

COUNTY OF CLAYTON

STATE OF GEORGIA

ORDINANCE NO. - 2008-195

AN ORDINANCE TO PROVIDE FOR THE ADOPTION OF THE OFFICIAL ZONING MAP FOR CLAYTON COUNTY, GEORGIA; TO PROVIDE FOR THE ESTABLISHMENT OF DISTRICTS, TO PROVIDE PENALTIES; TO PROVIDE AN EFFECTIVE DATE OF THIS ORDINANCE; TO PROVIDE FOR REPEAL OF CONFLICTING ORDINANCES; TO PROVIDE FOR CODIFICATION; AND FOR OTHER LAWFUL PURPOSES.

WHEREAS, zoning is a matter within the purview of local governments pursuant to Article IX, Section II, Paragraph IV of the Constitution of the State of Georgia of 1983;

WHEREAS, the Board of Commissioners has been vested with substantial powers, rights and functions to generally regulate the practice, conduct or use of property for the purposes of maintaining health, morals, safety, security, peace, and the general welfare of Clayton County; and

WHEREAS, the Board of Commissioners has, as a part of planning, zoning and growth management, reviewed the County's Zoning Ordinances and the County's best estimates and projections of the type of development which could be anticipated within Clayton County; and

WHEREAS, the Board of Commissioners deemed it important to develop a new zoning ordinance and comprehensive land use plan; and

WHEREAS, the Board of Commissioners have developed a cohesive and coherent policy regarding construction and land use in Clayton County, and have intended to promote community development through stability, predictability and balanced growth which will further the prosperity of Clayton County as a whole; and

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

WHEREAS, the Official Code of Georgia Annotated (O.C.G.A.) § 36-66-1, et seq. provides procedures and regulations for the adoption of zoning ordinances; and

WHEREAS, the Board of Commissioners have decided to adopt a new zoning map to reflect the changes made in the newly adopted zoning ordinances; and

WHEREAS, the existing uses and zoning of nearby properties were considered in this map adoption; and

WHEREAS, to the extent there is destruction of property values on any property, the same promotes the health, safety, morals or general welfare of the public; and

WHEREAS, the relative harm to the public as compared to the hardship imposed upon the individual property owners is de minimus; and

WHEREAS, the Board of Commissioners have considered whether the zoning proposal adversely affects the existing use or usability of adjacent or nearby property;

WHEREAS, property to be affected by the zoning map has a reasonable economic use as zoned; and

WHEREAS, the zoning map will not result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools; and

WHEREAS, the zoning map is in conformity with the policy and intent of the County's land use plan; and

WHEREAS, the Board of Commissioners have considered the

possible effects of the change in the map on the character of a zoning district and determined that the changes pose no substantial negative effects upon the properties; and

WHEREAS, the County's newly adopted zoning ordinance reflects the zoning district on the zoning map to be adopted; and

WHEREAS, this map is adopted pursuant to authority granted to Clayton County, Georgia by Article XI, Section II, Paragraph III of the Constitution of the State of Georgia of 1983, and more specifically the plenary police powers delegated to the County by said section and by operation of law.

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

SECTION I.

The Clayton County Board of Commissioners hereby adopts the attached Zoning Map, attached hereto as Exhibit A.

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.

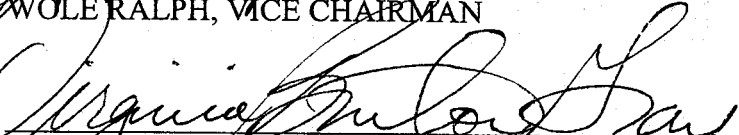
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SO ORDAINED this 23rd day of October 2008.

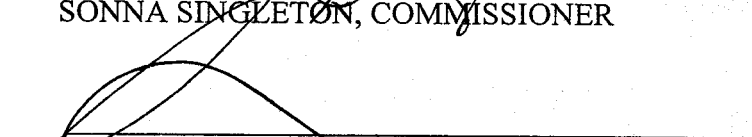
CLAYTON COUNTY BOARD OF COMMISSIONERS

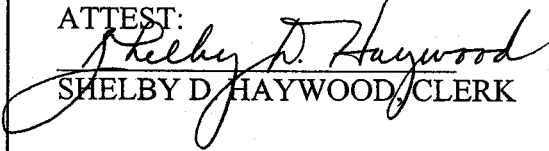

ELDRIN BELL, CHAIRMAN


WOLE RALPH, VICE CHAIRMAN


VIRGINIA BURTON GRAY, COMMISSIONER


SONNA SINGLETON, COMMISSIONER


MICHAEL EDMONDSON, COMMISSIONER

ATTEST:

SHELBY D. HAYWOOD, CLERK