary by such center lines, by scale or dimensions stated on the Official Zoning Map, or by the fact that it does not clearly coincide with a property line, immediate action on any application shall be refused. The Zoning Administrator will then have 14 calendar days to consult all County records and departments to determine the zoning classification of the property in

question. A letter reporting the Zoning Administrator's findings and zoning classification shall be issued to the applicant and copied to the department's files. Any ruling of the Zoning Administrator or official designee pertaining to the district boundaries may be appealed to the Board of Zoning Appeals.

5.7 Zoning of Abandoned Rights-of-Way

Whenever any street, alley or other public way, within the county is abandoned, such street, alley, or other public way or portion thereof, shall automatically be classified in the same zoning district as the property to which it attaches.

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.

PART V.

This Ordinance shall become effective on January 1, 2013.

SO ORDAINED this 11th day of December, 2012.

CLAYTON COUNTY BOARD OF COMMISSIONERS


ELDRIN BELL, CHAIRMAN


WOLE RALPH, VICE CHAIRMAN


GAIL B. HAMBRICK, COMMISSIONER


SONNA SINGLETON, COMMISSIONER


MICHAEL EDMONDSON, COMMISSIONER

ATTEST:


SHELBY D. HAYWOOD, CLERK