

**STATE OF GEORGIA
COUNTY OF CLAYTON**

ORDINANCE NO. 2008- 216

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CLAYTON COUNTY, GEORGIA, SPECIFICALLY PART II, CHAPTER 22 BUSINESSES, ARTICLE II, OCCUPATIONAL LICENSES, DIVISION 1, SECTION 22-40, HOME OCCUPATIONS SO AS TO DELETE TITLE , SECTION 22-40 AND INSERTING IN LIEU THEREOF A NEW PART II, CHAPTER 22 BUSINESSES, ARTICLE II, OCCUPATIONAL LICENSES, DIVISION 1, SECTION 22-40, HOME OCCUPATIONS; ADOPTING SPECIFICALLY A NEW PART II, CHAPTER 22 BUSINESSES, ARTICLE II, OCCUPATIONAL LICENSES, DIVISION 1, SECTION 22-40, HOME OCCUPATIONS; TO REPEAL CONFLICTING LAWS AND ORDINANCES; TO PROVIDE SEVERABILITY; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, on May 22, 2008, the Board of Commissioners adopted a new comprehensive Zoning Ordinance; and

WHEREAS, the Zoning Ordinance modified the standards and definitions for Home Occupations; and

WHEREAS, there is a need to revise certain provisions of the Home Occupation Standard to ensure conformity with the County's amended Zoning ordinances.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF CLAYTON COUNTY, GEORGIA. AND BY THE AUTHORITY OF SAME, IT IS HEREBY ORDAINED THAT THE CODE OF ORDINANCES OF CLAYTON COUNTY IS HEREBY AMENDED TO READ AS FOLLOWS:

SECTION 1.

The Code of Ordinances of Clayton County is hereby amended by deleting Part II, Chapter 22 Businesses, Article II, Occupational Licenses, Division 1, Section 22-40, Home Occupations and inserting in lieu thereof and adopting a new Chapter 22 Businesses, Article II, Occupational Licenses, Division 1, Section 22-40, Home Occupations to read as follows:

Section 22-40, Home Occupations

(a) *Additional requirements.* A home occupation shall be subject to all provisions and requirements of this chapter and Article 6.10, Home Occupation Standards, of the Clayton County Zoning Ordinance. Any applicant may file an administrative appeal as identified within Article 13.22, Administrative Appeal Process, within the County's Zoning Ordinance. The following conditions apply to all Type I home occupations:

- (1) The use of a dwelling unit for the home occupation shall be clearly incidental and subordinate to the residential use of the property.
- (2) The home occupation shall not involve the employment of any person other than those residing at the location of the home occupation.
- (3) At least one (1) person residing on the premises shall be the primary operator of the home occupation.
- (4) The home occupation shall not involve any exterior storage or display of products, equipment, or materials that can be visible from the street.
- (5) The home occupation shall not make any use of accessory structures, including detached garages and sheds.
- (6) The home occupation shall not utilize more than twenty-five (25) percent of the total floor area of the primary structure.
- (7) The home occupation shall not require any exterior, structural or aesthetic alterations to the dwelling unit that change the residential character of the dwelling unit.
- (8) The home occupation shall not require any additional entrances to the dwelling unit.

- (9) The home occupation may have a sign, attached to the primary structure, not exceeding 2 square feet, as authorized by Article 8, Sign Standards (SS). No off-site signs or signs in the yard of the property shall be permitted.
 - (10) The home occupation shall not require increasing or enhancing the size, capacity, or flow of the water, gas, septic, sewer, or electrical system beyond that which is standard for a residence.
 - (11) The home occupation shall not provide parking for customers or visits for business purposes that require the addition of any off street parking spaces.
 - (12) The home occupation shall not require the use of commercial vehicles for pickup and deliveries other than from the U.S. Postal Service or other express couriers.
 - (13) No more than one (1) vehicle associated with the home occupation may be parked at the site. Such vehicle is limited to 1 1/2-ton carrying capacity and must be used exclusively by the resident.
 - (14) The following are permitted home occupations provided they do not violate any of the provisions of the previous paragraph:
 - a. Dressmaking, sewing and tailoring.
 - b. Painting, sculpturing, writing and other fine arts.
 - c. Telephone answering and marketing.
 - d. Home crafts, such as model making, rug weaving, and lapidary work.
 - e. Instruction or teaching, such as academic tutoring, performing arts, or fine arts limited to one (1) student at any given time.
 - f. Computer application and internet sales, not including sale of computers.
 - g. Office space for professionals, such as attorneys, drafters, realtors, insurance agents, engineers, architects, and other consultants.
 - h. Administrative or clerical support services, such as transcription, court reporters, stenographers, notary public, or addressing services.
 - i. Repair of clocks, instruments or other small appliances which do not create a nuisance due to noise, vibration, glare, fumes, odors or result in electrical interference.
 - j. Barbershops and beauty parlors; limited to one operator and station.
 - k. General construction and maintenance contractors.
 - l. Lawn care and maintenance providers.
 - m. Janitorial and cleaning services.
 - n. Consultants and representatives for the sales industry, having no product displays onsite.
- (b) The following provisions shall apply to all Type II home occupations and require the approval of a conditional use permit, as identified within Article 6.10, Home Occupation Standards, of the Clayton County Zoning Ordinance prior to the issuance of the business license:
- (1) The home occupation shall not involve the employment of any more than one (1) person who does not reside at the location of the home occupation.
 - (2) At least one (1) member residing on the premises shall be the primary operator of the business.
 - (3) The home occupation shall not require any exterior storage or display of equipment, materials, or appliances being serviced by the home occupation.

- (4) No more than forty (40) percent of the total floor area of any level of the primary structure shall be used for the home occupation.
- (5) Business practices in accessory structures, such as detached garages and sheds, shall not be permitted.
- (6) The home occupation shall not require any exterior structural or aesthetic alterations to the dwelling unit that change the residential character of the dwelling unit.
- (7) The home occupation may have a sign, attached to the primary structure, not exceeding 2 square feet, as authorized by Article 8, Sign Standards (SS). No off-site signs or signs in the yard of the property shall be permitted.
- (8) The home occupation shall not require increasing or enhancing the size, capacity, or flow of the water, gas, septic, sewer, or electrical system beyond what is standard for a residence.
- (9) No more than two additional parking spaces shall be added to the lot(s) on which the residence is located.
- (10) The home occupation shall not require the use of commercial vehicles for pickup and deliveries other than from the U.S. Postal Service or other express couriers.
- (11) Due to incompatibility with the residential character and qualities of residential zoning districts, no license shall be issued for a home occupation in any of the following trades or businesses:
 - a. Automotive repair;
 - b. Firearms and firearms' supplies dealers/sales/service (including gunsmithing).
 - c. Group assembly or instruction involving more than four (4) persons.
 - d. Mobile oil change.
 - e. Pest control services.
 - f. Septic tank operation or repair.
 - g. Taxicab/limousine services.
 - h. Transporting autos for dealerships.
 - i. Wrecker/towing service.

SECTION 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.

SECTION III.

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

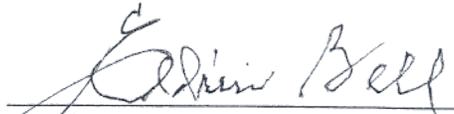
SECTION IV.

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

{SIGNATURES NEXT PAGE}

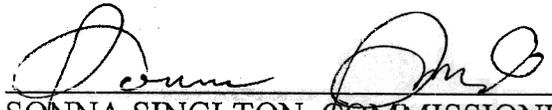
SO ORDAINED this 2nd day of December 2008.

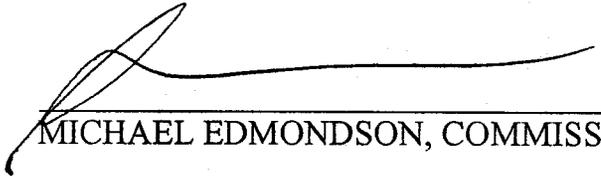
CLAYTON COUNTY BOARD OF COMMISSIONERS


ELDRIN BELL, CHAIRMAN

Absent
WOLE RALPH, VICE CHAIRMAN


VIRGINIA BURTON GRAY, COMMISSIONER


SONNA SINGLTON, COMMISSIONER


MICHAEL EDMONDSON, COMMISSIONER

ATTEST:


REGINA SMITH, ASSISTANT CLERK