

COUNTY OF CLAYTON

STATE OF GEORGIA

ORDINANCE NO. 2010 – 146

AN ORDINANCE TO AMEND THE CLAYTON COUNTY ZONING ORDINANCE, SPECIFICALLY ARTICLE 4 “SPECIAL DISTRICTS”; SO AS TO DELETE LANGUAGE CONTAINED IN SECTIONS 4.65 AND 4.70 AND INSERT IN LIEU THEREOF NEW LANGUAGE; TO PROVIDE AN EFFECTIVE DATE OF THIS ORDINANCE; TO PROVIDE FOR REPEAL OF CONFLICTING ORDINANCES; TO PROVIDE FOR CODIFICATION; TO PROVIDE SEVERABILITY; AND FOR OTHER PURPOSES.

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

WHEREAS, the Board of Commissioners have determined there is a need to revise certain provisions of Article 4 “Special Districts”, Sections 4.65 and 4.70.

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

PART I

Section 1. The Clayton County Zoning Ordinance, as amended, is hereby further amended by deleting Article 4 “Special Districts”, Section 4.65, “Public Improvements” and inserting in lieu thereof a new Article 4 “Special Districts”, Section 4.7, “Public Improvements” to read as follows:

4.65 Public Improvement Standards

Public rights-of-way within the Overlay District shall be improved in accordance with the following standards:

- A. **Street Standards.** Street standards shall be designed in accordance with the Department of Transportation and Development's Land Disturbance and Right-of-Way Construction Guidelines.
- B. **Multi-Use Paths.**
1. As identified within the Highway 138 Design Guidelines, multi-use paths located to the east of the City of Jonesboro limits shall be constructed to the following standards.
 - a. No motorized vehicles, except golf carts.
 - b. Maximum grade of 6 percent.
 - c. Dedicate a twenty (20)-feet wide easement.
 - d. Construct a twelve (12) feet wide path of brushed concrete with two (2) feet of aggregate on both sides. This would create a sixteen (16) feet wide pathway for access.
 - e. Shoulder width variable, based on topography.
 - f. Install a five (5)-feet wide flare at street intersections, with ramp to street and removable bollards spaced 6 feet apart to block motorized traffic, except golf carts. The Sight Visibility Standards (SV) of Article 6.27 must be maintained.
 - g. Multi-use paths shall be located outside all required buffers, except that a required buffer may contain one or more crossings of a multi-use path provided that such crossing:
 - i. Is part of an approved multi-modal access plan required in Article 4.64 of this Ordinance.
 - ii. Is approximately perpendicular to the required buffer.
 - iii. Is designed to have the least disruption to the intended screening provided by the required buffer.
 2. As identified within the Highway 138 Design Guidelines, multi-use paths located to the west of the City of Jonesboro limits shall be constructed to the following standards.
 - a. No motorized vehicles.
 - b. Maximum grade of 6 percent.
 - c. Dedicate a twelve (12)-feet wide easement.
 - d. Construct a ten (10) feet wide path of brushed concrete.
 - e. Shoulder width variable, based on topography.
 - f. Install a five (5)-feet wide flare at street intersections, with ramp to street and removable bollards spaced 6 feet apart to block motorized traffic. The Sight Visibility Standards (SV) of Article 6.27 must be maintained.
 - g. Multi-use paths shall be located outside all required buffers, except that a required buffer may contain one or more crossings of a multi-use path provided that such crossing:
 - i. Is part of an approved multi-modal access plan required in Article 4.64 of this Ordinance.
 - ii. Is approximately perpendicular to the required buffer.
 - iii. Is designed to have the least disruption to the intended screening provided by the required buffer.
 3. Multi-use paths shall be required in order to facilitate pedestrian and golf cart access from residential and non-residential developments to schools, parks, playgrounds and other County amenities via the multi-use path system. If, at the time of approval, there are no completed multi-use paths to which the multi-use paths of the proposed developer can be linked, the developer may, at its option, and only with the approval of the Zoning Administrator, in lieu of installing the multi-use paths, dedicate the easements and deposit a cash payment with the Board of Commissioners equal to the cost of installing the multi-use paths. This cost shall be determined by the County engineer. Such deposit shall be placed in a multi-use path construction fund to be established by the Board of Commissioners. When the multi-use system is extended to the boundary of the development, the Board of

Commissioners will use the deposit to construct the multi-use paths in the development.

C. Sidewalks.

1. All sidewalks located east of the City of Jonesboro limits shall be located within the Sidewalk Clear Zone and have a minimum width of ten (10) feet along all roadways as defined within the Highway 138 Design Guidelines.
2. All sidewalks located west of the City of Jonesboro limits shall be located within the Sidewalk Clear Zone and have a minimum width of six (6) feet along all roadways as defined within the Highway 138 Design Guidelines.
3. Continuous sidewalks having a minimum width of five (5) feet wide must be provided to connect building entrances to required sidewalks along street frontage.

D. Planting Strip/ Street Furniture Zones.

1. Planting Strip/ Street Furniture Zones shall be located adjacent to the travel lanes as identified within the Highway 138 Design Guidelines. Landscape strips along any collector and arterial roadways shall be a minimum of 10-feet wide.
2. Street trees shall have a minimum 2.5-inch caliper and 6 feet in height at the time of planting and all other landscaping be warranted by the developer for a period of 2 years.
3. Street trees shall be spaced an average of 30 feet apart and shrubs may be grouped in a manner approved by the Arborist and/ or designee .
4. Spacing of street trees and streetlight standards may be adjusted to account for driveways, utility poles, fire hydrants and other obstructions and to provide adequate visual clearance for intersections, driveways and traffic control devices.
5. No street tree or streetlight shall be placed within 10 feet of another tree, streetlight, or utility pole; nor can it be placed within 5 feet of a fire hydrant.
6. Appropriate street tree species are identified within the Highway 138 Design Guidelines.
7. No more than 25 percent of the total number of the trees installed may be of any one genus.

E. Landscaping.

1. Medians and landscaped strips shall be planted with grass and a variety of low, hardy shrubbery and flowering plants, and/or flowering trees with mulched beds that are native and drought tolerant, as identified within the Highway 138 Design Guidelines. Areas of exposed earth shall not be allowed.
2. All trees shall have a minimum 2.5-inch caliper and 6 feet in height at the time of planting and all landscaping shall be warranted by the developer for a period of 2 years.
3. No tree or streetlight shall be placed within 10 feet of another tree, streetlight, or utility pole; nor can it be placed within 5 feet of a fire hydrant.
4. No more than 25 percent of the total number of the trees installed may be of any one genus.
5. Maintenance. All landscape materials required by this article or other article of the Zoning Ordinance shall be maintained by the property owner or Property Owners' Association. Such maintenance shall keep landscape materials healthy, neat and orderly in appearance, and free of litter and debris. Landscape materials that die or that, in the opinion of the County Arborist or his/her designee, are diseased shall be replaced by the property owner or Property Owners' Association.

F. Buffer Yard.

1. Where a lot on the external boundary of the Highway 138 Overlay District adjoins the boundary of any property outside the delineated Overlay District that is zoned for any residential zoning classification and/or residential use, a buffer yard not less than 50 feet in width shall be provided and maintained in a natural state or so as to maintain an effective visual screen.
2. Where a lot on the external boundary of Highway 138 Overlay District adjoins the boundary of any property outside the delineated Overlay District that is zoned for

any non-residential zoning classification and/or non-residential use, a buffer yard shall be planted as identified within Article 6.35, Buffer Yard Standards (BY).

3. Said buffer yard shall not be paved and shall not be used for parking, loading, storage, or any other use, except where necessary to grade or modify a portion of the yard buffer for the installation of utilities necessitated by the development. Water detention ponds shall not be located within buffer yard. No trees, other than dead or diseased trees, shall be removed from said buffer yard, but additional trees and plant material may be added to the buffer yard.

G. Street and Pedestrian Lighting.

1. Streetlights and pedestrian lighting of a decorative design, consistent with the Highway 138 Design Guidelines shall be provided for all automobiles, pedestrians, and bicyclists along all public streets and along all multi-use trails.

H. Underground Utilities.

1. For all new construction and redevelopment, utilities along public streets must be placed underground.
2. All utilities except for major electric transmission lines and substations are required to be placed underground within a development except where the Board of Zoning Appeals determines that underground utilities are not feasible due to pre-existing physical conditions, such as conflicting underground structures or utilities, shallow rock, high water table, or other similar geologic or hydrologic conditions. A variance may be requested to be heard by the Zoning Board of Appeals in accordance with Article 13.21, Variance Process (VA).

Section 2. Clayton County Zoning Ordinance, as amended, is hereby further amended by deleting Article 4 “Special Districts”, Section 4.70, “Architectural Standards” and inserting in lieu thereof, adopting a new Article 4 “Special Districts”, Section 4.70, “Architectural Standards” to read as follows:

4.70 Architectural Standards

The architectural standards shall be approved in accordance with the Highway 138 Design Guidelines, with the following requirements.

1. All exterior wall elevations of primary structures shall have a minimum of 20 percent brick or stone.

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.

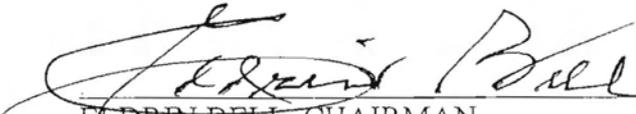
PART IV.

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

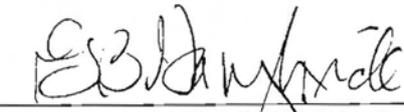
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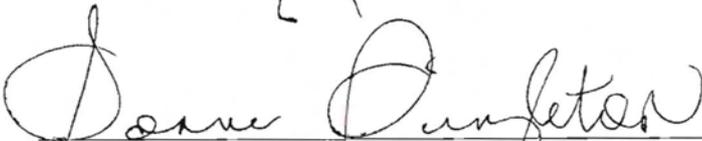
SO ORDAINED this 13th day of July 2010.

CLAYTON COUNTY BOARD OF COMMISSIONERS


ELDRIN BELL, CHAIRMAN

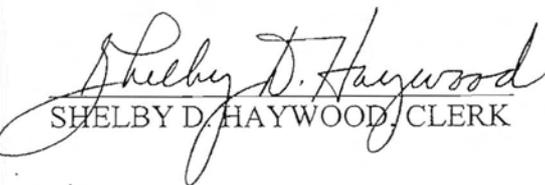

WOLE RALPH, VICE CHAIRMAN


GAIL B. HAMBRICK, COMMISSIONER


SONNA SINGLETON, COMMISSIONER


MICHAEL EDMONDSON, COMMISSIONER

ATTEST:


SHELBY D. HAYWOOD, CLERK