

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE TO AMEND THE CLARKSTON ZONING ORDINANCE, APPENDIX A OF THE CITY CODE OF ORDINANCES, ARTICLE III - ADMINISTRATION - TO NOT REQUIRE A SITE PLAN FOR EVERY REZONING APPLICATION; TO ELIMINATE ZONING REVERSION WHEN PROPERTY IS NOT DEVELOPED IN ONE YEAR; TO PROVIDE FOR ZONING OF ANNEXED PROPERTY; TO REPEAL CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.**

**WHEREAS**, the City currently requires a "site plan" to be submitted along with every application for rezoning; and

**WHEREAS**, a "site plan" as defined by the Zoning Ordinance requires the participation of professionals and can be quite expensive to produce; and

**WHEREAS**, applicants do not always have a specific plan for development when they apply for rezoning; and

**WHEREAS**, the City Council has determined that requiring a "site plan" constitutes an undue burden for certain rezoning applications; and

**WHEREAS**, the City Council has determined that requiring a "site plan" remains necessary in order to protect the public welfare where rezoning applications seek NR-CD, RC, NC-1, ~~NC-2, or TC~~ designations, as these zones allow apartment developments that can present serious traffic, public safety and other potential problems.

**NOW THEREFORE, BE IT ORDAINED** by the City of Clarkston, Georgia, that the City's Zoning Ordinance be amended as follows:

**SECTION ONE**

Zoning Ordinance § 302 is hereby repealed and replaced with the following text:

**"Sec. 302. - Application requirements.**

(a) All applications to amend the zoning map (rezoning) shall, as part of the application, include a site analysis at a readable scale (1" = 100' minimum). Such site analysis shall include a depiction of:

- (1) Existing shape and dimensions of each lot that is the subject of the application, including the size, measurement and location of any existing buildings or structures on the lot(s).
- (2) Existing location of utilities.
- (3) Streams, creeks, lakes and ponds.
- (4) Easements and rights of way.

(b) All applications seeking any of the actions listed (1) – (4) below shall include a set of development plans, as defined in subsection (c), with the application:

- (1) Applications to rezone property to NC-1, NC-2, NR-CD, RC or TC.
- (2) Applications to amend the future development map.
- (3) Applications to approve a planned development.
- (4) Applications for issuance of a building permit.

(c) *Development Plans.* When required by subsection (b), development plans shall be at a readable scale (1" = 100' minimum), contain the required number of sets (specified on each application) and shall demonstrate compliance with all regulations and calculations required by the zoning ordinance. Unless waived by the building official as inapplicable in the case of minor building permits, development plans shall include but not be limited to the following information:

- (1) Boundary survey completed by a certified surveyor and depicting, at a minimum, the features listed in subsection (a).
- (2) A correct scale and north arrow.
- (3) The present zoning classification of the subject and all adjacent parcels.
- (4) Proposed land use and building footprints with door locations.
- (5) The gross square footage of proposed buildings.
- (6) Required yard setbacks appropriately dimensioned.
- (7) Densities.
- (8) The location of required off-street parking and loading spaces including total number of spaces, space and driveway dimensions.
- (9) Internal circulation including the proposed location of all driveways and entry/exit points for vehicular traffic, using arrows to depict direction of movement.
- (10) Building height.

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- (11) Sidewalks.
- (12) Utilities, grading, drainage, amenities, and similar details including their respective measurements.
- (13) Any applicable buffer boundaries such as streams, or other planted buffers as required by zoning district.
- (14) *Landscape and Tree Plan*. This plan shall demonstrate compliance with all regulations and calculations required by the zoning ordinance related to landscaping and trees by depicting:
  - (i) Landscaping, including tree species, the number of all plantings, and landscaping that is replacing what is being removed.
  - (ii) The location and extent of required buffers and screened areas, depicting extent of natural vegetation and type and location of additional vegetation if required.
  - (iii) Open space.
- (15) *Architectural Design*. The architectural design elements showing compliance with all regulations and calculations required by the zoning ordinance which shall include but not be limited to:
  - (i) Scaled elevation drawings of proposed structures.
  - (ii) Information on building materials, features, exterior finish, windows, doors, colors, and items affecting exterior appearance, such as signs, air conditioning, grills, compressors, and similar details including their respective measurements.”

SECTION TWO

Zoning Ordinance § 306 is hereby repealed and replaced with the following text:

**“Sec. 306. – Conditional rezonings.**

With the consent of the applicant for rezoning, the City Council may attach conditions to the rezoning of property. Such conditions of zoning shall be in writing and included with the motion to approve rezoning of the property. When a property is so zoned, the official zoning map shall denote that the property is zoned “conditional.” The written conditions associated with a rezoning shall be maintained by and copies of such conditional ordinances may be obtained from the City Clerk. Any conditions imposed by the City Council in connection with a

rezoning shall remain in effect until and unless they are removed by a subsequent rezoning by the City Council.”

**SECTION THREE**

The last sentence of Zoning Ordinance § 310 is hereby deleted so that the section reads as follows:

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**“Sec. 310. – Reapplication to the mayor and city council for variance or zoning amendments.**

If an application for a variance or rezoning is denied by the mayor and city council, then such variance or rezoning of the same property may not again be considered until the expiration of at least twelve (12) months from the date of the original application. This limitation shall not apply to a rezoning initiated by the City of Clarkston or to cases where the city, by majority vote of the city council, waives the one-year limitation.”

**SECTION FOUR**

Zoning Ordinance § 320 is hereby repealed and replaced with the following text:

**“Sec. 320. – Zoning of annexed property.**

- (a) Upon annexation of property, the City Council shall assign the annexed property a zoning designation. Based on the DeKalb County zoning of the annexation property, the City Council will assign the corresponding City zoning designation listed in subsection (b) unless the City Council determines that a different zoning designation is more appropriate based on the criteria set forth in Section 305.

- (b) DEKALB COUNTY TO CITY OF CLARKSTON ZONING  
CONVERSION TABLE

DRAFT 8.3.17

CITY OF CLARKSTON ZONING DISTRICT	DEKALB COUNTY ZONING DISTRICT
NR-1	RE R/G R-100 R-78 R-85
NR-2	R-75
NR-3	RSM MR-1 MR-2 HR-1 HR-2 HR-3
NR-CD	MU-1 MU-2 MU-3 MU-4 MU-5
RC	OTI
NC-1	C-1 OI
NG-2	C-2 NS
I	M M-2

SECTION FIVE

This Ordinance shall become effective upon the date of its adoption by the City Council. Any provision of any ordinance in conflict herewith is hereby repealed.

**SO ORDAINED**, this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

**CITY COUNCIL, CITY OF CLARKSTON, GEORGIA**

EDWARD TERRY, Mayor

Attest:

Tracy Ashby, City Clerk

Approved as to Form:

Stephen Quinn, City Attorney