

COUNTY OF CLAYTON

STATE OF GEORGIA

ORDINANCE NO. 2010 – 113

AN ORDINANCE TO AMEND THE CLAYTON COUNTY ZONING ORDINANCE, SPECIFICALLY ARTICLE 4 “SPECIAL DISTRICTS”; SO AS TO DELETE LANGUAGE CONTAINED IN SECTIONS 4.7, 4.10, 4.12 AND 4.13 AND INSERT IN LIEU THEREOF NEW LANGUAGE; TO ADOPT NEW LANGUAGE PERTAINING TO THE HIGHWAY 138 OVERLAY DISTRICT; 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 provides of Article 4 “Special Districts”, Sections 4.7, 4.10, 4.12 and 4.13.

**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 4.7, “Purpose” and inserting in lieu thereof a new Article 4 “Special Districts”, Section 4.7, “Purpose” to read as follows:

Tara Boulevard, and Cherry Hills Overlay Districts

4.7 Purpose

The purpose of the Cherry Hills Overlay District and the Tara Boulevard Overlay District is

to implement the policies of the Board of Commissioners as adopted in the Clayton County Comprehensive Plan.

Section 2. Clayton County Zoning Ordinance, as amended, is hereby further amended by deleting Article 4 “Special Districts”, Section 4.10, “Overlay Districts’ Boundary Maps” and inserting in lieu thereof, adopting a new Article 4 “Special Districts”, Section 4.7, “Overlay Districts’ Boundary Maps” to read as follows:

4.10 Overlay Districts’ Boundary Maps

- A. **Boundary Map:** The boundaries of the Overlay are shown on the Official Zoning Map, whose boundary and maps are hereby incorporated in Article 5, Zoning Map, of this ordinance and made part of this Overlay District. Copies of the map of the following Overlay areas are available for inspection during normal business hours in the Department of Community Development:
 - 1. Tara Boulevard Corridor Overlay District; and
 - 2. Cherry Hills Area Overlay District.
- B. **Map Amendment:** No change in the boundary of the Overlay District shall be authorized, except by the Board of Commissioners pursuant to procedures in Article 13.3, Zoning Amendment (ZA), of the Zoning Ordinance.

Section 3. The Clayton County Zoning Ordinance, as amended, is hereby further amended by deleting Article 4 “Special Districts”, Section 4.12, “Public Improvement Standards” and inserting in lieu thereof, adopting a new Article 4 “Special Districts”, Section 4.7, “Public Improvement Standards” to read as follows:

4.12 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. No motorized vehicles.
 - 2. Maximum grade of 6 percent.
 - 3. 20-foot wide dedicated easement.
 - 4. 12 feet wide and concrete construction.
 - 5. Shoulder width variable, based on topography.
 - 6. 5-foot 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.
 - 7. 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:
 - a. Is part of an approved multi-modal access plan required in Article 4.11 of this Ordinance.

- b. Is approximately perpendicular to the required buffer.
 - c. Is designed to have the least disruption to the intended screening provided by the required buffer.
8. Multi-use paths shall be required in order to facilitate pedestrian 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 conceptual 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.

Section 4. The Clayton County Zoning Ordinance, as amended, is hereby further amended by deleting Article 4 “Special Districts”, Section 4.13, “Development Standards” and inserting in lieu thereof, adopting a new Article 4 “Special Districts”, Section 4.13, “Development Standards” to read as follows:

4.13 Development Standards

- A. **Property Development Standards.** Property within the Overlay shall be developed in accordance with the following standards:
- 1. Density. Maximum permitted density shall be as provided in the underlying zoning district, except as provided in paragraph 2 of this subsection.
 - 2. Density and Height Bonus. If all requirements within this Article are met, the developer of the property shall be entitled to additional intensity of use for uses authorized in the applicable zoning district and in accordance with the following tables:

Tara Boulevard		
Zoning District	Bonus Per Acre Dedicated & Constructed	Height Bonus (over base height)
Office Institutional District (OI)	21,000 sq. ft. of any authorized use	+25'
General Business District (GB)	7,000 sq. ft. of any authorized use	+18'
Neighborhood Mixed Use District (NMX)	4 additional dwelling units per acre	+18'
Regional Mixed Use District (RMX)	8 additional dwelling units per acre	+25'

Cherry Hills		
Zoning District	Bonus Per Acre Dedicated & Constructed	Height Bonus (over base height)
Office Institutional District (OI)	28,000 sq. ft. of any authorized use	+30'
General Business District (GB)	14,000 sq. ft. of any authorized use	+25'
Neighborhood Mixed Use District (NMU)	4 additional dwelling units per acre	+25'
Regional Mixed Use District (RMU)	8 additional dwelling units per acre	+36'

B. To ensure transition of the height, bulk, and density of structures within the designated Overlay District and the properties adjacent to the overlay boundary, any property abutting a residential zoned district and/or residential use shall have a maximum building height no greater than 35 feet for any structure located within 40 feet of the buffer yard. This requirement shall apply to the entire structure if any part of it encroaches into the 40 feet zone.

Section 5. The Clayton County Zoning Ordinance, as amended, is hereby further

amended by adding the following text:

Highway 138 Overlay Districts

4.60 Purpose

The purpose of the Highway 138 Overlay District Overlay District is to implement the policies of the Board of Commissioners as adopted in the Clayton County Comprehensive Plan.

4.61 Intent

The intent of these designated Overlay Districts is:

1. To enhance the quality and compatibility of development in the Overlay;
2. To encourage appropriate redevelopment of vacant and underutilized properties;
3. To create developments that are aesthetically pleasing, architecturally distinct and environmentally sustainable;
4. To encourage a balance of uses for living, working, shopping and recreating that are accessible within a convenient distance from each other;
5. To promote safe and efficient movement for all persons using various modes of travel within the Overlay Districts including motorized vehicles, bicycles, walking and public transit;
6. To encourage innovative development projects that set high standards for landscaping, open space, community design and public amenities;
7. To establish consistent and relational design standards for public improvements and private property development within the Overlay in order to create a distinctive visual quality for the designated Overlay Districts;
8. To protect and enhance the value of properties in the Overlay, by ensuring that surrounding properties are developed harmoniously and consistently; and
9. To promote tourism within the Overlay by creating distinct and aesthetically

pleasing traffic corridors.

4.62 Application of Overlay Districts

- A. Overlay Districts are supplemental to the underlying zoning district classifications established in the Clayton County Zoning Ordinance that governs all properties within Clayton County. Within areas mapped as Overlay Districts in this Article, these Overlay District regulations shall be overlaid upon, and shall be imposed in addition to, stated underlying zoning regulations which shall still apply except where inconsistent with the regulations of the Overlay District.
- B. The standards and requirements of the Overlay District shall govern in any case where standards and requirements of the Overlay District conflict with those of the base zoning district or other provisions of the Zoning Ordinance, including but not limited to the Subdivision Regulations.
- C. Any parcel of land that is wholly or partly within the boundary shall be included in the applicable Overlay District.
- D. The provisions of each designated Overlay District shall apply to all applications for Zoning Amendments, Conditional Use Permits, Planned Unit Developments, Site Development Plans, Construction Plans, Preliminary Plats, Final Plats, and Building Permits for all property and rights-of-way within the boundaries of the Overlay District.
- E. The same uses are permitted in the Overlay District as in the underlying zoning district, and any use that is prohibited or subject to conditional use approval in the underlying zoning district is similarly prohibited or subject to conditional use approval in the Overlay, unless otherwise specified herein.
- F. All State and County road and utility projects shall be exempt from all requirements of the Overlay District.

4.63 Overlay Districts' Boundary Maps

- A. **Boundary Map:** The boundaries of the Highway 138 Overlay District are shown on the Official Zoning Map, whose boundary and maps are hereby incorporated in Article 5, Zoning Map, of this ordinance and made part of this Overlay District. Copies of the map of the following Overlay areas are available for inspection during normal business hours in the Department of Community Development:
- B. **Map Amendment:** No change in the boundary of the Overlay District shall be authorized, except by the Board of Commissioners pursuant to procedures in Article 13.3, Zoning Amendment (ZA), of the Zoning Ordinance.

4.64 Procedures

- A. **Procedures for Zoning Amendment Process.** Zoning Amendment application procedures for property located within the Overlay District shall be as provided in Article 13.3, Zoning Amendment (ZA), of the Zoning Ordinance with the following modifications.
 - 1. **Multi-Modal Access Plan.** An access plan shall be submitted showing connections from the system of streets, alleys, sidewalks and multi-use paths shown in the conceptual transportation plan to the entrances of all occupied buildings within the subject property. Convenient pedestrian ways shall be shown from sidewalks along streets to each building entrance, including designated pedestrian access routes across parking lots and between adjacent buildings within the same development. Where an existing or planned public transportation station or stop is within 1,000 feet (straight line distance measured from the entrance of the station or stop) from any boundary of the subject property, the access plan shall show how pedestrians may travel safely and conveniently from such station or stop to the entrance of buildings on the subject property. Where an existing or planned multi-use path is located within 1,320 feet (straight line distance) from any boundary of the subject

property, the access plan shall show how safe, continuous and convenient bicycle and pedestrian access may be provided to the subject property.

2. **Shared Parking Analysis.** A shared parking analysis for use of shared parking shall be submitted, if applicable. Shared parking shall meet the requirements of the Overlay design standards listed in Article 4.71 of this Ordinance.
- B. **Procedures for Planned Unit Development.** Planned Unit Development application procedures for property located within the Overlay District shall be as provided in Article 7, Planned Unit Development (PUD), of the Zoning Ordinance with the following modifications.
1. **Multi-Modal Access Plan.** An access plan shall be submitted showing connections from the system of streets, alleys, sidewalks and multi-use paths shown in the conceptual transportation plan to the entrances of all occupied buildings within the subject property. Convenient pedestrian ways shall be shown from sidewalks along streets to each building entrance, including designated pedestrian access routes across parking lots and between adjacent buildings within the same development. Where an existing or planned public transportation station or stop is within 1,000 feet (straight line distance measured from the entrance of the station or stop) from any boundary of the subject property, the access plan shall show how pedestrians may travel safely and conveniently from such station or stop to the entrance of buildings on the subject property. Where an existing or planned multi-use path is located within 1,320 feet (straight line distance) from any boundary of the subject property, the access plan shall show how safe, continuous and convenient bicycle and pedestrian access may be provided to the subject property.
 2. **Shared Parking Analysis.** A shared parking analysis for use of shared parking shall be submitted, if applicable. Shared parking shall meet the requirements of the Overlay design standards listed in Article 4.71 of this Ordinance.
 3. **Traffic Impact Study.** A traffic impact study shall be submitted at the time for submittal of the Detailed Development Plan for residential developments with more than 120 dwelling units and for any non-residential developments deemed likely by the Department of Transportation and Development to generate 100 or more p.m. peak hour trips. The traffic impact study shall follow procedures established by the most recent edition of the ITE Transportation Impact Analysis for Site Development.
- C. **Procedures for Review and Approval of Land Development Requiring Subdivision.** Land development within the Overlay District that requires subdivision shall be as provided in the Subdivision Ordinance of Clayton County, with the following modifications.
1. **Multi-Modal Access Plan.** An access plan shall be submitted showing connections from the system of streets, alleys, sidewalks and multi-use paths shown in the conceptual transportation plan to the entrances of all occupied buildings within the subject property. Convenient pedestrian ways shall be shown from sidewalks along streets to each building entrance, including designated pedestrian access routes across parking lots and between adjacent buildings within the same development. Where an existing or planned public transportation station or stop is within 1,000 feet (straight line distance measured from the entrance of the station or stop) from any boundary of the subject property, the access plan shall show how pedestrians may travel safely and conveniently from such station or stop to the entrance of buildings on the subject property. Where an existing or planned multi-use path is located within 1,320 feet (straight line distance) from any boundary of the subject property, the access plan shall show how safe, continuous and convenient bicycle and pedestrian access may be provided to the subject property.
 2. **Traffic Impact Study.** A traffic impact study shall be submitted for residential developments with more than 120 dwelling units and for any non-residential developments deemed likely by the Department of Transportation and

Development to generate 100 or more p.m. peak hour trips. The traffic impact study shall follow procedures established by the most recent edition of the ITE Transportation Impact Analysis for Site Development.

3. **Shared Parking Analysis.** A shared parking analysis for use of shared parking shall be submitted, if applicable. Shared parking shall meet the requirements of the Overlay design standards listed in Article 4.71 of this Ordinance.
- D. **Procedures for Review and Approval of Land Development not requiring a Subdivision.** Land development within the Overlay District that does not require subdivision shall be as provided in Article 11, Site Development Plans, with the following modifications. However, single family lots of record are exempt from these requirements, pursuant to Article 4.78.
1. **Multi-Modal Access Plan.** An access plan shall be submitted showing connections from the system of streets, alleys, sidewalks and multi-use paths shown in the conceptual transportation plan to the entrances of all occupied buildings within the subject property. Convenient pedestrian ways shall be shown from sidewalks along streets to each building entrance, including designated pedestrian access routes across parking lots and between adjacent buildings within the same development. Where an existing or planned public transportation station or stop is within 1,000 feet (straight line distance measured from the entrance of the station or stop) from any boundary of the subject property, the access plan shall show how pedestrians may travel safely and conveniently from such station or stop to the entrance of buildings on the subject property. Where an existing or planned multi-use path is located within 1,320 feet (straight line distance) from any boundary of the subject property, the access plan shall show how safe, continuous and convenient bicycle and pedestrian access may be provided to the subject property.
 2. **Traffic Impact Study.** A traffic impact study shall be submitted for residential developments with more than 120 dwelling units and for any non-residential developments deemed likely by the Department of Transportation and Development to generate 100 or more p.m. peak hour trips. The traffic impact study shall follow procedures established by the most recent edition of the ITE Transportation Impact Analysis for Site Development.
 3. **Shared Parking Analysis.** A shared parking analysis for use of shared parking shall be submitted, if applicable. Shared parking shall meet the requirements of the Overlay design standards listed in Article 4.71 of this Ordinance.

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. No motorized vehicles, except golf carts.
 2. Maximum grade of 6 percent.
 3. Dedicate a twenty (20)-feet wide easement.
 4. 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.
 5. Shoulder width variable, based on topography.
 6. 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.

7. 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:
 - a. Is part of an approved multi-modal access plan required in Article 4.64 of this Ordinance.
 - b. Is approximately perpendicular to the required buffer.
 - c. Is designed to have the least disruption to the intended screening provided by the required buffer.
8. 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 shall be located within the Sidewalk Clear Zone and have a minimum width of ten (10) feet wide along all roadways as defined within the Highway 138 Design Guidelines.
2. 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).

4.66 Development Standards

A. Property Development Standards. Property within the Overlay shall be developed in accordance with the following standards:

1. Density. Maximum permitted density shall be as provided in the underlying zoning district, except as provided in paragraph 2 of this subsection.
2. Density and Height Bonus. If all requirements within this Article are met, the developer of the property shall be entitled to additional intensity of use for uses authorized in the applicable zoning district and in accordance with the following table:

Highway 138

Zoning District	Bonus Per Acre Dedicated & Constructed	Height Bonus (over base height)

Office-Institutional District (OI)	14,000 sq. ft. of any authorized use	+12'
General Business District (GB)	7,000 sq. ft. of any authorized use	+12'
Medical Mixed Use District (MMX)	7,000 sq. ft. of any authorized use	+12'
Neighborhood Mixed Use District (NMX)	4 additional dwelling units per acre	+12'
Regional Mixed Use District (RMX)	8 additional dwelling units per acre	+12'

B. To ensure transition of the height, bulk, and density of structures within the designated Overlay District and the properties adjacent to the overlay boundary, any property abutting a residential zoned district and/or residential use shall have a maximum building height no greater than 35 feet for any structure located within 40 feet of the buffer yard. This requirement shall apply to the entire structure if any part of it encroaches into the 40 foot zone.

4.67 Access Management Standards

Access Management Standards shall be designed and constructed in accordance with the Department of Transportation and Development's Land Disturbance and Right-of-Way Construction Guidelines, with the following modifications.

A. **Vehicular Access Points.** Minimum required points of access shall be constructed in accordance with the Table of Vehicular Access Points listed below:

Table of Vehicular Access Points

Type of Development	Minimum Number of Vehicular Access Points to Public Streets
Residential, < 100 units	1
Residential, 100 units or more	2
Non-residential, less than 50 parking spaces	1
Non-residential, 50-299 required parking spaces	2
Non-residential, 300-999 required parking spaces	3
Non-residential, 1,000 or more required parking spaces	4 or more

B. **Access Easements and Inter-Parcel Access.** Inter-parcel access, joint driveways, cross-access drives and access easements all intended to provide shared access across adjacent properties shall be provided as follows, except where the Director of Transportation and Development determines that they are unfeasible because of topographic or other site-specific constraints:

1. Abutting non-residential developments on collector and arterial roadways shall provide a cross-access drive and sidewalk access to allow circulation between sites.

2. Joint driveways and cross access easements shall be established for multi-parcel, non-residential and mixed use development wherever feasible along collector and arterial roadways. The building site shall incorporate the following:
 - a. Continuous cross-access drives connecting adjacent parcels along the thoroughfare.
 - b. A design speed of 15 mph and a two-way travel aisle with a minimum of 20 feet to accommodate automobiles, service vehicles and loading vehicles.
 - c. Driveway aprons, stub-outs and other design features to indicate that abutting properties may be connected to provide cross access via a service drive.
3. The Director of Transportation and Development may reduce the required separation distance of access points where the minimum required distance proves impractical, provided all of the following requirements are met.
 - a. Joint-access driveways and/or cross-access easements are provided in accordance with this section.
 - b. The site plan incorporates a unified access and circulation system for vehicles and pedestrians in accordance with this section.

4.68 Lot Standards

District standards as identified within Article 3 of the underlying zoning district shall govern, subject to the following modifications.

1. **Lot width.** The minimum lot width for commercial property shall be 100 feet at the right-of-way line.
2. **Reduced front setbacks.** For mixed use properties in MMX, NMX and RMX Zoning Districts, the front yard setbacks may be reduced from the underlying zoning district dimensions to zero feet.
3. **Reduced side setbacks.** Setbacks may vary from the underlying zoning district dimensions, provided that 15 feet exist between foundations of buildings located interior to the same lot.

4.69 Open Space Standards

Open space requirements of the underlying zoning districts shall govern the percentage of open space required, subject to the following modifications.

- A. **Categories of Open Space.** Open space required in the designated Overlay District shall consist of any of the following three categories of land:
 1. **Primary conservation area.** This category includes streams; wetlands designated by the national wetlands inventory; 100-year floodplain, as identified on federal insurance rate maps; steep slopes exceeding 25 percent; areas of exposed rock; and private cemeteries and burial grounds. These areas shall be left in a natural and undisturbed state, except for the fewest possible perpendicular crossings of essential access roads and utility lines.
 2. **Secondary conservation area.** This category includes land in water supply watersheds; aquifer recharge areas identified in the Clayton County Comprehensive Plan; riparian and wetland buffers that are over 25 feet in width; significant habitat areas, as identified in the Clayton County Comprehensive Plan; areas containing archaeologically or historically significant structures or sites, as identified in the Clayton County Comprehensive Plan; and related contextual areas, soils unsuitable for septic tanks, prime agricultural soils, mature hardwood forest, meadows, farm fields, pastures and other areas with scenic views.
 3. **Outdoor recreation area.** This category includes greenways, trails, bikeways, paths, tennis courts, ball fields, playfields, courts, golf courses, swimming pools, clubhouses, bicycle facilities, equestrian facilities, beaches, docks, seating areas, amphitheaters, stages, band shells, community buildings, fountains, plazas, patios, decks, lawns, picnic shelters and picnic areas, landscaping and other land containing

outdoor recreation structures and facilities. Lakes and ponds are allowed in outdoor recreation areas, but their surface area shall not be counted as open space.

- B. **Impervious Areas.** Parking lots, drives, walks, buildings and other impervious surfaces may be included in required open space, provided that they constitute no more than ten percent of the total required open space.
- C. **Accessibility of Open Space.** Open space shall be designed and located for the convenient access and enjoyment of all users of the property. Access to open space shall be within 1,000 feet of all occupied buildings in the development. All occupied buildings shall be connected to the open space by improved pathways or sidewalks.
- D. **Contiguous Open Space.** Not less than 50 percent of required open space shall be in a contiguous tract.
- E. **Interconnected Open Space Network.** It is the intent of this section that the protected conservation areas, open spaces, greenways, bikeways, trails, sidewalks and outdoor recreation areas within a development that provides open space be continuous with compatible areas containing similar features on abutting property. The design of developments shall provide for maximum connections, providing pedestrian and bike access to off-site and on-site attractions such as public trails, paths, parks, and wildlife refuges; public facilities such as community centers, schools, libraries, fire and police stations, senior centers, railroad right-of-way, and utility easements; and institutions such as universities, churches, museums and other cultural facilities.
- F. **Ownership, Maintenance, and Control of Open Space.** Common open space within a development shall be by any of the following methods, either individually or in combination, and subject to approval by the County:
 - 1. **Fee-simple dedication.** Open space or common areas within developments may be offered for dedication to Clayton County and/ or the appropriate governing body. Dedication shall take the form of a fee simple ownership and be accepted by the Board of Commissioners and/ or governing body. The County and/ or governing body may, but shall not be required to, accept undivided open space, provided that:
 - a. The size, location, type of development, cost of development or maintenance of such open space or common area or the availability of public open space would make public use desirable or necessary.
 - b. Such land is deemed in the best interest of the County or Governing Body.
 - c. The dedication shall incur no cost to the County or Governing Body.
 - d. The developer conveys to the County or Governing Body a copy of the deed of conveyance and a title certificate and a commitment for a policy of title insurance issued by an insurance company authorized to do business in the State of Georgia, assuring unencumbered title, with permitted exceptions allowed, to be approved by the County or Governing Body's Attorney, in his sole discretion. The purpose of the required title policy is to ensure that the dedicated property may be used by the County or governing body without restriction, notwithstanding customary incumbencies, such as easements that run with the land.
 - 2. **Property Owners Association.** The open space and associated facilities may be maintained in perpetuity by a Property Owners' Association established in accordance with the laws of the State of Georgia. The association shall be formed and operated under the following additional provisions:
 - a. The developer shall provide a description of the association, including its bylaws and methods for maintaining open space.
 - b. The association shall be organized by the developer and shall be operated by the developer until the sale of two-thirds of the lots within the development.
 - c. Membership in the association is mandatory for all purchasers of property and their successors.
 - d. The association shall be ultimately responsible for perpetual maintenance of insurance and taxes on open space, which the association owns by fee simple title, enforceable pursuant to county ordinances

3. **Private conservation organization.** The owner of open space may transfer easements to a private, non-profit organization among whose purposes it is to perpetually conserve open space, provided that:
 - a. The organization is a conservation organization with perpetual existence.
 - b. The conveyance contains appropriate provisions for proper reversion or retransfer, in the event that the organization becomes unwilling or unable to continue carrying out its functions.
 - c. A perpetual maintenance agreement acceptable to the County is entered into by the developer and the organization subject to the provision of Article 6.25 of the Subdivision Regulations.
 - d. Prior to dedication or conveyance of open space, the following documents shall be submitted to and approved by the County and such approval shall be obtained before any final plat is recorded or final site plan is approved. Such documents, once approved, shall become part of the recorded subdivision plat or approved site plan.
 - i. Specification of the ownership of the common open space.
 - ii. The articles of incorporation or other organizational documentation for the nonprofit organization.
 - iii. The bylaws of the non-profit organization. The covenants or restrictions related to the use of common property, including the system and amounts of assessments for perpetuation and maintenance.
 - iv. The covenants or restrictions related to the use of common property, including the system and amounts of assessments for perpetuation and maintenance.
 - v. A document granting the right-of-entry upon such common property to the County law enforcement officers, rescue squad personnel and fire fighting personnel while in the pursuit of their duties, and, in the case of private streets and common driveways, permitting the enforcement of cleared emergency vehicle access.
 - vi. A specification of methods of maintenance, responsibilities of maintenance, and a recommended time schedule for the maintenance of major facilities, including streets, street signs, pools, sidewalks, parking areas and buildings.
 - vii. A guarantee that any association formed to own and maintain open space will not be dissolved without notice to the County.
 - viii. A copy of the proposed notice that will be given to prospective buyers regarding the organization, assessments and fiscal program.
 - ix. A specification of compulsory membership and compulsory assessment provisions.

G. **Liens by Clayton County.** In the event that the party responsible for maintenance of the open space fails to maintain all or any portion in reasonable order and condition, the County reserves the right to seek a court order allowing it to enter the property, take corrective action, and receive a judgment for the costs of corrective action as well as attorney's fees for bringing the action.

4.70 Architectural Standards

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

4.71 Parking Standards

Off-street parking shall be required as in Article 6.32, Parking Standards (PK), of this Zoning Ordinance, and shall be designed in accordance with the Highway 138 Design Guidelines with the following provisions:

1. **Shared parking.** The following standards shall apply for shared parking.
 - a. The Zoning Administrator may approve a reduction of up to 25 percent in the number of parking spaces required for a specific use where inter-parcel access is

provided and a shared parking analysis, which is approved by the Zoning Administrator, demonstrates that adequate parking will be provided.

- b. Per the table below, a shared parking calculation projection shall be provided that demonstrates that each use will have adequate parking provisions at all times. The process for determining the minimum parking requirements for a mixed use development or for contiguous properties containing multiple uses is:
 - i. Determine the minimum number of parking spaces required for each use category from Article 6.32, Parking Standards (PK) of this zoning ordinance.
 - ii. Multiply each parking requirement by the corresponding percentage for each of the time periods shown on the table below.
 - iii. Total the number of parking spaces for each of the time periods (add together the numbers in each column).
 - iv. The largest column total is the minimum shared parking requirement for the development or collectively for the contiguous properties.
 - v. In no case shall parking spaces that are farther than 1,000 feet from a building entrance be allowed to satisfy off street parking requirements for a use or be counted towards shared parking requirements.

Shared parking space requirements

Use	WEEKDAYS		WEEKENDS	
	Daytime 6 a.m.--5 p.m.	Evening 5 p.m.--1 a.m.	Daytime 6 a.m.--5 p.m.	Evening 5 p.m.--1 a.m.
Residential	80%	100%	80%	100%
Office	100%	10%	20%	5%
Retail	95%	85%	100%	70%
Hotel	60%	100%	60%	100%
Restaurant	75%	100%	60%	100%
Entertainment	50%	85%	70%	100%
Church	50%	50%	100%	60%

4.72 Parking Lot Landscaping Standards

Parking lot landscaping shall be planted in accordance with the Highway 138 Design Guidelines.

4.73 Loading Standards

Off-street loading shall be required as in Article 6.33, Loading Standards (LS), of this Zoning Ordinance, except as provided below.

1. Buildings with more than 5,000 sq. ft. of commercial, retail, services or professional offices shall provide a minimum of one off-street loading space.
2. Buildings with more than 25,000 sq. ft. of commercial, retail, services or professional offices shall provide a minimum of one off-street loading space for each 25,000 gross sq. ft. or fraction thereof.
3. Off-street loading shall be limited to the area between the rear of the principal structure and the rear lot setback line, or between the side of the principal building and the side lot setback line.

4.74 Trash Refuge/ Dumpster Standards

All permanent trash refuse areas and dumpsters shall conform to the following minimum standards:

1. Shall be located within the rear of the primary structure except in the case of corner or through lot. In this case, the structures may be placed to the side of the primary structure, which is out of visible sight from any roadway. The Zoning Administrator may require additional landscaping and/ or screening to deter any visibility.
2. Shall be located on a cement pad.
3. Shall be one hundred (100) percent opaquely screened on three (3) sides with building materials similar to those located upon the exterior wall elevations.
4. Shall not be located within any required landscape areas, required buffers, required parking areas, or required loading areas.

4.75 Service Station Standards

Gasoline pump islands may be permitted only when they can be located between the rear of the principal building and the rear lot line. Gasoline pump islands shall be constructed and screened in accordance with the Highway 138 Design Guidelines.

4.76 Drive-Through Standards

A drive through may be permitted only when they can be constructed and screened in accordance with the Highway 138 Design Guidelines

4.77 Sign Standards

Signs shall be required as identified within Article 8, Sign Regulations (SS), of this Zoning Ordinance and within the guidelines set forth within the Highway 138 Design Guideines, with the following modifications:

- A. All signs and sign structures must be setback at least four (4) feet from the public right-of-way. No portion of a sign or sign structure erected on private property shall encroach on or overhang the public right-of-way or any other person's property.
- B. Sign Permitted within the OI, NB, CB and GB Zoning Districts for Individual Uses
 1. **Ground Signs:** One (1) double-faced sign per lot. No single sign face may exceed thirty-six (36) square feet. Total maximum area for all sign faces is seventy-two (72) square feet (e.g., two (2), thirty-six (36) square feet sign faces). Maximum height is eight (8) feet.
 2. **Window Signs:** Total signage not to exceed ten (10) percent of the area of windows facing road frontage.
 3. **Wall or Canopy Signs:** Maximum of three (3) signs per lot. Total area of all signs is not to exceed ten (10) percent of the front façade building area or two hundred (200) square feet, whichever is less.
 4. **Entrance Signs:** Not permitted.
 5. **Menu Boards:** No more than one (1) sign shall be located per parcel and no such sign shall exceed thirty (30) square feet. There may be only one (1) display face and it may not be more than eight (8) feet in height.
- C. Sign Permitted within the OI, NB, CB and GB Zoning Districts for Planned Centers
 1. **Ground Signs:** One (1) double-faced sign of up to sixty-four (64) square feet per face, for the entire planned center containing one lot. Total maximum sign face area is one hundred twenty-eight (128) square feet. Maximum height for all ground signs is ten (10) feet.
 2. **Window Signs:** Total signage not to exceed ten (10) percent of the area of windows facing road frontage.

3. **Wall or Canopy Signs:** Maximum of two (2) signs per business. Total area of all signs is not to exceed ten (10) percent of the front façade building area for the first story or two hundred (200) square feet, whichever is less.
4. **Large Projecting Signs:** A projection sign may only be installed in lieu of a ground sign. If a ground sign exists or is to be installed in the future, a projection sign is not permitted. One (1) double-faced sign of up to fifty-six (56) square feet per face, for the entire planned center containing one lot. Total maximum sign face area is one hundred twenty-eight (112) square feet.
5. **Entrance Signs:** Two (2) per planned center, maximum area of each sign is seventy-two (72) square feet. Entrance signs may only be single-sided, unless only one (1) is erected, in which case it can be double-sided. Entrance signs only permitted at the entrance to the planned center containing multiple lots. Maximum height is ten (10) feet.
6. **Menu Boards:** No more than one (1) sign shall be located per parcel and no such sign shall exceed thirty (30) square feet. There may be only one (1) display face and it may not be more than eight (8) feet in height

D. Sign Permitted within the MMX, NMX and RMX Zoning Districts for Individual

Uses and/ or Buildings

1. **Ground Signs:** One (1) double-faced sign per lot. No single sign face may exceed thirty-six (36) square feet. Total maximum area for all sign faces is seventy-two (72) square feet (e.g., two (2), thirty-six (36) square feet sign faces). Maximum height is eight (8) feet.
 2. **Window Signs:** Total signage not to exceed ten (10) percent of the area of windows facing road frontage.
 3. **Wall, Canopy, and/ or Projection Signs:** Maximum of three (3) signs per lot. Total area of all signs is not to exceed ten (10) percent of the front façade building area for the first story or two hundred (200) square feet, whichever is less.
 4. **Large Projection Signs:** A projection sign may only be installed in lieu of a ground sign. If a ground sign exists or is to be installed in the future, a projection sign is not permitted. One (1) double-faced sign of up to forty-two (42) square feet per face, for the entire building upon one parcel of land. Total maximum sign face area is one hundred eighty-four (84) square feet.
 5. **Entrance Signs:** Not permitted.
 6. **Menu Boards:** No more than one (1) sign shall be located per parcel and no such sign shall exceed thirty (30) square feet. There may be only one (1) display face and it may not be more than eight (8) feet in height.
- E. Combination of Residential, Office, Institutional, and/ or Commercial Uses in a Planned Center or Building:
1. **Ground Signs:** One (1) double-faced sign of up to sixty-four (64) square feet per face, for the entire planned center containing one lot. Total maximum sign face area is one hundred twenty-eight (128) square feet. Maximum height for all ground signs is ten (10) feet.
 2. **Window Signs:** Total signage not to exceed ten (10) percent of the area of windows facing road frontage.
 3. **Wall, Canopy, and/ or Projection Signs:** Maximum of two (2) signs per business. Total area of all signs is not to exceed ten (10) percent of the front façade building area for the first story or two hundred (200) square feet, whichever is less.
 4. **Large Projection Signs:** A projection sign may only be installed in lieu of a ground sign. If a ground sign exists or is to be installed in the future, a projection sign is not permitted. One (1) double-faced sign of up to fifty-six (56) square feet per face, for the entire planned center or building upon one

parcel of land. Total maximum sign face area is one hundred twelve (112) square feet.

5. **Entrance Signs:** Two (2) per planned center, maximum area of each sign is seventy-two (72) square feet. Entrance signs may only be single-sided, unless only one (1) is erected, in which case it can be double-sided. Entrance signs only permitted at the entrance to the planned center containing multiple lots. Maximum height is ten (10) feet.
 6. **Menu Boards:** No more than one (1) sign shall be located per parcel and no such sign shall exceed thirty (30) square feet. There may be only one (1) display face and it may not be more than eight (8) feet in height.
- F. Temporary Signage:
- A. Class 3 Temporary Signs and Class 6 Temporary Signs are not permitted.

4.78 Exceptions and Exemptions from Overlay Districts

Applications for land disturbance permits, site development plan review, plat approval, sign permits, and building permits for properties within the designated Overlay District shall meet all of the requirements of the base zoning district in which the parcel is located and all provisions of the designated Overlay District unless such application meets one of the following exceptions:

- A. Alterations to existing single-family dwellings located within a subdivision of record zoned AG, ER, RS-180, RS-110, RG-75, PUD with a final plat approved prior to enactment of this section shall not be subject to the provisions of this Overlay District, provided that such alterations are limited to the following actions:
 1. Additions of heated floor area less than 50 percent of the existing floor area.
 2. Construction of an accessory structure or garage not to exceed 750 square feet in floor area.
 3. Improvements to outdoor space, such as swimming pools, courts for basketball, tennis or handball, gazebos, trellises, patios, decks, balconies, and similar non-occupied structures, or interior renovations.
- B. Construction of a single-family dwelling on an existing lot of record zoned AG, ER, RS-180, RS-110, RG-75, or PUD within a single-family residential subdivision with a final plat approved prior to enactment of this section shall not be subject to the provisions of this Overlay District Ordinance provided that such new construction shall be of similar floor area, materials and design as the single-family dwellings on adjacent lots in the same subdivision. Similar floor area for the purposes of this subsection means not more than 20 percent greater than the average heated floor area of the structures located on the abutting residential properties.
- C. Replacement, reconstruction, restoration, or repair of a single-family dwelling that is destroyed or damaged by fire or other natural occurrence shall not be subject to the provisions of this Overlay, provided that such dwelling is located on an existing lot of record zoned for a residential use within a single-family residential subdivision with a final plat approved prior to enactment of this section, and provided that such new construction shall be of similar floor area, materials and design as the single-family dwellings on adjacent lots in the same subdivision. Similar floor area for the purposes of this subsection means not more than 20 percent greater than the average heated floor area of the structures located on the abutting residential properties.
- D. Construction, rehabilitation, restoration and repair of a non-residential structure existing prior to the enactment of this section shall not be subject to those provisions of the Overlay until such time as the cumulative effect of all permits on a single parcel result in an increase in the total floor area of the existing structure by 20 percent or 5,000 square feet, whichever is less.

4.79 Surety Standards

The applicant shall provide a surety, performance guarantee, or post performance bonds in a form acceptable to Clayton County in order to guarantee timely installation of required

project improvements such as, but not limited to, streets, utilities, drainage, sidewalks, landscaping, amenity/recreation areas, and multi-use trails within the subject development that are consistent with the Preliminary Plat, Site Development Plan, and/ or Detailed Development Plan within the designated Overlay Design Guidelines. The surety, performance guarantee, or performance bonds shall be provided in accordance with the provision of Article 5, Surety, of the Subdivision Regulations with the following modifications.

1. If the development does not require subdivision, the Surety shall be provided at the time of the Construction Drawing request and before the Grading and Soil Erosion & Sedimentation Control Permits are released.

4.80 Appeals

Appeals of final decisions of the Zoning Administrator by aggrieved persons shall be in accordance with Article 13.22, Administrative Appeal Process (AA) of this Zoning Ordinance. Furthermore, appeals of this ordinance may be requested to be heard by the Zoning Board of Appeals in accordance with Article 13.21, Variance Process (VA).

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.

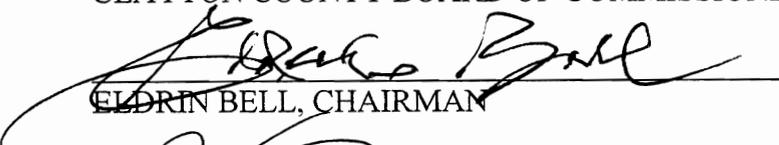
All Ordinances or parts of Ordinances in conflict with this Ordinance are, to the extent of such conflict, hereby repealed.

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 11th day of May 2010.

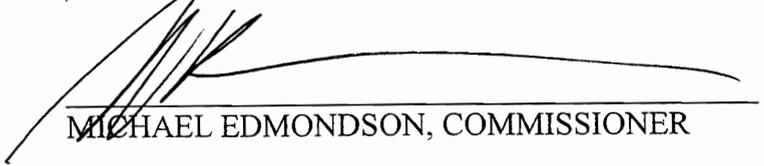
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