

ORDINANCE NO. _____

AN ORDINANCE TO AMEND APPENDIX A OF THE CITY OF CLARKSTON CODE OF ORDINANCES BEING THE CLARKSTON ZONING ORDINANCE; TO REPEAL CONFLICTING PROVISIONS IN APPENDIX A AS WELL AS IN OTHER CHAPTERS OF THE CODE OF ORDINANCES; AND FOR OTHER PURPOSES.

BE IT ORDAINED by the City of Clarkston, Georgia, that the City’s Code of Ordinances, be amended as follows:

SECTION ONE

Article I of Appendix A is hereby deleted in its entirety and replaced with new Article I, “Title, Applicability and Purpose”, consisting of two pages and attached hereto, which is incorporated herein by reference.

SECTION TWO

Article II of Appendix A is hereby repealed and shall be “Reserved.”

SECTION THREE

Article III of Appendix A is hereby deleted in its entirety and replaced with new Article III, “Administration”, consisting of 16 pages and attached hereto, which is incorporated herein by reference.

SECTION FOUR

Article IV of Appendix A is hereby deleted in its entirety and replaced with new Article IV, “Definitions”, consisting of 11 pages and attached hereto, which is incorporated herein by reference.

SECTION FIVE

Article V of Appendix A is hereby deleted in its entirety and replaced with new Article V, “Provision for Official Zoning Map and the Establishment of Districts”, consisting of two pages and attached hereto, which is incorporated herein by reference.

SECTION SIX

New Section 622 of Appendix A is hereby adopted to read as follows:

“Sec. 622. Permitted encroachments upon required setbacks.

The following setback encroachments are permitted in all zoning districts:

- a) Cornices, eaves, chimneys, porches, bay windows, or other similar architectural features may extend into the required front, side and rear yard provided such extensions do not exceed three (3) feet.
- b) Steps and landings may extend into the required setbacks provided such extensions do not exceed ten (10) feet for the front yard, three (3) feet for the

side yard and no closer than ten (10) feet from the property line in the rear yard.”

SECTION SEVEN

New Section 623 of Appendix A is hereby adopted to read as follows:

“Sec. 623. Open space.

The following provisions shall apply to all “open space” required by the Clarkston Zoning Ordinance:

(a) *Open space requirement.*

- (1) Required yards and, sidewalk zones and landscape zones which are constructed on private property may be counted towards this requirement.
- (2) Open space may also include balconies, roof-top terraces, front yards, planted areas, fountains, parks, plazas, trails and paths, hardscape elements related to sidewalks and plazas, and similar features which are located on private property.
- (3) Open space shall not include areas devoted to public or private vehicular access.
- (4) Where open space is held in common ownership, covenants or other legal arrangements shall specify ownership of the open space; method of and responsibility for maintenance; taxes and insurance; compulsory membership and assessment provisions; and shall be incorporated into legal instruments sufficient to ensure that the open space criteria are maintained.

(b) *Open space implementation and maintenance.*

- (1) *Implementation.* All open space including buffers, setbacks, sidewalk clear zones, sidewalk zones and open spaces shall be fully implemented prior to occupancy and if not completed, the occupancy permit shall not be issued.
- (2) *Maintenance.* The owner shall provide adequate maintenance of the opens space improvements for a minimum of one (1) year from the date of issuance of the certificate of occupancy. The city shall inspect landscape improvements at least once during this period to ensure that the approved plan has been fully implemented and maintained. When a private property owner provides landscaping within the public right-of-way and the landscaping dies within a one-year period, such landscaping shall be replaced within a reasonable time not to exceed six (6) months for planting by the owner at the owner's sole expense.

(c) *Relocation of open space.*

Relocation of minimum open space requirements: At the option of the property owner, up to fifty (50) percent of a development's required open space may be relocated to an offsite location provided:

- (1) The city council has reviewed and approved the transfer request;
- (2) A written agreement among all owners of record shall be provided with the request and held on file with the city clerk. All renewed or terminated leases shall be filed with the city clerk.
- (3) The receiving site(s) is designated an open space site in the comprehensive development plan;
- (4) The receiving site(s) is located within three thousand (3,000) linear feet of the donating property;
- (5) The receiving site(s) contains the required amount of open space; and
- (6) Designated open space sites shall comply with the following:
 - a. The open space shall provide active or passive recreational amenities;
 - b. The open space shall be no greater than twenty-four (24) inches above or below the adjacent public sidewalk for a minimum distance of fifteen (15) feet from the beginning of the adjacent sidewalk;
 - c. The open space shall be visible and accessible from any point along ninety (90) percent of any adjacent sidewalk; and
 - d. The open space shall permit and encourage pedestrians to walk on a minimum of eighty (80) percent of the surface of the parcel excluding fountains, pedestrian furniture, public art and similar elements.”

SECTION EIGHT

Article VII of Appendix A is hereby deleted in its entirety and replaced with new Article VII, “Zoning District Standards”, consisting of 26 pages and attached hereto, which is incorporated herein by reference.

SECTION NINE

Section 1002 of Appendix A is hereby deleted and replaced with the following language:

“Sec. 1002. Administrative Variance.

The city manager has the authority to modify certain provisions of this article pursuant to Section 309.”

SECTION TEN

New Section 1117 of Appendix A is hereby adopted to read as follows:

“Section 1117. Reduction in front yard setback.

In NC-2 and TC districts only, 50% reduction in the required front yard setback is allowed when all required parking is located exclusively in the rear yard of the parcel.”

SECTION ELEVEN

New Section 1118 of Appendix A is hereby adopted to read as follows:

“Section 1118. Reductions in required parking.

- a. When an existing site without vehicular or pedestrian interconnection is retrofitted to provide permanent access to adjacent sites’ parking and sidewalks, a 10% reduction in the number of required parking places shall be allowed.
- b. Developments wherein the front door is located within 250 feet of public transit stop shall be allowed a 10% reduction in the required number of parking places.”

SECTION TWELVE

New Section 1119 of Appendix A is hereby adopted to read as follows:

“Sec. 1119. Grasscrete parking bonus.

In the NC-2 District only, for every one (1) square foot of pervious surface provided of "Grasscrete" or "Grasspave" or other porous paving or grass paving systems provided towards required parking, an additional two (2) square feet of floor area shall be permitted.”

SECTION THIRTEEN

Section 1204 of Appendix A, concerning “minimum buffer specifications” is hereby repealed and shall be “Reserved”.

SECTION FOURTEEN

City Code Section 5-40, concerning “clothing collection bins” is hereby repealed and shall be “Reserved.”

SECTION FIFTEEN

To the extent that any provision adopted by this Ordinance conflicts with any other provision of the City Code, the provisions set forth in this Ordinance shall control.

SECTION SIXTEEN

This Ordinance shall become effective upon the date of its adoption by the City Council.

SO ORDAINED, this ____ day of _____, 2013.

CITY COUNCIL, CITY OF CLARKSTION, GEORGIA

EMANUEL RANSOM, Mayor

Attest:

Tracy Ashby, City Clerk

Approved as to Form:

Stephen Quinn, City Attorney