STATE OF GEORGIA

COUNTY OF CLAYTON

ORDINANCE NO. 2018-129

AN ORDINANCE TO AMEND THE CODE OF CLAYTON COUNTY, GEORGIA, AS AMENDED, SPECIFICALLY, CODE OF CLAYTON COUNTY, GEORGIA, APPENDIX A "ZONING", ARTICLE 4 "SPECIAL DISTRICTS" TO ADD SUBSECTIONS 4.94 – 4.106 ESTABLISHING THE OLD DIXIE HIGHWAY - TARA BOULEVARD OVERLAY DISTRICT; TO REPEAL CONFLICTING LAWS, ORDINANCES, AND RESOLUTIONS; TO PROVIDE SEVERABILITY; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

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

Section 1. The Code of Clayton County, Georgia, as amended, is hereby further amended by adding new subsections 4.94 – 4.106 to Appendix A, Article 4 "Special Districts" to read as follows:

Sec. 4.94 - Old Dixie Highway-Tara Boulevard Overlay District—Purpose.

The purpose of the Old Dixie Highway-Tara Boulevard Overlay District is to implement the policies of the Board of Commissioners as adopted in the Clayton County Comprehensive Plan.

The intention of the Medical Mixed Use Center Overlay District (OD-MMX) is to provide a healthy, livable mix of land uses to support a growing and activated medical office district, supported by housing, retail, restaurants, and greenspace. The primary use in the study area is medical office, with complementary uses encouraged.

The Board's vision of the Old Dixie Highway-Tara Boulevard Overlay District is to create an aesthetical, safe and welcoming gateway into Clayton County that builds from the existing medical corridor to provide higher wage job opportunities, convenient access to the surrounding neighborhoods and amenities, and services that improve the quality of life for Clayton County residents and businesses. This destination will include the following character

areas: Medical Mixed Use, Hotels, Mixed Use Office & Retail, Greenspace and Mixed Use Residential.

Sec. 4.95 - Intent.

a. The intent of this designated Overlay District 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 medical offices and services, supporting office and business uses, mixed use residential/retail, with easy access to open space and greenspace;

5. To promote safe and efficient movement for all persons using various modes of travel within the Overlay District including motorized vehicles, bicycles, walking, and public transit;

6. 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 District;

7. To allow flexibility in development standards to encourage the design of innovative development projects that set high standards for landscaping, green space, urban design, public art and public amenities.

Sec. 4.96 - Application of Overlay District.

a. Overlay Districts are supplemental to the development standards of the Clayton County Zoning Ordinance. The Overlay District governs all

properties within its boundaries, as identified on the Old Dixie/Tara Blvd. Overlay District map.

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 Ordinance, including other applicable County Codes.

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 the 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 uses are permitted in the Overlay District by Tiers which also define the underlying zoning district. The permitted uses that are prohibited or subject to conditional use approval is identified in each Tier/underlying zoning district, unless otherwise specified herein.

f. All State and County road and utility projects shall be exempt from all requirements of the Overlay District.

Sec. 4.97 - Overlay District Boundary Map & Permitted Uses.

a. *Boundary Map. The Old Dixie Highway -Tara Boulevard Overlay District is generally located and bounded on the south side of Interstate 75 at Old Dixie Highway and west of Tara Boulevard to Upper Riverdale Road. Each tier is shown on a parcel-based map. Copies of the Overlay area map 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.*

Sec. 4.98 - Permitted, Conditional and Prohibited Uses and District Standards by Tier.

The boundaries of the Medical Mixed Use Overlay District are shown on the Official Zoning Map, whose boundary and maps are hereby incorporated in this Zoning Code, Zoning Map. There are essentially four (4) character areas, referred to as "Tiers" as follows:

Tier 1: OD-MMX Medical Mixed Use

Tier 2: OD-HTL Hotel & Mixed Use Retail

Tier 3: OD-MUR Mixed Use Residential

Tier 4: OD-GRN Greenspace

a. Medical Mixed Use Overlay District

1. OD-MMX Intent:

The intent of the Medical Mixed Use Overlay District is to provide a healthy, livable mix of land uses to support a growing and activated medical office district, supported by housing, retail, restaurants, and greenspace. The primary use in the study area is medical office, with complementary uses encouraged. The location of this character area covers the entire Old Dixie Node.

2. Permitted Uses & Development Standards:

(A) Medical and dental Offices

(B) Education/Research facilities

(C) Universities and other institutes of higher learning

(D) Libraries

(E) CSU Satellite campus for Continuing and Professional education program (after hours courses)

(F) Urgent Care facilities

(G) Hotels (excluding extended stay hotels)

(H) Retail sales

(I) Restaurants & cafés

(J) Hotels

(K) *Residential (Single-family detached, mixed use and multi-family)*

(L) *Health spas and fitness centers*

(M) *Doctor's offices and offices of other health care professionals*

(N) *Mixed Use with ground floor office and top floor residential*

(O) *Mixed Use with ground floor retail and top floor residential*

(P) *Art gallery and museums*

(Q) *Bank, credit union and other similar financial institution.*

(R) *Sandwich shops*

(S) *Apparel sales*

(T) *Florist and gift shops*

(U) *Medical and dental laboratory*

(V) *Pharmacy and drugstore.*

(W) *Personal, services establishments*

(X) *Retirement homes*

(Y) *Assisted Living facilities*

(Z) *Senior housing developments*

(AA) *Convalescent centers*

(BB) *Hospice care*

(CC) *Nursing homes*

(DD) *Medical based office*

(EE) *Live-work units*

(FF) *Neighborhood park*

(GG) *Schools of business, dance, music or similar instruction*

(HH) *Other similar uses that are compatible with intent of the district must be vetted by the Director of Community*

Development, District Commissioner, and the Board of Commissioners Chairman.

3. Conditional Uses:

(A) Parking garage, deck and lot as primary use

(B) Standalone developments <2.0 acre.

(C) Buildings with a height of less than two (2) stories

4. OD-MMX Medical Mixed Use Overlay District Standards:

Minimum Lot Area:	*None (See Old Dixie Hwy.-Tara Blvd. Overlay District) Minimum Lot Width:*
None (See Old Dixie Hwy.-Tara Blvd. Overlay District)	
Minimum Lot Depth:	*None (See Old Dixie Hwy.-Tara Blvd. Overlay District)*
Minimum Lot Frontage:	*50 feet on a public street with access from said public street*
Sewer and Water:	*Requires connection to public water and sewer, no septic*
Building Height:	*Minimum 2 stories (with exceptions)*
Floor Area Ratio:	*Minimum 1.0 units/acre (Minimum 15)*
Minimum Front Yard Setback:	*0 feet, or as approved per site plan*
Maximum Front Yard Setback:	*30 feet, in accordance with the Overlay district standards*
Minimum Side Yard Setback:	*0 feet, or as approved per site plan*
Minimum Rear Yard Setback:	*0 feet, or as approved per site plan*
Maximum Lot Coverage:	*All primary and accessory structures and impervious surface cannot exceed 80% of the lot area*

b. OD-HTL Hotel District & Mixed Use Retail

1. OD-HTL Intent:

The intent of this tier is to include a mixture of uses that will accommodate and capture interstate commuters, and domestic & international travelers.

2. ***Permitted Uses:***

(A) *Hotels (excluding extended stay hotels)*

(B) *Medical and dental Offices*

(C) *Education/Research facilities*

(D) *CSU Satellite campus for Continuing and Professional education program (after hours courses)*

(E) *Urgent Care facilities*

(F) *Hospitals*

(G) *Retail sales*

(H) *Restaurants*

(I) *Hotels*

(J) *Health spas and fitness centers*

(K) *Doctor's offices and offices of other health care professionals*

(L) *Mixed Use with ground floor office and top floor residential*

(M) *Mixed Use with ground floor retail and top floor residential*

(N) *Sandwich shops*

(O) *Apparel sales*

(P) *Medical and dental laboratory*

(Q) *Pharmacy and drugstore.*

(R) *Personal, services establishments*

(S) *Medical based office*

(T) *Neighborhood park*

(U) *Other similar uses that are compatible with intent of the district must be vetted by the Director of Community*

Development, District Commissioner, and the Board of Commissioners Chairman.

3. Conditional Uses:

(A) Parking garage, deck and lot as primary use

(B) Standalone developments <2.0 acre.

(C) Buildings with a height of less than two (2) stories

4. OD-HTL Hotel Standards:

Minimum Lot Area:	*None (See Old Dixie Hwy.-Tara Blvd. Overlay District)*
Minimum Lot Width:	*None (See Old Dixie Hwy.-Tara Blvd. Overlay District)*
Minimum Lot Depth:	*None (See Old Dixie Hwy.-Tara Blvd. Overlay District)*
Minimum Lot Frontage:	*50 feet on a public street with access from said public street*
Sewer and Water:	*Requires connection to public water and sewer, no septic*
Building Height:	*Minimum 2 stories (with exceptions)*
Floor Area Ratio:	*Minimum 1.0 units/acre (Minimum 15)*
Minimum Front Yard Setback:	*0 feet, or as approved per site plan*
Maximum Front Yard Setback:	*30 feet, in accordance with the Overlay district standards*
Minimum Side Yard Setback:	*0 feet, or as approved per site plan*
Minimum Rear Yard Setback:	*0 feet, or as approved per site plan*
Maximum Lot Coverage:	*All primary and accessory structures and impervious surface cannot exceed 80% of the lot area*

c. OD-MUR Mixed Use Residential

1. ***OD-MUR Mixed Use Intent***

This character area is located west of Hollywood Drive and north of Holiday Boulevard, as well as on the west side of Tara Boulevard within the study area. Primarily residential in nature, this area will house retail and restaurants on the first floor to support the residents and connect to the adjacent mixed use medical uses.

2. ***Permitted Uses:***

(A) Mixed Use with ground floor office and top floor residential

(B) Mixed Use with ground floor retail and top floor residential

(C) Business and professional office use.

(D) Transit-Oriented Development

(E) Hotel/Resort

(F) Regional Retail Center

(G) Makers Space

(H) Art gallery and museums

(I) Bank, credit union and other similar financial institution.

(J) Production studio.

(K) Radio and television broadcasting station.

(L) Cellular phone retailer

(M) Fitness and health centers.

(N) Restaurants, entertainment and bars establishment.

(O) Sandwich shops

(P) Apparel sales

(Q) Retail sales

(R) Medical and health services

(S) Medical and dental laboratory.

(T) Pharmacy and drugstore.

(U) Personal, services establishments

(V) Day spa as ancillary use

(W) *Dry cleaners drop off, alteration and repair.*

(X) *Quick copy, photographic studio.*

(Y) *Supermarkets, with a footprint of less than 25,000 square feet*

(Z) *Other similar uses that are compatible with intent of the district must be vetted by the Director of Community Development, District Commissioner, and the Board of Commissioners Chairman.*

3. Conditional Uses:

(A) *Specialized non-degree school focusing on fine arts and culture, to include the ballet, music, martial arts, culinary arts, and sports medicine and therapy*

(B) *Movie theater, performing arts theater, bowling alley, and other recreational and/or cultural arts facility where such activities are wholly enclosed within a building.*

(C) *Standalone developments <2.0 acre.*

(D) *Buildings with a height of less than six (6) stories*

(E) *Pop-Up Shops, as a seasonal use*

(F) *Pet grooming and boarding establishment*

(G) *Standalone child day care facility and center.*

4. OD-MUR District Standards:

Minimum Lot Area:	*None (See Old Dixie Hwy.-Tara Blvd. Overlay District)*
Minimum Lot Width:	*None (See Old Dixie Hwy.-Tara Blvd. Overlay District)*
Minimum Lot Depth:	*None (See Old Dixie Hwy.-Tara Blvd. Overlay District)*
Minimum Lot Frontage:	*50 feet on a public street with access from said public street*

Sewer and Water:	*Requires connection to public water and sewer, no septic*
Building Height:	*Minimum 2 stories (with exceptions)*
Floor Area Ratio:	*Minimum 1.0 units/acre (Minimum 15)*
Minimum Front Yard Setback:	*0 feet, or as approved per site plan*
Maximum Front Yard Setback:	*20 feet, or as approved per site plan*
Minimum Side Yard Setback:	*0 feet, or as approved per site plan*
Minimum Rear Yard Setback:	*0 feet, or as approved per site plan*
Maximum Lot Coverage:	*All primary and accessory structures and impervious surface cannot exceed 80% of the lot area*

5. Prohibited Uses.

(A) Drive thru restaurants.

(B) Parking facilities not associated with a use

(C) Gas/service station.

(D) Adult entertainment establishment.

(E) Adult service facility.

(F) Blood collection center.

(G) Breeding kennel.

(H) Check cashing establishment

(I) Pay day loan establishment.

(J) Gold-buying establishment.

(K) Heavy truck and equipment and materials storage.

(L) Motel.

(M) Outdoor equipment and materials storage.

(N) Outdoor open flea market.

(O) Pawn shop/Title Pawn.

(P) Self-storage facility.

(Q) *Storage/salvage and junk yard.*

(R) *Storage yard for damaged or confiscated vehicles.*

(S) *Truck stop and terminal.*

(T) *Automobiles, boats and trailers new and used sales.*

(U) *Funeral home and crematory.*

(V) *Self-service car wash and detailing.*

(W) *Temporary and/or outdoor sales*

(X) *Automotive repair, major or minor.*

(Y) *Automotive body and paint shop*

(Z) *Convenience store with or without fuel pumps.*

(AA) *Standalone child day care facility and center.*

(BB) *Transitional housing and similar housing facility not otherwise addressed in this section*

(CC) *Liquor store*

(DD) *Animal hospital, veterinary clinic, animal boarding, pet supply store, and animal grooming shop.*

(EE) *Building and landscape contractor.*

(FF) *Barber shop, beauty shop (Unless interior to a primary use)*

(GG) *Computer repair and service.*

(HH) *Jewelry repair service.*

(II) *Shoe repair store.*

(JJ) *Vocational school.*

(KK) *Daycare, Private elementary, middle or high school.*

(LL) *Community facilities as follows:*

(MM) *Community center.*

(NN) *Cultural facility.*

(OO) *Non-commercial club or lodge.*

(PP) *Standalone Business service establishment.*

d. ***OD-GRN Greenspace Greenway Park***

1. OD-GRN Greenway Park Intent

The intent of the Gateway Park is to create a beautiful gateway focus while utilizing a slower walkable street, appropriate for restaurants and retail on the ground floor, with office and residential above. Gateway Park is envisioned on the strip of parcels between Tara Boulevard and Old Dixie Road.

2. Permitted Uses:

(A) Greenspace parks

(B) Neighborhood park

(C) Outdoor amphitheaters

(D) Medical and dental Offices

(E) Retail sales

(F) Restaurants

(G) Doctor's offices and offices of other health care professionals

(H) Mixed Use with ground floor office and top floor residential

(I) Mixed Use with ground floor retail and top floor residential

(J) Sandwich shops

(K) Personal, services establishments

(L) Other similar uses that are compatible with intent of the district must be vetted by the Director of Community Development, District Commissioner, and the Board of Commissioners Chairman.

3. Conditional Uses:

(A) Parking garage, deck and lot as primary use

(B) Standalone developments <2.0 acre.

(C) Buildings with a height of less than two (2) stories

4. OD-GRN Development Standards:

Minimum Lot Area:	*3 acres (See Old Dixie Hwy.-Tara Blvd. Overlay District)*
Minimum Lot Width:	*None (See Old Dixie Hwy.-Tara Blvd. Overlay District)*
Minimum Lot Depth:	*None (See Old Dixie Hwy.-Tara Blvd. Overlay District)*
Minimum Lot Frontage:	*50 feet on a public street with access from said public street*
Sewer and Water:	*Requires connection to public water and sewer, no septic*
Building Height:	*Minimum 2 stories (with exceptions)*
Floor Area Ratio:	*Minimum 1.0 units/acre (Minimum 15)*
Minimum Front Yard Setback:	*0 feet, or as approved per site plan*
Maximum Front Yard Setback:	*0 feet, or as approved per site plan*
Minimum Side Yard Setback:	*0 feet, or as approved per site plan*
Minimum Rear Yard Setback:	*0 feet, or as approved per site plan*

Sec. 4.99 - Development Standards.

a. Site design requirements.

1. Building orientation along an adjacent street frontage shall be located toward the front of each lot at a setback not more than zero (0) feet from public right-of-way and may be a maximum of twenty (20) feet from the public right-of-way if used for public art, hardscape and/or sitting or dining areas. If a lot is bound by more than one (1) public street, the front of the lot shall be considered the lot line adjacent to the street with the highest classification. If the building is contained on a lot at the intersection of two (2) primary streets, the building's entrance shall be oriented towards one or both primary streets. For

nonresidential uses, the primary ground floor entrance to all buildings shall be clearly visible from the street, internal private drive, or public sidewalk.

2. *All loading and service areas shall be screened from view from the street and adjacent residential uses with buildings, landscaping, or decorative fencing.*

3. *All off-street parking shall be behind or within garages for residential units.*

   Individual garages for units may not face a primary street.

4. *Fencing that is visible from any public plaza, open space, ground level or sidewalk level outdoor dining area, internal main private drive or public street or right-of-way shall be made only of brick, stone, hard-coat stucco, or wrought iron. No fencing allowed in the front yard of any property along a public right-of-way.*

5. *No barbed wire, razor wire, chain-link fence or similar elements shall be allowed.*

   Fencing materials for a detention area must be approved prior to installation by the Community Development Director.

b. *Buildings oriented to a front property line or public right-of-way shall be setback as follows:*

1. *Minimum front setback: Zero (0) feet to a maximum of thirty (30) feet from the back of curb for all new development to include 10 foot maximum landscape buffer, 10 foot minimum sidewalk, 10' minimum supplemental zoned.*

2. *Minimum interior side setback: Minimum setback from property line may be zero (0) feet, but if the property is adjacent to an existing*

building with windows facing the property line, the setback shall be a minimum of twenty (20) feet from the face of the existing building. In mixed-use developments, there shall be a minimum of ten (10) feet between buildings less than three (3) stories in height and a minimum of fifteen (15) feet between buildings when one (1) of them is three (3) stories or greater in height.

3. *Minimum rear setback: Ten (10) feet.*

4. *All Life Safety and Building Codes shall be met to ensure safety of building occupants and patrons.*

5. *All buildings shall comply with the applicable requirements of the Federal Aviation Administration (FAA) and Hartsfield-Jackson Atlanta International Airport (HJAIA).*

c. *Development standards for nonresidential and mixed-use buildings. Ground-floor commercial and retail uses shall have entrances at grade or not more than one foot above or below grade with opening directly onto a public sidewalk or publicly accessible open space adjacent to the public sidewalk.*

d. *Development standards for residential buildings. Ground-floor residential units that adjoin a street shall have entrances with a stoop or porch between the sidewalk and the building façade no less than two (2) feet above grade. A sidewalk shall connect the ground floor front entrance to the public sidewalk.*

e. *Transitional height requirement. Where a lot within the Overlay District adjoins the boundary of any property outside the District that is zoned for any mixed-use residential zoning classification, a transitional height plane of forty-five (45) degrees shall apply. The Community Development Director may require an applicant to use staggered heights, greater setbacks, and enhanced buffers, when the project is adjacent to residentially-zoned properties.*

f. *Publicly Accessible open space requirements.*

1. *A minimum of twenty (20) percent publicly accessible open space shall be provided for each new development site/parcel. Publicly accessible open space areas may be transferred from one parcel to another within overall developments that remain under unified control of a single property owner or group of owners, but must demonstrate interconnectedness of public areas.*
2. *Publicly accessible open spaces shall be at grade, and directly accessible from a public sidewalk or building entrances.*
3. *Publicly accessible open space that is provided as part of a new development shall include connectivity to any existing or planned nearby public amenity including, but not limited to, trail networks, greenspace or park facility.*
4. *Publicly accessible open spaces may include any combination of the following: accessible landscaped areas, water features, fountains, parks, plazas, trails, paths and hardscape elements which are connected to sidewalks and plazas, and similar features.*

1. *Electric Vehicle (EV): An automotive-type vehicle for on-road use, such as passenger automobiles, buses, trucks, vans, neighborhood electric vehicles, electric motorcycles, and the like, powered by an electric motor that draws current from a rechargeable storage battery, fuel cell, photovoltaic array, or other source of electric current which is charged by being plugged into an electrical source. For the purpose of this ordinance, off-road, self-propelled electric vehicles, such as industrial trucks, hoists, lifts, transports, golf carts, airline ground support equipment, tractors, boats, and the like, are not included, an automotive-type vehicle for on-road use, such as passenger automobiles, buses, trucks, vans, neighborhood electric vehicles, electric motorcycles, and the like, powered by an electric motor that draws current from a rechargeable storage battery, fuel cell, photovoltaic array, or other source of electric current which is charged by being plugged into an electrical source.*

2. *Electric Vehicle Supply Equipment (EVSE): The conductors, including the ungrounded, grounded, and equipment grounding conductors, and the electric vehicle connectors, attachment plugs, and all other fittings, devices, power outlets, or apparatus installed specifically for the purpose of transferring energy between the premises wiring and the electric vehicle.*

3. *Electric Vehicle Supply Equipment (EVSE) infrastructure: The equipment, as defined by the National Electrical Code, which is provided to support future electric vehicle charging. This shall include, but not be limited to: the design load placed on electrical panels and service equipment to support the additional electrical demand, the panel capacity to support additional feeder / branch*

circuits, the installation of raceways, both underground and surface mounted, to support the electrical vehicle supply equipment.

4. *Plug-In Hybrid Electric Vehicle (PHEV): An automotive-type vehicle for on-road use, such as passenger automobiles, buses, trucks, vans, neighborhood electric vehicles, electric motorcycles, and the like, powered by an electric motor that draws current from a rechargeable storage battery, fuel cell, photovoltaic array, or other source of electric current which is charged by being plugged into an electrical source, and having a second source of motive power such as gasoline or diesel.*

5. *All new commercial, office, industrial and mixed use developments, as regulated by the International Building Code, are required to provide EVSE infrastructure to accommodate the future installation of Electric Vehicle Supply Equipment. The infrastructure shall be provided per this section.*

   (A) The EVSE infrastructure shall be installed per the requirements of the current edition of the National Electrical Code (NFPA 70) as adopted and amended by the State of Georgia for enforcement by Clayton County.

      i. The off-road parking provided for buildings containing commercial, office, industrial and mixed use occupancies shall have EVSE infrastructure installed at the parking spaces dedicated for the use of the building.

      ii. The ratio of electric vehicle parking spaces to non-electrical vehicle parking spaces shall be 1:5 and only applies to the total new parking spaces.

iii. *Designated dual-port EVSE may be dual-usage for ADA accessible EV charging spaces and non-ADA accessible EV charging spaces with ADA compliant hardware. The use of the space for accessible parking takes precedence over the need to use this space for EV charging.*

(B) All new off-road parking, or the expansion of existing off-road parking for buildings supporting commercial, office, industrial and mixed use occupancies shall include EVSE infrastructure based on the total number of parking spaces established in subsection (b).

(C) The EVSE infrastructure shall include a raceway, which is continuous from the branch circuit / feeder panel location to the future PHEV / EV parking space. The raceway shall be sized and installed per the National Electrical Code; however, in no case shall the EVSE infrastructure raceway be less than 1" (one inch) in size. The EVSE infrastructure raceway shall include a pull rope or line installed for future conductor installation, with the raceway sealed and labeled for future use.

(D) The electrical equipment room, when provided for new commercial, office, industrial and mixed use developments occupancies must have a dedicated space for the future installation of EVSE. This space shall be identified on all construction documents submitted for review, and the dedicated space shall not allow for violation of the National Electrical Code prescriptive requirements regulating working space clearances around equipment, or violation of

the National Electrical Code prescriptive requirements governing the entrance to and egress from electrical equipment working space.

(E) During construction of the electrical equipment room, all raceways installed for the EVSE infrastructure shall terminate at the space dedicated for the future EVSE installation.

(F) Prior to the final electrical inspection approval, the space dedicated within the electrical equipment room for the future EVSE installation shall have the wall stenciled or marked legibly with the following text: "FUTURE ELECTRIC VEHICLE CHARGING EQUIPMENT AND PANELS".

(G) The proposed placement and installation of EVSE infrastructure or equipment shall not allow for any violation of the Americans with Disabilities Act of 1990 (42 U.S.C. § 12101).

(H) The placement of EVSE shall not create a trip hazard or violation of the accessible path of travel when the cord is connected to an EV or PHEV.

m. Design standards and other criteria for electric vehicle parking and charging facilities. The following design criteria apply to electric vehicle parking and electric vehicle supply equipment ("EVSE") where provided for the use of the general public as a part of off-street parking:

1. Electric vehicle parking and charging stations, should be equal to parking space size and performance standards as provided in these regulations. The installation of an EVSE should not reduce the electric vehicle charging station's length to below the size and standards required.

2. *Criteria for electric vehicle parking and charging stations in off-street parking facilities*

(A) *Installation of EVSE shall meet National Electric Code, as it may be from time to time amended;*

(B) *EVSE must be mounted on the wall or on a structure at the end of the space provided and shall be placed at least four and one-half feet above the parking surface of the space. No charging devices may be placed within the dimensions of a space on the sides or entrance to a space*

(C) *EVSE mounted on structures such as pedestals, lighting posts, bollards, or other device shall be located as to not impede pedestrian travel or create trip hazards.*

(D) *Way finding signs, if installed, shall be placed to effectively guide the motorists to the electric vehicle parking space and/or charging station. Private regulatory signage shall be placed in a manner that shall not interfere with any parking space, drive lane or exit.*

(E) *Each electric vehicle charging stations and parking spaces for which any parking incentive was granted shall be reserved for use as an electric vehicle charging station or as electric vehicle reserved parking. If time limits or usage requirements for are to be enforced by vehicle immobilization or nonconsensual towing, the posting of signage that complies with the requirements of the County Code applicable to vehicle immobilization or non-consensual towing shall be observed. Vehicle immobilization or non-consensual towing may be enforced for electric vehicle charging stations and parking spaces by the owner*

or operator of the parking spaces even which no parking incentive was granted.

(F) Electric vehicle charging stations and parking spaces for which any parking incentive was granted shall be operational at all times. When an electrical vehicle parking station is not operational for 14 consecutive days, it shall be considered to have been removed from service. The failure to maintain the number of electric vehicle charging stations and parking spaces shall be cause to require the installation of the number of parking spaces required by the district regulations.

(G) A phone number or other contact information shall be provided when the station is not functioning in a manner that allows electric vehicles to be charged.

3. Criteria for electric vehicle parking and charging stations on private streets

(A) On-street parking spaces designated and equipped to be electric vehicle charging stations spaces for which any parking incentive was granted on private streets shall be for the exclusive purpose of electric charging.

(B) For the purpose of reducing cable management issues and placing the electric vehicle charging station closer to crosswalks and curb ramps, such charging stations shall be installed to use the last space on a block face in the direction of travel wherever possible.

(C) In perpendicular or angle parking configurations, electric vehicle supply equipment should be centered, or to the left, in front of the electric vehicle charging station for single

connectors, and placed between two electric vehicle charging stations for dual connectors.

i. *EVSE must be mounted on the wall or on a structure at the end of the space provided and shall be placed at least four feet above the parking surface of the space. No charging devices may be placed within the dimensions of a space on the sides or entrance to a space*

ii. *EVSE mounted on structures such as pedestals, lighting posts, bollards, or other device shall be located as to not impede pedestrian travel or create trip hazards*

(D) Where a variation is grated to allow the electric vehicle charging station in parallel parking configurations, EVSE should be installed near the front of the electric vehicle charging station based on the direction of travel.

(E) When electric vehicle supply equipment is placed in a sidewalk or walkway adjacent to the on-street electric vehicle charging station, it should not interfere with the minimum pedestrian clearance widths of the American Disability Act Standard, as it may be from time to time amended.

(F) When cords and connectors are not in use, retraction devices or locations for storage shall be located sufficiently above the pedestrian surface and the parking lot as to reduce conflicts with pedestrians and vehicle maneuvering. Cords, cables, and connector equipment shall not extend across the path of travel in any sidewalk or walkway.

4. *Signage: The signage associated with electric vehicle charging stations and the reservation of parking spaces for electric vehicles shall be considered incidental signs as defined in the Sign Ordinance. Incidental signs may contain only information and directives concerning the use of the electric vehicle charging stations and the reservation of parking spaces for electric vehicles. No commercial message shall be allowed to be displayed on an incidental sign associated electric vehicle charging stations and the reservation of parking spaces for electric vehicles although the name of the manufacturer or installer of the station may be displayed on the equipment installed at the stations. Where any text or logo other than that contained in this subsection is necessary to provide the general public with information on the operation of the electric vehicle charging stations, a sign permit shall be required. The following signs are allowed without a sign permit.*

(A) General service signs.

An EV general service sign may be displayed without an associated advance turn and direction arrow but no advance turn and direct arrow may be displayed without an EV general service sign. These signs should be no smaller than 12-inch by 18-inch and no larger than 18-inch by 124-inch. The bottom of sign shall be seven feet above ground

(B) Private regulatory mounted signage.

One private regulatory sign may be located on each space and must be placed to conform to the design guidelines for parking spaces

(C) *On-space striping: the following on space striping is permitted in lieu of or in addition to a mounted private regulatory sign.*

5. *Minimum landscaping requirements for surface electric vehicle parking and charging station lots. The requirements of Clayton County Code of Ordinances, Vegetation and Tree Protection parking lot requirements shall apply to electric vehicle charging stations spaces in addition to the street tree planting requirements, with additional requirements as follows:*

   (A) *All parking bays shall be terminated with a landscape strip a minimum width of five feet and equal to the length of the parking bay.*

   (B) *All required landscaped areas shall be planted with evergreen groundcover or shrubs with a maximum mature height of 30 inches; and*

   (C) *All required landscaped buffer strips, regardless of length, shall have a minimum of one tree planted per 30 feet of length with a minimum caliper of two and one-half inches.*

   (D) *Existing parking lots shall not be required to reduce the number of parking spaces by more than three percent as a result of implementing the following surface parking lot landscaping regulations.*

6. *Where EVSE is being used exclusively for the charging of vehicles for commercial or industrial uses and is not being made available for the general public, the installation of such equipment shall not be required to meet the criteria for parking spaces made available to the*

general public but shall be required to be installed to meet National Electric Code, as it may be from time to time amended.

n. Incentives for Electric Vehicle Charging Stations & Parking

1. Incentive for electric vehicles charging stations and parking. Where off-street parking is required to be provided or where the off-street parking requirement is being met by parking on a private street, each electric vehicle charging station, as defined in this overlay, shall be counted as a parking space and shall reduce the required parking by five (5) additional parking spaces; provided however that a total of no more than ten percent of the number of off-street parking spaces required by the district regulations for the entire parcel shall be allowed to be reduced by the use of this incentive. Where at least two electric vehicle charging stations are provided, the ten percent reduction incentive may be accomplished by providing electric vehicle only parking spaces provided however that the number of electric vehicle only parking spaces to be counted for the incentive shall always be correlated to the number of electric vehicle charging stations.

(A) The provisions of this section shall apply to any required parking and may be used to reduce the degree of nonconformity of parcels with nonconforming parking.

(B) Electric vehicle parking spaces shall be reserved for the exclusive parking of an electric vehicle.

(C) Electric vehicle charging stations shall be reserved exclusively for the charging and parking of a vehicle that is connected to the EVSE for electric charging purposes.

(D) When an electric vehicle charging station is removed or becomes inoperable for more than fourteen consecutive days,

the parking reduction granted by this section shall no longer remain in effect and the required parking shall be provided.

(E) The incentive provided by this section shall be granted by special administrative permit.

i. As a part of the application, the site plan for the parking spaces where the electric vehicle charging station or electric vehicle parking is to be located shall be provided.

ii. The special administrative permit shall at all times be conditioned on the electric vehicle charging station or electric vehicle parking meeting the design standards and other criteria for electric vehicle parking and charging facilities set forth in this part.

iii. Failure to maintain the conditions of the special administrative permit shall be cause to revoke the incentive and require the installation of the parking required by the district regulations.

Sec. 4.101- Architectural Standards.

a. The following architectural regulations shall apply to all structures within the District and the architectural style within the District shall be consistent with the District Design Guidelines:

1. All building facades visible from a public street shall consist of eighty (80) percent brick, textured concrete masonry, stone, glass, finished masonry materials or hard coat stucco, or a combination thereof.

2. Office buildings must utilize architectural concrete and glass façade, facing a public right-of-way.

3. *Architectural accents, where utilized, shall consist of metal, non-reflective glass, glass block, natural stone, pre-cast concrete, brick, terra cotta, stucco, hardi-plank or wood.*

4. *Non-primary walls visible from residential uses, public open spaces, outdoor patios, pedestrian paths, roadways or parking areas shall incorporate changes in building material/color or varying design.*

5. *Mixed-use developments with ground floor non-residential uses shall provide fenestration that is comprised of sixty (60) percent of the width of the front façade of the building at the ground level.*

6. *Relationship of building to street.*

(A) For purposes of this chapter, sidewalk-level shall be defined as any floor of a building with a finished-floor elevation less than or equal to five feet above the adjacent sidewalk or less than or equal to five feet below the adjacent sidewalk.

(B) Building floors shall be delineated at third story above sidewalk level and lower and shall be executed through windows, belt courses, cornice lines or similar architectural detailing.

(C) The primary pedestrian entrance for pedestrians to access all uses with street frontage:

i. Shall face and be visible from the street. When located adjacent along Tara Boulevard or Old Dixie Highway, said entrance shall face and be visible from said street.

ii. Shall be directly accessible and visible from the sidewalk.

iii. Shall remain unlocked during business hours for nonresidential uses.

(D) A street address number shall be located directly above the primary building entrance, shall be clearly visible from the sidewalk and shall be a minimum of six inches in height.

(E) Buildings with residential uses at the sidewalk level shall meet the following regulations:

i. All primary pedestrian entrances not adjacent to a public sidewalk shall be linked to the public sidewalk with a pedestrian

walkway a minimum of five-feet wide. Said pedestrian walkway shall be perpendicular to the street and shall be permitted to share said walkway with one adjacent unit.

ii. All such buildings with more than four residential units that are adjacent to the sidewalk shall have individual entrances to such units directly accessible from the sidewalk and shall open directly onto the adjacent sidewalk, park, plaza, terrace or porch adjacent to the sidewalk. All pedestrian walkways providing such access shall be perpendicular to the street and shall be permitted to share said walkway with no more than one adjacent unit.

iii. Such buildings shall have windows at sidewalk level on each street frontage facade which are substantially similar in size to the sidewalk level front façade windows.

(F) Sidewalk arcades. Buildings with non-residential uses at the sidewalk level may have sidewalk arcades, which shall meet the following regulations:

i. Shall provide an at grade sidewalk surface.

ii. Arcade supports shall be a maximum width of five feet.

iii. Shall provide a minimum of 25 feet of clear unobstructed space between arcade supports.

7. The building wall along street facing ground floors shall be comprised of at least 60% of glass along the ground floor.

8. Canopies over entrances and/or windows shall be mounted at a single consistent height for each building and shall comply with the District Design Guideline requirements for canopies.

9. *A minimum of sixty (60) percent of the ground-floor facade of non-residential windows shall be clear or tinted so that at least seventy (70) percent of light filters through the window.*

10. *Roof materials shall not consist of any reflective surfaces.*

11. *All materials shall be earth-tone in color, and shall be similar throughout the development, or as approved by the Overlay Design Review Committee.*

12. *Burglar bars and steel roll down doors or curtains shall not be visible from any public street. If burglar bars are utilized they shall be artistic or decorative on the side or rear doors or windows as approved by the Overlay Design Review Committee. See Figure 1.0 below.*

Figure 1.0 Example of Artistic/Decorative Burglar Bars

13. *Loading bays shall be designed so that doors or openings are not visible from a public street.*

    (A) Dumpsters shall not be visible from any public street and shall be fenced or screened not to be visible from any public areas including public parking areas or adjacent residential development. Screening materials shall be finished to be compatible with the color and finished exterior of the primary building it serves.

    (B) Fabric and canvas awnings and all other building materials must be of durable quality and shall be of compatible materials used in the development. Metal or temporary awnings are not permitted.

    (C) Temporary structures such as tents, trailers, and mobile structures are prohibited. except for a permitted temporary use under an allowable permit.

(D) *Accessory Structures. Building materials, architectural features and colors of exterior finishes of accessory structures shall be consistent with the principal structure.*

(E) *Roof Top Equipment. All roof-top equipment shall be screened from public view by parapets, dormers or other screens.*

(F) *Parking decks shall not exceed the height of the tallest adjacent building within the development.*

Sec. 4.102 - Design Guidelines

a. *Color patterns, and quality of materials shall create a unified building form.*

b. *Provide a common height for ground floor window facades, a minimum of ten feet (10').*

c. *For buildings with multiple stories, use materials and features to define the ground floor and add visual interest. Windows, display areas, canopies, awnings, wall art, and other architectural features integral to the building are encouraged.*

d. *Building entrances should be defined and articulated by architectural elements such as lintels, pediments, columns, and other design elements appropriate for the architectural style.*

e. *Roof lines along buildings four (4) stories or less should have architectural details along the height plane to provide variations to the roof line.*

f. *Light fixtures affixed to building facades shall be designed to coordinate with the overall building architecture.*

g. *Lighting should be used to highlight distinctive features of a building.*

h. *Parking structures that have walls visible from a public street shall have wall treatments that compliment the buildings it serves and shall have an appearance that fit the character of the associated development. The structure shall not exceed the height of the tallest adjacent building within the development.*

Sec. 4.103 - Sign Regulations.

a. *Master Signage Plans are required for all land development within the Overlay District, as described in Article 4.11. Signs shall be required as in Article 8, Sign Regulations, of this Zoning Ordinance. All signs in the District shall comply with all applicable provisions of the Code as follows:*

1. *Signs shall be designed in compliance with the applicable requirements in the overlay district.*

(A) *All ground signs shall be a monument-style sign with a base and support members made of brick, stucco or stone consistent with the materials of the primary business or structure.*

(B) *All monument signs, and/or a building's front façade facing a public or private street, or private drive shall have the address numbers visible from the street or drive, and the individual numbers shall not exceed eight (8) inches in height unless incorporated in sign face design. Address numbers less than eight (8) inches in height shall be excluded from the maximum allowed sign area.*

(C) *Each non-residential single tenant lot with a floor area greater than 50,000 square feet shall be permitted one monument sign per public street frontage. The sign area (face) of the monument sign shall not exceed thirty-two (32) square feet and the sign structure shall not exceed ten (10) feet in height.*

(D) *Each lot or development with multi-tenants/mixed-use shall be permitted one monument sign per public street frontage. The sign area of the monument sign shall not exceed thirty-two (32) square feet and the sign structure shall not exceed ten (10) feet in height.*

(E) *Mixed use developments shall be permitted one monument sign for each street frontage. One additional monument sign may be allowed for each*

entrance from a street or drive that is internal to the mixed use development. The monument sign area shall not exceed sixteen (16) square feet and a maximum height of six (6) feet.

(F) Signage located on buildings shall be designed to be integrated into the building and overall façade.

(G) Each separate business front façade with an external public entrance may have a maximum of one (1) wall sign which shall not exceed an area of five (5) percent of the area of the façade of the ground floor of the building or seventy-five (75) square feet, whichever is less. Interior tenant space within a business of at least 50,000 square feet may have an additional wall sign area not to exceed a total of five (5) percent of the area of the façade of the ground floor of the building or one hundred (100) square feet, whichever is less.

(H) Signs may be externally or internally illuminated. Monument signs shall only be externally illuminated with ground lights at the base of the monument sign.

(I) No Window Signs other than payment methods, days and hours of operation. Temporary decals, placards, posters and advertisements are prohibited from being placed on the face of exterior walls or windows where it may be seen from the exterior.

(J) Wall mounted sign shall be channel cut letters applied directly to the building façade.

(K) Attached Canopy and Awning sign area shall be deducted from the permitted wall sign area.

(L) Sign placement, lettering and massing shall be limited as follows:

i. *Monument sign structures shall not be two and a half (2 1/2) times the size of the sign copy area unless incorporated into a building wall or perimeter wall/fence structure.*

ii. *Sign lettering shall be opaque and consist of block lettering in which individual letters are proportional in size to the overall size of the store wall or distance from the right-of-way, but in no event shall individual letters and/or logo copy area exceed the heights of the store wall or distance from the right-of-way.*

iii. *Projected signs are encouraged for identification purposes on buildings and shall be perpendicular to the sidewalks.*

2. *The following types of signs are prohibited in the District:*

(A) Motorist Distractions. Signs that incorporate flashing lights or beacons, highly reflective materials, rotating graphics, motion, smoke or visible matter, noise or changeable copy, that is copy that changes at intervals of more than once every six seconds, are prohibited.

(B) Roof signs. Signs that are placed on or above roofs, penthouses, mechanical equipment screens, and other like structures and any signs that extend above the building parapet or roof fascia line.

(C) Signs that are placed on vehicles or trailers that are <u>not in regular</u> use <u>and</u> are visible from a public right-of-way or major internal private drive.

(D) Pole signs and other signs with exposed structural supports that are more than three (3) feet in height and have post supports larger than two (2) inches in diameter or a total of four (4) square inches in cross-section area.

(E) Vacuum- molded or pre-manufactured signs. LED lighted signs or features

(F) Temporary Signs. Banners, streamers, pennants, flags, wind banners, air/gas filled balloons, portable signs, string lights, laser lights and search lights except as approved as a part of a permitted temporary festival or event.

(G) Flashing, animated, marquee, sound emitting, fluorescent, rotating or otherwise moving signs are prohibited.

Sec. 4.104 - Parking Requirements.

a. Required parking may be provided through a combination of off-street, on street, or shared parking provided that all required parking is located with seven hundred (700) feet of the principal entrance of the building which it is intended to serve. The minimum number of required parking spaces shall be as required by the underlying zoning district classification regulations, except as follows:

1. Retail uses, personal service uses, and other commercial and general business uses including food stores. Minimum of four (4.0) spaces per one thousand (1,000) square feet of gross floor area.

2. Office and clinic uses. Minimum of three (3.0) spaces per one thousand (1,000) square feet of gross floor area.

3. Hotel and motel uses. Minimum of one (1.00) space per unit.

4. Multifamily residential uses. Minimum of one and one-quarter (1.25) spaces per dwelling unit.

b. Required residential parking shall be segregated from parking for all other uses with the exception of additional parking provided for live/work units.

c. Each development which provides automobile parking facilities shall provide bicycle parking facilities in on-site parking structures, parking lots, or within a designated area of the landscape zones adjoining the sidewalk. Non-residential developments shall provide bicycle parking at a ratio of one (1) bicycle parking space for every twenty (20) vehicular

spaces. Multifamily residential developments shall provide bicycle parking facilities at a minimum ratio of one (1) bicycle parking space for every five (5) multifamily units. No non-residential or multifamily development shall have fewer than three (3) bicycle parking spaces nor exceed a maximum of fifty (50) bicycle parking spaces.

1. *Bicycle parking. All uses that are required to provide off-street parking spaces for motorized vehicles shall also provide bicycle parking space. Uses that require up to 25 off-street parking spaces for motorized vehicles shall provide at least one bicycle space, plus a minimum of one more bicycle space for each additional 50 parking spaces required for motorized vehicles.*

d. *All off-street parking including surface lots and parking decks shall be located in the side or rear yards.*

e. *Off-street parking shall be screened from view from any public street by buildings, decorative walls/fences, and/or landscaping. Off-street parking may not be located between the public street and the building's front facade. If a lot is bound by more than one (1) public street, the front of the lot shall be considered the yard adjacent to the street with the highest classification.*

f. *Any portion of a parking deck that is adjacent to a public street shall have the ground level developed with retail, office or other permitted uses on and ground floor entrances oriented toward the street frontage. Any upper stories of a parking deck that face a public street shall be finished to resemble office or residential buildings with fenestration compliant with materials permitted in this division. Landscaping may be appropriate as an alternative, subject to prior approval of the Community Development Director.*

g. *No parking or yard area may be used for the repair, dismantling, service, car wash or storage of any equipment or disabled vehicle.*

h. *Parking facilities within any parcel may be shared if multiple uses cooperatively establish and operate parking facilities and if these uses generate parking demands primarily when*

the remaining uses are not in operation, so that the off-street parking requirements for each use are met or exceeded during said use's operational hours.

1. *Parking lot landscaping requirements. All parking lots within the District shall be landscaped in conformity with the requirements of this Code.*

i. *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.*

j. *Lighting. Parking lots with more than 25 spaces must be illuminated. Lighting fixtures must minimize the diffusion of light to other properties in accordance with Article 6.36, Outdoor Lighting (OL), with the following modifications:*

1. *All lighting poles and fixtures shall be decorative, as approved by the Community Development Director.*

Sec. 4.105 - Plans Required.

a. Attend a Pre-Application Meeting. This meeting shall be attended by the applicant, Community Development Director, Community Development Director or their designees and other reviewing agencies. Prior to the issuance of any land development permit, building permit, or sign permit, the applicant shall submit a conceptual design package and final design package to the Community Development Director. The Community Development Director shall provide a copy of the submittals to the related district

commissioner and the Chairman of the Board of Commissioners for review and comment. The final design package must include full architectural and landscape architectural plans and specifications. The submitted plans must include a site plan, architectural elevations and sections; renderings depicting the building design including elevations and architectural details of proposed buildings, exterior materials and colors, landscape plans and any shared parking agreements, all of which shall demonstrate that the proposed design is in compliance with all the requirements of this division and the underlying zoning classification.

b. Multimodal Access Plans Required. Each new application for a land development permit in the District shall be accompanied by a multimodal access plan prepared at a scale not greater than one (1) inch equals one hundred (100) feet. The multimodal access plan shall cover the full extent of the proposed development along with public rights-of-way of adjoining streets and any other property lying between the subject property and the nearest public streets on all sides. The purpose of the multimodal access plan is to demonstrate a unified plan of continuous access to and between all buildings in the proposed development and adjacent properties. Connections to available transportation modes, such as driveways, sidewalks, and bike paths shall be shown along adjacent streets and those entering adjoining properties. Safe and convenient pedestrian ways shall be provided from sidewalks along streets to each building entrance, including 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 one thousand two hundred fifty (1,250) feet along travel routes from any boundary of the subject property, the access plan shall show how pedestrians and bicycle access may safely travel from such station or stop to the subject property.

c. Attend Technical Review Committee Meeting(s). The applicant/agent is required to attend a Technical Committee Meeting, which will be set by the Community Development Department.

1. The conceptual design package shall be accompanied by an application and payment of a fee in an amount determined by the Clayton County Board of Commissioners.

d. Conceptual plan package review.

1. The conceptual plan package shall be composed of the following:

(A) A narrative addressing the proposed development explaining how it meets the purpose, intent, and standards of this division of the Code. The narrative shall include a tabulation of the approximate number of acres in each land use, the approximate number of dwelling units by type, the approximate gross residential density, the approximate commercial density, the approximate publicly accessible open space acreage, the anticipated number, type and size of recreational facilities and other public amenities; the legal mechanism for protecting and maintaining publicly accessible open space, as required by the applicable provisions of this Code.

(B) A site location map showing the proposed development, abutting property, the relationship of the proposed development to surrounding and existing development, and transitional buffer zones, if required.

(C) A multimodal access plan meeting the requirements of this division.

2. The conceptual plan package shall contain a site plan that contains all of the following information:

(A) Seven (7) copies of the site plan drawn to a designated scale of not less than one (1) inch equals one hundred (100) feet, certified by a professional

engineer or land surveyor licensed by the state, presented on a sheet having a maximum size of twenty-four (24) inches by thirty-six (36) inches, and one eight-and one-half-inch reduction of the plan. If presented on more than one (1) sheet, match lines shall clearly indicate where the sheets join. The plan shall contain the following information:

i. *Boundaries of the entire property proposed to be included in the development with bearings and distances of the perimeter property lines.*

ii. *Scale and north arrow with north, to the extent feasible, oriented to the top of the plat and on all supporting graphics.*

iii. *Location and approximate dimensions in length and width for landscape strips and required transitional buffers, if any.*

iv. *Existing topography with a maximum contour interval of five (5) feet and a statement indicating whether it is an air survey or field run.*

v. *Approximate delineation of any floodplain designated by the Federal Emergency Management Agency, United States Geological Survey, or Clayton County.*

vi. *The delineation of any jurisdictional wetlands as defined by section 404 of the Federal Clean Water Act.*

vii. *Approximate delineation of any significant historic or archaeological feature, grave, object or structure marking a place of burial, if known, and a statement indicating how the proposed development will impact it.*

viii. *A delineation of all existing structures and whether they will be retained or demolished.*

ix. *General location, in conceptual form, of proposed uses, lots, buildings, building types and building entrances.*

x. *Height and setback of all buildings and structures.*

xi. *Approximate areas and development density for each type of proposed use.*

xii. *Location, size and number of all on-street and off-street parking spaces, including a shared parking analysis, if shared parking is proposed.*

xiii. *Identification of site access points and layout, width of right-of-way and paved sections of all internal streets.*

xiv. *Conceptual plans for drainage with approximate location and estimated size of all proposed storm water management facilities and a statement as to the type of facility proposed.*

xv. *Development density and lot sizes for each type of use.*

xvi. *Areas to be held in joint ownership, common ownership or control.*

xvii. *Location of proposed sidewalks and bicycle facilities, trails, recreation areas, parks, and other public or community uses, facilities, or structures on the site.*

xviii. *Conceptual layout of utilities and location of all existing or proposed utility easements having a width of twenty-five (25) feet or more.*

xix. *Standard details of signs, sidewalks, streetlights, driveways, medians, curbs and gutters, landscaped areas, fencing, grating, street furniture, bicycle lanes, streets, alleys, and other public*

improvements demonstrating compliance with the District Design Guidelines.

xx. *Conceptual layout of building designs including elevations showing architectural details of proposed buildings, exterior materials, all of which shall demonstrate that the proposed design is in compliance with all of the requirements of this division.*

xxi. *All proposed signage shall be included in the Conceptual Plans and are subject to approval by the Director of Community Development.*

xxii. *Seal and signature of professional preparing the site plan.*

e. *Final design package review and approval process.*

1. *Review and approval of final design package. Upon receiving comments on the conceptual design package, the applicant will submit the final design package for review and approval. The final design package must include full architectural and landscape architectural plans and specifications. The submitted plans must include a site plan, architectural elevations and sections; renderings depicting the building design including elevations and architectural details of proposed buildings, exterior materials and colors, plans and elevations of all hardscape, landscape and signage and any shared parking agreements, all of which shall demonstrate that the proposed design is in compliance with all requirements of this division and the underlying zoning classification. The final design package must be signed and sealed by a professional engineer/architect. The final design package must contain all plans, elevations, sections and specifications necessary for obtaining development and building permits. The applicant may submit the final design package simultaneously with the submission for permitting.*

2. *Review. The Community Development Director or designee shall review each application for compliance with all requirements of the District and the underlying zoning classification. Prior to approval by the Community Development Director or designee and issuance of any land development or building permit, the conceptual design package and final design package shall be submitted to and approved by the Community Development Director or designee after consultation with the district commissioner and the Chairman of the Board of Commissioners, consistent with the requirements of this section. Where the Community Development Director determines that said plans comply with the requirements of the Overlay District, a certificate of compliance shall be issued in the form of the director, or his/her designee, signing the plans and drawings after which the applicant shall then apply for land disturbance, building or signs permits. Where the Community Development Director determines that said plans do not comply with the requirements of this Code, then the director shall provide the applicant with comments and redlined plans and drawings identifying where said applicant fails to comply with such requirements. All applications shall be considered and decided by the Community Development Director within thirty (30) days of receipt of a complete application. Any appeal of the Community Development Director's decision in this regard shall be to the zoning board of appeals.*

3. *Innovative design. By enacting this division, the board of commissioners authorizes the Community Development Director to approve proposed developments that provide for unique site features and innovative designs that comply with the District Design Guidelines and comply with the requirements and standards set forth in this division.*

Sec. 4.106 – Nonconforming clause

a. ***Nonconforming Use.*** *A legal use in existence on the effective date of this District enactment or any amendment thereto may be continued even though such use does not conform with the use provisions of the zoning district in which said use is located, except as otherwise provided in this section.*

1. Change of use. A nonconforming use shall not be changed to another nonconforming use. A change in tenancy or ownership shall not constitute termination or abandonment of the nonconforming use, provided that the use itself remains unchanged and is continuously maintained and operated.

2. *Discontinuance or abandonment. A nonconforming use shall not be re-established after discontinuance or abandonment for ninety (90) days, unless the cessation of the nonconforming use is a direct result of governmental action impeding access to the property. Vacancy or non-use of a building for ninety (90) days, regardless of the intent of the owner or tenant, shall constitute discontinuance or abandonment under this subsection. An act of God, major renovations/maintenance of existing space does not constitute a discontinuance, abandonment or interruption in operations.*
3. *A nonconforming use of land shall not be enlarged, expanded or moved. However, expansion and relocation of uses such as signage, parking, storage, or security posts may be permitted on property under common ownership at time of the adoption of this Overlay District. Variations to this standard may be considered by the Board of Zoning Appeals. Applications for such variances shall be processed by Community Development and the Board of Zoning Appeals in the same manner as required in Article 10, Boards and Commissions of the Clayton County Zoning Code.*

b. ***Nonconforming structure.***

1. *A legal structure in existence on the effective date of this Zoning Ordinance or any amendment thereto that could not presently be built under the provisions of this chapter because of restrictions on building area, lot coverage, height, minimum yard setbacks, or other characteristics of the structure or its location on the lot shall be deemed a legal non-conforming structure.*

2. *No legal nonconforming structure shall be enlarged, or structurally altered, in a way that increases the nonconformity, except as expressly permitted in this District.*

3. *Alteration of legal nonconforming structures occupied by permitted, conforming uses may be allowed for improvement or modification, provided that the structure may not be enlarged and the alterations must either comply with this District or result in a reduction in site or the structure's nonconformity.*

Section 2. This ordinance amends the zoning ordinance of Clayton County, and all other conflicts repealing the conditions of use, operation, or site development accompanying permits lawfully issued under previous ordinances or resolutions, and provided further that modification or repeal of those past conditions of approval may be accomplished as authorized and provided by the requirements of this zoning ordinance.

Section 3. Should any section or provision of this ordinance be declared by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of the ordinance as a whole, nor any part thereof, other than the part so declared to be invalid or unconstitutional.

Section 4. This Ordinance shall become effective immediately upon its approval by the Board of Commissioners.

SO ORDAINED, this the 18th day of December, 2018.

CLAYTON COUNTY BOARD OF COMMISSIONERS

(Opposed)
JEFFREY E. TURNER, CHAIRMAN

MICHAEL EDMONDSON, VICE CHAIRMAN

SONNA GREGORY, COMMISSIONER

GAIL HAMBRICK, COMMISSIONER

(Opposed)
FELICIA FRANKLIN WARNER, COMMISSIONER

ATTEST:

SANDRA T. DAVIS, CLERK