Henry County

Unified Land Development Code

Full Revision
09.01.2026

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Sec. 1.1. Legal Requirements

1.1.1. Authority

This ordinance is enacted pursuant to the authority granted by Article IX, Section II, Paragraphs I and IV of the Constitution of the State of Georgia and by O.C.G.A. §36-67, The Zoning Procedures Law.

1.1.2. Title

This document is "the Unified Land Development Code of Henry County, Georgia" and is referred to or cited throughout as "this Unified Land Development Code" or "this ULDC".

1.1.3. Applicability

A. Generally

The regulations, standards, criteria, and procedures set forth in this ULDC shall govern the design, development, and use of all land within the unincorporated areas of Henry County.

B. General Application

In their interpretation and application, the provisions of this ULDC are the minimum requirements for the promotion and protection of the public health, safety, and welfare.

C. Exemptions and Exceptions

The following situations are exempt from the requirements of the ULDC:

1. Buildings or structures that are legally under construction on the date of adoption of the ULDC.
2. Buildings or structures for which a building permit has been issued as of the effective date of this ULDC, provided that construction commences prior to the expiration of the building permit and continues until completed.
3. Provided that development pursuant to an approved development plan or subdivision plat approved prior to the effective date of this ULDC, commences not later than one year after the effective date of this ULDC.
4. The proposed use of property lawfully approved as of the effective date of this ULDC.
5. Applications for building permits, development permits and zoning requests legally submitted, with a complete application and paid fees, prior to the adoption of this ULDC. Such applications will not be required to meet the requirements of the adopted ULDC but must meet the requirements of adopted ordinances at the time of application submittal.
6. Zoning requests denied but legally submitted pending the appeal of the Board of Commissioners.

1.1.4. Purpose and Intent

The purpose and intent of this ULDC is to:

A. Promote the health, safety, aesthetics, convenience, order, prosperity, and the general welfare of the present and future inhabitants of Henry County;

B. Lessen congestion on the public streets;

C. Further traffic safety;

D. Secure safety from fire, flood and other dangers;

E. Provide adequate light and air;

F. Prevent the overcrowding of land, avoiding both undue concentration of population, and urban sprawl;

G. Facilitate the adequate provision of transportation, water, sewerage collection, schools, parks and other public requirements;

H. Protect property against blight and depreciation;

I. Encourage the most appropriate use of land, buildings, and other structures throughout the county;

J. Ensure economy in government expenditures for infrastructure; and

K. Preserve natural resources.

1.1.5. Zoning Compliance Law

A. This chapter consists of a unified land development ordinance, crafted as a series of articles.

B. Zoning Ordinance

Article 1 through Article 7 and Article 10, as well as those definitions set forth in Article 11 that constitute, by reference, text of these articles, are all intended to constitute a zoning ordinance within the meaning of O.C.G.A. § 36-66-1, et seq. Changes to the text of these articles, as well as Official Zoning Map amendments and other zoning actions addressed in those Articles, require compliance with the public notice and hearing procedures provided in Article 10 (Administration), and in said state statute.

C. Other Ordinances

The remining articles are not intended to constitute a zoning ordinance and may be amended using the County's general procedures for ordinance amendment.

1.1.6. Relationship to the Comprehensive Plan

The Henry County Comprehensive Plan (comprehensive plan) is the official development policy and implementation guide for the county to coordinate and direct physical and economic development, related public investment, and to provide reasonable regulations for the development of private property in the interest of public health, safety, and welfare. The ULDC is designed to implement all provisions of that plan for the development and use of land.

1.1.7. Administrator

The Planning and Zoning Department is charged with the administration of this ULDC and may therefore establish such rules and procedures as may be necessary, including, but not limited to, administrative procedures for the filing of applications for amendment to the official zoning map of Henry County (rezonings), variances, and other applications for development approval. The Director or their assigned designee is authorized to interpret the provisions of this ULDC when warranted and appropriate.

Sec. 1.2. Documents Adopted by Reference

1.2.1. Official Zoning Map

A. The official zoning map must be adopted by resolution of the Board of Commissioners, which directs the identification of the official zoning map by the signature of the Chair of the Board of Commissioners, attested by the county clerk, and bearing the seal of the county under the following words: "This is to certify that this is the Official Zoning Map of Henry County", together with the date of adoption.

B. The official zoning map of Henry County, Georgia, and all information contained on it, is hereby adopted by reference and declared to be a part of this ULDC.

C. If, in accordance with the procedural requirements set forth in Sec. 10.2 regarding amendments to the official zoning map, changes are made in district boundaries or other matter portrayed on the official zoning map, such changes must be entered on the official zoning map within one year after the amendment has been approved by the Board of Commissioners, with an entry in the minutes of such Board of Commissioners meeting as follows: "On _____, 20___ by official action of the Board of Commissioners, the following (change) changes (was) were made to the official zoning map: (brief description of nature of change or changes)," which entry must be signed by the Chair of the Board of Commissioners, and attested by the county clerk.

D. The official zoning map may be kept electronically in a geographic information system. Any copy of the official zoning map published on the internet or otherwise portrayed does not constitute the original official zoning map.

E. The official zoning map is the final authority as to the current zoning status of any parcel or lot in the county.

F. In the event that the official zoning map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the Board of Commissioners may, by ordinance, adopt a new official zoning map, which shall supersede the prior official zoning map.

1. The new official zoning map may correct drafting or other errors or omissions in the prior official zoning map, but no such correction shall have the effect of amending the original official zoning map.
2. This new official zoning map will be identified by the signature of the Chair of the Board of Commissioners, attested by the county clerk, and bearing the seal of the county under the following words: "This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted on _____, 20___ as part of the ULDC."
3. Unless the previous official zoning map has been lost or has been completely destroyed, the prior map or any significant remaining parts thereof must be preserved, together with all available records pertaining to its adoption or amendment.
4. If official zoning records conflict with the official zoning map and reveal drafting or other errors, such records may be used to amend the official zoning map administratively. Notification of such errors must be made to the Board of Commissioners for certification and adoption.

1.2.2. Additional Documents

A. Functional Road Plan

The functional road plan, adopted in the comprehensive plan, describing the functional classifications and associated right-of-way requirements, is hereby adopted by reference and declared to be a part of this ULDC. This plan provides information to guide Henry County in requiring the dedication or preservation of land for rights-of-way for future streets.

B. Henry County Parks & Recreation Master Plan

The Henry County Parks & Recreation Master Plan, adopted by the County Board of Commissioners on August 20, 2024, which developed a comprehensive vision for the park and recreation system within Henry County, along with any subsequent amendments, is hereby adopted by reference.

C. Georgia Stormwater Management Manual

The Georgia Stormwater Management Manual (GSMM) is hereby adopted by reference and declared to be a part of this ULDC. The GSMM specifies the channel protection, flood control requirements and design standards necessary to control stormwater runoff and protect water quality.

D. Metro North Georgia Water Planning District.

The Metropolitan North Georgia Water Planning District was signed into law on April 5, 2001, (2001 S.B. 130) to develop regional and watershed specific plans for a sixteen-county area. Henry County is a member of the water supply area and a member of the Metropolitan North Georgia Water Planning District; enabling legislation also requires that all provisions established by the district be implemented by the local governments.

E. Floodplain Management

Henry County is required to adhere to floodplain management standards referenced in Paragraph 60.3(d) (44 CFR 59) based on participation with the National Flood Insurance Program (NFIP). The adopted flood insurance study (FIS), dated May 16, 2006, with accompanying maps and other supporting data and any revision thereto, are hereby adopted by reference and will be the final authority as to indicate base flood elevations (BFE) for Henry County, if available. Other methods can be used to determine the BFE as detailed in Sec. 9.2.1.C where the FIS did not establish a BFE.

F. Building and Construction Codes

Each building and construction code listed in subsections 1.2.2.E.1. through 15 as approved by the State of Georgia, including any attachments, future editions and amendments, are hereby adopted by reference as if set forth in its entirety.

1. International Building Code (ICC)
2. National Electric Code as published by the National Fire Protection Association (NFPA)
3. International Fuel Gas Code (ICC)
4. International Mechanical Code (ICC)
5. International Plumbing Code (ICC)
6. International Residential Code for One- and Two-Family Dwellings (ICC)
7. International Energy Conservation Code (ICC)
8. International Fire Code (ICC)
9. International Property Maintenance Code (ICC)

10. Standard Amusement Device Code (SBCCI/ICC)
11. Excavation and Grading Code (SBCCI/ICC)
12. International Existing Buildings Code (ICC)
13. Standard Swimming Pool Code (SBCCI/ICC)
14. Standard Unsafe Building Abatement Code (SBCCI/ICC)
15. The Code for Safety of Life from Fire in Buildings and Structures as contained in the National Fire Prevention Association Publication 101 (NFPA).

G. OSHA Safety and Health Regulations Regarding Excavating and Trenching

All safety and health regulations promulgated by OSHA with regard to excavating and trenching operations, particularly Part 1926, Subpart P, Excavation, Trenching, and Shoring, sections 1926.650, 1926.651, and 1926.652 of the Code of Federal Regulations, as the same now exists or may be hereafter amended, are hereby adopted as a part of this ULDC as if it were quoted verbatim herein.

Sec. 1.3. Rules of Interpretation

1.3.1. Generally

The following rules of interpretation apply in the administration of the ULDC:

A. In the administration of the ULDC, where there is any conflict between text within the ULDC and any caption, illustration, or graphic presentation, the text will control.

B. All statements that refer to "section" means sections of this ULDC unless the statement clearly provides a citation to another document.

C. More specific provisions of this ULDC must be followed in lieu of more general provisions.

D. Where more than one standard on the same subject is applied to the design and development of land, the stricter standard shall apply, unless otherwise stated in this ULDC.

E. In interpreting and applying the provisions of this ULDC, the provisions will be the minimum requirements for the promotion of health, safety, aesthetics, and welfare of the general public.

1.3.2. Rules for Boundary Interpretations

Where uncertainty exists with respect to the location of the boundaries of any zoning district in Henry County the following rules apply:

A. District boundaries indicated as approximately following the centerlines of streets or highways will be construed as following the indicated centerline.

B. District boundaries indicated as approximately following street or highway right-of-way lines will be construed as following the street or highway right-of-way lines.

C. District boundaries indicated as approximately following lot or property lines will be construed to follow such lot or property lines.

D. District boundaries indicated as approximately parallel to the centerlines of streets, roads, highways, or railroads, will be construed as being parallel to and at such distance as indicated on the official zoning map. If no distance or legal description is given, the dimension will be determined using the scale shown on the official zoning map.

E. Where a district boundary line divides a lot that is in single ownership at the time of enactment of this ULDC, the district requirements for each portion of such lot will be deemed to apply.

F. In the case of a through lot fronting on two approximately parallel streets that is divided by a zoning district boundary line paralleling the streets, the restrictions of the zoning district in which each frontage of the through lot lies will apply to that portion of the through lot.

G. Where zoning district boundaries are in doubt, the Director will make such interpretation using the appropriate scale from the official zoning map.

H. All rights-of-way not otherwise specifically designated will not be zoned.

1.3.3. Rules of Construction

A. Words used in the present tense will include the future tense.

B. Words used in the singular number will include the plural number, and words used in the plural number will include the singular number.

C. A word importing the masculine gender will extend and be applied to female persons and to firms, partnerships, and corporations, as well as to male persons.

D. The word "may" is always permissive and never mandatory. The word "must" is always mandatory.

E. The word "month" will mean thirty days.

F. The word "person" will extend and be applied to associations, clubs, societies, firms, partnerships, and bodies both political and corporate, as well as to individuals.

G. The word "includes" will not limit a term to the specified examples but is intended to extend its meaning to other instances or circumstances of like kind or character.

1.3.4. Computation of Time

Except as required by state or federal law, or as interpreted by the courts, the time within which an act must be done will be computed by working days, excluding the first and including the last day. Saturdays, Sundays, and legal holidays observed by Henry County will be excluded from the computation.

1.3.5. Abrogation

A. This ULDC is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, when this ULDC is more restrictive than a private agreement or covenant, this ULDC controls. The County will not enforce any private agreement or covenant.

B. Where this ULDC and another ordinance or law conflict or overlap, whichever imposes the more restrictive condition or requirement governs.

1.3.6. Severability

If any section, paragraph, clause, phrase, or provision of this ULDC shall be adjudged invalid or held unconstitutional, such decisions will not affect the validity of remaining portions of this ULDC.

Sec. 1.4. Zoning Districts

1.4.1. Establishment of Districts

Henry County is divided into the zoning districts indicated on Table 1.1. to carry out the intent and purpose of this ULDC.

Table 1.1 Zoning Districts

Residential Districts		Formerly
R-A	Residential Agricultural	R-A
R-1	Single-family Residential	R-1
R-2	Single-family Residential	R-2
R-3	Single-family Residential	R-3
R-4	Single-family Residential	R-4
R-5	Single-family Residential	R-5
R-TF	Two-family Residential	R-D
R-X	Residential Mixed	RS
R-M	Residential Multifamily	RM
MHD	Manufactured Home Development	RMH
Nonresidential and Mixed-use Districts		
O-I	Office and Institutional	O-I
C-1	Neighborhood Commercial	C-1
C-2	General Commercial	C-2
C-3	Highway Commercial	C-3
M-U	Mixed-use	M-U
I-1	Light Industrial	M-1
I-2	Heavy Industrial	M-2
Special Purpose Districts		
BSPO	Bruton Smith Parkway Overlay	BSPOD
HCOD	Highway Corridor Overlay	HCOD
CDO	Central District Overlay	*New*
NOKO	North Ola-Kelleytown Overlay	*New*
AAO	Airport Area Overlay	*New*
RFN	Residential Fly-in Neighborhood	RFN

1.4.2. Conversion of Previous Zoning Districts

A. Zoning districts as were established under the previous zoning ordinance of Henry County are hereby renamed to the following zoning district names and designations under this ULDC, as shown in Table 1.1. All regulations, requirements and provisions of this ULDC applicable to a zoning district established under this section shall apply to the previously named zoning district as now named

1.4.3. Prior Approvals

A. All special conditions and special stipulations imposed as conditions of rezoning of property prior to adoption of this ULDC are hereby retained and reaffirmed and will continue in full force and effect until such time as the property is rezoned or the prior zoning action of the Board of Commissioners is amended through the rezoning process established by this ULDC.

B. Any subdivision (residential or commercial) platted prior to March 17, 2026 will retain all development standards which were in place at the time of platting.

ARTICLE 2. RULES COMMON TO ALL DISTRICTS

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Sec. 2.1. Lots and Structures

2.1.1. Lots

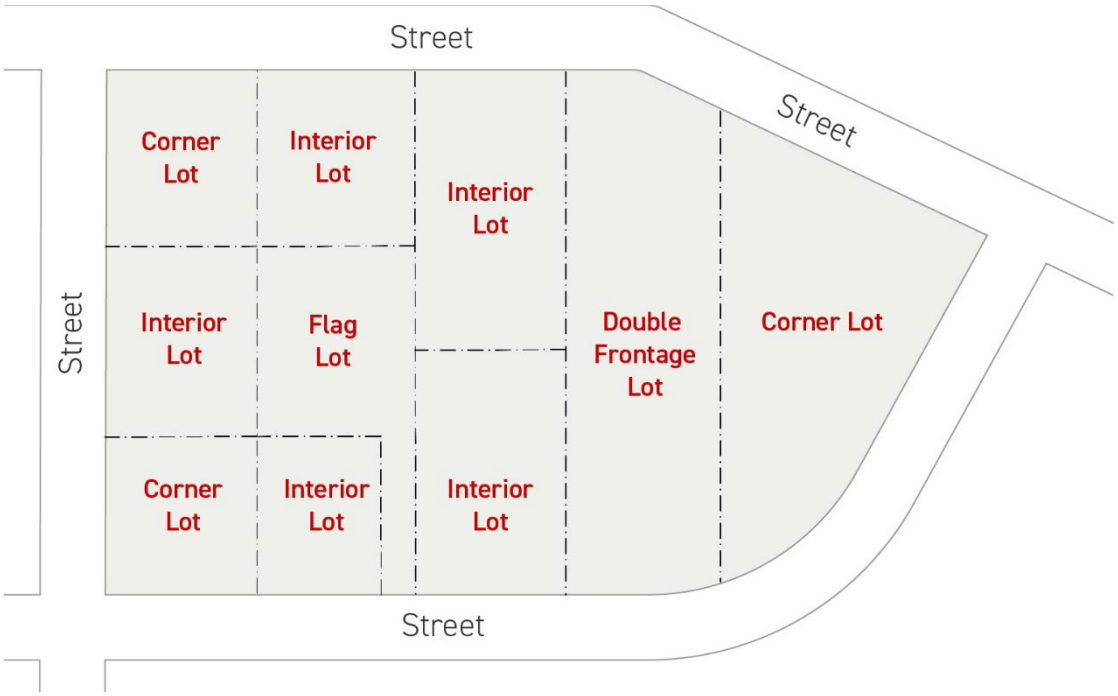
A. General

1. Except as specifically provided in this ULDC, no lot existing at the time of adoption of this ULDC may be reduced, divided, or changed to produce a lot or tract of land which does not comply with the minimum dimensional standards for its appropriate zoning district.
2. Only one principal residential building and its allowable accessory buildings may be erected on any one lot in any single-family or two-family residential district. Where contiguous lots have been combined, the combined lot will be considered one lot.

B. Defined

A portion or parcel of land separated from other portions or parcels by description, such as on a subdivision plat, survey map, or metes and bounds. See Figure 2.1 below.

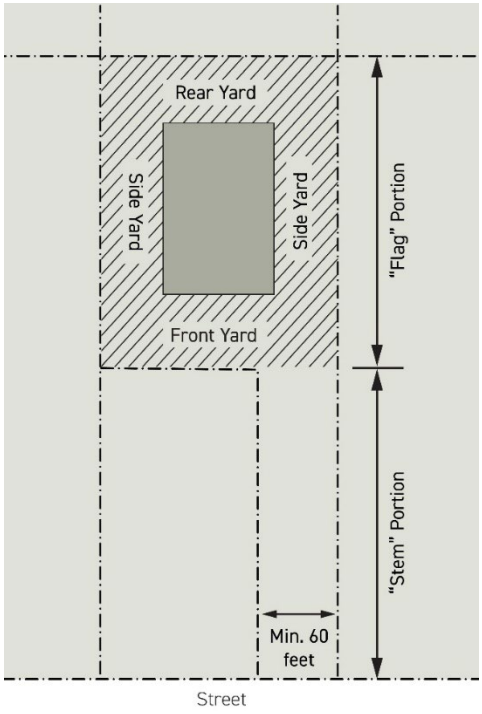
Figure 2.1 Lot Types



1. Corner lot. A lot abutting or two more streets at their intersection, or bounded on two or more adjacent sides by street right-of-way lines.
2. Double frontage lot. A lot with frontage on two or more streets that does not meet the definition of a corner lot. May also be referred to as a "through lot".
   (a) Structures on a double frontage lot must be sited to conform to the existing development pattern of adjacent lots.

3. Flag lot. A lot where frontage to a public street is provided via a narrow strip of land forming a "pole" or "stem" to the buildable portion of the lot known as the "flag". Flag lots must meet the following standards:
   (a) The "stem" of the flag must be at least 60 feet wide.
   (b) Flag lot front yard setbacks are measured from the "flag" property line that intersects and is most perpendicular to the "stem". See Figure 2.2 below.
   (c) Notwithstanding the provisions of Sec. 8.3.4.C, flag lots are prohibited in a major subdivision.

Figure 2.2 Flag Lots



4. Interior lot. A lot other than a corner lot or a through lot.
5. Landlocked lot. A lot with no frontage on a public or private right of way. Any landlocked lot which exists as a lot of record prior to the effective date of this ULDC is subject to the following:
   (a) No landlocked lot may be developed or improved unless a waiver is granted by the Director.
   (b) When deciding to allow development on a landlocked lot, the Director must consider the following:
      i. Whether a principal building exists or is being constructed on the property.
      ii. Whether the property has access to a public or private street by way of a recorded access easement or other means acceptable to the Director.
   (c) Yards, as defined in Sec. 2.1.2, will be determined by the Director. The Director may require buffers or other screening measures when considered necessary for the purposes of public health, welfare, or safety.

C. Lot Depth

The average horizontal distance between the front and rear lot lines.

D. Lot Frontage

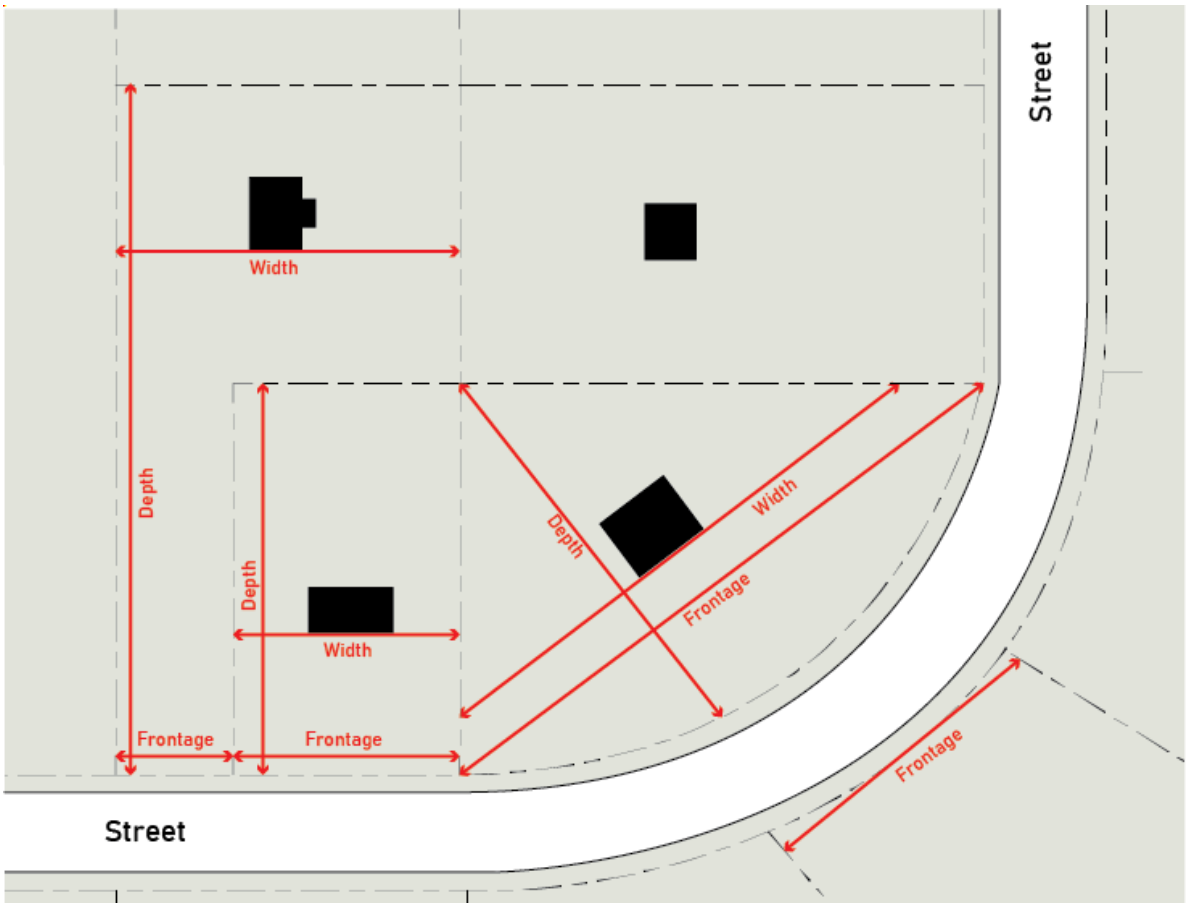
The horizontal distance between the side lot lines measured along the street right-of-way lines.

1. Lot frontage is measured at the right-of-way.
2. For cul-de-sac lots, lot frontage is measured at the right-of-way and must be a minimum of 50% of the required frontage of the zoning district.

E. Lot Width

The distance between the side lot lines as measured at the front building line.

Figure 2.3 Lot Frontage, Width and Depth



F. Lot Line

A line bounding a lot that divides one lot from another lot, street, or any other public or private space (see Figure 2.4 below.). Each lot line may have only one designation and must be designated as one of the following:

1. Front lot line. The property boundary abutting a right-of-way.

(a) On corner lots, the shortest line abutting a street.

(b) In the case of a double frontage lot, a lot will have more than one front lot line.

2. Rear lot line. The lot line generally opposite and parallel to the front lot line.

(a) A lot may have no more than one rear lot line.

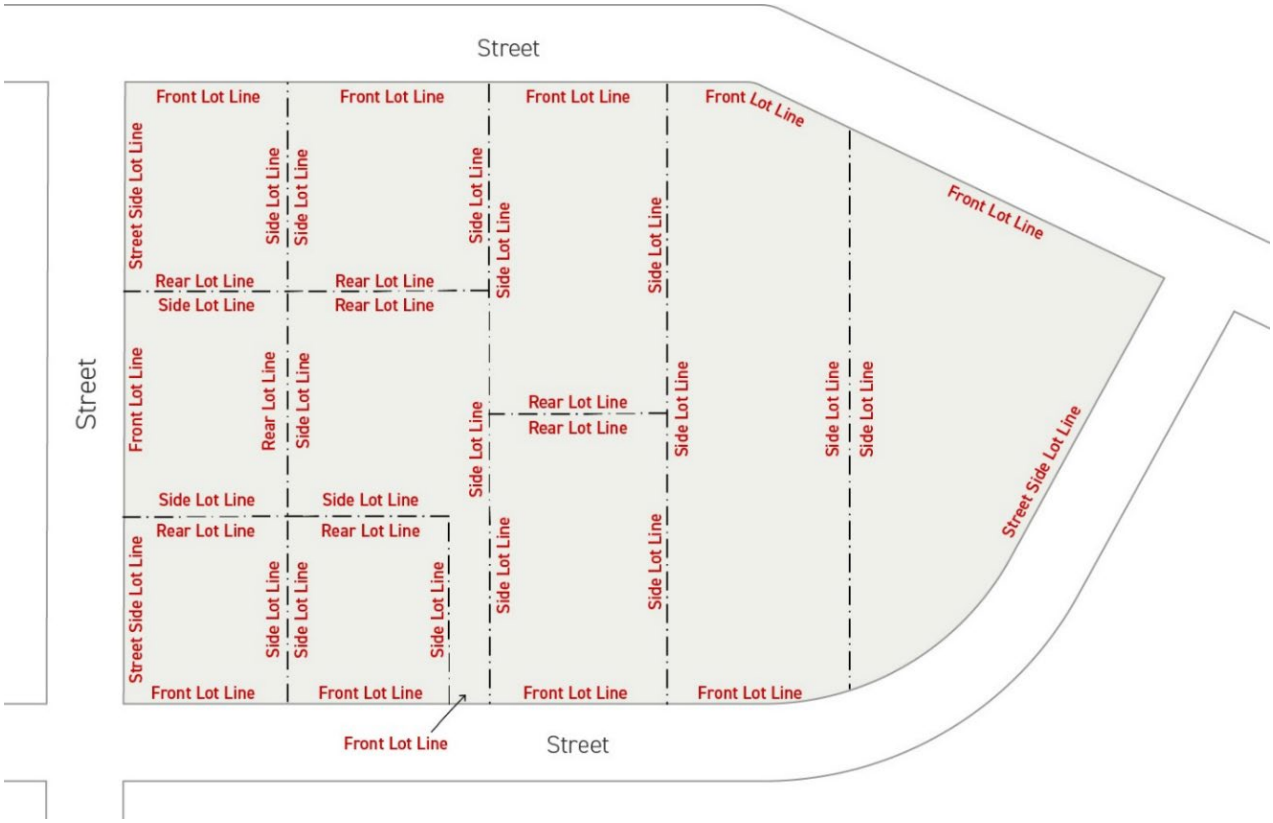
(b) In the case of double frontage lots, a lot may have no rear lot line.

(c) In the case of three-sided lots, there is no rear lot line.

3. Street side lot line. On corner lots, side street lot lines include any lot line abutting a street that is not a front lot line.

4. Side lot line. Any lot line not designated as a front, street side, or rear lot line.

Figure 2.4 Lot Lines



G. Lot Area

The area included within the rear, side and front lot lines. It does not include any existing or proposed right-of-way, whether dedicated or not dedicated to public use.

H. Exceptions to Lot Requirements

1. Land which is required, dedicated or donated and accepted for public use is exempt from the lot width requirements of this ULDC.

2. Lots used exclusively for common areas, open spaces, private alleys, or stormwater facilities are exempt from lot size requirements.

3. Any lot upon which an individual well or septic tank are utilized is subject to Health Department lot size requirements. Any lot proposed to be served by either a well or septic tank must comply with the larger of the minimum lot area required by the health code or the minimum required for the zoning district in which the lot is located.

2.1.2. Yards

A. Defined

A required open space located on the same lot as the principal building, unoccupied and unobstructed except for authorized accessory uses, vegetation, and fences. A yard requirement may also be referred to as a "setback".

1. Setback. The horizontal distance between a building or building line and a property line or a buffer line in which a structure cannot be erected or, with respect to a stream, the area established by the ULDC extending beyond any buffer applicable to the stream.

B. Types of Yards

1. Front Yard. That area of a lot lying between the abutting street right-of-way line and the principal building of the lot and extending across the full width of the lot.

   (a) If a building is constructed on a double-frontage lot, a setback from each road must be provided equal to the front yard requirement for the district in which the lot is located.

2. Rear Yard. That area of a lot between the rear lot line and the principal building on the lot across the full width of the lot. The rear yard of a corner lot does not include any portion of a lot designated as a front yard or street side yard, unless otherwise determined on a recorded plat or in a recorded deed.

3. Street Side Yard. That area of a lot between a side street lot line and the principal building on the lot facing the side street lot line for the full depth of the lot.

4. Side Yard. The area of a lot between the side lot line and the principal building on the lot extending from the front yard to the rear yard.

   (a) Property with a side lot line adjacent to a railroad right-of-way must provide a 10-foot side yard setback.

C. Measurement of Yards

Setbacks are measured from the front, side, or rear property line to the nearest building or structure.

D. Encroachments Into Yards

The following may encroach into required yards:

1. Architectural features such as cornices, eaves, steps, gutters, and fire escapes may project up to 3 feet beyond a required setback line, except where such projections would obstruct driveways which are used or may be used for access of service and/or emergency vehicles.

2. Fences or walls.

3. Vegetation and landscaping.

4. Accessory structures less than 144 square feet in area and 12 feet in height in side or rear yards, provided that no such structure may be within 5 feet of a property line. This does not authorize the encroachment of such a structure into a street side yard as defined in subsection B above.

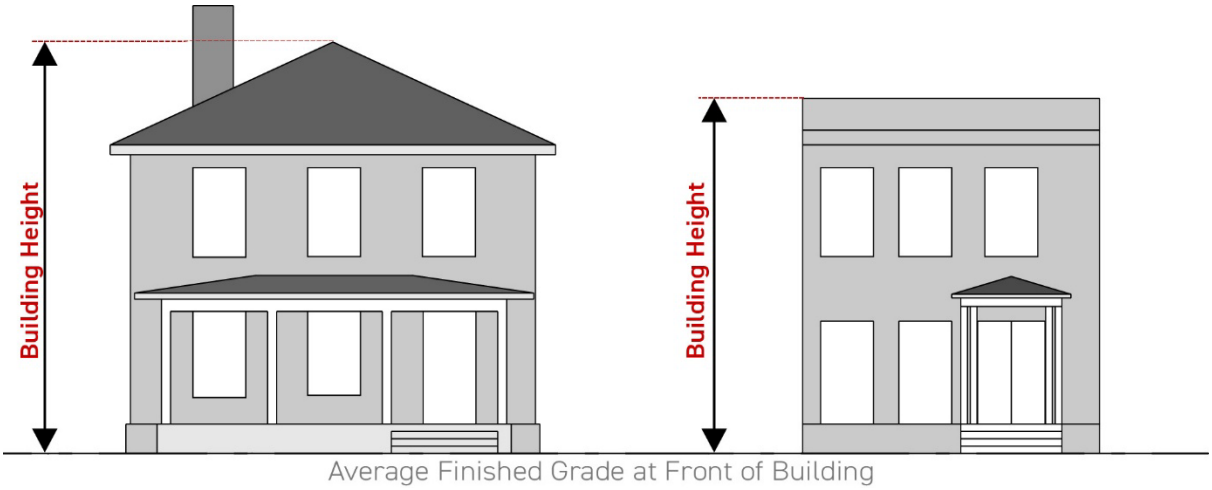
2.1.3. Building Height

A. Defined.

The vertical distance measured from the average finished grade at the front of a building to the highest point of the roof or parapet. See Figure 2.5.

1. When referring to a tower, sign or other structure, the distance measured from ground level to the highest point on the tower, sign or other structure, even if said highest point is an antenna.
2. When a building has frontage on more than one street, the height will be measured from the average grades at the center of each street front.

Figure 2.5 Building Height



B. Maximum Height

The maximum building height is as established for each district in which a building is located.

C. Exceptions

The maximum heights limits of the zoning districts do not apply to the following unless specifically indicated in district or overlay regulations:

1. Telecommunication uses are subject to the height limits in Sec. 6.4.4.
2. Building elements such as church spires, belfries, flagpoles, monuments, cupolas, domes, ornamental towers, or observation towers not intended for human occupancy;
3. Water towers, transmission towers, radio or television towers or aerials.
4. Agricultural structures such as barns, silos, and similar structures customary for the bona fide agricultural use of a property, provided they do not exceed a height of 50 feet.

Sec. 2.2. Design Standards

2.2.1. General

A. Intent

These regulations are intended to:

1. Maintain high-quality, long-lasting, and sustainable development in the county.
2. Enhance the visual appeal and livability of the county.
3. Foster architectural diversity while maintaining a consistent, durable and pleasing visual and aesthetic quality.

B. Application Requirements

1. Building plans submitted as an application for a building permit must provide sufficient information to determine compliance with this section.

C. The Director may waive or modify the standards of this Sec. 2.2. in accordance with the provisions of Sec. 10.5.2.A.3.

2.2.2. Residential Design Standards

A. All single-family dwellings, including mobile and manufactured homes, must meet the design standards set forth in this Sec. 2.2. In addition to the design standards of this section, mobile and manufactured homes in the MHD district must meet the development standards of Sec. 3.10.

1. The minimum width of the building must exceed 16 feet.
2. Roof materials must include wood or cedar shake, asphalt or wood shingles, concrete, fiberglass or metal tiles, slate, or built-up gravel materials. Other roof materials may be used where specifically approved by the Building Official.
3. The dwelling must be attached to a permanent foundation. The foundation must be concrete, or masonry blocks joined by mortar, or both.
4. Any building having its finished floor entirely above grade, except for a basement, as defined in the standard building codes, must be enclosed by masonry blocks or bricks joined by mortar, or poured concrete walls.
5. The exterior siding material must consist of wood, fiber cement siding, masonry, concrete, stucco, or other materials of like appearance.
   (a) For infill residential dwellings within a platted subdivision, exterior siding material must be consistent with the existing adjacent dwellings in terms of material and appearance.
6. The building must be constructed according to standards established either by the state minimum standard codes, the Standard Building Code, the National Manufactured Housing Construction and Safety Standards Act, or the State of Georgia Industrial Building Act.

B. Additional Standards for Mobile or Manufactured Homes

1. The manufactured home must be substantially similar or superior in size, siding material, roof material, foundation, and general aesthetic appearance to site-built or other forms of housing which may exist or be permitted under this ULDC in the same zoning district or general area.

2. The minimum roof pitch for all mobile or manufactured homes is 3:12.
3. All towing devices, wheels, axles, and hitches must be removed from the manufactured home.
4. At each exit door there must be a landing that is at least 36 inches in width and depth.
5. Windows and doors must be similar in material, design, and appearance to windows and doors on site-built homes in the surrounding area.

2.2.3. Nonresidential Design Standards

A. The following applies to any new building that is not used for a single-family detached, two-family, or accessory dwelling unit.

B. Materials

Exterior wall finishes are limited to the following and Table 2.1.

1. Brick, including half-depth brick, thin brick, or brick veneer.
2. Stone, including unpainted natural stone, unpainted case stone with the appearance of natural stone, and unpainted terra cotta.
3. True hard coat stucco.
4. Concrete block, which must be painted.
5. Split-face block and painted concrete masonry units (CMU).
6. Wood, including natural wood or fiber cement siding.
7. Tilt/architectural pre-cast concrete.
8. Glass.

C. Transparency

The following transparency requirements apply to the ground story of any street facing facade. Transparency is measured as a percentage of the total linear length of the facade.

1. In the M-U district, the minimum transparency is 50%.
2. In the O-I, C-1, C-2 and C-3 districts, the minimum transparency is 35%.
3. In the I-1 and I-2 districts, the minimum transparency is 10%.

Table 2.1 Nonresidential Material Standards

Yes = Material is allowed with no limitations

Percent (%) = Material is allowed but may not exceed the indicated percent of the total facade area (calculated per facade)

No = Material is not allowed

Zoning District	Brick	Stone	Glass	Tilt/ Pre-cast	True Hard Coat Stucco		Concrete Block		CMU/Split-face Block		Wood or Fiber Cement Siding	
					Front	Side/Rear	Front/Side	Rear	Front/Side	Rear	Front	Side/Rear
O-I	Yes	Yes	Yes	No	Max. 25%	Max. 50%	No	No	No	Yes	No	No+
C-1, C-2, C-3	Yes	Yes	Yes	No	Max. 25%	Max. 50%	No	Yes*	No	Yes*	No	Max. 25%
M-U	Yes	Yes	Yes	No	Max. 25%	Max. 50%	No	Yes*	No	Yes*	No	Max. 25%+
I-1, I-2	Yes	Yes	Yes	Yes^	Max. 25%	Max. 50%	No	Yes*	Max. 25%	Yes*	No	No

Table Notes

^Allowed only for industrial buildings greater than 30,000 square feet in floor area.

*Allowed only on rear facades of buildings larger than 10,000 square feet of floor area. When allowed it must be tinted or painted to blend with the remainder of the building. Concrete block and CMU/split-face block are prohibited when the rear building faces a residential property or public street.

+Allowed for buildings intended to have a residential appearance.

Sec. 2.3. Additional Provisions

2.3.1. Measurement of Distance or Separation

A. If a minimum distance or minimum separation is required between uses by this ULDC, the distance is measured as the shortest straight line distance between the lot lines of the lots containing the uses, unless otherwise stated. Both lots must be located within unincorporated Henry County.

1. When any portion of a lot is within the applicable distance, the entire lot is subject to any distance or separation requirements.

B. If a minimum walking distance is required by this ULDC, the distance is measured as the shortest distance using a public or private walkway, sidewalk, or other pathway.

2.3.2. Posting of Addresses

Each dwelling unit and place of business must have the address posted and maintained in a prominent place on the property and visible from the street providing public access.

A. Any residence using a mailbox must provide a light-reflective number with contrasting background at least 2 inches in height.

B. Any residence which does not use a mailbox and is less than 100 feet from a roadway must provide a light-reflective number with contrasting background at least 3 inches in height.

C. Any residence which does not use a mailbox and is greater than 100 feet from a roadway must provide a light-reflective number with contrasting background at least 3 inches in height. A greater height may be required to ensure addresses are visible from the roadway.

D. All commercial establishments must provide light-reflective numbers with contrasting backgrounds. Numbers must be at least 4 inches in height.

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Sec. 3.1. R-A Residential Agricultural

3.1.1. Intent

This district is intended to preserve the mixed agricultural and residential character of land while providing a transition between rural and agricultural and suburban development patterns. Includes locations to carry out agricultural activities related to crops, livestock, and timber. This district will also provide for detached single-family residential dwellings that are site-built, manufactured or industrialized on lots.

3.1.2. Dimensional Standards

Standards for lots are as indicated on Table 3.1.

Table 3.1 R-A Dimensional Standards

Site	
Density:	1 dwelling per lot
Lot Coverage:	35 % max.
Lots	
Lot area:	1 acre min. when serviced by private septic and public water 1.25 acres min. when serviced by private septic and private well
Lot frontage:	100 ft. min. or 60 ft. min. for flag lots
Lot width:	175 ft. min.
Yards	
Front yard:	50 ft. min.
Side street yard:	35 ft. min.
Side yard:	20 ft. min.
Rear yard:	40 ft. min.
Building Height	
Maximum:	40 ft.

3.1.3. Uses

See Article 6.

3.1.4. Overlay Compliance

See Article 5 (Special and Overlay Districts) for additional or alternative standards which may be applicable in overlay districts.

3.1.5. Other Standards

See Article 2 (Rules Common to All Districts) and Article 6 (Use Provisions) and Article 7 (Site Development) for additional standards which may be applicable.

Sec. 3.2. R-1 Single Family Residential

3.2.1. Intent

This district is intended to provide for detached single-family residential dwellings that are site-built, manufactured or industrialized on lots.

3.2.2. Dimensional Standards

Standards for lots are as indicated on Table 3.2.

Table 3.2 R-1 Dimensional Standards

Site	
Density:	1 dwelling per lot
Lot Coverage:	35% max.
Lots	
Lot area:	1 acre min.
Lot frontage:	100 ft. min. or 60 ft. min. for flag lots
Lot width:	150 ft. min.
Yards	
Front yard:	50 ft. min.
Street side yard:	35 ft. min.
Side yard:	20 ft. min.
Rear yard:	40 ft. min.
Building Height	
Maximum:	40 ft.

3.2.3. Uses

See Article 6.

3.2.4. Overlay Compliance

See Article 5 (Special and Overlay Districts) for additional or alternative standards which may be applicable in overlay districts.

3.2.5. Other Standards

See Article 2 (Rules Common to All Districts) and Article 6 (Use Provisions) and Article 7 (Site Development) for additional standards which may be applicable.

Sec. 3.3. R-2 Single Family Residential

3.3.1. Intent

This district is intended to provide for detached single-family residential dwellings that are either site-built or industrialized on lots.

3.3.2. Dimensional Standards

Standards for lots are as indicated on Table 3.3.

Table 3.3 R-2 Dimensional Standards

Site	
Density:	1 dwelling per lot
Lot Coverage:	40% max.
Lots	
Lot area:	30,000 sq. ft. min when serviced by private septic 22,000 sq. ft. otherwise
Lot frontage:	100 ft. min.
Lot width:	Same as lot frontage
Yards	
Front yard:	30 ft. min.
Street side yard:	20 ft. min.
Side yard:	10 ft. min.
Rear yard:	30 ft. min.
Building Height	
Maximum:	40 ft.

3.3.3. Uses

See Article 6.

3.3.4. Overlay Compliance

See Article 5 (Special and Overlay Districts) for additional or alternative standards which may be applicable in overlay districts.

3.3.5. Other Standards

See Article 2 (Rules Common to All Districts) and Article 6 (Use Provisions) and Article 7 (Site Development) for additional standards which may be applicable.

Sec. 3.4. R-3 Single Family Residential

3.4.1. Intent

This district is intended to provide for detached single-family residential dwellings that are either site-built or industrialized on lots.

3.4.2. Dimensional Standards

Standards for lots are as indicated on Table 3.4.

Table 3.4 R-3 Dimensional Standards

Site	
Density:	1 dwelling per lot
Lot Coverage:	40% max.
Lots	
Lot area:	18,000 sq. ft.
Lot frontage:	80 ft. min.
Lot width:	Same as lot frontage
Yards	
Front yard:	30 ft. min.
Street side yard:	20 ft. min.
Side yard:	10 ft. min.
Rear yard:	30 ft. min.
Building Height	
Maximum:	40 ft.

3.4.3. Uses

See Article 6.

3.4.4. Overlay Compliance

See Article 5 (Special and Overlay Districts) for additional or alternative standards which may be applicable in overlay districts.

3.4.5. Other Standards

See Article 2 (Rules Common to All Districts) and Article 6 (Use Provisions) and Article 7 (Site Development) for additional standards which may be applicable.

Sec. 3.5. R-4 Single Family Residential

3.5.1. Intent

This district is intended to provide for detached single-family residential dwellings that are either site-built or industrialized on lots.

3.5.2. Dimensional Standards

Standards for lots are as indicated on Table 3.5.

Table 3.5 R-4 Dimensional Standards

Site	
Density:	1 dwelling per lot
Lot Coverage:	50% max.
Lots	
Lot area:	12,000 sq. ft.
Lot frontage:	60 ft. min.
Lot width:	Same as lot frontage
Yards	
Front yard:	25 ft. min.
Street side yard:	15 ft. min.
Side yard:	10 ft. min.
Rear yard:	25 ft. min.
Building Height	
Maximum:	40 ft.

3.5.3. Uses

See Article 6.

3.5.4. Overlay Compliance

See Article 5 (Special and Overlay Districts) for additional or alternative standards which may be applicable in overlay districts.

3.5.5. Other Standards

See Article 2 (Rules Common to All Districts) and Article 6 (Use Provisions) and Article 7 (Site Development) for additional standards which may be applicable.

Sec. 3.6. R-5 Single Family Residential

3.6.1. Intent

This district is intended to provide for detached single-family residential dwellings that are either site-built or industrialized on lots. This district is also intended to provide locations for the development of horizontal multifamily and townhome developments, where appropriate.

3.6.2. Dimensional Standards

Standards for lots are as indicated on Table 3.6.

Table 3.6 R-5 Dimensional Standards

Site	
Density:	1 dwelling per lot
Lot Coverage:	55% max.
Lots	
Lot area:	10,890 sq. ft.
Lot frontage:	50 ft. min.
Lot width:	Same as lot frontage
Yards	
Front yard:	25 ft. min.
Street side yard:	15 ft. min.
Side yard:	10 ft. min. [1]
Rear yard:	25 ft. min.
Building Height	
Maximum:	40 ft.

Table Notes

[1] Zero for attached units where such units share a party wall.

3.6.3. Uses

A. See Article 6.

B. Up to 20% of all dwelling units may be constructed as townhouses upon approval of a special use by the Board of Commissioners.

C. A planned tiny house community may be allowed upon approval of a special use by the Board of Commissioners. A tiny house community is subject to the following:

1. The maximum dwelling units per acre is 10. Additional density may be approved by the Board of Commissioners during special use review.
2. The minimum dimensional standards are as follows:

(a) Lot area per dwelling: 2,000 sq. ft.

(b) Lot frontage: not applicable

3. Yards on Table 3.6. are applied to the overall development tract. Individual dwellings may be no closer than 5 feet to another dwelling.

3.6.4. Overlay Compliance

See Article 5 (Special and Overlay Districts) for additional or alternative standards which may be applicable in overlay districts.

3.6.5. Other Standards

See Article 2 (Rules Common to All Districts) and Article 6 (Use Provisions) and Article 7 (Site Development) for additional standards which may be applicable.

Sec. 3.7. R-TF Residential Two-Family

3.7.1. Intent

This district is intended to provide locations for two-family structures where public water and sewer are available.

3.7.2. Dimensional Standards

Standards for lots are as indicated on Table 3.7.

Table 3.7 R-TF Dimensional Standards

Site	
Density:	2 dwellings per lot
Lot Coverage:	65% max.
Lots	
Lot area:	10,890 sq. ft.
Lot frontage:	50 ft. min.
Lot width:	Same as lot frontage
Yards	
Front yard:	25 ft. min.
Street side yard:	20 ft. min.
Side yard:	10 ft. min. [1]
Rear yard:	25 ft. min.
Building Height	
Maximum:	40 ft.

Table Notes

[1] Zero for attached units where such units share a party wall.

3.7.3. Uses

See Article 6.

3.7.4. Overlay Compliance

See Article 5 (Special and Overlay Districts) for additional or alternative standards which may be applicable in overlay districts.

3.7.5. Other Standards

See Article 2 (Rules Common to All Districts) and Article 6 (Use Provisions) and Article 7 (Site Development) for additional standards which may be applicable.

Sec. 3.8. R-X Residential Mixed

3.8.1. Intent

This district is intended to provide locations for a combination of two or more of the following housing types: single-family dwellings, two-family dwellings, or multifamily dwellings.

3.8.2. Dimensional Standards

Standards for lots are as indicated on Table 3.8.

Table 3.8 R-X Dimensional Standards

Site	
Density:	n/a
Lot Coverage:	65% max.
Lots [1]	
Lot area:	5 acre min.
Lot frontage:	50 ft. min.
Lot width:	Same as lot frontage
Yards [2]	
Front yard:	25 ft. min.
Street side yard:	15 ft. min.
Side yard:	10 ft. min.
Rear yard:	25 ft. min.
Building Height	
Maximum:	50 ft.

Table Notes

[1] For the overall development site. Individual lots for single-family detached dwellings within the development must be at least 5,000 sq. ft. in area, unless otherwise permitted in this ULDC. Cottage courts and tiny houses are exempt from this requirement.

[2] Yards as listed are applied to the overall development site. Individual yards will be established for each fee simple lot during development review. Zero lot line is allowed.

3.8.3. Uses

See Article 6.

3.8.4. Development Standards

The following standards apply to all properties zoned R-X:

A. Residential Requirements

1. The following housing types are permitted in the R-X district:

(a) Single-family dwellings, detached

(b) Two-family dwellings

(c) Triplexes

(d) Quadruplexes

(e) Townhouses

(f) Cottage Courts

(g) Tiny houses

(h) Accessory Dwelling Units

2. All developments must provide at least two different types of housing, except for Cottage Courts which may be permitted as a single use.
3. When only two housing types are provided, no single housing type may represent less than 20% of the total dwelling units in a development.
4. When more than two housing types are selected, no single housing type may represent less than 10% of the total dwelling units in a development.
5. Cottage Courts and townhouses must meet the additional standards found in Sec. 6.3.
6. Accessory dwelling units must meet the additional standards found in Sec. 6.8.3.

3.8.5. Overlay Compliance

See Article 5 (Special and Overlay Districts) for additional or alternative standards which may be applicable in overlay districts.

3.8.6. Other Standards

See Article 2 (Rules Common to All Districts) and Article 6 (Use Provisions) and Article 7 (Site Development) for additional standards which may be applicable.

Sec. 3.9. R-M Residential Multifamily

3.9.1. Intent

This district is intended to provide locations for the development of multifamily residences or cluster housing developments.

3.9.2. Dimensional Standards

Standards for lots are as indicated on Table 3.9.

Table 3.9 R-M Dimensional Standards

Site	
Density:	n/a
Lot Coverage:	65% max.
Lots	
Lot area:	1 acre min.
Lot frontage:	80 ft. min.
Lot width:	Same as lot frontage
Yards	
Front yard:	60 ft. min.
Street side yard:	45 ft. min.
Side yard:	15 ft. min.
Rear yard:	20 ft. min.
Building Height	
Maximum:	70 ft.

3.9.3. Uses

See Article 6.

3.9.4. Overlay Compliance

See Article 5 (Special and Overlay Districts) for additional or alternative standards which may be applicable in overlay districts.

3.9.5. Other Standards

See Article 2 (Rules Common to All Districts) and Article 6 (Use Provisions) and Article 7 (Site Development) for additional standards which may be applicable.

Sec. 3.10. MHD Mobile or Manufactured Home Development

3.10.1. Intent

This district is intended to provide locations for mobile or manufactured homes in parks, subdivisions, or other similar unified development arrangements on lots.

3.10.2. Dimensional Standards

Standards for lots are as indicated on Table 3.10.

Table 3.10 MHD Dimensional Standards

Site	
Density:	n/a
Lot Coverage:	55% max.
Lots	
Lot area:	30,000 sq. ft. min. when serviced by septic 18,000 sq. ft. min. otherwise
Lot frontage:	100 ft. min.
Lot width:	125 ft. min.
Yards	
Front yard:	60 ft. min.
Side yard:	15 ft. min.
Rear yard:	40 ft. min.
Building Height	
Maximum:	35 ft.

3.10.3. Uses

See Article 6.

3.10.4. Development Standards for Manufactured Home Parks

The following standards apply to all Manufactured Home Parks.

A. A park must be designed as a unified development site.

B. Accessory Uses

Certain accessory uses and structures may be contained in a park, provided such uses and structures are incidental to the principal use of the site for a park. The following standards are required for accessory uses and structures

1. Office or maintenance buildings.
2. Commercial uses, provided that the uses serve only the residents of the park. The total floor area of such uses may not exceed 3% of the site area.

3. Accessory structures must be at least 200 feet from any state highway and 40 feet from any park boundary line.

C. Open Space

Open space, as defined in Sec. 7.3., must be provided. The following standards apply to open space within a manufactured home park:

1. The total open space requirement is 10% of the gross lot area.
2. Recreation or open space areas may be comprised of one contiguous tract or several tracts.
3. Individual tracts of open space may be no smaller than one-half acre.
4. Recreation areas must be located for convenient access to all park residents.
5. Streets will not be counted towards the required recreation or open space area.
6. Up to 20% of the required area may be located in the floodplain area.
7. Recreational parks must be located on land suitable for park development and must contain recreational equipment designed for school-age children.
8. If the park management fails to maintain open spaces, the county may provide this service and file a lien against the property owner.

D. Structural Requirements

1. Each manufactured or mobile home unit must be installed in compliance with the manufacturer installation requirements or with Chapter 120-3-7 of the Rules and Regulations of the Office of Commissioner of Insurance — Safety Fire Division.
2. The manufactured or mobile home unit must be installed true and plumb.

E. Utilities

1. Each park must be served by central water, sanitary sewer, electricity, gas (if available), and broadband access.
2. All utilities must be located underground.
3. Each manufactured or mobile home must be connected to public water and sanitary sewer facilities which comply with County requirements.
4. An electrical outlet supplying both 60 and 150 amperes of service must be provided for each lot. All such outlets must be weather-proof, and installations must meet the requirements of the National Electrical Code.

F. Streets

1. Streets must be designed in accordance with Sec. 8.4.
2. All private streets, driveways and pedestrian walkways within the mobile home park must be lit between sunset and sunrise with electric lights emitting light at an intensity of at least 5,000 lumens.
3. Light poles must be no more than 100 feet apart.

G. Safety and Sanitation

1. Every park must be equipped with fire equipment in good working order and of such type, size, number, and location as to satisfy applicable fire regulations of Henry County.
2. No open fires or burning of leaves or other refuse is permitted within the boundaries of any park.
3. The area around and underneath each mobile home unit must be kept clean and free from collections of refuse, rubbish, glass bottles, or other unsightly material.
4. Garbage and refuse collection facilities must be provided. Waste must be removed from the premises and disposed of often enough to prevent creating a nuisance or health hazard and to ensure that the garbage will not overflow.

3.10.5. Overlay Compliance

See Article 5 (Special and Overlay Districts) for additional or alternative standards which may be applicable in overlay districts.

3.10.6. Other Standards

See Article 2 (Rules Common to All Districts) and Article 6 (Use Provisions) and Article 7 (Site Development) for additional standards which may be applicable.

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Sec. 4.1. O-I Office Institutional

4.1.1. Intent

This district is intended to provide for the development of a complimentary mix of business, professional and institutional activities that are compatible with the primary purpose of this district. Limited retail uses normally associated with office or institutional uses also permissible.

4.1.2. Dimensional Standards

Table 4.1 O-I Dimensional Standards

Site	
Density:	n/a
Lot Coverage:	65 % max.
Lot	
Lot area:	32,670 sq. ft. min. when serviced by septic 10,000 sq. ft. min. when serviced by public sewer
Lot frontage:	125 ft. min. when serviced by septic 100 ft. min. when serviced by public sewer
Lot width:	Same as lot frontage
Yards	
Front yard:	50 ft. min.
Street side yard:	35 ft. min.
Side yard:	15 ft. min.
Rear yard:	20 ft. min.
Building Height	
Maximum:	75 ft.

4.1.3. Uses

See Article 6.

4.1.4. Overlay Compliance

See Article 5 (Special and Overlay Districts) for additional or alternative standards which may be applicable in overlay districts.

4.1.5. Other Standards

See Article 2 (Rules Common to All Districts) and Article 6 (Use Provisions) and Article 7 (Site Development) for additional standards which may be applicable.

Sec. 4.2. C-1 Neighborhood Commercial

4.2.1. Intent

This district is intended to provide locations for limited retail and service uses to satisfy the common and frequent needs of residents of nearby residential neighborhoods. It is further the intent of this district to encourage such uses to be a part of a neighborhood convenience shopping center.

4.2.2. Dimensional Standards

Table 4.2 C-1 Dimensional Standards

Site	
Density:	n/a
Lot Coverage:	55 % max.
Lot	
Lot area:	32,670 sq. ft. min. when serviced by septic 10,000 sq. ft. min. when serviced by public sewer
Lot frontage:	125 ft. min. when serviced by septic 60 ft. min. when serviced by public sewer
Lot width:	Same as lot frontage
Yards	
Front yard:	30 ft. min.
Street side yard:	20 ft. min.
Side yard:	none
Rear yard:	20 ft. min.
Building Height	
Maximum:	50 ft.

4.2.3. Uses

See Article 6.

4.2.4. Overlay Compliance

See Article 5 (Special and Overlay Districts) for additional or alternative standards which may be applicable in overlay districts.

4.2.5. Other Standards

See Article 2 (Rules Common to All Districts) and Article 6 (Use Provisions) and Article 7 (Site Development) for additional standards which may be applicable.

Sec. 4.3. C-2 General Commercial

4.3.1. Intent

This district is intended to provide locations for a wide variety of retail and service uses to satisfy the common and frequent needs of residents in large sections of the county and of the traveling public. It is the intent of this district to encourage businesses to be part of planned commercial centers, neighborhood shopping centers, or community shopping centers.

4.3.2. Dimensional Standards

Table 4.3 C-2 Dimensional Standards

Site	
Density:	n/a
Lot Coverage:	65 % max.
Lots	
Lot area:	32,670 sq. ft. min. when serviced by septic 10,000 sq. ft. min. when serviced by public sewer
Lot frontage:	125 ft. min. when serviced by septic 100 ft. min. when serviced by public sewer
Lot width:	Same as lot frontage
Yards	
Front yard:	50 ft. min.
Street side yard:	30 ft. min.
Side yard:	none
Rear yard:	20 ft. min.
Building Height	
Maximum:	50 ft.

4.3.3. Uses

See Article 6.

4.3.4. Overlay Compliance

See Article 5 (Special and Overlay Districts) for additional or alternative standards which may be applicable in overlay districts.

4.3.5. Other Standards

See Article 2 (Rules Common to All Districts) and Article 6 (Use Provisions) and Article 7 (Site Development) for additional standards which may be applicable.

Sec. 4.4. C-3 Highway Commercial

4.4.1. Intent

This district is intended to provide areas for commercial activities which provide products and services that require locations with the highest level of access to major highways and regional transportation systems.

4.4.2. Dimensional Standards

Table 4.4 C-3 Dimensional Standards

Site	
Density:	n/a
Lot Coverage:	80 % max.
Lots	
Lot area:	32,670 sq. ft. min. when serviced by septic 10,000 sq. ft. min. when serviced by public sewer
Lot frontage:	125 ft. min. when serviced by septic 100 ft. min. when serviced by public sewer
Lot width:	Same as lot frontage
Yards	
Front yard:	50 ft. min.
Street side yard:	30 ft. min.
Side yard:	none
Rear yard:	20 ft. min.
Building Height	
Maximum:	50 ft.

4.4.3. Uses

See Article 6.

4.4.4. Overlay Compliance

See Article 5 (Special and Overlay Districts) for additional or alternative standards which may be applicable in overlay districts.

4.4.5. Other Standards

See Article 2 (Rules Common to All Districts) and Article 6 (Use Provisions) and Article 7 (Site Development) for additional standards which may be applicable.

Sec. 4.5. M-U Mixed Use

4.5.1. Intent

This district is intended to provide locations for office, institutional, personal service, single-family, duplex, cluster housing, and multifamily residential uses, accessory uses or structures, and essential public services. Lots and parcels may be used for a single use or may contain a mixture of uses within a single development site. This district is intended to allow flexibility of development standards. Accessory uses and structures and essential public services are permissible.

4.5.2. Dimensional Standards

Table 4.5 M-U Dimensional Standards

Site	
Density:	n/a
Lot Coverage:	80 % max.
Lots	
Lot area:	10,890 sq. ft. min.
Lot frontage:	75 ft. min.
Lot width:	n/a
Yards [1]	
Front yard:	20 ft. min.
Side yard/street side yard:	10 ft. min.
Rear yard:	30 ft. min.
Building Height	
Maximum:	70 ft.

Table Notes

[1] Yards as listed are applied to the overall development site.

4.5.3. Development Standards

The following development standards apply to all properties within the M-U district. If the standards of this section conflict with those in other sections of this ULDC, the standards of this section apply.

A. Unified Development Plan

Development may be proposed on a single parcel, or two or more parcels. Where a single development is proposed that includes two or more parcels, the development must be under unified control or management.

1. The standards for setbacks in this section apply on the front, side, and rear of the total development parcel. Setbacks or building separation on the interior of the development parcel will be proposed by the applicant. Such internal setbacks or building separation must be consistent with fire and building safety requirements.

2. The standards for buffers in Sec. 7.2.3. apply on the perimeter of the development parcel. Buffers are not required between uses on the interior of the development parcel. This does not prevent the applicant from meeting any landscaping requirements that may apply.

B. Pedestrian Access

1. Each nonresidential use or building within a development must be connected by direct and convenient sidewalks or pathways to provide pedestrian access from one use or building to another use or building. The walking distance between any two uses may not exceed 660 feet.
2. For a combination of residential and nonresidential uses, the residential portion of the site must be connected by direct and convenient sidewalks or pathways to provide pedestrian or bicycle access from the residential development to the nonresidential development.

C. Internal Streets

1. All developments must incorporate new streets to serve the on-site uses and organize the development in an orderly pattern.
2. All streets, whether public or private, must be built to the public street standards of this ULDC.
   (a) Alternative designs may be allowed upon review and approval by the Director of Planning and Zoning and the Director of the Department of Transportation.
3. Streets should be designed to allow for future connectivity with adjacent parcels if none exists. Future connectivity must be provided in the form of a stub-out street or other means as determined by the Director.
   (a) The stub-out street must be constructed to the boundary of the abutting parcel where the connection to the anticipated street is expected.
   (b) Stub-out streets intended to remain private must be built to public street standards to ensure future connectivity.
4. If a street connection or stub-out street exists on an adjacent parcel the new streets must connect to the established street.
5. Streets may not be gated, except for private streets serving residential uses, subject to approval by the Director.
6. Cul-de-sacs or dead-end streets are not permitted, except as detailed for future connectivity above. This provision may be modified by the Director due to the presence of topographic or natural features.

D. Block Standards

1. Sites of 10 or more acres in size must incorporate internal streets as provided in Sec. 4.5.3.C. to form an interconnected network with a maximum block perimeter of 3,200 feet, except as otherwise provided below.
2. Blocks exclusively containing the following are exempt from 1 immediately above:
   (a) Any civic use.
   (b) An open space at least one acre in size.
3. Block perimeter is measured along the street centerlines.

4. Blocks required by this Sec. 4.5.3.C. must be bound by public streets or private streets built to public street standards.

E. Parking

1. Where nonresidential uses are proposed, shared parking is required. The standards for shared parking are set forth in Sec. 7.1.2.C.
2. Parking lots serving different uses or buildings must be connected and cross-access easements provided as set forth in Sec. 8.3.3.F., unless topographic constraints exist to prevent such connections.
3. Parking areas must be located in the side and rear yards and partially or wholly screened from the public right-of-way by buildings or other measures identified in this ULDC.

F. Vehicular Access

1. Development parcels in the M-U zoning district must provide vehicular access to adjacent parcels by means of connected parking lots, shared driveways, cross-access easements, or other interparcel connections.

G. Driveways and Curb Cuts

The following standards apply to driveways within the M-U district. In the case where these standards conflict with those found in Sec. 8.3, the more restrictive standard applies.

1. Driveway curb cuts may not be located on any arterial or collector street when access may be provided from a local street.
2. Driveway curb cuts must intersect streets at right angles.
3. Only one driveway curb cut is permitted per street frontage.

H. Open Space

In addition to those standards for open space in Sec. 7.3, the following standards apply within the M-U District.

1. Public spaces must be provided, subject to the following requirements:
   (a) An area equal to 5% of the total nonresidential floor area within the development must be provided as public space.
   (b) The following types of public spaces are permitted: transit stops, outdoor plazas, courtyards, pavilions, pocket parks, or other similar public spaces.
   (c) Public spaces must be within view of a street and accessible by pedestrians.
2. Open space must be provided, subject to the following requirements:
   (a) A minimum of 20% of the total lot area must be devoted to open space. The following will not be counted toward open space: required landscaping, required buffers, or stormwater management facilities.
   (b) The following types of open spaces may be provided: parks, playgrounds, picnic grounds, playing fields or recreational courts, trails for jogging or biking, or passive open space.
   (c) Open spaces must be accessible to pedestrians and bicyclists.

(d) The type and design of open space must be consistent with the type of development within the mixed use area. For example, passive open spaces are appropriate as a means of protecting viewsheds and natural features, while playgrounds, fields, and recreational courts are appropriate in or near residential developments.

I. Building Design Standards

1. Buildings must have their primary facade fronting and facing a public street. If located along a private street, buildings must have their primary frontage along such street.
2. All nonresidential buildings within a development must incorporate building materials and architectural elements to present a unified design.

4.5.4. Uses

A. See Article 6.

B. For buildings with combined residential and nonresidential uses that front an arterial or collector street, the residential uses along such street are limited to the upper floors.

4.5.5. Overlay Compliance

See Article 5 (Special and Overlay Districts) for additional or alternative standards which may be applicable in overlay districts.

4.5.6. Other Standards

See Article 2 (Rules Common to All Districts) and Article 6 (Use Provisions) and Article 7 (Site Development) for additional standards which may be applicable.

Sec. 4.6. I-1 Light Industrial

4.6.1. Intent

The Light Industrial district is intended to provide for light industrial uses which do not produce, store, or handle hazardous waste and which are not harmful to the public health, natural environment, or adjacent properties due to reasons of noise, odor, or use. Commercial and industrial activities involved in manufacturing, processing, assembly, storage, or sale of products are encouraged.

4.6.2. Dimensional Standards

Table 4.6 I-1 Dimensional Standards

Site	
Density:	n/a
Lot Coverage:	80 % max.
Lots	
Lot area:	1 acre min. when serviced by septic and public water 30,000 sq. ft. min. otherwise
Lot frontage:	125 ft. min. when serviced by septic 100 ft. min. otherwise
Lot width:	Same as lot frontage
Yards	
Front yard:	70 ft. min.
Street side yard:	30 ft. min.
Side yard:	none
Rear yard:	40 ft. min.
Building Height	
Maximum:	75 ft.

4.6.3. Uses

See Article 6.

4.6.4. Overlay Compliance

See Article 5 (Special and Overlay Districts) for additional or alternative standards which may be applicable in overlay districts.

4.6.5. Other Standards

See Article 2 (Rules Common to All Districts) and Article 6 (Use Provisions) and Article 7 (Site Development) for additional standards which may be applicable.

Sec. 4.7. I-2 Heavy Industrial

4.7.1. Intent

This district is intended to provide for the broadest range of industrial operations permitted in the county. It is the district for location of those industries which may have negative impacts or nuisance factors to surrounding properties due to noise, noxious odors or gas, and similar byproducts of heavy industrial operation.

4.7.2. Dimensional Standards

Table 4.7 I-2 Dimensional Standards

Site	
Density:	n/a
Lot Coverage:	80 % max.
Lots	
Lot area:	1 acre min.
Lot frontage:	150 ft. min.
Lot width:	Same as lot frontage
Yards	
Front yard:	70 ft. min.
Street side yard:	30 ft. min.
Side yard:	none
Rear yard:	40 ft. min.
Building Height	
Maximum:	75 ft.

4.7.3. Uses

See Article 6.

4.7.4. Overlay Compliance

See Article 5 (Special and Overlay Districts) for additional or alternative standards which may be applicable in overlay districts.

4.7.5. Other Standards

See Article 2 (Rules Common to All Districts) and Article 6 (Use Provisions) and Article 7 (Site Development) for additional standards which may be applicable.

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Sec. 5.1. Bruton Smith Parkway Overlay (BSPO)

5.1.1. General

A. Purpose and Intent

1. The Bruton Smith Parkway Overlay District (BSPO) establishes regulations for the development of tracts and parcels of land located within the overlay boundaries.
2. This Section 5.1. provides for access management standards and aesthetic standards indicative of incremental growth and quality development.
3. The standards promote orderly growth policies required to meet comprehensive plan objectives for Henry County.

B. Applicability

1. The provisions of this section apply to all parcels of record in unincorporated Henry County as depicted on the official zoning map.
2. In any situation where the standards and requirements of the overlay district conflict with those of the underlying zoning district or other provisions of the ULDC, the standards and requirements of the overlay district apply, unless stated otherwise.

C. Exemptions

The following are exempt from the provisions of this section:

1. Lots zoned single-family residential.
2. Minor repair of a nonresidential structure, or interior renovations or interior finishes within an existing nonresidential structure.

5.1.2. Access Management

Within all nonresidential or multifamily developments, or any single-family residential development of 5 or more acres, the following standards apply unless a more restrictive conflicting standard is required by the Georgia Department of Transportation.

A. Connectivity

1. No local street may be longer than 600 feet without an intersection with another local through street. Cul-de-sac streets do not count as through streets.
2. Continuous pedestrian walkways must be provided to connect building entrances to the required sidewalk.
3. A cul-de-sac street that ends within 200 feet of the right-of-way of an adjacent collector or arterial street must provide a sidewalk at least 5 feet in width in an easement at least 10 feet in width connecting the sidewalk on the cul-de-sac to the sidewalk on the adjacent collector or arterial street.
4. Dead-end streets, including cul-de-sac streets, may not exceed 300 feet in length and may not serve more than 30 dwelling units.
5. The standards of subsection 1-4 above may be waived by the Director when demonstrated by the applicant that such standards are not feasible due to topography or similar site conditions.

B. Interparcel Access

1. Cross access easements and pedestrian access must be established along state or federal routes.
2. Access streets must be constructed for a commercial or multifamily residential development that abuts another commercial or multifamily residential development, whether existing or planned. The development of the site must incorporate the following:
   (a) A continuous nonresidential access street to connect adjacent parcels along the thoroughfare.
   (b) Stub-outs, driveway aprons and other features indicating that abutting properties may be connected to provide cross access.
   (c) All development plans must incorporate and continue all streets stubbed to the boundary of the development plan by previously approved development plans or existing development.
   (d) All development plans must provide for future public street connections to adjacent developable parcels by providing a local street connection spaced at intervals not to exceed 600 feet along each development plan boundary that abuts potentially developable land.
3. Any new commercial or mixed-use development that abuts a planned, new or existing multifamily residential development must provide a sidewalk at least 5 feet in width connecting the uses.
4. Any new multifamily residential development that abuts a planned, new or existing commercial development must provide a sidewalk at least 5 feet in width connecting the uses.

C. Vehicular Access Points

All developments must have access to a public right-of-way. The number of access points are as shown on Table 5.1.

Table 5.1 BSPO Access Standards

Development Thresholds	Access Points
Residential	See Sec. 8.3.3
Nonresidential, 50 or less parking spaces	1
Nonresidential, 51-299 parking spaces	2
Nonresidential, 300 or more parking spaces	3

D. Driveways

The separation of access points on any state or federal route will be determined by the design speed of the road from which access is taken as shown on Table 5.2.

1. The distance between access points is measured from the centerline of the proposed driveway or public or private street to the centerline of the nearest existing adjacent driveway or public or private street.

Table 5.2 BSPO Access Spacing Standards

Design Speed	Min. Spacing
35 mph or less	185 ft.
36-45 mph	245 ft.
46+ mph	440 ft.

2. Driveway and public or private street spacing at intersections and corners must provide required sight distance, response time, and permit required queuing space.
3. No driveway may be allowed within 100 feet of the centerline of an intersecting state or federal route, arterial, or collector road.
4. Whenever possible, driveways on undivided arterials, collector streets, or local streets must align with driveways on the opposite side of such street.
5. Outparcels with less than 200 feet of road frontage are restricted to internal access only.
6. No residential property may have a curb cut greater than 30 feet in width, and no nonresidential property may have a curb cut greater than 40 feet in width without approval of the Henry County Department of Transportation Director.
7. The length of a driveway for commercial or office development must be designed in accordance Table 5.3.

Table 5.3 BSPO Driveway Length Standards

Gross Floor Area	Driveway Length*
< 25,000 sq. ft.	50 – 60 feet
25,001 – 50,000 sq. ft.	60 – 85 feet
50,001 – 100,000 sq. ft.	85 – 135 feet
100,001 – 150,000 sq. ft.	135 – 180 feet
150,001 – 200,000 sq. ft.	180 – 200 feet
> 200,000 sq. ft.	> 200 feet

* For the principal entrance only. Driveways with a right-only exit turn lane may reduce the length by one-third of the total requirement.

8. For access points along any state or federal route a deceleration lane, larger turning radius, traffic islands, and any other devices or designs may be required at the discretion of GDOT.
9. Deceleration lanes are required for entrances of subdivisions consisting of 20 or more units as specified in Table 5.4.
    (a) An acceleration or deceleration lane that would begin or end within 75 feet of another driveway or intersecting street must be lengthened so that it connects with the adjacent street or driveway.

Table 5.4 BSPO Deceleration Lanes

Design Speed	Min. Spacing
Internal or private streets	Not Required
55 mph or less	250 feet with a 100-foot taper*
56+ mph	300 feet with a 100-foot taper*

*Tapers of greater length may be required as determined by the County.

E. All intersections on streets must provide crosswalks as determined by Henry County DOT.

5.1.3. Transportation and Infrastructure

A. Utilities

All utilities, except for major electronic transmission lines and substations, must be placed underground.

B. On-street Parking

On-street parking is encouraged along all streets internal to a development. The placement of on-street parking must be approved by the Director.

C. Multiuse Pathways

Multiuse pathways must be provided and must connect to multiuse pathways or sidewalks that have been constructed on adjacent parcels, subject to the following standards:

1. The minimum width is 10 feet.
2. The grade of pathways must not exceed 6%.
3. Intersections with streets must be provided with striping, appropriate signage, and a five-foot curb flare with bollards placed no more than 6 feet apart to block unauthorized vehicles.
4. Multiuse pathways must be located along any frontage along State Route 20.

D. Sidewalks

1. Sidewalks must be constructed along all public or private streets consistent with the standards on Table 5.5.

Table 5.5 BSPO Sidewalk Standards

	Arterial	Collector	Local and Nonresidential Access Streets
Sidewalk Planter Strip	10 ft.	8 ft.	5 ft.
Sidewalk	10 ft.	8 ft.	5 ft.
Pedestrian Lighting	Required[1]	Required[1]	Required
Street Trees	Required[1]	Required[1]	Required

	Arterial	Collector	Local and Nonresidential Access Streets

Table Notes:

1. Subject to GDOT standards for placement of objects in the ROW, when applicable.

2. Safe and convenient pedestrian access from the sidewalk to the building entrance, as well as other pedestrian connections to adjacent buildings within the same development, must be provided. Such pedestrian access must minimize conflicts with vehicles by such means as walkways, ornamental pavers, striping, signs and painted crosswalks.

5.1.4. Development Standards

A. Additional Standards for Residential Developments

1. Alleys, where provided, must run continually through residential blocks. Alleys must intersect streets no closer than 100 feet from any street intersection.

5.1.5. Architectural Standards

In addition to the requirements of Sec. 2.2, the following standards apply within the BSPO. All design and construction within the BSPO is subject to review by the Architectural Review Committee.

A. Architectural Standards for Residential Buildings

1. Architectural treatments of each building elevation must be brick, stone or hard-coat stucco. Wood, wood shake or fiber cement-type siding may be used as architectural accents but may in no case make up more than 50% of any elevation. The percentage of architectural accents must be included on required elevation plans.

2. Roofs that are not flat must have a minimum pitch of 4:12, except for attached patio covers, which must be as required by the current state minimum standard code for construction. Roofing materials are limited to the following:

   (a) Metal standing seam.

   (b) Tile, slate or stone.

   (c) Wood shake.

   (d) Architectural-style asphalt shingles.

   (e) Shingles with a slate, tile or metal appearance.

B. Design Standards for Commercial Buildings

1. Within planned shopping centers, distinct architectural entry identity for individual tenant entrance must be provided for suites exceeding 10,000 square feet of leasable area.

2. Facades visible from streets or parking areas must incorporate changes in building material, color, or varying facade detail such as trellises, false windows, recessed panels reminiscent of window, door, or colonnade openings, landscaping, or storefronts. Such changes within the facade must occur every 150 linear feet of facade area.

3. Roof parapets, when constructed, must be articulated at 100-foot intervals to provide visual diversity.
4. Building facades must include cornices at least 1 foot in depth along the entire front facade. The cornice must extend for at least 10 feet along the sides of buildings.
5. Building facades must include a contrasting base at least 1 foot in height extending along the entire front of buildings. The contrasting base must extend for at least 10 feet along the sides of buildings.

C. Design Standards for Industrial Buildings

All industrial buildings must comply with the following:

1. Contrasting accent colors of any wall, awning or other feature is limited to no more than 15% of the total area of any elevation. The percentage of contrasting accent colors must be included on required elevation plans.
2. Buildings must incorporate live plant material growing immediately in front of or on the building.
3. Roofing materials for pitched or mansard roofs is limited to the following:
   (a) Metal standing seam.
   (b) Tile, slate or stone.
   (c) Wood shake.
   (d) Architectural-style asphalt shingles.

5.1.6. Landscaping and Buffers

A landscape strip at least 10 feet in width is required along the perimeter of all commercial development. This strip must be planted with approved ground cover and contain trees. Trees must be an approved species as indicated on Table 9.3 Recommended Tree List and planted 40 feet on center. Trees may not be planted within 25 feet of the curb line of street intersections to maintain site visibility. All trees must be a minimum three-inch caliper at the time of planting.

A. No more than 25% of the trees installed may be of any one type.

5.1.7. Parking and Parking Lot Design

Off-street surface parking lots containing more than 10 parking spaces must meet the standards of this Sec. 5.1.7. When the standards of this section conflict with those of Sec. 7.1, the stricter standard applies.

A. Maximum Number of Parking Spaces

1. The maximum number of parking spaces may be no more than 125% of the minimum requirement. Parking greater than 105% of the minimum requirement must be constructed on pervious surfaces.
2. Parking may be reduced consistent with the standards of Sec. 7.1.2.C.

B. Pedestrian Circulation

Parking areas must be designed to facilitate safe and convenient use by pedestrians. Commercial and multifamily developments must provide designated pedestrian pathways or sidewalks connecting the front entrance of the principal building to the sidewalk along the abutting street, including marked crosswalks across interior driveways.

C. Parking Lot Landscaping

1. Trees must be provided in parking lots with a ratio of 1 tree for every 7 parking spaces. In addition, every parking space must be within 60 feet of a tree.
2. Deciduous trees must be at least three-inches caliper, and evergreen trees must be at least 6 feet in height at the time of planting.
3. The minimum planting area or island for each canopy tree is 200 square feet. If shared with other trees, an additional 80 square feet for each tree must be added.
4. The minimum planting area for each understory tree is 100 square feet. If shared with other trees, an additional 40 square feet for each tree must be added.
5. Trees must be planted in areas surrounding the perimeter of the parking lot and in planting areas or islands internal to the parking lot. Trees may be planted and spaced singly or in groups. Each planting area or island may not be less than 4 feet in width in any direction.
6. Landscape areas must be sodded or planted with groundcover species and other landscaping material.
7. Upon approval from the Director, bio-swales and similar stormwater reduction methods may be incorporated in place of landscape islands.
8. Paved or striped islands are not allowed.
9. Landscaping and other features must be maintained to ensure adequate sight distance within parking lots at all times.

5.1.8. Lighting Standards

A. Street Lighting

Any streetlights along public rights-of-way must utilize decorative light poles/fixtures as determined by the County. Streetlights must be placed 100 feet on center, unless Henry County DOT determines during development review that an alternative placement is necessary.

B. Parking Lot Lighting

Required lighting throughout all parking areas must utilize decorative light poles/fixtures as determined by the County. Light sources must not exceed an average of 4.5 foot-candles of light output throughout the parking area. Other than pedestrian light fixtures that will be less than 14 feet tall, light fixtures must be hooded. Lighting must be directed to avoid intrusion on adjacent properties and away from adjacent thoroughfares.

C. Pedestrian and Multiuse Pathway Lighting

Lighting for pedestrians and bicyclists along any sidewalk or multiuse pathway segments must be of an approved design, a maximum of 15 feet in height with average spacing not to exceed 40 feet on center.

5.1.9. Use Provisions

A. The following uses are prohibited within the BSPO:

1. Adult entertainment establishments.
2. Self-service storage facilities.
3. Salvage, junk, wrecking, recycling, waste, and scrap yards.
4. Alternative financial establishments.

B. Use Standards

1. Vehicular service (minor or major) as a principal use must be at least 1,320 feet from another such use.
2. Vehicular sales/leasing as a principal use must be at least 1,320 feet from another such use.

Sec. 5.2. Highway Corridor Overlay (HCO)

5.2.1. General

A. Purpose and Intent

The purpose of the Henry County Highway Corridor Overlay District is:

1. To promote the general health, safety, and welfare of the community where residents and visitors can live, work, eat, and play.
2. To promote economic development by diversifying the employment base for a stronger Henry County.
3. To improve public health and provide safe and efficient movement within the overlay district by promoting development patterns that encourage physical activity such as walking and bicycling.
4. To encourage a balanced mix of retail, professional, residential, civic, entertainment, and cultural uses.
5. To improve the efficient operation of traffic around Henry County.
6. To provide accessible, sufficient parking in an unobtrusive manner.
7. To create an attractive gateway that is aesthetically appealing and environmentally responsible.
8. To encourage innovative development projects that set standards for landscaping, open space, community design, and public amenities.
9. To establish consistent and harmonious design standards for public improvements and private property development within the overlay district so as to unify the distinctive visual quality of Henry County.

B. Applicability

1. This section applies to land parcels of record within unincorporated Henry County as depicted on the official zoning map.
2. In any case where the standards and requirements of the overlay district conflict with those of the underlying zoning district or with other provisions of the ULDC, the standards and requirements of the overlay district apply, unless stated otherwise.

C. Exceptions

The provisions of this section do not apply to the following:

1. Completion of work subject to preliminary plats, site development plans, construction plans, building permits, or interior finish permits approved prior to March 17, 2017 for those parcels not previously covered within the HCO.
2. Improvements and additions that are made to a single-family residence previously permitted on a lot of record prior to March 17, 2017 for those parcels not previously covered within the overlay district.
3. Construction of a single-family dwelling on an existing lot of record within a single-family residential subdivision with final plat approved prior March 17, 2017 for those parcels not

previously covered within the overlay district, provided that the new construction is of a similar floor area, materials and design as the single-family dwellings on adjacent lots in the same subdivision.

4. Rehabilitation, restoration, repair of a nonresidential structure, interior renovations or interior finishes within an existing structure, or addition to an existing nonresidential structure that was permitted prior to March 17, 2017 for those parcels not previously covered within the HCO provided that such construction is on a lot of record.
5. Development of a conventional single-family residential subdivision on property zoned R-A (Residential-Agricultural) at the time of permit approval.

5.2.2. Definitions

As used in this section, unless specifically stated otherwise, the following terms are defined as indicated. Words used in this section but not defined herein will be as defined by Sec. 11.2. Where any definition in this section conflicts with a definition in Sec. 11.2, the definition contained in this Sec. 5.2.2. applies.

Existing street. A public street that is open, under construction, or completely funded, or approved at the date of application for review under this section.

Front. To place an element, such as a building, along the front setback.

Mixed-use building. A building containing at least two different uses.

Occupiable space. Covered and conditioned building area utilized for any use except parking, storage, or mechanical features.

Overlay district. Henry County Highway Corridor Overlay District.

Sidewalk area. An area improved for walking along an existing street, primary grid, or secondary grid that begins at the street curb, or edge of pavement if no curb exists, and consists of a contiguous and continuous landscape zone and pedestrian zone.

1. Sidewalk landscape zone: The paved or unpaved portion of the sidewalk area adjacent to the street and reserved for trees, groundcover, and street furniture including, waste receptacles, traffic signs, newspaper boxes, bicycle racks and similar elements in a manner that does not obstruct pedestrian access or sight visibility for vehicles.
2. Sidewalk pedestrian zone: The paved portion of the sidewalk area reserved for pedestrians and unobstructed by any permanent objects to a height of 8 feet above the paved surface. The pedestrian zone must be adjacent to the landscape zone and must have a consistent cross-slope not exceeding 2%.

5.2.3. Access Management

A. Connectivity

Within all nonresidential or multifamily developments, or any single-family residential development of 5 or more acres, the following standards apply.

1. No local street may be longer than 600 feet without an intersection with another local through street. Cul-de-sac streets do not count as through streets.

2. Continuous pedestrian walkways must be provided to connect building entrances to the required sidewalk.
3. A cul-de-sac street that ends within 200 feet of the right-of-way of an adjacent collector or arterial street must provide a sidewalk at least 5 feet in width in an easement at least 10 feet in width connecting the sidewalk on the cul-de-sac to the sidewalk on the adjacent collector or arterial street.
4. Dead-end streets, including cul-de-sac streets, may not exceed 300 feet in length and may not serve more than 30 dwelling units.
5. The standards of subsection 1-4 above may be waived by the Director when demonstrated by the applicant that such standards are not feasible due to topography or similar site conditions.

B. Vehicular Access Points

Minimum number of driveways or streets required per Table 5.6.

Table 5.6 HCO Access Standards

Development Thresholds	Min. # of Access Points Required
Residential	See Sec. 8.3.3.
Nonresidential, 50 or fewer parking spaces	1
Nonresidential, 51-299 parking spaces	2
Nonresidential, 300 or more parking spaces	3+

C. Utilization and provision of connections to and from adjacent developments and developable parcels.

1. All development plans must incorporate and continue all streets stubbed to the boundary of the development plan by previously approved development plans or existing development.
2. All development plans must provide for future public street connections to adjacent developable parcels by providing a local street connection spaced at intervals not to exceed 600 feet along each development plan boundary that abuts potentially developable land.

D. Interparcel Access

All developments along an arterial or collector street must provide a network of nonresidential access streets that meet the following:

1. Access streets must be constructed for a commercial or multifamily residential development that abuts another commercial or multifamily residential development, whether existing or planned. The development of the site must incorporate the following:
   (a) Continuous nonresidential access street, where necessary to connect adjacent parcels along the thoroughfare.
   (b) Driveway aprons, stub-outs and other design features indicating that abutting properties may be connected to provide cross access.

2. Any new commercial or mixed-use development that abuts a planned, new or existing multifamily residential development must provide a sidewalk at least 5 feet in width connecting the uses.
3. Any new multifamily residential development that abuts a planned, new or existing commercial development must provide a sidewalk at least 5 feet in width connecting the uses.

E. Driveways

Driveway connections to public streets must be consistent with the following standards:

1. Driveway connections must not be permitted within the controlled access zone of an intersection.
2. Outparcels with less than 200 feet of road frontage are restricted to internal access only.
3. Driveways that enter a major thoroughfare at traffic signals must have at least two outbound lanes (one for each turning direction) of at least 11 feet in width, and one inbound lane with a maximum width of 11 feet. All lanes must align with respective lanes on the opposite side of the intersection.
4. No residential property may have a curb cut greater than 30 feet in width, and no nonresidential property may have a curb cut greater than 40 feet in width without approval of the Henry County Department of Transportation Director.
5. Except for single-family and two-family residences, driveway grades must conform to the requirements of the Georgia Department of Transportation Regulations for Driveway and Encroachment Control.
6. Whenever possible, driveways on undivided arterials, collector streets, or local streets must align with driveways on the opposite side of such street.
7. On a divided arterial street that includes a median, driveways must align with median breaks whenever possible. Driveways not meeting this standard may be limited to right turn access and right turn egress.
8. The length of a driveway for commercial or office development must be designed in accordance Table 5.7.

Table 5.7 HCO Driveway Length Standards

Gross Floor Area	Driveway Length*
< 25,000 sq. ft.	50 – 60 feet
25,001 – 50,000 sq. ft.	60 – 85 feet
50,001 – 100,000 sq. ft.	85 – 135 feet
100,001 – 150,000 sq. ft.	135 – 180 feet
150,001 – 200,000 sq. ft.	180 – 200 feet
> 200,000 sq. ft.	> 200 feet

* For the principal entrance only. Driveways with a right-only exit turn lane may reduce the length by one-third of the total requirement.

F. Deceleration Lanes

1. A major driveway entering a street classified as a collector or above with a regulated arterial speed 35 miles per hour or greater must provide a deceleration lane consistent with the standards set in ***Article 7.
2. An acceleration or deceleration lane that would begin or end within 75 feet of another driveway or intersecting street must be lengthened so that it connects with the adjacent street or driveway.

G. Crosswalks

1. All intersections on streets must contain crosswalks that connect to sidewalks in all quadrants.
2. Crosswalks may be demarcated with high-reflectivity thermoplastic paint or brick pavers, as determined by Henry County DOT.

5.2.4. Architectural Standards

In addition to the design standards of Sec. 2.2., the following and standards apply to all newly constructed buildings or additions to existing buildings. All design and construction within the HCO is subject to review by the Architectural Review Committee.

A. General Architectural Requirements

1. A common palette of building materials should be maintained for all building facades within a development to create a consistent architectural identity.
2. For large commercial and multifamily buildings, variations in facade, roofline and depth should be provided to lend the appearance of multitenant occupancy.
3. Contrasting accent colors on any single facade is limited to no more than 10% of the total wall area.
4. Materials otherwise not permitted may be used for an accent provided that a contrasting materials accent on any single facade is limited to no more than 10% of the total wall area.
5. Permanent mounted exterior neon lights are not allowed.
6. Back-lit awnings, roof-mounted lights, or roof mounted flag poles are not permitted.

B. Building Materials

1. Allowed building materials.
   (a) Split-face block/concrete masonry unit (CMU), provided it does not exceed 10% of the surface area of any facade.
   (b) Stucco, provided it does not exceed 20% of the surface area of any facade.
   (c) Natural wood or cementitious fiberboard siding are allowed for residential buildings.
   (d) Small amounts of building materials such as wood, tile, etc., may be used to enhance the facade of the building or for decorative elements, but may not exceed 10% of the total wall area per facade.
   (e) Except for accent or trim materials, there may be no more than two primary building materials used on any facade.

(f) The allowed facade materials does not apply to entry doors and/or roll-up doors.

2. The amount of permitted material is calculated using the gross square footage of wall area per facade.

C. Roof Requirements

Materials for pitched roofs are limited to architectural dimensional grade asphalt shingles, natural slate, natural terra cotta, natural wood shake, copper or factory finished sheet metal.

1. Gabled or hipped roofs.

   All one-story buildings less than 10,000 gross square feet must have a gabled or hipped roof with a rise between 4:12 and 12:12.

   (a) If a gabled or hipped roof is not possible, a combination of flat roof and gabled or hipped roof may be used on the front and side of the building to screen views of any flat roof.

2. Flat roofs.

   Building materials for flat roofs must meet local codes.

   (a) Exposed metal flashing must be copper or factory finished sheet metal. If factory finished metal flashing is used, the color must blend with other facade materials or be of a color to simulate weathered copper or bronze.

   (b) All buildings with flat roofs must include a parapet on the front facade of such building. There must be roof articulations or offsets at a minimum of one for every 125 linear feet by a change in the height and design of the parapet. Additional articulation may occur at any lesser distance. If the front facade is less than 125 linear feet, then a minimum of one roof articulation must occur.

   (c) Drive under canopies may have a flat roof with vertical or factory formed facing of finished sheet metal or other material meeting the requirements of Section 5.2.4.B.

D. Awnings or Canopies

For any multitenant commercial development, an awning or canopy must be provided along the front facade of the building at each individual tenant entrance. Awnings or canopies must be at least 5 feet in depth and equal to the width of the entrance to which it serves. Different designs may be used for each individual tenant or business within a multitenant commercial development, provided they blend aesthetically with the front facade of the building.

E. Principal Entrance Orientation

1. Principal building entrances must be oriented to public streets and sidewalks.
2. The principal entrance of a building must be articulated and expressed in greater architectural detail than other building entrances.
3. All multifamily residential or office buildings must provide at least one major ground story lobby entrance. Lobbies must be clearly articulated within the building design.

F. Building Height

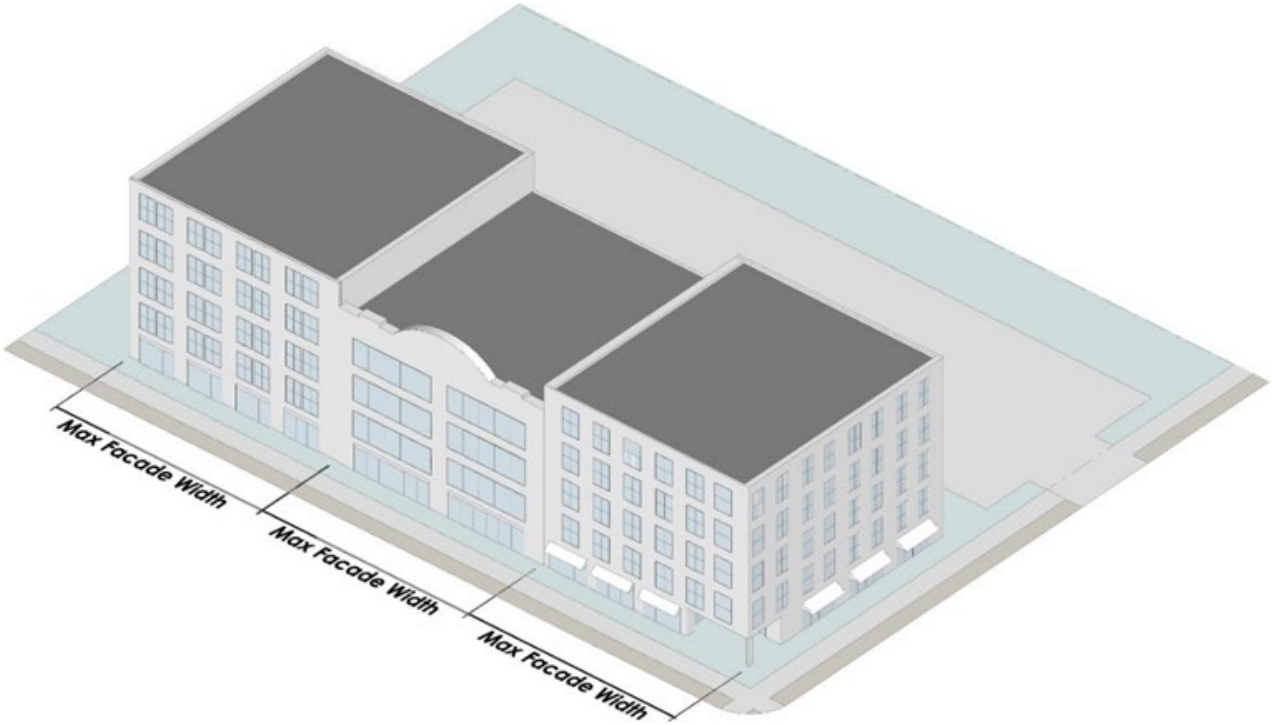
Building height is unlimited for new development.

G. Building Massing and Modulation

Building facades longer than 150 feet that are approximately parallel to the right-of-way and oriented to a public or private street must be modulated to increase visual interest as follows:

1. Building facades that are less than 500 feet in length must be modulated at intervals no greater than 100 feet.
2. Building facades that are greater than 500 feet in length must be modulated with intervals no greater than 150 feet.

Figure 5.1 Building Modulation



H. Cornice Required

Building design must include minimum contrasting cornices at least 1 foot in height along the entire front. The cornice must extend for a distance of at least 10 feet along the sides of buildings.

I. Contrasting Base Required

Building design must include a contrasting base at least 2 feet in height along the entire front facade. The base must extend for a distance of at least 10 feet along the sides of buildings.

5.2.5. Parking and Parking Lot Design

All parking lots must meet the standards of this Sec. 5.2.6. When the standards of this section conflict with those of Sec. 7.1., the stricter standard will control.

A. Maximum Number of Parking Spaces

1. The maximum number of parking spaces that may be constructed may be no more than 125% of the minimum number of required parking spaces. Parking greater than 105% of the minimum must be constructed on pervious surfaces.
2. Parking may be reduced consistent with the standards of Sec. 7.1.2.C.

B. Pedestrian Circulation

Parking areas must be designed to facilitate safe and convenient use by pedestrians. Commercial and multifamily developments must provide designated pedestrian pathways or sidewalks connecting the front entrance of the principal building to the sidewalk along the abutting street, including marked crosswalks across interior driveways.

C. Paving Materials for Parking Lots

1. All parking areas must be paved with asphalt, concrete, or pervious materials approved by the Henry County Department of Transportation Director.
   (a) Recommended pervious paving materials include those described in the current edition of the Georgia Stormwater Management Manual as the porous concrete or modular porous paver systems under the limited application stormwater structural controls.
2. Paving areas must be of sufficient size and strength to support the weight of service vehicles.

D. Parking Lot Landscaping

1. Parking areas must incorporate landscaped areas as required in Sec. 7.1.4. Such landscaped areas must cover at least 15% of the total parking area.
2. Upon approval from the Director, bio-swales and similar stormwater reduction methods may be incorporated in place of landscape islands.
3. Any parking area adjacent to a public street must incorporate a landscaped buffer adjacent to said street for future right-of-way acquisition by the county should such need arise. The landscaped buffer must be at least 10 feet in width and must begin at the property line adjacent to the street. The landscaped buffer must be free from obstructions such as lighting, parking areas, signs, or other similar structures, except that fencing may be allowed when approved by the Director.

5.2.6. Public Improvement Standards

A. Street Standards

Public or private streets within the HCO must be consistent with the standards on Table 5.8. Alternative street designs may be allowed subject to the review and approval of both the Director of Planning and Zoning and the Director of the Department of Transportation.

1. Underground utilities are required for all street frontages.

Table 5.8 HCO Public Improvement Standards

	Arterial	Collector	Local and Nonresidential Access Streets
Design Speed	45 mph	35 mph	25 mph
Right-of-way Width (min.)	120 ft.	80 ft.[1]	50 ft.

	Arterial	Collector	Local and Nonresidential Access Streets
Curb and Gutter Width	24 inches	24 inches	24 inches local 18 inches otherwise
Sidewalk Planter Strip*	10 ft.	8 ft.	5 ft.
Sidewalk*	10 ft.	8 ft.	5 ft.
Pedestrian Lighting	Required[2]	Required[2]	Required
Street Trees	Required[2]	Required[2]	Required

Table Notes:

1. Two 12-foot travel lanes with a 14-foot center turn lane in commercial areas, or two 12-foot travel lanes with a turn lane provided between intersections for mixed use or residential areas.
2. Subject to GDOT standards for placement of objects in the ROW, when applicable.

* May be adjusted by the Director when determined that such widths are not necessary for the public health, safety, environment and general welfare of the County.

B. Street Trees

1. Subject to Henry County DOT's review and approval, canopy trees must be provided in street rights-of-way including medians and required planter strips adjacent to all streets. Appropriate tree species for placement within the right-of-way are indicated on Table 9.3. (Recommended Tree List).
2. For streets classified as arterials or collectors, or streets with a posted speed of 35 mph or greater, the tree types, sizes, and lateral offset to trees are to be governed by chapter 5 of the GDOT Design Policy Manual and the GDOT Policy for Landscaping.
3. Trees and vegetation must be located to maintain visibility at intersections as indicated in Sec. 8.5.3.
4. No more than 25% of the trees installed may be of any one type.
5. No more than 25% of the street trees used in a single development may be understory trees, unless limited by roadway classification or posted speed limit that affect tree placement.
6. Pedestrian lights must be spaced to allow 40 feet of separation between pedestrian lights and large trees, and 20 feet of separation between pedestrian lights and small trees.

C. Improvement Guarantees

At the option of Henry County, the developer may be required to provide financial security to guarantee the installation of project improvements required in this section. The developer's financial guarantee may be any of the following:

1. An escrow of funds with the county;
2. An escrow of funds with a bank upon which the county can draw;
3. An irrevocable letter of credit or commitment upon which the county can draw;
4. A performance bond for the benefit of the county upon which the county can collect; and

5. Any other form of guarantee approved by the Board of Commissioners that will satisfy the objectives of this subsection.

The guarantee must be in an amount sufficient to secure the full costs of the improvements, as determined by the Henry County Department of Transportation Director, based on the most recent edition of Georgia Department of Transportation "Item Means Summary" or other comparable standardized cost estimation procedure.

5.2.7. Use Provisions

A. The following uses are prohibited within the HCO:

1. Adult entertainment establishments.
2. Self-service storage facilities.
3. Salvage, junk, wrecking, recycling, waste, and scrap yards.
4. Alternative financial establishments.

B. Use Standards

1. Vehicular service (minor or major) as a principal use must be at least 1,320 feet from another such use.
2. Vehicular sales/leasing as a principal use must be at least 1,320 feet from another such use.

Sec. 5.3. Central District Overlay (CDO)

5.3.1. General

A. Purpose and Intent

The purpose of the Central District Overlay is to enhance the vitality and livability of the area consistent with the vision of the Comprehensive Plan and Central District Small Area Plan. Specifically, the district is intended to:

1. Promote and improve the market attractiveness of the Central District for investment by the private and public sectors.
2. Provide a range of high quality and aesthetically compatible housing options to accommodate a variety of housing needs within the County.
3. Encourage the revitalization of underutilized commercial areas and large areas of surface parking into pedestrian-oriented developments that provide a complementary mix of uses, including a variety of residential options, within convenient walking distance.
4. Allow and encourage development intensities and land use intensities that will provide for productive use of alternative modes of mobility, such as biking and walking.

B. Applicability

1. The Central District Overlay includes all properties within unincorporated Henry County as shown on the Central District Overlay Map, which is hereby adopted as a part of the official zoning map.
2. In any case where a conflict arises between the contents of this Sec. 5.3 and any other section of this ULDC, the provisions within this Sec. 5.3. will control.
3. In any case where a conflict arises between the contents of this Sec. 5.3 and Sec. 5.2 (Highway Corridor Overlay District), this section will control.

5.3.2. Redevelopment Thresholds

A. Renovations. Renovations, alterations, repairs or other modifications to a structure or portion of a structure which existed before the adoption of this overlay are subject to the provisions of Sec. 10.7 (Nonconformities), unless the requirements of B or C immediately below otherwise apply.

B. Expansions to any building or use in which the floor area is increased by at least 25% of the existing floor area will be subject to the provisions of this overlay.

C. Site disturbance or modifications are subject to the provisions of Sec. 5.3.9 Public Improvement Standards of this overlay.

5.3.3. Use Provisions

A. Uses within the Central District Overlay are those uses permitted by the underlying zoning, except as listed below.

B. Residential uses are permitted on any commercially zoned lot subject to the maximum densities established by the future land use category.

C. Prohibited Uses

The following uses are prohibited in this overlay:

1. Adult entertainment establishments.
2. Outdoor storage as a principal or accessory use.
3. Self-storage facilities.
4. Vehicular sales, new or used.

D. Drive-through Standards

The following standards apply to all drive-throughs:

1. Drive-throughs must not be placed between the building and a public or private street.
2. When site conditions exist which preclude a development from meeting the standards of subsection 1 above, drive-through lanes may be allowed between the building and the street provided they are screened as follows:
   (a) A landscape strip at least 6 feet in width is provided between the drive-through lanes and the adjacent street. The landscape strip must be planted with trees from the large tree species lists in Table 9.3 Recommended Tree List; or
   (b) The entire length of the drive-through must be screened from view from the street to a height of at least 36 inches by either an opaque evergreen hedge or a screening wall faced in stone or brick, or a combination of the two.
3. Along arterial or collector streets, no curb cuts for driveways serving a drive-through may be within 300 feet of a public street intersection along the same side of the street.

5.3.4. Development Standards

A. Building Setbacks

1. Nonresidential and multifamily buildings must be setback from the back of the required sidewalk by no more than 15 feet.
2. Buildings must be oriented towards the sidewalk and street.
3. There are no minimum side and rear yard requirements.

B. Blocks and Access

1. Developments must be traversed by streets which create block faces no more than 600 feet in length.
   (a) Streets used to satisfy this requirement may be public or private, provided such street designs have been approved by Henry County DOT.
2. Blocks must be aligned to incorporate any existing stub-out or dead-end streets abutting the property.
3. Open spaces such as parks or plazas may be used in lieu of new streets to satisfy block length requirements in subsection 1 above. Such open spaces must be designed to publicly accessible standards as described in Sec. 5.3.6.

5.3.5. Architectural Standards

In addition to the requirements of Sec. 2.2., the following standards apply to all properties within the overlay, except single-family dwellings, unless specified. All design and construction within the CDO is subject to review by the Architectural Review Committee.

A. Developments must include architectural elements, such as:

1. Arcades.
2. Arches.
3. Balconies.
4. Courtyards.
5. Covered entry walkways.
6. Cupolas.
7. Windows.

B. The principal entrance of a building must be articulated and express greater architectural detail than other portions of the building.

C. Building entrances must face the adjacent public street. When located along a private street without public street frontage, the building entrance must face the private street.

D. Buildings with storefronts along the street may be built with recessed entrances for no more than 50% of the facade length.

E. Buildings at the intersection of two streets must include focal points which anchor the corner, with functional extensions along both street frontages.

F. Exterior buildings or buildings on outparcels must be designed with the same materials as the primary building.

G. All nonresidential buildings, townhouses, and multifamily buildings must be at least 75% brick or natural stone, measured as a percentage of the gross wall area.

H. Accent building materials for nonresidential buildings, townhouses, and multifamily buildings may constitute any combination of:

1. Architectural concrete.
2. Architectural concrete masonry with fluted, split-face or broken-face finish.
3. Brick.
4. Fiber cement siding.
5. Natural stone.
6. Non-reflective glass.
7. Stucco.
8. Tile.

I. Architectural treatments must be continued on all sides of a building.

J. Vinyl or aluminum siding, exposed standard concrete masonry unit (CMU) block, corrugated steel, prefabricated metal, exposed plywood, and exposed pressboard are prohibited as wall finishes.

K. No more than three different materials may be used on a single building, unless approved by the Director.

L. Accessory structures must be consistent with the principal building in materials, texture, and color.

M. Street facing first story windows and door glass must be clear or tinted. Tinted glass must have a transmittance factor of 50% or more and must have a visible light reflectance factor or 10 or less.

5.3.6. Open Space

In addition to the standards of Sec. 7.3, open space within the Central District Overlay is subject to the following.

A. Minimum Open Space Required

1. Development of 1 acre or less, none required.
2. Developments of 1 to 3 acres, 10% of the lot area.
3. Developments of 3 acres or more, 20% of the lot area.

B. The following may be used to satisfy open space requirements.

1. Pedestrian ways.
2. Parks, squares, plazas or similar elements intended for public use and accessible by the public by adjacent sidewalks or pedestrian ways.
3. Outdoor dining areas adjacent to a public sidewalk.

C. Open Space shall include at least one conveniently located publicly accessible open space area, with related amenities and improvements, in the form of a square, green, park, plaza, or similar approved element that is accessible by the general public from multiple points of entry along adjacent sidewalks.

D. Each square foot of publicly accessible open space provided in part “C” above will count as 2 square feet of open space when the following requirements are met:

1. The finished ground surface of the open space is located at the same grade as the adjacent sidewalk.
2. A minimum of 25% of the open space perimeter abuts and is directly accessible from the sidewalk along a street or pedestrian way.
3. The open space must be accessible to the public and may not be intended solely for residential use.

E. Open space for nonresidential developments may be combined into a single open space.

5.3.7. Parking and Vehicular Circulation

A. Parking

1. For nonresidential uses, parking is required as established in Sec. 7.1, provided that no parking area may exceed the greater of either:
   (a) 125% of the minimum required number of parking spaces; or
   (b) 10 spaces more than the minimum number of required parking spaces.

2. For residential uses, parking may not exceed the following:
   (a) 2 spaces for every dwelling with two or fewer bedrooms.
   (b) 2.5 spaces for every dwelling with more than two bedrooms.
3. All parking spaces built in excess of the minimum number required by Sec. 7.1 must be constructed of pervious material.
4. Onsite parking is not permitted between a building and any public or private street.
5. All parking areas must provide a walkway from the parking area to the building entrance. The walkway must be at least 5 feet in width.
6. Parking may be reduced consistent with the standards of Sec. 7.1.2.C.

B. On-street Parking

Newly developed public or private streets may incorporate on-street parking which meets the following standards:

1. Parking spaces must be a minimum of 8 feet in width and 20 feet in length.
2. A bulb-out must be provided for every 6 on-street parking spaces.
   (a) Bulb-outs must be at least 10 feet in length and must be planted with at least one tree.
   (b) Trees must be planted to avoid conflict with utilities. This may include the installation of impermeable rigid tree root barriers, as determined by the County.
3. When on-street parking is provided, sidewalk planter strips may be substituted with hardscape material, provided that all required street trees are planted with area sufficient to accommodate future growth.
4. On-street parking may be counted towards minimum parking requirements as follows:
   (a) One on-street space may be substituted for one required off-street parking space, provided the on-street space immediately abuts the subject property.
   (b) Each on-street space will only be counted for one property.
   (c) When a portion of an on-street space straddles a property line (as extended into the right-of-way), the space will only count towards the property which abuts 50% or more of the on-street parking space.

C. Design of Parking Structures

When a parking structure abuts an arterial or collector street, it must conform to one of the following:

1. Active use. The ground floor must provide conditioned interior space for active uses (such as, but not limited to, residential, commercial, office, or civic uses) along said street. The space must have a minimum depth of 20 feet and must provide a minimum of 65% transparency.
2. Landscaping. A landscape strip at least 10 feet in width must be provided between the sidewalk and the parking structure. Plantings within the landscape strip must meet the standards of Sec. 7.2.

5.3.8. Fences and Walls

A. In addition to the fence and wall standards of Sec. 7.2.5, the following apply within the CDO.

1. Retaining walls must be finished poured concrete and must be faced with stone, brick or smooth true hard coat stucco.
2. Fences for residential uses may be located in the front yard. Such fences must be decorative metal or wood and must have a transparency of at least 50%.
3. Commercial uses must meet the following additional requirements:
   (a) No fences or walls are permitted in front or side yards facing a street, except when separating outdoor dining from adjacent sidewalks. Such fences must not exceed 36 inches in height.
   (b) Within rear yards or side yards not adjacent to a street, fences and walls are permitted up to 6 feet in height.
   (c) Barbed wire, razor wire, or similar security fencing material is prohibited.

5.3.9. Public Improvement Standards

A. Street Standards

All public and private streets must be designed to meet the standards as indicated on the street section diagrams in this Sec. 5.3.9., except as listed below.

1. Private streets may be constructed to alternative design standards upon approval from Henry County DOT.
2. Streets may incorporate bio-retention or similar stormwater management within sidewalk planter strips upon approval from Henry County DOT and the HCWA.

B. Sidewalk Standards

All sidewalks within the CDO must be designed as indicated below.

1. Sidewalks are required on both sides of the street.
   (a) The Director may waive this requirement for local streets when a multi-use trail at least 12 feet in width is proposed in lieu of sidewalks.
2. All sidewalks must continue across driveways as shown in Figure 5.3.

Figure 5.2 Driveway and Sidewalk Configuration



Figure 5.3 CDO Arterial Street Cross Section

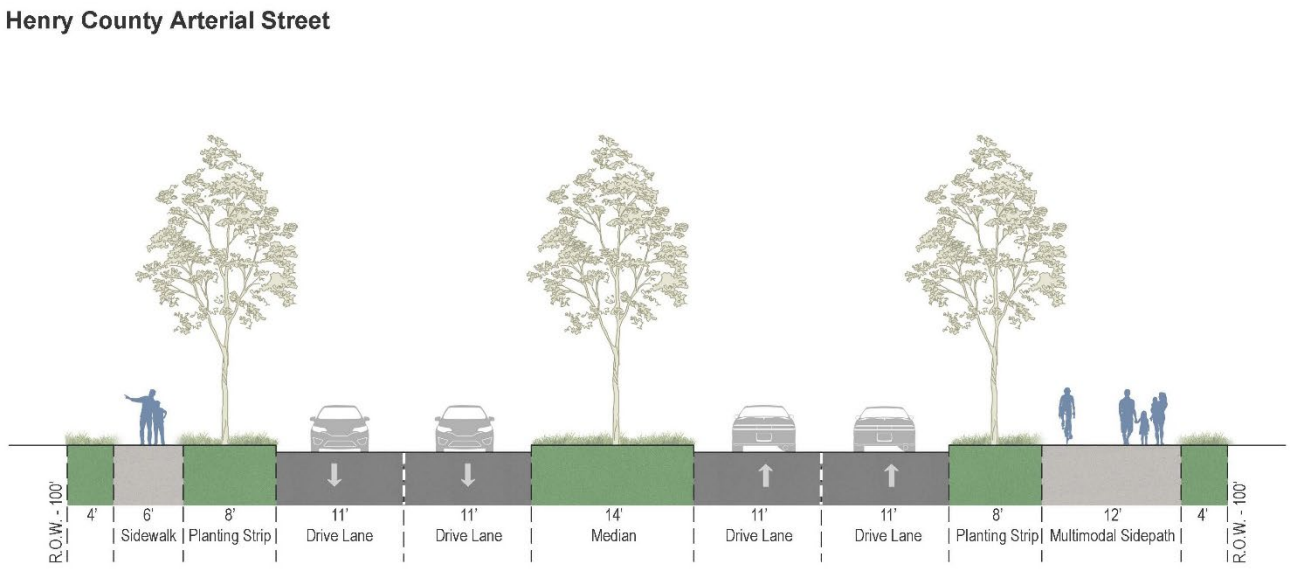


Table 5.9 Arterial Street Design Standards

ROW Width	100 feet
Sidewalk	6 feet min.
Planting Strip	8 feet min.
Drive Lane	11 feet
Median	14 feet
Multimodal Sidepath	12 feet

Figure 5.4 CDO Commercial and Multifamily Collector Street Cross Section

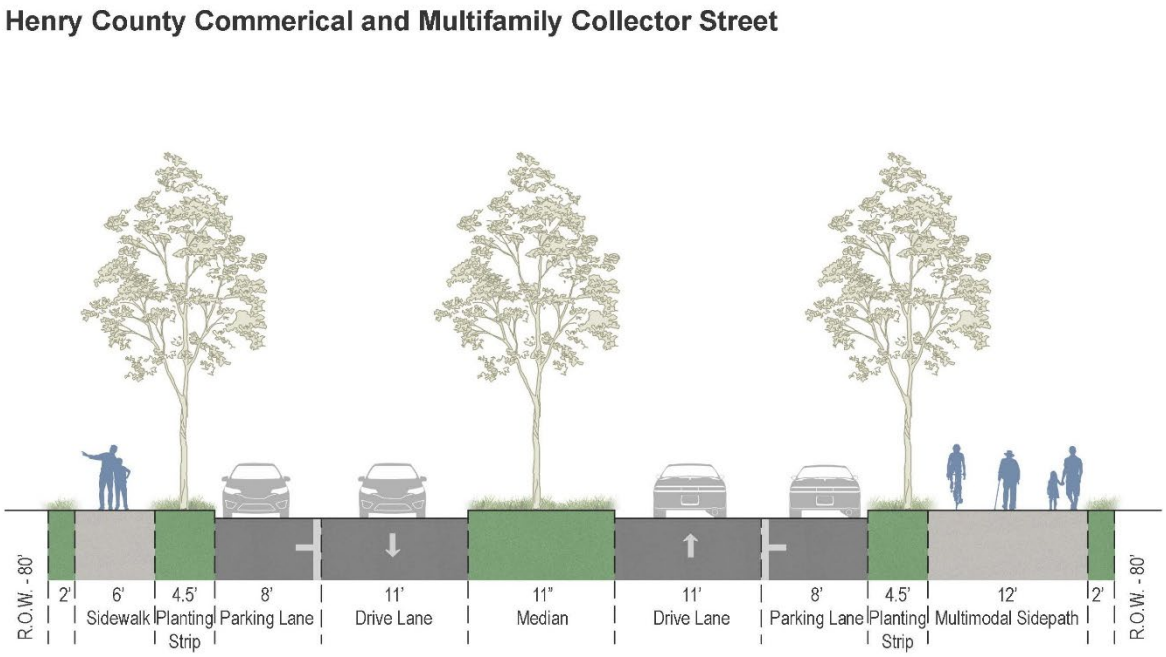


Table 5.10 Commercial and Multifamily Collector Street Design Standards

ROW Width	80 feet
Sidewalk	6 feet min.
Planting Strip	4.5 feet min.
Drive Lane	11 feet
Parallel Parking Lane*	8 feet
Median	11 feet
Multimodal Sidepath	12 feet

**Optional*

Figure 5.5 CDO Residential Collector Street Cross Section



Table 5.11 Residential Collector Street Design Standards

ROW Width	70 feet
Sidewalk	6 feet min.
Planting Strip	6 feet min.
Drive Lane	11 feet
Median	11 feet
Multimodal Sidepath	12 feet

Figure 5.6 CDO Commercial and Multifamily Local Street Cross Section

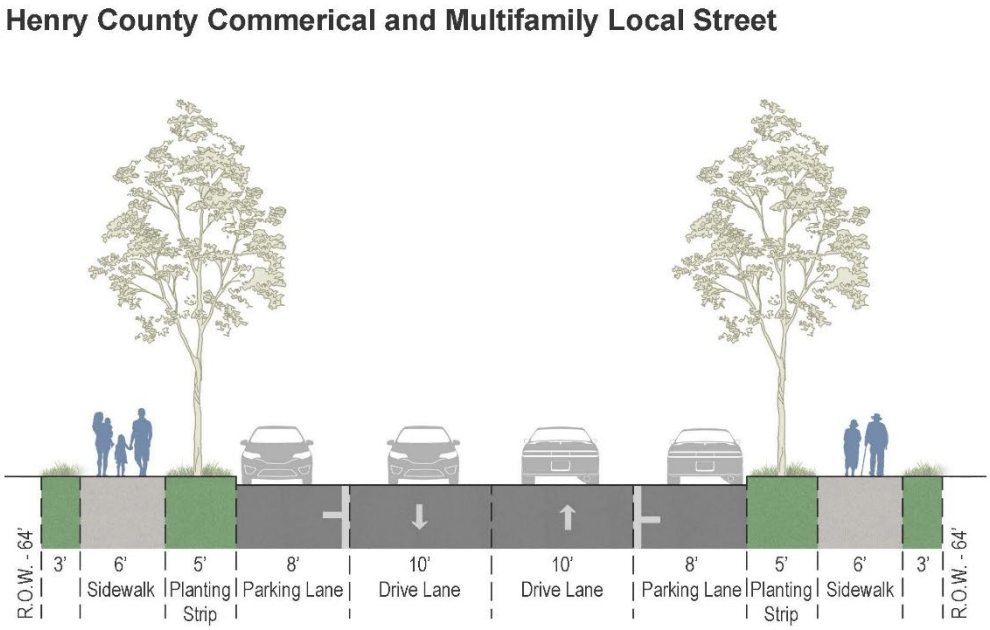


Table 5.12 Commercial and Multifamily Local Street Design Standards

ROW Width	64 feet
Sidewalk	6 feet min.
Planting Strip	5 feet min.
Parallel Parking Lane	8 feet
Drive Lane	10 feet

Figure 5.7 CDO Residential Local Street Cross Section

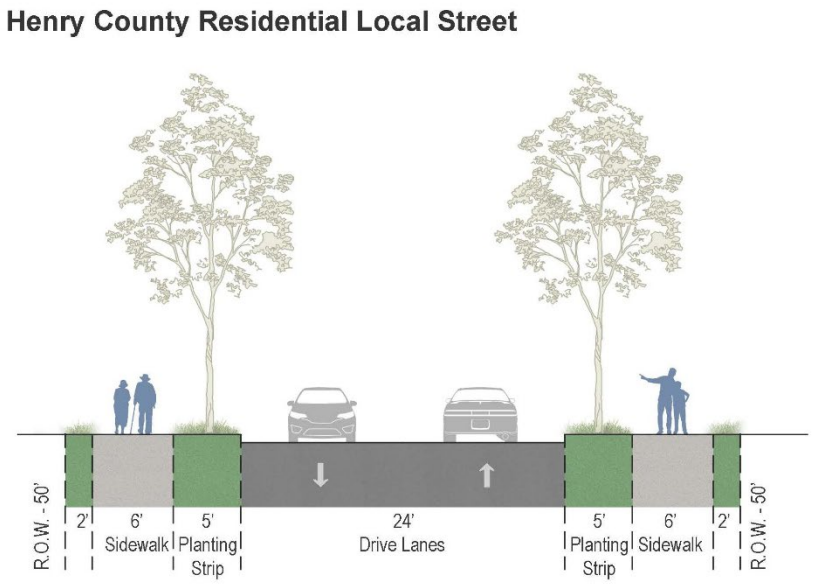


Table 5.13 Residential Local Street Design Standards

ROW Width	50 feet
Sidewalk	6 feet min.
Planting Strip	5 feet min.
Drive Lane	24 feet (total/combined)

Sec. 5.4. North Ola-Kelleytown Overlay (NOKO)

5.4.1. General

A. Purpose and Intent

The purpose of the North Ola-Kelleytown Overlay is to:

1. Implement the policies of the North Ola/Timber Ridge Master Plan and the Kelleytown Overlay, as adopted by the Board of Commissioners.
2. Promote the growth of the North Ola and Kelleytown areas in a way that respects and enhances the rural landscape.
3. Uphold the aesthetic character of the area through sensible design standards reflective of the existing architectural styles.
4. Protect the environment by balancing development and growth with safeguarding and conserving natural resources and scenic corridors.
5. Stabilize and protect the rural, agricultural, and residential character of the county.

B. Applicability

1. The North Ola-Kelleytown Overlay includes all properties within unincorporated Henry County as shown on the North Ola-Kelleytown Overlay Map, which is hereby adopted as a part of the official zoning map.
2. In any case where a conflict arises between the contents of this Sec. 5.4. and any other section of this ULDC, the provisions within this Sec. 5.4. will control.

C. Exemptions

1. Any lot of record within the R-A, R-1, R-2, R-3, R-4, or R-5 zoning districts which existed prior to March 17, 2026 and is intended to be developed with a single-family dwelling is exempt from the requirements of this section.

5.4.2. Subareas Established

To execute the provisions of the overlay, the following subareas are established as identified on the North Ola-Kelleytown Overlay Map.

Subarea 1: Rural Residential

Subarea 2: Low Density Residential

Subarea 3: Medium Density Residential

Subarea 4: Village Center

5.4.3. Development Standards

A. The following standards apply to all new development within the overlay. For residential uses, densities indicated on Table 5.14 supersede those of the underlying zoning classification.

Table 5.14 NOKO Subarea Development Standards

	Minimum Developable Area Required	Maximum Density*
Subarea 1	40 acres	1 dwelling unit/acre
Subarea 2	30 acres	2 dwelling units/acre
Subarea 3	20 acres	4 dwelling units/acre
Subarea 4	10 acres	8 dwelling units/acre

* Gross density, as defined in Sec. 11.2.1.

B. Alternative Residential Standards

Upon approval of a Special Use by the Board of Commissioners, alternative lot design standards for residential development may be allowed, subject to the standards on Table 5.15.

Table 5.15 NOKO Alternative Residential Lot Design Standards

	Minimum Standard
Lot Size*	5,000 sq. ft. min.
Lot Width	40 feet min.
Front Yard	10 ft. min., or 25 ft. min. for front-loaded garages
Side Street Yard	10 ft. min.
Side Yard	5 ft. min.
Rear Yard	10 ft. min.
Open Space	40% of total site

*Lots served by a septic system are subject to the minimum requirements of the Henry County Health Department.

5.4.4. Architectural Standards

In addition to the requirements of Sec. 2.2, the following standards apply to all properties within the overlay, unless otherwise specified. All design and construction within the NOKO is subject to review by the Architectural Review Committee.

A. Residential Design Standards

1. Building materials must consist of wood, cementitious siding, brick, or stone. Vinyl and other synthetic cladding materials, stucco, and exposed concrete masonry units (CMU) are not allowed.
2. Porches are required on all single-family detached and single-family attached structures, subject to the following:
   (a) Porches must be at least 8 feet in width and 6 feet in depth.
   (b) For single-family attached developments, stoops may be used to satisfy this requirement provided they are covered and at least 36 inches in width and depth.

3. Garages must be placed to the side or rear of the structure and must not face a street except for corner lots, in which case the garage may be located along the side yard facing the street.

   (a) When the provision above is not attainable for reasons of topography or other natural considerations, the garage may be located on the front facade provided it is recessed from the front facade by at least 5 feet.

B. When a residential development utilizes the Alternative Design Standards of Sec. 5.4.3.B, front-facing garages may be approved by the Planning and Zoning Department during architectural review to ensure compatibility with the overall architectural character and design of the development. Nonresidential Design Standards

1. The maximum building height is two stories or 24 feet.
2. Exterior wall finish materials are limited to the following:

   (a) Unpainted brick, excluding half-depth brick, thin brick, or brick veneer;

   (b) Unpainted natural stone or unpainted cast stone with the appearance of natural stone; or

   (c) Natural wood or cement-based artificial wood clapboard siding.

5.4.5. Rural Protection Buffer

A. All developments must incorporate a buffer as indicated in Table 5.16. The intent of the buffers is to preserve rural views from roadways and adjacent properties to maintain the rural character of the area.

Table 5.16 Rural Protection Buffer Standards

		Buffer Width
Residential Districts	Adjacent to existing arterial or collector streets	200 ft. min.
	Along all other existing, new or future streets; or Adjacent to all side or rear property lines	50 ft. min.
Nonresidential Districts	Along all streets	50 ft. min.

B. The area of the rural protection buffer may be counted towards meeting open space requirements in Sec. 7.3.

C. The buffer must consist of a wooded area of existing vegetation in a natural state and may not include any buildings or paved areas, except as specified in subsection F below.

1. On roads classified as local roads buffers may consist of wooded areas, agricultural areas, or a mix of the two, upon approval by the Director.

D. When existing vegetation cannot be maintained, the buffer must be planted with species from the recommended tree list in Table 9.3 Recommended Tree List. In such cases, a landscape plan prepared in accordance with Sec. 7.2 indicating proposed species and spacing must be submitted to the Department of Planning and Zoning for approval.

E. Other Standards

1. No parking or storage of vehicles may occur in the rural protection buffer.
2. No grading is allowed within the rural protection buffer. No retaining walls may be constructed within the buffer.
3. Fencing is allowed in the buffer subject to the requirements of Sec. 5.4.7.
4. Buildings must be set back at least 10 feet from the buffer.

F. Exceptions

1. Streets or driveways may be permitted to cross buffers, subject to the standards of Sec. 5.4.8.A.
2. Rural protection buffers adjacent to an existing street must be designed with a sidewalk or pathway subject to the standards of Sec. 5.4.8.B.
3. Signs may be allowed in the buffer.
4. Agricultural areas within the buffer may be allowed on local roads for up to 20% of the total length of frontage. Such areas may be open rather than wooded but may not include any structures or pavement, except as otherwise permitted in this Sec. 5.4.

G. The buffer is measured as a linear depth into the property from where the property line intersects the adjacent right-of-way or property line.

5.4.6. Use Standards

A. Allowed uses are limited to the following:

1. Agricultural uses.
2. Day care facilities.
3. Fuel sales, provided that no fuel sale establishment may be allowed within 1,320 feet of another such establishment.
4. General retail.
5. Medical clinic or medical office.
6. Personal service.
7. Public and institutional uses.
8. Residential uses.
9. Restaurant uses.
10. Vehicular repair, minor, provided that no minor vehicular repair establishment may be allowed within 1,320 feet of another such establishment.

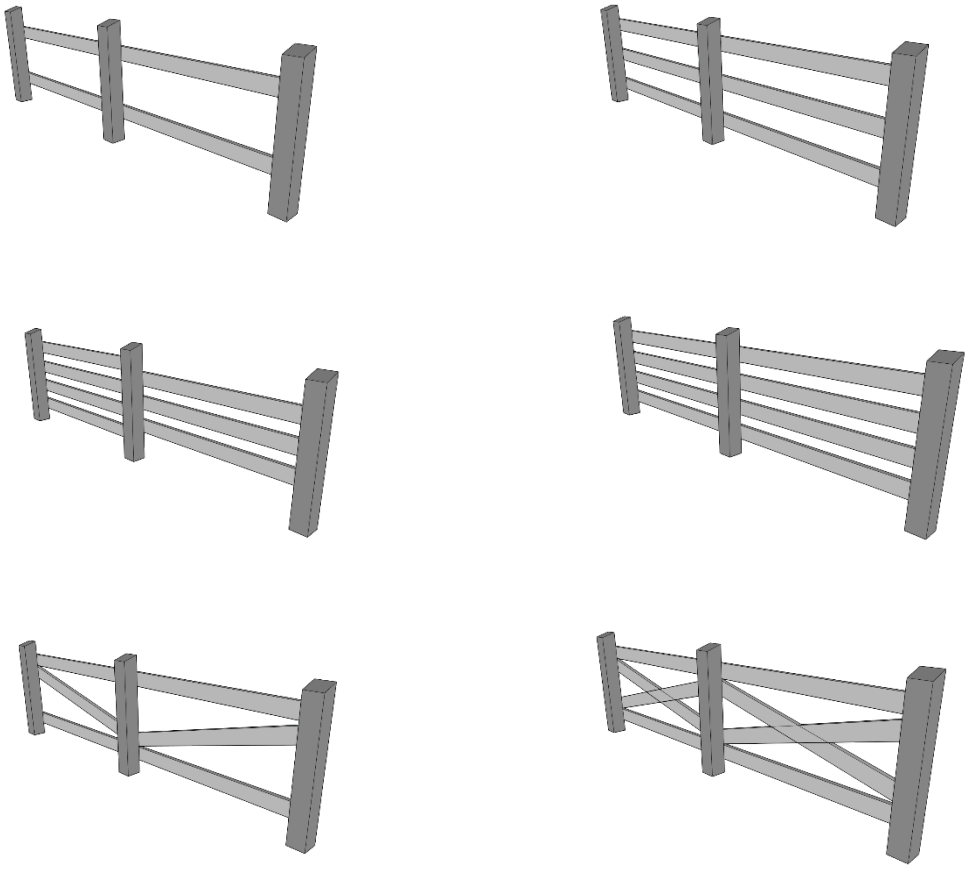
B. Allowed uses must meet any use standards of Article 6.

5.4.7. Fences and Walls

A. Required Fences

A fence is required within the rural protection buffer adjacent to any street. The fence must be 4 feet in height and utilize an approved design from Figure 5.9 Rural Protection Buffer Fence Designs below.

Figure 5.8 Rural Protection Buffer Fence Designs



B. All other fences are subject to the standards of Sec. 7.2.5.

5.4.8. Public Improvement Standards

A. Streets

New streets within the North Ola-Kelleytown Overlay must be constructed in accordance with the provisions of this ULDC and the following:

1. When a new public or private street is constructed for access to a development, a landscape strip at least 25 feet in width must be provided for that portion of the street which lies within the rural protection buffer.

B. Sidewalk and Pathways

1. Sidewalks must be provided on all new streets as detailed on Table 5.17.
2. Planter strips are required between the sidewalk and vehicular travel lanes as detailed on Table 5.17.

3. Within the rural protection buffer, sidewalks and planter strips may be substituted for a multi-use pathway at least 12 feet in width upon approval from the Director. Multi-use pathways must be separated from any vehicle travel lane by a planter buffer at least 2 feet in width.

Table 5.17 NOKO Sidewalk Design Standards

	Arterial or Collector Streets	Local or Private Streets
Sidewalk Width		
Residential	8 ft. min.	4 ft. min
Nonresidential	8 ft. min.	6 ft. min.
Planter Strip Width*		
Residential	8 ft. min.	2 ft. min.
Nonresidential	8 ft. min.	4 ft. min.

* Street Trees are not required within planter strips less than 4 feet in width.

5.4.9. Signage

A. Signs within the overlay, except for building signs, are subject to the following design standards:

1. Signs must be monument type.
2. The maximum height of all monument signs is 6 feet.
3. Signs must be constructed of wood, metal, brick, or stone or a combination of these materials.
4. Signs may only be lit through the use of backlight or downward projecting lights.

B. Signage must be permitted and installed in accordance with the requirements of Sec. 7.4.

Sec. 5.5. Airport Area Overlay (AAO)

5.5.1. General

A. Purpose and Intent

The purpose of the Airport Area Overlay is to:

1. Create a unified sense of place that reinforces that Airport Development District as a bold, modern, adventurous designation blending aviation, nature, and entertainment.
2. Preserve, enhance, and integrate natural systems, from lakes to forests into every development decision.
3. Strengthen movement across zones with trails, multimodal paths, shared streets, and aviation access
4. Activate streets, plazas, and civic spaces with a safe, comfortable, and engaging environment
5. Encourage bold, future-forward design that strengthens the district's identity and elevates user experience through creativity, technology, and flexible placemaking.

B. Applicability

1. The Airport Area Overlay includes all properties within unincorporated Henry County as shown on the Airport Development District Overlay Map, which is hereby adopted as a part of the official zoning map.
2. In any case where a conflict arises between the contents of this Sec. 5.5. and any other section of this ULDC, the provisions within this Sec. 5.5. will control.

C. Exemptions

1. Completion of work subject to preliminary plats, site development plans, construction plans, building permits, or interior finish permits approved prior to March 17, 2026.

D. Design Guidelines

In addition to the standards of this Sec. 5.5, all development within the Airport Area Overlay must conform to the Design Guidelines of the Henry County Airport Area Development Plan, as adopted by the Board of Commissioners. Whenever the text of this ULDC and those of the Henry County Airport Area Development Plan conflict, the text of this Sec. 5.5 will govern.

5.5.2. Subareas Established

To execute the provisions of the overlay, the following subareas are established as identified on the Airport Area Overlay Map.

Subarea 1: The Gathering

Subarea 2: The District

Subarea 3: The Retreat

Subarea 4: The High-tech/Light Industry

5.5.3. Development Standards

A. Building Setbacks

1. Nonresidential and multifamily buildings must be setback from the back of the required sidewalk by no more than 15 feet.
2. Buildings must be oriented towards the sidewalk and street.
3. There are no minimum side and rear yard requirements, except that any single-family detached dwelling must be set back at least 5 feet from any side or rear property line.

B. Blocks and Access

1. Block perimeter is measured along the street centerlines.
2. Blocks required by this Sec. 5.5.3. must be bound by public or private streets built to public street standards. Private streets constructed to alternative design standards may count towards meeting this requirement upon approval by the Director, provided such street designs have been approved by Henry County DOT.
3. Open spaces such as parks or plazas may be used in lieu of new streets to satisfy block length requirements in subpart 1 above. Such open spaces must be designed to publicly accessible standards as described in Sec. 5.3.6.
4. Blocks must be aligned to incorporate any existing stub-out or dead-end streets abutting the property.
5. Specific standards for Subareas 1 and 2:
   (a) Sites over 4 acres in size must incorporate existing or new streets that terminate at other existing or new streets to form an interconnected network with the maximum block perimeter of 2,000 feet.
   (b) Blocks over 350 feet in length on any single side must provide a mid-block pedestrian passage through the block generally perpendicular to that side.
   (c) Maximum single-side length or perimeter may be exceeded when a block includes water features or open space with direct public-street access from at least two sides.
6. Specific standards for Subareas 3 and 4:
   (a) Sites of 10 or more acres in size must incorporate existing or new internal streets that terminate at other existing or new streets to form an interconnected network with a maximum block perimeter of 3,200 feet.

C. Additional Standards for Residential Developments

Residential development is subject to the design guidelines in the Henry County Airport Area Development Plan.

D. Pedestrian Access

1. Each nonresidential use or building within a development must be connected by direct and convenient sidewalks or pathways to provide pedestrian access from one use or building to another use or building. The walking distance between any two uses may not exceed 500 feet.

2. For a combination of residential and nonresidential uses, the residential portion of the site must be connected by direct and convenient sidewalks or pathways to provide pedestrian or bicycle access from the residential development to the nonresidential development.

E. Driveways and Access

The following standards apply to driveways within the Airport Area Overlay. In the case where these standards conflict with those found in Sec. 8.3, the more restrictive standard applies.

1. Development parcels in the Airport Area Overlay must provide vehicular access to adjacent parcels by means of connected parking lots, shared driveways, cross-access easements, or other interparcel connections.
2. Driveway curb cuts may not be located on any arterial or collector street when access may be provided from a local street.
3. Driveway curb cuts must intersect streets at right angles.
4. Only one driveway curb cut is allowed per street frontage unless otherwise approved by the Director.

5.5.4. Architectural Standards

In addition to the requirements of Sec. 2.2., the following standards apply to all properties within the overlay. All design and construction within the overlay is subject to review by the Architectural Review Committee.

A. Residential Design Standards

1. Exterior finishes should be made from high-quality, durable materials, including but not limited to brick, stone, masonry, stucco, tile, steel, metal panels, wood, cementitious siding, cementitious panels, glass, and high-quality composite or synthetic materials. Vinyl and exposed concrete masonry units (CMU) are not allowed.
2. Garages must be placed to the side or rear of the structure and must not face a street except for corner lots, in which case the garage may be located along the side yard facing the street.
   (a) When the provision of subparagraph “4” above is not attainable for reasons of topography or other natural considerations, the garage may be located on the front facade provided it is recessed from the front facade by at least 5 feet.

B. Nonresidential Design Standards

1. Allowable facade materials include stucco, natural stone, brick, wood, architectural fiber cement siding or panels, architectural metal panels, or similar high-quality materials that showcase different architectural styles or elements. Vinyl, Exterior Insulation Finishing System (EIFS), tilt-up concrete panels, and exposed concrete masonry units (CMU) are not allowed.
   (a) In Subarea 4, vinyl, EIFS, tilt-up concrete panels, and exposed concrete masonry units (CMU) may be allowed upon approval of the Architectural Review Committee.
2. The principal entrance of a building must be articulated and express greater architectural detail than other portions of the building.

3. Building entrances and front exteriors must be articulated and designed to create additional visual interest by varying architectural details, building materials, and by varying the roof line and building offsets.
4. Buildings at the intersection of two streets must include focal points which anchor the corner, with functional extensions along both street frontages.
5. Exterior buildings or buildings on outparcels must be designed with the same materials, texture, and color as the primary building.
6. No more than three different materials may be used on a single building, unless approved by the Director.
7. Accessory structures must be consistent with the principal building in materials, texture, and color.
8. Street facing first story windows and door glass must be clear or tinted. Tinted glass must have a transmittance factor of 50% or more and must have a visible light reflectance factor or 10 or less.

5.5.5. Open Space

In addition to those standards for open space in Sec. 7.3, the following standards apply within the Airport Area Overlay.

A. All nonresidential uses must provide an area equal to 5% of the total nonresidential floor area as public space.

1. Allowable public spaces include transit stops, outdoor plazas, courtyards, pavilions, pocket parks, or other similar areas intended for use by the public. Retention ponds may be included if designed with a slope at 4:1 or shallower, provided that such areas meet the standards of Sec. 7.3.3.F.3.
2. Public spaces must be within view of a street and accessible by pedestrians.

B. Open space is subject to the following:

1. Open spaces may be provided in the form of parks, playgrounds, picnic grounds, trails for jogging or biking, or passive open spaces.
2. Open spaces must be accessible to pedestrians and bicyclists.
3. Required landscaping, buffers, and stormwater management facilities that do not comply with the standards of subsection A.1. above will not count towards minimum open space requirements.
4. The type and design of open space must be consistent with the type of development proposed. For example, passive open spaces are appropriate as a means of protecting viewsheds and natural features, while plazas and pocket parks are appropriate for residential and mixed-use developments.

5.5.6. Fences and Walls

A. In addition to the fence and wall standards of this ULDC, the following apply within the Airport Area Overlay.

1. Retaining walls must be finished poured concrete and must be faced with stone, brick or smooth true hard coat stucco.
2. Fences for residential uses may be located in the front yard. Such fences must be decorative metal or wood and must have a transparency of at least 50%.
3. Nonresidential uses must meet the following standards:
   (a) No fences or walls are permitted in front or side yards facing a street, except when separating outdoor dining from adjacent sidewalks. Such fences must not exceed 36 inches in height.
   (b) Within rear yards or side yards not adjacent to a street, fences and walls are permitted up to 6 feet in height.
   (c) Barbed wire, razor wire, or similar security fencing material is prohibited.

5.5.7. Public Improvement Standards

A. Streets

New streets within the Airport Area Overlay must be constructed in accordance with the provisions of this ULDC.

1. Streets may incorporate bio-retention or similar stormwater management within sidewalk planter strips upon approval from Henry County DOT and the HCWSA.

B. Sidewalks and Pathways

1. Sidewalks must be provided on all new streets as detailed on Table 5.18.
2. Planter strips are required between the sidewalk and any vehicular travel lanes as detailed on Table 5.18.
3. Multi-use pathways at least 12 feet in width may be substituted for sidewalks upon approval from the Director. Multi-use pathways must be separated from any vehicle travel lane by a planter buffer at least 2 feet in width.

Table 5.18 Airport Area Overlay Sidewalk Design Standards

	Arterial or Collector Streets	Local or Private Streets
Sidewalk Width		
Residential	8 ft. min.	4 ft. min
Nonresidential	8 ft. min.	6 ft. min.
Planter Strip Width*		
Residential	8 ft. min.	2 ft. min.
Nonresidential	8 ft. min.	4 ft. min.

* Street Trees are not required within planter strips less than 4 feet in width.

Sec. 5.6. Residential Fly-in Neighborhood (RFN)

5.6.1. General

A. Intent

The intent of this section is to allow for the design and development of subdivisions that accommodate residences with aircraft hangars and private landing strips or private airports.

B. Applicability

1. Residential fly-in neighborhoods (RFN) are alternatives to conventional subdivisions. The procedures for applications, preparation of preliminary and final plats, and design and installation of improvements are the same for RFN subdivisions and conventional subdivisions. Procedures for application, review, and approval of preliminary and final plats, and acceptance of public improvements, are set forth in Article 10.
2. The two existing RFN subdivisions, Mallard's Landing and Kitty Hawk, are not subject to the standards of this Sec. 5.6. and may be developed according to the approved plat.
3. RFN subdivisions are only allowed in the R-A zoning district.

5.6.2. Development Standards

A. The minimum area to establish a RFN subdivision is 60 acres.

B. Design Standards for Block and Lots

1. RFN subdivisions are not required to comply with the design and layout standards for conventional subdivision lots and blocks in this ULDC. The standards for design and layout of lots must comply with the following:
   (a) RFN subdivision lots must meet the minimum lot area and lot width standards for the zoning district. In addition, lot area must be sufficient to accommodate any proposed private hangars on the same lot as the principal structure in full compliance with the setback requirements in Sec. 3.1.
   (b) Lots may be designed to allow direct access from the lot to the landing strip or taxiway.
   (c) Lots may be designed according to conventional subdivision design standards, with hangars located in a common area to provide access to the landing strip or taxiway.
2. All requirements regarding access, infrastructure and improvements, signs, landscaping, and natural resource protection must be met in the design and development of a RFN subdivision.

C. Design Standards for Airports, Landing Strips, and Associated Uses

1. The airport must demonstrate compliance with applicable laws and regulations of the Georgia Department of Transportation and the Federal Aviation Administration.
2. Airports and landing strips in RFN subdivisions may not be lighted for night operations.

D. Any private airport or landing strip allowed by this ULDC must be compatible with the established character of the surrounding neighborhood. Development of the RFN subdivision must be of a scale and intensity that does not result in an adverse impact on residential uses in the surrounding neighborhood.

E. All land needed for the private airport or landing strip approach zone must be part of the common ownership of the airport and may not be privately owned by individuals other than the owner of the airport. Land within the approach zone(s) may not be platted into separate parcels apart from the parcel on which the airport or landing strip is located.

F. A legal entity must be created to be responsible for ownership and maintenance of any common space. See Sec. 7.3 regarding the standards for the management of open space and common facilities.

5.6.3. Required Buffers

A buffer must be provided at the boundary of the approach zone, and may be required to include noise abatement features, vegetation, walls, or berms. The purpose of the buffer is to screen sights or sounds of airport activities from adjacent and nearby residential neighborhoods. The buffer must be a at least 40 feet in width and conform to the plant material requirements and specifications set forth in Sec. 7.2.3 However, two understory trees may be substituted for each required canopy tree in order to avoid encroachment in any approach zones.

5.6.4. Use Standards

A. In addition to those uses permitted by the R-A zoning, the following may be allowed in RFN developments:

1. Runways, taxiways, parking ramps, and hangars for the use of individual homeowners and their invited guests for the parking and storing of aircraft.
2. Noncommercial fuel facilities for the not-for-profit use of homeowners and guests, provided the facility is properly permitted to meet health and safety standards. Such facilities must be located in a common area and maintained by a homeowners' association.
3. Accessory structures may not exceed the total square feet of the principle structure.

B. The following uses are prohibited in RFN developments:

1. Any uses not specifically listed in subsection A above that may otherwise be associated with the operation of an airport, including, but not limited to, flight instruction, aircraft storage (other than hangars for use by homeowners), aircraft maintenance, aircraft fueling (other than the provision of limited fuel facilities for homeowners), and other similar airport activities.
2. Structures in the approach zone exceeding the height limits established by the FAA (Advisory Circular 150).

ARTICLE 6. USE PROVISIONS

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Sec. 6.1. General

6.1.1. Classification of Uses

A. General

No land may be used except as listed in the district in which it is located.

6.1.2. Principal Uses

A. In order to regulate a variety of similar uses, use categories have been established for principal uses. Use categories provide a systematic basis for assigning uses to appropriate categories with other, similar uses. Use categories classify principal uses and activities based on common functional, product or physical characteristics.

B. Where a use category contains a list of included uses, the list is to be considered example uses, and not all-inclusive. The Director has the responsibility for categorizing all uses.

C. The allowed use table in Sec. 6.2 establishes permitted uses by zoning district. Principal uses not specifically listed must be approved by the Director in accordance with Sec. 6.1.5.

D. Permitted uses may be further restricted as specified in Article 5 (Special Purpose Districts).

E. Use definitions and use standards for principal uses are specified in Sec. 6.3 (Residential Uses) through 6.7. (Agricultural Uses).

6.1.3. Accessory Uses

A. An accessory use is any use that is subordinate in both purpose and size, incidental to and customarily associated with a permitted principal use located on the same lot.

B. The allowed use table in Sec. 6.2 establishes permitted accessory uses by district, except as may be further restricted in Article 5 (Special Purpose Districts).

C. Use definitions and use standards for accessory uses are specified in Sec. 6.8 (Accessory Uses).

6.1.4. Temporary Uses

A. A temporary use is a use that is in place for a limited period only.

B. The allowed use table in Sec. 6.2 establishes temporary uses by zoning district, except as may be further restricted in Article 5 (Special Purpose District).

C. Use definitions and use standards for temporary uses are specified in Sec. 6.9 (Temporary Uses).

6.1.5. Principal Uses Not Listed

A. A principal use not specifically listed is considered prohibited unless the Director determines the use to be part of a use category as described below.

B. The Director is responsible for categorizing all principal uses. If a proposed use is not listed but is similar to a listed use, the Director may consider the proposed use part of that use category. When determining whether a proposed use is similar to a listed use, the Director must consider the following criteria:

1. The actual or projected characteristics of the proposed use;

2. The relative amount of site area or floor area and equipment devoted to the proposed use;
3. Relative amounts of sales;
4. The customer type;
5. The relative number of employees;
6. Hours of operation;
7. Building and site arrangement;
8. Types of vehicles used and their parking requirements;
9. The number of vehicle trips generated;
10. How the proposed use is advertised;
11. The likely impact on surrounding properties; and
12. Whether the activity is likely to be found independent of the other activities on the site.

C. Where a use not listed is found by the Director not to be similar to any other permitted use, the Director may petition the Zoning Advisory Board for review and consideration of such determination.

D. Where a use not listed is found by the Zoning Advisory Board not to be similar to any other permitted use, the use is only permitted following a text amendment to this ULDC.

6.1.6. Accessory Uses Not Listed

A. An accessory use not specifically listed is considered prohibited unless the Director determines the accessory use:

1. Is clearly incidental to and customarily found in connection with an allowed principal use;
2. Is subordinate to and serving an allowed principal use;
3. Is subordinate in area, extent, and purpose to the principal use served;
4. Contributes to the comfort, convenience or needs of occupants, business or industry in the principal use served; and
5. Is located on the same lot as the principal use served.

6.1.7. Use Table Key

A. Permitted Use (P)

Indicates a use is permitted in the respective district. The use is also subject to all other applicable requirements of this ULDC.

B. Conditional Use Permit (CU)

Indicates a use may be permitted in the respective district only where approved by the Zoning Advisory Board in accordance with Sec. 10.4. Conditional use permits are subject to all other applicable requirements of this ULDC, including any applicable use standards.

C. Special Use (SU)

Indicates a use may be permitted in the respective district only where approved by the County Board of Commissioners in accordance with Sec. 10.3. Special uses are subject to all other applicable requirements of this ULDC, including any applicable use standards, except where the use standards are expressly modified by the Board of Commissioners as part of the approval.

D. Use Not Permitted

A blank cell indicates that a use is not permitted in the respective district.

Sec. 6.2. Permitted Use Table

Table 6.1 Permitted Use Table

Use Key "P" = Permitted "SU" = Special Use "CU" = Conditional Use Permit Blank Cell = Not Permitted

Use Category	Residential Districts										Nonresidential Districts							Definitions/ Standards
	R-A	R-1	R-2	R-3	R-4	R-5	R-TF	R-X	R-M	MHD	O-I	C-1	C-2	C-3	M-U	I-1	I-2	
Residential																		
Household living, as listed below:																		
Single-family, detached	P	P	P	P	P	P	P	P	P	P					P			Sec. 6.3.1.B
Mobile home										CU								Sec. 6.3.1.C
Manufactured home	P									P								Sec. 6.3.1.D
Two-family							P	P	P						P			Sec. 6.3.1.E
Triplex								P	P						P			Sec. 6.3.1.F
Quadruplex								P	P						P			Sec. 6.3.1.G
Townhouse						SU		P	P						P			Sec. 6.3.1.H
Multifamily									P						P			Sec. 6.3.1.I
Live-work															P			Sec. 6.3.1.J
Cottage Court								P	P						P			Sec. 6.3.1.K
Tiny house community						SU		P	P									Sec. 6.3.1.L

Use Key "P" = Permitted "SU" = Special Use "CU" = Conditional Use Permit Blank Cell = Not Permitted

Use Category	Residential Districts										Nonresidential Districts							Definitions/ Standards
	R-A	R-1	R-2	R-3	R-4	R-5	R-TF	R-X	R-M	MHD	O-I	C-1	C-2	C-3	M-U	I-1	I-2	
Group living, as listed below:																		Sec. 6.3.2
Assisted living facility	CU								CU		CU				CU			Sec. 6.3.2.C
Boarding-house or rooming house	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU				Sec. 6.3.2.D
Convalescent center, nursing home, hospice	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	P				P			Sec. 6.3.2.E
Group home	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	P				P			Sec. 6.3.2.F
Maternity supportive housing	P	P	P	P	P	P	P	P	P	P					P			Sec. 6.3.2.G
Personal care home	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU								Sec. 6.3.2.H
Conservation subdivision	SU	SU	SU	SU	SU	SU												Sec. 6.3.3
Relocated residential structure	CU																	Sec. 6.3.4
Public and Institutional																		
Civic, as listed below:																		Sec. 6.4.1

Use Key "P" = Permitted "SU" = Special Use "CU" = Conditional Use Permit Blank Cell = Not Permitted

Use Category	Residential Districts										Nonresidential Districts							Definitions/ Standards
	R-A	R-1	R-2	R-3	R-4	R-5	R-TF	R-X	R-M	MHD	O-I	C-1	C-2	C-3	M-U	I-1	I-2	
College or university											P	P	P	P	P	CU	CU	Sec. 6.4.1.B
Fraternal organization	CU										P	P	P	P	P	CU	CU	Sec. 6.4.1.C
Jails, detention centers, and correctional facilities, private	SU															SU	SU	Sec. 6.4.1.D
Library, private	CU										P	P	P	P	P			Sec. 6.4.1.E
Museum, private	CU										CU	CU	CU	CU	CU	CU	CU	Sec. 6.4.1.F
Place of worship	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	P	P	P	P	P	CU	CU	Sec. 6.4.1.G
Public buildings and uses	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 6.4.1.H
School, private	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	P	P	P	P	CU	CU	CU	Sec. 6.4.1.I
Parks and open space, as listed below:																		Sec. 6.4.2
Cemetery/mausoleum	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	Sec. 6.4.2.B

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	R-A	R-1	R-2	R-3	R-4	R-5	R-TF	R-X	R-M	MHD	O-I	C-1	C-2	C-3	M-U	I-1	I-2	
Golf course	P	P	P	P	P	P	P	P	P						P			Sec. 6.4.2.C
Open space, private	P	P	P	P	P	P	P	P	P	P					P			Sec. 6.4.2.D
Park, plaza, square	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 6.4.2.E
Recreational court, private	P	P	P	P	P	P	P	P	P						P			Sec. 6.4.2.F
Recreational court, public	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	Sec. 6.4.2.G
Recreational field	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	Sec. 6.4.2.H
Utility, Major	CU										CU	CU	CU	CU	CU	CU	CU	Sec. 6.4.3
Utility, Minor	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 6.4.3
Wireless communication facilities	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	Sec. 6.4.4
Commercial																		
Adult entertainment establishment																SU	SU	Sec. 6.5.1
Aircraft landing area	SU													SU		P	P	Sec. 6.5.2
Bar												P	P	P	P			Sec. 6.5.3

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	R-A	R-1	R-2	R-3	R-4	R-5	R-TF	R-X	R-M	MHD	O-I	C-1	C-2	C-3	M-U	I-1	I-2	
Commercial kitchen												CU	P	P	CU	P	P	Sec. 6.5.4
Day care facility	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	P	P	P	P	P	CU	CU	Sec. 6.5.5
Fairgrounds, festivals, or events, as listed below:																		Sec. 6.5.6
Indoor														P	CU	P	P	Sec. 6.5.6
Outdoor	CU												CU	CU	CU	CU	CU	Sec. 6.5.6
Indoor recreation												P	P	P	P	P	P	Sec. 6.5.7
Lodging, as listed below:																		Sec. 6.5.8
Bed and breakfast	CU							CU							CU			Sec. 6.5.8.B
Hotel/motel														P	P			Sec. 6.5.8.C
All medical, except as listed below:											P	P	P	P	P	P	P	Sec. 6.5.9
Hospital	CU										P	P	P	P	P			Sec. 6.5.9.B
All office, except as listed below:											P	P	P	P	P	P	P	Sec. 6.5.10
Flex space													CU	P		P	P	Sec. 6.5.10.C

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Use Category	Residential Districts										Nonresidential Districts							Definitions/ Standards
	R-A	R-1	R-2	R-3	R-4	R-5	R-TF	R-X	R-M	MHD	O-I	C-1	C-2	C-3	M-U	I-1	I-2	
Outdoor recreation	CU										CU	CU	CU	CU	CU	CU	CU	Sec. 6.5.11
All personal service, except as listed below:											P	P	P	P	P	P	P	Sec. 6.5.12
Animal care (indoor)	CU										P	P	P	P	P	P	P	Sec. 6.5.12.B
Animal care (outdoor)	CU												CU	P	CU	P	P	Sec. 6.5.12.C
Catering service											P	P	P	P	P	P	P	Sec. 6.5.12.E
Funeral homes											P		P	P				Sec. 6.5.12.F
Fortune telling establishment																P	P	Sec. 6.5.12.J
Massage parlor														SU		P	P	Sec. 6.5.12.I
Tattoo and body art or piercing establishment												SU	SU	SU		SU		Sec. 6.5.12.N
All restaurant, except as listed below:											CU	P	P	P	P			Sec. 6.5.13
Bakery												P	P	P	P	P	P	Sec. 6.5.13.B

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	R-A	R-1	R-2	R-3	R-4	R-5	R-TF	R-X	R-M	MHD	O-I	C-1	C-2	C-3	M-U	I-1	I-2	
Brewpub													CU	P	P			Sec. 6.5.13.C
Drive in or drive-up restaurant												P	P	P	CU			Sec. 6.5.13.E
All retail sales, except as listed below:												P	P	P	P			Sec. 6.5.14
Commercial kitchen												P	P	P		P	P	Sec. 6.5.14.C
Pawn shop, pawn broker, title pawn, title loan, check cashing													SU	SU		SU	SU	Sec. 6.5.14.D
Small box discount store													CU	P		P	P	Sec. 6.5.14.E
Smoke or vape shop													CU	CU				Sec. 6.5.14.F
Vehicular, as listed below:																		Sec. 6.5.15
Car wash													SU	P		P	P	Sec. 6.5.15.B
Fuel sales													SU	P	SU	P	P	Sec. 6.5.15.C

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	R-A	R-1	R-2	R-3	R-4	R-5	R-TF	R-X	R-M	MHD	O-I	C-1	C-2	C-3	M-U	I-1	I-2	
Heavy equipment sales, leasing or rental														P		P	P	Sec. 6.5.15.D
Service station														P		P	P	Sec. 6.5.15.E
Truck stop																CU	P	Sec. 6.5.15.F
Vehicle sales/leasing														P				Sec. 6.5.15.G
Vehicle repair, minor													CU	P		P	P	Sec. 6.5.15.H
Vehicle repair, major														P		P	P	Sec. 6.5.15.I
Industrial																		
Alcoholic beverage production, as listed below:																		Sec. 6.6.1
Brewery																P	P	Sec. 6.6.1.B
Micro-brewery													CU	P	P	P	P	Sec. 6.6.1.C
Micro-distillery																P	P	Sec. 6.6.1.D
Craft manufacturing													P	P	P	P	P	Sec. 6.6.2
Data center																SU	SU	Sec. 6.6.3

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Use Category	Residential Districts										Nonresidential Districts							Definitions/ Standards
	R-A	R-1	R-2	R-3	R-4	R-5	R-TF	R-X	R-M	MHD	O-I	C-1	C-2	C-3	M-U	I-1	I-2	
All heavy industrial, except as listed below:																	P	Sec. 6.6.4
Concrete, cement, asphalt, brick, lime, gypsum or tile manufacturing																	CU	Sec. 6.6.4.B
Mineral extraction, mines or quarries																	CU	Sec. 6.6.4.C
All light industrial																P	P	Sec. 6.6.5
Research and development																P	P	Sec. 6.6.6
Storage lot																P	P	Sec. 6.6.7
Self-storage														CU		CU	CU	Sec. 6.6.8
Warehouse and distribution																P	P	Sec. 6.6.9
Waste related services, as listed below:																		Sec. 6.6.10

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Use Category	Residential Districts										Nonresidential Districts							Definitions/ Standards
	R-A	R-1	R-2	R-3	R-4	R-5	R-TF	R-X	R-M	MHD	O-I	C-1	C-2	C-3	M-U	I-1	I-2	
Composting or storage of organic material	SU															P	P	Sec. 6.6.10.B
Junk, salvage yard																	SU	Sec. 6.6.10.C
Landfill, inert waste														SU		SU	SU	Sec. 6.6.10.D
Landfill, solid waste																	P	Sec. 6.6.10.E
Slow rate land treatment	SU															SU	SU	Sec. 6.6.10.F
Wholesale														P	P	P	P	Sec. 6.6.11
Agricultural																		
Agriculture, general	P																	Sec. 6.7.1
Farm winery	CU																	Sec. 6.7.2
Plant nursery	P												P	P				Sec. 6.7.3
Rural or agricultural event facility	CU																	Sec. 6.7.4
Riding areas	P																	Sec. 6.7.5

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Use Category	Residential Districts										Nonresidential Districts							Definitions/ Standards
	R-A	R-1	R-2	R-3	R-4	R-5	R-TF	R-X	R-M	MHD	O-I	C-1	C-2	C-3	M-U	I-1	I-2	
Stables, equestrian facilities	P	CU																Sec. 6.7.6
Accessory																		
Accessory structure	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 6.8.2
Accessory dwelling unit (ADU)	P	P	P	P	P	P		P							P			Sec. 6.8.3
Drive-through											P	P	P	P	P			Sec. 6.8.4
Greenhouse, non-commercial	P	P	P	P	P	P	P	P	P	P					P			Sec. 6.8.5
Fallout shelter	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 6.8.6
Home occupation	P	P	P	P	P	P	P	P	P	P					P			Sec. 6.8.7
Outdoor storage and display	P												P	P	P	P	P	Sec. 6.8.8
Roadside produce stand	P																	Sec. 6.8.8.B.4
Solar Energy Systems	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 6.8.10
Swimming pool, private	P	P	P	P	P	P	P	P	P	P					P			Sec. 6.8.11
Temporary																		

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Use Category	Residential Districts										Nonresidential Districts							Definitions/ Standards
	R-A	R-1	R-2	R-3	R-4	R-5	R-TF	R-X	R-M	MHD	O-I	C-1	C-2	C-3	M-U	I-1	I-2	
Farmers' market	P												P	P	P			Sec. 6.9.1
Mobile food establishment											P	P	P	P	P	P	P	Sec. 6.9.2
Temporary buildings	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 6.9.3
Temporary or special events	P										P	P	P	P	P	P	P	Sec. 6.9.4
Yard/garage sales	P	P	P	P	P	P	P	P		P								Sec. 6.9.5

Sec. 6.3. Residential Uses

6.3.1. Household Living

A. Defined

Occupancy of a dwelling unit by a household. Household living includes the following:

1. Single-family, detached.
2. Mobile home.
3. Manufactured home.
4. Two-family.
5. Triplex.
6. Quadruplex.
7. Townhouse.
8. Multifamily.
9. Live-work.
10. Cottage Court.
11. Tiny house community.

B. Single-family, detached

1. Defined

   One dwelling unit in one building, other than a mobile home, hotel or motel, designed for and occupied by one family, containing rooms for living, sleeping, toilet facilities and one kitchen.

C. Mobile Home

1. Defined

   A structure, transportable in one or more sections, which, in the traveling mode, is 8 body feet or more in width or 40 body feet or more in length or, when erected on site, is 320 or more square feet and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air-conditioning, and electrical systems contained therein and manufactured prior to June 15, 1976. Documentation of compliance with the National Mobile Home Construction and Safety Standard Act (United States Department of Housing and Urban Development certification) is required.

D. Manufactured Home

1. Defined

   A structure, transportable in one or more sections, which is built on a permanent chassis and is designed to be used with or without a permanent foundation when attached to the required utilities. The term includes any structure commonly referred to as a "mobile home" regardless of the date of manufacture. The term also includes parked trailers, travel trailers and similar

transportable structures placed on a site for one hundred eighty (180) consecutive days or longer and intended to be improved property. The term does not include "recreational vehicle."

E. Two-family

1. Defined

   A building containing two dwelling units, designed for occupancy by not more than two families living independent of each other.

F. Triplex

1. Defined

   Three dwelling units in a single building that does not meet the definition of townhouse, and where each unit has direct access to the outside or a common hall. Units may be arranged horizontally or stacked vertically within a building.

G. Quadruplex

1. Defined

   Four dwellings in a single building that does not meet the definition of townhouse, and where each unit has direct access to the outside or to a common hall. Units may be arranged horizontally or stacked vertically within a building.

H. Townhouse

1. Defined

   One of a series of three or more attached dwelling units which are separated from each other by a party wall partition. This definition also includes the term “single-family attached”.

2. Use Standards

   (a) No townhouse building may contain more than 6 dwelling units.

      i. Up to 8 units may be allowed upon review and approval from the Henry County Fire Marshal.

   (b) Each townhouse must be at least 24 feet in width for each dwelling unit with a front entry garage and 20 feet in width for each dwelling unit with a rear entry garage. When parking is provided in a shared parking area, townhouse units must be at least 16 feet in width.

   (c) Setbacks are as follows:

      i. Front yard: 20 feet for front entry townhouses; 10 feet for rear entry townhouses.

      ii. Side yard: 10 feet.

      iii. Rear yard: 10 feet for front entry townhouses; 20 feet for rear entry townhouses.

   (d) Separation between townhouse buildings must be at least 10 feet.

   (e) Each dwelling unit must be separately metered for all utilities.

   (f) Each townhouse unit must have direct access to a public street.

I. Multifamily

1. Defined

Three or more dwelling units in one building, or in multiple buildings on a single lot, with the number of families not exceeding the number of dwelling units provided.

J. Live-work

1. Defined

   Nonresidential activity conducted wholly within a dwelling unit that allows employees, customers, clients or patrons to visit.

2. Use Standards

   (a) Live-work is only permitted on the ground floor of a dwelling unit.

   (b) A minimum of one person must occupy the dwelling containing the live-work use as their primary place of residence.

   (c) The live-work use may employ no more than two people who do not live on the premises at any one time.

   (d) No business storage or warehousing of material, supplies or equipment is permitted outside of the dwelling containing the live-work use.

   (e) The nonresidential use of the live-work use is limited to permitted or conditional use permit uses allowed in the zoning district.

   (f) No equipment or process may be used that creates, without limitation, noise, dust, vibration, glare, fumes, odors, or electrical interference detectable to the normal human senses, off the premises.

   (g) No more than three customers are permitted on the premises at any one time.

K. Cottage Court

1. Defined

   Clustered groups of smaller detached dwellings arranged around a central common area such as a park, commons, courtyard, or garden.

2. Use Standards

   (a) At least 4 and no more than 12 detached dwelling units are allowed for each central common area. A development may include more than one cluster of dwellings.

   (b) Each dwelling unit must have frontage on and direct access to a central common area or a public street.

   (c) Dwellings may be no more than 1,200 square feet of heated and conditioned space.

   (d) Individual lots or building sites within the development are exempt from the underlying zoning district standards for lot area, lot width, lot frontage, setbacks and lot coverage. Instead, such standards apply to the overall development site.

   (e) Front porches must be provided for each individual dwelling unit. Porches must be at least 32 square feet in area and must be open on at least two sides and can not be enclosed.

   (f) Common areas must be provided at a ratio of at least 600 square feet for each dwelling unit, provided that no common area may be less than 3,000 square feet.

(g) Common areas must consist of pervious materials except for walkways, trails, benches, decorative elements, and other impervious materials as approved by the Director.

(h) Common parking areas must be located to the side or rear of the dwellings. Access to parking areas must be provided by a shared driveway or alley.

(i) Individual parking areas serving only one residential unit, where provided, must be located to the side or rear of the dwelling. Access to parking areas must be provided by a shared driveway or alley.

(j) Shared driveways or alleys must be at least 12 feet in width for one-way vehicular travel or 20 feet in width for bidirectional vehicular travel, subject to review and approval by the Henry County Fire Marshal.

(k) A cottage court may be developed on individual fee simple lots or a single lot with a common form of ownership, such as a condominium.

L. Tiny House Community

1. Defined

   A planned community consisting of two or more detached buildings used as a dwelling with each dwelling having less than 500 square feet of heated and conditioned space, excluding lofts.

2. Standards

   (a) The maximum height is 25 feet.

   (b) A covered porch or other architectural entry feature must be provided.

   (c) At least 10% of the development site must be designated as shared common space.

   (d) Parking is required at 1 space per tiny house dwelling.

   (e) Individual lots or building sites within the development are exempt from the underlying zoning district standards for lot area, lot width, lot frontage, setbacks and lot coverage. Instead, such standards apply to the overall development site.

6.3.2. Group Living

A. Defined

Residential occupancy of a structure by a group of people that does not meet the definition of household living. Generally, group living facilities have a common eating area for residents, and residents may receive care or training. Group living includes the following:

1. Assisted living facility.
2. Boardinghouse or roominghouse.
3. Convalescent center, nursing home, hospice.
4. Group home.
5. Maternity supportive housing.
6. Personal care home.

B. General Use Standards

1. Applicability. The requirements of this subsection shall apply only to Group Living uses that require approval of a Conditional Use Permit under this Code. Group Living uses permitted by-right shall not be subject to this subsection.
2. Homeowners Association Acknowledgment. Where a Conditional Use Permit is required for a Group Living use and the subject property is located within a subdivision, development, or community governed by a mandatory homeowners association, property owners association, or similar private association, the applicant shall submit, as part of the Conditional Use Permit application, a notarized written letter of acknowledgment from an authorized representative of the applicable association.
3. The letter shall:

   (a) Identify the subject property;

   (b) Identify the specific Group Living use proposed;

   (c) Confirm that the association has been informed of the proposed use; and

   (d) Include the name, title, signature, and contact information of the authorized association representative.
4. The required letter shall be submitted at the time of application. An application subject to this requirement that does not include the required documentation shall be considered incomplete.
5. Nothing in this subsection shall be construed as enforcement by the County of private covenants, conditions, restrictions, or agreements, nor shall this requirement be applied in a manner inconsistent with applicable state or federal law.

C. Assisted Living Facility

1. Defined

   A state-licensed use in which domiciliary care is provided to adults who are provided with food, shelter and personal services within independent living units which could include kitchen facilities in which residents have the option of preparing some or all of their own meals. This use does not include hospitals, convalescent centers, nursing homes, hospices, clinics, or similar institutions devoted primarily to the diagnosis and treatment of the sick or injured.
2. Use Standards

   (a) The minimum lot size to establish an assisted living facility is 2 acres.

   (b) Setbacks for side and rear yards must be at least 50 feet.

D. Boardinghouse or Roominghouse

1. Defined

   A facility, other than a hotel or motel, used for the lodging and/or feeding, for compensation, of up to 6 persons, unrelated by blood or marriage to the owner or operator of the house, and where renting individuals are also served with meals prepared in a kitchen by the owner or operator of the house. Foster children placed in a family home, a community residential home with 6 or fewer residents, a nursing home, or a personal care home must not be established as a boarding and/or rooming house.

E. Convalescent Center, Nursing Home, Hospice

1. Defined

   A state-licensed use in which domiciliary care is provided to convalescing, chronically or terminally ill persons who are provided with food, shelter and care.

   This use does not include hospitals, clinics or similar institutions devoted primarily to the diagnosis and treatment of the sick or injured.

F. Group Home

1. Defined

   A state-licensed residence where two or more unrelated persons live under the supervision of a resident manager. Group homes are established to assist people who have left highly structured institutions to adjust to and reenter society and live within its accepted norms. The purpose of a group home is to allow people to begin the process of reintegration with society, while still providing monitoring and support. Group homes must not provide treatment of drug or alcohol dependency, or provide an alternative to incarceration.

G. Maternity Supportive Housing

1. Defined

   A type of group living use that holds a valid registration certificate from the State of Georgia as a maternity supportive housing residence. Maternity supporting housing is operated on behalf of a nonprofit organization and houses up to 6 pregnant women aged 18 or older and their minor children at any time during the pregnancy and up to 18 months after childbirth. This term does not include the following:

   (a) Uses where medical service is regularly provided;

   (b) A child welfare agency, as defined in O.C.G.A. § 49-5-12;

   (c) Dwelling unit of a relative in which a woman receives maternity care; or

   (d) Any medical use.

H. Personal Care Home

1. Defined

   A state-licensed use where personal care services are provided to no more than 6 nonfamily adults. Personal care services include, but is not limited to, individual assistance with or supervision of self-administered medication and essential activities of daily living such as eating, bathing, grooming, dressing, and toileting. A care home cannot provide nursing or other medical services or admit and retain residents who need continuous medical or nursing care (see O.C.G.A. § 31-7-12 for state requirements for personal care homes). The term "personal care home" does not include buildings which are devoted to independent living units which include kitchen facilities in which residents have the option of preparing and serving some or all of their own meals, nor does it include halfway houses, residential treatment facilities, nursing homes, sanitariums, hospital or other institutional facilities, or rooming or boarding facilities which do not provide personal care.

2. Use Standards

(a) Personal care homes for up to 3 persons may be permitted as a home occupation provided all the standards of Sec. 6.8.7 are met.

6.3.3. Conservation Subdivision

A. Defined

A development option where smaller lot sizes for single-family dwellings are permitted in exchange for the protection of additional open space. Such subdivisions are generally located in areas with features such as lakes, wetlands, woodlands, streams, and sites of historic or archaeological significance which directly impact the development of the property under the provisions of the conventional subdivision.

B. Use Standards

1. The site to be subdivided may be held in single and separate ownership or in multiple ownerships. If held in multiple ownership, the site must be developed according to a single plan with common authority and common responsibility.
2. Applicants for a Conservation Subdivision must submit a yield plan indicating the total number of proposed lots within the development, based on a conventional subdivision design. When determining the number of lots the following areas must be excluded from the gross lot area:
   (a) Slopes exceeding 25% within an area of 5,000 square feet or more.
   (b) The 100-year floodplain.
   (c) Bodies of water 10,000 square feet or more.
   (d) Wetlands meeting the definition of the Army Corps of Engineers pursuant to the clean water act.
   (e) Areas to be utilized for rights-of-way or utilities.
3. All lots within a conservation subdivision must meet the following dimensional standards:

	With Sewer	With Septic
Minimum Development Size	20 acres (all)	
Minimum lot size	5,000 sq. ft.	32,670 sq. ft.*
Minimum lot width	50 ft.	100 ft.
Front Yard	25 ft.	40 ft.
Side Yard	10 ft.	15 ft.
Street Side Yard	10 ft.	10 ft.
Rear Yard	20 ft.	40 ft.
Minimum access easement to open space	10 ft. (all)	

*As determined by Henry County Health Department

4. Design Options

(a) Multiple pod design, wherein the site is divided into several areas containing lots which are connected by the protected open space.

i. Pods must be separated by at least 200 feet.

(b) Single pod design, wherein all the lots are located within a single area surrounded by the protected open space.

5. Buffer Standards

(a) A natural, undisturbed buffer of at least 100 feet must be provided along all existing streets exterior to the development.

(b) A natural, undisturbed buffer of at least 50 feet must be provided along all adjacent property lines.

(c) If timber on the property has been cut within the last 5 years or if the property is partially wooded and partially open or entirely open, the above required buffers in the wooded area must be undisturbed and buffers in the open or timbered areas must be enhanced with a planted vegetative buffer. Said vegetative buffer must consist of at least four rows of trees planted 20 feet on center and staggered to provide a vegetative screen. At least 75% of the trees must be large screening trees as outlined in Table 9.3 Recommended Tree List. The remainder may be made up of large, medium or small trees.

(d) The Director may require additional landscaping or tree planting when it is determined that the buffer requirements of this section do not provide adequate screening.

6. All applications for a conservation subdivision must include a site analysis map to be submitted with the preliminary plat.

7. Open space must meet the provisions of Sec. 7.3 and the following standards. If the standards of this Sec. 6.3.3 conflict with the general open space standards, the standards of this section apply.

(a) At least 40% of the gross site area must be open space.

(b) The following areas are considered primary conservation areas and must be included as a part of the open space.

i. The regulatory 100-year floodplain.

ii. Buffer zones at least 75 feet in width along all perennial and intermittent streams.

iii. Slopes exceeding 25% within an area of 5,000 square feet or more

iv. Wetlands that meet the definition used by the Army Corps of Engineers pursuant to the Clean Water Act.

v. Populations of endangered or threatened species as identified by the state Department of Natural Resources or U.S. Fish and Wildlife Service, or habitat for such species.

vi. Archaeological or historic sites, cemeteries and burial grounds.

(c) The following areas are considered secondary conservation areas and may be counted as open space.

i. Existing healthy, native forests of at least one contiguous acre.

ii. Individual existing healthy trees greater than 8 inches caliper, as measured from their outermost drip line.

iii. Other significant natural features and scenic viewsheds such as ridge lines, peaks and rock outcroppings, particularly those that can be seen from public roads.

iv. Prime agricultural lands of at least 5 contiguous acres.

v. Existing trails that connect the site to neighboring areas or trails.

8. A density bonus may be utilized in the development of a conservation subdivision for each acre of permanently protected open space over the minimum requirement as follows:

(a) In the R-A and R-1 districts: 1 additional dwelling unit per additional acre of protected open space is permitted.

(b) In the R-2 and R-3 districts: 2 additional dwelling units per additional acre of protected open space are permitted.

(c) In all other districts: 3 additional dwelling units per additional acre of protected open space are permitted.

Any additional units must be added to the yield plan detailed in Sec. 6.3.3.B.2 and must be labeled as "Bonus".

6.3.4. Relocated Residential Structure

A. Applicability

Except as provided in this section, no application for a move-in structure permit may be approved, nor any structure moved or occupied, in Henry County, Georgia, prior to completion of all the requirements of this section.

B. Defined

A move-in structure is defined as a preexisting structure relocated to another property or on the same property. Factory-built modular and manufactured homes as defined in this ULDC are exempt from this section.

C. Inspections

1. Preliminary inspections.

No building permit application for a move-in structure will be approved until a complete inspection of the structure is made by the Henry County Building Department. An application for a move-in structure inspection must be completed on forms provided by the Building Department prior to the inspection being made. The Building Department inspection will determine the compliance or the feasibility of compliance for all existing building codes, development codes and ordinances adopted by the Henry County Board of Commissioners. Depending upon the size, age, condition or design of the structure, the Building Official or their authorized representative may require an inspection and report from a structural engineer to evaluate the suitability of the structure for moving. The engineering inspection and report fee will be paid by the applicant for the move-in structure. If the Building Official or authorized representative determines that compliance with existing codes is not feasible, the application

for the building permits will be denied. All such denials must be in writing specifying the reasons therefore and signed by the Building Official.

2. Follow-up inspection.

   Following relocation of the structure and prior to and for the purpose of re-inspecting, the owner of the move-in structure must, at the owner's choice, remove either the interior wall covering on all exterior walls or the exterior wall covering on all exterior walls. If necessary, and at the direction of the Building Official or their authorized representative regarding the interior load-bearing walls, the owner must remove one side of these interior walls and the Building Department will then re-inspect the structure to insure that its structural integrity has not been compromised and that any required improvements are still feasible.

3. Inspection fee.

   The inspection fee is as set forth in the Henry County Building Department Fee Schedule which must be paid to the Building Department prior to the inspection being made.

D. Performance letter of credit or escrow letter of surety required of owner of the structure.

To ensure that the structure will meet all of Henry County's current building construction codes and that the renovation of the move-in structure is completed and ready for occupancy within 6 months from the date the building permit is issued, the owner of the move-in structure must provide an irrevocable letter of credit or irrevocable bank escrow letter of surety in the amount of $10,000.00, meeting the requirements of Sec. 10.10.6.

E. Building Permit

A building permit must be obtained for a move-in structure before it can be located on a lot in Henry County. The fee for the permit shall be as set forth in the Henry County fee schedule.

F. Owner Certification

All applications for permit must be accompanied by a sworn affidavit that said applicant is the owner of the move-in structure and the owner of real property where the structure is to be relocated if the structure is to be located in Henry County. Prior to habitation, said owner is required to obtain a certificate of occupancy to verify completion of all work and that the structure is ready for habitation.

G. Route Approval

1. Structures to be located within Henry County.

   Prior to the issuance of a permit for a move-in structure, the applicant must first submit and receive approval from the Henry County Police Department, Henry County Department of Transportation, and Henry County Code Enforcement Division regarding the proposed route. The applicants must provide information concerning the name and address of the moving company, owner of structure to be moved, destination of structure, type and size of structure, map of the proposed route and insurance company. Said approval and information must be on forms furnished by the Henry County Building Department. Routes must comply with the Henry County Truck Route Ordinance.

2. Structures to be located outside of Henry County.

Prior to moving a preexisting structure through Henry County, routes must be established by the Henry County Police Department, Henry County Department of Transportation, and Henry County Code Enforcement Division on forms provided by the Henry County Building Department. The applicants must provide information concerning the name and address of the moving company, owner of structure to be moved, destination of structure, type and size of structure, map of the proposed route and insurance company. Required police escort must be prearranged with the Henry County Police Department three days prior to moving structure from Henry County. Move-through structures will be allowed only on routes established in the Henry County Truck Route Ordinance.

H. Requirements for moving companies.

Any firm or individual moving structures into or through Henry County must provide a valid copy of the Georgia Department of Transportation Oversize/Overweight Permit for the structures and a certificate of liability, naming Henry County as the certificate holder, that meets or exceeds the minimum insurance standards required by the Georgia Department of Transportation.

I. Guarantee of completion.

No application for a building permit will be approved until a performance bond, irrevocable letter of credit, or irrevocable bank escrow letter of surety is provided as referred to in subsection E., above.

J. Time of completion.

All permits for move-in structures must be completed in compliance with all codes and ordinances of Henry County within six months from the date of granting of the building permit, unless extended as provided herein. In the event said structure is not in compliance and/or is not completed within the specified time limit, the Building Official or their authorized representative must notify, in writing, the owner giving specific causes of noncompliance or noncompletion. Upon notification, the owner has 30 days to correct said causes of noncompliance or noncompletion. In the event of failure of the owner to correct causes of noncompliance or noncompletion, and the owner has not received an extension of completion time, a notice to move or demolish said structure will be issued to the owner immediately. Failure to move or demolish said structure within 10 days of this notice will be deemed a violation of this section and punishable in the Magistrate Court of Henry County and the Henry County Building Official or their authorized representative will authorize the surety or bank issuing the irrevocable letter of credit or escrow letter of surety to release to the county all funds.

K. Extension of completion time.

The Henry County Building Official or their authorized representative, upon written request by the owner which states the reason for the request and payment of applicable fees, may issue a 90-day extension of completion time for cause beyond the original six-month compliance/completion period. A second 90-day extension of completion time, upon written request by the owner which states the reason for the second request, may be issued after the first 90-day extension of completion time has elapsed. Approved or denied extension of compliance/completion time requests must be in writing and signed by the building official or his authorized representative. Permission for a greater extension of time may be granted only by the Henry County Board of Commissioners in regular public session. Application to appear before the Board of Commissioners must be on forms provided by the Henry County Building Department. For any extension of

completion time request, the performance irrevocable letter of credit, or irrevocable bank escrow letter of surety may be required to be extended if the performance letter of credit or irrevocable bank escrow letter of surety does not have sufficient time remaining to ensure that the structure will meet all of Henry County's current building construction codes and that the renovation of the move-in structure is completed and ready for occupancy within the requested time. The fees for each extension of completion time request are as set forth in the Henry County Building Department Fee Schedule.

L. Certification of occupancy.

A certificate of occupancy may be issued upon the passing of a final inspection of a structure and verification of the completion requirements set forth above, including compliance with all existing building and life safety codes.

Sec. 6.4. Public/Institutional Uses

6.4.1. Civic

A. Defined

Places of public assembly that provide ongoing governmental, life safety, educational and cultural services to the public, as well as meeting areas for religious practice. Civic includes the following:

1. College or university.
2. Fraternal organization and club, non-profit.
3. Jail, detention center, or correctional facility, private.
4. Library, private.
5. Museum, private.
6. Place of worship.
7. Public buildings and uses.
8. School, private.

B. College or University.

1. Defined

   An institution of higher education having authority to award bachelor's and higher degrees.

C. Fraternal Organization and Club, Non-profit.

1. Defined

   A building of facility in which organized fraternal, social or educational meetings are conducted on a regular non-profit basis.

2. Use Standards

   (a) The minimum lot size is 2 acres.

   (b) Organizations must provide evidence of recognition or sanction from a pattern group or organization.

D. Jail, Detention Center, or Correctional Facility, Private

1. Defined

   A privately run facility to which people are legally committed as a punishment for crimes they have committed or while awaiting trial.

2. Use Standards

   (a) The minimum lot size is 10 acres.

   (b) A buffer of at least 100 feet in width must be installed along all property lines, including any property line adjacent to a street or right of way.

E. Library, Private

1. Defined

A private facility that serves as a repository for a collection of books, periodicals, and sometimes films and recorded music, in physical or digital formats, for members of the public to read, borrow, or refer to and which may include as an accessory use the sale of goods to the public as gifts or for their own use.

F. Museum, Private

1. Defined

   A private facility that serves as a repository for a collection of natural, scientific, literary curiosities, or objects of lasting interest, or works of art, and arranged, intended, and designed to be viewed by members of the public and which may include as an accessory use the sale of goods to the public as gifts or for their own use.

G. Place of Worship

1. Defined

   A specially designed structure or consecrated space where individuals or a group of people such as a congregation come to perform acts of devotion, veneration, or religious study. Temples, churches, synagogues, and mosques are examples of places of worship.

   Accessory structures and uses such as parsonages and caretaker's residences, recreational fields, private schools, day cares, and other uses identified as allowed in the applicable districts may be permitted, provided the standards of this Sec. 6.4.1.G. are met.

2. Use Standards

   (a) The minimum lot size is 2 acres.

   (b) The minimum road frontage is 200 feet.

   (c) All places of worship must have an undisturbed buffer of at least 20 feet along all side and rear property lines.

   (d) The minimum setback from all property lines is 50 feet.

   (e) All buildings must be constructed of brick, stone, stucco, glass, cementitious siding, or masonry.

   (f) All buildings, structures and uses other than parking and pedestrian walkways must be at least 100 feet from any residential district.

   (g) Places of worship which exceed 10,000 square feet in total floor area, excluding the parsonage or caretaker's residence, must provide an additional 5 foot setback for each additional 2,000 square feet or portion thereof.

   (h) Within any residential district the following apply:

      i. No parking may be located within the front yard setback.

   (i) Standards for accessory uses are as follows:

      i. No accessory use may exceed 50% of the total floor area on the site. The calculation of floor area for accessory uses is cumulative and must include any classrooms, offices, work areas, and similar areas utilized for the normal operations of the use.

      ii. Outdoor play or activity areas must be at least 50 feet from any residential property line.

iii. Off-street drop areas for day care centers and private schools must be provided. Such areas may not be located on a local street when access from an arterial or collector street is available.

iv. The allowable building height for parsonages or caretakers' residence is 35 feet.

v. Temporary or special events are permitted as an accessory use. No permit is required provided the applicable standards of Sec. 6.9.4 are met.

H. Public Buildings and Uses

1. Defined

Any building, structure, or use owned or operated by the federal government, State of Georgia, county, city or other municipality, or any authority, agency, board, or commission of the above governments, that is necessary to serve a public purpose, including but not limited to, government administrative buildings, post offices, police, fire and EMS stations, public health facilities, public libraries, public museums, public schools, public works facilities, community centers, and jails, detention centers and correctional facilities.

I. School, Private

1. Defined

An educational facility for students in grades pre-kindergarten through 12 that is operated by a private entity and has a curriculum at least equal to a public school with regard to the branches of learning and study required to be taught in the public schools of the State of Georgia.

2. Use Standards

(a) The minimum lot size is 3 acres.

(b) The minimum lot width is 200 feet.

(c) All private schools must have an undisturbed buffer of at least 20 feet along all side and rear property lines.

(d) Any outdoor recreation area must be at least 75 feet from any property zoned, used or developed for residential purposes.

(e) Outdoor recreation is permitted between the hours of 7:00 a.m. and 10:00 p.m.

(f) Vehicular drop-off areas must be designed to reduce impact to any adjacent property zoned, used or developed for residential uses.

6.4.2. Parks and Open Space

A. Defined

Uses focusing on natural areas consisting mostly of vegetation, passive or active outdoor recreation areas, and having few structures. Parks and open space include the following:

1. Cemetery/mausoleum.
2. Golf course.
3. Open space, private.

4. Park, plaza, square.
5. Recreational court, private.
6. Recreational court, public.
7. Recreational field.

B. Cemetery/Mausoleum

1. Defined

   The use of a property as a burial place, including mausoleums or columbarium's, and other accessory structures customarily incidental to the principal use. Does not include family burial plots or burial grounds on private property as established in the Official Code of Georgia § 36-72-1.

2. Use Standards

   (a) Any cemetery registered with the State of Georgia must meet the minimum standards as established by the state.

   (b) The minimum lot size is 2 acres for a cemetery with a structure such as a chapel or church. Otherwise, a minimum of 1 acre is required.

   (c) Setbacks for cemeteries are as follows:

      i. Front yard must be at least 40 feet.

      ii. Side and rear yard setbacks must be at least 20 feet.

      iii. A setback of at least 50 feet is required from any residentially zoned property.

   (d) The minimum road frontage is 100 feet.

   (e) A cemetery may include a chapel or church as an accessory use when operated in conjunction with and within the boundaries of such cemetery.

   (f) Adequate vehicular stacking space must be provided for funeral processions so that no vehicle stands or waits in a dedicated right-of-way.

   (g) Mausoleums and columbaria must have facades of brick or stone.

   (h) No cemetery may be located as follows:

      i. Within a wetland, 100-year floodplain, floodway, or flood hazard area.

      ii. Within 150 feet of a drinking water well.

      iii. Below the elevation of known drinking water wells.

C. Golf Course

1. Defined

   A tract of land laid out with at least 9 holes for playing golf and improved with tees, greens, fairways, bunkers, and penalty areas. A golf course may include a country club, driving range, and shelters as accessory uses. The term does not include miniature golf.

2. Use Standards

(a) The minimum setback for all buildings adjacent to any property zoned, used or developed for residential purposes is 100 feet, except for restroom facilities which must be set back at least 10 feet.

(b) Any driving range must have safety netting at least 40 feet in height on its perimeter when abutting any street or property zoned, used or developed for residential purposes.

(c) Loudspeaker or paging systems are prohibited.

(d) Any outdoor storage or loading areas must be screened from adjacent properties or any public right of way with a solid fence or wall at least 6 feet in height.

(e) Outdoor lighting meeting the requirements of Sec. 7.5. is permitted, provided that such lighting must be extinguished by 10:00 p.m.

(f) Paths for carts which cross a street or pedestrian path must be clearly marked with signage, paint, or similar means.

D. Open Space, Private

1. Defined

A privately owned or controlled natural or improved open space, including, but not limited to, playgrounds, parks, plazas, gardens, natural areas, and other areas for passive use or aesthetic appeal. A private open space does not include any defined use unless such use is properly authorized.

E. Parks, Plaza, Square

1. Defined

A parcel of land owned by a public or private organization that is used for noncommercial outdoor assembly, enjoyment, play, recreation, or natural resource protection, often containing seating, walking paths, trails, or recreational equipment. Uses may include recreational fields as accessory uses, provided the requirements of Sec. 6.4.2.H. are met.

F. Recreational Court, Private

1. Defined

An improved area designed and intended for the playing of a game or event such as basketball or tennis, and which serves any residential development, including when such improved areas are owned and/or controlled by a neighborhood association or similar organization.

2. Use Standards

(a) Single-family. Recreational courts serving single-family dwellings must be in a side or rear yard and may not be located within a required minimum yard or setback.

(b) Multifamily. Recreational courts serving multifamily developments, as well as accessory structures and fencing serving the complex, must be at least 50 feet from any residential building, adjoining property line, or street.

(c) Subdivision. Recreational courts serving a neighborhood must be located within the same zoning district as the subdivision, and:

i. Use of the recreational courts must be limited to residents and guests of the subdivision in which they are located.

ii. Recreational courts, accessory features, fencing, and parking must be at least 100 feet from all adjoining property lines.

G. Recreational Court, Public

1. Defined

An improved area designed and intended for the playing of a game or event such as basketball or tennis and is operated as a business or as a club unless such club is within a subdivision or multifamily development.

2. Use Standards

(a) Recreational courts, accessory structures, fencing, and parking must be at least 100 feet from any property line which abuts a residential use.

(b) Outdoor lighting meeting the requirements of Sec. 7.5 is permitted, provided that such lighting must be extinguished by 11:00 p.m.

H. Recreational Field

1. Defined

An outside area designed and equipped for the conduct of sports and leisure activities including, but not limited to, softball, baseball, soccer, football, and field hockey.

2. Use Standards

(a) The minimum lot size is 1 acre.

(b) The minimum road frontage is 100 feet.

(c) The minimum setback is 50 feet from any property line.

(d) A landscape buffer at least 20 feet in width must be provided along all side and rear property lines.

(e) Outdoor lighting meeting the requirements of Sec. 7.5 is permitted, provided that such lighting must be extinguished by 11:00 p.m.

(f) Loudspeakers or pager systems may be permitted subject to the County's noise ordinance.

(g) Parking areas may be improved with paving or pervious pavers, or may be grass, dirt, or gravel.

6.4.3. Utilities

A. Defined

Uses that generate and distribute utility services such as electrical, gas, sewer, water, cable, internet, and similar services. Does not include utilities owned or operated by the federal government, State of Georgia, county, city or other municipality, or any authority, agency, board, or commission of the above governments, or a utility operated as an accessory use to a permitted principal use.

Utility includes the following specific uses:

1. Utility, Major

   A use that provides services of a regional nature that normally entails the construction of new buildings or structures. Typical examples include power generating plants and sources; electrical switching facilities; station and substations; water and wastewater treatment plants; solar farms as a primary use; and water towers.

2. Utility, Minor

   A use that provides services that are necessary to support development within the immediate vicinity and that only involve minor structures. Typical examples include small facilities such as transformers, relay and booster devices; well water and sewer pump stations; stormwater retention and detention facilities; telephone exchanges; and surface transportation stops.

B. Use Standards

1. Utility substations measuring less than 35 square feet and less than 5 feet in height from the finished grade are exempt from these regulations.
2. All structures must be within the boundaries of the subject parcel and meet the minimum development standards of the district in which they are located.
3. All utility substations must be fully enclosed, except for a gate, with a solid fence or wall at least 8 feet in height.
4. A landscape buffer must be provided which meets the following standards:
   (a) The width of the buffer must be at least 25 feet.
   (b) One tree must be planted for each 25 linear feet of buffer.
   (c) A continuous landscape screen consisting of double staggered rows of shrubs must be provided.

6.4.4. Wireless Communication Facilities

A. Defined

A structure, facility or location designed or intended to be used as, or used to support, antennas or other transmitting or receiving devices. This includes, without limit, new and existing support structures, replacement support structures, collocations on existing support structures, attached wireless telecommunications facilities and concealed wireless telecommunications facilities.

B. Purpose

It is the purpose of these wireless telecommunication regulations to ensure that residents and businesses in Henry County have reliable access to wireless facility networks and state of the art communications services, while also ensuring that this objective is achieved in a fashion that preserves the character of the community, and is accomplished according to Henry County's zoning, planning, and design standards. The Telecommunications Act of 1996 preserved, with certain limitations, local government land use and zoning authority concerning the placement, construction, and modification of wireless communication facilities. Henry County recognizes that facilitating the development of wireless service technology can be an economic development asset to Henry County and a significant benefit to its residents. To accomplish the above-stated objectives and to ensure that the placement, construction, or modification of wireless telecommunication

facilities complies with all applicable federal laws, and is consistent with Henry County's land use policies, Henry County is adopting comprehensive wireless communications regulations. These regulations are designed to meet the following:

1. Promote the health, safety, and general welfare of the public by regulating the siting of and establishing development standards for WCFs and related equipment;
2. Encourage the location of WCFs in nonresidential areas;
3. Encourage the location of WCFs on existing structures, including utility poles, signs, water towers, buildings, and other WCFs where feasible;
4. Encourage collocation and site sharing of new and existing WCFs;
5. Facilitate the use of public property and structures for WCFs;
6. Locate telecommunications support structures and antennas in areas where adverse impacts on the community are minimized;
7. Encourage design and construction of support structures and antennas to harmonize the visual impact of support structures and antennas with the existing natural and/or built environment; and
8. Encourage the siting of small cell technology consistent with the design and aesthetics of the existing streetscape. "Small Cell Technology" is defined as:
   (a) Individual small cell wireless antennas; or
   (b) Networks of spatially separated small cell wireless antenna nodes connected to a common source via transport medium that provides wireless service within a geographic area.

C. Applicability

The regulations of this Sec. 6.4.4. apply to all wireless communication facilities, except as enumerated below:

1. Antennas or support structures located on property owned, leased, or otherwise controlled by the county or one of its agencies, divisions, or entities, with an approved license or lease authorizing such antenna or support structure.
2. Small cell technology located in the right-of-way adjacent to nonresidential zoning districts and not exceeding 70 feet in height (including antenna, lightning rod, etc.) provided that such facilities shall comply with the requirements of Sec. 6.4.4.D.6 as well as the requirements for utilities in the right-of-way, including those of the Henry County Code of Ordinances Section 3-5-451.
3. Ordinary maintenance of existing telecommunications facilities and support structures, as defined herein.
4. Any support structure, or the installation of any antenna, that is under 35 feet in height and is owned and operated by a federally licensed amateur radio operator or is used exclusively for receive-only antennas.
5. A temporary, commercial WCF, upon the declaration of emergency by federal, state, or local government, or determination of public necessity by the county, and approval by the County Manager, provided that such WCF complies with all federal and state requirements. The

exemption may continue up to 120 days after the duration of the state of emergency with the approval of the County Manager.

D. Administrative Approval for WCF's

1. Minor modifications of existing WCFs shall be permitted in any zoning district after administrative approval in accordance with the standards set forth in Sec. 6.4.4.E.
2. Concealed attached or non-concealed attached WCFs and collocations shall be permitted in any zoning district after administrative approval in accordance with the standards set forth in Sec. 6.4.4.E.
3. Support structures, antennas, and/or antenna arrays for AM/FM/TV/HDTV broadcasting transmission facilities that are licensed by the FCC are permitted in any zoning district after administrative approval.
4. Monopoles or attached WCFs located in utility easements or right-of-way shall be permitted in any zoning district after administrative approval in accordance with the standards set forth in this ULDC, provided that:
   (a) The utility easement or right-of-way shall be a minimum of 100 feet in width.
   (b) The easement or right-of-way shall contain overhead utility transmission and/or distribution structures that are 80 feet or greater in height.
   (c) The height of the monopole may not exceed by more than 30 feet the height of existing utility support structures.
   (d) Monopoles and its accessory equipment shall be set back a minimum of 15 feet from all boundaries of the easement or in accordance with clear zone requirements as established by the Henry County Department of Transportation for structures located within the right-of-way.
   (e) Poles that use the structure of a utility tower for support are permitted under this section. Such poles may extend up to 20 feet above the height of the utility tower.
5. Support structure replacement. Support structure replacements are permitted in any zoning district after administrative approval in accordance with the standards set forth in Sec. 6.4.4.E, and without regard to the requirements of Sec. 6.4.4.F and 6.4.4.G, provided that:
   (a) The support structure replacement is located within 850 feet of the existing WCF, irrespective of whether the support structure replacement and the existing support structure are on the same parcel.
   (b) If the support structure replacement will be located on a different parcel from the existing support structure, then the underlying zoning district and the Future Land Use Map designation of the parcel on which the replacement WCF is to be located shall be the same or more intense than the zoning district and Future Land Use Map designation of the parcel on which the existing WCF is located.
   (c) If the existing support structure is nonconforming, the applicant demonstrates that the proposed support structure replacement will mitigate the nonconformity. This demonstration shall meet at least two of the following factors:

i. Change of design that achieves a more preferred design (for example, from a lattice-style to a monopole-style support structure or a non-concealed to a concealed support structure);

ii. At least a 10% height reduction;

iii. From a lighted support structure to a non-lighted support structure; and

iv. Exceeding the current wireless code requirements for setbacks on all sides.

(d) The existing support structure that is being replaced shall be removed within 120 days after the support structure replacement is completely constructed and operational.

6. Additional requirements.

(a) Wireless communication facilities in the public right-of-way are to be located outside of the clear zone as per AASHTO Roadside Design Guide as determined by HCDOT.

(b) The permittee of approval to install wireless communication facilities in the public right-of-way is to abandon or relocate the wireless communication facilities at its sole expense if required to do so by a government agency requiring relocation. Access to private property from the public right-of-way shall take precedence over the use of the public right-of-way for a utility facility/support structure. Should the location of a utility facility/ support structure prevent all access to a lot of record, that utility facility/support structure shall be removed or relocated by the utility facility/support structure owner at its sole expense within the same timeframe as otherwise required by section 3-5-451(c).

(c) The wireless communication facility permittee shall be a member of the GA 811, One Call Center, and shall be required to mark any underground facilities that the utility has when a locate request is made (or respond to the GA 811 call center that they have no conflicts if that is applicable). The marking shall be done within the industry standard timeframe when locate requests are made.

(d) Wireless communication facilities in the public right-of-way shall be required to meet the requirements of Sec. 10.10.6 to provide a removal bond.

(e) The Director shall require any modification without limitation to reduce potential hazards within the fall zone of a wireless communication facility in the public right-of-way.

(f) Wireless communications facilities in the public right-of-way as well as associated conduit (pipes or tubes) shall be required to be a dark color/material meeting the same color requirement for streetlights in the same district in which the facility is located.

(g) Wireless communications facilities in the public right-of-way shall be located no closer than a distance equal to the height of the utility facility to be permitted from another utility facility in the public right-of-way unless the facility shares the support structure.

(h) Wireless communications facilities in the public right-of-way shall be required to obtain an approved utility permit. Applicants shall be required to provide the latitude and longitude of the proposed location of the utility facility. Permittees shall provide before and after photos of the work site to demonstrate site conditions. If there is remaining damage to or deterioration of the conditions of the right-of-way after the installation of the utility facility, the indemnity bond or other acceptable security may be used to correct the situation as permitted by law including section 3-5-451(a).

E. Administrative Review Process

1. All administrative review applications must contain the following:
   (a) Administrative review application form signed by the applicant.
   (b) All application requirements outlined in subsection F below except that for Parts 14 through 18.
   (c) Administrative review application fee as outlined on the department's most recently adopted fee schedule, and in accordance with O.C.G.A. 36-66B-7.
2. Procedures.
   (a) There shall be a pre-application meeting. The purpose of the pre-application meeting will be to address issues that will help to expedite the review and permitting process.
   (b) Within 30 calendar days of the date an administrative review application is filed, the Director shall determine if it is a complete application, and if it determines the application is not a complete application, notify the applicant in writing of any information required to complete such application. If additional information is required to complete the application, the time required by the applicant to provide such information shall not be counted toward the 30-day review period set forth in this paragraph. Information requested to complete the application may only include the documents, information, and fees specifically enumerated in the county's existing wireless telecommunications regulations, ordinance, and forms pertaining to the location, construction, collocation, modification, or operation of wireless facilities.
   (c) Once the application is complete, the Director will issue a written decision granting or denying the request within 30 days unless an extension of time is agreed to by the applicant. Failure to issue a written decision with 30 days shall constitute an approval of the application.
   (d) Should the Director deny the application, written justification for the denial must be provided to the applicant. The denial must be based on substantial evidence of inconsistencies between the application and the ULDC.
   (e) The appeal of any decision of the Director approving, approving with conditions, or denying an application or deeming an application incomplete, shall be in accordance with Sec. 10.6 of this ULDC, except as set forth in subsection “f” below.
   (f) Additional procedures for support structure placements.
      i. The Director shall provide notice of receipt of an application for support structure replacement in accordance with the provisions of Sec. 10.2.2, except that the notices shall be mailed within 15 calendar days from the receipt of a complete application.
      ii. After making a decision with respect to an application for a replacement tower or monopole, the Director shall have 10 calendar days to post a sign on the subject property which reflects the decision of the Director and includes the deadline for taking an appeal of the decision. Aggrieved person(s) shall have 15 calendar days from the posting of the sign to appeal the decision by filing an appeal to the Zoning Advisory Board. A person shall be considered aggrieved for purposes of this section only if said person or said person's property was the subject of the action appealed from, or said

person has a substantial interest in the action appealed from that is in danger of suffering special damage or injury not common to all property owners similarly situated.

F. Application Requirements

1. Copy of lease or letter of authorization from the property owner evidencing applicant's authority to pursue the WCF application;
2. The name, address and phone number of the person preparing the report;
3. The name, address, and phone number of the property owner, operator, and applicant;
4. The postal address and tax map parcel number of the property;
5. The zoning district of the subject property and all adjacent properties;
6. A written legal description of the property;
7. Size of the property stated both in square feet and lot line dimensions, and a diagram showing the location of all lot lines;
8. Topography of the property utilizing two-foot contour intervals;
9. The location of adjacent residential structures within 100 feet of the property boundary;
10. The location, size and height of all structures on the property which is the subject of the application;
11. All required zoning and support structure setbacks;
12. Number and type of proposed antennas and their height above ground level, including the proposed placement of antennas on the support structure;
13. Certification that demonstrates the need for the WCF. Such documentation shall include all adjoining planned, proposed, in-service or existing sites owned by the applicant or others and propagation studies of the proposed site;
14. When requesting a permit for a WCF greater than 100 feet within a residential area, a written certification and technical analysis of why a similar structure at a height of less than 100 feet cannot be used. Documentation shall include a propagation study of the proposed site with a monopole or tower less than 100 feet.
15. Existing or proposed public rights-of-way, private roads and/or access easements through, on, or adjacent to the subject property. The proposed access driveway or roadway and parking area at the WCF site shall be shown, to include grading, drainage and traveled width, and type of surface materials proposed. A turn-around space and parking shall be provided to assure adequate emergency and service access. Maximum use of existing roads, whether public or private, shall be made to the extent practicable. Road construction shall at all times minimize ground disturbance and the cutting of vegetation. Road grades shall closely follow natural contours to assure minimal visual disturbance and reduce soil erosion.
16. A landscaping plan that conforms to the requirements of the ULDC. The method of irrigation and any proposed removal of vegetation shall be identified.

17. The applicant shall demonstrate and provide in writing and/or by drawing how it shall effectively screen from view the base and all related facilities and structures of the proposed WCFs.
18. Both the WCF and any and all accessory or associated facilities shall maximize the use of building materials, colors and textures designed to blend with the structure to which it may be affixed and/or to harmonize with the natural surroundings. May include the utilization of concealment design as required by the county.
19. WCF plan. For all WCFs, a plan (no larger than 24 inches by 36 inches with an 11 inch by 17 inch reduced copy) shall include a diagram of the proposed facility and antenna(s), including:
    (a) Elevations to include the following proposed dimensions: height, width and breadth.
    (b) Elevation views of the security barrier or equipment compound, indicating architectural design, exterior appearance and materials, including color. The security barrier shall not be less than six (6) feet in height with anti-climbing devices, as deemed appropriate by the administrator.
    (c) Mounting location on support structure, including height (AGL).
    (d) If a collocation on existing WCF or a concealed attached or non-concealed attached WCF is proposed, identification of all mounting frames, arms, brackets or other devices or equipment used to hold antennas and other equipment in place.
    (e) Certification that the WCF, the foundation and all attachments are designed and will be constructed to meet all applicable and permissible local codes, ordinances, and regulations, including any and all applicable county, state and federal laws, rules, and regulations, including, but not limited to, the most recent editions of the National Electrical Safety Code and the National Electrical Code, as well as accepted and responsible workmanlike industry practices and recommended practices of the National Association of Tower Erectors.
    (f) If a freestanding WCF is proposed, it shall be demonstrated that the structure will be able to accommodate additional antenna, as required by subsection K below.
20. Where a certification is called for in this section, such certification shall bear the signature and seal of a professional engineer licensed in the State of Georgia.

G. Administrative Waiver

The Director shall have the power to reduce specific site design and development standards of this ULDC where the intent of the ULDC can be achieved and equal performance obtained by granting a waiver of standards. The authority to grant a waiver shall be limited to the following:

1. A reduction in the minimum width of utility easement or right-of-way provided all clear zone requirements are reviewed and approved by the HCDOT.
2. A reduction in the minimum height of existing overhead utility transmission and/or distribution structures, provided the proposed WCF is within a 20% height variance of existing overhead utility transmission and/or distribution services.

H. Non-administrative Review Process

1. Telecommunication facilities and support structures not permitted by administrative approval shall be permitted upon the granting of a conditional use permit from the Zoning Advisory Board in accordance with the standards of this ULDC.
2. WCF applications shall contain the following:
   (a) Conditional use permit application form signed by the applicant.
   (b) All documents required by subsection F above.
   (c) WCF special use application fee as outlined on the department's most recently adopted fee schedule, and in accordance with O.C.G.A 36-66B-7.
3. Procedures for conditional use permit applications are outlined in Sec. 10.4.
4. Timing and application completeness.
   (a) Within 150 calendar days of the date a special use application is filed, unless another date is specified in a written agreement between the Director and the applicant, the Zoning Advisory Board shall:
      i. Make its final decision to approve or disapprove the application; and
      ii. Advise the applicant in writing of its final decision.
   (b) Within 30 calendar days of the date a special use application is filed, the Director shall determine if it is a complete application, and if it determines the application is not a complete application, notify the applicant in writing of any information required to complete such application. To the extent additional information is required to complete the application, the time required by the applicant to provide such information shall not be counted toward the calendar day review period set forth in subsection “a” above. Information requested to complete the application may only include the documents, information, and fees specifically enumerated in the county's existing wireless telecommunication regulations, ordinances, and forms pertaining to the location, construction, collocation, modification, or operation of wireless facilities.

I. Siting Hierarchy

1. Siting of WCFs shall be in accordance with the following hierarchy of facility alternatives, ranked from highest to lowest preference as follows:
   (a) Concealed attached.
   (b) Collocations on existing WCFs.
   (c) Non-concealed attached.
   (d) Concealed freestanding.
   (e) Non-concealed freestanding monopole.

J. Evidence of Need Report

For all special use applications for WCFs, a report certified by a radio frequency engineer shall be provided that demonstrates the need for the WCF at the proposed location. The following information shall be provided with the report:

1. Identification of efforts to comply with the facility and location hierarchy in Sec. 6.4.4.H. If a concealed freestanding or non-concealed freestanding WCF is proposed, the applicant must demonstrate that existing facilities or the mitigation of existing facilities within the applicant's geographic search area (GSA) cannot be reasonably made to accommodate the applicant's need because:
   (a) There are no existing WCFs in the GSA that meet the applicant's engineering requirements, and why.
   (b) The existing WCFs, buildings and structures in the GSA are not of sufficient height and cannot be increased in height to meet the applicant's engineering requirements.
   (c) The existing WCFs, buildings and structures in the GSA do not have sufficient structural strength and cannot be structurally improved to support the applicant's proposed WCF and related equipment. Such information shall be certified by a Georgia-licensed professional engineer.
   (d) There are other limiting factors that render existing WCFs in the GSA unsuitable.
2. A written report demonstrating the applicant’s meaningful efforts to secure shared use alternative buildings or other structures within the county. The applicant shall provide:
   (a) A list of all existing structures that are potential alternatives to the proposed location.
   (b) A written explanation why the alternatives considered were either unacceptable or infeasible due to technical or physical reasons.
   (c) Copies of written requests and responses for shared use, along with any letters of rejection stating the reason for rejection.
3. For all WCFs proposed in a residential district, a written report demonstrating the applicant's meaningful efforts to secure alternative sites in nonresidential areas. The applicant shall provide:
   (a) A list of all alternative sites that are potential alternatives to the proposed location.
   (b) A written explanation why the alternatives considered were either unacceptable or infeasible due to technical or physical reasons.
   (c) Copies of written requests and responses for shared use, along with any letters of rejection stating the reason for rejection.
4. Graphics to be provided with the report include:
   (a) A map of the GSA to include the location of the proposed WCF and all existing WCFs (including those not owned by the applicant). The exact location (in longitude and latitude, to degrees, minutes and seconds to the nearest tenth), including the height of the WCFs, and height, type and number of existing antennas shall be provided.
   (b) A map of the GSA and all existing structures that are potential alternatives to the proposed monopole.
   (c) A color plot demonstrating the existing coverage of all WCFs owned and proposed by the applicant within the GSA.

(d) Additional maps and calculations as may be deemed necessary by the Director to prove need for the proposed WCF.

K. Visual Impact Assessment

All special use applications for WCFs shall furnish a visual impact assessment. All or a portion of the analysis shall be performed for administrative approval when, in the opinion of the administrator, the proposed type of WCF and its location requires additional assessment (i.e., within a residential district, recognized historic area, or scenic vista/landscape). The analysis shall include:

1. Line-of-sight analysis. The applicant shall provide a line-of-sight analysis, including elevation views of the proposed facility. The analysis shall include a description of natural and manmade features that affect the buffering of the potential visual impact of the structure.
2. Photo simulations. The applicant shall provide photo-simulated post-construction renderings of the completed proposed support structure, equipment compound and/or equipment cabinets, ancillary structures, and landscaping, if any, from locations determined at the pre-application conference.
   (a) The views shall incorporate before and after scenarios, a scaled color image of the proposed type of facility, an aerial map with the location of the selected views, and a description of the technical approach used to create the photo simulations. The simulations shall include a minimum of four (4) vantage points (north, south, east, and west).
   (b) At the pre-application meeting, the applicant may be required to provide other pictorial representations from other viewpoints, including, but not limited to, state highways and other major roads, state and local parks; other public lands; historic districts; preserves and historic sites normally open to the public, and from any other location where the site is visible to a large number of visitors, travelers or residents.

L. Development Standards

WCFs are allowed in all zoning districts, subject to the limitations set forth in this Sec. 6.4.4. To ensure compatibility with surrounding land uses, protect public safety and natural, cultural and scenic resources and preserve and enhance the character of neighborhoods, all WCFs shall be located, developed and operated in compliance with the following:

1. Design.
   (a) Attached WCFs shall have both antenna and supporting electrical and mechanical equipment that are of a neutral color identical to, or closely compatible with, the color of the supporting structure to make the antenna and related equipment as visually unobtrusive as possible.
   (b) Monopoles shall consist of a galvanized steel finish that, subject to any applicable standards of the FAA, shall be painted a neutral color to reduce visual obtrusiveness. The design of the accessory equipment compound shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend to the natural setting and built environment. New wireless facilities that are not concealed or attached shall be monopoles except when providers can document and demonstrate need for the design to be a tower.
   (c) Monopoles shall be subject to the following:

i. Monopoles shall be designed to accommodate at least three telecommunications providers.

ii. The compound area surrounding the monopole must be of sufficient size to accommodate accessory equipment for at least three telecommunications providers.

iii. Unless otherwise required by the Federal Communications Commission, or the Federal Aviation Administration, monopoles shall have a galvanized silver or gray finish.

(d) Concealed telecommunications support structures shall be designed to accommodate the collocation of other antennas whenever economically and technically feasible or aesthetically appropriate, as determined by the Zoning Advisory Board.

(e) Upon request of an applicant, the Zoning Advisory Board may waive the requirement that new support structures accommodate the collocation of other service providers if it finds that collocation at the site is not essential to the public interest, or that the construction of a shorter support structure with fewer antennas will promote community compatibility.

2. Aesthetics.

(a) Attached WCFs or WCF support structures shall not be lighted or marked unless required by the Federal Communications Commission, or the Federal Aviation Administration (FAA) or other governmental entity.

(b) Attached WCFs or WCF support structures shall contain a sign no larger than four square feet in order to provide adequate notification to persons in the immediate area of the presence of an antenna that has transmission capabilities and shall contain the name of the owner and operator of the antenna as well as emergency phone numbers. The sign shall be on the equipment shelter or cabinet of the applicant and be visible from the access point of the site and must identify the equipment owner of the shelter or cabinet. The sign shall not be lighted, unless applicable law, rule or regulation requires lighting. Commercial advertising is strictly prohibited.

3. Landscaping and Buffer Requirements.

(a) Attached WCFs or WCF support structures shall be landscaped in accordance with the landscape requirements contained in Sec. 7.2 of the Henry County ULDC, except as expressly modified in this Sec. 6.4.4.K.

(b) Landscaping and buffer requirements for attached WCFs or WCF support structures can be waived by the Director where the WCF applicant makes other means of screening the support structure base and adjacent equipment faculties (i.e., opaque fencing, etc.), and if the applicant otherwise demonstrates consistency with the purposes and intent of this ordinance.

(c) Existing mature tree growth and natural landforms on the site shall be preserved to the extent feasible; provided, however, that vegetation that causes interference with the antennas or inhibits access to the equipment facility may be trimmed.

(d) Existing vegetation on site may be used in lieu of required landscaping where approved by the Director.

(e) Additional landscaping and buffer requirements:

i. The perimeter of concealed and non-concealed freestanding WCFs shall be at least 15 feet in width for landscaping and include the following:

a. A row of evergreen trees a minimum of 10 feet in height at the time of planting with a minimum two-inch caliper, spaced a maximum of 12 feet apart, and a row of evergreen shrubs a minimum of 2 feet tall at the time of planting, planted 4 feet on center.

b. Within a year of planting, the trees and shrubs shall achieve 80% opacity of the security barrier and/or equipment enclosure. Existing trees and vegetation may be used as an alternative or in combination with new plantings to achieve the opacity requirement subject to approval of the Director. An easement may be required to ensure that vegetation remains intact.

(f) It will be the responsibility of the owner/tenant to keep all landscaping material (as part of the landscaped area) free from disease and properly maintained to fulfill the purpose for which it was established. The owners of the property, and any tenant on the property where buffers and landscaping are required, shall be jointly and severally responsible for the maintenance of all landscaping materials. Such maintenance shall include all actions necessary to keep the buffer and landscape areas free from litter and debris, to keep plantings healthy, and to keep planting areas neat in appearance. Any vegetation that constitutes part of the buffer or landscaping shall be replaced in the event it dies.

4. Setbacks.

(a) Attached WCFs. Attached WCFs are exempt from the setback standards of this section but are not exempt from the setbacks for the zoning districts in which they are located.

(b) Towers and monopoles. Towers and monopoles shall meet the following setbacks:

i. From all property lines a distance equal to their height.

ii. From all off-site residential dwellings, a distance equal to the height plus 10%. There shall be no setback requirement from dwellings located on the same parcel as the proposed tower or monopole.

iii. Unless otherwise stated herein, all accessory equipment shall be setback from all property lines in accordance with the minimum setback requirements in the underlying zoning district.

iv. The Zoning Advisory Board and the Director may reduce or waive the setback requirements of subsection i or ii above upon the request of the applicant if:

a. The tower or monopole will be less visible because of the diminished setback; or

b. The applicant demonstrates, by virtue of a letter or report from a licensed engineer, that the structural design or characteristics of the tower or monopole mitigate the need for the full setback.

5. Height

(a) Attached WCFs. Attached WCFs shall not add more than 20 feet in height to the existing building or structure to which it is attached.

(b) WCFs with support structures are subject to the height limitations below.

Table 6.2 Wireless Communication Facilities Height Allowance

Zoning District	Maximum Height in Feet
R-A, C-2	150
R-1, R-2, R-3, R-4, R-5, R-TF	75
R-X, RM, MHD	90
O-I, C-1, M-U	120
C-3	180
I-1	190
I-2	200

6. Accessory Equipment.

   Accessory equipment, including any buildings, cabinets or shelters, shall be used only to house equipment and other supplies in support of the operation of the telecommunication facility or support structure. Any equipment not used in direct support of such operation shall not be stored on the site.

   (a) An equipment building, shelter or cabinet must not exceed 560 square feet and 12 feet in height, including the support structure for the equipment building.

      i. Exception to size restriction. A single equipment building or shelter may exceed 560 square feet, if it: is located at ground level; is used by more than one telecommunication provider; and does not exceed 1,500 square feet.

      ii. Exception to height restriction. Upon the applicant's request, the Zoning Advisory Board may waive the height restriction to allow for the stacking of equipment on top of each other. The Zoning Advisory Board must find that there is a practical necessity for the stacking of the equipment and that any resulting impact on adjoining properties is minimal or may be minimized by the requiring of appropriate screening.

   (b) If the accessory equipment is at ground level in a residential zone, the Zoning Advisory Board may require that the building or shelter be faced with brick or other suitable material on all sides. In the situation of stacked equipment buildings, additional screening/landscaping measures may be required by the Zoning Advisory Board.

7. Separation Requirements.

   (a) Freestanding wireless communication facilities located within residential zoning districts shall not be located within one mile of another freestanding wireless communication facility.

   (b) Except as stated above, there shall be no separation requirement for wireless communication facilities.

M. Adherence to State and/or Federal Rules and Regulations.

1. All administrative approvals and special use approvals shall adhere to, and comply with, all applicable rules, regulations, standards, and provisions of any state or federal agency, including,

but not limited to, the FAA and the FCC. Specifically included in this requirement are any rules and regulations regarding height, lighting, security, electrical and RF emission standards.

2. To the extent that applicable rules, regulations, standards, and provisions of any state or federal agency, including, but not limited to, the FAA and the FCC, and specifically including any rules and regulations regarding height, lighting, and security are changed and/or are modified, then the holder of such an administrative approval or WCF special use shall conform the WCF to the applicable changed and/or modified rule, regulation, standard, or provision within a maximum of 24 months of the effective date of the applicable changed and/or modified rule, regulation, standard, or provision, or sooner as may be required by the issuing entity.

N. Environmental Standards.

1. Freestanding WCFs shall not be located in wetlands or wetlands buffers, whether federal or state designated.
2. Freestanding WCFs shall not generate noise in excess of 60 db at ground level when measured at the property line.
3. Attached WCFs shall not generate noise in excess of 60 db at ground level when measured at the base of a habitable building closest to or part of the facility.

O. Removal of Wireless Telecommunication Facilities.

1. The county may determine the health, safety, and welfare interests of the county warrant and require the removal of a WCF under the following circumstances:
   (a) If it has been abandoned. A WCF shall be considered abandoned if it has not been used as a telecommunications facility for a period of six months or more;
   (b) If it has fallen into such a state of disrepair that it creates a health or safety hazard; or
   (c) If it has been located, constructed, or modified without first obtaining, or in a manner not authorized by, the required building permit, or any other necessary authorization.
2. If the county makes such a determination as noted in subsection “1” above, then the county attorney shall notify the holder of the WCF building permit within 48 hours that said WCF is to be removed.
3. The holder of the WCF building permit, or its successors or assigns, shall dismantle and remove such WCF, and all associated structures and facilities, from the site and restore the site to as close to its original condition as is possible, such restoration being limited only by physical or commercial impracticability, within 90 days of receipt of written notice from the county.
4. If the WCF is not removed or substantial progress has not been made to remove the WCF within 90 days after the permit holder has received notice, then the county may order officials or representatives of the county to remove the WCF at the sole expense of the owner or WCF building permit holder.
5. If the county removes, or causes to be removed, a WCF, and the owner of the WCF does not claim and remove it from the site to a lawful location within 10 days, then the county may take steps to declare the WCF abandoned, and sell it and their components.
6. Notwithstanding anything in this section to the contrary, the county may approve a temporary use permit/agreement for the WCF, for no more 90 days, for the purpose of preparing a suitable

plan for removal, conversion, or relocation of the affected WCF by the holder of the WCF building permit, subject to the approval of the county. An agreement to such plan shall be executed by the holder of the WCF building permit and the county. If such a plan is not developed, approved and executed within the allocated time period, then the county may take possession of and dispose of the affected WCF in the manner provided in this section.

P. Prohibited Conditions of Approval.

In regulating the placement or construction of any new wireless facility or wireless support structure the Director, the Board of Commissioners, or the Zoning Advisory Board shall not:

1. Condition the approval of any application for a new wireless support structure on a requirement that a modification or collocation to such structure be subject to a review that is inconsistent with the requirements of O.C.G.A. 36-66B-4;
2. Require the removal of existing wireless support structures or wireless facilities as a condition to approval or an application for a new wireless facility or wireless support structure unless such existing wireless support facility is abandoned and owned by the applicant; or
3. Require the applicant to place an antenna or other wireless communications equipment on publicly owned land or on a privately owned water tank, building or electric transmission tower as an alternative to the location proposed by the applicant.

Q. Conflict with Other Laws.

Where this ordinance differs or conflicts with other laws, rules and regulations, unless the right to do so is preempted or prohibited by the county, state or federal government, this ordinance shall apply.

Sec. 6.5. Commercial Uses

6.5.1. Adult Entertainment Establishment

A. Defined

Any establishment featuring live performances, films, still pictures, electronic reproductions, or video with graphic or other visual images distinguished or characterized by an emphasis on sexual conduct or sexual explicit nudity. Adult entertainment establishments include, but are not limited to, adult bookstores, adult dance establishments, adult motion picture arcades, adult movie theaters, and adult video stores.

B. Use Standards

1. Adult entertainment establishments may only be permitted in the I-1 district as follows:
   (a) Along the southern right-of-way of Highway 155 within one mile of the Interstate 75 interchange at Exit 216 in either direction. Such distance is measured from the traffic signal of each respective off ramp.
   (b) Within any parcel such zoned and located on the western right-of-way of Business Center Drive north of the Southern Railroad right-of-way.
2. Buildings and structures established in connection with an adult entertainment facility must be separated at least 40 feet from the building and structure of any other business establishment, and at least 40 feet from all property lines.
3. No adult entertainment establishment may be permitted in any strip shopping center, mall, or other group structures.
4. Adult entertainment establishments must be in a separate building on their own lot.
5. No adult entertainment establishments may be located within 3,000 feet of any parcel of land containing another adult entertainment establishment.
   (a) For the purpose of this section, the term "parcel" as applied to this section means any quantity of land capable of being described by location and boundary, designated and used or to be used as a unit.

6.5.2. Aircraft Landing Area

A. Defined

A facility used for the landing and takeoff of airplanes and helicopters. The term does not include “residential fly-in neighborhood”, as defined in Sec. 5.6.

B. Use Standards

When allowed by special use in the R-A district, the following standards apply:

1. The minimum lot size is 15 acres.
2. An undisturbed vegetative buffer must be provided along all property lines which abut a residential district, except where prohibited to provide access or utility easements. The buffer must be at least 100 feet in width. A detailed landscaped plan must be submitted with the

Special Use Application. Existing vegetation within the buffer area should be preserved and enhanced where insufficient to provide adequate screening in accordance with Sec. 7.2.3.

3. The landing strip/runway may not be paved. The use of permeable or pervious pavement materials is allowed.
4. The private aircraft landing area must adhere to all applicable laws and regulations of the Georgia Department of Transportation (GDOT) and Federal Aviation Administration (FAA).
5. No commercial activities may be allowed with any approved Special Use, including, but not limited to, flight instruction, aircraft storage, aircraft maintenance, or aircraft fueling, except by the property owner, and other similar commercial airport activities.
6. Only one airstrip per Special Use is allowed.
7. A maximum of two airplane hangars may be allowed even in the absence of a primary structure to any approved Special Use. Any hangars in excess of two will be required to obtain separate approval from the Board of Commissioners, by the filing of a separate application.
8. All hangars constructed must obtain a permit and approval from the Building Department and must comply with all development and building regulations and standards.

6.5.3. Bar

A. Defined

An establishment whose primary business is the provision of alcoholic beverages and not the consumption of food. Any establishment that derives 75% or more total annual gross revenue from the sale of alcoholic beverages for consumption on-premises and does not meet the definition of any other establishment qualified to hold an alcohol license will be presumed to be a bar.

6.5.4. Commercial Kitchen

A. Defined

A shared commercial grade kitchen in which individuals or businesses prepare value-added food products and meals, usually paying an hourly, daily, weekly, or monthly rate to lease a space shared by others. On-site facilities and areas for the production of beverages, food products, and meals as part of a restaurant or bar use, including takeout and catering, are considered as part of that separate use and not considered as a commercial kitchen use.

6.5.5. Day Care Facility

A. Defined

A use in which shelter, care, and supervision are provided for six or more persons on a regular basis away from their residence for less than 24 hours a day. A day care facility may provide basic educational instruction. The term “day care facility” includes:

1. Nursery school.
2. Kindergarten.
3. Early learning center.
4. Play school.

5. Preschool.
6. Group or adult day care home.

B. Use Standards

1. The minimum lot size is 1 acre.
2. Day care facilities may not be located along local streets, except for day cares classified as a home occupation in Sec. 6.8.7.
3. Child care centers must provide at least 200 square feet of outdoor play area and 35 square feet of indoor play space for each child.
4. Play areas must be located in a side or rear yard.
5. The outdoor play area must be enclosed by a fence at least 4 feet in height.
6. A state license and a County business license is required.

6.5.6. Fairgrounds, Festivals, or Events, Outdoor/Indoor

A. Defined

A permanent facility for special events including, but not limited to, horse shows, carnivals, dog shows, arts and craft shows, music festivals, performing arts centers, and similar events.

B. Use Standards

1. Permitted curb cut access must not be from local streets.
2. Parking areas must be at least 200 feet from any residential district or use.
3. An opaque fence or wall at least 8 feet in height is required adjacent to any residential district.
4. When activities occur primarily outdoors the following standards apply:
   (a) Buildings and structures must be at least 200 feet from any residential district or use and 100 feet from any nonresidential district.
   (b) Outdoor performance areas must be at least 600 feet from any residential district or use and 200 feet from any nonresidential district.

6.5.7. Indoor Recreation

A. Defined

A commercial or non-profit facility providing daily or regularly scheduled recreation-oriented activities in an indoor setting. Indoor recreation includes the following:

1. Assembly hall, event facility.
2. Commercial amusement, indoor.
3. Convention center.
4. Gym, health spa or yoga studio.
5. School of the Arts.
6. Theaters.

B. Assembly Hall, Event Facility

1. Defined

   A building or portion thereof available for lease by the public for private events, whether family, group, or corporate in nature, where access to the general public is restricted. May include the sale, serving, or consumption of food and/or alcoholic beverages. The term does not include any other defined indoor recreation.

2. Use Standards

   (a) Drop off and pick up areas for guests and attendees, when provided, may not be located adjacent to residential districts.

C. Commercial Amusement, Indoors.

1. Defined

   A place where recreational activity such as arcades, billiards, game rooms, bowling, skating rinks, sporting activities and other recreational amusements are conducted within a building. The term does not include pool halls.

D. Convention Center

1. Defined

   A place of assembly that customarily charges for meeting or exhibition areas.

2. Use Standards

   (a) The minimum lot size is 5 acres.

   (b) Permitted curb cut access must not be from local streets.

   (c) Buildings and structures must be at least 100 feet from any residential district and 50 feet from nonresidential districts.

   (d) Parking areas must be at least 100 feet from any residential district.

   (e) Buffers must be 1.5 times the required buffer as established in Sec. 7.2.3.

E. Gym, Health Spa, or Yoga Studio

1. Defined

   As establishment which for profit or gain provides as one of its primary purposes, services or facilities which are purported to assist patrons improve their physical condition or appearance in an indoor setting. Not included in this definition are facilities operated by non-profit organizations, facilities wholly owned and operated by a licensed physician engaged in the practice of medicine, or any establishment operated by a health care facility, hospital, or skilled nursing care facility.

F. School of the Arts

1. Defined

   An educational facility not operated by the Henry County Board of Education that offers or provides instruction to more than two students at a time in dance, singing, music, painting, sculpting, fine arts or martial arts.

G. Theater

1. Defined

   A building or area designed primarily for showing performing arts or motion pictures.

6.5.8. Lodging

A. Defined

A facility offering lodging accommodations to the general public on a nightly or long-term basis (weekly or monthly) and may provide additional services, such as restaurants, meeting rooms, entertainment and recreational facilities. Lodging includes:

1. Bed and breakfast inn.
2. Hotel/motel.

B. Bed and Breakfast Inn

1. Defined

   A residence in which the frequency and volume of visitors are incidental to the primary use as a private residence and where six or fewer rooms are provided for transient occupancy for a daily fee not to exceed 30 consecutive days. Breakfast and refreshments are the only food typically served and are reserved only for guests.

2. Use Standards

   (a) The bed and breakfast must be owner occupied.

   (b) The residence must be at least 10 years old.

   (c) A maximum of 50% of the floor area of the residence may be utilized for operating the business.

   (d) The bed and breakfast may employ up to two persons who do not reside on the premises for normal operating activities such as food preparation and booking rooms.

   (e) No parking is allowed in the front yard.

C. Hotel/Motel

1. Defined

   A building in which lodging and boarding is provided for fewer than 30 days and in which independent cooking facilities are not typically provided. Includes the terms motor lodge, tourist court, or inn.

2. Use Standards

   (a) In the C-3 district, independent cooking facilities may be allowed.

6.5.9. Medical

A. Defined

A facility providing medical or surgical care to patients. Some facilities may offer overnight care. Medical includes the following:

1. Hospital.
2. Medical office.
3. Medical clinic.

B. Hospital

1. Defined

   The provision of inpatient health care for people, including:

   (a) General medical and surgical services.

   (b) Outpatient facilities.

   (c) Psychiatric care and specialty medical facilities.

2. Use Standards

   (a) The minimum lot size is 5 acres.

   (b) Side and rear setbacks must be at least 100 feet.

   (c) Emergency vehicle access is not permitted adjacent to residential districts.

C. Medical Office

1. Defined

   An office of a dentist, chiropractor, osteopath, physician, or other licensed medical practitioner.

D. Medical Clinic

1. Defined

   A use where medical examination and treatment is administered to persons on an outpatient basis. No patient may be lodged overnight. Includes urgent care and emergency medical office facilities.

6.5.10. Office

A. Defined

A facility used for activities conducted in an office setting and generally focusing on business, professional or financial services. Office includes the following:

1. Business services including, but not limited to, advertising, business management consulting, computer or data processing, graphic design, commercial art, or employment agency.
2. Counseling in an office setting.
3. Co-working and similar establishments which provide shared, flexible workspaces for rent on an hourly, daily, or weekly basis to individuals or businesses.
4. Financial institutions including banks and savings and loan facilities.
5. Financial services including but not limited to, lender, investment or brokerage house, call center, insurance adjuster, real estate or insurance agent, mortgage agent or collection agency.
6. Flex space.

7. Professional services including but not limited to, lawyer, accountant, auditor, bookkeeper, engineer, architect, sales office, travel agency, interior decorator or security system services.
8. Radio, film, recording, and television studios and stations.
9. Trade, vocational, business school.

B. Financial Institutions

1. Defined

   State and national banking associations, federal savings and loan associations or state building and loan associations which are regulated by the Georgia Banking and Finance Department and Federal law. Title pawn businesses are not included within this definition.

C. Flex Space

1. Defined

   A facility designed to accommodate a combination of office, research and development, laboratory, showroom, light manufacturing, assembly, artisan production, warehousing, distribution, or similar uses within a single building or development. Retail sales may be permitted when incidental to the primary use. Flex space does not include heavy industrial uses or operations involving hazardous materials, excessive noise, vibration, smoke, odors, or other off-site impacts.

D. Radio, Film, Recording, and Television Studios and Stations

1. Defined

   A facility in which video, radio or sound production takes place, either for live broadcasting or for the acquisition of raw footage for postproduction.

E. Trade, Vocational, Business School

1. Defined

   An educational use not operated by the Henry County Board of Education and having a curriculum devoted primarily to business (including barbers and beauticians), industry, nursing, driving, trade or other vocational-technical instruction.

6.5.11. Outdoor Recreation

A. Defined

A facility or use, varying in size, which provides daily or regularly scheduled entertainment, recreation or amusement activities for profit. Outdoor recreation including the following:

1. Amphitheater.
2. Driving range.
3. Outdoor shooting range.
4. Outdoor amusements.
5. Recreational facility, private.
6. Sport stadium or arena.

7. Swimming pool.
8. Travel trailer park, campground or recreational vehicle park.
9. Theater, outdoor.

B. Amphitheater

1. Defined

   A facility where theater, concerts, performances, and similar events take place outdoors.

C. Driving Range

1. Defined

   A driving range not associated with a golf course.

2. Use Standards

   (a) The minimum lot size is 5 acres.

   (b) Loudspeakers or paging systems are prohibited when located adjacent to residential districts.

D. Outdoor Shooting Range

1. Defined

   An area of land set aside for the discharge of firearms to practice marksmanship.

E. Outdoor Amusements

1. Defined

   A use where recreational activity such as skating rinks, batting cages, miniature golf, tracks for go-carts, archery ranges, and other recreational activities or amusements are conducted outside a building. This definition does not include driving ranges.

2. Use Standards

   (a) The minimum lot size is 2 acres.

   (b) All buildings or structures must be at least 200 feet from any residential district and 100 feet from any nonresidential district.

   (c) Parking areas must be at least 100 feet from any residential district.

   (d) A landscaped buffer at least 30 feet in width is required.

   (e) Outdoor amusements may include accessory uses, such as snack shops or food stands, gift shops, ice cream stands, or similar uses, provided that such uses are not open to the general public without entrance to the outdoor amusement.

F. Recreational Facility, Private

1. A private facility where uses such as swimming, tennis, pickleball, archery, and similar outdoor recreational activities are provided and which is open only to members and guests of the organization operating the facility.

2. Use Standards

(a) The minimum lot size is 10 acres.

(b) The minimum lot width is 400 feet.

(c) All buildings or structures must be at least 100 feet from any residential district.

(d) Accessory buildings may not exceed 25 feet in height.

(e) Permitted curb cut access must not be from local streets.

(f) The hours of operation are limited from 7:00 a.m. to 8:00 p.m.

(g) A landscaped buffer at least 20 feet in width is required along all side and rear property lines.

G. Sports Stadium or Arena

1. Defined

   A large open or enclosed structure used for sports and other major events and either partly or completely surrounded by tiers of seats for spectators. Sports stadiums or arenas may be publicly or privately operated.

2. Use Standards

   (a) A buffer at least 200 feet in width is required along all property lines adjacent to a residential district.

   (b) The hours of operation are limited from 8:00 a.m. to 11:00 p.m. when adjacent to residential districts.

   (c) A 100-foot setback along any public right-of-way is required for all structures and activities.

6.5.12. Personal Service

A. Defined

A facility involved in providing personal or repair services to the general public. Personal Service includes the following:

1. Animal care.
2. Beauty and barber shops, nail salons.
3. Catering service.
4. Clothing rental.
5. Funeral home.
6. Fortune telling establishment.
7. Laundry and dry-cleaning stores.
8. Laundromats.
9. Locksmith.
10. Massage parlor.
11. Optometrist.
12. Printing shop.

13. Repair shop.
14. Tailer, milliner or upholsterer.
15. Tattoo and body art or piercing establishment.

B. Animal Care (Indoor)

1. Defined

   A facility designed or arranged for the care of animals without any outdoor activity. No outdoor activity associated with the care of animals is allowed, except for outdoor pet elimination areas no more than 2,000 square feet in area. Includes animal grooming, animal hospital, veterinary clinic, pet clinic, and doggy day care. May include as an accessory use the sale of products such as pet foods, leashes, collars, or animal care products.

2. Use Standards

   (a) Structures housing animals must be soundproof.

   (b) When located within a shopping center, only domestic pets are permitted. Farm animals, livestock, and wild animals are prohibited.

   (c) Buildings and structures must be at least 50 feet from any residential district.

C. Animal Care (Outdoor)

1. Defined

   A facility designed or arranged for the care of animals that includes areas for outdoor activity. Includes animal grooming, animal hospital, veterinary clinic, pet clinic, animal boarding, animal shelter, kennel (5 or more dogs or cats), and doggy day care. May include as an accessory use the sale of products such as pet foods, leashes, collars, or animal care products.

2. Use Standards

   (a) The minimum lot size is 2 acres in the R-A district; 1 acre in all other districts.

   (b) Buildings and structures must be at least 50 feet from any residential district.

   (c) Outdoor runs, sun areas, exercise yards, patios, and facilities other than parking must be at least 100 feet from all property lines and at least 200 feet from any residential zoning district.

      i. Such areas may only be operated between the hours of 7:00 a.m. and 8:00 p.m.

   (d) Structures housing animals must be soundproof.

   (e) An opaque fence or wall at least 6 feet in height must be erected adjacent to any area for the keeping of animals.

   (f) A landscaped buffer at least 30 feet in width is required.

   (g) Noncommercial kennels, as defined in Sec. 11.2, must meet the following standards:

      i. All buildings, structures, and outdoor activity must be at least 50 feet from any residential district.

D. Beauty and Barber Shops, Nail Salons

1. Defined

A commercial facility where cosmetology services are offered or provided for a fee.

2. Use Standards

(a) No nail salon may be located within 1,000 feet of another nail salon.

E. Catering Service

1. Defined

A commercial facility providing prepared foods and/or service for off-site consumption. This does not include the delivery of packaged foods for individual sale.

F. Funeral Home

1. Defined

A facility used for undertaking services, such as preparing the dead for burial, cremation, and the arranging and managing of funerals. Such facilities may include chapels, storage areas for caskets, urns, and other funeral supplies, and storage for funeral vehicles.

2. Use Standards

A vehicular stacking area of at least 100 feet must be provided to prevent vehicles from encroaching into a public street.

G. Laundry and Dry-cleaning Store

1. Defined

A commercial establishment whose business is the cleaning of fabrics with non-aqueous organic solvents and may include laundering off site. Does not include laundromats.

H. Laundromats

1. Defined

Any commercial laundry where fee-operated or other self-service washing machines are available to customers.

I. Massage Parlor.

1. Defined

A facility whose principal business is to practice nonmedical or nonsurgical manipulative exercises or devise upon the human body manually or otherwise by any person other than a licensed physician, surgeon, dentist, occupational or physical therapists, chiropractor or osteopath with or without the use of therapeutic, electrical, mechanical or bathing devices.

J. Fortune Telling Establishment

1. Defined

All persons, firms or corporations engaging in the business, trade or profession of fortune-telling, astrology, phrenology, palmistry, clairvoyance, or related practices for a charge or by donation.

K. Printing Shop

1. Defined

A commercial establishment where copying, reproduction and other business services are performed.

L. Repair Shop

1. Defined

   A business whose primary use is repair services to the public. Personal repair specifically includes, but not limited to, repair of appliances, bicycles, canvas product, clocks, computers, jewelry, musical instruments, office equipment, radios, shoes, televisions, watches, or similar items. Personal repair specifically excludes small engine repair, vehicle repair, and any other principal or accessory use that is otherwise identified in this article.

M. Tailer, Milliner, Upholsterer

1. Defined

   A facility where professional services are provided for the alteration or repair of clothing, headwear, furniture, or similar household items.

N. Tattoo and Body Art Studio or Piercing Establishment

1. Defined

   Any establishment whose principal business activity, either in terms of operation or as held out to the public, is performing the practice of physical body adornment by using the techniques of body piercing and tattooing. The definition does not include ear piercing or body painting with pigments that are temporary in nature.

2. Use Standards

   All tattoo and body art studios must comply with Chapter 3-12, Article IV of the Henry County Code of Ordinances.

6.5.13. Restaurant

A. Defined

A facility that prepares and sells food and drink for on- or off-premise consumption. Restaurant includes the following:

1. Bakery.
2. Brewpub
3. Coffee, tea, or juice shop.
4. Drive in or drive-up restaurant.
5. Fast food restaurant.
6. Restaurant.
7. Yogurt or ice cream shop.

B. Bakery

1. Defined

A business whose primary use is the retail sale of breads, cakes, cookies, pastries, and other baked goods that have been produced on-site or off-site to the public. Any bakery exceeding 5,000 square feet of floor area is considered a wholesale industrial use.

C. Brewpub

1. Defined

   An establishment in which beer or malt beverages are manufactured or brewed, subject to the barrel production limitation prescribed in O.C.G.A. § 3-5-36, for on-site retail consumption in draft form, and in which food is also prepared and provided on site and accounts for at least 50% of the annual revenue.

D. Coffee, tea, or juice shop.

1. Defined

   An informal restaurant offering coffee, tea, or juices and other beverages which have been prepared on-premises, and where light refreshments and limited menu meals may also be sold.

E. Drive In or Drive-Up Restaurant

1. Any restaurant designed for customers to park and place and receive food orders while remaining in their vehicles.

F. Fast Food Restaurant

1. Defined

   A restaurant which sells food from a counter or window for consumption one-premises or off-premises. Tables may be provided, and food may be served at a table, but must not be ordered from a table.

G. Restaurant

1. Defined

   Any public place maintained, operated, and advertised as a place where food and beverages are regularly served to patrons, such place being provided with an adequate and sanitary full service kitchen and dining room equipped with tables, booths, or counters.

6.5.14. Retail Sales

A. Defined

An establishment that sells, leases, or rents new or used products directly to a consuming purchaser. Retail includes the following:

1. General retail.
2. Pawn shop, pawn broker, title pawn, title loan, check cashing.
3. Small box discount store.
4. Smoke or vape shop.

B. General Retail

1. Defined

A facility involved in the sale, lease, or rental of new or used appliances, antiques, art supplies, bait and tackle, batteries, beer, liquor, wine, bicycles, books, building supplies, cameras, carpet and floor coverings, crafts, clothing, computers, convenience goods, dry goods, dispensaries, electronics, fabric, food and beverages, furniture, garden supplies, groceries, hardware, home improvement, household products, jewelry, medical supplies, magazines, meat, music, musical instruments, newspaper, novelties, office supplies, package shipping, pets, pet supplies, pharmaceuticals, phones, photo finishing, picture frames, plants, pottery, printed materials, produce, seafood, shoes, sporting goods, stationery, tobacco and related products, toys, media, vehicle parts and accessories, video games and related products, except as otherwise defined in this article.

2. Use Standards

General retail establishments over 40,000 square feet must comply with the following:

(a) Building facades greater than 100 feet in length must use one of the following to divide the facade into vertical divisions with a maximum facade width of 100 feet:

i. A change of facade material and window system from grade to roof, and a change of building height of at least one story; or

ii. A change in facade composition or architectural style from grade to the roof; or

iii. A recess within the facade at least 5 feet in depth and 20 feet in width for each 100 feet of horizontal length.

(b) Parapets, mansard roofs, or similar means must be used to conceal flat roofs and rooftop mechanical equipment.

(c) Buildings materials may be brick, masonry, or glass.

(d) Parking may not exceed 110% of the minimum required parking in Sec. 7.1.2.

(e) At least 20% of required parking spaces must be constructed of pervious pavers, grass, gravel, or a similar materials as approved by the Director.

(f) Loadings areas must be at least 100 feet from any residential district.

(g) In addition to the standards of Sec. 6.8.8., any outdoor storage area must be at least 100 feet from any residential district.

C. Commercial Kitchen

1. Defined

An establishment that provides private or shared kitchen space for the preparation of food to be sold on or off premises without the consumption of food on-site. Does not include service for dine-in or walk-up customers.

D. Pawn Shop, Pawn Broker, Title Pawn, Title Loan, Check Cashing

1. Defined

A business involved in any part of the pledge, pawn, or exchange of any goods, wares, merchandise, or any kind of personal property or title as security for the repayment of money lent.

2. Use Standards

No such use may be located within 1,000 feet of a similar use, as measured in a straight line from the nearest point on a lot line to the nearest point on a lot line.

E. Small Box Discount Store

1. Defined

A retail store, other than a drug store or convenience store, that meets all the following:

(a) Has a floor area of 15,000 square feet or less;

(b) Offers for sale a combination and variety of convenience shopping goods and consumer shopping goods; and

(c) Continuously offers and advertises most of the items in its inventory for sale at a price of 10 dollars or less.

2. Use Standards

All small box discount stores must be separated from another small box discount store by a minimum distance of 26,400 feet

F. Smoke or Vape Shop

1. Defined

Any business whose principal use involves the sale or on-site use of tobacco products, alternative nicotine products, vape juice, or any combination of these. For the purposes of this definition, “alternative nicotine products” refer to any products or devices that employ an electronic heating element, power source, electronic circuit, battery, or other electronic, chemical, or mechanical means to produce a vapor that delivers nicotine to the person inhaling from the device, including electronic cigarettes, electronic cigars, electronic hookahs, electronic bongs and electronic pipes, whether manufactured, distributed, marketed, or sold as an electronic cigarette, electronic cigar, or electronic pipe. For the purposes of this definition, “vape juice” refers to any liquid that contains compounds containing pharmaceutical grade vegetable glycerin, propylene glycol, nicotine, food-grade flavoring, and water, and can be used for vaping by means of an alternative nicotine product. For purposes of this definition, “principal use” means that the combined total sales of tobacco products, alternative nicotine products, and vape juice constitute at least 25% of the business’s aggregate sales. “Principal use” also means that any amount of on-site use of sold tobacco products, alternative nicotine products, vape juice, or any combination of these occurs on the premises. A business will be deemed a smoke or vape shop when either or both of these “principal use” meanings are met.

6.5.15. Vehicular

A. Defined

A facility primarily providing the sale, leasing, servicing, repair, parts, or storage of passenger vehicles, light and medium trucks, and other consumer motor vehicles such as motorcycles, boats, and recreational vehicles. Vehicular includes the following:

1. Car wash.

2. Fuel sales.

3. Heavy equipment sales, service or rental.
4. Service station.
5. Truck stop.
6. Vehicle sales/leasing.
7. Vehicle repair, minor.
8. Vehicle repair, major.

B. Car Wash

1. Defined

   A facility primarily engaged in washing, waxing, and polishing motor vehicles.

2. Use Standards

   (a) When constructed as a primary use, a car wash must be separated from all other car washes by a minimum distance of 5,280 feet.

   (b) All car washes must meet the architectural standards of Sec. 5.2.7.

C. Fuel Sales

1. Defined

   A facility for the dispensing and distribution of fuel sales with or without a retail convenience store. Fuel sales may be a primary or accessory use.

2. Use Standards

   (a) No fuel sales establishment is allowed within 1,320 feet of another such use, except as provided below.

      i. Fuel sales accessory to a primary retail use with a floor area of 40,000 square feet or more are exempt from this standards.

   (b) Buildings, pumps, and canopies must be setback at least 60 feet from all residential districts.

      i. A landscape buffer at least 40 feet in width is required when adjacent to a residential district. An opaque fence or wall at least 6 feet in height must be installed along the property line.

   (c) When not adjacent to a residential district, the side and rear yard setback for all buildings, pumps, and canopies must be at least 25 feet.

      i. A landscape buffer at least 20 feet in width is required when not adjacent to a residential district.

      ii. The buffer may be reduced to 10 feet when an opaque fence or wall at least 6 feet in height is installed along the property line.

   (d) Curb cuts and driveways may not be within 40 feet of the intersection of two streets.

D. Heavy Equipment Sales, Leasing or Rental

1. Defined

A facility for the sales, service or rental of heavy equipment and commercial vehicles. Typical examples include graders, excavators, bulldozers, backhoes, and similar equipment, as well as heavy vehicles such as dump trucks, semi-tractor trailers, and similar vehicles.

E. Service Station

1. Defined

A building or premises where products necessary for automobile service or maintenance are sold; provided, there is no storage or dismantling of automobiles, and only minor services are rendered. An automobile service station is neither a minor nor major vehicle repair shop.

F. Truck Stop

1. Defined

A facility for heavy trucks which may provide fuel, minor service or repair facilities, vehicular washing areas, restaurants, convenience retail goods, and restroom or showering facilities on site.

G. Vehicles Sales/Leasing

1. Defined

A facility used primarily for the retails sales and leasing of new or used cars, light trucks, or motorcycles.

H. Vehicle Repair, Minor

1. Defined

A facility where repair and maintenance services which require only very brief adjustment and replacement of minor components is conducted. Includes, but is not limited to, audio and alarm installation, custom accessories, tune-up, oil change, or lubrication facilities, brake repair, emissions testing, bed liner installation, auto glass repair, air conditioning system servicing, muffler replacement and alignment. Includes paint and body shops.

2. Use Standards

(a) All service and repair work must be performed within fully enclosed buildings.

(b) All vehicles, dismantled parts, or supplies must be stored within fully enclosed buildings.

I. Vehicle Repair, Major

1. Defined

A facility where repair services to motor vehicles which require substantial replacement and/or repair of major components is conducted. Includes, but is not limited to, transmission repairs/replacement, engine overhaul and radiator repair, repair services to construction equipment, agricultural equipment, commercial highway tractors, or dump trucks.

2. Use Standards

(a) All service and repair work must be performed within fully enclosed buildings.

(b) All vehicles, dismantled parts, or supplies must be stored within fully enclosed buildings.

(c) The outside storage of unlicensed and unregistered vehicles is prohibited as part of this use.

Sec. 6.6. Industrial Uses

6.6.1. Alcoholic Beverage Production

A. Defined

An industrial facility where alcoholic beverages are produced. Alcoholic beverage production includes the following.

1. Brewery.
2. Micro-brewery.
3. Micro-distillery.

B. Brewery

1. Defined

A malt beverage manufacturing facility with an average annual barrel production which exceeds 15,000 barrels per calendar year.

C. Micro-brewery

1. Defined

A small-scale malt beverage manufacturing facility in which malt beverages manufactured on-premises or at another of the brewer's licensed premises under common ownership as defined in OCGA § 3-5-24.1 may be sold for consumption on-premises or by the package for off-premises consumption. Malt beverages manufactured or brewed on premises are limited to 15,000 barrels per calendar year.

D. Micro-distillery

1. Defined

A small-scale distilled spirit manufacturing facility in which distilled spirits manufactured on-premises or at another of the distiller's license premises as defined in OCGA § 3-4-24.2 may be sold for consumption on-premises or by the package for off-premises consumption. Distilled spirits manufactured or brewed on premises are limited to 3,000 barrels per calendar year.

6.6.2. Craft Manufacturing

A. Defined

A facility whose primary use is the shared or individual use of hand-operated tools for the manufacturing of products or parts, including their design, processing, fabrication, assembly, treatment and packaging. Craft manufacturing may also include the incidental storage, sale, and distribution of said products or parts. Craft manufacturing specifically includes, but is not limited to, the manufacturing of electronic goods, food and bakery products, non-alcoholic beverages, printmaking, household appliances, leather products, jewelry and clothing, metalwork, furniture, glass or ceramics, and paper.

B. Use Standards

1. No individual facility may exceed 10,000 square feet of floor area.

2. The operation may not result in noise, electrical interference, vibration, smoke, gas, fume, odor, dust, fire hazard, dangerous radiation, or other injurious or obnoxious conditions detectable to the normal human senses off the premises.

6.6.3. Data Center

A. Defined

A facility used for the storage, management, processing, and transmission of digital data, including related electrical, mechanical, and security systems. Data Centers may include equipment for computing, backup power generation, and cooling systems but do not include telecommunication towers or traditional office uses.

B. Use Standards

1. The minimum lot size is 20 acres.
2. An undisturbed or enhanced landscape buffer at least 200 feet in width is required along all property lines, except when adjacent to an industrial use or district.
   (a) The buffer must incorporate a mix of berms, native canopy trees, understory trees, and evergreen shrubs in sufficient quantities and design to maintain a year-round opaque screen.
   (b) Plantings and design of buffers must be certified by a landscape architect licensed with the state.
   (c) Final buffer design must be provided to the County at the time of the application for special use.
3. Setbacks for all primary operational facilities and infrastructure, including data center buildings, electrical substations, emergency generators, and mechanical systems are as follows:
   (a) 200 feet from any public right-of-way.
   (b) 500 feet from any nonresidential use or district.
   (c) 1,320 feet from any residential structure.
   (d) Accessory structures that do not generate noise or emissions may be allowed in a setback subject to County approval. No such structure may be located within a required buffer.
4. The layout and orientation of buildings and associated equipment must minimize visual impacts on surrounding properties.
5. Principal building facades are subject to approval by the County and must incorporate design elements such as changes in building height, building recesses, transparency, change in building material or pattern, or the use of architectural accent materials.
6. All exterior mechanical, electrical, and operational equipment associated with a data center, including but not limited to generators, cooling systems, substations, and rooftop equipment must be fully screened on all sides by an acoustical barrier designed to reduce noise impacts on adjacent properties. The design, materials, height, and effectiveness of acoustical barriers are subject to approval by the County.

7. Lighting design must incorporate dark sky principles, fully shielded fixtures, and measures to prevent glare or light spillage onto adjacent properties. This includes all site lighting, including security lighting, building mounted lighting, and any perimeter illumination.
8. The following environmental performance standards must be met:
   (a) The maximum noise output at any property line adjacent to a residential district or use is 55 dBA between the hours of 7:00am to 8:00pm. At all other times the maximum noise output is 45 dBA.
      i. Testing of generators or other equipment is only allowed during the hours of 10:00am to 5:00pm, Monday through Friday. Testing is not allowed on any holiday recognized by Henry County government.
   (b) Open evaporative cooling systems are prohibited.
   (c) Refrigerants for system cooling must meet minimum Global Warming Potential (GWP) requirements. Monitoring for refrigerant leakage and remediating impacts of leakage during operations is required.
   (d) Building materials with low embodied carbon must be utilized.
   (e) Stormwater management shall comply with all applicable Henry County standards and incorporate best available and feasible practices, including green infrastructure and low impact development techniques, where practicable, to ensure post-development runoff meets or exceeds predevelopment conditions and minimizes downstream impacts.
9. All data centers must preserve at least 30% of the gross lot area as natural, undisturbed open space. Buffers, stormwater features, and passive recreation areas may be utilized to satisfy this requirement upon approval by the County.
10. When a greenway trail has been planned by the County, it must be constructed on the site.
11. Prior to the issuance of a land disturbance permit, a Development Agreement must be executed between the developer and the County in accordance with Sec. 10.10.7. The agreement must, at a minimum, address the following:
   (a) Compliance with the maximum noise limits set forth in this section and the most current Henry County Noise Ordinance, including during normal operations and testing activities. On-site noise monitoring equipment must be installed and maintained as a part of the agreement.
   (b) Power and energy efficiency reporting (PUE, ERE, WUE).
   (c) The establishment of performance metrics to limit potable water consumption through the use of a closed loop or similar system designed to minimize consumption and eliminate continuous discharge or evaporative loss.
   (d) Ongoing metering of energy and water usage and transparency of grid impact during operations.
   (e) Decommissioning, change of use, and site restoration.
   (f) Financial assurances such as performance bonds, security bonds, decommissioning bonds, or escrow accounts sufficient to ensure site restoration, infrastructure removal,

environmental remediation, and long-term compliance with approved operational standards.

(g) Ongoing assessment of facility impact on surrounding air and water quality during operations, including transparency of results and effective remediation of negative impacts if identified.

(h) Emergency coordination with Fire, Public Safety, and utility providers.

(i) Environmental Impact Summary and Operations Management Plan, including a third-party environmental impact study evaluating air, water, noise, and operational impacts.

(j) Documentation of coordination with electric and water utility providers, including evaluation of infrastructure capacity, required upgrades, and cost allocation measures, demonstrating that project-related system improvements and service demands are borne by the applicant and not shifted to existing customers, with mitigation strategies incorporated into the Development Agreement.

(k) Emergency generator testing and operational protocols, including testing schedules, duration, and noise mitigation measures, to ensure minimal impact on surrounding properties.

(l) The use, storage, and management of batteries, fuels, backup power systems, or any hazardous materials associated with facility operations, including compliance with all Fire Marshal, EMA, and applicable life safety requirements.

(m) How the project will contribute to the development of an inclusive, accessible, and mixed-use community surrounding the project via community benefits packaging infrastructure upgrades and reinvestment strategies.

12. Data centers may be located within an existing industrial building on lots less than 20 acres, upon approval of a Special Use by the Board of Commissioners, provided the following requirements are met:

    (a) Only buildings older than 25 years may be converted.

    (b) The maximum floor area to be used as a data center, excluding any office space, does not exceed 50,000 square feet.

    (c) No new floor area may be added to the existing structure for use as a data center. This does not prohibit the addition of floor area to be used as office or other administrative space.

13. Relief from the standards of this Sec. 6.6.3 may only be granted by the Board of Commissioners.

6.6.4. Heavy Industrial

A. Defined

A facility that involves dangerous, noxious or offensive uses, or a facility that has smoke, odor, noise, glare, fumes, gas, vibration, threat of fire or explosion, emission of particulate matter, interference with radio, television reception, radiation or any other likely cause. Heavy industrial includes the following:

1. Airport.
2. Airfield, private.

3. Animal processing, packing, treating and storage, livestock or poultry slaughtering, processing of food and related products, production of lumber, explosives, fireworks, tobacco, chemical, rubber, leather, clay, bone, paper, pulp, plastic, stone, or glass materials or products, production or fabrication of metals or metal products including enameling and galvanizing.
4. Bulk storage or manufacturing of flammable liquids, chemicals, cosmetics, drugs, soap, paints, fertilizers and abrasive products.
5. Concrete, cement, asphalt, brick, lime, gypsum or tile manufacturing.
6. Electronic equipment or appliance and component manufacturing.
7. Laboratory, except those as defined in Sec. 6.6.6.
8. Mineral extraction, mines and quarries.
9. Prefabricated building manufacturing.
10. Private energy facility as a primary use for the generation of power to be sold to a public utility provider, including solar, wind, geothermal or hydraulic facilities. Such facilities may be allowed as an accessory use to any industrially zoned property.

B. Concrete, Cement, Asphalt, Brick, Lime, Gypsum or Tile Manufacturing

1. Defined

   A facility involved in the production of concrete, cement, asphalt, brick, lime, gypsum or tile used in building or construction. May include facilities for the administration or management of the business, storage of bulk materials used in the production process or of finished products manufactured on the premises, and the storage and maintenance of required equipment. Does not include the retail sale of finished products.

2. Use Standards

   (a) The minimum lot size is 2 acres.

   (b) All buildings or structures must be at least 100 feet from residential districts.

   (c) A landscape buffer at least 60 feet in width is required.

   (d) Outdoor storage must be at least 200 feet from any residential district.

   (e) No vibration or electromagnetic interference may be discernable on adjacent properties.

C. Mineral Extraction, Mines and Quarries

1. Defined

   An area of land upon which operations to extract valuable mineral deposits, sand, gravel, or stone are conducted.

2. Use Standards

   (a) The area where mining or quarrying operations are conducted must be fully enclosed with an opaque fence or wall located at least 10 feet from the edge of any excavation.

   (b) Product piles, spoil piles, or other accumulations of by-products must not exceed 35 feet in height above the original contour of the site.

(c) Roads within the excavation site must be surfaced with a dust-free material.

(d) A mining land use plan, conforming to the requirements of federal and state law, is required prior to approval of any mining or quarrying activity, including the expansion of existing mines or quarries.

6.6.5. Light Industrial

A. Defined

A facility whose primary use is the manufacturing, compounding, assembly, processing, preparation, packaging, or treatment of products or parts. Light manufacturing may also include the incidental storage, sale, and distribution of products or parts. Light industrial includes the following:

1. A facility that involves conducting food and beverage production; land-intensive outdoor sales and services; or repair or servicing of industrial, business, or consumer machinery, equipment, or products mainly by providing centralized services for separate retail outlets.
2. Laundry, dry cleaning, and carpet cleaning plants.
3. Light manufacturing.

B. Light Manufacturing

1. Defined

A facility conducting light manufacturing operations within a fully enclosed building. Light manufacturing includes the following:

(a) Clothing, textile or apparel manufacturing.

(b) Facilities engaged in the assembly or manufacturing of scientific measuring instruments; semiconductor and related devices, including but not limited to clocks, integrated circuits, jewelry, medical, musical instruments, photographic or optical instruments, cosmetics, and pharmaceuticals.

(c) Printing, bookbinding, or publishing plants.

(d) Sheet metal, welding, machine shop, tool repair.

(e) Stone, clay, glass, or concrete products.

(f) Woodworking, cabinet makers, or furniture manufacturing facility which does not meet the definition of craft manufacturing in Sec.6.6.2.

2. Use Standards

(a) All light industrial uses must occur within a fully enclosed building.

(b) No equipment or process may be used that creates, without limitation, noise, dust, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses, off the premises.

6.6.6. Research and Development

A. Defined

A facility focused primarily on the research and development of new products. Research and development includes the following:

1. Laboratories, offices and other facilities used for research and development by or for any individual, organization or concern, whether public or private.
2. Prototype production facilities that manufacture a limited amount of a product in order to fully investigate the merits of such a product.
3. Pilot plants used to test manufacturing processes planned for use in production elsewhere.

6.6.7. Storage Lot

A. Defined

A facility used entirely for:

1. Contractors' equipment storage.
2. Heavy equipment storage.
3. Fleet storage.
4. Storage of stone, pipe, steel, and other similar material or equipment.
5. Storage of soil, mulch or lumber.
6. Towing/impounding of vehicles.
7. Truck terminal.
8. Truck yard.

B. Use Standards

1. All storage lots must provide a landscaped buffer at least 50 feet in width along all side and rear property lines.
2. An office building, security booth, or similar structure must be provided and staffed during business hours, at a minimum. Storage lots must include a restroom available for use by patrons or customers.

C. Contractors' Equipment Storage

1. Defined

   A facility engaged in the provision of offsite contractor activities, including, but not limited to, plumbing, electrical work, building, roofing, carpentry, exterminating and landscaping and other such activities, including the storage of material and the overnight parking of commercial vehicles.

D. Heavy Equipment Storage

1. Defined

   A facility engaged in the storage of heavy equipment used for farming, grading or paving, usually uncovered or outside.

2. Use Standards

In addition to the standards of Sec. 7.2, an opaque fence or wall at least 8 feet in height must be provided to screen storage areas from adjacent properties.

E. Truck Terminal

1. Defined

   A facility for the receipt, transfer, short-term storage, and loading or unloading of goods transported by heavy trucks. Does not include the overnight storage of such vehicles.

2. Use Standards

   (a) A landscaped buffer at least 100 feet in width is required along all property lines.

   (b) An opaque fence or wall at least 8 feet in height must be provided along all side and rear property lines.

F. Truck Yard

1. Defined

   A facility for the temporary parking or storage of heavy trucks which are in active use. May include minor maintenance facilities as an accessory use.

2. Use Standards

   (a) The minimum lot size is 2 acres.

   (b) Parking or storage may be overnight.

   (c) No truck yard may be located within 500 feet of a residential district.

   (d) The storage of inoperable vehicles is not allowed.

   (e) A landscaped buffer at least 100 feet in width is required along all property lines.

   (f) An opaque fence or wall at least 8 feet in height must be provided along all side and rear property lines.

6.6.8. Self-Storage

A. Defined

A fully enclosed facility containing independent bays or self-contained units which are leased to or owned by individuals or businesses exclusively for storage of goods or personal property.

B. Use Standards

1. The minimum lot size is 2.5 acres.
2. The minimum lot width is 100 feet.
3. Buildings must be setback as follows:

   (a) Front Yard or side yard adjacent to a street: 100 feet

   (b) Side Yard or rear yard: 25 feet

4. The maximum building height is 35 feet.
5. Outdoor storage areas may not exceed 25% of the building floor area.

(a) Such areas must be screened from view from adjacent residentially zoned districts and from public streets with an opaque wall or fence at least 6 feet in height.

6. The following standards are required for landscaping:

(a) A landscaped buffer of at least 15 feet is required along all street frontages and property lines.

(b) At least 15% of the total site area must be landscaped.

7. Self-storage facilities may include truck rental provided that no more than 25% of the total site area may be utilized for such activities. Storage area must meet the screening standards of subsection 5 above.

8. All self-storage facilities must meet the architectural standards of Sec. 5.2.4.

6.6.9. Warehouse and Distribution

A. Defined

A facility involved in the storage or movement of goods for themselves or other firms. Goods are generally delivered to other firms or the final consumer with little on-site sales activity to customers. Warehouse and distribution includes the following:

1. Building materials storage yard.
2. Bulk storage, including non-flammable liquids, cold storage plants, frozen food lockers, household moving and general freight storage.
3. Distribution of products and merchandise.
4. Parcel services.
5. Transfer and storage business where there are no individual storage areas or where employees are the primary movers of the goods to be stored or transferred.

6.6.10. Waste Related Services

A. Defined

A facility used for the sale, exchange, storage, salvage, baling or cleaning of waste material. Waste related services include the following:

1. Composting or storage of organic material.
2. Junk or salvage yard.
3. Landfill, inert waste.
4. Landfill, solid waste.
5. Slow rate land treatment system.

B. Composting or Storage of Organic Material

1. Defined

A facility or lot used for the controlled biological decomposition of organic matter in a stable humus-like material or for the storage of such organic material.

C. Junk or Salvage Yard

1. Defined

   A facility involving the parking, storage or disassembly of vehicles and/or machinery; the storage, sale or resale of used auto parts, tires, scrap iron, metal; used plumbing fixtures, old stoves, refrigerators and other old household appliances; used brick, wood, or other building/structural materials, used paper, rags or other scrap materials. These uses will be considered junk yards whether all or part of these operations are conducted inside a building or in conjunction with, or accessory to other uses of the premises. Includes the term "wrecker services" as defined in this ULDC.

2. Use Standards

   (a) The minimum lot size is 2 acres in the I-1 district and 1 acre in the I-2 district.

   (b) The minimum setback from all property lines is 200 feet.

   (c) A landscape buffer at least 40 feet in width is required along all property lines. In addition to the landscape buffer, an opaque fence or wall at least 6 feet in height is required along all property lines.

   (d) The storage of salvaged or junk materials must not exceed the height of the fence or wall.

   (e) In addition to the standards above, wrecker services must meet the following:

      i. Towed vehicles must be stored within an enclosed secured area not accessible to the public. No wrecked vehicles may be stacked within the storage area. Storage of nonbusiness related vehicles is prohibited. Storage areas must be gravel covered, at a minimum.

      ii. An office a minimum of 1,000 square feet, with restroom facilities and reception area, must be provided.

      iii. All office buildings must be constructed with a masonry or brick front facade.

      iv. Storage areas for wrecked vehicles must be located behind the primary structure (office).

      v. All ground signs must be monument based.

D. Landfill, Inert Waste

1. Defined

   Building materials and other waste resulting from the construction, remodeling or repair of houses, buildings and other structures which will not or are not likely to cause production of leachate of environmental concern. Such waste is limited to earth and earth-like products, concrete, cured asphalt, rock, bricks, yard trimmings, stumps, limbs and leaves. This definition excludes all waste not specifically listed above.

2. Use Standards

   All inert waste landfill uses must comply with Section 3-5-109(f) of the Henry County Code of Ordinances.

E. Landfill, Solid Waste

1. Defined

   Public or private disposal facilities or transfer stations, operated for the purpose of recycling, reclaiming, treating, or disposal of garbage, sewage, rubbish, offal, oil field wastes, hazardous waste, or other waste material originating on or off the premises.

F. Slow Rate Land Treatment System

1. Defined

   A system for wastewater treatment by spray irrigation (land application). The term refers to the advanced treatment of wastewater by irrigation onto land to support vegetative growth. For purposes of this regulation, the term may include ponds or lagoons used for the temporary storage of the treated wastewater before application to the spray fields.

2. Use Standards

   (a) The treatment system must be properly sited, designed and operated in conformance with state and local regulations.

   (b) Any treated wastewater stored in ponds or lagoons must have been treated to a level that the wastewater could be sprayed without further treatment.

   (c) Any ponds or lagoons must have liners to prevent seepage.

6.6.11. Wholesale

A. Defined

A facility involved in selling or distributing merchandise or products, primarily to other businesses. The term "wholesale" means a sale made for the purpose of resale and not one made to the consuming purchaser. Retail sales may be permitted within a wholesale establishment, limited to the elimination of wholesale stock due to damage, abandonment, or the distribution to employees of the wholesale establishment, with occasional retail sales to the general public.

Sec. 6.7. Agricultural Uses

6.7.1. Agriculture, General

A. Defined

The production of crops, livestock, or poultry. Agriculture includes the following:

1. Agricultural operations.
2. Agriculture-related activities.

B. Agricultural Operations

1. Defined

   The use of a property for cultivating the soil, producing crops, and raising or management of livestock, equine, or poultry (farming, feedlots, and associated activities) upon one or more tracts of land.

2. Use Standards

   (a) The minimum lot size is 3 acres.

   (b) At least one parking space must be provided. Parking may not encroach into the right of way.

C. Agriculture-related Activities

1. Defined

   A facility which allows the public to view or participate in activities that are usually and customarily associated with agricultural purposes, including, but not limited to, petting zoo, educational tours, dude ranches, picnicking, and pay fishing.

2. Use Standards

   (a) The minimum lot size is 5 acres.

   (b) Permitted curb cut access must not be from a local street.

   (c) Food services may be provided as an accessory use.

   (d) A setback of at least 100 feet is required from all property lines for any building, structure, activity area, or parking area.

6.7.2. Farm Winery or Georgia Farm Winery

A. Defined

The same meaning as set forth by O.C.G.A. § 3-6-21.

B. Use Standards

1. The minimum lot size is 5 acres.
2. The minimum lot width is 500 feet. In addition, all such uses must have at least 175 feet of road frontage.
3. The farm winery must be located on a lot used for agricultural purposes, including the cultivation of grapes, berries or fruits utilized in the manufacture or production of wine.

4. The farm winery must be owned and operated by persons who work in the production of a large part of the agricultural produce used in its annual production.
5. Parking areas must be screened from roads and adjacent properties.
6. No amplified sound is permitted unless it is within an enclosed structure.
7. Activity areas such as tasting rooms, buildings used for production, storage, bathroom facilities, and parking areas must be at least 100 feet from any property line. This does not include the propagation of grapes or other crops.
8. A buffer at least 100 feet in width must be provided along all property lines, except for areas of vehicular ingress and egress into the property.
9. Outdoor storage is allowed as accessory to the primary use provided such storage areas are at least 100 feet from any adjacent residential property.
10. Food services may be provided as an accessory use.

6.7.3. Plant Nursery

A. Defined

Any land used to raise trees, shrubs, flowers and other plants for on- or off-site sale, wholesale, or transplanting. The term includes “commercial tree nursery or commercial tree farm”.

B. Use Standards

1. In the R-A zoning district, plant nurseries may only sell plants grown on-site.
2. The minimum lot size is 1.25 acres.
3. Outdoor storage and loading areas must be setback from residential properties by at least 75 feet. Such areas must be fully screened from any view from adjacent properties and the public right-of-way by an opaque fence or wall at least 6 feet in height.
4. A landscape buffer at least 40 feet in width is required along all side and rear property lines.

6.7.4. Rural or Agricultural Event Facility

A. Defined

The gathering of individuals for social, celebratory or entertainment purposes at an agricultural location or venue wherein a fee is charged by the owner or representative of the property for the use of the venue. Events include weddings, receptions, private parties, public gatherings, community events or similar agri-entertainment uses as determined by the Director. Food services may be provided as an accessory use.

B. Use Standards

1. The minimum lot size is 5 acres.
2. An event barn or primary event structure may be constructed and must be located at least 300 feet from any property line under separate ownership.
3. All parking must be located at least 200 feet from any property line under separate ownership. Parking on grass or gravel may be permitted.

4. The maximum number of attendees and hours of operation must be evaluated by the Board of Commissioners for each site to protect the public's health, safety, and welfare.

6.7.5. Riding Areas

A. Defined

Area utilized for equestrian purposes including practice sessions, shows, and similar activities which may or may not be covered or with or without designated seating structures.

B. Use Standards

1. The minimum lot size is 3 acres.
2. All buildings and structures must be located at least 50 feet from any residential district.
3. Outdoor tracks and exercise yards must be at least 100 feet from any residential district.
4. The entire parcel must be fenced. The outdoor track and each exercise yard must be separately fenced.
5. Covered riding areas must not exceed a height of 40 feet.
6. Loudspeakers or public address systems are prohibited.
7. Food services may be provided as an accessory use.

6.7.6. Stables, Equestrian Facilities

A. Defined

There are two types of stables or equestrian facilities, private and commercial.

1. Stable, private. A building or structure in which horses, mules, ponies, or donkeys owned by the occupants of a single-family dwelling are sheltered as an accessory use.
2. Stable, commercial. A building, structure or land use in which horses, mules, ponies, or donkeys are sheltered, fed, or kept for hire.

B. Use Standards

1. Stables, whether private or commercial, are only allowed in the R-A district.
2. The minimum lot size for commercial stables is 3 acres.
3. Commercial stables may also include riding areas, as defined in Sec. 6.7.5.

Sec. 6.8. Accessory Uses

6.8.1. General

A. Accessory structures must be located within the side or rear yard, except for accessory structures in the R-A zoning districts where the lots are a minimum of 3 acres in area and are not part of a platted subdivision may be located in the front yard.

B. Accessory structures must not be erected on a lot prior to the construction of the principal structure, except for agricultural purpose storage buildings in R-A zoning districts where the lots are at least 3 acres in area and are not part of a platted subdivision.

C. Accessory structures must be included in all calculations for impervious surface ratio or lot coverage standards and for stormwater management standards.

D. Accessory structures, other than fences located in compliance with the requirements of this ULDC, must not be located within any required buffer or landscaping area, parking lot, protected resource area, or stormwater management area.

E. Accessory structures located in any residential zoning district must not be used for any type of commercial operation, except as provided in Sec. 6.8.7.

F. Accessory structures may not be used as a dwelling unit, except as provided in Sec. 6.8.3.

6.8.2. Accessory Structure

A. Defined

A structure which is on the same parcel of property as the principal structure and the use of which is incidental to the use of the primary structure. Includes detached garages, carports, utility buildings, sheds, gazebos, barns, and similar structures. Also includes recreation facilities such as basketball and tennis courts. Does not include swimming pools (see Sec. 6.8.11).

B. Use Standards

1. All accessory structures must be at least 10 feet from side and rear property lines, unless otherwise specified in this ULDC.
2. The maximum height is as follows:
   (a) Agricultural support structures, barns, and silos: none.
   (b) R-A district: 35 feet.
   (c) All other districts: 25 feet.
3. Accessory structures must be located at least 10 feet from the principal building.
4. The maximum floor area of the accessory structure is 50% of the floor area of the primary dwelling, unless otherwise specified in this ULDC.
   (a) For parcels greater than 1 acre in the R-A district there is no maximum floor area.
5. Shipping containers may be used as an accessory structure in all commercial, mixed-use, and industrial districts. In the R-A district, shipping containers may be used for agricultural purposes for lots that are not part of a platted subdivision.

(a) Such structures must comply with the Georgia Industrialized Buildings Act (O.C.G.A. § 8-2-110 et. Seq.).

(b) Shipping containers must be screened from adjacent property lines with landscape material in accordance with the standards of Sec. 7.2.2.

6. Accessory structures greater than 200 square feet require a permit issued by the Building Official prior to construction or erection on the property.

6.8.3. Accessory Dwelling Unit (ADU)

A. Defined

A small, self-contained dwelling unit located on the same lot as the principal structure. It is an independent dwelling unit with a separate entrance, kitchen, sleeping area, and full bathroom facilities, but it may share a driveway, yard and parking area with the principal unit. The term includes basement apartments, garage apartments, caretakers or other employee quarters, guest houses, and detached accessory dwellings.

B. Use Standards

1. There may be no more than one ADU permitted per lot, except as otherwise permitted in this Sec. 6.8.3.
2. When not part of the primary structure, an ADU must be located in a side or rear yard and must be at least 10 feet from the primary structure.
3. One additional parking space is required to serve the ADU.
4. The maximum floor area for an ADU is 1,000 square feet, except as otherwise permitted in this Sec. 6.8.3. In no case may any ADU exceed 80% of the floor area of the primary dwelling.
5. Within the I-1 and I-2 districts, the ADU must be a freestanding structure intended for use by a caretaker or security person.
   (a) The maximum floor area is 1,500 square feet.
6. The maximum height for ADU's is 25 feet.
7. The ADU must be a site-built structure. Mobile or modular structures may not be used as an ADU.
8. The ADU must be constructed of materials similar in appearance to the primary residence.
9. Additional use standards for accessory dwelling units in the R-A district when not located within a recorded subdivision are as follows:
   (a) Properties between 3 and 10 acres may contain up to two ADU's.
   (b) Properties 10 acres or more may contain up to three ADU's.
   (c) Floor area limitations of subsection 4 above do not apply.
   (d) Any ADU in the R-A district permitted under this section must comply with the yard requirements of Sec. 3.1.
   (e) All ADU's within the R-A district require a permit issued by the Department of Planning and Zoning prior to the issuance of any building permit, subject to the following:

i. Applications for permits must be submitted on forms provided by the county. Such applications must include:

a. A site plan indicated the location of all principal and accessory structures;

b. Building dimensions and floor area of each dwelling unit;

c. Driveway, access, and parking locations;

d. Existing and proposed sanitary sewer connections or existing and proposed septic system locations, as applicable.

e. Total property acreage; and

f. Any other information as determined by the Director to determine compliance with the provisions of this ULDC.

g. The application for an ADU within the R-A district will expire if construction has not commenced within two years of the date of approval.

ii. Following issuance of a permit from the Department of Planning and Zoning, but prior to the issuance of a building permit, the property owner must record a notice or covenant with the Henry County Clerk of Court. Said notice or covenant must include:

a. The number and location of all dwellings on the property;

b. Language identifying that the accessory dwelling units do not create additional buildable lots; and

c. Restrictions on the future subdivision of the property.

(f) No property containing an accessory dwelling unit approved under this subsection can be subdivided in a manner that would result in any dwelling unit being located on a parcel that does not meet the minimum requirements of the R-A zoning district. Any proposal to subdivide a lot containing an ADU must be submitted in accordance with the standards of Sec. 10.8

10. The Department of Planning and Zoning may maintain a registry of approved ADU's for tracking and administrative purposes.

6.8.4. Drive-Through

A. Defined

A facility at which service is provided to the customer while remaining in a vehicle, typically associated with restaurants, banks, and pharmacies.

6.8.5. Greenhouse, Non-commercial

A. An accessory building in which herbs, fruits, flowers, or vegetables that need protection from the elements are cultivated for personal or group use, consumption, or donation.

B. Use Standards

A non-commercial greenhouse accessory to a residential use is limited in size to one-third of the floor area of the principal dwelling.

6.8.6. Fallout Shelter

A. Defined

An accessory structure and use specifically designed for the protection of life from radioactive fallout.

B. Use Standards

1. Shelters must be maintained so as not to become a hazard or blight to the community.
2. One fallout shelter is permitted per lot, except as permitted by subparagraph "4" below.
3. A fallout shelter must comply with the setback requirements of the zoning district.
4. A joint shelter may be constructed to serve two adjacent lots with an approved variance.

6.8.7. Home Occupation

A. Defined

An occupation or profession conducted entirely within a dwelling by members of the resident family only.

B. Use Standards

1. Home occupations are limited to the following uses:
   (a) Adult day care for 6 or fewer adults;
   (b) Administrative or clerical support services, such as transcription, court reporters, stenographers, notary republic, or addressing services;
   (c) Catering service, food preparation for off-site sale and consumption, including the preparation and processing for food truck operations, subject to local and state Health Department regulations.
   (d) Child day care or nursery school for 6 or fewer children;
   (e) Cottage food vendor, as defined and regulated by the Georgia Department of Agriculture and Department of Public Health;
   (f) Instruction or teaching, such as academic tutoring, performing arts, or fine arts, limited to two students at any given time;
   (g) Manufacturers and internet sales representative;
   (h) Office for professionals, such as attorneys, drafters, realtors, insurance agents, engineers, architects, and other consultants;
   (i) Personal services, such as beauty or barber shop, manicurists, dress-making or tailoring;
   (j) Personal care home for 3 or fewer persons;
   (k) Pet grooming;
   (l) Studios for artists or photographers.
2. All home occupations must obtain a business license from Henry County.
3. At least one person residing on the premises must be the primary operator of the business.

4. The home occupation must be clearly incidental to the residential use of the dwelling.
5. The use of the dwelling for a home occupation must not change the residential character of the building.
6. No internal or external alterations which are inconsistent with the residential use or character of the dwelling are permitted.
7. Products for sale or use in the home occupation must not be visible from the street.
8. Use of a dwelling for a home occupation must not exceed 25% of the total square footage of one floor, except for personal care homes and adult or child day care.
9. The home occupation must not constitute a nuisance to the surrounding neighborhood.
10. Outside storage of materials used in connection with a home occupation is prohibited.
11. A home occupation may be conducted in an accessory building, provided that the home occupation remains subject to the floor area requirements of subsection 8 above.
12. Only passenger vehicles may be used in connection with the operation or management of a home occupation.
13. Business may only be conducted between the hours of 7:00 a.m. and 8:00 p.m.
14. Beauty shops, barber shops, manicurists, pet grooming and similar services are limited to two chairs or stations and one shampoo chair or station. There may be no more than two clients on the property at any given time.
15. Personal care homes and all day care facilities must provide an approved state license prior to the issuance of a county business license.
16. The following standards apply to all agricultural home occupations on properties less than 3 acres in size in the R-A district:
    (a) Agricultural product sales are allowed in the R-A zoning district, provided that the lot or parcel is not part of a subdivision.
    (b) Only agricultural products produced on the premises may be sold on the premises.
    (c) Trucks and vehicles other than passenger vehicles may be used in connection with the operation of an agricultural home occupation.
    (d) No automotive painting, body work, salvage, major automotive or heavy equipment repairs are to be conducted.
    (e) Up to two persons who do not reside on the premises may be employed in the home occupation.
    (f) When the use is conducted within an accessory structure, the following standards apply:
        i. The accessory building must maintain a residential or agricultural appearance.
        ii. No machinery or equipment may be used which generates noise detectable outside the accessory structure.

6.8.8. Outdoor Storage and Display

A. Defined

Outdoor storage and/or display that is associated with a principal use, regardless of duration.

B. Use Standards

1. Outdoor Storage in Residential Districts
   (a) Outdoor storage is permitted in side and rear yards only.
   (b) Any storage not normally associated with a residential use is prohibited.
2. Outdoor Storage in Nonresidential Districts
   (a) Outdoor storage is permitted in side and rear yards only.
   (b) Outdoor storage must be at least 25 feet from any residential property line.
   (c) Outdoor storage must be screened from neighboring residential uses and streets with an opaque fence or wall at least 6 feet in height. Such fence or wall must be compatible with the principal building in terms of quality and material.
   (d) Outdoor storage may be fully or partially covered. No covering may extend higher than the roof level of the principal building.
3. Outdoor Accessory Display Associated with Commercial Uses
   (a) Accessory displays for merchandise which is being offered for sale on-premises is allowed in the C-2, C-3, M-U, I-1 and I-2 districts only.
   (b) Accessory displays may not impede traffic movement or occupy parking spaces, unless such parking is greater than the minimum required.
4. When outdoor display is allowed accessory to a retail sales business with a floor area of 25,000 square feet or more, the display area may not exceed 15% of the enclosed floor area of the business.

6.8.9. Roadside Produce Stand

A. Defined

An accessory use offering either farm-grown, prepared food products such as fruits, flowers, vegetables, canned foods, or prepared packaged meats for sale. The consumption of food on-site is prohibited.

B. Use Standards

1. The maximum building area is 500 square feet.
2. The minimum setback is 10 feet.
3. At least one parking space must be provided. Parking may not encroach into the right of way.
4. Outside storage of boxes, crates, pallets must be fully screened from visibility from the right-of-way.

6.8.10. Solar Energy System

A. Defined

Any device or structural design feature used for the collection, storage, and distribution of solar energy for space heating, space cooling, lighting, electric generation, or water heating. Such systems may be structurally independent or mounted to the roof of a building or structure.

B. Use Standards

1. Roof-mounted solar energy systems may be mounted on principal or accessory structures.
2. Roof-mounted solar energy systems may not extend more than three feet above the maximum building height limit for the zoning district in which it is located or more than five feet above the highest point of the roof line, whichever is less.
3. All solar energy systems shall be permitted in accordance with the state minimum standard codes, including the applicable parts of the building and electrical codes.

6.8.11. Swimming Pool, Private

A. Defined

A recreation facility designed and intended for water contact activities which serves single-family dwellings, two-family dwellings and multifamily dwellings, or combinations of dwelling types, including pools which are owned and controlled by a neighborhood club or similar organization.

B. Use Standards

1. All Swimming Pools

   All swimming pools must be surrounded by a barrier as required by the latest adopted version of the International Swimming Pool and Spa Code (ISPSC). The enclosure must be in place before pool completion.

2. Single-Family
   (a) Swimming pools are allowed in rear yards only.
   (b) Swimming pools must comply with minimum side and rear yard requirements for accessory structures. Setbacks for swimming pools are measured from the decking or closed part of the pool structure to the property line.
   (c) Required barriers may include decorative materials, such as brick, wrought-iron, stone, wood, or masonry.
   (d) Only one swimming pool is permitted per lot. Hot tubs or spas are not considered a “swimming pool” for the purposes of this limitation.
3. Neighborhood Pools
   (a) Pools may be illuminated by overhead lighting provided that such illumination is directed away from adjoining residences and does not exceed 1.2 footcandles along an adjoining residential property line. Outdoor lighting is only allowed between dusk and 11:00 p.m.
   (b) All required barriers must be transparent. The use of opaque fences or fences that partially obstruct the view of the pool from the outside is prohibited.
   (c) Swimming pools must comply with the standard setback requirements within the zoning district. Setbacks for swimming pools are measured from the decking or closed part of the pool structure to the property line.

Sec. 6.9. Temporary Uses

6.9.1. Farmers' Market

A. Defined

The outside temporary display and sale of agricultural products sold directly by farmers. A farmers' market typically consists of booths, tables or stands where farmers sell fruits, vegetables, meats, and sometimes value-added farm products and prepared foods and beverages.

B. Use Standards

1. At least 75% of the displayed inventory of the products sold in each farmers' market must be farm products or value-added farm products.
2. At least 75% of the booths open during the market's hours of operation must be producers, or family members or employees or agents of producers.

6.9.2. Mobile Food Establishment

A. Defined

A vehicle mounted food establishment where food preparation and service for sale to the public is housed in a truck or trailer. Also referred to as a food truck or mobile food unit.

B. Use Standards

1. The applicant must have written permission of the property owner and all business owners on the lot to conduct retail sales. Such written permission must be submitted to the Department of Planning and Zoning as a part of the approval process for the temporary use.
2. The applicant must be comply with all state, federal and local health and safety regulations and requirements and must obtain and maintain any and all licenses required by any other health or governmental organization or entity having jurisdiction over such uses.
3. During business hours, the permit holder must provide a trash receptacle for customer use and must keep the area clear of litter and debris at all times.

6.9.3. Temporary Buildings

A. Defined

A temporary building or structure for use in connection with a construction project or subdivision development. Temporary buildings include the following:

1. Construction trailer.
2. Temporary sales office.

B. Construction Trailer

1. Defined

   A trailer designed for temporary office use by a contractor working on a site. Includes any storage areas, storage buildings, parking areas or other accessory uses or structures normally associated with such activities.

2. Use Standards

   (a) The trailer must be associated with an active permit issued by the County or any state or federal agency.

   (b) Storage areas used during construction may include temporary fencing for security and protection of equipment.

C. Temporary Sales Office

1. Defined

   A structure, often a model home, located within an approved, recorded subdivision used for the sale of approved lots within the boundaries of that subdivision.

2. Use Standards

   (a) The temporary sales office must be located on an approved, recorded lot and must face a publicly maintained road.

   (b) The area around the structure must be landscaped.

   (c) The temporary sales office is restricted in use to the sale of approved lots within the boundaries of that subdivision in which the office is located. The office may not be used for any other use other than a sales office. The storage of construction materials or equipment is prohibited.

   (d) Temporary sales offices must be removed when 75% of lots are occupied or sold.

6.9.4. Temporary or Special Events

A. Defined

An activity having a specific duration or the end of which is related to a specific action, usually lasting for only a few days or months at a time. Temporary events include, but are not limited to, the following:

1. Sale of seasonal goods on non-residential property for a period not to exceed 90 consecutive days.
2. Promotional activities or devices intended to attract attention to a specific place, business, organization, event, or district, such as signs, searchlights, or balloons.
3. Fundraising or non-commercial events by a civic, philanthropic, educational or religious organization, such as a community fair or religious assembly, including any on-site signs and structures.
4. For profit events such as carnivals or festivals.

B. Use Standards

1. An application for a temporary event must be submitted to the Department of Planning and Zoning at least 14 days prior to the event.
2. A detailed site plan showing the proposed location of any structures associated with the event, including tents, food trucks, games or rides, restrooms, and similar structures must be submitted to the Department of Planning and Zoning as a part of the application.

3. Written permission from the property owner is required to be submitted to the Department of Planning and Zoning as a part of the application process for such temporary use.

6.9.5. Yard/Garage Sales

A. Defined

A sale of personal belongings or household effects held at a person's home, usually in the garage or front yard.

B. Use Standards

1. The duration of the sale may not exceed 72 hours.
2. A sale on a particular property may not occur more frequently than four times during any 12-month period.
3. No goods purchased for resale or consignment goods may be offered for sale.

ARTICLE 7. SITE DEVELOPMENT

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Sec. 7.1. Parking and Loading

7.1.1. Applicability

A. New Construction

Except as provided in this section, no application for a building permit for new construction may be approved without conforming with this Sec. 7.1.

B. Additions

When an existing building or use is increased in area, the entire building or use must conform to the parking and loading requirements.

C. Change in Use

A change in use must comply with all parking and loading requirements unless the new use has the same or a lesser parking demand than the previous use.

D. Maintenance

1. All off-street parking and loading areas must be well maintained. Parking lots and loading areas must be free of potholes, debris, weeds, broken curbs, and broken wheel stops.
2. Any existing building or site may be repaired and maintained without providing additional parking or loading, provided there is no increase in the paved area.

7.1.2. Parking Required

A. Calculation of Required Parking Spaces

1. Vehicle parking spaces must be provided for different uses as specified in this section.
2. Where the calculation of the required number of spaces results in a fraction, the number must be rounded to the nearest whole number, with one-half or more counted as one additional space.
3. Where the unit of measure for determining the number of parking spaces is the number of seats in a facility, the number of seats is considered the maximum occupancy allowed pursuant to building and construction codes.
4. When a site contains multiple uses, the parking requirements are the sum of the requirements for each use, unless shared parking is approved according to the standards in Sec. 7.1.2.C.
5. Where a use is not listed, the Director is responsible for determining the appropriate parking requirement based on the standards for similar uses.

B. Unless otherwise specified in this Sec. 7.1. (Parking and Loading) or this ULDC, every use must be served by the minimum number of off-street parking spaces specified in Table. 7.1.

Table 7.1 Vehicle Parking Requirements

Use	Vehicle Parking (min.)
Residential Uses	
All household living, except as listed below:	2 per unit
Triplex, quadruplex, multifamily	1 per 1-bedroom unit 2 per 2-bedroom unit 2.25 per 3-bedroom unit or larger
Cottage court	1.5 per unit
Tiny house community	1 per unit
Group Living, as listed below	
Assisted living facility	1 per 4 beds + 1 per 3 employees
Boardinghouse, rooming house	1 per 2 beds + 1 per 2 employees
Convalescent center, nursing home, hospice	1 per 4 beds + 1 per 3 employees
Group home	2 per unit
Personal care home	1 per 4 beds + 1 per 3 employees
Public/Institutional Uses	
Civic, as listed below	
College or university	3 per 1,000 sq. ft.
Community center	1 per 400 sq. ft.
Fraternal organization	1 per 400 sq. ft.
Library, private	1 per 500 sq. ft.
Museum, private	1 per 500 sq. ft.
Place of worship	1 per 3.5 seats in largest assembly area (with fixed seating), or 1 per 35 sq. ft. in largest assembly area (no fixed seating)
Public buildings and uses	1 per 250 sq. ft.
School, private or public	
All parks and open space	8 spaces per acre, or 40 spaces per recreational field (as applicable)
Commercial Uses	
All commercial uses, except as listed below	1 per 300 sq. ft.
Bar	1 per every 2 seats
Day care facilities	1 per 500 sq. ft.

Use	Vehicle Parking (min.)
Fairgrounds, festivals, or events, outdoor	1 per 4 seats in largest assembly area (with fixed seating), or 1 per every 50 sq. ft. in largest assembly area (with no fixed seating)
Indoor recreation	1 per 250 sq. ft.
Lodging	1 per guestroom
All medical, except as listed below	1 per 4 beds + 1 per 3 employees
Medical Office	1 per 250 sq. ft.
Office	2.5 per 1,000 sq. ft.
Outdoor recreation, except as listed below	1 per 4 seats in largest assembly area (with fixed seating), or 1 per every 50 sq. ft. in largest assembly area (with no fixed seating)
Driving Range	2 per tee
Outdoor shooting range	1 per stall
All personal service, except as listed below	1 per 250 sq. ft.
Funeral home	1 per every 3 seats in the largest chapel
Restaurant	1 per 200 sq. ft.
All vehicular, except as listed below	1 per 400 sq. ft.
Fuel sales	1 per every 2 pumps
Vehicle sales/leasing	1 per 200 sq. ft.
Industrial Uses	
All industrial uses, except as listed below	1 per 1,500 sq. ft. + 1 per 1,000 sq. ft. of offices within the building
Data center	1 per 10,000 sq. ft.
Self-storage	1 per 5,000 sq. ft.
Waste-related services	1 per employee on the largest shift
Agricultural Uses	
All agriculture, except as listed below	None
Farm Winery, Georgia farm winery	3 per 1,000 sq. ft. of area accessible to patrons
Plant nursery	1 per 300 sq. ft.
Rural or agricultural event facility	1 per 4 seats in largest assembly area (with fixed seating), or 1 per every 50 sq. ft. in largest assembly area (with no fixed seating)
Accessory Uses	

Use	Vehicle Parking (min.)
Swimming pool, private (multifamily and neighborhood pools only)	8 per adult swimming pool + 1 per every 15 units beyond 60 served
Temporary Uses	
All temporary uses, except as listed below	None
Temporary buildings	3 per 1,000 sq. ft.

C. Electric Vehicle Parking Requirements

1. Parking lots with more than 20 but less than 50 parking spaces must include at least one electric vehicle charging station.
2. For any parking lot with 50 or more spaces, an additional electric vehicle charging station must be installed for every 50 parking spaces provided.
3. Each electric vehicle charging station will count as one parking space.
   (a) Charging stations, other than those installed for single-family dwellings, must be marked as reserved for the exclusive parking and use of an electric vehicle.
4. Electric vehicle charging equipment must be mounted on a wall or structure located at the end of the space provided and must be at least 4.5 feet above the parking surface.
   (a) Equipment must be located so as not to impede pedestrian pathways.

D. Bicycle Parking Requirements

Bicycle parking must be provided for each building as specified below.

Table 7.2 Bicycle Parking Requirements

	Fixed	Enclosed	Maximum
Residential use			
Multifamily, less than 10 units	2 min.	n/a	No more than 50 spaces required
Multifamily, more than 10 units	1 per 10 units, 2 min.	1 per 10 units, 2 min.	No more than 50 spaces required
Nonresidential use			
Office	1 per 10,000 sq. ft. 2 min.	n/a	No more than 50 spaces required
All other nonresidential uses	1 per 4,000 sq. ft. 2 min.	n/a	No more than 50 spaces required

1. Fixed bicycle parking must conform to the following minimum standards:
   (a) Can not be located inside a building, but may be covered.

(b) Must be publicly accessible.

(c) Must be spaced to provide clear access to a public street, private street, or multiuse pathway without the use of stairs.

(d) Must be located on site or within the right-of-way planter strip.

(e) When located within the public right of way, must be of a type specified by the Department of Planning and Zoning in coordination with Henry County DOT.

2. Enclosed bicycle parking spaces must conform to the following minimum standards:

(a) Must provide enclosed bicycle storage in lockers, a room within a building, or a parking structure.

(b) Must be accessible to all building occupant and to public entrances and walkways, secure, weather resistant, and provided with lighting at all hours.

(c) Must be provide clear access to a public street, private street, or multiuse pathway without the use of stairs.

7.1.3. Parking Reductions

The total number of parking spaces required may be reduced as specified below.

A. Shared Parking

1. Adjacent uses, multiple uses within a unified development, or establishments with multiple tenants of different uses may provide shared parking facilities. Such shared parking facilities may have a reduced quantity of parking as compared to the amount of parking spaces required for each individual use.

2. Where shared parking facilities are proposed, the following standards must be met:

(a) There must be a driveway connection between the adjacent developments.

(b) There must be a designated pedestrian connection from all uses to the shared parking facility.

(c) A shared parking agreement guaranteeing the joint use of a specified number of parking spaces must be recorded in Henry County deed records. A copy of the recorded agreement shall be provided to the Director.

3. The calculation of required spaces in a shared parking facility must use one of the methods described below:

(a) A parking study may be conducted to provide evidence of the combined parking requirements of the proposed uses.

i. The study must be prepared by a professional engineer with documented traffic expertise.

ii. The study must include estimates of parking requirements based on professionally accepted data or studies, such as from the Institute of Traffic Engineers, Urban Land Institute, or other sources acceptable to Henry County.

iii. Parking requirements must be based on uses that are the same or comparable to the proposed uses.

iv. Parking requirements must be based upon peak hours of need for each use proposed to share parking facilities.

v. The study must document the source of data used to develop recommendations.

vi. The study must document the extent to which transportation system management and alternative modes of transportation reduce the parking requirement.

B. Administrative Reduction

The Director may reduce the total number of parking spaces as specified in Sec. 10.5.2.A.3.

7.1.4. Parking Lot Construction and Design Standards

Off-street parking lots must conform to the following standards:

A. General Standards

1. All multi-family, commercial, and industrial uses must provide a paved, dust-free surface. The use of permeable or pervious pavement materials is permitted upon approval by the county engineer.

Table 7.3 Parking Design Standards

Parking Type	Angle (degree)	Dimensions	Drive Aisle Width^	Standard Construction Detail*
Standard	45	9 ft. wide x 25 ft. long	18 ft.	Drawing 4.1.2
	60	9 ft. wide x 22 ft. long	18 ft.	Drawing 4.1.2
	90	8.5 ft. wide x 20 ft. long	24 ft.	Drawing 4.1.1
Compact	90	8 ft. wide x 19 ft. long	24 ft.	Drawing 4.1.1
Parallel	n/a	8.5 ft. wide x 20 ft. long	20 ft.	Drawing 4.1.1

^ Minimum standards for two-way drive aisles. One-way drives may be utilized provided they are at least 12 feet in width.

* Refers to Henry County DOT standard details for construction.

2. Off-street parking areas that are to be used at night must include proper lighting for the safety of pedestrians, vehicles, and for security purposes. Lighting must be located and shielded to avoid direct illumination of adjacent properties.

3. Each off-street parking space must be clearly marked, and directional arrows or signs must be provided wherever necessary. Markers, directional arrows, and signs must be properly maintained.

4. All off-street parking areas must be drained to prevent damage to abutting properties or public streets.

5. All off-street parking areas must be separated from walkways, sidewalks, and streets by curbing or other suitable means.

B. Dimensional Standards

1. Off-street parking layout must conform to Table 7.3.
2. Up to 15% of the total parking spaces may be compact vehicle spaces.

C. Parking Lot Landscaping

All non-single-family parking lots must meet the following:

1. A perimeter landscape screen at least 10 feet in width must be located between any street or property line and a parking lot. Sidewalks may not be included within the required perimeter landscape screen.
   (a) Trees must be spaced according to Sec. 7.2.2.
   (b) Shrubs and other landscaping material must be installed in the perimeter landscape screen to create a barrier for vehicle light spillage onto adjacent streets.
2. Parking lots with 10 or more parking spaces must provide interior landscaping.
3. A landscape island at least 10 feet wide and equal to the length of the parking bay is required at the end of each parking bay.

4. A landscape island at least 10 feet wide and equal to the length of the parking bay is required next to every 10 parking spaces in a row.

Figure 7.1 Parking Lot Design



5. Interior planting areas may be in tree islands, at the end of parking bays, or between rows of parking spaces. Planting areas may also be located within driveway medians, provided the median is at least 10 feet wide.
6. Landscape islands, peninsulas, or medians must conform to the planting area specifications set forth in Sec. 7.2.2.
7. Vehicle stops or curbing must be used to ensure that vehicles do not overhang into a required landscaped area.

D. Pedestrian Circulation

1. Pedestrian walkways connecting from the closest street sidewalk to the building entrance must be provided in parking lots with 20 or more vehicle parking spaces.
2. Pedestrian walkways must be at least 5 feet in width. Walkways may be located within required landscape strips.
3. Pedestrian walkways which cross drive aisles or driveways must be clearly marked with striping or similar means, as approved by the Director.

4. No parking space may be more than 150 feet from a pedestrian walkway.

E. Accessible Parking

Accessible parking must be provided in accordance with the ADA and the American National Standards Institute.

7.1.5. Parking Location Limitations

A. Single-Family Districts

1. In residential districts, the parking or storage of vehicles is not allowed, except on conforming parking spaces.
2. Major recreational equipment may be parked or stored in side yards or rear yards or in a carport or enclosed building, provided that any public right-of-way or sidewalk is not obstructed and sight distance requirements of Sec. 8.5.3. are met. In addition, temporary parking is allowed within front yards for a period not to exceed 24 hours during loading or unloading.
   (a) The Director is authorized to allow such equipment to be used as temporary living quarters in the following situations, provided adequate documentation is provided prior to establishing such:
      i. Family hardships and catastrophic events.
      ii. Temporary visitations.
      iii. Temporary dwelling when a primary structure is being built or modified on the same property.
   (b) No more than two such vehicles are allowed to be occupied on a site at any one time. No separate permanent utility hook-ups or fixtures may be installed at any time. Services required to facilitate temporary habitation, included but not limited to liquid waste containment and disposal, solid waste disposal (e.g., dumpsters, trash cans), potable water, or power may be approved by the Director.
   (c) Such equipment may be used for a period not to exceed 30 consecutive days; however, the Director may approve two extensions up to 90 days each. Any further extensions beyond the two 90-day extensions must be approved by the County Manager.
3. Parking of junk or salvaged vehicles is not allowed, except that no more than two such vehicles are allowed if parked or stored in a garage or carport not visible from a street or adjacent property.

B. Landscape Areas and Buffers

No parking is allowed in any landscape area or buffer.

7.1.6. Off-street Loading

A. Loading Spaces Required

Off-street loading spaces must be provided in accordance with Table 7.3. (Loading Requirements). Loading spaces may serve only the designated use and must be on the same lot as the use, unless otherwise authorized in this ULDC.

B. Design and Arrangement

The following standards apply to off-street loading areas:

1. All off-street loading stalls must have access from a public street.
2. Maneuvering space must not include required parking spaces or any portion of a public right-of-way.
3. A loading space must measure no less than 12 feet by 35 feet and have at least 14 feet of vertical clearance. When more than 2 loading spaces are required, one space must be at least 55 feet in length.
4. Loading must be screened as indicated in Sec. 7.2.4.

Table 7.4 Loading Requirements

Use	Floor Area (in square feet)	Loading Spaces Required
Single retail uses	0-19,999	None
	20,000-49,999	1
	50,000-250,000	2
	Over 250,000	3
Multitenant retail centers	0-19,999	None
	20,000-49,999	1
	50,000-250,000	2
	Each additional 100,000	1
Offices, multifamily residential buildings, hospitals, hotels, and motels	0-250,000	None
	Over 250,000	1

Sec. 7.2. Landscaping, Buffers and Screening

7.2.1. General

A. Applicability

1. The requirements of this Sec. 7.2. apply to all properties to be used, developed, or redeveloped within the County, except as may specifically be exempted below.
2. A landscape plan must be submitted with applications for development approval for all development subject to these standards.
3. The following types of development are exempt from the requirements to provide a landscape plan:
   (a) Single-family dwellings when not part of a subdivision or mixed-use development;
   (b) Duplex buildings when not part of a mixed-use development; and
   (c) Applications for accessory uses, accessory structures, or temporary uses.

B. Maintenance of Landscaping and Buffers

1. All landscape or buffer areas must be maintained to ensure that plant materials are healthy and thrive. Any diseased or dead plant materials must be replaced as soon as reasonably possible based on the growing season, but not later than six months following identification of the need for replacement.
2. Necessary trimming and maintenance must be performed to maintain the health of the plant materials, to provide an aesthetically pleasing appearance, and to assure that the landscaped and buffer areas serve the intended purpose.

7.2.2. Landscape Standards

A. Landscape Standards for Nonresidential Developments

1. Required landscaped areas, including general landscaping, parking lot landscaping, perimeter landscaping, and buffer areas, may not be disturbed by grading, property improvements, or construction activities, except where necessary to remove diseased or dangerous and decayed trees or limbs.
2. All landscaped areas, including general landscaping, parking lot landscaping, perimeter landscaping, and buffer areas, shall include ground cover, grass, or existing natural vegetation appropriate for inclusion and maintained in an undisturbed state. Grass may be sodded, sprigged, plugged, or seeded; however, solid sod shall be required within drainage swales and other areas subject to erosion.
3. A minimum of 15% of the total buildable area in any parcel must be landscaped.
4. The requirement to provide landscaping is in addition to any buffers as required in Sec. 7.2.3.
5. The site design standards for landscaping are shown in Table 7.5 Landscape Standards.

Table 7.5 Landscape Standards

	Required Landscaping Spacing	Type of Plantings
Front yard setback	30 feet on center (canopy), and 20 feet on center (all other)	50% of all trees must be canopy trees; and Grass or ground cover is required in all pervious areas
Side or rear yard setback	20 feet on center	

B. Residential Landscape Standards

Prior to the issuance of a certificate of occupancy, any parcel of land for which a building permit has been issued must the following standards:

1. All subdivisions must have planted or preserved the required number of trees to achieve the minimum tree density requirements set forth in Sec. 9.1.5.A.
2. Requirements for planting or preserving trees are in addition to requirements for landscaping and buffer areas.
3. All trees must be a minimum of 3-inch caliper at planting.
4. A minimum of 75% of all planted trees must be native hardwoods.
5. For each subdivision entrance sign located on private property, there must be a minimum of one large tree, one medium or small tree, and five shrubs. The type, size, and location of these plant materials must conform to the specifications set forth in Sec. 7.2.2.C below. Plant materials must not interfere with the site visibility requirements of Sec. 8.5.3.

C. Planting Standards

1. Trees for landscape and buffer areas must be selected from the recommended list in Table 9.3 Recommended Tree List. Alternative species may be planted upon review and approval by the Director.
   (a) Where the planting area is within a power line easement, understory trees must be selected.
   (b) Shrubs to be installed in landscaped or buffer areas must be selected from
2. Table 7.6 Approved Shrubs
   (a) Large shrubs must be at least 4 feet in height at time of planting.
   (b) Small shrubs must be at least 18 inches in height at time of planting.

Table 7.6 Approved Shrubs

Large Shrubs	Scientific Name
American Holly	Ilex opaca
Buford Holly	Ilex cornuta 'Bufordii'

Tea Olive	Osmanthus fragrans
Nellie R. Stevens Holly	Ilex x ‘Nellie R. Stevens’
Savannah Holly	Ilex x attenuate ‘Savannah’
Yaupon Holly	Ilex vomitoria
Leatherleaf Viburnum	Viburnum rhytidophyllum
Hertz Juniper	Juniperus chinensis 'Hetzii'
Arborvitae	Thuja occidentalis
Eastern Red Cedar	Juniperus virginiana
Small Shrubs	
Azalea (all varieties)	Rhododendron
Dwarf Buford Holly	Ilex cornuta 'Burfordii Nana’
Dwarf Yaupon Holly	Ilex vomitoria 'Nana'
Flowering Jasmine	Jasminum officinale
Forsythia	Forsythia x intermedia
Juniper (common)	Juniperus communis
Mugo Pine	Pinus mugo
Oregonholly Grape	Mahonia aquifolium
Oakleaf Hydrangea	Hydrangea quercifolia
Spirea (all varieties)	Spirea
Weigela	Weigela florida

3. All landscape and buffer areas must include ground cover or grass. Grass may be sodded, sprigged, plugged or seeded, except that solid sod must be used in drainage swales or other areas subject to erosion.
4. Plant materials must meet the following general requirements:
   (a) All plant material must be nursery grown, number 1 grade, and installed according to accepted planting procedures.
   (b) All plant materials must meet current American Standard for Nursery Stock published by AmericanHort.
5. Plant materials must meet the following specifications for size and location:
   (a) Where both large and medium/small trees are planted, they must be planted in a double staggered row, alternating in size.
   (b) Spacing requirements for trees must include consideration of trees on abutting properties. Trees may be grouped, so long as a sufficient planting area is provided to ensure the long-term viability of the trees.

(c) Trees must be planted to avoid septic tanks and drain fields.

6. Planting areas must meet the following specifications:
   (a) A planting area of 125 square feet is required for each medium or large tree.
   (b) A planting area of 90 square feet is required for each small tree.
   (c) The minimum dimension of any side of a planting area is 10 feet.
7. All proposed tree planting locations, including street trees, must be shown on a development landscape plan.

7.2.3. Buffers

A. Buffer Requirements

1. New projects must provide a buffer strip along property lines that abut another existing zoning district when indicated in Table 7.7 Minimum Buffer Requirements.
   (a) Buffers of a greater width than indicated on Table 7.7 may be required for specific uses as a use standard in Article 6.
2. Buffers may not occupy any portion of an existing, dedicated, or reserved public street, private street, or right-of-way.
3. Buffer width is measured from the property line to the interior of the lot.
4. The buffer must be designed to avoid or minimize plantings within drainage, utility, or other easements.
5. Buffers must be established by the owner of the proposed development site.

Table 7.7 Minimum Buffer Requirements

Proposed Land Use	Adjacent Zoning District	Buffer Width (min.)
All nonresidential uses	R-A, R-1, R-2, R-3, R-4, R-5	40 ft.
Office, institutional, or commercial	R-TF, R-X, R-M	30 ft.
Multifamily, Mixed-use	R-A, R-1, R-2, R-3, R-4, R-5	20 ft.
All industrial uses	Any non-industrial district	50 ft.

B. Minimum Buffer Strips

All buffers must be established in accordance with the following:

1. Buffers must be undisturbed and may contain no structures except fences, walls, or structures otherwise allowed in the buffer by this ULDC.
2. Screening must be established in buffers along the entire length of the applicable side and rear lot lines. This requirement may be adjusted as follows:

(a) To observe the site distance requirements of Sec. 8.5.3.

(b) As a condition of zoning, special use, conditional use permit, or variance approval.

C. Reduction in Width

Except for required buffers for a data center, the width of buffers in Table 7.7 Minimum Buffer Requirements may be reduced by the Director only when:

1. An opaque screening wall 8 feet in height is provided in the buffer, in which case the buffer width may be reduced by 50%; or
2. It is clearly demonstrated that existing topography or vegetation in the buffer is sufficient to achieve the screening that is otherwise required by this section.

D. Designation on Site and Development Plans

Buffers must be designated on site and development plans submitted for review, as applicable.

E. Type of Screening Buffer and Landscaping

When the Director determines that the existing natural vegetation and topography are insufficient to achieve the desired level of screening, a screening buffer and landscaping must be provided as follows:

1. Each 50 linear feet of buffer must include one large tree, two medium or small trees, and ten screening shrubs.
2. All trees must be a minimum of 3-inch caliper at planting.

F. Maintenance

Buffers shall be maintained by the property owner. Any dead, diseased, or dying landscape material must be replaced with similar species that conform to the minimum size requirements for new plantings required by this Article.

7.2.4. Screening

A. Loading and Service Areas

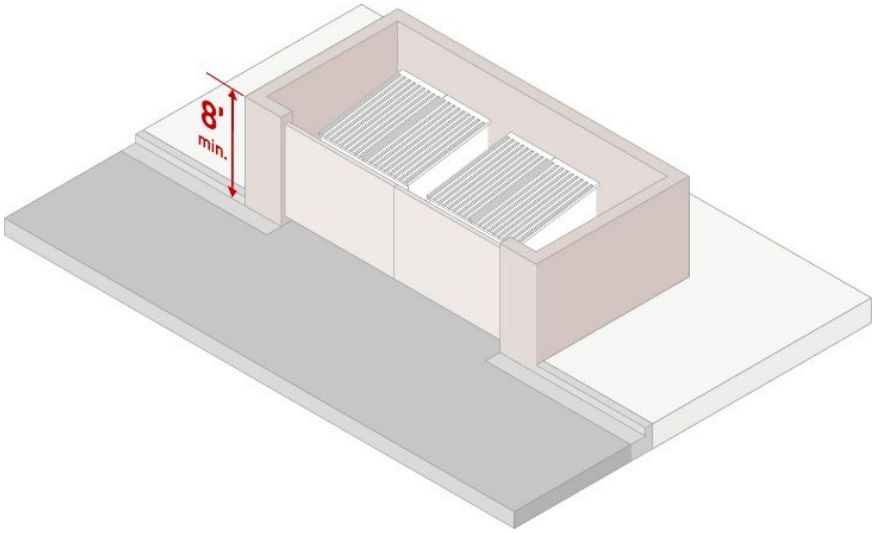
1. Where a loading dock or service area is placed between a public or private street (not including an alley), or a shared lot line and the associated building, the entire length of the loading area must be screened.
2. Screening must consist of a wall at least 8 feet in height and compatible with the principal building in terms of texture, quality, material, and color, except as provided below.
3. Upon approval from the Director, evergreen plant material may be installed in lieu of a wall if a landscape plan is submitted demonstrating that said plant material will provide an equal or greater level of screening within 3 years of planting and includes adequate long-term maintenance provisions.

B. Dumpsters

1. Trash and recycling collection, dumpsters, and other similar service and loading areas must be located to the side or rear of buildings and may not be between a building and the street.

2. Dumpsters must be screened on three sides by a wall at least 8 feet in height and on the fourth side by a solid gate at least 8 feet in height.
3. The wall must be opaque and constructed of one or a combination of the following: decorative blocks; brick; stone; cast-stone; split-faced block; or hard coat stucco over concrete masonry block.
4. The gate must be opaque, self-locking, and maintained in good working order.

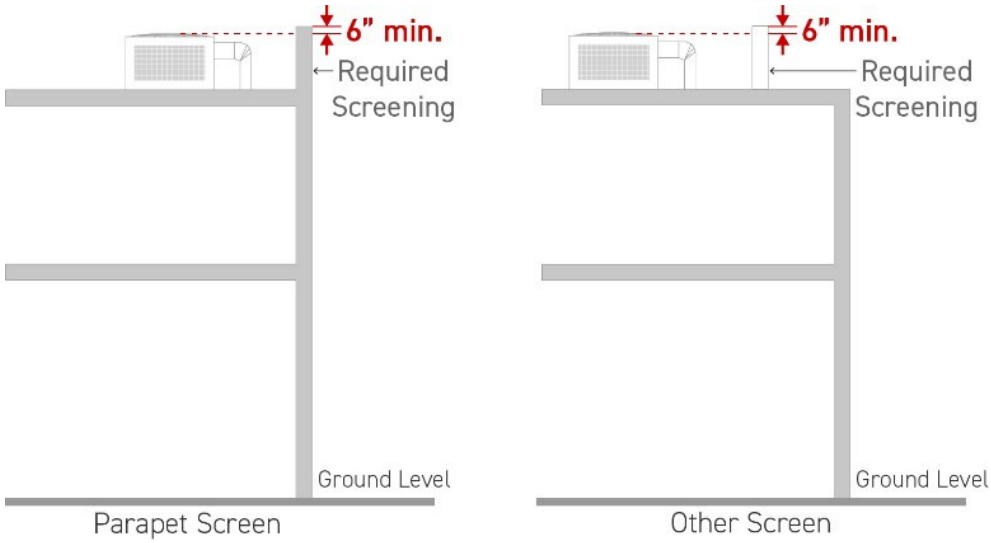
Figure 7.2 Dumpster Screening



C. Roof-Mounted Equipment

1. Rooftop mechanical equipment must be screened from ground-level view on all sides.
2. New buildings must provide a parapet wall or other architectural element that is compatible with the principal building in terms of texture, quality, material, and color. The parapet wall must be constructed at least 6 inches higher than any roof-mounted equipment to screen such equipment from ground-level view.
3. For buildings with no or low parapet walls, roof-mounted equipment must be setback from the building edge and screened from ground-level view on all sides by an opaque screen compatible with the principal building in terms of texture, quality, material, and color. The screen must be constructed at least 6 inches higher than any roof-mounted equipment to screen such equipment from ground-level view.

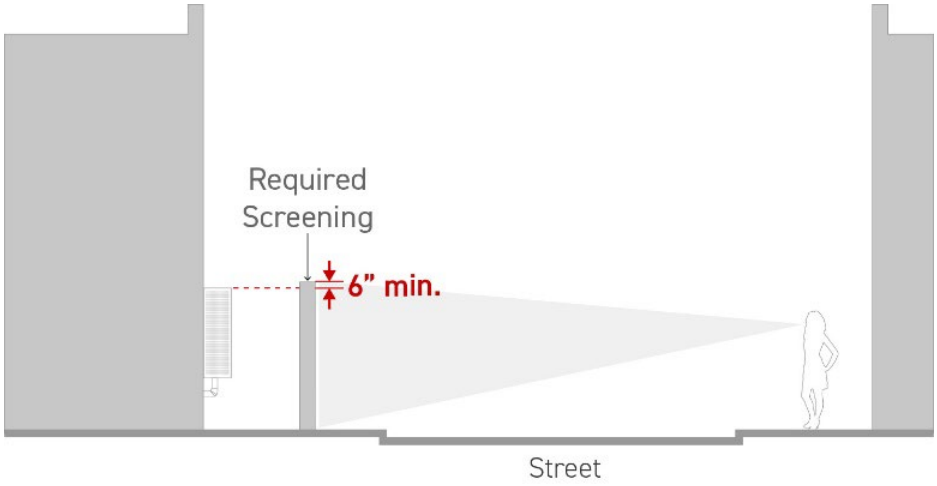
Figure 7.3 Roof-mounted Equipment Screening



D. Wall or Ground-Mounted Equipment

1. Wall or ground-mounted equipment more than 2 feet in height which is visible from a public street must be fully screened by an opaque wall or fence that is compatible with the principal building in terms of texture, quality, material, and color.
2. Screening must be constructed at least 6 inches in higher than the mechanical equipment being screened.

Figure 7.4 Wall or Ground-mounted Equipment Screening



7.2.5. Fences and Walls

A. All Districts

1. Fences and walls must be maintained in a structurally sound condition and in good repair. Fences must be free from loose or rotting material.
2. Exposed concrete block, tires, scrap metal, sheet metal, plastic/fiberglass sheeting, vinyl siding or fabric, plywood, junk or other discarded items are not allowed as fence or wall material.
3. Fences and walls may be located on or inside property lines.
4. Fences and walls must not obstruct, hinder, or impede the movement of pedestrian and vehicular traffic, and may not present a nuisance, danger, or hazard to the general public.
5. Fences erected in compliance with this section do not require a building permit, except for fences exceeding 7 feet in height. All walls must be permitted.

B. Nonresidential Districts

1. Fences in a front yard or street side yard may be allowed as follows:
   (a) No fence may exceed a height of 5 feet, except that columns or gateposts up to 6 feet in height may be allowed as part of the fence.
   (b) Fences must be constructed as wrought iron style fencing with brick, masonry or stone columns.
2. No fence or wall in a side or rear yard may exceed a height of 8 feet.
   (a) Fences must be decorative and constructed of wood, stone, masonry, wrought iron or similarly designed metal fencing, or coated chain link.
   (b) Barbed wire and razor wire are not allowed, except in the I-1 and I-2 districts when located in a rear yard or a side yard. In such cases, barbed wire must be placed as strands on an otherwise conforming fence or wall and must be at least 6 feet above grade.
   (c) Fences up to 12 feet in height may be allowed in the I-1 and I-2 District upon approval by the Director. Evidence must be provided to the Director indicating the need for such greater height for the security of persons or property on the site.

C. Residential Districts

1. No fence or wall may exceed a height of 4 feet within the front yard or a street side yard, except that any column, gate or gatepost up to 6 feet in height may be allowed as part of the fence. Fences and any structures or supports must be located wholly within the lot and cannot encroach into the right of way.
   (a) Front yard fences are not allowed in any platted subdivision.
   (b) Front yard fences, when allowed, are subject to review by the Architectural Review Committee
2. No fence or wall may exceed a height of 6 feet within a side or rear yard.
3. The following exceptions to fence and wall height standards in residential districts apply:

(a) A fence or wall that encloses an approved stormwater management facility may be a maximum of 6 feet in height.

(b) A fence enclosing a tennis court or similar recreational courts may be a maximum of 12 feet in height.

(c) A fence or wall in a street side yard may be a maximum of 6 feet in height when it is set back from the property line by a distance of at least 5 feet.

4. Fences or walls in residential districts must be constructed of materials as follows:

(a) In the R-A district, fences or walls may be constructed of decorative wood, masonry, wrought iron or similarly design metal fencing, or woven wire or metal fabric such as chain link or hog wire. Barbed wire may be allowed for agricultural uses

(b) In all other residential districts, fences or walls may be constructed of decorative wood, masonry, wrought iron or similarly designed metal fencing.

i. For property located within a subdivision, fencing is only allowed in a side or rear yard. Chain link fencing is allowed.

ii. For property not located within a subdivision, hog wire or welded wire fencing may be allowed in a side or rear yard.

Sec. 7.3. Open Space

7.3.1. General

A. Purpose and Intent

The County finds that the preservation and conservation of greenspace within its jurisdiction will have a significant impact on maintaining the character of the county as it continues to grow and develop. The intent of this section is to require applicable new developments to provide open space to achieve the following purposes:

1. To conserve open land, including those areas containing historic or cultural resources;
2. Preserve natural features and wildlife habitats;
3. Reduce erosion and sedimentation by minimizing land disturbing activities;
4. Create developments with direct access to open land and open space amenities;
5. Provide active and passive recreational opportunities for residents; and
6. Implement the Comprehensive Plan and other adopted land use policies of Henry County.

B. Applicability

This section applies to the following developments:

1. Residential subdivisions over 10 acres in size.
2. Residential developments over 5 acres in size or with more than 50 dwelling units, except as provided in Sec. 7.3.2.A.
3. Conservation Subdivisions, as defined in Sec. 6.3.3.
4. Commercial, industrial, and mixed-use developments over 10 acres in size.

C. Open Space

1. Open space is the percentage of site area provided for outdoor gathering and recreation, environmental protection, landscaping, or visual relief.
2. Types of Open Space.

   Open space includes the following:

   (a) Greenspace. Open space that remains undeveloped and natural except as provided in Sec. 7.3.3 below.

   (b) Amenity space. Open space built for gathering or play, such as plazas, fountains, outdoor dining, parks, seating areas, community recreational facilities such as playgrounds, swimming pools, athletic fields or courts, and similar areas.

7.3.2. Open Space Requirements

A. At least 20% of the site must be set aside as open space.

1. Open space is not required for subdivisions of less than 50 lots in the R-A district or 25 lots in the R-1 district.

2. For Conservation Subdivisions, see Sec. 6.3.3.

B. Required open space may consist of greenspace, amenity space, or a combination thereof, subject to the following:

1. Greenspace must comprise at least 15 percent of the total site area.
2. Amenity space may be credited toward the required open space in an amount not exceeding 5 percent of the total site area.
3. Any portion of the required open space that is not provided as amenity space must be provided as greenspace.

C. Open space may not include areas devoted to public or private streets or any land which has been, or is to be, conveyed to a public agency for such uses as parks, schools, or other public facilities.

7.3.3. Open Space Standards

Open space used to meet the minimum requirements of this section must comply with the following:

A. Open space must remain undeveloped and natural except as otherwise provided by this section.

B. The open space must adjoin any neighboring areas of open space, other protected areas, and non-protected areas that may be candidates for inclusion as part of a future area of protected open space.

C. The open space must be directly accessible to the largest practicable number of lots within the subdivision. Lots not directly adjacent to open space must be provided with safe, convenient access to the open space.

D. Uses of open space may include the following:

1. Conservation of natural, archaeological or historic resources;
2. Meadows, woodlands, wetlands, wildlife corridors, game preserves, or similar conservation-oriented areas;
3. Walking or bicycle trails, provided they are constructed of porous paving materials;
4. Outdoor open space amenities such as picnic areas, community gardens, and similar low-impact passive recreation areas;
5. Agriculture, horticulture, silviculture or pasture uses, provided that all applicable best management practices are used to minimize environmental impacts, and such activities are not conducted within primary conservation areas;
6. Nonstructural stormwater management practices;
7. Other conservation-oriented uses compatible with the purposes of this section, upon approval by the Director.

E. Prohibited uses of open space include the following:

1. Golf courses;
2. Roads, parking lots and impervious surfaces, except as specifically authorized by this ULDC;

3. Agricultural and forestry activities not conducted according to accepted best management practices; and

F. The use of certain areas to meet minimum open space requirements is restricted as follows:

1. Environmentally critical areas such as stream buffers, 100-year floodplains, delineated wetlands, and proposed permanent lakes only count at a ratio of 50% of their land area, unless otherwise permitted by this ULDC.

   (a) No such area may account for more than 50% of any minimum open space requirement.

2. Utility rights-of-way and/or easements for drainage, access, and underground utilities may be located in the open space but do not count towards meeting minimum requirements.

3. Stormwater management facilities and practices do not count towards requirements unless integrated into open space as follows:

   (a) The open space containing the stormwater feature must be designed, signed and sealed by a Landscape Architect licensed in the State of Georgia;

   (b) Stormwater features in open spaces must be designed as formal or natural amenities for the open space;

   (c) Stormwater features may not constitute more than 50% of the required open space;

   (d) Stormwater features may not be fenced or enclosed by retaining walls over 30 inches in height.

7.3.4. Management of Open Space

A. Ownership of Open Space

Open space must be owned in fee-simple by a homeowners' association, by the property owners, or by another entity approved in advance by the County. If a homeowners' association is the owner, membership in the association must be mandatory and automatic for all homeowners of the subdivision and their successors. The homeowners' association must have lien authority to ensure the collection of dues from all members.

B. Management Plan

The homeowners' association, or other entity approved by the County, if applicable, is responsible for the continuous maintenance of buffers and open space. The applicant must submit an open space management plan with the preliminary plat or development plan application. The open space management plan must:

1. Allocate responsibility and guidelines for the maintenance and operation of the open space and any related facilities, including provisions for ongoing maintenance and for long-term capital improvements;

2. Estimate the costs and staffing requirements needed for maintenance and operation of, and insurance for, the open space and outline how such funding will be obtained or provided;

3. Provide that any changes to the plan be approved by the Board of Commissioners; and

4. Provide for enforcement of the plan.

In the event the party responsible for maintenance of the open space fails to maintain all or any portion in reasonable order and condition, Henry County may assume responsibility for its maintenance and may enter the premises and take corrective action, including the provision of extended maintenance. The costs of such maintenance may be charged to the owner, homeowners' association, or to the individual property owners that make up the homeowners' association and may include administrative costs and penalties. Such costs will become a lien on all subdivision properties.

C. Legal Instrument for Permanent Protection

The open space must be protected in perpetuity by a binding legal instrument that is recorded with the deed. The instrument must be one of the following:

1. A permanent conservation easement in favor of either:
   (a) A land trust or similar conservation-oriented nonprofit organization with legal authority to accept such easements. The organization must be bona fide and in perpetual existence and the conveyance instruments must contain an appropriate provision for retransfer in functions; or the event the organization becomes unable to carry out its duties;
   (b) A governmental entity with an interest in pursuing goals compatible with the purposes of this section. If the entity accepting the easement is not Henry County, then a third right of enforcement favoring Henry County must be included in the easement.
2. A permanent restrictive covenant for conservation purposes in favor of a governmental entity; or
3. An equivalent legal tool that provides permanent protection, if approved by Henry County.

The instrument for permanent protection must include clear restrictions on the use of the open space. These restrictions must include all restrictions contained in this section, as well as any further restrictions the applicant chooses to place on the use of the open space.

Sec. 7.4. Signs

7.4.1. General

A. Purpose

The purpose of the regulations of this Sec. 7.4. are as follows:

1. To ensure that the county remains an attractive residential area as well as a viable commercial area by maintaining a visually satisfying environment.
2. To protect the rights in individuals and businesses to convey their messages through signs.
3. To encourage the effective use of signs as a means of communication.
4. To promote economic development.
5. To improve traffic and pedestrian safety as it may be affected by distracting signs.
6. To protect the public health, safety, welfare, and aesthetics of the county.
7. Protect property values by minimizing the potentially adverse effects and visual blight caused by signs.
8. To encourage and ensure that development is context-sensitive in design and materials and is compatible and sensitive with the existing character of the area through its proportion, scale, design, style, placement, position, and architectural qualities that further the distinct values of the county.
9. To ensure the fair and consistent enforcement of sign standards.

B. Applicability

This Sec. 7.4. applies to all signs erected in the county.

C. Content Neutrality

Notwithstanding any provisions to the contrary contained within it, this Sec. 7.4. will be interpreted in such a manner that the availability, land use, or other triggering event or condition for an entitlement to apply for, erect, or place signage within the county will not have the effect of dictating or controlling, in any manner, the content of the message that may be placed upon such signage, it being the expressed intention of the County that this section be content, viewpoint, and speaker neutral.

7.4.2. Permits

A. Required

Except where specifically not required by this Sec. 7.4.2, it is unlawful for any person to post, display, materially change, or erect a sign in the County without first obtaining a sign permit. Procedures for sign permits are as detailed in Sec. 7.4.2.C.

B. Exemptions

The following signs do not require a permit:

1. Wall signs less than 1 square foot in area.

2. Stake signs less than 8 square feet in area.
3. Memorial signs, plaques or tablets, names of buildings, and dates of erection when cut into any masonry surface or when constructed of bronze or other noncombustible materials.
4. Temporary signs erected on residentially zoned property, provide that no sign may exceed 6 square feet in area and may be located no closer than 15 feet to any property line.
5. Signs that are not visible from any public right-of-way or any adjacent property.
6. Directional signs.
7. Temporary signs erected or required to be erected by any governmental agency.

C. Sign Permits

1. In addition to the general submittal requirements, an applicant for a sign permit must provide the following information:
   (a) Address of building, structure, or lot to where the sign is to be attached or erected;
   (b) Position of the sign in relation to nearby buildings or structures, property lines and other signs located on the lot showing compliance with all setback lines required by the County;
   (c) Three sets of accurately scaled color drawings of the plans, contents, specifications, and method of construction and attachment to the building or the ground for the sign as well as a scaled drawing of the site showing drives, structures, and any other limiting site features;
   (d) Name of person, firm, corporation, or association erecting the sign;
   (e) Written consent of the owner of the building or lot upon which the sign is to be erected; and
   (f) A written list describing all other signs located on the lot indicating the sign type, size and placement.
2. Sign permits will be reviewed by the Director and the Building Official, or their respective designees. Approval or denial is based upon the conformance of the plans and specifications with the requirements in this ULDC and with the applicable building code requirements.
3. All permits will either be issued or denied within 30 days of the submission date.
4. If the application is denied because it does not contain the required information or the information is inaccurate or false, a new application may be submitted with all of the required information and such application will be assigned a new submission date. When the application is denied, the Director must notify the applicant and state the reason for the denial.
5. Every sign constructed, erected, or maintained for which a permit is required by this ULDC must be plainly marked with the identification number issued by the building department for the structure firmly affixed to the sign in such manner that the identification number is readily visible, accessible for inspection and durable.
6. Displaying an identification number that has been tampered with, altered, or mutilated, or displaying a sign without an identification number is a misdemeanor offense punishable in magistrate court.
7. Temporary sign permits must meet the requirements of this Sec. 7.4.2 and any additional requirements of Sec. 7.4.10.

7.4.3. Additional Provisions

A. Prohibited Signs

The following signs are prohibited:

1. Animated signs or flashing signs.
2. Aerial view signs.
3. Beacons, search lights, laser lights or images (except where specifically allowed).
4. Imitation traffic signs.
5. Signs attached to or painted on natural objects.
6. Signs in landscape strips.
7. Signs mounted on a structural support of another sign.
8. Signs mounted on a utility pole, water tower or other similar structure, architectural features, traffic signal or traffic control box and cell towers.
9. Signs in the right-of-way, except those belonging to a government, public service agency, or railroad.
10. Temporary signs and banners attached to fences or walls (except where specifically allowed).

B. Nonconforming Signs

The following provisions apply to signs which were approved and legally erected pursuant to sign standards in effect prior to the adoption of this ULDC, and which became nonconforming at the time of adoption of this ULDC.

1. Nonconforming signs may stay in place until one of the following conditions occurs:
   (a) The sign deteriorates or is damaged to the extent that it becomes a hazard; or
   (b) The sign has been damaged to such an extent that structural repairs are required to restore the sign. A structural repair is any repair necessary only to maintain the stability and safety of the sign.
2. Minor repairs and maintenance of nonconforming signs is permitted. However, no structural repairs or changes in the size or shape of the sign will be permitted, except to make the sign comply with the requirements of this Sec. 7.4.
3. A nonconforming sign damaged by fire or other causes to the extent of more than 50% of its assessed value may not be repaired or rebuilt except in compliance with this Sec. 7.4. Any damaged sign which is not rebuilt must be properly demolished.
4. A nonconforming sign may not be replaced by another nonconforming sign, except that the substitution or interchange of poster panels, painted boards, or dismountable material on nonconforming signs is permitted.
5. A legally erected interstate sign which became nonconforming on May 6, 2002, pursuant to the adoption of Ordinance 02-05, may be allowed to remain until purchased by the Georgia DOT, provided that the sign meets the requirements of state laws, rules and regulations governing such signs.

C. Sign Location

1. No sign may be placed on any lot which lot does not meet the minimum requirements of this ULDC.
2. All signs must be located within the required property lines, and are not permitted to extend beyond the property line into any right-of-way, easement or adjacent property.
3. The location of signs must not interfere with the view of a traffic signal or traffic vision in accordance with other county standards.
4. No sign may be erected, relocated, or maintained to prevent free ingress to, or egress from, any door, window, or fire escape. No sign may be attached to any stand pipe or fire escape.

D. Measurement of Sign Area

1. Generally

   The area of a sign is computed as the entire area within a continuous perimeter, enclosing the extreme limits of the sign structure. Curved, spherical, or any other shaped sign face area will be computed based on the actual surface area. The copy of signs composed of individual letters, numerals, or other devices will be the sum of the area of the smallest rectangle or other geometric figure encompassing each of said letter or device as well as spaces between each letter or device.

2. Structure

   The computation of the area of a sign face does not include the structure, supports, or uprights on which the sign face is placed, provided such supporting structures consist of posts, hangers, or brackets of the minimum number and size necessary to support the sign.

E. Construction Standards

1. Building Codes

   All signs must be constructed and maintained in accordance with the provisions of the county building code.

2. Materials

   All signs for which a permit is required by this ULDC, except temporary signs, must be constructed of noncombustible material.

3. Sign Faces

   The face of the sign must be flat, with protrusions of no more than 2 inches to allow for the texture of the sign and words, letters, figures, symbols, logos, fixtures, colors, or other design elements. No sign or advertising structure may be constructed to have nails, tacks, or wires protruding therefrom.

4. Reflectors

   Reflectors and lights are permitted on ground signs, roof signs, and wall signs; provided, however, that the reflectors and lights must be provided with proper glass lenses so that no light creates a hazardous or dangerous condition.

5. Illumination

(a) Externally illuminated signs may be lit so that no lights are positioned in such a manner that glares or shines into the eyes of motorists or pedestrians so as to create a hazardous or dangerous condition. Additionally, illuminated devices (on- and off-premises) must be placed and shielded so that light from the sign itself will not directly cast into any residential district.

(b) The illumination of internally illuminated signs shall not exceed 20 foot-candles of incandescent light measured at 10 feet from such structure.

6. Construction of Base

Bases for signs must be compatible with the exterior material of the primary structure as determined by the Director.

7. Maintenance

All signs regulated by this ULDC must be kept clean, neatly painted, and free from all electrical and mechanical hazards, including, but not limited to, faulty wiring and loose connections. The premises surrounding the signs must be maintained by the owner in a sanitary and inoffensive condition, free and clear of all weeds, rubbish, and debris

8. Other Code Compliance

All building, construction, setback, zoning or other relevant codes excluding permitting (other than that provided elsewhere herein) must be applicable to the location, construction and siting of signs and be read in harmony with this ULDC.

7.4.4. Allowed Signs by District

A. Allowed Sign Types

Specified sign types are allowed based on the zoning district as indicated on Table 7.8.

Table 7.8 Allowed Signs by District

◉ = Allowed	Sign Type							
District	Awning	Canopy	Monument	Projecting	Sandwich Board	Temporary	Wall	Window
Residential Districts								
R-A			◉			◉	◉^	
R-1, R-2, R-3, R-4, R-5			◉			◉		
R-TF			◉			◉		
R-X			◉			◉		
R-M		◉	◉			◉	◉	
MHD			◉			◉		
Commercial Districts								
O-I	◉	◉	◉	◉		◉	◉	
C-1	◉	◉	◉	◉		◉	◉	◉
C-2	◉	◉	◉	◉		◉	◉	◉
C-3	◉	◉	◉	◉		◉	◉	◉
M-U	◉	◉	◉	◉	◉	◉	◉	◉
Industrial Districts								
I-1	◉	◉	◉				◉	
I-2	◉	◉	◉				◉	
Special Districts*								
HCOD	◉	◉	◉	◉	◉	◉	◉	◉
CDO	◉	◉	◉	◉	◉	◉	◉	◉

^ For permitted nonresidential uses only.

* For those districts not listed, defer to underlying zoning permissions.

7.4.5. Awning Signs

A. Defined

A sign where graphics or symbols are sewn on, printed on, or otherwise adhered to the awning material as an integrated part of the awning itself.

B. General Provisions

1. Signs may not extend outside the awning.
2. Only awnings over ground story doors or windows may contain signs.
3. The awning the sign is attached to must be opaque.
4. Signs may be on the front valance, the side valance, or on the sloping face of the awning.
5. Signs may not be internally illuminated.

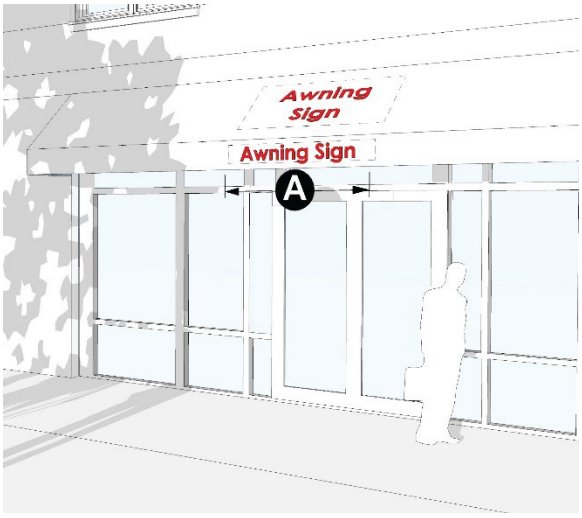


Figure 7.5 Awning Sign

C. Number of Signs

1. One awning sign, or one canopy sign, or one wall sign, or one projecting sign is allowed per establishment along the side of the establishment that includes its public entrance.
2. One additional awning sign, or one additional canopy sign, or one additional wall sign, or one addition projecting sign is allowed along each facade adjacent to a public right of way.

D. Sign Area

1. No sign may exceed 10% of the total surface area of the awning.

E. Dimensions

Ⓐ Sign width: no max.

Ⓑ Sign height: no max.

7.4.6. Canopy Signs

A. Defined

A sign affixed to, superimposed upon, or painted on any roof or roof-like structure which is extended over a sidewalk, walkway, or vehicle access area.

B. General Provisions

1. Signs cannot extend outside the overall length or width of the canopy. However, a canopy sign may extend above or below the canopy.
2. Signs may not extend above the height of the building, including any parapet walls.
3. Signs may not be located on a roof.
4. Signs must be located at least 8 feet above any sidewalk or walkway and 13 feet 6 inches above any vehicular access area.

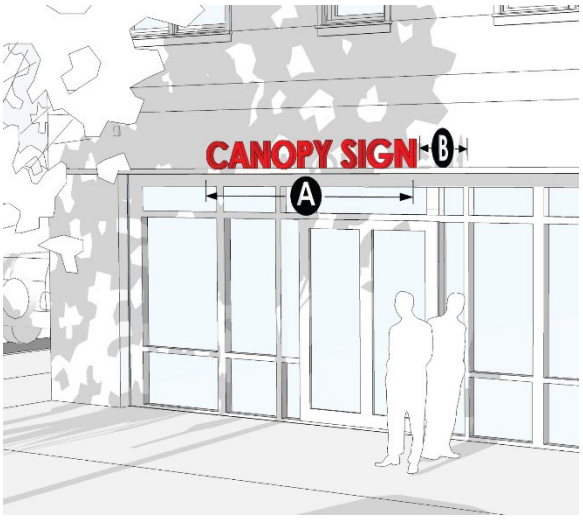


Figure 7.6 Canopy Sign

C. Number of Signs

1. One awning sign, or one canopy sign, or one wall sign, or one projecting sign is allowed per establishment along the side of the establishment that includes its public entrance.
2. One additional awning sign, or one additional canopy sign, or one additional wall sign, or one addition projecting sign is allowed along each facade adjacent to a public right of way.

D. Sign Area

1. The maximum area is 64 square feet per building, or one square foot per linear foot of storefront, whichever is greater.

E. Sign Dimensions

Ⓐ Sign width: canopy width

Ⓑ Sign height: max. 2 feet

7.4.7. Monument Signs

A. Defined

A permanently affixed sign which is wholly independent of a building for support and attached to the ground along its entire length. Includes the terms “entrance sign” and “ground sign”.

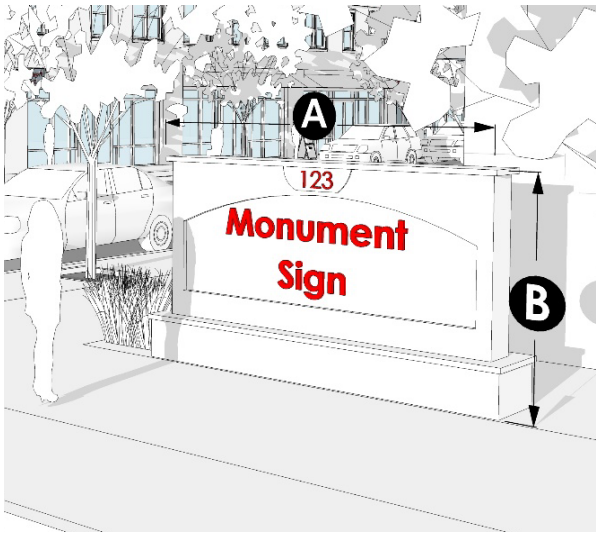


Figure 7.7 Monument Sign

B. General Provisions

1. The base of the monument sign must be at least the width of the sign or frame itself.
2. The base of the monument sign must be faced in brick, masonry, stucco, or stone, unless otherwise specified by this ULDC.
3. Monument signs must include the numeric street address of the property upon which it is located.
4. For residential entrance signs:
   (a) Upon approval from the Director, an entrance sign may be placed within a center median in the right-of-way provided that:
      i. The location has been approved by the Henry County Department of Transportation; and
      ii. The applicant agrees to be responsible for maintenance and repair of the sign; and
      iii. The sign is documented on the final plat for the development.
   (b) Signs may not be internally illuminated, and any lighting must come from external sources screened from view with landscaping.

C. Number of Signs

1. Nonresidential
   (a) For lots less than one acre in size, one monument sign is allowed.
   (b) For lots greater than one acre in size, one monument sign is allowed along each street frontage, except when along a street serving a residential subdivision.
2. Residential
   (a) One per street entrance, provided that any sign permitted within a center median subject to 7.4.7.B.4. above may include one sign per side for a maximum of two. In such cases, only one side will count towards the sign area.

D. Sign Area

1. In nonresidential zoning districts sign area is determined by building gross floor area:
   (a) 0-10,000 sq. ft.: max. 36 sq. ft. (per side)
   (b) 10,001-50,000 sq. ft.: max. 48 sq. ft. (per side)
   (c) 50,001-100,000 sq. ft.: max. 100 sq. ft. (per side)
   (d) Over 100,000 sq. ft.: max. 200 sq. ft. (per side)
2. For residential districts sign area is determined by the number of dwelling units:
   (a) Fewer than 100 residential units or lots: max. 20 sq. ft.
   (b) 101-200 residential units or lots: max. 32 sq. ft.
   (c) Developments with more than 200 residential units or lots: max. 48 sq. ft.

E. Sign Dimensions

Ⓐ Sign width: no max.

Ⓑ Sign height:

1. In the C-1, C-2, C-3 zoning districts: max. 8 feet
2. In the O-I and M-U zoning districts: max. 10 feet
3. In the I-1 and I-2 zoning districts: max. 15 feet
4. In all other zoning districts: max. 8 feet

7.4.8. Projecting Signs

A. Defined

A sign which is attached perpendicular to a building or other structure and extends more than 12 inches horizontally from the plane of the building facade.

B. General Provisions

1. Projecting signs must be installed at a ninety-degree angle to the building facade.
2. No projecting sign may be placed over streets, alleys, or other thoroughfares designed for vehicular traffic, except for driveways and parking areas internal to a development.
3. Projecting signs may not extend beyond property lines.

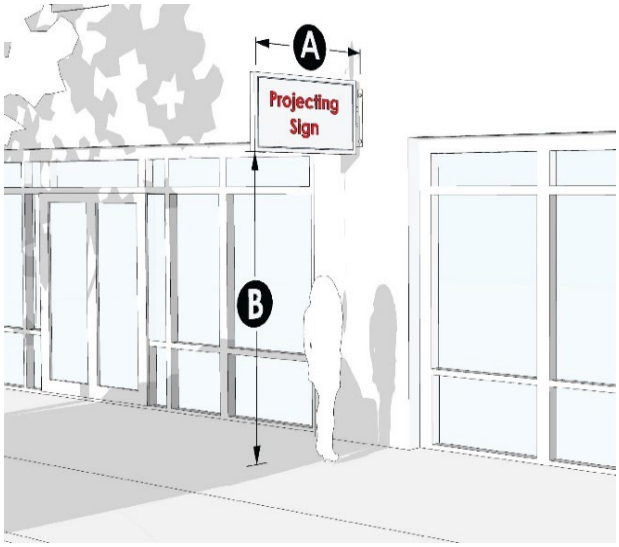


Figure 7.8 Projecting Sign

C. Number of Signs

1. One awning sign, or one canopy sign, or one wall sign, or one projecting sign is allowed per establishment along the side of the establishment that includes its public entrance.
2. One additional awning sign, or one additional canopy sign, or one additional wall sign, or one addition projecting sign is allowed along each facade adjacent to a public right of way.

D. Sign Area

1. The maximum area is 64 square feet per building, or one square foot per linear foot of storefront, whichever is greater.
2. A tenant with less than 16 linear feet of storefront is allowed one sign not exceeding 16 square feet in area.

E. Sign Dimensions

Ⓐ Projection from facade: max. 5 feet

Ⓑ Clear height above walkways or other non-vehicular areas: min. 10 feet

Ⓑ Clear height above parking, driveways, or other vehicle access: min. 14 feet

7.4.9. Sandwich Board Signs

A. Defined

A stationary, nonpermanent double-faced sign that rests on the sidewalk, walkway or ground.

B. General Provisions

1. Sandwich board signs may only be utilized during operating hours for the business with which it is associated and must be removed from the sidewalk, walkway or ground at the end of each day.
2. Sandwich board signs must be located within 3 feet of a public building entrance.
3. No sign may located in a manner which obstructs any sidewalk or walkway.



Figure 7.9 Sandwich Board Sign

C. Number of Signs

1. One sandwich board sign is permitted for each establishment with an exterior public building entrance.

D. Sign Area

The maximum area for each sandwich board sign is 6 square feet per side.

E. Sign Dimensions

Ⓐ Sign width: no max.

Ⓑ Sign height: 4 feet

7.4.10. Temporary Signs

A. Defined

A display, sign, or banner with or without a structural frame, temporarily mounted, and intended to be displayed for a period not to exceed 30 days. Includes, but is not limited to, temporary banner signs, temporary flag signs, temporary yard signs, and real estate signs. Such signs are defined as follows:

1. Temporary Banner Sign. A sign, other than an Awning Sign or Temporary Flag Sign, that is made of or printed on flexible material such as fabric or vinyl and designed to be quickly installed or easily removed.
2. Temporary Flag Sign. A sign made of flexible material that may bend or move in the wind. Such signs are typically mounted to or placed on the ground and are not hoisted on a pole through a pulley system or similar mechanical device.
3. Temporary Yard Sign. A sign, often double faced, that is supported by metal legs or a wooden post anchored into soil with no permanent foundation.
   (a) Real Estate Sign. A temporary yard sign that relates to the sale, lease, or rental of property or buildings, or to construction activities on a site. Such signs must be located on the property for which it is advertising.

B. General Provisions

1. Temporary signs are allowed in any nonresidential district for a period of 30 days or less. Additional time may be granted by the Director.
2. Temporary signs are allowed in any residential district for a period of 90 days or less.
3. Signs must be set back from the property line by at least 5 feet.
4. No temporary sign may be illuminated by any means.

C. Number of Signs

1. Nonresidential
   (a) Temporary Banner Sign: 1 per business or tenant, provided that no lot may have mor than 3 temporary banner signs at one time
   (b) Temporary Flag Sign: no more than 3 per lot
   (c) Temporary Yard Sign: no more than 3 per lot
2. Residential:
   (a) Temporary Banner Sign: 1 per authorized home occupation
   (b) Temporary Flag Sign: not permitted
   (c) Temporary Yard Sign: no more than 3 per lot

D. Sign Area

1. Temporary Banner Signs: 32 sq. ft. max.
2. Temporary Flag Signs: 24 sq. ft. max.

3. Temporary Yard Signs: 12 sq. ft. max.

E. Duration of Temporary Sign Permits

1. Permits for banners in county parks are valid for 72 hours. Banners must be removed at the end of this time period.
2. Permits for other temporary signs are valid for 30 days from the date of permit issuance.
3. Permits for temporary signs, other than banners, may be renewed up to three times, without additional application or fees.
4. A temporary sign permit will not be issued for any lot for more than a twelve-month period.

7.4.11. Wall Signs

A. Defined

A sign which is mounted or painted on the facade of a building, is in a plane parallel to the wall (i.e. does not project at an angle to the wall), and does not project more than 24 inches from the wall.



Figure 7.10 Wall Sign

B. General Provisions

1. Signs must be one unit, as opposed to individually mounted letters.
2. Changeable copy is not allowed.
3. Wall signs must not cover architectural features or details and not extend beyond the roof line or outer edges of the building.

C. Number of Signs

1. One awning sign, or one canopy sign, or one wall sign, or one projecting sign is allowed per establishment along the side of the establishment that includes its public entrance, unless specified in Sec. 7.4.11.D.3.
2. One additional awning sign, or one additional canopy sign, or one additional wall sign, or one addition projecting sign is allowed along each facade adjacent to a public right of way.

D. Sign Area

1. The maximum area is 64 square feet per building, or one square foot per linear foot of storefront, whichever is greater.
   (a) In the R-A district, the maximum area is 24 square feet.
2. Any tenant with less than 16 linear feet of storefront is allowed one wall sign not exceeding 16 square feet in area.
3. Developments which include at least one building of 3 stories or more may be permitted to have an additional wall sign not exceeding 100 square feet on the secondary facade on such buildings three stories or more. The second wall sign allowance is exempt from the aggregate signage allowed per lot.

E. Sign Dimensions

Ⓐ Sign width: no max.

Ⓑ Sign height: no max.

7.4.12. Window Signs

A. Defined

A sign posted, painted, placed on the interior or exterior, or affixed in or on a window or door in such a manner that it is visible to the public from the exterior.

B. General Provisions

1. Window signs may only be located on the ground floor.

C. Sign Area

1. Window signs may cover no more than 20% of the entire window area per building elevation.
2. No individual window sign may exceed 30% of the glazing surface area of each window or door.



Figure 7.11 Window Sign

Sec. 7.5. Outdoor Lighting

7.5.1. General

A. Purpose and Intent

The intent of this ordinance is to preserve, protect, and enhance the lawful nighttime use and enjoyment of all property through the use of appropriate lighting practices and systems. Such individual fixtures and lighting systems are designed, constructed, and installed to minimize glare, obtrusive light and artificial sky glow; conserve energy and resources while maintaining safety, security and productivity; and curtail the degradation of the nighttime visual environment.

B. Applicability

All land uses, developments and buildings that require a permit must meet the requirements of this Sec. 7.5. (Outdoor Lighting).

C. Exemptions

The following luminaries and lighting systems are exempt from these requirements:

1. Roadway lighting, airport lighting, and lighting activated by motion sensor devices for a duration of 10 minutes or less.
2. Lighting for temporary events.
3. Construction or emergency lighting provided such lighting is temporary and is discontinued immediately upon completion of the construction work or abatement of the emergency necessitating said lighting.
4. Lighting associated with agricultural activities.
5. Lighting for swimming pools used at night.
6. Temporary holiday decorations.
7. Shielded pedestrian walkway lighting.
8. Residential lighting with no-offsite glare.
9. Street lights.
10. Other uses deemed reasonable by the Director.

D. Applicable Code Compliance; Conflicts

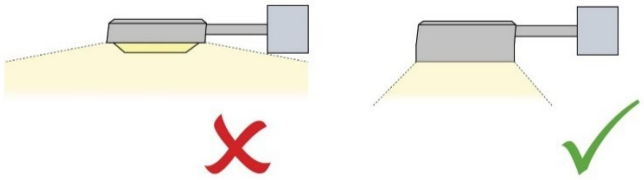
All outdoor illuminating devices must be installed in conformance with the provisions of this Sec. 7.5. (Outdoor Lighting), the building code and the electrical code as applicable and under appropriate permit and inspection. Where there is conflict between the provisions of this division and other regulations, the most restrictive provision will control.

7.5.2. Outdoor Lighting Standards

All nonexempt outdoor lighting fixtures must meet the following criteria:

A. Shielding

Exterior lighting must be fully shielded and directed downward, and must utilize full cutoff housings, louvers, glare shields, optics, reflectors or other measures to prevent off-site glare and minimize light pollution.



B. Intensity

The intensity of light within a site may not exceed 10 footcandles; however, the Director may permit a maximum intensity of 20 footcandles provided that such lighting is otherwise in compliance with this ordinance and does not exceed 1.0 footcandle when measured at any property line or street right-of-way line. Where the subject property abuts a residential district or existing residential use, the intensity may not exceed 0.5 footcandles when measured at the property line.

C. Measurement

Light intensity levels must be measured on the horizontal plane at grade level within the site, and on the vertical plane of any property line or street right-of-way line at a height of 5 feet above grade level.

D. Decorative Light Fixtures

The Director may approve decorative light fixtures as an alternative to shielded fixtures, provided that such fixtures would enhance the aesthetics of the site and would not cause off-site glare or light pollution.

E. Wall-mounted Lights

Wall-mounted lights must be cut-off, down directional with a maximum of 250 watts per fixture. The Director may approve wall-mounted lights to up to 400watts when there are unique limitations and conflicts associated with a site.



7.5.3. Outdoor Lighting Standard for Specific Uses

A. Outdoor Recreational Facilities or Performance Areas

Lighting of outdoor recreational facilities such as athletic fields, courts, tracks, special event or show areas, whether public or private, must meet the following requirements:

1. Outdoor recreational facilities must utilize luminaries with minimal uplighting. Where fully shielded fixtures are not utilized, acceptable luminaries include those which:

(a) Are provided with internal or external glare control louvres or lenses, and are installed to minimize uplight and offsite trespass and glare; and

(b) Are installed and maintained to avoid aiming no more than 2.5 times the mounting height.

2. The installation must limit off-site spill to the maximum extent possible. For all outdoor recreational facilities or performance areas, illumination levels must not exceed 1.5 foot-candles along any nonresidential property line, and 0.5 foot-candles along any residential property line.

3. All events must be scheduled to complete all activity no later than 11:00 p.m. Illumination after this time may be permitted only when a scheduled event that was unable to conclude prior to the cut off time due to unusual circumstances.

4. All light poles must be set back the greater of 50 feet or one foot for every one foot in height from any residential property line or right-of-way.

B. Service Station Canopies and Parking Structures

1. All luminaries mounted on or recessed into the lower surface of service station canopies and parking structures must be fully shielded and utilize flat lenses.

2. The total light output of luminaries mounted on or recessed into the lower surface of the canopy, and any lighting within signage or illuminated panels over pumps, must not exceed 50 foot-candles.

3. The total light output of illuminated areas of a service station other than as detailed in sub-paragraph 2 above must not exceed 15 foot-candles.

4. Lights must not be mounted on the top or side of a canopy and the sides of a canopy must not be illuminated.

C. Temporary Lighting

1. Permits for temporary lighting may be approved by the Director if the total output from the luminaries does not exceed 50 foot-candles and the temporary lighting conforms to the following standards:

(a) The purpose for which the lighting is proposed can be completed within 30 days, except that the permit may be extended for major construction projects until completion.

(b) The proposed lighting is designed in such a manner as to minimize light trespass and glare.

(c) Temporary lighting must be extinguished by 11:00 p.m.

2. The application for a temporary lighting permit must include sufficient information to determine compliance with this section including, but not limited to, the following:

(a) Name and address of the applicant and property owner;

(b) Location of the proposed luminaries;

(c) Date and times for the lighting;

(d) Intended use for the lighting;

(e) Type, wattage and lumen output of lamps;

(f) Type and shielding of the proposed luminaires; and

(g) The means to minimize light and glare.

D. Parking Lot Lighting

1. All lighting fixtures servicing parking lots, except floodlights, must be cutoff fixtures, directed downward and not towards buildings or other areas.
2. Floodlights must be aimed or shielded to minimize uplight.
3. Light poles used in parking lots must not exceed 35 feet in height.

7.5.4. Submittal Requirements

The applicant for any permit of work involving outdoor lighting fixtures governed by this section must submit, as part of the site or development plan, evidence that the proposed work will comply with this section. The following information must be included for all nonresidential plan submissions and all plans for uses ancillary to residential uses such as club houses, amenity areas, and similar residential amenities.

A. Location, type and height of all freestanding, building-mounted and canopy light fixtures must be shown on the site plan and building elevations.

B. Photometric grid overlaid on the proposed site plan indicating the overall light for intensity throughout the site (in foot-candles). No certificate of occupancy or certificate of completion may be issued until the photometric grid has been approved by the Building Inspector or Director.

C. Specifications and details for the type of fixture being proposed including the total lumen output, type of lamp and method of shielding.

D. Use of fixture proposed; and

E. Any other information deemed necessary by the Director or Building Inspector.

ARTICLE 8. STREETS AND IMPROVEMENTS

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Sec. 8.1. General Provisions

8.1.1. Applicability

A. No person may subdivide or rearrange a lot line of any lot or parcel of land, grade or modify the contours of the land, install streets, install utilities, or make other improvements to the land without complying with the provisions of this Article.

B. No building permits may be issued and no public improvements or services may be authorized or installed in any unapproved subdivision.

C. Procedures for application, review, and approval of preliminary and final plats and acceptance of public improvements are set forth in Article 10 of this ULDC.

8.1.2. Purpose and Intent

A. The purpose of these subdivision design standards are:

1. To provide for safe and efficient traffic circulation by development of a coordinated street system in relation to major streets, adjoining subdivisions, and public facilities;
2. To achieve individual lots of reasonable utility and livability;
3. To provide for the acceptance of land for public rights-of-way;
4. To provide for the installation and construction of utilities, streets, stormwater management facilities, and other public improvements essential to service land being subdivided;
5. To ensure that public improvements will be constructed according to safe and durable standards;
6. To enable the dedication or reservation of land for public schools, parks, and other public purposes;
7. To ensure that development will occur within an environmentally compatible setting and free of flood hazards;
8. To provide for the subdivision of larger tracts into smaller parcels of land; and
9. To establish the procedure for submittal, approval, and recording of subdivision plats within Henry County.

8.1.3. General Subdivision Standards

A. Subdivision Design and Layout

All subdivision design must conform to the requirements of the zoning district in which the land is located. In addition, subdivisions which are proposed to contain commercial or industrial uses must be designed to ensure consistency with the requirements for commercial buildings as set forth in this ULDC.

B. Potable Water Systems

Water mains properly connected with the county water supply system or with an alternate supply system approved by the county health department must be constructed in such a manner to adequately serve all lots shown on the subdivision plat for both residential use and fire protection.

All materials, labor, equipment, and other items related to construction of the water distribution system must be provided in accordance with policies and specifications of the Henry County Water Authority.

C. Public Sewer Systems

When the subdivision is located within the service area of a public sewer system, sanitary sewers must be installed to serve all lots with connection to the public system. Where sanitary sewer service is not feasible or available, all lots without connection to the public system must be developed with a private on-site sewage disposal system approved by the Henry County Health Department, including any minimum lot area requirements. When the minimum lot area requirements of the Henry County Health Department are different than those in this ULDC, the Health Department requirements will apply.

D. Utilities

The subdivider must make the necessary arrangements for the installation of utilities to ensure that all lots have adequate gas, electrical and telephone or broadband communication services.

E. Public Lands

Where a site within a tract of land proposed for a subdivision is determined to be necessary for a public park, school, fire station, water or sewage treatment plant, water reservoir, public works yard, or other public facility, the necessary land area must be reserved or dedicated to the appropriate county authority having jurisdiction over the operation and maintenance of the proposed facility. The preliminary and final plats for the subdivision must show these sites as being reserved or dedicated.

Sec. 8.2. Development Utilities

8.2.1. General

A. All development must include adequate provision for utility infrastructure in full compliance with the standards of this Sec. 8.2.

B. All potential utilities must be identified on the development plan to indicate compliance with placement standards set forth in this Sec. 8.2.

C. All construction drawings must be prepared and sealed by a professional engineer registered or licensed in the State of Georgia.

D. No private utilities (including irrigation system/sprinklers) are allowed in County right-of-way. Henry County will not be responsible for any damage to private utilities within the county right-of-way.

8.2.2. Water Supply

A. All potable water systems must comply with the design and construction standards of the Henry County Water Authority (HCWA).

B. Extension within Subdivisions

1. The applicant is responsible for the material and labor cost of extending water systems within a subdivision as directed and inspected by the HCWA.
2. The extensions of water mains within a subdivision must be designed to provide adequate hydraulic capacity for future extensions to the surrounding area and must be connected to existing surrounding water mains to accomplish desirable hydraulic looping.
3. Dead-end mains within a subdivision must be avoided, based on determination by the HCWA. Water mains in dead-end streets must have a fire hydrant installed at the end of the line on a common lot corner according to the standard details provided by HCWA.

C. Hydrants

1. The number and location of fire hydrants is as determined by the Fire Department during development plan review.
2. Hydrants must be placed to ensure free and clear access from the nearest public right-of-way. No equipment, landscaping, mailboxes, or other structures may be placed in such a manner as to obstruct clear access from the right-of-way to the fire hydrant.

8.2.3. Sanitary Sewer

A. All wastewater systems must comply with the design and construction standards of the HCWA.

B. Extension within Subdivisions

The applicant is responsible for the material and labor cost of extending wastewater systems within a subdivision as directed and inspected by the HCWA.

8.2.4. Other Utilities

A. A certificate of occupancy will not be issued for structures in a subdivision or development until all necessary utilities have been installed in full compliance with the design, construction, and placement standards set forth in this Sec. 8.2.

B. Exemptions

The following specific facilities are exempt from the requirements of this section, provided that the placement of these facilities complies with the requirement for free and clear access to fire hydrants as set forth in Sec. 8.2.2.C.

1. Poles used exclusively for street lighting, provided that the street lighting standards set forth in 8.4.7 are met.
2. Poles, overhead lines, and associated overhead structures owned by a utility company crossing over any portion of an area from which overhead wires are allowed.
3. Overhead lines attached to the exterior of a building by means of a bracket or similar device and extending from one location on the building, or to an adjacent building without crossing any street or right-of-way.
4. Radio antennae and associated structures and equipment used for furnishing communications service.
5. Service terminals and necessary pad-mounted electric transformer equipment installed above ground, used to distribute communications and electric service in underground systems.

C. Electrical Substations

Electrical substations are permissible in any zoning district. The utility company must obtain an easement for these installations. The easement must be clearly indicated on the preliminary and final plats.

Sec. 8.3. Blocks and Access

8.3.1. General

A. Applicability

All development must conform to this section.

8.3.2. Blocks

A. Block Layout

Subdivision blocks must have sufficient width to provide for two tiers of lots of appropriate depth and length. The length, width, and shape of blocks will be determined with regard to:

1. Dimensional requirements for lots, as set forth in Article 3 and Article 4;
2. Provision of adequate building sites suitable to special needs of the type of use contemplated;
3. Convenient access, circulation, control, and safety of street traffic; and
4. Topographic conditions.

B. Block Length

1. Blocks may be no less than 400 feet or more than 800 feet in length, except where topographic or other conditions of the site make such dimensions impractical.
2. For blocks greater than 800 feet in length, one public crosswalk no less than 10 feet in width is required near the center of the block.

8.3.3. Access

A. General

1. All proposed developments must provide a street system that is connected to the existing or planned street system as shown in the County transportation plan. All proposed streets must be continuous and aligned with existing, planned or platted streets.
2. Proposed streets designed to connect to an existing, planned or platted street must be extended to the boundary lines of the tract to be developed or subdivided, unless prevented by topography or other physical conditions.
3. Whenever there exists a dedicated or platted street or alley adjoining the lot to be subdivided, the other half-width must be platted and installed.
4. No approval may be granted for a subdivision, or subsequent phase or addition to an existing subdivision, unless the property is served by a paved road with sufficient right-of-way to meet the requirements of Sec. 8.4.8. (Design Standards for New Streets).

B. Frontage on a State Highway or Arterial Street

1. When a tract fronts on a state highway, major arterial, or minor arterial street, a frontage street may be required for access to individual lots.
2. All residential lots in a subdivision may take direct access only from within the subdivision.
3. Any access to a state highway must be consistent with the requirements of the GDOT.

C. Specific Access Requirements for Developments

1. Emergency vehicle access must be provided to all lots within a subdivision.
2. To ensure emergency vehicle access, every subdivision with more than 50 lots must have at least two points of ingress/egress from the existing street system. The requirement for access will not be satisfied by a stub-out to a future, planned, or platted street that has not been constructed.
3. Access points, whether private nonresidential drives or county roadways, must line up directly across from one another when possible. For driveways or roadways that require an offset, the spacing between drives or roadways, whether on the same or opposite side of the intersecting roadway, will be required to have centerline to centerline spacing as follows:

Table 8.1 Access Spacing Standards

Posted Speed Limit (MPH)	Separation Distance (feet)
< 30	125 min.
35	150 min.
40	185 min.
45	230 min.
50	275 min.
> 55	350 min.

For intersecting roadways that are not classified as collector or above and have posted speed limits 30 mph or less, private commercial/industrial driveways may be allowed to have a reduced offset requirement at the discretion of Henry County DOT. (Source: GDOT Regulations for Driveway and Encroachment Control).

4. A subdivision on a single, dead-end street containing 20 or fewer lots is not required to provide two points of ingress/egress as otherwise required in subsection 2 above. Such streets must be designed to connect to existing, planned or platted streets with a stub-out, where applicable.
5. Where a subdivision is allowed one point of access pursuant to subsection 4 above, that entrance street must be designed with a three-lane divided entrance street. The right turn lane must have a 75-foot radius to provide lateral separation between two vehicles exiting at the same time.

D. Limitations on Residential Curb Cuts

Within any residential zoning district where the lowering or cutting away of any curb for purposes of ingress and egress is required, such curb cuts are subject to the following provisions:

1. Any property with frontage of less than 100 feet on any one street is allowed only one combined entrance and exit.
2. Any property with frontage of 100 feet or more on any one street may be allowed no more than two combined entrances and exits, subject to review and approval by Henry County DOT.

3. At street intersections, no curb cut may be located within 50 feet of the intersections of two curb lines or such lines extended, or within 15 feet of the intersection of two property lines extended. When a culvert is required, it must receive approval from Henry County DOT.
4. The distance between any two curb cuts on the same side of the street and located on one property may be no less than 20 feet. Curb cut distance is measured between the points of tangency of the curb return radii and the established curb line of the abutting street.
5. All driveways must be constructed at least 5 feet from any property line.
6. The maximum width of any driveway may not exceed 20 feet measured at the right-of-way line.
7. The maximum width of any curb cut including curb returns may not exceed 30 feet.
8. The sum of the two curb return radii for any one curb cut must not exceed 15 feet.

E. Limitations on Nonresidential Curb Cuts

1. At street intersections, no curb cut may be located within 100 feet of the intersections of two curb lines or such lines extended. For any driveway on an arterial or collector street with a centerline between 100 and 200 feet from the intersecting street right-of-way line, access restrictions may be imposed by HCDOT to avoid traffic hazards.
2. The maximum number of driveways serving a single project is one driveway for every 400 feet of property frontage, or fraction thereof. When a project has more than one street frontage, access may be provided on each street frontage upon approval from Henry County DOT.

F. Joint Access Driveways and Cross Access Easements

Joint access driveways and cross access easements may be required in overlay districts, commercial or mixed-use districts, and rural neighborhood commercial development areas.

8.3.4. Lots

A. Insofar as practical, side lot lines must be at right angles to straight lines or radial to curved street right-of-way lines. Side lot lines must be in line with cross drainpipes under streets where they are located.

B. Through lots or double frontage lots are prohibited, except as approved by the Director where such lots are essential to provide separation of residential development from major traffic arterials or to overcome specific disadvantages of topography, orientation, and size of the property. A planted screen may be required along lot lines abutting a traffic artery or other use that would have a potential negative impact. Access to through lots or double frontage lots must be from the lower classification street.

C. Flag lots are prohibited in major subdivisions unless topographic conditions (as certified by a professional engineer), or the shape and orientation of the property to be subdivided, make the inclusion of some flag lots necessary.

1. Flag lots are intended only to provide use of the rear portion of the extremely deep tracts of land for residential purposes.
2. Where it is necessary to design flag lots, no more than 5% of the lots in a subdivision may be flag lots.
3. The street frontage for a flag lot must be at least 60 feet in width.

4. Front setbacks for flag lots are measured from the first widest part of the lot (see Sec. 2.1.1). No structures may be built on the “pole” portion of the lot that provides access from the building site to the street.

D. The creation of remnant lots that are below minimum standards are prohibited.

E. Easements

1. Proposed subdivision lots which are traversed by utility easements must contain the minimum buildable area defined by the zoning district, exclusive or outside of areas occupied by these easements.
2. All lots within a subdivision must provide easements for stormwater drainage and detention systems for future sanitary sewer installations, and for gas, electric, and telephone utilities 5 feet from the right-of-way line.
3. Side or rear lot line easements.

   Easements along all side or rear lot lines, when necessary, must be a minimum of 20 feet wide, with 10 feet provided from each adjoining lot. Wider easements may be required by the HCWA depending on the size, location, and depth of proposed or existing sewers.
4. Easements along streams and drainageways.

   Where a subdivision is traversed by a watercourse, drainageway, channel or stream, there must be a stormwater drainage easement and sanitary sewer easement or drainage easement or drainage right-of-way along each side of the watercourse for the purpose of widening, deepening, relocating, improving, or protecting such easement. The easement must be at least 25 feet wide and must remain in an undisturbed state. A wider easement may be required for large streams and drainageways and for future sanitary sewer installations.
5. Stormwater detention facility easements.

   All stormwater detention facilities must be accessible from a public street by an easement at least 20 feet in width. There must be an easement for access to the detention facility, including a minimum of 20 feet around the outside perimeter of the facility.
6. All easements must be shown on the final plat.

Sec. 8.4. Streets

8.4.1. General

A. No person may do any paving work, or any other related or similar roadwork, on or adjacent to a county road without first obtaining a permit.

B. All transportation system design, street design, and construction for nonlocal roadways must comply with Georgia Department of Transportation (GDOT) requirements. The latest edition of the GDOT manual, "Standard Specifications, Construction of Roads and Bridges," will apply.

C. Where conflict arises between GDOT standards and this section concerning non-local roadways, the stricter standard applies. Design of local roadways is governed by the policies as stated within this ULDC; however, construction methods/practices of said roadways are governed by the stricter of the GDOT standards and the ULDC.

D. All materials, equipment, labor and other matters related to street construction must be provided by the applicant. The following is a summary of the improvements required:

1. All streets, roads, and alleys must be graded to their full width right-of-way by the applicant so that the pavements and sidewalks, when installed, can be constructed on the same level plane. The preparation of the right-of-way before grading is started and the construction of cuts and fills must be accomplished according to the specifications of the County.
2. Three copies of an as-built subgrade centerline profile must be submitted to Henry County DOT. The profile must include both proposed and as-built centerline elevations at every even station. No curb and gutter or waterlines may be installed prior to subgrade approval.
3. An adequate drainage system, including necessary curb, pipes, culverts, headwalls, intersectional drains, drop inlets, bridges, swale ditches, and detention areas, must be provided for the proper drainage of all surface water. The drainage system must be designed by a registered professional engineer, licensed in the State of Georgia.
4. After preparation of the subgrade the roadbed must have base material and paving applied according to County specifications.

8.4.2. Creation of New Streets

A. Roadways may be created by:

1. Dedication;
2. Prescription;
3. Express grant of an easement;
4. Deed;
5. Special statutory proceeding; or
6. Condemnation.

B. Location

1. The location, arrangement, extent, width, and grade of all streets must conform to the transportation system plan and must be considered in relation to existing and planned streets,

topographical conditions, public safety and convenience, and proposed use of land to be served by the streets. The layout of a subdivision must conform to the requirements and design principles described in this ULDC.

2. Whenever a tract to be subdivided includes any part of a major arterial, minor arterial, major collector, or minor collector street as designated by the County, such street must be installed by the applicant in the location and at the full width indicated by the functional classification for right-of-way and pavement widths indicated in this ULDC.

C. Street Names

1. All proposed street names within the county for new roads or roads within commercial, industrial, or residential subdivisions must be approved by the Director of Transportation or their designee during the preliminary plat review process or prior to recording of the road and its right-of-way deed.

2. Any request to change the name of an existing road must be submitted to the Director of Transportation or their designee for review and approval. The Board of Commissioners will have final approval of any name change.

8.4.3. Street Types

A. County Roadway Classification

1. Private Road

   (a) A private road is a roadway that is created by an easement from a landowner to a certain individual or individuals and the use of said road can be controlled by the parties to the easement.

   (b) Only one building permit may be issued by a private easement roadway.

   (c) A private roadway will not be maintained by the county.

2. Public Road

   (a) A paved public roadway is a roadway where the general public has acquired an implied easement for a roadway over the property of others by virtue of the unobstructed use of said roadway for a sufficient length of time to establish a public easement over the roadway. Public roadways are roadways over which the public has the right to travel but have not been accepted by the Board of Commissioners as county roads and the county assumes no responsibility to maintain said roadways.

   (b) An unpaved public roadway with a right-of-way of 60 feet or more which is used for the general public purpose and is maintained by the county consistent with the maintenance policy developed by the Henry County DOT.

   (c) An unpaved public roadway with a deeded right-of-way width between 50 and 60 feet which is used for the general public purpose and was deeded to the county at a time when a 50-foot right-of-way was sufficient at the time of acceptance. These roadways are maintained by the county consistent with the maintenance policy developed by the Henry County DOT and in accordance with deeded rights-of-way.

(d) An unpaved public roadway with a right-of-way of 60 feet or less which is used for the general public purpose and is maintained by the county in accordance with the maintenance policy developed by the Henry County DOT but not maintained to the same standard as roads categorized in this subsection because of insufficient rights-of-way. These roads must be upgraded to rights-of-way of 60 feet or greater and deeded to Henry County by adjoining landowners.

3. County Road

A county roadway is one that has been acquired by dedication, prescription, the express grant of easement, deed, statutory proceedings, or condemnation, and has been accepted by the Board of Commissioners and designated as a "county road" and the county has assumed the responsibility to maintain said road for the general public.

B. Upon compliance with all of the provisions of this ULDC, building permits may be issued for building on public roads upon the applicant signing a "statement of understanding" that said roadway is a public road and that Henry County assumes no responsibility for the maintenance of said road until such time as it becomes feasible and advisable to accept said roadway as a "county road." At such time the County must accept the road as a county road provided that the property owners along said road convey a right-of-way to the County conveying the minimum width required.

C. Upon compliance with the provisions of this ULDC, building permits may be issued on county roads.

D. Streets must be designed in accordance with the standards in Table 8.2 Street Design Standards.

Table 8.2 Street Design Standards

Street Type	Minimum Required ROW (feet)	Required Pavement Width (feet)	
		With curb and gutter	Without curb and gutter
Major arterial	100*	52-53^	48*
Minor arterial	80*	28-29^	24*
Collector	80*	28-29^	24*
Local Street			
Residential	50 with curb and gutter 60 without curb and gutter	26	26
Industrial	60	30	N/A
Commercial	60	28	N/A
Cul-de-sac			
Residential	126	96	96
Nonresidential	150	110	N/A
Alleys	0	12 for one-way 20 otherwise	12 for one-way 20 otherwise

*Henry County DOT may require additional widths in specific situations.

^See Sec. 8.4.4.D.

8.4.4. Curbs and Gutters

The required improvements for curbs and gutters are as follows:

A. Curbs and gutters are required on all streets within residential subdivisions unless an administrative waiver is approved in accordance with this subsection.

1. The Zoning Administrator may approve an administrative waiver from the curb and gutter requirement only for a residential development that:
   (a) Contains no more than 50 acres of total site area;
   (b) Is located entirely within the R-A or R-1 zoning district, or a combination of those districts; and
2. Provides an alternative drainage system that satisfies the requirements of this subsection.The acreage of the entire development, including all phases proposed as part of a common development, must be used to determine compliance with the 50-acre limitation. A development may not be divided into separate phases or applications for the purpose of qualifying for an administrative waiver.
3. Before approving or denying an administrative waiver, the Zoning Administrator must consult with the Director of the Henry County Department of Transportation and the Director of the Henry County Stormwater Department, or their designees, and consider their technical recommendations. The authority to approve, approve with conditions, or deny the administrative waiver remains with the Zoning Administrator.
4. An administrative waiver may be approved only when the Zoning Administrator determines that the proposed alternative drainage system:
   (a) Provides the same or a similar level of protection of public health, safety, property, and infrastructure as a curb and gutter system;
   (b) Provides adequate and safe conveyance of stormwater runoff;
   (c) Will not create or increase flooding, erosion, sedimentation, or drainage impacts on the development or adjoining property;
   (d) Provides sufficient right-of-way, drainage easements, and access for inspection and maintenance;
   (e) Is appropriate for the proposed roadway design, anticipated traffic, topography, soils, and surrounding development pattern; and
   (f) Complies with the applicable requirements of the Georgia Stormwater Management Manual and County design and construction standards.
5. The technical review may include consideration of:
   (a) Stormwater volume, velocity, and drainage capacity;
   (b) Roadside and drainage system slopes;
   (c) Existing and proposed elevations;
   (d) Right-of-way and drainage easement requirements;
   (e) Roadway safety and anticipated traffic conditions;

(f) Downstream drainage conditions;

(g) Erosion control and water quality;

(h) Maintenance responsibility and access; and

(i) Other site-specific conditions affecting the safe and effective operation of the proposed system.

6. An alternative drainage system may include:

(a) Open-channel ditches;

(b) Vegetated or grassed bioswales;

(c) Rain gardens or bioretention systems;

(d) A combination of these systems; or

(e) Another drainage system determined by the Zoning Administrator, following consultation with the applicable departments, to satisfy the approval criteria of this subsection.

7. The approved alternative drainage system and all conditions of approval must be shown on the applicable development plans, construction plans, and final plat. A material change to the approved system requires additional review and approval by the Zoning Administrator.

8. The Zoning Administrator's decision must be provided in writing and must identify the findings supporting the decision. Approval of an administrative waiver does not waive any other requirement of this ULDC unless expressly authorized by the applicable provision.

B. Curbs are required for all streets in commercial and industrial subdivisions.

C. Curbs in all subdivisions must be L-back curbs 24 inches in width, 5 inches thick, with an 18-inch gutter. Rollback curbs may be installed in the R-3, R-4 or R-5 zoning districts upon approval by the Director.

D. Curb and gutter immediately adjacent to the major travel lane along roadways with a posted speed limit of 40 miles per hour or greater must be L-back curbs 30 inches in overall width, 6 inches thick, with a 24-inch gutter. The curb and gutter must be per GDOT Standard 9032B.

E. All curbs must be constructed of Portland cement concrete.

F. Curbs must be designed to provide handicapped access at street intersections, wherever sidewalks are constructed.

8.4.5. Roadway Design

A. Grading

The required improvements for new street grading are as follows:

1. Grades on major and minor arterials must not exceed 5%. Grades on local residential streets must not exceed 10%.

2. All changes in grade must be connected by vertical curves which adhere to the design criteria as set forth by the current edition of the American Association of State Highway and Transportation Officials (AASHTO) Guide.

B. Horizontal Alignments

The radius of horizontal curves on local residential streets within a subdivision must be no less than 200 feet. The horizontal radius for collector and arterial streets or any streets with a design speed of more than 25 miles per hour must comply with the current edition of the AASHTO standards. The radius of horizontal curves on local commercial and industrial streets within a subdivision must be no less than 300 feet.

C. Tangents

The minimum tangent lengths on roadways with superelevation are governed by the minimum runoff and runout lengths necessary to adequately transition the superelevation rates required for the curvature based on the design speed and maximum allowable superelevation rate of the roadway. Design speeds, typical sections of roadway, maximum superelevation rates, and other roadway design items are to be set by Henry County DOT on an individual basis. The minimum tangent lengths on commercial and industrial subdivision streets is 100 feet.

8.4.6. Signs and Markings

A. Street Signs

1. Henry County DOT will determine the need and location of street signs within a subdivision. The location of the street signs will be determined during the review of the preliminary plat.
2. The county's standard steel street posts or wooden 4-inch by 4-inch posts with horizontal reflectorized street name plates with 4-inch letters will be furnished and installed by Henry County DOT.
3. The cost of street signs and their installation must be paid by the applicant at a fee determined by Henry County DOT. All funds collected for these signs will be deposited into the county general fund account.
4. The required fee must be paid by the applicant with the submittal of a final plat.
5. The request for an invoice and the ordering of signs must come from Henry County DOT.

8.4.7. Roadway Lighting

To ensure adequate illumination of public rights-of-way and promote safety and security, The American National Standard Practice for Roadway Lighting of the Illumination Engineering Society (RP-8-00), as approved by the American National Standards Institute (1993), as amended, is adopted as the standard for the installation and operation of lighting in the county.

A. Lighting Plan

1. A lighting plan, which may be prepared by the streetlight provider, must be provided to the Director of Planning and Zoning and the Director of Transportation for the erection, construction, or installation of streetlights, pedestrian light fixtures or equipment, and security lighting upon which the illumination falls upon public rights-of-way. The lighting plan must illustrate the illumination provided by pedestrian lights. The overlap of pedestrian light illumination and streetlight illumination must be minimized to such an extent that streetlights

may not be required at all in areas where pedestrian lights provide the required illumination without streetlights.

2. Lighting plans must be submitted with the final plat.
3. Plans must demonstrate how the proposed lighting meets the standards of this section and show on a site plan the exact location of streetlights.
4. No lighting may be installed or operated without approval from the Department of Planning and Zoning and Department of Transportation.

B. Streetlight and pedestrian light fixtures or equipment must be erected, constructed, or installed by the applicant in such a manner to ensure that a glare does not inhibit the users of the right-of-way from safely traversing and using the right-of-way.

C. Requirements for New Development

1. Streetlights must be provided in new subdivisions where new streets are required to be dedicated to the county or which allow lot access to existing county streets, except when located in the R-A or R-1 districts. Pedestrian lights must be provided as required in this ULDC.
2. The developer of residential subdivisions must install streetlights and pedestrian lights with underground wiring. It is the responsibility of the applicant to coordinate the installation of the streetlights and pedestrian lights with the appropriate utility and the county consistent with the standards contained in this ULDC.
3. Each property owner will be assessed a rate based on the total cost of annual lighting charge within the district divided by the number of properties within the district. Unit cost of lighting fixture charges will be based on fees provided by electric utility companies of both overhead and underground installation.
4. The rates or charges for lighting service must constitute assessments on the property so served. Those assessments will be added to tax bills at the end of each year and will constitute a lien upon the property. Said lien must have the same priority as tax assessments and an execution may issue for the purpose of enforcing the lien including foreclosure and/or judicial sale.

D. Requirements for Existing Residential Developments

1. Individuals owning real property in an existing residential area desiring to install streetlights or pedestrian lights may apply with the Department of Transportation to establish a streetlight and pedestrian light district.
2. The application must be supported by a petition signed by property owners representing more than 51% of the property owners in the district which is sought to be established.
3. Upon receipt of a complete streetlight application, the Director of Transportation will contact the utility provider to request a layout, price, and contract for the streetlights. For pedestrian lights, the proposed layout, as prepared by an engineer licensed in the State of Georgia, the fixture specifications, the unit price, and the contract must be provided as part of a complete streetlight and pedestrian light district application.
4. Up to three additional streetlights or pedestrian lights may be added to an existing streetlight district by the Director of Transportation. If four or more additional streetlights or pedestrian lights are required, the request must follow the procedure in subsection 2 above.

8.4.8. Construction Standards for New Streets

A. Grading

All streets must be graded to the elevations shown on the approved construction plans.

1. The contractor may begin clearing and grubbing the project only after:
   (a) A development permit has been issued by the county;
   (b) A pre-construction conference has been held, the Director of Transportation duly notified; and
   (c) All required silt and erosion control measures have been installed and approved.
2. Clearing and Grubbing
   (a) All trees, stumps, logs, roots, grass, weeds, poles, and other objectionable matter must be cleared and grubbed from within the construction limits of the project.
   (b) A 30-foot undisturbed buffer must be maintained on all property lines prior to submission of construction plans.
   (c) No rubbish or other material resulting from the clearing and grubbing of the roadway may be buried at the site.
   (d) If burning is permitted, all burn pits must be located outside of the roadway construction limits. After burning, the pit must be cleared out. A county inspection is required prior to backfilling and must be shown on the final plat.
3. Excavation
   (a) All grading operations must be planned and executed by the contractor in such a manner as to provide suitable subgrade material for the roadway with the top 12 inches compacted to 100% maximum dry density, 95% below the top.
   (b) In areas where the material in place is not suitable for subgrades, these areas must be undercut a minimum of 12 inches and backfilled with suitable material.
   (c) All rock and boulders in the roadbed must be excavated and the space backfilled to the correct grade with suitable material.
   (d) Any stones, broken rock, or boulders resulting from the grading of the roadway may not be placed in any roadway fill area except when approved by the Director of Transportation.
   (e) During the construction of the roadway, the roadbed edges must be kept lower than the center and the grading must be done so that the surfaces of the excavated areas and fill are kept reasonably smooth and well drained. Adequate surface ditches must be cut at the top of cut slopes, extending to each end of the cuts to carry the water from the side hill. Side ditches or gutters emptying from cuts to fill areas must be turned outward to prevent erosion of the fill slopes.
4. Placement of Fill
   (a) Fill construction may not begin until all clearing and grubbing of the fill area has been completed.

(b) All depressions in the ground must be filled level with the adjacent surface using suitable material and compacted to the approximate density of the surrounding soil before placement of the fill is begun.

(c) The entire area upon which fill is to be placed must be plowed, scarified, and finely broken up to a minimum depth of 6 inches.

(d) Before the placement of fill material, all loosened soil must be compacted to the approximate density of the underlying soil.

(e) Where the depth of fill and surfacing is 3 feet or less, the original ground must be compacted a minimum 12 inches deep to at least 95% of the maximum laboratory dry density as determined from representative samples of the material being compacted.

(f) In areas where layers of organic or other unstable materials exist, the existing ground must be excavated, for the full width of the fill area, to an underlying stable material. The subgrade created must be compacted to the approximate density of the underlying material.

(g) All fill material must be deposited and spread in uniform horizontal layers, not more than 6 inches thick, for the full width of the fill area, and these layers must be kept uniform using graders, bulldozers or other approved equipment.

(h) Each layer must be compacted within the range of optimum moisture content necessary to achieve the compaction required. Material containing too much water must be dried to the correct moisture content. If the material is too dry, water must be added and uniformly mixed with the soil before it is compacted.

(i) Fills must be compacted to at least 95% of the maximum dry density to within the top 12 inches of the fill. The top 12 inches of the fill must be compacted to at least 100% of the maximum dry density.

(j) The entire roadbed must be scarified and compacted with a sheeps foot or other approved rollers.

(k) While the work is in progress, the contractor must maintain the surface in a manner so that the excavation, fills, subgrade, base course, and ditches always present a smooth and even surface.

(l) The contractor must have available on the job at all times at least one motor patrol grader with adequate power to blade and maintain the roadbed. Suitable scarifiers may also be available for use whenever necessary.

5. Final Finishing of Roadway

(a) After all excavation has been completed and all fills have been placed, the entire roadbed surface must be finally shaped with a grading machine, supplemented with hand work whenever required, to secure a smooth surface and uniform cross-section.

(b) Slopes of cuts and fills must also be carefully shaped to the true section specified.

(c) When final shaping is finished, the road surface must conform accurately to the line, grade and cross section shown of plans, and no roots, sod, grass, stones, or other unsuitable material may remain in the top 12 inches of the finished roadbed.

(d) All ditches and drains must be opened to effectively drain the roadway.

B. Placement of Curb and Gutter

1. After sanitary sewer lines have been installed, all storm drainage is in place, the final finishing of the roadway has been approved by the Director of Transportation, and the centerline profile has been approved, the installation of the concrete curb and gutter may begin.
2. All concrete curb and gutter must be in accordance with Standard Drawing 3.7.1.
3. Any curb and gutter which does not conform to a true section, texture, line, and grade must be removed and replaced as directed by the Director of Transportation.
4. Water lines may be installed after installation of the curb and gutter.

C. Subgrade

1. Before placing any pavement base the entire surface of the subgrade must be plowed, harrowed, and mixed to a depth of at least 6 inches. If a subgrade stabilization material is required it must be incorporated into the subgrade at this time.
2. After the material has been thoroughly mixed the subgrade must be brought into a proper line and grade and compacted to 100% of maximum dry density just prior to placing the base material.
3. The centerline profile must conform to the established elevations with an acceptable tolerance of one-half inch.
4. The acceptance crown tolerance is one-half inch.

D. Base Construction

1. The Department of Transportation must be notified 24 hours prior to the installation of any base material.
2. The Department of Transportation may authorize the installation of the base material after all equipment necessary for the proper construction of road base is on the project and the subgrade has been brought to the proper line, grade and crown, and compacted to the required density.
3. The Department of Transportation must check the completed base course after the base material has been installed and compacted to the required density. All areas found to be deficient must be marked and corrected before any asphalt pavement is placed. Areas where the crown is found to exceed that which is specified or the exposed edge of the concrete gutter is less than the minimum depth required must be reshaped and rolled to obtain the required cross-section.
4. After the compacted material has been approved, field tests will be taken by the field contractor and development inspector, or by a professional engineer as directed by the Department of Transportation, to determine the thickness of the constructed base course. Tests must be taken at 400 feet intervals alternating between each lane and center of roadway. Measurements must be taken per GDOT-42, Method of Test for Measurement of Thickness of Bases and Subbases. Areas found to be deficient in thickness must be corrected as directed by the Department of Transportation. No asphalt course may be placed until deficiencies in base have been adequately addressed.

5. A copy of all delivery tickets for the graded aggregate base material must be furnished prior to placing any asphaltic concrete paving material. A shortage in the base material used may require that the asphaltic concrete surface course thickness be increased.
6. All work and materials must be in accordance with the pertinent Graded Aggregate Construction sections of the Georgia Department of Transportation "Standard Specifications," latest edition.

E. Soil Cement

A soil cement base may be used to improve the subgrade but may not be used as a substitute for base construction.

F. Paving

1. The contractor may begin the construction of the asphaltic concrete pavement upon approval of the road base by the Department of Transportation.
2. All asphaltic concrete material and construction must be in accordance with the "hot mix asphaltic concrete construction" sections of the Georgia Department of Transportation "Standard Specifications," latest edition.
3. The Department of Transportation must check the cross section of the finished pavement. Any area found to be deficient will be marked and a record of deficiencies made by the Director of Transportation or their designee.
4. If, in the opinion of the Director of Transportation or their designee, the extent of deficiencies will impair the performance of the pavement, they may direct that an overlay of a minimum thickness of 1 inch be placed before the roadway is opened to traffic.
5. A copy of the delivery tickets for the asphaltic concrete material used must be furnished to the Director of Transportation at the time of completion of the work. If the delivery tickets indicate a shortage in the material used from the quantity estimated the Director of Transportation or their designee may require a minimum 1-inch overlay of the streets.
6. As mentioned in Sec. 8.4.8.D.4, the base thickness is to be measured and accepted by the county prior to placement of any asphalt course. The applicant must have core tests made to verify the thickness and compaction of the two-inch asphalt pavement course. The minimum core diameter must be such that compaction of the sample can be determined in the lab and subsequent data supplied to the Department of Transportation. The compaction of the course is required to meet GDOT specifications per the asphalt mix placed. If a two-course asphalt section is required, the cores for the binder layer must be cut, reviewed, and approved by the Director of Transportation prior to placement of the topping lift. If a two-course asphalt section is required, the cores for the topping lift, if between 1.5 inches and 1.25 inches in thickness, must be made to determine the thickness only. All cores must be made on 400-foot intervals, alternating between each lane and center of roadway. If these cores indicate a deficiency in thickness or compaction of the asphalt pavement, an overlay will be required when the following deficiencies occur:
   (a) When the number of cores deficient in thickness within the allowable one-quarter of an inch tolerance, or deficient in compaction, exceeds 35% of the total cores taken on one street.
   (b) When two or more consecutive tests show a deficiency of more than one-quarter of an inch allowable tolerance or a deficiency in compaction. When a core shows a deficiency greater

than the allowable tolerance or compaction, additional cores must be taken to delineate the area of the deficient thickness/compaction.

7. The applicant must correct any deficiency with an overlay extending a minimum of 150 feet beyond the outer limits of the deficient area for the full width of the street. Smooth, neat joints must be saw cut normal to the roadway for full depth of asphalt pavement, removing the original pavement for a minimum of 10 feet at each end of the overlay. The thickness of the overlay will be determined by the depth of the deficient area and must not be less than 1.25 inches in compacted thickness. The type of material used in the overlay will be specified by the Department of Transportation.

G. Shoulder and Drainage Improvements

After the paving has been inspected and approved, the pavement edges or behind the curb and gutter must be backfilled and compacted and the ditches and back slopes properly graded, shaped, seeded and mulched. An 80% stand of grass must be obtained. All swales and ditches excavated below required depth must be backfilled and compacted to 95% of maximum dry density.

H. Minimum Standards

1. Road design and construction for residential subdivisions must comply with the minimum standards shown in Table 8.2. Acceleration and deceleration lane construction must comply with the standards set forth in Table 8.1. For roadways with more than 150 lots of contributing traffic a pavement design is to be submitted to Henry County DOT for review. The GDOT Asphalt Pavement Design program is an accepted method for the pavement design submittal.
2. The design and construction requirements for subdivision developments for industrial, commercial, or office uses, and urban streets which are to be county arterial roads, must:
   (a) Have concrete curb and gutter along each side of the roadway in accordance with Henry County Construction Standard No. 3.7.1.
   (b) Comply with the minimum standards shown in Table 8.3.

Table 8.3 Roadway Construction Standards

Standard	Residential Specifications	Nonresidential Specifications
Surface Topping Plant Mix	<40 Lots: 2-inch 12.5 mm superpave mix with hydrated lime (Level 1), 220 pounds per square yard	1½-inch 12.5 mm superpave mix with hydrated lime (Level 1) asphalt topping, 165 pounds per square yard
	41-100 Lots: 1¼-inch 9.5 mm superpave mix with hydrated lime (Level 1), 137.5 pounds per square yard	
	>100 Lots: 1½ inch 12.5 mm superpave mix with hydrated lime (Level 1), 165 pounds per square yard	
Tack Coat	0.04—0.06 GAL/Square yard	
Asphalt Binder Course	41-150 Lots: 2-inch 12.5 mm superpave mix or 19 mm superpave mix with hydrated lime (Level 1), 220 pounds per square yard	*Office/Commercial*: 3-inch 19 mm superpave mix with hydrated lime (Level 1) - 330 pounds per square yard
		Industrial: 4-inch 25 mm superpave mix with hydrated lime (Level 1), 440 pounds per square yard or 2 2-inch lifts of 19 mm superpave mix with hydrated lime (Level 1), 220 pounds per square yard, per lift
Add in "prime application" section to table	0.20—0.25 GAL/Square yard	
Curb and Gutter	24-inch × 6-inch concrete "L" back curb 18-inch gutter; 6 inches high, 6-inch curb width	
Base Construction	1-150 lots: 6-inch base (graded aggregate); 100% dry density compaction	*Office/Commercial*: 8-inch base (graded aggregate), compacted to 100% maximum dry density
	>150 lots: 8-inch base (graded aggregate); 100% dry density compaction	*Industrial*: 10-inch base (graded aggregate), compacted to 100% maximum dry density, including any deceleration/acceleration lanes
Subgrade	Top 12-inch subgrade compacted to 100% dry density	
Street Width	26 feet face of curb to face of curb	*Office/Commercial*: 28 feet back of curb to back of curb
		Industrial: 30 feet back of curb to back of curb
Asphalt Pavement Width	23 feet	*Office/Commercial*: 24 feet
		Industrial: 26 feet

Standard	Residential Specifications	Nonresidential Specifications
Street Grade	10% maximum on subdivision streets; 4% maximum grade at intersections; 100 feet from curb line	8% maximum on streets; 2% maximum grade at intersections; 100 feet from curb line.
Turnaround Area	48.5 feet radius cul-de-sac pavement; 96 feet diameter	55 feet radius cul-de-sac pavement; 110 feet diameter.
Intersections	25 feet pavement radius to back of curb at intersection within subdivision 25 feet pavement radius to back of curb required where intersecting existing county or state roads 75 feet exit curb radius when designing a dual lane exit	50 feet pavement radius at intersections 50 feet straight section from curved streets required 75 feet exit curb radius when designing a dual lane exit.
Driveway Entrances	County specifications	GDOT specifications
Right-of-way	50 feet right-of-way minimum for local streets (additional right-of-way and/or slope easements may be required for cut and fill areas) 126 feet diameter right-of-way for cul-de-sac A 5-foot utility easement is required along all street right-of-way	60 feet right-of-way minimum (additional right-of-way or slope easement may be required for cut and fill areas) 150 feet diameter right-of-way for cul-de-sac. A 5-foot utility easement is required along all street right-of-way
Fill Areas and Back Slopes	2:1 maximum slope allowed	
Storm Sewers and Cross Drains	See Section 8.5.10. for pipe specifications and minimum requirements for pipe types listed. Pipe location and size approved by development plan review and stormwater management.	
Grassed Areas	Must comply with the erosion and sedimentation control requirements set forth in Chapter 3-5 of the Henry County Code of Ordinances.	
Core Testing	Core samples will be taken as directed (at applicant's expense) to determine thickness of base and pavement. See Sections 8.4.8.D.4and 8.4.8.F.6.	
Letter of Credit or Bond	3-year maintenance letter of credit or bond on all improvements within public right-of-way (streets, sidewalks, storm sewer, catch basins, cross drains) and stormwater detention facilities. On phased developments, certain sections may require a renewed letter of credit or bond if used for construction access to newer phases.	

8.4.9. Construction Standards for Existing Streets

A. Existing Unpaved Roads

Any unpaved road upon which a development has frontage and access must be widened and paved, according to the functional class of the road, as set forth in Table 8.2., along the frontage of the

development to the nearest intersection with a paved county road. The minimum right-of-way required must be dedicated along the entire frontage of the development back to the nearest intersection in which the roadway is to be improved. In addition to the design, construction, and right-of-way acquisition, the developer is responsible for the relocation of utilities. Where a development has frontage, but does not provide access to an unpaved road, the developer may preserve right-of-way along the development's frontage for future improvements to the roadway.

1. In instances where improving a roadway to the limits of the frontage causes for an undesirable termination point for the improved roadway, such as alignment issues or topographic issues, the improvement may be required to be further extended to provide for an acceptable tie-in to the existing roadway.

B. Existing Paved Road

For any existing paved two lane county road upon which a development has frontage and access that is less than 20 feet in width and classified as a local roadway, or less than 22 feet in width and classified as a collector roadway or greater, the roadway must be widened relative to county specifications in Tables 8.1. and 8.2. along the site's frontage. Widening of the roadway may include improvements to the shoulder, ditch, and back-slope to meet Henry County DOT Standards. Depending on the condition of the existing roadway, there may be requirements for additional improvements to the overall roadway width along the site's frontage, such as improvements to the typical pavement section and resurfacing. For any roadway less than 19 feet in width, the roadway may be required to be widened, possible typical pavement section improvement, placement of shoulder, ditch, and slopes to meet Henry County DOT standards and resurfacing along the site's frontage, as well as outside of the site frontage limits up to the nearest roadway meeting Henry County standards as determined by the county DOT. The minimum right-of-way required according to Table 8.2. must be dedicated along the entire frontage of the development.

8.4.10. Drainage Standards

A. Placement, Location, and Design

1. The size, length, and location of all surface drainage pipes or structures must be shown on all preliminary plats. All storm drain pipes or culverts carrying stormwater from the street and adjacent property or through lots in the subdivision shall be extended to 10 feet from the rear property line. Stormwater may be released into a channel or swale without causing scouring, erosion, or resulting in sedimentation of the receiving channel. The outlet channel must include structural and vegetative measures to assure nonerosive velocities of stormwater.
2. Installations, backfilling, and compaction around drainage pipes must be in accordance with GDOT specifications. All pipes must be a minimum of 18 inches in diameter, and have a minimum cover of 18 inches from the bottom of the road base, and head walls or inlet basins constructed at the ends of the pipes within county right of way
3. The design of drainage structures must be based on recognized hydrological formulae.
4. Piped collection systems for public streets (catch basins, inlets, cross drains, longitudinal piping), must be designed for the 50-year storm.
5. Road culverts, which carry live streams, must be reinforced concrete pipe and off-site drainage must be designed for the 100-year storm. The developer's engineer is to provide a no-rise certification letter.

6. Cross drain pipes within the public right-of-way must be designed and constructed at or near a 90-degree angle with the roadway centerline. Where a slight skew is necessary, the pipe may be placed within an 80- to 100-degree angle with the roadway centerline.
7. Longitudinal pipes along a curved section of roadway may be located on the inside of the curve to avoid pipe beneath the roadway footprint. If the longitudinal pipe needs to be along the outside of the curve the pipe must be wholly located outside the limits of the curb and gutter by use of additional junction boxes. For pipe at a cul-de-sac location, all pipe must be wholly located outside of the footprint of the curb and gutter that encircles the cul-de-sac.

B. Standard Specifications

1. The materials, methods of the construction, and workmanship for the work covered in reference to stormwater conveyance facility construction must conform to the most recent GDOT Standard Specifications.
2. Allowable pipe material for all applications in drainage easements and public street rights-of-way, except as specified below, are aluminum-coated (Type 2) corrugated steel pipe (ASP), corrugated aluminum alloy pipe, smooth-lined corrugated polyethylene pipe (HDPE), or reinforced concrete pipe (RCP). Usage is summarized Table 8.4. Allowable pipe materials are indicated by an "P" in the Table.
3. For roads constructed with public funds, either wholly or in part, or roads classified as major thoroughfares, materials which meet the Georgia DOT design standards must be used unless an alternative is specifically approved by the Henry County DOT.
4. Only RCP may be used for all dams 9 feet or more in height with an impounding capacity of 20 acre-feet or more, unless the Georgia Safe Dams Program requires another material.
5. RCP must be used under non-local roads when the ADT is greater than 15,000 vehicles per day. RCP or smooth-lined corrugated high-density polyethylene (HDPE) pipe may be used under nonlocal roads when the ADT is less than 15,000 vehicles per day.
6. The Department of Transportation may approve alternative pipe material.

C. Minimum Pipe and Pipe Coating Requirements

1. Reinforced concrete pipe shall be in not less than eight-foot joint lengths. All joints must be bell and spigot type, with a rubber gasket conforming to ASTM C-443. Pipe must be manufactured in accordance with AASHTO M-170 and/or ASTM C-76. Class of pipe and wall thickness must be in accordance with 1030-D, Georgia DOT specification, Table No. 1.
2. Aluminum-coated (Type 2) steel pipe must comply with AASHTO M-274 for the coating and AASHTO M-36 for the pipe fabrication. Aluminum alloy pipe must comply with AASHTO M-196 for material and fabrication.
3. See Figure 8.1 Reinforced Concrete Pipe Detail and Figure 8.2 Plastic and Metal Pipe Detail for the minimum acceptable combinations of gages, diameters, and corrugation configurations for corrugated aluminum alloy pipe and pipe arches, and for corrugated aluminum-coated steel pipe and pipe arches.
4. Each end of each pipe section to be joined by a coupling band must have a minimum of two annular corrugations. Coupling bands must be constructed to lap on an equal portion of each of the pipe sections to be joined. The connecting bands must have a minimum of two annular

corrugations and fully engage, over the entire pipe periphery, one corrugation on each pipe. Bands must be fabricated from the same material as the pipe. The minimum band gauges for aluminum pipe and aluminized pipe are specified in AASHTO M-196, Section 19, and AASHTO M-36, Section 9, respectively.

5. Gaskets may be required as determined by the county in the field and may be either sleeve type or O-ring type and must meet the requirements for gaskets as specified in AASHTO M-36, Section 9.3.

D. Structural plate drainage structures must conform to the following specifications:

1. Corrugated aluminum alloy structural plate pipe, pipe arches and arches must consist of aluminum plates and galvanized bolts and nuts of the size, shape and thickness as shown on the approved plans. These structures must conform to the requirements of AASHTO M-219.

E. Smooth interior corrugated polyethylene pipe.

1. This specification applies to high density polyethylene corrugated pipe with an integrally formed smooth interior (HDPE). HDPE pipe manufacturers shall be approved by the Department of Transportation.
2. This pipe must conform to the requirements of AASHTO M-294, Type S.
3. Joints may be as recommended by the manufacturer and approved by the county. Connections must create a soil tight joint at a minimum and use a rubber gasket which conforms to ASTM F-477.
4. Installation must be in accordance with ASTM Recommended Practice D2321, AASHTO Section 30, or as specified by the County.
5. Certification from the manufacturer that the product was manufactured, tested, and supplied in accordance with this specification must be furnished to the County upon request.

Table 8.4 Pipe Installation Standards

Specifications[1]		Pipe Type					
			Metal Pipe			Plastic Pipe	
		Reinforced Concrete Pipe	Aluminum Type 2 Steel	Polymer Precoat Steel	Aluminum Alloy	Corrugated Polyethylene	Smooth Lined High Density Polyethylene Type "S"
Minimum Thickness/class		ASTM C76, AASHTO M170	ASTM A760, A929; AASHTO M36, M274	ASTM A742, A762; AASHTO M36, M245, M246	ASTM B744, B745; AASHTO M196, M197, GDT17	AASHTO M252	ASTM F-2306; AASHTO M294[2]
Type of Installation (P = Permitted)							
Longitudinal		P	P	P	P		P
Cross Drains, >15,000 ADT	Cross Drain <10% Slope	P					
	Cross Drain >10% Slope	Check with Henry County DOT regarding type of pipe to install					
Cross Drains, <15,000 ADT (local roads)	Cross Drain <10% Slope	P					P
	Cross Drain >10% Slope						P
Cross Drains, <15,000 ADT (all other roads)	Cross Drain <10% Slope	P		P	P		P
	Cross Drain >10% Slope			P	P		P
Lateral Systems		P	P	P	P		P

Specifications[1]	Pipe Type					
		Metal Pipe			Plastic Pipe	
	Reinforced Concrete Pipe	Aluminum Type 2 Steel	Polymer Precoat Steel	Aluminum Alloy	Corrugated Polyethylene	Smooth Lined High Density Polyethylene Type "S"
Slope Drain		P	P	P		P
Perforated Underdrain		P	P	P	P	P
Dams H>9 feet and V>20-Ac-Ft	P					
Perennial Streams	P					P
Min. Allowable Design Velocity	2.5 fps	2.5 fps	2.5 fps	2.5 fps		2.5 fps
Max. Allowable Design Velocity	15 fps	5 fps	15 fps	15 fps		15 fps
Min. Soil PH/Resistivity		6/1500 ohm/cm	5/1500 ohm/cm			

Table Notes:

All pipe materials must meet the minimum requirements of the Georgia Department of Transportation's Standard Specifications Construction of Transportation Systems, most current edition.

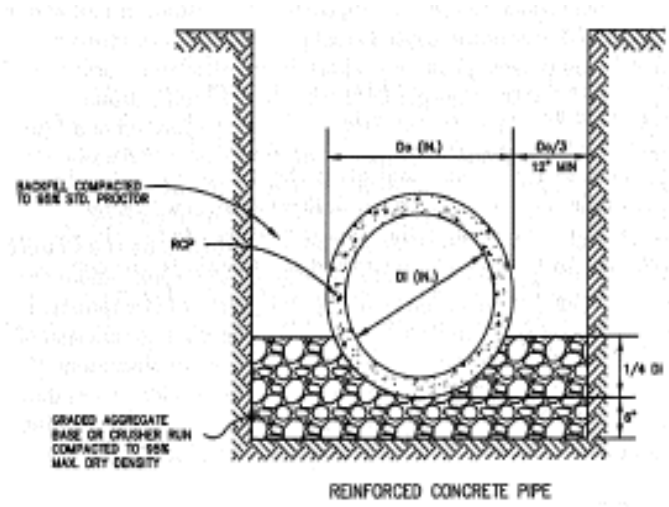
Allow smoothed-lined HDPE, Type S (AASHTO M294) pipe for storm (longitudinal and cross) and side drain applications through 48-inch diameter so long as roadway's ADT is less than 15,000 vehicles per day.

F. Pipe Installation

1. Installation Standards

Reinforced concrete pipe (RCP), corrugated aluminum alloy pipe, corrugated aluminum coated steel pipe and smooth interior corrugated polyethylene pipe must be installed in accordance with Section 550 of the Georgia DOT Standard Specifications, Construction of Roads and Bridges. Prior to approval of a final plat, the County may require the submittal of certification from a mandrel testing agency indicating that all installed pipe (other than RCP) does not exceed 5% deflection. Based on field inspections, video surveillance may be required on storm drain installations before approval of the final plat or issuance of the certificate of occupancy. If required, video surveillance should be done after completion of all activities that may damage the pipe but prior to placement of base, paving or landscaping over or near the pipe. If video surveillance indicates problems such as pipe deformation, cracking or joint separation, the pipe must be removed and replaced before approval.

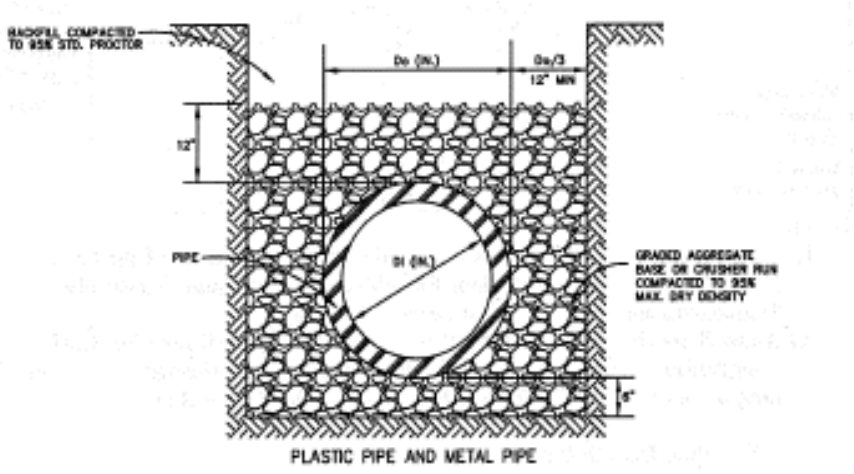
Figure 8.1 Reinforced Concrete Pipe Detail



2. Bedding

   All pipe structures must be placed on stable earth or fine granular foundation, the characteristics of which would be expected to provide long-term stability. In all live stream pipe installations, in areas of low bearing solid or non-uniform foundations, in areas where rock is encountered at the foundation level, or in other locations where conditions warrant, a minimum of 6 inches of crushed stone bedding is required, with a maximum stone size of three-fourths inch. Geotextiles or geogrids may also be required by the county in problem areas.

Figure 8.2 Plastic and Metal Pipe Detail



3. Backfilling

   Backfill for CSP, CAP, and HDPE pipe installations must be constructed using graded aggregate base or crusher run 6 inches below the bottom of pipe to 12 inches above the pipe crown. Backfill for RCP pipe installations must be constructed using graded aggregate base or crusher run 6 inches below the pipe invert to one-quarter of the pipe diameter. Foundation backfill material may be used for RCP above one-quarter of the pipe diameter (if graded aggregate base is not used above the one-quarter of the pipe diameter) as per Type I or Type II, as specified in sections 8.12.01 and 8.12.02, respectively, in Georgia DOT Standard Specifications. These materials must be placed in layers of not more than 6 inches loose. Compaction of these materials may be accomplished by hand tamping or machine tamping. Required compaction levels are as follows:

   (a) Within all street rights-of-way, backfill must be compacted to 95% maximum density, tested using the AASHTO Method T-99.

   (b) In all other areas, backfill must be compacted to 90% maximum density, tested using the AASHTO Method T-99.

4. Construction Loads and Minimum Covers

   If drainage pipe is installed prior to the completion of grading, a minimum of 4 feet of fill should be provided where needed to adequately protect the drainage structure during the land development phase, unless the structure itself is designed to withstand the anticipated live load during construction.

G. End Finish

1. Headwalls or other end treatments are required on all culverts and at the outlet of all piped collection systems. Where ends of pipe are located within or near the right-of-way and are parallel, or nearly parallel, with the roadway, safety end sections may be required when the posted speed limit is 35 mph and over.

(a) When the posted speed limit is 45 mph or greater, GDOT 1122 safety end sections are required.

2. Headwalls are to be precast concrete, stone masonry with reinforced concrete footings, or poured in place, reinforced concrete with reinforced concrete footings. Precast concrete headwalls for corrugated aluminum coated steel pipe or aluminum alloy pipe must be made with aluminum coated steel or aluminum alloy pipe stubs.

3. End treatments that conform to the slope may be pre-cast concrete end sections; aluminum coated steel or aluminum alloy end sections, masonry, PE end sections, reinforced poured-in-place slope collars, or grouted rip-rap. Concrete and metal flared end sections must conform to applicable GDOT Standard Drawing 1120, 1122, or Detail D-39.

H. Junction Boxes and Catch Basins

Junction boxes and catch basins must have metal manhole frames and lids for access.

I. Other Structures

Natural bottom arches and box culverts may be used in accordance with the latest GDOT standard specifications. Bottomless culverts require that a scour analysis be done by a registered professional engineer in that field to GDOT Specifications and Standards to ensure the soundness of the proposed structure.

Sec. 8.5. Intersections

8.5.1. General

A. Applicability

All new or reconstructed driveways, access easements or shared driveways, modified residential driveways, private streets, public streets, and adjoining streets must conform to the standards of this section. Within this section, the term driveway applies to private driveways, access easements or shared driveways, private streets or public streets.

8.5.2. Intersection Standards

A. Street intersections should meet at or nearly at right angles.

B. In residential subdivisions no intersection may be at an angle of less than eighty 80 degrees or more than 100 degrees.

C. In commercial and industrial subdivisions street intersection angles may be allowed to be between 85 degrees and one 95 degrees upon approval from Henry County DOT.

D. The minimum curb radius at street intersections may be no less than 25 feet in residential subdivisions. For streets to have a dual lane exit, the exit curb radius must be no less than 75 feet. Where a county collector or an arterial roadway intersects with another county collector or arterial roadway the minimum radii at the intersection must be 50 feet.

E. The minimum curb radius of street intersections for industrial and commercial subdivisions is 50 feet. For commercial and industrial streets to have a dual lane exit, the exit curb radius must be no less than 75 feet.

F. Pedestrian ramps for all intersections must be designed in accordance with the Public Right-of-Way Accessibility Guidelines (PROWAG).

G. Interior subdivision street intersections must have a minimum centerline offset of at least 125 feet when not aligned directly across from one another. See Sec. 8.3.3.C.3 for requirements of intersection offsets on roadways with posted speed limits over 30 mph.

8.5.3. Visibility at Intersections

A. Intersection Sight Distances for All Streets

Curb cuts must be placed to provide for the minimum intersection sight distance based on the intersecting road's posted speed limit. The intersection sight distance is measured using a driver-eye height of 3.5 feet and an object height of 3.5 feet with the driver eye being located 14 feet beyond the edge of the travel lane (when there is a deceleration lane, the driver eye will be located 14 feet from edge of such lane) and an object height of 3.5 feet located in the center of each respective oncoming lane.

B. Stopping Sight Distance for All Streets

Minimum street centerline stopping sight distance must be designed relative to the design speed of the street and will be measured above the street centerline using a driver eye height of 3.5 feet and an object height of 6 inches.

C. Corner Lots

On corner lots within all zoning districts, no fence, shrubbery or other obstruction may be placed within the sight line triangles that blocks or disrupts the line of sight based on a driver eye height of 3.5 feet located 14 feet from edge of travel lane, or the edge of a deceleration lane, if applicable, and an object height of 3.5 feet located in the center of each respective lane. The minimum distances required are shown in Table 8.5. However, street signs, streetlights, mailboxes, or similar objects may be permitted within the sight line triangles.

Table 8.5 Sight Distance Requirements

Posted Speed Limit (MPH)	Intersection Sight Distance	Stopping Sight Distance	Min. Crest Curve "k" Value (1990 AASHTO)*	Min. Sag Curve "k" Value (2004 AASHTO)*
25 or less	280 ft.	150 ft.	20	26
30	335 ft.	200 ft.	30	37
35	390 ft.	225 ft.	40	49
40	445 ft.	275 ft.	60	64
45	500 ft.	325 ft.	80	79
50	555 ft.	400 ft.	110	96
55+	610 ft.	450 ft.	150	115

*Where there is an intersecting street on or near the vertical curve, the minimum "k" value may not provide for the minimum intersection sight distance requirement. If this is the case, the "k" value for the crest curve will need to be increased to obtain the minimum intersection sight distance required.

Sec. 8.6. Streetscapes and Sidewalks

8.6.1. General

A. Applicability.

Conformance with this section is required for all subdivision and land disturbance permits.

B. Purpose and Intent.

1. The objective is to provide facilities that ensure safe pedestrian movement in the County while reducing vehicular traffic, thereby increasing safety and circulation within the County.
2. Sidewalks are intended to provide a safe pedestrian connection between a subdivision or development and nearby destinations.

C. Required Streetscapes.

1. Streetscapes are required on both sides of streets within all commercial, industrial or mixed-use developments. Streetscapes must be continuous and must consist of a planter strip and a sidewalk as indicated on Table 8.6 below.
2. In residential subdivisions, sidewalks are required on both sides of the street, except as follows:
   (a) Where curb and gutter standards have been waived in accordance with Sec. 8.4.4., sidewalks are not required.
   (b) Sidewalks in residential subdivisions may be installed on only one side of the street upon approval by the Director.

Table 8.6 Streetscape Requirements

	Development Type	Width (min.)		
		Planter Strip	Sidewalk	Total
Local Street				
Residential zoning district	Residential subdivision, public and institutional use	4 ft.	4 ft.	8 ft.
Nonresidential zoning district	All types	4 ft.	6 ft.	10 ft.
Arterial/Collector Street				
Residential zoning district	All types	6 ft.	4 ft.	10 ft.
Nonresidential zoning district	All types	6 ft.	8 ft.	14 ft.
Alley				
All zoning districts	All types	None	None	None

3. Where an official County or GDOT project uses an alternative streetscape design, the streetscape must conform to the design found in the official County or GDOT project, subject to the approval of the Director, provided the total width of the streetscape is not less than otherwise required.
4. Upon findings by the Director of Planning and Zoning that a sidewalk would not be of public benefit at a particular location, funds may be distributed into a sidewalk bank fund operated by the County Department of Planning and Zoning.
5. In determining whether the construction of a sidewalk would be of public benefit, the Director must consider the following:
   (a) Whether there is no existing sidewalk to which the proposed sidewalk can connect, and the likelihood of additional development nearby that would require the construction of additional sidewalks.
   (b) Whether a stormwater system or similar public utility facility prevents the construction of a sidewalk and neither the facility nor the proposed sidewalk can be reasonably relocated or altered to accommodate both the facility and the sidewalk.
   (c) Whether the topography of the site would require the installation or construction of a retaining wall more than 3 feet in height.
   (d) Whether there are other unique or peculiar circumstances on a development site that prevents the construction of a sidewalk.

D. Exemptions.

1. Construction of a new single-family dwelling when not located within a platted subdivision.

E. The provisions established in this section may be applied to any project currently under review or under bond as of the date of adoption of this ULDC.

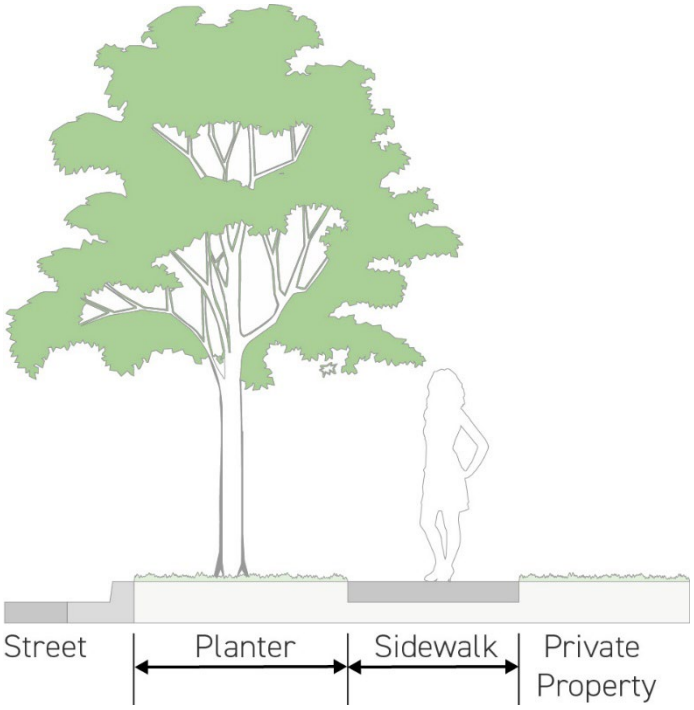


Figure 8.3 Streetscape Section

8.6.2. Sidewalk Design Standards

A. Sidewalks must be at least 4 inches in thickness and must be constructed of Portland cement concrete. Sidewalks may be installed no closer than 2 feet to the back of curb line. Sidewalks and curbs at street intersections must be designed in accordance with the Public Right-of-Way Accessibility Guidelines (PROWAG).

B. Sidewalks must be installed by the builder on lots upon which a dwelling is being constructed before the issuance of a certificate of occupancy. All sidewalks along common areas, including pond lots, amenity areas, open space, and lots containing existing homes or lots that are unbuildable, must be installed by the developer before the Plat is issued. In addition, all ADA ramps must be installed by the developer before the Plat is issued. A three-year maintenance bond is required for these items and after the three-year period has expired, any broken curbing and sidewalk will be repaired by the builder before a certificate of occupancy is issued.Twelve months from the completion of at least 90% of the dwellings in any subdivision, or phase of any subdivision, the developer must install sidewalks along any areas not yet containing sidewalks.

8.6.3. Planter Strip

A. Defined

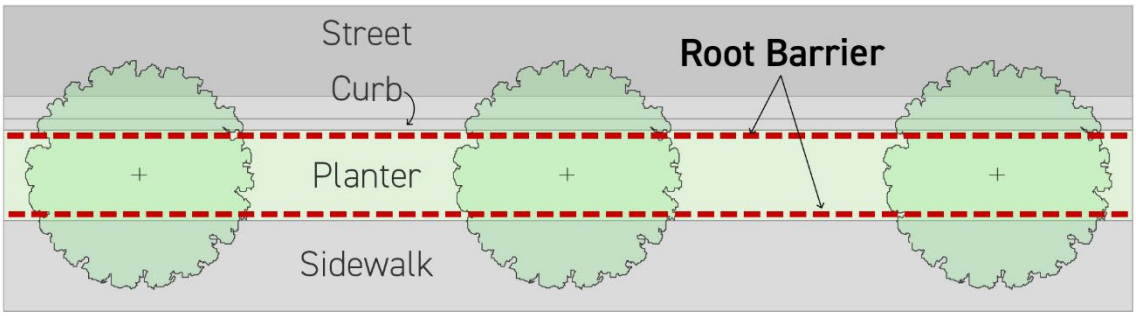
The planter strip is that portion of a streetscape intended for planting street trees and the placement of street furniture including light poles, litter receptacles, benches, utilities, traffic signs, bike racks, bus shelters, and similar items in a manner that does not obstruct pedestrian access or motorist visibility and as approved by the County.

B. Standards

In addition to the general standards for streetscapes, planters must meet the following requirements:

1. A continuous planter must be provided along all existing and new streets.
2. The planter must be located between the roadway and the sidewalk.
3. The width of the planter must be as specified in Table 8.6.
4. Street trees are required in the planter strip every 40 feet on center.
5. Pedestrian and streetlights, where installed, must be placed a maximum 80 feet on center and spaced equal distance between required street trees.
6. A tree root barrier may be required to be installed by the county within planter strips. Root barriers must be installed in accordance with the Figure 8.4 below.

Figure 8.4 Root Barriers



8.6.4. Sidewalk

A. Defined

The portion of the streetscape between the planter and the front lot line of the adjacent lot intended for pedestrian activity.

B. Standards

In addition to the general standards for streetscapes, sidewalks must meet the following requirements:

1. A clear, direct, continuous, and paved sidewalk must be provided along all existing and future streets.
2. Sidewalks must be separated from vehicular travel lanes and any on-street parking by a planter.
3. The width of the sidewalk must be as specified in Table 8.6 Streetscape Requirements.
4. Utility poles, streetlights, and above ground utilities cannot be in a sidewalk zone unless an alternative location is not feasible, as determined by the Director.

8.6.5. Sidewalk Bank Fund

A. There is hereby created a Sidewalk Bank Fund for Henry County. The Sidewalk Bank Fund is reserved for the deposit, maintenance and distribution of any funds collected in lieu of construction of a sidewalk or sidewalks for a particular project or site as detailed in Sec. 8.6.1.C.

B. Any contributions collected pursuant to this section must be monetary and can only be used for the construction or maintenance of sidewalks on a public street.

C. The total amount of monetary contributions into the sidewalk bank will be determined by the County DOT based on the actual cost of construction of the sidewalk at the original location based on the standards for construction within this ULDC. Cost of construction may include sidewalks, streetlights, and street trees that would otherwise be required to be installed.

ARTICLE 9. ENVIRONMENTAL PROTECTION

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Sec. 9.1. Tree Protection

9.1.1. General

A. Purpose

The purpose of this section is to provide for the protection, conservation, and replacement of trees and landscaping to improve the urbanized and natural environment of Henry County. It is the policy of Henry County to minimize the removal of trees on development sites and, upon proper site completion, achieve replacement of trees by uniform standards set forth in this section.

B. Applicability

The terms and provisions of this section and the standards within apply to:

1. Individuals engaged in any activity on real property which requires the issuance of a land disturbance permit within the county, except as otherwise specified by this ULDC.
2. Individuals engaged in the building or development of single-family homes or subdivisions, multifamily and manufactured home developments, and all nonresidential uses.
3. Owners of individual properties greater than 1 acre in size and not part of a platted subdivision.

C. Exemptions

The following situations are exempt from the provisions of this Sec. 9.1. In cases where these exemptions would permit the removal of one or more specimen trees as defined by this ULDC, all reasonable efforts must be made to preserve said specimen trees.

1. The removal of trees, other than specimen trees, from any lot less than 1 acre in size which contains or is zoned and platted for the purposes of constructing a single-family detached structure. The exemption does not include an exemption from requirements for protective buffers along streams, creeks, and reservoirs as set forth in this Article 9.
2. The removal of trees from detention ponds and drainage easements where necessary for the construction, maintenance, or operation of said ponds or drainage improvements within such areas.
3. The removal of diseased, deceased, infested or dying trees which may pose a danger to human life or property, as determined by a licensed arborist.
4. The removal of trees less than 3 inches DBH when a land disturbance permit is not required.
5. The removal of trees on public rights-of-way by or on behalf of any federal, state, county, municipal or other government agency with jurisdiction, where necessary to lawfully construct, maintain, repair or improve said public rights-of-way.
6. The removal of non-native invasive species, as established by the Georgia Exotic Pest Plant Council.
7. Horticultural and agricultural operations.

9.1.2. Requirements in All Zoning Districts

A. Development plans, when required as detailed in Sec. 10.9.2.B.3 and 9.5.3.A.3, are required to implement a master drainage plan and on-site tree preservation practices in an effort to preserve

water quality. Within such development, only so much land area may be cleared as is necessary for the development and construction of roadways, utilities, and amenity areas (i.e., parking lots, clubhouses, pool areas, tennis courts, etc.), and to accomplish the master drainage plan.

B. The clear cutting of any lot in a residential district is prohibited. Only land area necessary for purposes of the proper development of said lot may be cleared. Clearing is limited to the specific development and all areas within 10 feet of the specific development, including areas for:

1. The placement of the individual home;
2. The placement of driveways and sidewalks;
3. The placement of utilities and detention ponds;
4. The placement of septic systems;
5. The placement of roads;
6. The placement of decks and patios; and
7. Proper drainage as required by the county.

9.1.3. Tree Protection

Unless specifically exempted from this Sec. 9.1., any activity which requires the issuance of a land disturbance permit must submit a tree survey and tree protection plan to the County, concurrent with the application submittal for land disturbance, in accordance with the requirements of this section.

A. Tree Survey

1. The tree survey must be a to-scale map or site plan prepared and sealed by a state licensed land surveyor, professional engineer, landscape architect, or a certified arborist. The survey must include the location of all specimen trees plus all other trees intended to be preserved and counted toward meeting site tree density unit requirements of this Sec. 9.1.
2. All specimen trees and their critical root zones must be labeled and identified on the tree survey by size and species. This includes specimen trees intended to be preserved or removed. The tree survey must be labeled in a way to determine if they are intended for removal or preservation.
3. All other trees intended to be counted towards the tree density unit requirements must be shown on the survey and must be labeled by size and species. Only trees with a caliper measurement of 3 inches or more are required to be identified.
4. Trees which are proposed to be removed, other than those trees identified in subsection 2 above, are not required to be counted and shown individually on the tree survey. Such trees may be estimated in number, size and species and quantified as part of the total site inventory of tree population.
5. A summary table of the number of existing trees to remain and the new trees to be planted, by diameter to the nearest inch, at 4.5 feet above ground, must be shown along with the calculations showing the tree density for the site.

B. Tree Protection Plan

1. A tree protection plan must be submitted as a separate document, unless otherwise approved by the Director.

2. The plan must be submitted on a current boundary survey drawn to scale and identifying the property by acreage and location.
3. The plan must include the type, location and size at the breast diameter height of all trees to be protected and counted towards the tree density requirements of this section, including specimen trees meeting the requirements of Sec. 9.1.4.A.1.
4. Tree density calculations showing the amount of existing trees to be retained for purposes of meeting the minimum tree density units of this section must be included. Only existing trees with a DBH of 3 inches or more may be counted towards the tree density requirements.
5. All natural areas intended to remain and any required buffer areas must be included on the tree protection plan. Such areas must be protected using one of the methods identified in subsection C below.

C. Tree Protection Methods

Methods for tree protection must be shown on the tree protection plan. Acceptable methods of tree protection are as follows:

1. Trees identified to be preserved must have a valid, recognizable method of tree protection (tree save) marking or delineation installed at the critical root zones.
2. No person engaged in the construction of any structure or improvement may encroach on a designated tree-save or critical root zone area with heavy machinery, temporary construction related structures such as trailers or portable toilets, or the storage of heavy building materials.
3. During construction, a tree save area must be designated around any trees that are to remain at the end of construction. This includes, but is not limited to, chain link, orange laminated plastic, wooden post and rail fencing, or other appropriate methods that can identify the noninvasive drip line area.
4. The barrier must be placed beyond the critical root zone and prevent the stockpiling of soil or building materials, dumping cleaning solvents, or parking of vehicles or equipment within the tree save area.

9.1.4. Tree Removal

A. Removal of Specimen Trees

The removal of specimen trees from a site may only be allowed in accordance with this Sec. 9.1.4.

1. Any tree of fair or better condition which meets or exceeds the following diameter sizes is considered a specimen tree:
   (a) Large hardwoods such as oaks, hickories, yellow poplars of at least 24 inches DBH.
   (b) Large softwoods such as pines, evergreens and similar species of at least 30 inches DBH.
   (c) Small trees such as dogwoods, redbuds, sourwoods and similar species of at least 10 inches DBH.
   (d) A tree which may not meet the size requirements above but which is:
      i. Considered a rare or unusual species; or
      ii. Of historical or cultural significance; or

iii. Of exceptional aesthetic quality.

2. Removal of any specimen tree requires a permit for tree removal.
3. The tree removal application must include the following information:
   (a) A written explanation as to why the tree cannot be retained on the site.
   (b) Consideration as to whether features of the proposed development can be relocated or designed in a manner that would allow for the retention of the specimen tree and any economic impacts which may occur as a result of such relocations or designs.
4. The application to remove a specimen tree requires the approval of the Building Official. A permit for removal may be issued upon finding one or more of the following conditions are met:
   (a) Evidence that alternative site and building designs have been considered by the applicant but would not result in retention of the specimen tree.
   (b) Retention of the specimen tree would result in less economic use of the property.
   (c) The site design results in the removal of the minimum number of specimen trees necessary to accommodate the development.
   (d) The request to remove a specimen tree or trees is reasonable considering the remaining specimen trees on the site that will be retained.
   (e) Any decision by the Building Official in the determination of the application may be appealed in accordance with Sec. 10.6.

B. Removal of Nonspecimen Trees

The removal of nonspecimen trees from a site may be allowed if:

1. The tree is located in an area where a structure or improvement will be placed.
2. The tree is diseased or structurally unsound.
3. The tree poses an imminent danger.
4. The tree interferes with existing utility service.
5. The tree obstructs visibility at intersections as detailed in 8.5.3.

C. Tree Removal Limitations

Nothing in this section will be construed to allow the removal of any tree or vegetation in any required stream buffer, watershed buffer, buffer adjacent to waters of the state, or other undisturbed or planted buffer located for protection of natural resources, except unless found to be dead, diseased, or insect infected by the Director, a certified arborist, county extension service, or the Georgia Forestry Commission, or as otherwise permitted by this ULDC.

9.1.5. Tree Replacement

A. All sites must maintain a minimum tree density as indicated below. The density requirement must be met whether or not a site had trees prior to development or land disturbance.

1. Residential districts: 16 units per acre
2. Nonresidential districts: 20 units per acre

The term “tree density unit” is not synonymous with “tree”.

B. The tree density unit may be achieved by counting existing trees to be retained, by the planting of new trees, or through a combination of the two.

C. Only trees planted on private property may be counted towards meeting tree density requirements. Any trees planted within the public right-of-way do not count towards and are excluded from the site acreage.

D. Calculation of Tree Density Units

The following formula must be used to determine tree density requirements.

SDF = EDF + RDF

SDF, or Site Density Factor, is the minimum tree density required to be maintained.

EDF, or Existing Density Factor, is the density of existing trees to be retained on site.

RDF, or Replacement Density Factor, is the density of new trees to be planted on site.

Density factors are determined using the conversion factors as indicated on Table 9.1 and Table 9.2.

Table 9.1 Tree Density Units for Existing Trees

Existing Tree DBH (inches)	Density Units
3	1.0
4	1.5
5	2.0
6	2.4
8	3.0
10	3.6
12	4.2
14	4.8
16	5.3
18	5.7
20	6.0
22	6.3
24	6.6
26	6.9
28	7.2
30	7.5
32	7.8
34	8.1
36	8.4
38	8.7
40	9.0
42	9.3
44	9.6
46	9.9
48	10.2
50+	10.5

Table 9.2 Tree Density Unit Values for Replacement Trees

Caliper of Replacement Tree(inches)	Tree Density Units for Replacement Tree
3	0.6
4	0.9
5	1.5
6	2.4
7	3.2
8	4.0
9+	6.0

9.1.6. Recommended Tree Species

A. Table 9.3. represents the recommended trees to be utilized when the planting or replacement of trees is required by this ULDC. Priority must be given to those trees identified preferred species.

1. Additional species of trees may be approved by the Director provided that a certified arborist or landscape architect has prepared the landscape protection plan.

B. Replacement trees must be overstory or medium canopy tree species unless site conditions such as overhead powerlines, utilities, or similar conditions do not allow the planting of these trees. No more than 25% of the total site tree density can be comprised of understory trees.

C. Coniferous evergreen trees may only count towards tree replacement requirements when such trees are at least 8 feet in height. When planted, coniferous evergreens between 8 and 12 feet in height will be considered equal to 3-inch caliper trees. Each additional 4 feet of height will constitute an additional inch of caliper.

1. No more than 20% of the total site tree density can be comprised of coniferous evergreen trees.

Table 9.3 Recommended Tree List

Scientific Name	Common Name	Street or Parking Lot Tree*	Preferred Species
Overstory Tree Species			
Overstory trees must be planted 30 feet on center			
Carya cordiformis	Bitternut Hickory		Yes
Carya glabra	Pignut Hickory		Yes
Carya illinoinensis	Pecan		Yes
Carya ovata	Shagbark Hickory		
Carya pallida	Sand Hickory		

Scientific Name	Common Name	Street or Parking Lot Tree*	Preferred Species
Carya tomentosa	Mockernut Hickory		Yes
Castanea dentata	American Chestnut		
Fagus grandifolia	American Beech	Yes	Yes
Fraxinus americana	White Ash	Yes	Yes
Fraxinus pennsylvanica	Green Ash	Yes	
Ginkgo biloba	Maidenhair Tree (male only)	Yes	
Gleditsia triacanthos	Honey Locust (thornless varieties only)		
Liquidambar styraciflua	Sweetgum (fruitless varieties only)	Yes	Yes
Liriodendron tulipifera	Tulip Poplar	Yes	Yes
Magnolia grandiflora	Southern Magnolia	Yes	Yes
Metasequoia glyptostroboides	Dawn Redwood		
Nyssa aquatica	Swamp Tupelo		
Platanus acerifolia	London Planetree	Yes	
Platanus occidentalis	American Sycamore	Yes	Yes
Quercus alba	White Oak	Yes	Yes
Quercus bicolor	Swamp White Oak		
Quercus coccinea	Scarlet Oak	Yes	
Quercus falcata	Southern Red Oak	Yes	Yes
Quercus marilandica	Blackjack Oak	Yes	Yes
Quercus nutallii	Nuttal Oak	Yes	
Quercus phellos	Willow Oak	Yes	
Quercus palustris	Pin Oak	Yes	
Quercus shumardii	Shumard Oak	Yes	Yes
Quercus stellata	Post Oak		Yes
Taxodium distichum	Bald Cypress	Yes	Yes
Ulmus americana	American Elm	Yes	
Mid-canopy Tree Species			
Mid-canopy trees must be planted 20 feet on center			
Acer barbatum	Southern Sugar Magnolia	Yes	
Acer leucoderme	Chalk Maple	Yes	
Acer rubrum	Red Maple	Yes	

Scientific Name	Common Name	Street or Parking Lot Tree*	Preferred Species
Betula nigra	River Birch		Yes
Carpinus betulus	European Hornbeam	Yes	
Castanea mollissima	Chinese Chestnut		
Celtis laevigata	Sugarberry	Yes	
Cladrastis kentukea	Yellowwood		
Magnolia acuminata	Cucumber Magnolia		
Nyssa sylvatica	Blackgum	Yes	
Ostrya virginiana	Eastern Hop Hornbeam	Yes	
Salix nigra	Black Willow		Yes
Ulmus alata	Winged Elm		
Ulmus rubra	Slippery Elm	Yes	
Understory Tree Species			
Understory trees must be planted 20 feet on center			
Acer buergerianum	Trident Maple	Yes	
Amelanchier arborea	Serviceberry	Yes	Yes
Carpinus caroliniana	American Hornbeam	Yes	Yes
Cercis canadensis	Eastern Redbud	Yes	Yes
Cercis chinesis	Chinese Redbud		
Chionanthus virginicus	Fringetree	Yes	Yes
Cornus alternifolia	Alternate Leaf Dogwood		
Cornus florida	Flowering Dogwood	Yes	Yes
Cornus kousa	Chinese Dogwood		
Cotinus obovatus	American Smoketree		
Halesia carolina	Carolina Silverbell	Yes	
Hamamelis virginiana	Witch Hazel		
Ilex spp.	Holly (tree form varieties)	Yes	
Lagerstroemia indica	Crape Myrtle (non-dwarf)	Yes	
Magnolia x soulangiana	Saucer Magnolia		
Magnolia stellata	Star Magnolia		
Magnolia virginiana	Sweetbay Magnolia		Yes
Malus floribunda	Japanese Flowering Crabapple	Yes	

Scientific Name	Common Name	Street or Parking Lot Tree*	Preferred Species
Myrica cerifera	Wax Myrtle		
Oxydendrum arboreum	Sourwood		Yes
Prunus serrulata	Japanese Flowering Cherry		
Prunus subhirtella	Winter Flowering Cherry		
Prunus x yedoensis	Yoshino Flowering Cherry		
Quercus georgiana	Georgia Oak	Yes	Yes
Rhus spp.	Sumac		
Sassafras albidum	Sassafras	Yes	
Coniferous Evergreen Tree Species			
Coniferous evergreen trees must be planted 12 feet on center			
Cedrus atlantica "Glauca"	Blue Atlas Cedar		
Cedrus deodara	Deodar Cedar		
Chamaecyparis obtusa	Hinoki Cypress		
Chamaecyparis thyoides	Atlantic White Cedar		
Cryptomeria japonica	Japanese Cedar		
Juniperus virginiana	Eastern Red Cedar	Yes	
Thuja occidentalis	Arborvitae		
Pinus echinata	Shortleaf Pine		Yes
Pinus taeda	Loblolly Pine		Yes
Pinus virginiana	Virginia Pine		Yes
Tsuga canadensis	Eastern Hemlock		

* Understory trees may only be used in parking lot and street tree applications when site conditions do not allow the planting of overstory or mid-canopy trees. Understory trees must be single trunk when adjacent to streets.

9.1.7. Alternative Compliance

A. General

The intent of this Sec. 9.1 is to ensure that all developed sites maintain a minimum tree density. If a site cannot physically accommodate this requirement, the Director may allow tree planting or replacement on another property, either private or public, or accept payment into the County's tree replacement fund.

B. Standards

The following standards are established for administering these alternatives:

1. The Director must review and approve all requests for alternative compliance.

2. In no instance may 100% of the required site density be met through alternative compliance.
3. As many trees as can reasonably be expected to survive must be planted on the site in question.
4. No permit may be issued until any required payment has been made to the tree replacement fund, if applicable.
5. The amount per tree density unit to be paid to the tree replacement fund must be set by resolution of the Board of Commissioners.
6. The tree replacement fund may be used for planting trees on public property or on approved private property, environmental education, management of the tree preservation program, and related purposes.

9.1.8. Specific Requirements for Timber Lands

A. Land that is used for silviculture must comply with the requirements of subsection B. or subsection C. below.

B. Land that is declared silviculture is exempt from the requirements for tree protection provided that the following conditions are met:

1. A certificate from the tax assessor indicating agricultural preference;
2. A forest management plan, demonstrating compliance with the erosion control standards set forth in the Henry County Code of Ordinances, Chapter 3-5, Subchapter 5 (Soil Erosion, Sedimentation and Pollution Control); and
3. A commitment to follow the Georgia Forestry Commission's "Best Management Practices" as set forth in subsection E. below.

C. Land that has been designated silviculture may be developed after a period of 5 years from harvesting, provided that a development plan has been prepared and approved by the Director prior to any clearing, grading, clear-cutting, or other land disturbance. The purpose of the development plan is to ensure that cutting or harvesting of trees occurs in such a manner as to avoid the practice called "clear-cutting" prior to any subsequent development.

D. Prior to clearing, harvesting, or cutting trees, or any grading or land disturbance, a combined timbering and logging permit must be obtained from the county, according to procedures set forth in this ULDC. The development plan must include a forest management plan for the timberlands site. The management plan must demonstrate compliance with erosion control standards set forth in the Henry County Code of Ordinances, Chapter 3-5, Subchapter 5 (Soil Erosion, Sedimentation and Pollution Control), protection of soil and water resources, and compliance with best management practices.

E. Georgia Forestry Commission's "best management practices" (BMPs) include, but are not limited to:

1. Analyze and plan site preparation, taking into account all aspects of streamside management zones.
2. Avoid the cutting of roads or trails unless absolutely necessary. If roads/trails are necessary, do not locate them on ridge-tops and avoid use of soft roads/trails during wet ground conditions.
3. Avoid harrowing, root raking, or bulldozing.

4. When forestry activities are completed for a particular period of time, temporary access roads must be retired. This includes reshaping, mulching, and seeding, in combination with water bars.
5. Leave logging debris on exposed soil, dry washes, and at points of concentrated drainage from skid trails and road. Do not pile debris in live or wet-weather streams.
6. Do not service logging equipment where it will have an impact on soil or water quality.
7. Skidding on steep slopes must be done on a gradual grade rather than straight up the slope and skidding must be alternated between several skidding trails to minimize soil exposure and disturbance.

F. In addition to the BMPs set forth above and by the Georgia Forestry Commission, the property owner may not conduct any other land disturbing activities for a period of 3 years after the completion of such forestry practices.

Sec. 9.2. Floodplain Management

9.2.1. General

A. Purpose

The purpose of this article is to protect, maintain and enhance the public health, safety, environment and general welfare and to minimize public and private losses due to flood conditions in flood hazard areas, as well as to protect the beneficial uses of floodplain areas for water quality protection, streambank and stream corridor protection, wetlands preservation, and ecological and environmental protection by provisions designed to:

1. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial development, ground disturbance or construction;
2. Restrict or prohibit uses which are dangerous to health, safety and property due to flooding or erosion hazards, or which increase flood heights, velocities, or erosion;
3. Control filling, grading, dredging, and other development which may increase flood damage or erosion;
4. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands;
5. Limit the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters; and
6. Protect the stormwater management, water quality, streambank protection, stream corridor protection, wetland preservation, and ecological functions of natural floodplain areas.

B. Applicability

This article is applicable to all areas of special flood hazard within Henry County.

C. Basis for establishing areas of special flood hazard, areas of future-conditions flood hazard and associated floodplain characteristics—Flood area maps and studies

For the purposes of defining and determining "areas of special flood hazard," "areas of future-conditions flood hazard," "areas of shallow flooding," "base flood elevations," "floodplains," "floodways," "future-conditions flood elevations," "future-conditions floodplains," potential flood hazard or risk categories as shown on FIRM maps, and other terms used in this article, the following documents and sources may be used for such purposes and are adopted by reference thereto:

1. The flood insurance study (FIS) dated October 6, 2016, with accompanying maps and other supporting data and any subsequent revisions. For those land areas acquired by a municipality through annexation, the current effective FIS and data for Henry County dated October 6, 2016, with accompanying maps and other supporting data and any subsequent revisions.
2. Other studies, which may be relied upon for the establishment of the base flood elevation or delineation of the base or 1% (100-year) floodplain and flood-prone areas, including:
   (a) Any flood or flood-related study conducted by the United States Army Corps of Engineers, the United States Geological Survey or any other local, state or federal agency applicable to Henry County; and

(b) Any base flood study conducted by a licensed professional engineer which has been prepared utilizing FEMA approved methodology and approved by Henry County Stormwater Management Department.

3. Other studies, which may be relied upon for the establishment of the future-conditions flood elevation or delineation of the future-conditions floodplain and flood-prone areas, including:

   (a) Any flood or flood-related study conducted by the United States Army Corps of Engineers, the United States Geological Survey, or any other local, state or federal agency applicable to Henry County; and

   (b) Any future-conditions flood study conducted by a licensed professional engineer which has been prepared utilizing FEMA approved methodology approved by the Henry County Stormwater Management Department.

4. The repository for public inspection of the FIS, accompanying maps and other supporting data is located at Henry County Stormwater Management Department.

D. Warning and Disclaimer of Liability

The degree of flood protection required by this Sec. 9.2. is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur; flood heights may be increased by manmade or natural causes. This article does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This Section 9.2. will not create liability on the part of Henry County or any officer or employee thereof for any flood damages that result from reliance on this Sec. 9.2. or any administrative decision lawfully made there under.

E. Compatibility with Other Regulations

This article is not intended to modify or repeal any other article, rule, regulation, statute, easement, covenant, deed restriction or other provision of law. The requirements of this article are in addition to the requirements of any other article, rule, regulation or other provision of law, and where any provision of this article imposes restrictions different from those imposed by any other article, rule, regulation or other provision of law, whichever provision is more restrictive or imposes higher protective standards for human health or the environment will control.

F. Administration

The Henry County Stormwater Management Department Director, or their designee, is appointed to administer and implement the provisions of this Sec. 9.2.

9.2.2. Permit Procedures and Requirements

A. Permit Application

1. No owner or developer may perform any development activities on a site where an area of special flood hazard or area of future-conditions flood hazard is located without first meeting the requirements of this article prior to commencing the proposed activity.

2. Unless specifically excluded by this section, any landowner or developer desiring a permit for a development activity must submit to the Henry County Environmental Compliance and Plan Review Department a permit application on a form provided by the Environmental Compliance and Plan Review Department for that purpose.

3. No permit will be approved for any development activities that do not meet the requirements, restrictions and criteria of this Sec. 9.2.

B. Floodplain Management Plan Requirements

An application for a development project with any area of special flood hazard or area of future-conditions flood hazard located on the site must include a floodplain management/flood damage prevention plan. This plan must include the following items:

1. Site plan drawn to scale, which includes, but is not limited to:
   (a) Existing and proposed elevations of the area in question and the nature, location and dimensions of existing and/or proposed structures, earthen fill placement, amount and location of excavation material, and storage of materials or equipment;
   (b) For all proposed structures, spot ground elevations at building corners and twenty-foot or smaller intervals along the foundation footprint, or one foot contour elevations throughout the building site;
   (c) Proposed locations of water supply, sanitary sewer, and utilities;
   (d) Proposed locations of drainage and stormwater management facilities;
   (e) Proposed grading plan;
   (f) Base flood elevations and future-conditions flood elevations;
   (g) Boundaries of the base flood floodplain and future-conditions floodplain;
   (h) If applicable, the location of the floodway; and
   (i) Certification of the above by a licensed professional engineer or surveyor.
2. Building and foundation design detail, including, but not limited to:
   (a) Elevation in relation to mean sea level (or highest adjacent grade) of the lowest floor, including basement, of all proposed structures;
   (b) Elevation in relation to mean sea level to which any nonresidential structure will be floodproofed;
   (c) Certification that any proposed nonresidential floodproofed structure meets the criteria in subsection 9.2.3.C.2.;
   (d) For enclosures below the base flood elevation, location and total net area of flood openings as required in subsection 9.2.4.A.5.; and
   (e) Design plans certified by a licensed professional engineer for all proposed structure(s).
3. Description of the extent to which any watercourse will be altered or relocated because of the proposed development;
4. Hard copies and digital files of computer models, if any, copies of work maps, comparison of pre- and post-development conditions base flood elevations, future-conditions flood elevations, flood protection elevations, special flood hazard areas and regulatory floodways, flood profiles and all other computations and other information similar to that presented in the FIS;

5. Copies of all applicable state and federal permits necessary for proposed development, including, but not limited to, permits required by Section 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1334; and
6. All appropriate certifications required under this article. The approved floodplain management/flood damage prevention plan must contain certification by the applicant that all development activities will be done according to the plan or previously approved revisions. All development permits or use and occupancy certificates or permits may be revoked at any time if the construction and development activities are not in strict accordance with approved plans.

C. Construction Stage Submittal Requirements

For all new construction and substantial improvements on sites with a floodplain management/flood damage prevention plan, the permit holder must provide to the Building department one of the following:

1. A certified as-built elevation certificate; or
2. Floodproofing certificate for nonresidential construction including the lowest floor elevation or floodproofing level immediately after the lowest floor or floodproofing is completed.

A final elevation certificate must be provided after completion of construction including final grading of the site. Any lowest floor certification made relative to mean sea level must be prepared by or under the direct supervision of a licensed land surveyor or professional engineer and certified by same. When floodproofing is utilized for nonresidential structures, said certification must be prepared by or under the direct supervision of a licensed professional engineer or architect and certified by same using the FEMA Floodproofing Certificate. This certification must also include the design and operation/maintenance plan to assure continued viability of the floodproofing measures.

Any work undertaken prior to approval of these certifications will be at the permit holder's risk. The Henry County Stormwater Management Department Director or designee will review the above referenced certification data submitted. Deficiencies detected by such review must be corrected by the permit holder immediately and prior to further work being allowed to proceed. Failure to submit certification or failure to make the corrections required will be cause to issue a stop work order for the project.

D. Duties and Responsibilities of the Administrator

Duties of the Henry County Stormwater Management Department Director, or their designee, include but are not limited to:

1. Review all development applications and permits to assure that the requirements of this article have been satisfied and to determine whether proposed building sites will be reasonably safe from flooding;
2. Review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by federal or state law, including, but not limited to, Section 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1334;
3. When base flood elevation data or floodway data have not been provided, then the Henry County Stormwater Management Department Director or their designee may require the

applicant to obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other sources to meet the provisions of Sec. 9.2.3. and 9.2.4.;

4. Review and record the actual elevation in relation to mean sea level (or highest adjacent grade) of the lowest floor, including basement, of all new and substantially improved structures;
5. Review and record the actual elevation, in relation to mean sea level to which any substantially improved structures have been floodproofed;
6. When floodproofing is utilized for a nonresidential structure, the Henry County Stormwater Management Department Director or their designee will review the design and operation/maintenance plan and obtain certification from a licensed professional engineer or architect;
7. Notify affected adjacent communities and the Georgia Department of Natural Resources (GA DNR) prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Emergency Management Agency (FEMA);
8. Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (e.g. where there appears to be a conflict between a mapped boundary and actual field conditions) the Henry County Stormwater Management Department Director or designee will make the necessary interpretation. Any person contesting the location of the boundary will be given a reasonable opportunity to appeal the interpretation as provided in this article. Where floodplain elevations have been defined, the floodplain will be determined based on flood elevations rather than the area graphically delineated on the floodplain maps;
9. All records pertaining to the provisions of this section are maintained in the office of the Henry County Stormwater Management Department Director or their designee and will be open for public inspection;
10. Coordinate all FIRM revisions with the GA DNR and FEMA; and
11. Coordinate with the Department of Planning and Zoning the review of applicable variance applications and make recommendations that will be presented to the Henry County Board of Commissioners.

9.2.3. Standards for Development

A. Definition of Floodplain Boundaries

1. Studied "A" zones, as identified in the FIS, will be used to establish base flood elevations whenever available.
2. For all streams with a drainage area of 100 acres or more, the future-conditions flood elevations will be provided by the Henry County Stormwater Management Department. If future-conditions elevation data is not available from the Henry County Stormwater Management Department, it will be determined by a licensed professional engineer using a method approved by FEMA and the Henry County Stormwater Management Department.

B. Definition of Floodway Boundaries

The width of a floodway is determined from the FIS or FEMA approved flood study. For all streams with a drainage area of 100 acres or more, the regulatory floodway will be provided by the Henry County Stormwater Management Department. If floodway data is not available from the Henry

County Stormwater Management Department, it will be determined by a licensed professional engineer using a method approved by FEMA and the Henry County Stormwater Management Department.

C. General Standards

1. No development will be allowed within any area of special flood hazard or area of future-conditions flood hazard that could result in any of the following:

   (a) Raising the base flood elevation or future-conditions flood elevation equal to or more than 0.01 foot;

   (b) Reducing the base flood or future-conditions flood storage capacity;

   (c) Changing the flow characteristics as to the depth and velocity of the waters of the base flood or future-conditions flood as they pass both the upstream and the downstream boundaries of the development area; or

   (d) Creating hazardous or erosion-producing velocities, or resulting in excessive sedimentation.

2. Any development within any area of special flood hazard or area of future-conditions flood hazard allowed under subsection 9.2.3.C.1. must also meet the following conditions:

   (a) Compensation for storage capacity must occur between the average ground water table elevation and the base flood elevation for the base flood, and between the average ground water table elevation and the future-condition flood elevation for the future-conditions flood, and lie either within the boundaries of ownership of the property being developed and must be within the immediate vicinity of the location of the encroachment. Acceptable means of providing required compensation include lowering of natural ground elevations within the floodplain or lowering of adjoining land areas to create additional floodplain storage. In no case will any required compensation be provided via bottom storage or by excavating below the elevation of the natural (pre-development) stream channel unless such excavation results from the widening or relocation of the stream channel;

   (b) Cut areas must be stabilized and graded to a slope of no less than 2%;

   (c) Effective transitions must be provided such that flow velocities occurring on both upstream and downstream properties are not increased or decreased;

   (d) Verification of no-rise conditions (less than 0.01 foot), flood storage volumes, and flow characteristics must be provided via a step-backwater analysis meeting the requirements of subsection 9.2.3.D.;

   (e) Public utilities and facilities, such as water, sanitary sewer, gas, and electrical systems, must be located and constructed to minimize or eliminate infiltration or contamination from floodwaters; and

   (f) Any significant physical changes to the base flood floodplain must be submitted as a conditional letter of map revision (CLOMR) or conditional letter of map amendment (CLOMA), whichever is applicable. The CLOMR submittal will be subject to approval by the Henry County Stormwater Management Department using the FEMA Community Concurrence forms before forwarding the submittal package to FEMA for final approval. The responsibility for forwarding the CLOMR to FEMA and for obtaining the CLOMR approval is

the responsibility of the applicant. Within six months of the completion of development, the applicant must submit as-built surveys and plans for a final letter of map revision (LOMR).

D. Engineering Study Requirements for Floodplain Encroachments

An engineering study is required, as appropriate to the proposed development activities on the site, whenever a development proposes to disturb any land within the future-conditions floodplain, except for a residential single-lot development on streams without established base flood elevations and floodways. This study must be prepared by a licensed professional engineer and made a part of the application for a permit. This information must be submitted to and approved by the Henry County Stormwater Management Department prior to the approval of any permit which would authorize the disturbance of land located within the future-conditions floodplain. Such study must include:

1. Description of the extent to which any watercourse or floodplain will be altered or relocated as a result of the proposed development;
2. Step-backwater analysis, using a FEMA-approved methodology approved by the Henry County Stormwater Management Department. Cross-sections (which may be supplemented by the applicant) and flow information will be obtained whenever available. Computations will be shown duplicating FIS results and will then be rerun with the proposed modifications to determine the new base flood profiles, and future-conditions flood profiles;
3. Floodplain storage calculations based on cross-sections (at least one every 100 feet) showing existing and proposed floodplain conditions to show that base flood floodplain and future-conditions floodplain storage capacity would not be diminished by the development;
4. The study must include a preliminary plat, grading plan, or site plan, as appropriate, which must clearly define all future-conditions floodplain encroachments.

E. Floodway Encroachments

Located within areas of special flood hazard are areas designated as floodway. A floodway may be an extremely hazardous area due to velocity flood waters, debris or erosion potential. In addition, floodways must remain free of encroachment to allow for the discharge of the base flood without increased flood heights. Therefore, the following provisions apply:

1. Encroachments are prohibited, including earthen fill, new construction, substantial improvements or other development within the regulatory floodway, except for activities specifically allowed in subsection 9.2.3.E.2. below.
2. Encroachments for bridges, culverts, roadways and utilities within the regulatory floodway may be permitted provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the encroachment will not result in any increase to the pre-project base flood elevations, floodway elevations, or floodway widths during the base flood discharge. A licensed professional engineer must provide supporting technical data and certification thereof; and
3. If the applicant proposes to revise the floodway boundaries, no permit authorizing the encroachment into or an alteration of the floodway will be issued until an affirmative conditional letter of map revision (CLOMR) is issued by FEMA or a no-rise certification is approved by the Henry County Stormwater Management Department.

F. Maintenance Requirements

The property owner is responsible for continuing maintenance as may be needed within an altered or relocated portion of a floodplain on the property so that the flood-carrying or flood storage capacity is maintained. The Henry County Stormwater Management Department may direct the property owner (at no cost to Henry County) to restore the flood-carrying or flood storage capacity of the floodplain if the owner has not performed maintenance as required by the approved floodplain management plan on file with the Henry County Stormwater Management Department.

9.2.4. Provisions for Flood Damage Reduction

A. General Standards

In all areas of special flood hazard and areas of future-conditions flood hazard the following provisions apply:

1. New construction and substantial improvements of structures (residential or nonresidential), including manufactured homes, will not be allowed within the limits of the future-conditions floodplain, unless all requirements of subsections 9.2.3.C., D., and E. have been met;
2. New construction and substantial improvements must be anchored to prevent flotation, collapse and lateral movement of the structure;
3. New construction and substantial improvements must be constructed with materials and utility equipment resistant to flood damage;
4. New construction and substantial improvements must be constructed by methods and practices that minimize flood damage;
5. All new construction and substantial improvements that include any fully enclosed area located below the lowest floor formed by foundation and other exterior walls must be designed to be an unfinished or flood resistant enclosure. The enclosure must be designed to equalize hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwater.
   (a) Designs for complying with this requirement must either be certified by a licensed professional engineer or architect to meet or exceed the following minimum criteria:
      i. Provide a minimum of two openings having a total net area of not less than 1 square inch for every square foot of enclosed area subject to flooding;
      ii. The bottom of all openings must be no higher than 1 foot above grade; and
      iii. Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwater in both directions.
   (b) So as not to violate the "lowest floor" criteria of this article, the unfinished and flood resistant enclosure will solely be used for parking of vehicles, limited storage of maintenance equipment used in connection with the premises, or entry to the elevated area; and
   (c) The interior portion of such enclosed area may not be finished or partitioned into separate rooms.

6. All heating and air conditioning equipment and components (including ductwork), all electrical, ventilation, plumbing, and other service facilities must be designed and/or located 3 feet above the base flood elevation or 1 foot above the future-conditions flood elevation, whichever is higher, so as to prevent water from entering or accumulating within the components during conditions of flooding;
7. Manufactured homes must be anchored to prevent flotation, collapse, and lateral movement. Methods of anchoring may include, but are not limited to, over-the-top or frame ties to ground anchors. This standard must be in addition to and consistent with applicable state requirements for resisting wind forces;
8. All proposed development must include adequate drainage and stormwater management facilities per the requirements of the Henry County Stormwater Management Department to reduce exposure to flood hazards;
9. New and replacement water supply systems must be designed to minimize or eliminate infiltration of floodwaters into the system;
10. New and replacement sanitary sewage systems must be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters;
11. On-site waste disposal systems must be located and constructed to avoid impairment to, or contamination from, such systems during flooding;
12. Other public utilities such as gas and electric systems must be located and constructed to avoid impairment to them, or public safety hazards from them, during flooding;
13. Any alteration, repair, reconstruction or improvement to a structure which is not compliant with the provisions of this Sec. 9.2. may be undertaken only if the nonconformity is not furthered, extended or replaced;
14. If the proposed development is located in multiple flood zones, or multiple base flood elevations cross the proposed site, the higher or more restrictive base flood elevation or future condition elevation and development standards take precedence;
15. When only a portion of a proposed structure is located within a flood zone or the future conditions floodplain, the entire structure must meet the requirements of this section; and
16. Subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, must be reasonably safe from flooding:
    (a) All such proposals must be consistent with the need to minimize flood damage within the flood-prone area;
    (b) All public utilities and facilities, such as sewer, gas, electrical, and water systems must be located and constructed to minimize or eliminate flood damage; and
    (c) Adequate drainage must be provided to reduce exposure to flood hazards.

B. Building Standards for Structures and Buildings within the Future-conditions Floodplain

1. Residential Buildings
    (a) New construction.

New construction of principal residential structures will not be allowed within the limits of the future-conditions floodplain unless all requirements of subsections 9.2.3.C., D., and E. have been met. If all the requirements of subsections 9.2.3.C., D., and E. have been met, all new construction must have the lowest floor, including basement, elevated no lower than 3 feet above the base flood elevation or 1 foot above the future-conditions flood elevation, whichever is higher. Should solid foundation perimeter walls be used to elevate the structure, openings sufficient to automatically equalize the hydrostatic flood forces on exterior walls must be provided in accordance with standards of subsection 9.2.4.A.5.

(b) Substantial Improvements

Substantial improvement of any principal residential structure must have the lowest floor, including basement, elevated no lower than 3 feet above the base flood elevation or 1 foot above the future-conditions flood elevation, whichever is higher. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to automatically equalize the hydrostatic flood forces on exterior walls must be provided in accordance with standards of subsection 9.2.4.A.5.

2. Nonresidential Buildings

(a) New construction.

New construction of principal nonresidential structures will not be allowed within the limits of the future-conditions floodplain unless all requirements of subsections 9.2.3.C., D. and E. have been met. If all the requirements of subsections 9.2.3.C., D. and E. have been met, all new construction must have the lowest floor, including basement, elevated no lower than 1 foot above the base flood elevation or at least as high as the future-conditions flood elevation, whichever is higher. Should solid foundation perimeter walls be used to elevate the structure, openings sufficient to automatically equalize the hydrostatic flood forces on exterior walls must be provided in accordance with standards of subsection 9.2.4.A.5. New construction that has met all of the requirements of subsections 9.2.3.C., D. and E. may be floodproofed in lieu of elevation. The structure, together with attendant utility and sanitary facilities, must be designed to be watertight to 1 foot above the base flood elevation, or at least as high as the future-conditions flood elevation, whichever is higher, with walls substantially impermeable to the passage of water and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A licensed professional engineer or architect must certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and must provide such certification to the Henry County Stormwater Management Department using the FEMA Floodproofing Certificate along with the design and operation/maintenance plan.

(b) Substantial improvements.

Substantial improvement of any principal nonresidential structure located in A1-30, AE, or AH zones, may be authorized by the Henry County Stormwater Management Department to be elevated or floodproofed. Substantial improvements must have the lowest floor, including basement, elevated no lower than one 1 foot above the base flood elevation or at least as high as the future-conditions flood elevation, whichever is higher. Should solid foundation perimeter walls be used to elevate the structure, openings sufficient to

automatically equalize the hydrostatic flood forces on exterior walls must be provided in accordance with standards of subsection 9.2.4.A.5. Substantial improvements may be floodproofed in lieu of elevation. The structure, together with attendant utility and sanitary facilities, must be designed to be watertight to 1 foot above the base flood elevation, or at least as high as the future-conditions flood elevation, whichever is higher, with walls substantially impermeable to the passage of water and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A licensed professional engineer or architect must certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and must provide such certification to the Henry County Stormwater Management Department using the FEMA Floodproofing Certificate along with the design and operation/maintenance plan.

3. Accessory structures and facilities.

   Accessory structures and facilities such as barns, sheds, gazebos, detached garages, recreational facilities and other similar non-habitable structures and facilities which meet the requirements of subsections 9.2.3.C., D. and E. and are permitted to be located within the limits of the future-conditions floodplain must be constructed of flood-resistant materials and designed to provide adequate flood openings in accordance with subsection 9.2.4.A.5. and be anchored to prevent flotation, collapse and lateral movement of the structure.

4. Standards for recreational vehicles.

   All recreational vehicles placed on sites must either:

   (a) Be on the site for fewer than 180 consecutive days and be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is licensed, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions); or

   (b) Meet all the requirements for residential buildings—substantial improvements (subsection 9.2.4.B.1.b.), including the anchoring and elevation requirements.

5. Standards for manufactured homes.

   (a) New manufactured homes will not be allowed to be placed within the limits of the future-conditions floodplain unless all requirements of subsections 9.2.3.C, D and E have been met. If all the requirements of subsections 9.2.3.C, D and E have been met, all new construction and substantial improvement must have the lowest floor, including basement, elevated no lower than 3 feet above the base flood elevation or 1 foot above the future-conditions flood elevation, whichever is higher. Should solid foundation perimeter walls be used to elevate the structure, openings sufficient to automatically equalize the hydrostatic flood forces on exterior walls must be provided in accordance with standards of subsection 9.2.4.A.5.

   (b) Manufactured homes placed and/or substantially improved in an existing manufactured home park or subdivision must be elevated so that:

      i. The lowest floor of the manufactured home is elevated no lower than3 feet above the level of the base flood elevation, or 1 foot above the future-conditions flood elevation, whichever is higher; and

ii. The manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements of at least an equivalent strength) of no less than 36 inches in height above grade.

(c) All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement in accordance with standards of subsection 9.2.4.A.7.

C. Building standards for structures and buildings authorized adjacent to the future-conditions floodplain.

1. Residential buildings.

   For new construction and substantial improvement of any principal residential building or manufactured home, the elevation of the lowest floor, including basement and access to the building, must be at least 3 feet above the base flood elevation or 1 foot above the future-conditions flood elevation, whichever is higher. Should solid foundation perimeter walls be used to elevate the structure, openings sufficient to automatically equalize the hydrostatic flood forces on exterior walls must be provided in accordance with standards of subsection 9.2.4.A.5.

2. Nonresidential buildings.

   For new construction and substantial improvement of any principal nonresidential building, the elevation of the lowest floor, including basement and access to the building, must be at least 1 foot above the level of the base flood elevation or at least as high as the future-conditions flood elevation, whichever is higher. Should solid foundation perimeter walls be used to elevate the structure, openings sufficient to automatically equalize the hydrostatic flood forces on exterior walls must be provided in accordance with standards of subsection 9.2.4.A.5. Nonresidential buildings may be floodproofed in lieu of elevation.

D. Building standards for residential single-lot developments on streams without established base flood elevations and floodway (A-zones). For a residential single-lot development not part of a subdivision that has areas of special flood hazard, where streams exist but no base flood data have been provided (A-zones), the Henry County Stormwater Management Department will review and reasonably utilize any available scientific or historic flood elevation data, base flood elevation and floodway data, or future-conditions flood elevation data available from a federal, state, local or other source, in order to administer the provisions and standards of this section.

1. No encroachments, including structures or fill material, may be located within an area equal to twice the width of the stream or 50 feet from the top of the bank of the stream, whichever is greater.

2. In special flood hazard areas without base flood or future-conditions flood elevation data, new construction and substantial improvements must have the lowest floor of the lowest enclosed area (including basement) elevated no less than 3 feet above the highest adjacent grade at the building site. Flood openings sufficient to facilitate automatic equalization of hydrostatic flood forces must be provided for flood-prone enclosures in accordance with subsection 9.2.4.A.5.

E. Building Standards for Areas of Shallow Flooding (AO-zones).

Areas of special flood hazard may include designated "AO" shallow flooding areas. These areas have base flood depths of 1 to 3 feet above ground, with no clearly defined channel. In these areas the following provisions apply:

1. All new construction and substantial improvements of residential and nonresidential structures must have the lowest floor, including basement, elevated to no lower than 1 foot above the flood depth number in feet specified on the flood insurance rate map (FIRM), above the highest adjacent grade. If no flood depth number is specified, the lowest floor, including basement, must be elevated at least 3 feet above the highest adjacent grade. Flood openings sufficient to facilitate automatic equalization of hydrostatic flood forces must be provided in accordance with standards of subsection 9.2.4.A.5.;
2. New construction and substantial improvement of a nonresidential structure may be floodproofed in lieu of elevation. The structure, together with attendant utility and sanitary facilities, must be designed to be water tight to the specified FIRM flood level plus 1 foot above the highest adjacent grade, with walls substantially impermeable to the passage of water, and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A licensed professional engineer or architect must certify that the design and methods of construction are in accordance with accepted standards of practice, and must provide such certification to the Henry County Stormwater Management Department using the FEMA Floodproofing Certificate along with the design and operation/maintenance plan; and
3. Drainage paths must be provided to guide floodwater around and away from any proposed structure.

F. Standards for Subdivisions

1. All subdivision proposals must identify the areas of special flood hazard and areas of future-conditions flood hazard within and provide base flood elevation data and future-conditions flood elevation data;
2. All residential lots in a subdivision proposal must have sufficient buildable area outside of the future-conditions floodplain such that encroachments into the future-conditions floodplain for residential structures will not be required; and
3. All subdivision plans will provide the elevations of proposed structures in accordance with subsection 9.2.2.B.

9.2.5. Violations, Enforcement and Penalties

Any action or inaction which violates the provisions of this section, or the requirements of an approved stormwater management plan or permit, may be subject to the enforcement actions outlined in this section. Any such action or inaction which is continuous with respect to time is deemed to be a public nuisance and may be abated by injunctive or other equitable relief. The imposition of any of the penalties described below will not prevent such equitable relief.

A. Notice of Violation

If the Henry County Stormwater Management Department Director or their designee determines that an applicant or other responsible person has failed to comply with the terms and conditions of a permit, an approved stormwater management plan or the provisions of this article, it will issue a written notice of violation to such applicant or other responsible person. Where a person is engaged in activity covered by this section without having first secured a permit, the notice of violation may be served on the owner or the responsible person in charge of the activity being conducted on the site. The notice of violation must contain:

1. The name and address of the owner or the applicant or the responsible person;
2. The address or other description of the site upon which the violation is occurring;
3. A statement specifying the nature of the violation;
4. A description of the remedial measures necessary to bring the action or inaction into compliance with the permit, the stormwater management plan or this section and the date for the completion of such remedial action;
5. A statement of the penalty or penalties that may be assessed against the person to whom the notice of violation is directed; and
6. A statement that the determination of violation may be appealed to the Henry County Stormwater Management Department by filing a written notice of appeal within 30 days after the notice of violation.

B. Penalties

In the event the remedial measures described in the notice of violation have not been completed by the date set forth for such completion in the notice of violation, any one or more of the following actions or penalties may be taken or assessed against the person to whom the notice of violation was directed. Before taking any of the following actions or imposing any of the following penalties, the Henry County Stormwater Management Department must first notify the applicant or other responsible person in writing of its intended action, and must provide a reasonable opportunity, of not less than 10 days (except, that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours' notice shall be sufficient) to remedy such violation. In the event the applicant or other responsible person fails to remedy such violation after such notice and cure period, the Henry County Stormwater Management Department may take any one or more of the following actions or impose any one or more of the following penalties:

1. Stop work order. The Environmental Compliance and Plan Review Department may issue a stop work order which will be served on the applicant or other responsible person. The stop work order will remain in effect until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violation or violations described therein, provided the stop work order may be withdrawn or modified to enable the applicant or other responsible person to take the necessary remedial measures to cure such violation or violations.
2. Withhold certificate of occupancy. The Henry County Building Department may refuse to issue a certificate of occupancy for the building or other improvements constructed or being constructed on the site until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein.
3. Suspension, revocation or modification of permit. The Henry County Stormwater Management Department may suspend, revoke or modify the permit authorizing the development project. A suspended, revoked or modified permit may be reinstated after the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein, provided such permit may be reinstated (upon such conditions as the Henry County Stormwater Management Department may deem

necessary) to enable the applicant or other responsible person to take the necessary remedial measures to cure such violations.

4. Civil penalties. In the event the applicant or other responsible person fails to take the remedial measures set forth in the notice of violation or otherwise fails to cure the violations within 10 days, or such greater period as the Henry County Stormwater Management Department may deem appropriate (except, that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours' notice will be sufficient) after the Henry County Stormwater Management Department has taken one or more of the actions described above, the Henry County Stormwater Management Department may impose a penalty not to exceed $1,000.00 (depending on the severity of the violation) for each day the violation remains unremedied after receipt of the notice of violation.
5. Criminal penalties. For intentional and flagrant violations of this section, the Henry County Code Enforcement Department may issue a citation to the applicant or other responsible person, requiring such person to appear in Henry County Magistrate Court to answer charges for such violation. Upon conviction, such person will be punished by a fine not to exceed $1,000.00 or imprisonment for 60 days, or both. Each act of violation and each day upon which any violation occurs will constitute a separate offense.

Sec. 9.3. Illicit Discharge

9.3.1. General

A. Purpose and Intent

The purpose of this Section 9.3. is to protect the public health, safety, environment and general welfare through the regulation of nonstormwater discharges to Henry County's separate storm sewer system to the maximum extent practicable as required by federal law. This section establishes methods for controlling the introduction of pollutants into Henry County's separate storm sewer system to comply with requirements of the NPDES permit process. The objectives of this section are to:

1. Regulate the contribution of pollutants to Henry County's separate storm sewer system by any person;
2. Prohibit illicit discharges and illegal connections to Henry County's separate storm sewer system;
3. Prevent nonstormwater discharges, generated as a result of spills, inappropriate dumping or disposal, to Henry County's separate storm sewer system; and
4. To establish legal authority to carry out all inspection, surveillance, monitoring and enforcement procedures necessary to ensure compliance with this section.

B. Applicability

The provisions of this Section 9.3. apply throughout the unincorporated area of Henry County.

C. Compatibility with Other Regulations

This section is not intended to modify or repeal any other ordinance, rule, regulation, other provision of law. The requirements of this section are in addition to the requirements of any other ordinance, rule, regulation, or other provision of law, and where any provision of this section imposes restrictions different from those imposed by any other ordinance, rule, regulation, or other provision of law, whichever provision is more restrictive or imposes higher protective standards for human health or the environment will control.

D. Responsibility for Administration

The Henry County Stormwater Management Department is responsible for the implementation and administration of this section. Authorized staff within the department, in cooperation with public officers of Henry County Code Enforcement, will be responsible for the enforcement of the provisions contained herein.

9.3.2. Prohibitions

A. Prohibition of Illicit Discharges

No person may throw, drain, or otherwise discharge, cause, or allow others under its control to throw, drain, or otherwise discharge into Henry County's separate storm sewer system any pollutants or waters containing any pollutants, other than stormwater.

The following discharges are exempt from the prohibition provision above:

1. Water line flushing performed by a government agency, other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising groundwater, groundwater infiltration to storm drains, uncontaminated pumped groundwater, foundation or footing drains (not including active groundwater dewatering systems), crawl space pumps, air conditioning condensation, springs, natural riparian habitat or wetland flows, and any other water source not containing pollutants;
2. Discharges or flows from firefighting, and other discharges specified in writing by Henry County as being necessary to protect public health and safety;
3. The prohibition provision above does not apply to any nonstormwater discharge permitted under an NPDES permit or order issued to the discharger and administered under the authority of the state and the Federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to Henry County's separate storm sewer system.

B. Prohibition of Illegal Connections

The construction, connection, use, maintenance or continued existence of any illegal connection to Henry County's separate storm sewer system is prohibited.

1. This prohibition expressly includes, without limitation, illegal connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
2. A person violates this ordinance if the person connects a line conveying sewage to Henry County's separate storm sewer system, or allows such a connection to continue.
3. Improper connections in violation of this ordinance must be disconnected and redirected, if necessary, to an approved onsite wastewater management system or the sanitary sewer system upon approval of the Henry County Water Authority.
4. Any drain or conveyance that has not been documented in plans, maps or equivalent, and which may be connected to the storm sewer system, must be located by the owner or occupant of that property upon receipt of written notice of violation from Henry County requiring that such locating be completed. Such notice will specify a reasonable time frame within which the location of the drain or conveyance is to be completed, that the drain or conveyance be identified as storm sewer, sanitary sewer or other, and that the outfall location or point of connection to the storm sewer system, sanitary sewer system or other discharge point be identified. Results of these investigations are to be documented and provided to Henry County.

9.3.3. Industrial of Construction Activity Discharges

Any person subject to an industrial or construction activity NPDES stormwater discharge permit must comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to Henry County prior to allowing discharges to Henry County's separate storm sewer system.

9.3.4. Access and Inspection of Properties and Facilities

Duly authorized representatives from the Henry County Stormwater Management Department are permitted to enter and inspect properties and facilities at reasonable times as often as may be necessary to determine compliance with this section.

A. If a property or facility has security measures in force which require proper identification and clearance before entry into its premises, the owner or operator must make the necessary arrangements to allow access by stormwater management staff.

B. The owner or operator must allow stormwater management staff ready access to all parts of the premises for the purposes of inspection, sampling, photography, videotaping, examination and copying of any records that are required under the conditions of an NPDES permit to discharge stormwater.

C. Stormwater management staff will have the right to set up on any property or facility such devices as are necessary in the opinion of Henry County to conduct monitoring and/or sampling of flow discharges.

D. The Stormwater Management Department may require the owner or operator to install monitoring equipment and perform monitoring as necessary, and make the monitoring data available to stormwater management staff. This sampling and monitoring equipment must be maintained at all times in a safe and proper operating condition by the owner or operator at his/her own expense. All devices used to measure flow and quality must be calibrated to ensure their accuracy.

E. Any temporary or permanent obstruction to safe and easy access to the property or facility to be inspected and/or sampled must be promptly removed by the owner or operator at the written or oral request of Henry County Stormwater Management Department and may not be replaced. The costs of clearing such access will be the responsibility of the owner or operator.

F. Unreasonable delays in allowing stormwater management staff access to a facility is a violation of this section.

G. If the Stormwater Management Department has been refused access to any part of the premises from which stormwater is discharged, and stormwater management staff is able to demonstrate probable cause to believe that there may be a violation of this section, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this section or any order issued hereunder, or to protect the overall public health, safety, environment and welfare of the community, then the Stormwater Management Department may seek issuance of a search warrant from the magistrate court of Henry County.

9.3.5. Notification of Accidental Discharge and Spills

A. Notwithstanding other requirements of law, as soon as any person responsible for a facility, activity or operation, or responsible for emergency response for a facility, activity or operation has information of any known or suspected release of pollutants or nonstormwater discharges from that facility or operation which are resulting or may result in illicit discharges or pollutants discharging into stormwater, Henry County's separate storm sewer system, state waters, or waters of the U.S., said person must take all necessary steps to ensure the discovery, containment, and cleanup of such release so as to minimize the effects of the discharge.

B. Said person must notify the authorized enforcement agency in person or by phone, facsimile or in person no later than 24 hours of the nature, quantity and time of occurrence of the discharge. Notifications in person or by phone must be confirmed by written notice addressed and mailed to

Henry County Stormwater Management Department within three business days of the phone or in person notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment must also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records will be retained for at least three years. Said person must also take immediate steps to ensure no recurrence of the discharge or spill.

C. In the event of such a release of hazardous materials, emergency response agencies and/or other appropriate agencies must be immediately notified.

D. Failure to provide notification of a release as provided above is a violation of this section.

9.3.6. Violations, Enforcement and Penalties

A. Violations

It is unlawful for any person to violate any provision or fail to comply with any of the requirements of this section. Any person who has violated or continues to violate the provisions of this section may be subject to the enforcement actions outlined in this section or may be restrained by injunction or otherwise abated in a manner provided by law.

In the event the violation constitutes an immediate danger to public health or public safety, stormwater management staff are authorized to enter upon the subject private property, without giving prior notice, to take all measures necessary to abate the violation and/or restore the property. The Stormwater Management Department is authorized to seek costs of the abatement as outlined in subsection 9.3.6.E.

B. Notice of Violation

Whenever the Stormwater Management Department finds that a violation of this section has occurred, they may order compliance by written notice of violation.

1. The notice of violation must contain:
   (a) The name and address of the alleged violator;
   (b) The address when available or a description of the building, structure or land upon which the violation is occurring, or has occurred;
   (c) A statement specifying the nature of the violation;
   (d) A description of the remedial measures necessary to restore compliance with this ordinance and a time schedule for the completion of such remedial action;
   (e) A statement of the penalty or penalties that may be assessed against the person to whom the notice of violation is directed; and
   (f) A statement that the determination of violation may be appealed to the Henry County Board of Commissioners by filing a written notice of appeal within 30 days of service of notice of violation.
2. Such notice may require without limitation:
   (a) The performance of monitoring, analyses, and reporting;
   (b) The elimination of illicit discharges and illegal connections;

(c) That violating discharges, practices, or operations must cease and desist;

(d) The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;

(e) Payment of costs to cover administrative and abatement costs; and

(f) The implementation of pollution prevention practices.

C. Appeal of Notice of Violation

Any person receiving a notice of violation may appeal the determination to the Board of Commissioners. The notice of appeal must be received within 30 days of the date of the notice of violation. Hearing on the appeal before the Board of Commissioners must take place within 30 days of the date of receipt of the notice of appeal. The decision of the Board of Commissioners will be final.

D. Enforcement Measures After Appeal

If the violation has not been corrected pursuant to the requirements set forth in the notice of violation, or, in the event of an appeal, within 15 days of the decision upholding the decision by Henry County, then representatives of the Stormwater Management Department may enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It is unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the government agency or designated contractor to enter upon the premises for the purposes set forth above.

E. Costs of Abatement of the Violation

Within 15 days after abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs. The property owner may file a written protest objecting to the assessment or to the amount of the assessment within 15 days of such notice. If the amount due is not paid within 30 days after receipt of the notice, or if an appeal is taken, within 30 days after a decision on said appeal, the charges will become a special assessment against the property and will constitute a lien on the property for the amount of the assessment, at the discretion of the county attorney.

Any person violating any of the provisions of this section will become liable to Henry County by reason of such violation.

F. Civil Penalties

In the event the alleged violator fails to take the remedial measures set forth in the notice of violation or otherwise fails to cure the violations described therein within 10 days, or such greater period as Henry County may deem appropriate, after Henry County has taken one or more of the actions described above, Henry County may impose a penalty not to exceed $1,000.00 for each day the violation remains unremedied after receipt of the notice of violation.

G. Criminal Penalties

For intentional and flagrant violations of this section, Henry County may issue a citation to the alleged violator requiring such person to appear in the Magistrate Court of Henry County Court to answer charges for such violation. Upon conviction, such person will be punished by a fine not to

exceed $1,000.00 or imprisonment for 60 days, or both. Each act of violation and each day upon which any violation occurs will constitute a separate offense.

H. Violations Deemed a Public Nuisance

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this section is a threat to public health, safety, welfare, and environment and is declared and deemed a nuisance, and may be abated by injunctive or other equitable relief as provided by law.

I. Remedies Not Exclusive

1. The remedies listed in this ordinance are not exclusive of any other remedies available under any applicable federal, state or local law and Henry County may seek cumulative remedies.
2. Henry County may recover attorney's fees, court costs, and other expenses associated with enforcement of this section, including sampling and monitoring expenses.

Sec. 9.4. Post-Construction Stormwater Management

9.4.1. General

A. Purpose and Intent

1. The purpose of this Sec. 9.4. is to protect, maintain and enhance the public health, safety, environment, and general welfare by establishing minimum requirements and procedures to control the adverse effects of increased post-construction stormwater runoff and nonpoint source pollution associated with new development and redevelopment.

2. Proper management of post- construction stormwater runoff will minimize damage to public and private property and infrastructure, safeguard the public health, safety, environment, and general welfare of the public, and protect water and aquatic resources. Additionally, the Henry County Stormwater Management Department is required to comply with several state and federal laws, regulations and permits and the requirements of the Metropolitan North Georgia Water Planning District's regional water plan related to managing the water quantity, velocity, and quality of post- construction stormwater runoff. This section seeks to meet that purpose through the following objectives:

   (a) Establish decision-making processes surrounding land development activities that protect the integrity of the watershed and preserve the health of water resources;

   (b) Require that new development and redevelopment maintain the pre-development hydrologic response in their post-development state as nearly as practicable in order to reduce flooding, streambank erosion, nonpoint source pollution and increases in stream temperature, and maintain the integrity of stream channels and aquatic habitats;

   (c) Establish minimum post-development stormwater management standards and design criteria for the regulation and control of stormwater runoff quantity and quality;

   (d) Establish design and application criteria for the construction and use of structural stormwater control facilities that can be used to meet the minimum post-development stormwater management standards;

   (e) Encourage the use of nonstructural stormwater management and stormwater better site design practices, such as the preservation of greenspace and other conservation areas, to the maximum extent practicable. Coordinate site design plans, which include greenspace, with the county's greenspace protection plan;

   (f) Establish provisions for the long-term responsibility for and maintenance of structural stormwater control facilities and nonstructural stormwater management practices to ensure that they continue to function as designed, are maintained, and pose no threat to public safety; and,

   (g) Establish administrative procedures for the submission, review, approval, and disapproval of stormwater management plans, and for the inspection of approved active projects, and long-term follow up.

B. Applicability

This section is applicable to all land development, including, but not limited to, site plan applications, subdivision applications, and grading applications, unless exempt pursuant to Sec.

9.4.1.C below. These standards apply to any new development or redevelopment site that meets one or more of the following criteria:

1. New development that creates or adds 5,000 square feet or greater of new impervious surface area or that involves land disturbing activity of one acre of land or more; or
2. Redevelopment (excluding routine maintenance and exterior remodeling) that creates, adds, or replaces 5,000 square feet or greater of new impervious surface area or that involves land disturbing activity of one acre or more; or
3. New development and redevelopment if:
   (a) New development or redevelopment is part of a subdivision or other common plan of development; and
   (b) The sum of all associated impervious surface area or land disturbing activities that are being developed as part of such subdivision or other common plan of development meets or exceeds the threshold in "1" and "2" above; or
4. Any new development or redevelopment, regardless of size, that is a hotspot land use as defined in Sec. 11.2; or
5. Linear transportation projects that exceed the threshold in "1" and "2" above.

C. Exemptions

The following activities are exempt from this section:

1. Additions or modifications to existing single-family or two-family residential structures;
2. Agricultural practices as described in O.C.G.A. 12-7-17(5) within areas zoned for these activities except for buildings or permanent structures that exceed the threshold in 9.4.1.B "1" or "2";
3. Silvicultural land management activities as described in O.C.G.A. 12-7-17(6) within areas zoned for these activities except for buildings or permanent structures that exceed the threshold in 9.4.1.B "1" or "2";
4. Repairs to any stormwater management facility or practice deemed necessary by Henry County;
5. Repairs or extensions of public utilities including water, sewer, gas, cable, electric; and
6. Installations or modifications to existing structures to comply with Americans with Disability Act requirements, such as elevator shafts, access ramps, accessible parking, and accessible entrances or exits.

D. Designation of Ordinance Administrator

The county manager may from time to time appoint someone to administer and implement this section.

E. Compatibility with Other Regulations

This section is not intended to modify or repeal any other ordinance, rule, regulation or other provision of law. The requirements of this section are in addition to the requirements of any other ordinance, rule, regulation, or other provision of law, and where any provision of this section imposes restrictions different from those imposed by any other ordinance, rule, regulation or other

provision of law, whichever provision is more restrictive or imposes higher protective standards for human health or the environment will control.

F. Stormwater Design Manual

Henry County Stormwater Management Department staff will utilize the policy, criteria and information including technical specifications and standards in the latest edition of the Georgia Stormwater Management Manual (GSMM), and any relevant local addenda, for the proper implementation of the requirements of this section.

9.4.2. Permit Procedures and Requirements

A. Permit Application Requirements

1. No owner or developer may perform any land development activities without first meeting the requirements of this section prior to commencing the proposed activity.
2. Unless specifically exempted by this section, any owner or developer proposing a land development activity must submit to Henry County a permit application on a form provided by or acceptable to the county for that purpose.
3. Unless otherwise exempted by this section, a permit application must be accompanied by a pre-submittal meeting, stormwater concept plan, and stormwater management plan requirements.

B. Stormwater Consultation Meeting

Before a land development permit application is submitted, or where a request for a determination of infeasibility is to be made, an applicant must participate in a pre-submittal meeting with the Henry County Stormwater Management Department. The pre-submittal meeting should take place based on an early step in the development process such as before site analysis and inventory (GSMM section 2.4.2.4) or the stormwater concept plan (GSMM section 2.4.2.5). The purpose of the pre-submittal meeting is to discuss opportunities, constraints, and ideas for the stormwater management system before formal site design engineering. To the extent applicable, local and regional watershed plans, greenspace plans, trails and greenway plans, and other resource protection plans should be consulted in the pre-submittal meeting.

C. Stormwater Concept Plan

The following information must be included in the concept plan submitted in advance of the meeting:

1. Common address and legal description of the site;
2. Vicinity map; and
3. Existing conditions/proposed site plans.

   Existing conditions and proposed site layout sketch plans, which illustrate at a minimum:

   (a) Existing and proposed topography;

   (b) Perennial and intermittent streams;

   (c) Mapping of predominant soils from soil surveys (when available);

   (d) Boundaries of existing predominant vegetation and proposed limits of clearing and grading;

(e) Location of existing and proposed roads, buildings, parking areas and other impervious surfaces;

(f) Existing and proposed utilities (e.g. water, sewer, gas, electric) and easements;

(g) Preliminary selection and location, size, and limits of disturbance of proposed BMPs;

(h) Location of existing and proposed conveyance systems such as grass channels, swales, and storm drains;

(i) Flow paths;

(j) Location of the boundaries of the base flood floodplain, future-conditions floodplain, and the floodway (as applicable) and relationship of site to upstream and downstream properties and drainage; and

(k) Preliminary location and dimensions of proposed channel modifications, such as bridge or culvert crossings.

4. Natural resources inventory.

Site reconnaissance and surveying techniques must be used to complete a thorough assessment of existing natural resources, both terrestrial and aquatic, found on the site. Resources to be identified, mapped, and shown on the stormwater management plan include, at a minimum (as applicable):

(a) Topography (minimum of two-foot contours) and steep slopes (i.e., areas with slopes greater than 15%);

(b) Natural drainage divides and patterns;

(c) Natural drainage features (e.g., swales, basins, depressional areas);

(d) Natural feature protection and conservation areas such as wetlands, lakes, ponds, floodplains, stream buffers, drinking water wellhead protection areas and river corridors;

(e) Predominant soils (including erodible soils and karst areas); and

(f) Existing predominant vegetation including trees, high quality habitat and other existing vegetation.

5. Better site design practices for stormwater management.

Stormwater management plans must preserve the natural drainage and natural treatment systems and reduce the generation of additional stormwater runoff and pollutants to the maximum extent practicable. Additional details can be found in the GSMM section 2.3.

6. Stormwater runoff quality/reduction.

Stormwater runoff quality/reduction must be provided by using the following:

(a) For development with a stormwater management plan submitted before January 1, 2024, the applicant may choose either runoff reduction or water quality.

(b) For development with a stormwater management plan submitted on or after January 1, 2024, the applicant must choose (A) runoff reduction and additional water quality will not be required. To the extent (A) runoff reduction has been determined to be infeasible for all or a portion of the site using the practicability policy, then (B) water quality will apply for

the remaining runoff from a 1.2 inch rainfall event and must be treated to remove at least 80% of the calculated average annual post-development total suspended solids (TSS) load or equivalent as defined in the GSMM.

i. Runoff reduction. The stormwater management system must be designed to retain the first 1.0 inches of rainfall on the site using runoff reduction methods, to the maximum extent practicable.

ii. Water quality. The stormwater management system must be designed to remove at least 80% of the calculated average annual post-development TSS load or equivalent as defined in the GSMM for runoff from a one and two-tenths-inch rainfall event.

iii. If a site is determined to be a hotspot as detailed in this section 9.4., the Henry County Stormwater Management Department may require the use of specific or additional components for the stormwater management system to address pollutants of concern generated by that site.

7. Local watershed plans, applicable greenspace projection plans, and any relevant resource protection plans will be consulted in the discussion of the concept plan.

D. Stormwater Management Plan Requirements

1. An application for development activity, as defined in Sec. 9.4.1.B above, must be accompanied by a stormwater management plan and an inspection and maintenance agreement regarding ongoing maintenance of the stormwater management facilities.

2. The stormwater management plan must detail how post-development stormwater runoff will be controlled or managed and how the proposed project will meet the requirements of this Sec. 9.4.

3. The stormwater management plan must be in accordance with the criteria established in this Sec. 9.4. The plan must contain the stamp and signature of a professional engineer licensed in the State of Georgia, who must verify that the design of all stormwater management facilities and practices meet the submittal requirements outlined in the submittal checklist(s) found in the stormwater design manual.

4. The stormwater management plan must contain sufficient information to demonstrate the requirements and criteria in this Sec. 9.4. are being complied with and that opportunities are being taken to minimize adverse post-development stormwater runoff impacts from the proposed development. The plan must consist of maps, narrative, and supporting design calculations (hydrologic and hydraulic) for the proposed stormwater management system. The plan must include all the information required in the stormwater management site plan checklist found in the Georgia Stormwater Management Manual Section E.

5. The following information is required, at a minimum. Existing conditions hydrologic analysis for stormwater runoff rates, volumes, and velocities, which must include:

(a) Topographic map of existing site conditions with the drainage basin boundaries indicated;

(b) Acreage of areas for each subbasin affected by the project. Land cover is assumed to be undeveloped condition, with a Curve Number of 55;

(c) All perennial and intermittent streams and other surface water features;

(d) All existing stormwater conveyances and structural control facilities;

(e) Direction of flow and exits from the site;

(f) Analysis of runoff provided by off-site areas upstream of the project site; and

(g) Methodologies, assumptions, site parameters and supporting design calculations used in analyzing the existing conditions site hydrology.

6. For redevelopment sites, predevelopment conditions will be modeled using the established guidelines for the portion of the site undergoing land development activities.

7. A post-development hydrologic analysis for stormwater runoff rates, volumes, and velocities, which must include:

(a) A topographic map of developed site conditions with the post-development drainage basin boundaries indicated;

(b) Total area of post-development impervious surfaces and other land cover areas for each subbasin affected by the project;

(c) Calculations for determining the runoff volumes that need to be addressed for each subbasin for the development project to meet post-development stormwater management performance criteria;

(d) Location and boundaries of proposed natural feature protection and conservation areas;

(e) Documentation and calculations for any applicable site design credits that are being utilized; and

(f) Methodologies, assumptions, site parameters, and supporting design calculations used in analyzing the existing conditions site hydrology.

(g) If the land development activity on a redevelopment site constitutes more than 50% of the site area for the entire site, then the performance criteria must be met for the stormwater runoff from the entire site.

8. The description, scaled drawings, and design calculations for the proposed post-development stormwater management system, which must include:

(a) A map and/or drawing of the stormwater management facilities, including the location of nonstructural site design features and the placement of existing and proposed structural stormwater controls, including design water surface elevations, storage volumes available from zero (0) to maximum head, location of inlet and outlets, location of bypass and discharge systems, and all orifice/restrictor sizes;

(b) A narrative describing how the selected structural stormwater controls will be appropriate and effective;

(c) Cross-section and profile drawings and design details for each of the structural stormwater controls in the system, including supporting calculations to show that the facility is designed according to the applicable design criteria;

(d) A hydrologic and hydraulic analysis of the stormwater management system for all applicable design storms (including stage-storage or outlet rating curves, and inflow and outflow hydrographs);

(e) Documentation and supporting calculations to show that the stormwater management system adequately meets the post-development stormwater management performance criteria;

(f) Drawings, design calculations, elevations and hydraulic grade lines for all existing and proposed stormwater conveyance elements including stormwater drains, pipes, culverts, catch basins, channels, swales and areas of overland flow; and

(g) Where applicable, a narrative describing how the stormwater management system corresponds with any watershed protection plans as required in Sec. 9.6. or open space connectivity requirements for conservation subdivisions, as set forth in this ULDC.

9. A downstream peak flow analysis is required, which includes the assumptions, results and supporting calculations to show safe passage of post-development design flows downstream. The analysis of downstream conditions in the report must address each and every point or area along the project site's boundaries at which runoff will exit the property. The analysis must focus on the portion of the drainage channel or watercourse immediately downstream from the project. This area extends downstream from the project to a point in the drainage basin where the project area is 10% of the total basin area. In calculating runoff volumes and discharge rates, consideration may need to be given to any planned future upstream land use changes. The analysis must be in accordance with the stormwater design manual.

10. An erosion and sedimentation control plan that meets the requirements of this ULDC.

11. The landscaping plan, as required in this ULDC, must describe how vegetation will be placed within and adjacent to stormwater management facilities.

12. Detailed description of ongoing operations and maintenance procedures for stormwater management facilities and practices to ensure their continued function as designed and constructed or preserved. These plans must identify the parts or components of a stormwater management facility or practice that need to be regularly or periodically inspected and maintained, and the equipment and skills or training necessary. The plan must include an inspection and maintenance schedule, maintenance tasks, and responsible parties for maintenance, funding, access, and safety issues. Provisions for the periodic review and evaluation of the effectiveness of the maintenance program and the need for revisions or additional maintenance procedures must be included in the plan.

13. All stormwater management facilities must be on its own lot with a minimum twenty-foot access easement to ensure access from a public right-of-way. All driveways, access easements, and emergency access easements must be paved and dust free. Such access must be sufficient for all necessary equipment for maintenance activities. Depending on the depth of pipe, the drainage easement width may be required to be increased. There must be a 20-foot easement around the outside perimeter of the facility. All subdivision lots must have a 10-foot drainage easement along all side and rear lot lines. Upon final inspection and approval, a plat or document indicating that such easements exist must be recorded and will remain in effect even with the transfer of title of the property.

14. Runoff reduction infeasibility (RRI) form for determination of infeasibility. RRI forms for determination of infeasibility must be maintained and supplied by the Henry County Stormwater Management Department. Such applications must include, at a minimum:

(a) Applicant contact information.

(b) Description of the site.

(c) Maximum practicable runoff reduction volume.

(d) Stormwater concept plan.

(e) GSMM stormwater quality site development review tool for the stormwater concept plan.

(f) Justification that the site cannot accommodate best management practices that rely on evapotranspiration and reuse such as rainwater harvesting or green roofs.

(g) Site conditions.

9.4.3. Detention Design Requirements

A. General

1. All stormwater detention facilities must be designed to control the peak flow rates associated with storms having 2-year, 5-year, 10-year, 25-year, 50-year, and 100-year storm frequencies.
2. A variety of methods of achieving stormwater management goals are acceptable in providing detention facilities. The type of facility provided must be based on the following criteria:
   (a) The type of development which the detention facility is being provided;
   (b) The type of development which the detention facility is intended to protect;
   (c) Volume of stormwater to be stored;
   (d) Origin and magnitude of the flows to be managed;
   (e) Topographic opportunities and limitations;
   (f) Safety considerations;
   (g) Maintenance requirements;
   (h) Aesthetic considerations;
   (i) Likelihood of facility operation interfering with access to public or private facilities;
   (j) Proximity of facility to property lines, utilities, buffers, etc.; and
   (k) Similar site-specific constraints.
3. Detention facilities may be of any of the following types, and two or more types may be used in combination with one another:
   (a) Underground detention/retention facilities;
   (b) Lakes and ponds, whether excavated or created by damming a natural drainage feature or a combination of both methods, to be a feature of the development and must include a method of water movement; or
   (c) Normally dry and sodded basins, whether excavated or created by damming a natural drainage feature or a combination of both methods.
4. Detention facilities for non-residential developments must be underground detention/retention facilities. An underground detention/retention facility that is deemed not

feasible by the Henry County Stormwater Department must apply for an administrative waiver in accordance with subsection D below.

5. Plans, specifications, and computations must be complete in detail sufficient to enable another engineer to fully check and verify the results and computations. The plans used for construction must contain basic design data, a project narrative, schedule of construction, name and address of person responsible for construction, the engineer's seal or stamp, signature and address and engineering drawings required for the project construction.

   (a) The detention facility must be provided with an overflow device or emergency spillway to accommodate the 100-year frequency storm in the event the outflow control structure becomes obstructed with debris.

   (b) The configuration of the detention facility, outflow and overflow control devices must be clearly depicted in plan and cross-section on the construction drawings.

   (c) Graded access easement as a shelf (10 feet minimum width, maximum 6% grade) around all detention ponds in areas inaccessible to vehicular traffic. If part of the pond includes a retaining wall, the shelf must be on the pond side of the wall. This easement may overlap with the drainage easement requirements of Sec. 9.4.2.D.13

   (d) Temporary sediment basins must be designed and shown at all detention sites and all major drainage exits. The detention facility must be designed to provide temporary silt protection.

   (e) Underground detention facilities will require details that provide:

      i. The location and type of access protection for the detention facility;

      ii. An outline of maintenance procedures to be filed with the county;

      iii. Safety requirements as specified by the county for the site.

B. Certification of Detention Pond

After construction and before acceptance for occupation or otherwise the engineer must submit a certified field run topographic map of the detention area and a revised hydrology study using the as-built topographic map to verify that the required detention storage and outflow rates are being provided.

C. Detention Pond Fencing

When a detention structure is over 4 feet deep or in a location that constitutes a danger to human habitation, it must be protected by a permanent fence and warning signs. Fences must be at least 5 feet in height with a 10-foot-wide gate. Fences must be located on the outside edge of the 20-foot perimeter easement. No fences may be built that would inhibit proper function of the drainage system.

D. Variations

Administrative waivers permit a practice that is not consistent with a specific provision of this section, but is justified by its intent or purpose, or by hardship. The administrator of the ULDC or their designee will have the authority to approve or disapprove administratively a request for an administrative waiver in accordance with Section 10.5.2 of this ULDC, in addition to granting relief from Section 9.4.3.

9.4.4. Application Procedures

A. Applicants must submit a land development application with the Henry County Building Department on forms provided by the county with the following support materials:

1. The stormwater management plan prepared in accordance with Section 9.4.2.C;
2. A certification that the development will be performed in accordance with the stormwater management plan once approved;
3. A preliminary determination of infeasibility, as applicable, prepared in accordance with the practicability policy; and
4. An acknowledgement that the applicant has reviewed the Henry County Stormwater Management Department's form of inspection and maintenance agreement, and that applicant agrees to sign and record such inspection and maintenance agreement before the final inspection.

B. Permit applications must include the items set forth in Sec. 9.4.2.

C. Henry County must inform the applicant whether the application, stormwater management plan and inspection and maintenance agreement are approved or disapproved.

D. If the permit application, stormwater management plan or inspection and maintenance agreement is disapproved, Henry County will notify the applicant of such fact. The applicant may then revise any item not meeting the requirements and resubmit the same, in which event subparagraph 3 above and this subparagraph shall apply to such re-submittal.

E. Upon a finding by Henry County that the permit application, stormwater management plan and inspection and maintenance agreement, if applicable, meet the requirements of this section, Henry County may issue a permit for the land development project, provided all other legal requirements for the issuance of such permit have been met.

F. Notwithstanding the issuance of the permit, in conducting the land development project, the applicant or other responsible person will be subject to the following requirements:

1. The applicant must comply with all applicable requirements of the approved plan and this section and must certify that all land clearing, construction, land development and drainage will be done according to the approved plan;
2. The land development project must be conducted only within the area specified in the approved plan;
3. Henry County staff will be allowed to conduct periodic inspections of the project;
4. No changes may be made to an approved plan without review and written approval by Henry County; and,
5. Upon completion of the project, the applicant or other responsible person must submit the engineer's report and certificate and as-built plans required by Sec. 9.4.6.

G. Application Review Fees

The fee for review of any land development application is based on the fee structure established by Henry County, and payment must be made before the issuance of any land disturbance permit or building permit for the development.

H. Modifications for Off-site Facilities

1. The stormwater management plan for each land development project must provide stormwater management measures on site unless provisions are made to manage stormwater by an off-site or regional facility. The off-site or regional facility must be located on property legally dedicated for the purpose, must be designed and adequately sized to provide a level of stormwater quantity and quality control that is equal to or greater than that which would be afforded by on-site practices and there must be a legally obligated entity responsible for long-term operation and maintenance of the off-site or regional stormwater facility. In addition, on-site measures must be implemented, where necessary, to protect upstream and downstream properties and drainage channels from the site to the off-site facility.
2. A stormwater management plan must be submitted to Henry County which shows the adequacy of the off-site or regional facility.
3. To be eligible for a modification, the applicant must demonstrate to the satisfaction of Henry County that the use of an off-site or regional facility will not result in the following impacts to upstream or downstream areas:
   (a) Increased threat of flood damage to public health, life, and property;
   (b) Deterioration of existing culverts, bridges, dams, and other structures;
   (c) Accelerated streambank or streambed erosion or siltation;
   (d) Degradation of in-stream biological functions or habitat; or
   (e) Water quality impairment in violation of state water quality standards, and/or violation of any state or federal regulations.

9.4.5. Post-development Stormwater Management Performance Criteria

A. Water Quality

All stormwater runoff generated from a site must be adequately treated before discharge. It will be presumed that a stormwater management system complies with this requirement if:

1. It is sized to treat the prescribed water quality treatment volume from the site, as defined in the Georgia Stormwater Management Manual;
2. Appropriate structural stormwater controls or nonstructural practices are selected, designed, constructed, or preserved, and maintained according to the specific criteria in the Georgia Stormwater Management Manual; and
3. If a site is determined to be a hotspot as detailed in section 9.4.1., the Henry County Stormwater Department may require the use of specific or additional components for the stormwater management system to address pollutants of concern generated by that site.

B. Stream Channel Protection

Stream channel protection must be provided by using the following three approaches:

1. Preservation, restoration and/or reforestation (with native vegetation) of the applicable stream buffer;
2. 24-hour extended detention storage of the 1-year, 24-hour return frequency storm event; and

3. Erosion prevention measures such as energy dissipation and velocity control.

C. Overbank Flooding Protection

Downstream overbank flood protection must be provided by controlling the post-development peak discharge rate to the pre-development rate for the 25-year, 24-hour storm event.

D. Extreme Flooding Protection

Extreme flood protection must be provided by controlling the 100-year, 24-hour storm event such that flooding is not exacerbated.

E. Structural Stormwater Controls

All structural stormwater management facilities must be selected and designed using the appropriate criteria from the Georgia Stormwater Management Manual. All structural stormwater controls must be designed appropriately to meet their intended function. For other structural stormwater controls not included in the Georgia Stormwater Management Manual, or for which pollutant removal rates have not been provided, the effectiveness and pollutant removal of the structural control must be documented through prior studies, literature reviews, or other means and receive approval from Henry County before being included in the design of a stormwater management system. In addition, if hydrologic or topographic conditions, or land use activities warrant greater control than that provided by the minimum control requirements, Henry County may impose additional requirements deemed necessary to protect upstream and downstream properties and aquatic resources from damage due to increased volume, frequency, and rate of stormwater runoff or increased nonpoint source pollution loads created on the site in question. Applicants must consult the Georgia Stormwater Management Manual for guidance on the factors that determine site design feasibility when selecting and locating a structural stormwater control.

F. Stormwater Credits for Nonstructural Measures

The use of one or more site design measures by the applicant may allow for a reduction in the water quality treatment volume required under section 9.4.3. The applicant may, if approved by Henry County, take credit for the use of stormwater better site design practices and reduce the water quality volume requirement. For each potential credit, there is a minimum set of criteria and requirements which identify the conditions or circumstances under which the credit may be applied. The site design practices that qualify for this credit and the criteria and procedures for applying and calculating the credits are included in the Georgia Stormwater Management Manual.

G. Drainage System Guidelines

Stormwater conveyance facilities, which may include, but are not limited to, culverts, stormwater drainage pipes, catch basins, drop inlets, junction boxes, headwalls, gutter, swales, channels, ditches, and energy dissipaters must be provided when necessary for the protection of public right-of-way and private properties adjoining project sites and/or public rights-of-way. Stormwater conveyance facilities that are designed to carry runoff from more than one parcel, existing or proposed, must meet the following requirements:

1. Methods to calculate stormwater flows must be in accordance with the stormwater design manual;

2. All culverts, pipe systems and open channel flow systems must be sized in accordance with the stormwater management plan using the methods included in the stormwater design manual; and
3. Design and construction of stormwater conveyance facilities must be in accordance with the criteria and specifications found in the stormwater design manual.

H. Dam Design Guidelines

Any land disturbing activity that involves a site which proposes a dam must comply with this section and the Georgia Safe Dams Act and Rules for Dam Safety, as applicable.

1. The minimum top of dam width is 10 feet.
2. The maximum slope for dams is 3:1.

9.4.6. Inspections of Post-development Stormwater Management Systems

A. During Construction

Periodic inspections of the stormwater management system construction will be conducted by the staff of Henry County or conducted and certified by a professional engineer who has been approved by the county. Inspections must use the approved stormwater management plan for establishing compliance. All inspections will be documented with written reports that contain the following information:

1. The date and location of the inspection;
2. Whether construction complies with the approved stormwater management plan;
3. Variations from the approved construction specifications; and
4. Any other variations or violations of the conditions of the approved stormwater management plan.

If any violations are found, the applicant will be notified in writing of the nature of the violation and the required corrective actions.

B. Final Inspection and As-built Plans

Upon completion of a project, and before a certificate of occupancy is granted, the applicant is responsible for:

1. Certifying that the completed project is in accordance with the approved stormwater management plan;
2. Submitting actual "as-built" drawings showing the final design specifications for all components of the stormwater management system as certified by a professional engineer. A final inspection by Henry County staff is required before the release of any performance securities can occur;
3. Certifying that the landscaping is established and installed in conformance with the BMP landscaping plan; and
4. Delivering to Henry County a signed inspection an maintenance agreement that has been recorded by the owner in the property record for all parcels that make up the site.

9.4.7. Ongoing Inspection and Maintenance of Stormwater Management Systems

A. Long-term maintenance inspections of stormwater management systems.

1. Stormwater management systems must undergo ongoing inspections to document maintenance and repair needs and ensure compliance with the requirements of any agreement, any stormwater management plan, and this section.

2. A stormwater management system must be inspected on a periodic basis by the responsible person in accordance with the approved inspection and maintenance agreement. If the stormwater management system has not been maintained and/or becomes a danger to public safety or public health, Henry County must notify the person responsible for carrying out the maintenance plan by registered or certified mail to the person specified in the inspection and maintenance agreement. The notice must specify the measures needed to comply with the agreement and the plan and the time within which such measures must be completed. If the responsible person fails or refuses to meet the requirements of the inspection and maintenance agreement, Henry County may correct the violation as provided in this section.

3. Inspection programs by Henry County may be established on any reasonable basis, including, but not limited to routine inspections, random inspections, inspections based upon complaints or other notice of possible violations, and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include, but are not limited to, reviewing maintenance and repair records, sampling discharges, surface water, groundwater, and material or water in stormwater management facilities, and evaluating the condition of stormwater management systems.

B. Right-of-entry for inspection.

The terms of the inspection and maintenance agreement must provide for Henry County staff to enter the property at reasonable times and in a reasonable manner for the purpose of inspection. This includes the right to enter a property when it has a reasonable basis to believe that a violation of this section is occurring or has occurred and to enter when necessary for abatement of a public nuisance or correction of a violation of this section.

C. Records of maintenance activities.

Parties responsible for the operation and maintenance of a stormwater management system must provide records of all maintenance and repairs to Henry County.

D. Owner's failure to maintain the stormwater management system.

The terms of the inspection and maintenance agreement must provide for what constitutes a failure to maintain a stormwater management system and the enforcement options available to the Henry County Stormwater Management Department. If a site was developed before the requirement to have an inspection and maintenance agreement or an inspection and maintenance agreement was for any reason not entered into, recorded, or has otherwise been invalidated or deemed insufficient, then:

1. An owner's failure to maintain the stormwater management system so that it performs as it was originally designed will constitute and be addressed as a violation of, or failure to comply with, owner's property maintenance obligations pursuant to section 3, article 1; and

2. To address such a failure to maintain the stormwater management system, the Henry County Stormwater Department will have all the powers and remedies that are available to it for other violations of an owner's property maintenance obligations, including without limitation prosecution, penalties, abatement, and emergency measures.

9.4.8. Violations, Enforcement and Penalties

Any violation of the approved stormwater management plan during construction, failure to submit as-built drawings, failure to submit a final BMP landscaping plan, or failure of the final inspection will constitute and be addressed as violations of, or failures to comply with, the underlying land disturbance permit or the underlying building permit pursuant to Sec. 10.9. To address a violation of this Sec. 9.4., Henry County will have all the powers and remedies that are available to it for other violations of building and land disturbance permits, including without limitation the right to issue notices and orders to ensure compliance, stop work orders, and penalties as set for in this ULDC.

Sec. 9.5. Stream Buffer Protection

9.5.1. Findings and Purpose

A. Findings

Whereas, the Henry County Board of Commissioners find that buffers adjacent to streams provide numerous benefits, including:

1. Protecting, restoring, and maintaining the chemical, physical and biological integrity of streams and their water resources;
2. Removing pollutants delivered in urban stormwater;
3. Reducing erosion and controlling sedimentation;
4. Protecting and stabilizing stream banks;
5. Providing for infiltration of stormwater runoff;
6. Maintaining base flow of streams;
7. Contributing organic matter that is a source of food and energy for the aquatic ecosystem;
8. Providing tree canopy to shade streams and promote desirable aquatic habitat;
9. Providing riparian wildlife habitat;
10. Furnishing scenic value and recreational opportunity;
11. Providing opportunities for the protection and restoration of greenspace.

B. Purpose

It is the purpose of this section to protect the public health, safety, environment, and general welfare; to minimize public and private losses due to erosion, siltation, and water pollution; and to maintain stream water quality by provisions designed to:

1. Create buffer zones along the streams of Henry County for the protection of water resources; and
2. Minimize land development within such buffers by establishing buffer zone requirements and by requiring authorization for any such activities.

9.5.2. Applicability

This section applies to all land development activity on property containing a stream protection area as defined in this section. These requirements are in addition to, and do not replace or supersede, any other applicable buffer requirements established under state law and approval or exemption from these requirements do not constitute approval or exemption from buffer requirements established under state law or from other applicable local, state or federal regulations.

A. Grandfather Provisions

This section does not apply to the following activities:

1. Work consisting of the repair or maintenance of any lawful use of land that is zoned and approved for such use on or before the effective date of this section.

2. Existing development and on-going land disturbance activities, including but not limited to, existing agriculture, silviculture, landscaping, gardening, and lawn maintenance, except that new development or land disturbance activities on such properties will be subject to all applicable buffer requirements.
3. Any land development activity that is under construction, fully approved for development, scheduled for permit approval or has been submitted for approval as of the effective date of this section.
4. Land development activity that has not been submitted for approval, but that is part of a larger master development plan, such as for an office park or other phased development that has been previously approved within two years of the effective date of this section.

B. Exemptions

The following specific activities are exempt from this section. Exemption of these activities does not constitute an exemption for any other activity proposed on a property.

1. Activities for the purpose of building one of the following:
   (a) A stream crossing by a driveway, transportation route or utility line;
   (b) Public water supply intake or public wastewater outfall structures;
   (c) Intrusions necessary to provide access to a property;
   (d) Public access facilities that must be on the water including boat ramps, docks, foot trails leading directly to the river, fishing platforms and overlooks;
   (e) Unpaved foot trails and paths; or
   (f) Activities to restore and enhance stream bank stability, vegetation, water quality and/or aquatic habitat, so long as native vegetation and bioengineering techniques are used.
2. Public sewer line easements paralleling the creek, except that all easements (permanent and construction) and land disturbance should be at least 25 feet from the top of the bank. This includes such impervious cover as is necessary for the operation and maintenance of the utility, including, but not limited to, manholes, vents, and valve structures. This exemption will not be construed as allowing the construction of roads, bike paths or other transportation routes in such easements, regardless of paving material, except for access for the uses specifically cited above.
3. Land development activities within a right-of-way existing at the time this section takes effect or approved under the terms of this section.
4. Within an easement of any utility existing at the time this section takes effect or approved under the terms of this section, land disturbance activities and such impervious cover as is necessary for the operation and maintenance of the utility, including, but not limited to, manholes, vents, and valve structures.
5. Emergency work necessary to preserve life or property. However, when emergency work is performed under this section, the person performing it must report such work to Henry County on the next business day after commencement of the work. Within 10 days thereafter, the person must apply for a permit and perform such work within such time period as may be determined by Henry County to be reasonably necessary to correct any impairment such emergency work

may have caused to the water conveyance capacity, stability or water quality of the protection area.

6. Forestry and silviculture activities on land that is zoned for forestry, silvicultural or agricultural uses and are not incidental to other land development activity. If such activity results in land disturbance in the buffer that would otherwise be prohibited, then no other land disturbing activity other than normal forest management practices will be allowed on the entire property for three years after the end of the activities that intruded on the buffer.

After the effective date of this section, it shall apply to new subdividing and platting activities.

Any land development activity within a buffer established hereunder is prohibited unless a variance or administrative waiver is granted pursuant to chapter 11.

9.5.3. Land Development Requirements

A. Buffer Requirements

All land development activity subject to this section must meet the following requirements:

1. An undisturbed natural vegetative buffer must be maintained for 50 feet, measured horizontally, on both banks (as applicable) of the stream as measured from the top of the stream bank. If defined banks are not identifiable, the protected buffer will be measured from other identifiable features such as the "point of wrested vegetation" (O.C.G.A. § 12-7-6(15)(A)) or the "ordinary high water mark" (33 CFR 328.3(e)).
2. An additional setback must be maintained for 25 feet, measured horizontally, beyond the undisturbed natural vegetated buffer, in which all impervious cover is prohibited. Grading, filling and earthmoving must be minimized within the setback, as determined by the director of stormwater management or their designee.
3. For all proposed residential site developments utilizing master drainage plans, an undisturbed natural vegetative buffer shall be maintained for 75 linear feet, measured horizontally, on both sides of all streams on or adjacent to the subject property, as measured from the top of the streambank. If defined banks are not identifiable, the protected buffer will be measured from other identifiable features such as the "point of wrested vegetation" (O.C.G.A. § 12-7-6(15)(A)) or the "ordinary high water mark" (33 CFR 328.3(e)). An additional setback must be maintained for 25 linear feet, measured horizontally, beyond the undisturbed natural vegetative buffer, in which all impervious cover is prohibited. Additionally, an undisturbed natural vegetative buffer must be maintained for 50 linear feet, measured horizontally, from all wetlands located on or adjacent to the subject site.
4. No septic tanks or septic tank drain fields are permitted within the buffers described above.

9.5.4. Variance Procedures

Variances from the above buffer requirements may be granted in accordance with the procedures outlined in Sec. 10.5.2.A.6.

9.5.5. Compatibility with Other Buffer Requirements

This section is not intended to interfere with, abrogate or annul any other ordinance, rule or regulation, statute, or other provision of law. The requirements of this section should be considered minimum

requirements, and where any provision of this section imposes restrictions which differ from those imposed by any other ordinance, rule, regulation or other provision of law, whichever provisions are more restrictive or impose higher protective standards for human health or the environment will take precedence.

9.5.6. Additional Requirements for Development of Properties with a Buffer

Any permit applications for property requiring buffers by this Sec. 9.5. must include the following:

A. A site plan showing:

1. The location of all streams on the property;
2. The location of all streams, wetlands, or open waters under state or federal jurisdiction;
3. Limits of required stream buffers on the property;
4. Buffer zone topography with contour lines at no greater than 5-foot contour intervals;
5. Delineation of forested and open areas in the buffer zone; and,
6. Detailed plans of all proposed land development in the buffer;
7. A description of all proposed land development within the buffer; and,
8. Any other documentation that Henry County may reasonably deem necessary for review of the application and to ensure that the stream buffer zone is addressed in the approval process.

B. All buffer areas must be recorded on the final plat of the property following plan approval.

9.5.7. Responsibility

Neither the issuance of a development permit nor compliance with the conditions thereof, nor with the provisions of this section, will relieve any person from any responsibility otherwise imposed by law for damage to persons or property; nor will the issuance of any permit hereunder serve to impose any liability upon Henry County, its officers or employees, for injury or damage to persons or property.

9.5.8. Inspection

Henry County may cause inspections of the work in the buffer to be made periodically and will make a final inspection following completion of the work. The permittee must assist Henry County in making such inspections. Henry County will have the authority to conduct such investigations as it may reasonably deem necessary to carry out its duties as prescribed in this section, and for this purpose to enter at reasonable time upon any property, public or private, for the purpose of investigating and inspecting the sites of any land development activities within the protection area. No person may refuse entry or access to any authorized representative or agent who requests entry for purposes of inspection, and who presents appropriate credentials, nor may any person obstruct, hamper, or interfere with any such representative while in the process of carrying out official duties.

9.5.9. Violations, Enforcement and Penalties

Any action or inaction which violates the provisions of this section, or the requirements of an approved site plan or permit may be subject to the enforcement actions outlined in this ULDC. Any such action or inaction which is continuous with respect to time is deemed to be a public nuisance and may be abated

by injunctive or other equitable relief. The imposition of any of the penalties described in this ULDC shall not prevent such equitable relief.

9.5.10. Appeals

Any person aggrieved by a decision or order of Henry County may appeal in accordance with Article 10 of this ULDC.

Sec. 9.6. Watershed Protection Areas

9.6.1. General

A. Purpose

The purpose of this section is to identify and protect the established water supply watershed districts within Henry County. This section sets forth development standards intended to maintain the quality and quantity of the water supply in Henry County and adjacent jurisdictions.

B. Applicability

Regulations in this section are to be applied in addition to regulations found elsewhere in this ULDC for the specified watershed protection areas.

9.6.2. Establishment of Watershed Protection Areas

The following watershed protection areas (WPA) are hereby established and designated. The WPA's listed below with an asterisk (*) are subject to the water quality critical area and limited development area development regulations in Sec. 9.6.4 and 9.6.5.

A. Indian Creek Watershed Protection Area (ICWPA)*

The Indian Creek Watershed Protection Area is defined as follows: All land that lies on each side of Indian Creek and each perennial stream that flows into Indian Creek to the ridge line from the S.H. Gardner Reservoir Dam located on Indian Creek just north of Indian Creek Road to the beginning points of Indian Creek and each perennial stream that drains into Indian Creek within said area. Indian Creek is a tributary to the Towaliga River and is contained within the Towaliga River Watershed Protection Area.

B. Long Branch Creek Watershed Protection Area (LBWPA)*

The Long Branch Creek Watershed Protection Area is defined as follows: All land that lies on each side of Long Branch Creek and each perennial stream that flows into Long Branch Creek to the ridge line from the Long Branch Dam located just north of Locust Grove-Griffin Road to the beginning points of Long Branch Creek and each perennial stream that drains into Long Branch Creek in said area. Long Branch Creek is a tributary to the Towaliga River and is contained within the Towaliga River Watershed Protection Area.

C. Shoal Creek Watershed Protection Area (SCWPA)*

The SCWPA is described and designated as follows: All land within the boundaries of Henry County located in the Shoal Creek drainage basin upstream from the Shoal Creek Tandem Reservoir Dam, being that portion of Henry County which lies northerly and westerly of Lovejoy Road.

D. Towaliga River Watershed Protection Area (TRWPA)*

The TRWPA is described and designated as follows: All land that lies on each side of the Towaliga River and each perennial stream that flows into the Towaliga River to the ridge line from Steel Mills Dam located just north of Locust Grove-Griffin Road to the beginning points of the Towaliga River and each perennial stream that drains into the Towaliga River in said area.

E. Tussahaw Creek Watershed Protection Area (TCWPA)*

The TCWPA is described and designated as follows: All land that lies on each side of Tussahaw Creek and each perennial stream that flows into Tussahaw Creek to the ridge line from the Tussahaw Reservoir Dam located just west of Fincherville Road to the beginning points of Tussahaw Creek and each perennial stream that drains into Tussahaw Creek in said area. The main perennial streams that flow into the Tussahaw Creek are: Peeksville Creek and its tributaries; Wolf Creek and its tributaries; and Malholms Creek and its tributaries.

F. Walnut Creek Watershed Protection Area (WCWPA).

The WCWPA is described and designated as follows: All land that lies within the 6th and 7th Districts of Henry County, Georgia, as delineated on the Walnut Creek Watershed Map which is made part of this section. The WCWPA includes Walnut Creek and tributaries, including Birch Creek and Crittle Creek. The WCWPA also includes the City of McDonough reservoir. Refer to Ordinance No. 03-06-16 of the City of McDonough Walnut Creek and Tussahaw Creek Watershed Protection Districts.

G. Little Cotton Indian Creek Watershed Protection Area (LCICWPA).

The LCICWPA is described and designated as follows: All land that lies on each side of Little Cotton Indian Creek and each perennial stream that flows into Little Cotton Indian Creek to the ridge line from the WJ Hooper Reservoir Dam located just west of Springdale Road to the beginning points of Little Cotton Indian Creek and each perennial stream that drains into Little Cotton Indian Creek in said area. The main perennial streams that flow into the WJ Hooper Reservoir are: Rum Creek and its tributaries; Reeves Creek and its tributaries; Little Cotton Indian Creek and its tributaries; and Pates Creek and its tributaries. The LCICWPA flows into the WJ Hooper Reservoir which is owned and operated by the Clayton County Water Authority.

H. Pates Creek Watershed Protection Area (PCWPA).

The PCWPA is described and designated as follows: All land within the boundaries of Henry County located in the Pates Creek Reservoir drainage basin upstream from the Edgar J. Blalock Reservoir Dam, being that portion of Henry County which lies westerly of Pates Creek Drive. The PCWPA flows into the Edgar J. Blalock Reservoir which is owned and operated by the Clayton County Water Authority.

9.6.3. Watershed Protection Area Map

A map of each watershed protection area is maintained by Henry County and the Henry County Water Authority or the Clayton County Water Authority (hereinafter called "the authority"). These maps are adopted herein by reference.

9.6.4. Water Quality Critical Area

A water quality critical area is established for each watershed protection area. The water quality critical area for each of the above-stated watershed protection areas, except the WCWPA, is:

A. All land that lies adjacent to the normal pool level of a reservoir and extending either to the ridge line boundary of the watershed or 500 feet, whichever is shorter; and

B. All land extending a distance of three miles upstream from the normal pool level of the reservoir that is adjacent to each perennial stream upstream from the reservoir and extending either to the ridge line boundary of the watershed on each side of the perennial stream or 500 feet, whichever is shorter.

C. The normal pool level elevation of the existing reservoirs of the authority are as indicated in Table 9.4.

Table 9.4 Normal Pool Elevations

Reservoir	Normal Pool Elevation* (contour line, feet above sea level)
Indian Creek	728
Long Branch	720
Lower Towaliga River	658
Upper Towaliga River	720
Tussahaw Creek	600
Shoal Creek	845
City of McDonough	723

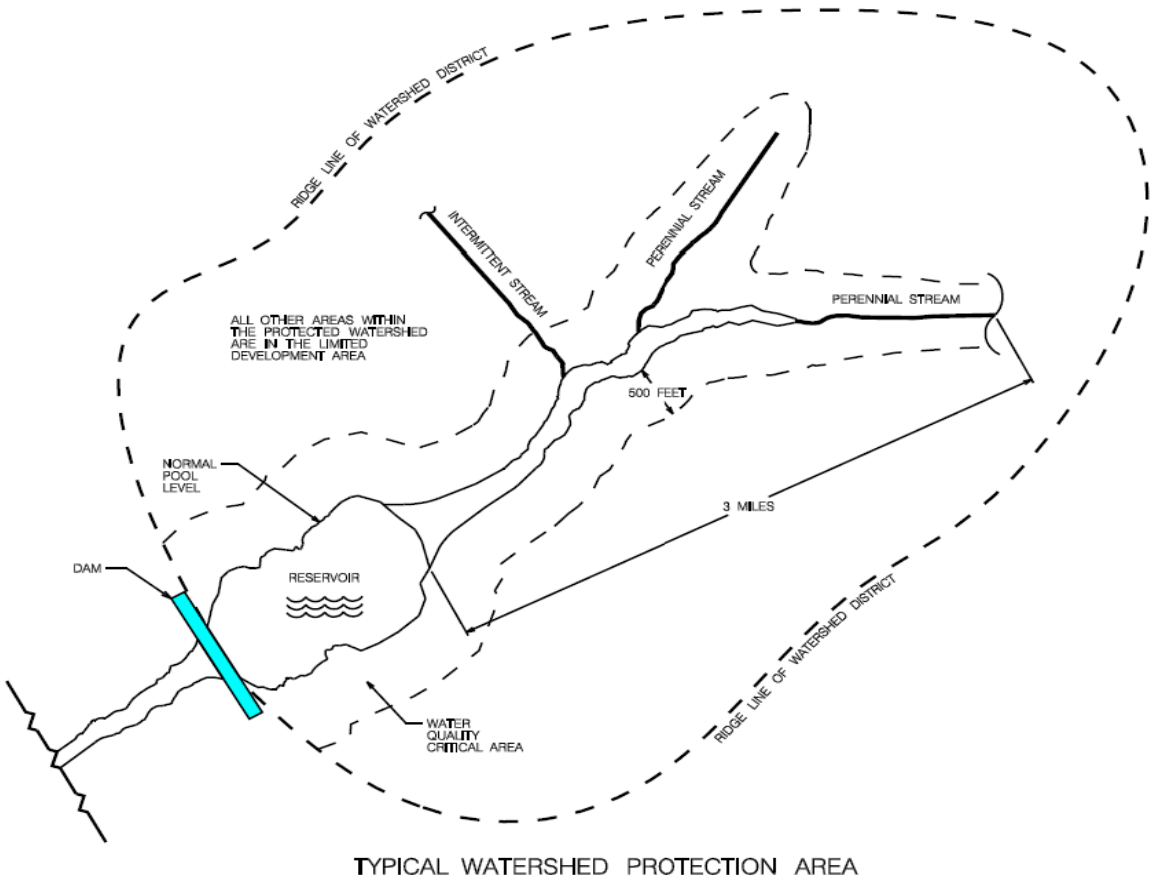
* Elevations based on U.S. Geological Survey Datum

9.6.5. Limited Development Area

A limited development area is established for the remaining part of the watershed protection area that is located outside of the water quality critical area and extending to the ridge line of each watershed district as shown on Figure 9.1.

If a perennial stream abuts or crosses any property within the limited development area the use regulations of Sec. 9.6.8. apply.

Figure 9.1 Typical Watershed Protection Area



9.6.6. Specific Provisions for WCWPA

A. The City of McDonough Reservoir Protection Area is established as that area 750 feet in width surrounding the existing property owned by the City of McDonough on which is located the City of McDonough reservoir. This area is measured from the normal pool elevation at the reservoir.

B. The Walnut Creek Limited Development Area includes all land area within the WCWPA indicated in Sec. 9.6.2.F, exclusive of those properties contained within and subject to regulations of the City of McDonough Reservoir Protection Area.

9.6.7. Specific Provisions for LCICWPA and PCWPA

A. The Little Cotton Indian Creek Watershed Protection Area and Pates Creek Watershed Protection Area are established as that area 150 feet in width surrounding each respective reservoir's normal pool elevation as established by Clayton County, Georgia.

B. The perennial stream corridors of the LCICWPA and PCWPA shall be protected by the following criteria:

1. An undisturbed buffer of 100 feet must be maintained on both sides of the stream measured from the stream banks.
2. No impervious surface shall be constructed within a 150-foot setback on both sides of the stream as measured from the stream banks.
3. Septic tanks and septic tank drain fields are prohibited in the 150-foot setback on both sides of the stream as measured from the stream banks.

For the purposes of this section, perennial streams are defined as those streams that are under state or federal jurisdiction.

C. The following uses are exempt from the above buffers and setbacks, provided the listed uses do not impair the quality of the drinking water stream:

1. Utilities, provided that said utilities:
   (a) Are located as far from stream bank as reasonably possible; and
   (b) The installation and maintenance of the utilities is such to protect the integrity of the buffer and setback areas to the extent reasonably possible.
2. Forestry and agricultural activities.
3. Structures and infrastructure existing within the above setback and buffer, as of date of adoption.
4. Development activities on recorded parcels existing at the date of adoption that would be unbuildable by the above buffer and setback requirements.

D. Hazardous or toxic materials storage, disposal, use or generation, except as regulated in 9.6.9, is prohibited within both watershed protection areas.

E. New sanitary landfills must have synthetic liners and leachate collection systems.

F. Sections 9.6.9 and 9.6.11 are not applicable to either the LCICWPA and PCWPA.

G. Variances from the provisions of this subsection may be granted in accordance with Sec. 10.5.2.A.4.

9.6.8. Uses in Watershed Protection Areas

Table 9.5. identifies permissible and prohibited uses within the water quality critical area and limited development area of watershed protection areas.

Table 9.5 Permitted Uses within Water Protection Areas

Land Use Type	Water Quality Critical Area*	Limited Development Area*	Within the Walnut Creek WPA (WCWPA)	
			Reservoir Protection Area	Limited Development Area
Residential	Multifamily dwellings are prohibited	Permitted [1]	Multifamily dwellings are prohibited	Permitted [1]
Commercial	Prohibited	Permitted [1]	Prohibited	Permitted [1]

Land Use Type	Water Quality Critical Area*	Limited Development Area*	Within the Walnut Creek WPA (WCWPA)	
			Reservoir Protection Area	Limited Development Area
Industrial, except as listed below	Prohibited	Permitted [1]	Prohibited	Permitted [1]
Hazardous or toxic materials storage, disposal, use or generation^	Prohibited	Prohibited	Prohibited	Prohibited
Landfills and Waste Disposal	Prohibited [2]	Prohibited [2]	Prohibited [2]	No additional limitations apply
Social, Institutional or Infrastructure Related	Prohibited	Permitted [1]	Prohibited	Permitted [1]
Travel or Movement	Prohibited [3]	Permitted [1]	Prohibited [3]	Permitted [1]
Mass Assembly of People	Prohibited	Permitted [1]	Prohibited	Permitted [1]
Leisure	Permitted [1]	Permitted [1]	Prohibited	Permitted [1]
Natural Resources	Confined animal feed operations are prohibited No silviculture activity is permitted within 25 feet of a water body	No silviculture activity is permitted within 25 feet of a water body	No silviculture activity is permitted within 25 feet of a water body	No silviculture activity is permitted within 25 feet of a water body

* Except when located in the WCWPA

^ Except when Sec. 9.6.9. applies

Table Notes:

1. Permitted provided the dimensional standards of Table 9.6 are met.
2. Except for septic tanks approved by the Henry County Health Department and wastewater disposals facilities owned and operated by the County.
3. Except for roads, sidewalks, and multi-use or greenway trails.

9.6.9. Hazardous Materials Handling

New facilities located within the watershed protection area that handle hazardous materials of a type and amounts requiring a permit from the Georgia DNR, or that require disposal by a hazardous materials handler permitted or licensed by the Georgia DNR at a hazardous materials facility, must perform their operations on impermeable surfaces having spill and leak collection systems. Such spill and leak collections systems must be shown on the development plan in detail and must be approved pursuant to procedures for development plan approval set forth in Sec. 10.9.

9.6.10. Dimensional Standards for Specific Uses in Watershed Protection Areas

Proposed development must comply with both the standards for watershed protection areas in Table 9.6. and the standards for the zoning district in which the proposed development is located. Where standards are specified for the same item in Article 6 and the watershed protection area, the stricter standard applies.

Table 9.6 Dimensional Standards within Water Protection Areas

Land Use		Setback	Min. Lot Size (Septic)	Min. Lot Size (Sewer)	Min. Lot Width (Septic)	Min. Lot Width (Sewer)	Max. Impervious Coverage
Residential^	Water Quality Critical Area	200 ft.	2 acres	1.5 acres	175 ft.	100 ft.	20%
	Limited Development Area*	150 ft.	1 acre	10,890 sq. ft.	175 ft.	100 ft.	25%
	Limited Development Area (w/ perennial streams)	200 ft.	1.25 acres	1 acre	175 ft.	175 ft.	25%
Industrial or Travel and Movement	Water Quality Critical Area	200 ft.	N/A	N/A	N/A	N/A	N/A
	Limited Development Area*	150 ft.	4 acres	2 acres	N/A	N/A	25%
	Limited Development Area (w/ perennial streams)	200 ft.	5 acres	2 acres	N/A	N/A	25%
Natural Resources or Leisure Activities	Water Quality Critical Area	200 ft.	2 acres	1.5 acres	N/A	N/A	20%
	Limited Development Area*	150 ft.	1 acre	0.5 acres	N/A	N/A	25%
	Limited Development Area (w/ perennial streams)	200 ft.	1 acre	0.5 acres	N/A	N/A	25%
All Other Uses	Water Quality Critical Area	200 ft.	N/A	N/A	N/A	N/A	N/A
	Limited Development Area*	150 ft.	1.5 acres	1 acres	N/A	N/A	25%

Land Use		Setback	Min. Lot Size (Septic)	Min. Lot Size (Sewer)	Min. Lot Width (Septic)	Min. Lot Width (Sewer)	Max. Impervious Coverage
	Limited Development Area (w/ perennial streams)	200 ft.	2 acres	1.5 acres	N/A	N/A	25%

^ Multifamily Residential

*See Sec. 9.6.13. for additional

9.6.11. Buffers in Watershed Protection Areas

Buffers are required in watershed protection area as follows:

A. Buffers within water quality critical areas and the City of McDonough reservoir protection area. A natural or enhanced vegetative buffer must be maintained for at least 150 feet from the normal pool level of a reservoir and at least 100 feet on both sides of any other surface water as measured from the banks.

B. Surface water buffers within the limited development area. A natural or enhanced vegetative buffer must be maintained for at least 100 feet on both sides of any surface water as measured from the banks.

9.6.12. Septic Tanks and Drain Fields within Watershed Protection Areas

A. Septic tanks and septic tank drain fields are prohibited in the setback areas established in Table 9.6. for buildings and impervious surfaces in watershed protection areas.

B. Septic tanks and septic tank drain fields for residential development must have a setback of at least 100 feet from any surface water.

C. In the City of McDonough Reservoir protection area, septic tanks and septic tank drain fields for residential development must be setback at least 150 feet from the normal pool elevation of the reservoir and from any surface water.

9.6.13. Alternative Provisions for Impervious Surface Limitations

A. The percentage of impervious surface is determined by the sum of all land areas to be covered by impervious structures during the development of the property including, but not limited to, roads, streets, driveways, houses, buildings, and parking areas, divided by the total site area.

B. The impervious surface of a single-family residential development within the limited development area may be increased up to 35% provided that:

1. Development of land in the limited development area includes areas set aside to remain in natural vegetation or open space in the amount of two times the area of impervious surface above the 25% limit. Ownership of such parcels in fee simple or as a conservation easement must be conveyed to the county, a homeowners' association, a government agency, or nonprofit entity, as approved by the county.

2. If the recipient of the property or conservation easement is to be an existing or proposed organization other than a governmental entity, the developer must submit to the county articles of association or incorporation which establish the entity. Said document must be approved in writing by the county prior to approving said development. Any proposed changes in said articles will require the prior written approval of the county.
3. If the recipient is a homeowners' association, membership in the homeowners' association must be mandatory for property owners and made a required covenant in all deeds issued or passed. The association must provide voting and use rights in the natural vegetated area when applicable and charge dues or levy assessments to cover expenses which may include tax liabilities of common areas, and for the maintenance of such common areas, natural vegetated areas, improvements, rights-of-way, utilities, etc. Such association will be responsible for the perpetuation, maintenance, and function of all common lands, uses, and facilities.
4. All lands and improvements must be described and identified as to location, size, use and control in a restrictive covenant. The details of all easements conveyed must be described. These restrictive covenants must be written to run with the land and become a part of the deed of each lot or dwelling unit within the development.
5. Such restrictive covenants and the association must continue in effect to control the availability of facilities for their intended function, and to protect the development from additional unplanned densities and use. Such associations must not be dissolved, nor will such association dispose of any land set aside for the purposes of this section, by sale or otherwise, without prior written consent of the county.
6. All natural vegetated areas must be held in common ownership by the dwelling unit owners. Any change in the natural or vegetated area, other than to maintain it in reasonable order and condition in accordance with the approved final development plan, will require prior written approval of the county.
7. The natural vegetated area may be set aside by the developer by acquiring property in fee simple or a conservation easement within the watershed district.

C. The impervious surfaces for industrial, commercial, offices, institutional, public, and multifamily residential development within the limited development area may be increased up to 75%.

1. All permanent stormwater control structures and easements for maintenance and access must be recorded in the final plat of the property in accordance with the procedures set forth in this ULDC.

D. A development may participate in a regional wet detention pond program which has been established by one or more public or private entities subject to the following conditions:

1. Runoff from the development drains into a regional stormwater management control facility approved by the county.
2. An agreement between the county and the landowner has been executed which guarantees participation in the regional stormwater arrangement of the property and the detention pond.
3. Construction of a regional detention pond meets or exceeds the design requirements of the stormwater management provisions as set forth in Sec. 9.4.

E. A development may provide an alternative method for stormwater control other than a wet detention pond provided it complies with the stormwater management requirements set forth in Sec. 9.4, and design criteria for pollutant removal equivalent to those associated with wet detention ponds included in the Georgia Stormwater Management Manual, as amended.

Sec. 9.7. Wetland Protection

9.7.1. General

A. Purpose

The purpose of the regulations in this section are to promote wetland protection, while accounting for varying ecological, economic development, recreational, and aesthetic values. The regulations set forth in this section are intended to limit activities that may damage wetlands, and to require that such activities be located on upland sites to the greatest degree practicable as described in the comprehensive plan. The regulations set forth in this section are further intended to protect wetlands from alterations that will significantly affect or reduce their primary functions for water quality, floodplain protection, erosion control, groundwater recharge, aesthetic nature, and provision of wildlife habitat.

B. Applicability

Regulations for the protection of wetlands, set forth in this section, apply to all lands within wetlands located within the jurisdiction of Henry County.

9.7.2. National Wetland Inventory (NWI) Maps

The U.S. Department of the Interior, National Wetland Inventory Maps (NWI Maps), together with all explanatory matter thereon and attached thereto, is hereby adopted by reference and declared to be a part of this ULDC.

9.7.3. Determination of Wetlands Boundary

A. Generally

1. The NWI maps are general reference documents, and wetland boundaries indicated on the maps are approximations. The purpose of the NWI maps is to alert developers and landowners if the property proposed for development is within or adjacent to a wetland.
2. The NWI maps do not represent the boundaries of jurisdictional wetlands within Henry County and cannot serve as a substitute for a delineation of wetland boundaries by the U.S. Army Corps of Engineers, as required by Section 404 of the Clean Water Act, as amended.

B. Where it is determined that wetlands are located on property proposed for development, a determination of the location and extent of the wetlands must be made by the U.S. Army Corps of Engineers or a qualified consultant. A local permit for development within wetlands will not be issued until a determination has been made by the U.S. Army Corps of Engineers as to whether jurisdictional wetlands exist on the site. If there are jurisdictional wetlands on the site that will be disturbed by the proposed development, the applicant must first obtain a wetlands alteration section 404 permit from the U.S. Army Corps of Engineers.

9.7.4. Permissible Activities within Wetlands

Lawful activities set forth in this section will be allowed as of right within a wetland. Constructing, grading, filling, draining, or dredging may be permissible only as provided. For waters under state or federal jurisdiction, additional prohibitions may apply.

A. Conservation or preservation of soil, water, vegetation, fish, and other wildlife, provided they do not affect waters of Georgia or of the United States in such a way that would require a permit as required by section 404 of the Clean Water Act.

B. Outdoor passive recreational activities, including fishing, bird watching, hiking, boating, horseback riding, and canoeing.

C. Forestry practices applied in accordance with best management practices approved by the Georgia Forestry Commission and as specified in section 404 of the Clean Water Act.

D. The cultivation of agricultural crops. Agricultural activities are subject to best management practices approved by the Georgia Department of Agriculture.

E. The pasturing of livestock, provided that riparian wetlands are protected, that soil profiles are not disturbed, and that approved agricultural best management practices are followed.

F. Education, scientific research, and nature trails.

9.7.5. Prohibited Activities within Wetlands

A. Receiving areas for toxic or hazardous waste or other contaminants.

B. Hazardous or sanitary waste landfills.

C. Other uses prohibited in the underlying zoning district.

9.7.6. Temporary Activities within Wetlands

A. Maintenance or repair, subject to the following requirements:

1. Maintenance and repair is limited to lawfully located roads, structures, and facilities used in the service to the public to provide transportation, electricity, gas, water, telephone, telegraph, telecommunication, or other services;
2. The roads, structures, or facilities are not materially changed or enlarged;
3. Written notice prior to the commencement of work has been given to Henry County; and
4. The work is conducted using best management practices to ensure that flow and circulation patterns and chemical and biological characteristics of the wetland are not impaired and that any adverse effect on the aquatic environment shall be minimized.

B. Temporary water level stabilization measures associated with ongoing silvicultural operations.

C. Limited ditching, tilling, dredging, excavating, or filling done solely for the purpose of maintaining or repairing existing drainage systems necessary for the cultivation of agricultural crops, provided that the maintenance or repair activity does not result in the impairment, alteration, or loss of wetlands not previously subject to agricultural and silvicultural use as set forth in Section 9.7.4.D. above.

D. Limited excavating and filling necessary for the repair and maintenance of piers, walkways, nature trails, observation decks, wildlife management shelters, boathouses, or other similar water-related structures, provided they are built on pilings to allow unobstructed flow of water and preserve the natural contour of the wetland.

9.7.7. Buffers Required

A. Location of Buffer

A buffer will be located adjacent to and running parallel with the boundary established pursuant to Section 9.7.3. The buffer must provide an area of protection between the wetland, whether or not subsequently removed pursuant to U.S. Army Corps of Engineers permit and any permissible activity within or adjacent to the wetland.

B. Buffer Standards.

1. The buffer shall be a minimum of 25 feet in width.
2. All existing natural vegetation must be retained and maintained within the buffer.
3. The number and types of plants required within the buffer is as set forth in Sec. 7.2 and Sec. 9.1.6.

Sec. 9.8. Groundwater Recharge Protection

9.8.1. General

A. Purpose

The provisions of this section are intended to protect groundwater as follows:

1. Restricting land uses that generate, use, or store dangerous pollutants in recharge areas;
2. Limiting density of development; and
3. Ensuring that any development that occurs within the recharge area will have no adverse effect on groundwater quality.

B. Applicability

The provisions of this section apply to all lands mapped as significant recharge areas by the Georgia Department of Natural Resources (DNR) in Hydrologic Atlas 18, 1989 edition, as amended, or as identified in the comprehensive plan.

9.8.2. Determination of Pollution Susceptibility

Limitations on land use activities are based on the degree to which the aquifer is susceptible, or at risk, to pollution from spills, discharges, leaks, impoundments, application of chemicals, injections, and other human activities. The Georgia DNR has prepared maps of pollution susceptibility, which categorize land in areas of high, medium, and low potential for groundwater pollution. These maps will be the basis for determining the locations for limited land use activities set forth in Sec. 9.8.3.

9.8.3. Limitations and Site Design Requirements for Specific Land Use Activities

In addition to any use standards of Article 6, the following development standards apply within groundwater recharge protection areas:

A. New above ground chemical or petroleum storage tanks with a minimum volume of 660 gallons must provide secondary containment for:

1. 110% of the volume or such tanks; or
2. 110% of the volume of the largest tanks in a cluster of tanks.

B. New agricultural waste impoundment sites must be lined with compacted clay having a thickness of one foot and a vertical hydraulic conductivity of less than 5×10^{-7} cm/sec, or other criteria as established by the U.S. Soil Conservation Service, when located in the following areas:

1. A high pollution susceptibility area.
2. Medium pollution susceptibility areas and the site exceeds 15 acre-feet.
3. Low pollution susceptibility areas and the site exceeds 50 acre-feet.

C. New wastewater treatment basins must be designed with an impermeable liner approved by the Georgia Environmental Protection Division.

D. Wastewater spray irrigation systems or land spreading applications must comply with the Georgia Department of Natural Resources criteria for slow rate land treatment. Such uses must provide proof of receipt of a land application system permit from the Georgia Environmental Protection Division.

E. New facilities for the handling of hazardous materials of types and amounts regulated by the Georgia Department of Natural Resources must perform operations in impermeable surfaces with spill and leak collections systems meeting the requirements of said agency.

F. New single-family dwellings served by septic tank or drain field systems must have a minimum lot size meeting the larger of:

1. The minimum lot size limitations on Table MT-1 of the Department of Human Resources Manual for On-Site Sewage Management Systems; or
2. 150% of the lot size on Table MT-1 when located within a high pollution susceptibility area; or
3. 125% of the lot size on Table MT-1 when located within a medium pollution susceptibility area; or
4. 110% of the lot size on Table MT-1 when located within a low pollution susceptibility area.

G. New mobile home parks served by septic tank or drain field systems must have a minimum lot size meeting the larger of:

1. The minimum lot size limitations on Table MT-2 of the Department of Human Resources Manual for On-Site Sewage Management Systems; or
2. 150% of the lot size on Table MT-2 when located within a high pollution susceptibility area; or
3. 125% of the lot size on Table MT-2 when located within a medium pollution susceptibility area; or
4. 110% of the lot size on Table MT-2 when located within a low pollution susceptibility area.

Sec. 9.9. River Corridor Protection

9.9.1. General

A. Purpose

The purpose of river corridor protection standards is to help maintain high water quality of the designated rivers.

B. Applicability

The standards of this section apply to all river corridors designated by the State of Georgia because of their unique environmental importance. The South River in Henry County is a designated river.

C. Stricter Standards Apply

Proposed development must comply with both the standards for river corridor protection, the standards for the zoning district in which the proposed development is located, and the goals of the comprehensive plan. Where standards are specified for the same item in both the zoning district standards and the river corridor standards, the stricter standard applies.

9.9.2. River Corridor Protection Area

The river corridor protection area extends from the top of the riverbank on both sides of the river for a distance of 150 feet landward. The top of the riverbank is the uppermost part of the riverbank, usually marked by a break in the slope. All land that lies within this corridor is part of the river corridor protection area.

9.9.3. Buffer Requirements for the River Corridor Protection Area

A natural vegetative buffer area must be maintained for a distance of 100 feet on both sides of the river as measured from the riverbanks.

9.9.4. Permissible Uses Within the River Corridor Protection Area

The following specific land uses are permissible within the river corridor protection area, subject to the standards listed for each use:

A. A single-family dwelling together with permissible accessory structures, limited to one per tract of land, may be located within the buffer area;

B. Road crossings and utility crossings;

C. Timber production and harvesting, consistent with best management practices of the Georgia Forestry Commission, and protection of the water quality of the river as required by the Clean Water Act;

D. Wildlife and fishery management activities;

E. Wastewater treatment;

F. Recreational activities that are river dependent and that do not interfere with the maintenance of the required buffer;

G. Walking paths;

H. Natural water quality treatment or purification;

I. Agricultural production and management, consistent with best management practices of the Georgia Soil and Water Conservation Commission, protection of the water quality of the river as required by the Clean Water Act, and consistent with all requirements of the Georgia Department of Agriculture; and

J. Uses that are specifically permissible by the Georgia DNR or under section 404 of the Clean Water Act.

9.9.5. Prohibited Uses Within the River Corridor Protection Area

The following specific land uses are prohibited within the river corridor protection area:

A. Septic tanks and septic tank drain fields;

B. Handling areas for receiving and storage of hazardous waste, unless located within port facilities that comply with all federal and state laws and regulations for the handling and transport of hazardous waste and the operations are performed on impermeable surfaces having spill and leak protection systems as described by the Georgia DNR;

C. Hazardous waste landfill; and

D. Solid waste landfills.

ARTICLE 10. ADMINISTRATION

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Sec. 10.1. Review Bodies

10.1.1. General

A. Authority.

This Sec. 10.1. establishes powers, duties, and other requirements for those bodies that review permits issued under this ULDC. These powers, duties, and other requirements are in addition to the provision of Chapter 3-2 of the Code of Henry County.

10.1.2. Planning and Economic Development Director

A. Power and Duties

The Director of Planning and Economic Development administers this ULDC and has those power and duties expressly identified in this article and this ULDC, unless otherwise enumerated by this ULDC.

1. Review and Recommendation

   The Director is authorized to:

   (a) Decide the type of application required under this ULDC; and

   (b) Review and provide recommendation on all applications required under this ULDC.

2. Delegation

   The Director may delegate any review authority to the designee of their choosing, as provided by law; however, any decisions remain the responsibility of the Director.

3. Final Decision

   The Director makes final decisions on the following:

   (a) Development plans.

   (b) Subdivisions.

   (c) Administrative waivers.

   (d) Administrative modifications.

   (e) Development permits.

B. Appeals

Any decision of the Director may be appealed to the Zoning Advisory Board.

10.1.3. Architectural Review Committee

The Architectural Review Committee is established for the purpose of ensuring consistency with the design standards of Sec. 2.2, 5.1.5, 5.2.4, 5.3.5, 5.4.4, 5.5.4, and fence standards of Sec. 7.2.5 for fences within the front yard of any residential district, when allowed. The committee will consist of the Director of Planning and Economic Development and the Director of Building and Plan Review, or their designees.

10.1.4. Zoning Advisory Board

A. Membership

The Zoning Advisory Board (ZAB) consists of six members appointed by the Board of Commissioners. The members will serve two-year terms concurrent with the terms of the elected official that appointed them. If an elected official vacates or resigns their position, the appointed Zoning Advisory Board member may be requested to vacate their appointment by the Board of Commissioners.

B. Vacancies

Any vacancy in the membership must be filled for the unexpired term in the same manner as the initial appointment.

C. Removal of Members

Members may be removed with or without cause at any time. Any vacancy created because of such removal may remain until the expiration of the respective term. A member may be reappointed only upon a majority decision by the Board of Commissioners.

D. Qualifications and Compensation

1. All members must complete training for ZAB members and receive a certificate of completion from an agency or organization competent to train appointed planning officials within one year of appointment.
2. Each member will be compensated in a manner prescribed by the Board of Commissioners.

E. Conduct

1. No member may:
   (a) Make defamatory, slanderous, or discriminatory remarks toward or about any other board member, employee of Henry County, applicant or applicant's representatives, or audience member during the course of public hearings or meetings, workshop sessions, and official duties;
   (b) Use profanity in any public hearing or meeting, nor generally in interaction with any of those persons listed in subsection a above;
   (c) Directly or indirectly threaten, harass, or intimidate any of those persons listed in subparagraph a. above; or
   (d) Violate any rules of procedure or supplemental rules of conduct established through ordinance or resolution by the Board of Commissioners.

F. Quorum

1. Four members will constitute a quorum for the transaction of business. All rules, policies, and procedures governing the ZAB are governed by this requirement.

G. Officers

1. The ZAB must elect one of its members as Chair. The Chair will serve for one year or until reelection or a successor is elected.
2. A second member will be elected as Vice Chair and will serve for one year or until reelection or a successor is elected.

3. The ZAB must appoint a secretary, who may be an officer or an employee of the governing authority or of the ZAB.

H. Schedule of Meetings

1. The ZAB will meet once a month at a date and time established by the ZAB. This requirement can be reduced at the discretion of the ZAB due to unforeseen circumstances.
2. Additional meetings may be called, according to the procedures in Robert's Rules of Order.

I. Rules and Operating Procedures

1. The ZAB must follow any by-laws and rules for the transaction of business adopted by the BOC. Any conduct of business or meetings not specified by rule of the ZAB will be according to Robert's Rules of Order.
2. The ZAB must keep a record of its resolutions, transactions, findings, and determinations, which record will be a public record.
3. The Chair will have no voting privileges except as provided in Sec. 10.1.4.I.4. and 5.
4. In the event a zoning matter is within the Chair's appointed district, the Chair may vote, and the Vice Chair will serve as Chair for that zoning action. The Vice Chair may have no voting privileges on said zoning action.
5. The Chair may vote in the event of a tie.

J. Powers and Duties

The Zoning Advisory Board has those powers and duties expressly identified in this ULDC, including, but not limited to, the following:

1. Review and Recommendation

   To review and provide recommendations to the Board of Commissioners on the following:

   (a) ULDC text amendments.

   (b) Map amendments (rezonings).

   (c) Special uses.

   (d) Amendments to the comprehensive plan.

2. Final Decision

   To review and make final decisions on applications for the following:

   (a) Variances.

   (b) Modifications to conditions places on variances.

   (c) Conditional use permits.

   (d) Appeals when it is alleged that there is an error in any order, requirement, decision, or determination made by any authorized County official in the enforcement of this ULDC.

3. Other.

   (a) To exercise all other powers and duties conferred upon municipal planning commissions by O.C.G.A. § 36-70-1, et. Seq., and by any other provisions of state law.

4. The ZAB, in performing its functions, may enter any land, make examinations and surveys, and place and maintain necessary monuments and marks on such land; provided that Henry County will be liable for any injury or damage to property which may result.

10.1.5. Board of Commissioners

A. The Board of Commissioners has those powers and duties expressly identified in this article, the Georgia Zoning Procedures Law, and this ULDC, including, but not limited to:

1. Initiate

   To initiate any application listed in subparagraph 2 (Final Decision) below.

2. Final Decision

   To hear and decide on applications for:

   (a) ULDC text amendments.

   (b) Map amendments (rezonings).

   (c) Special uses.

   (d) Amendments to the comprehensive plan.

   (e) Amendments to the future infrastructure map.

   (f) Modifications to conditions placed on rezonings.

   (g) Major modifications to approved master development plans, such as increases in density.

   (h) Concurrent variances in conjunction with a rezoning or zoning modification.

   (i) Stream buffer variances concurrent with a rezoning or zoning modification.

   (j) Appeals when it is alleged that there is an error in any order, requirement, decision, or determination made by the Zoning Advisory Board.

10.1.6. Historic Preservation Commission

Reserved.

Sec. 10.2. Amendments

10.2.1. General

A. Applicability

1. The text amendment requirements of this Sec. 10.2 only apply to the following:

   (a) Those provisions of the ULDC that constitute a zoning ordinance per Sec. 1.1.5 or a zoning action per O.C.G.A. § 36-66-5.

2. Those provisions of this ULDC that do not constitute a zoning ordinance or zoning action may be amended using the County's general procedures for ordinance amendments.

B. General Amendments

1. The official zoning map may be amended by the Board of Commissioners on its own motion, on recommendation from the Zoning Advisory Board, or by approval by the Board of Commissioners of an application from a property owner. An adopted zoning resolution is considered an amendment to the official zoning map.

2. In deciding upon any application for an amendment to the official zoning map, the Board of Commissioners may, on their own motion or upon the suggestion of the applicant, or on consideration of the recommendations of the Zoning Advisory Board, grant the application subject to certain conditions necessary to promote and protect the public health, safety or general welfare.

3. If the rezoning is denied by the Board of Commissioners, then the same property may not again be considered for rezoning until the expiration of at least 12 months immediately following the denial of the rezoning.

4. If an amendment was previously denied, the owner must demonstrate that the proposed amendment to the official zoning map is significantly different from the previous denial to the satisfaction of the Board of Commissioners before it can be considered. A significant difference includes, but is not limited to, a change in zoning district, use, density, height, buffers or other methods of screening, or other items which were discussed at a public hearing on the previous application.

C. Filing Deadline

A complete rezoning application must be submitted in accordance with the advertised filing deadlines. An incomplete submission will not be accepted.

D. Withdrawal

1. Before advertising. If an amendment to the official zoning map by a property owner has not been advertised for public hearing, a written request for withdrawal with the reason for the request must be made and accepted by the Director.

2. After advertising. After an amendment to the official zoning map by a property owner has been advertised for public hearing, it may only be withdrawn at the meeting on which agenda the public hearing appears. A written request for withdrawal with the reason for the request must be made to the Director.

E. Requirements for Amending the Official Zoning Map

All request by a property owner for amending the official zoning map must include the following, with the required number of copies of each as prescribed by the Director:

1. Preapplication review form.
2. A complete signed and notarized rezoning request application with original signatures.
3. Legal description.
4. Letter of intent.
5. Proposed site plan meeting the requirements of Sec. 10.2.5.
6. Survey of the property.
7. Conceptual landscape plan.
8. Environmental site analysis.
9. Elevations of buildings and structures.
10. Campaign disclosure form.
11. Development of Regional Impact meeting the requirements of Sec. 10.10.1, if applicable.
12. Traffic Impact Study meeting the requirements of Sec. 10.10.2, if applicable.
13. Other documents as identified during the preapplication meeting.
14. Filing fees in an amount specified in the County fee schedule, which are nonrefundable.

10.2.2. Public Hearing and Notice

A. Regulations

1. Before adopting any change to the official zoning map or text of this ULDC that constitutes a zoning ordinance, the Board of Commissioners must hold a public meeting.
2. All applications must be consistent with process identified in the state Zoning Procedures Law.
3. Notice of the public hearings held pursuant to this subsection must be published in a newspaper of general circulation within the territorial boundaries of the County at least 30 days but not more than 45 days prior to the date of the public hearing. Renotification is not required when the hearing is deferred by the Board of Commissioners.
4. All zoning map amendments initiated by a party other than the County Board of Commissioners must post a sign issued by the County in a conspicuous location on each street frontage of the property no less than 15 days and not more than 45 days before the public hearing. If the property proposed for rezoning does not have frontage on a public street, the sign may be posted on the right-of-way of the nearest public street which provides access to the property.
5. If a request for zoning map amendment is deferred by the County, the applicant must post an updated sign with new hearing dates no less than 15 days before the next scheduled hearing date.
6. The Director must give notice of the public hearing by mail to the subject property owner. Notices must be mailed at least 15 days before the public hearing date. Renotification by mail is

required when a request for zoning map amendment is deferred by the Board of Commissioners.

7. The hearing notices required by this Sec. 10.2.2. must include the time, place and purpose of the hearing, and, when applicable, the notice must also include the location of the property, the present zoning classification of the property and the proposed zoning classification, use permit, permit or other permission requested with respect to the property.

B. Procedures

In compliance with O.C.G.A. § 36-66-5 the following rules of procedure govern public hearings before the Board of Commissioners:

1. Each person speaking before the board must identify themself by name, address, and whether they are the applicant, owner or agent for owner.
2. Time periods for testimony:
   (a) All interested persons will have no less than 10 minutes to speak for or against the proposal. A portion of this time period may be saved for rebuttal.
   (b) Public comments should offer facts relevant to the case under consideration.
   (c) Additional time may be granted equally to the applicant and opponents at the discretion of the Chair of the Board.

C. Decision

At the conclusion of a hearing by the Board of Commissioners, the board may:

1. Approve the application.
2. Approve the application with conditions.
3. Disapprove the application.
4. Postpone their deliberations to a date certain to render their decision.
5. Remand the application to the Zoning Advisory Board for additional review and consideration in a duly advertised public hearing.

D. Notice of Decision

The Board of Commissioners must announce its decision and direct the Director to notify the applicant in writing of said decision. The written notification will immediately be entered on the minutes and made a part of the record on the date that written notification is given to the applicant.

10.2.3. Technical Evaluations and Reports

A. General

1. Required Before Zoning Advisory Board Recommendation

   Proposed amendments to the official zoning map may be considered by the Board of Commissioners only after the evaluations and reports required by this Sec. 10.2.3. have been completed and the Zoning Advisory Board has made a recommendation.

2. Impact Analysis

The Director, Zoning Advisory Board, and Board of Commissioners will each consider the following standards when recommending or taking action on a ULDC text amendment or rezoning:

(a) Whether the zoning proposal is consistent with the policy and intent of the comprehensive plan and Future Land Use Map.

(b) The relation that the proposed amendment bears to the purpose of the overall zoning scheme with due consideration given to whether the proposed change will help carry out the purposes of this ULDC.

(c) Potential positive effects of the amendment on the character of the proposed zoning district, a particular piece of property, neighborhood, a particular area, or the community.

(d) The physical conditions of the site relative to its capability to be developed as requested, including topography, drainage, access, and size and shape of the property.

(e) The impact upon adjacent property owners should the request be approved.

(f) The potential impact of the proposed amendment on county infrastructure including water and sewerage systems.

(g) The impact of the proposed amendment on adjacent thoroughfares and pedestrian and vehicular circulation and traffic volumes.

(h) The merits of the requested change in zoning relative to any other guidelines and policies for development which the Zoning Advisory Board and Board of Commissioners may use in furthering the objectives of the comprehensive plan.

(i) The ability of the subject land to be developed as it is presently zoned.

3. Impact Analysis by Applicant

If a rezoning is initiated by the property owner, a written documented analysis of the impact of the proposed zoning with respect to each of the matters Sec. 10.2.3.A.2. is required at the time of filing the zoning map amendment.

B. Environmental Reports

1. Environmental Site Analysis

(a) When Required

If an amendment to the official zoning map is initiated by the property owner, an environmental site analysis complying with Sec. 10.2.3.B.1.b. below must be filed with the request for amendment.

(b) Report Requirements

The environmental site analysis must identify environmental conditions on the site in sufficient detail to determine if the proposed use may be considered environmentally adverse. The report must detail the following:

i. The presence or absence of the following and whether the project encroaches or adversely affects any of the following:

a. Wetlands.

b. Floodplains.

c. Streams or stream buffers.

d. Archaeological or historical sites.

e. All specimen trees as defined by this ULDC.

ii. How the project implements the following:

a. Protection of environmentally sensitive areas consistent with the provisions of Article 9 of this ULDC.

b. Protection of water quality.

c. Minimization of negative impacts on existing infrastructure.

d. Minimization of negative impacts on archeological or historically significant areas.

e. Minimization of negative impacts on environmentally stressed communities.

f. Creation and preservation of greenspace and open space.

(c) Review Criteria

The Director must review the environmental site analysis and make recommendations to the Board of Commissioners with respect to the proposed use.

2. Traffic Impact Study

A Traffic Impact Study is required when an amendment to the official zoning map or proposed development equals or exceeds the thresholds of Sec. 10.10.2. The study must conform to Sec. 10.10.2 and must be submitted at the time of the filing of the amendment to the official zoning map or with first submittal of development plans.

3. Development of Regional Impact Study

A Development of Regional Impact (DRI) study is required when an amendment to the official zoning map or proposed development meets or exceeds the thresholds for DRI Metropolitan areas set by the State.

10.2.4. Expiration of Approvals

A. After approval has been granted for an amendment to the official zoning map to create or extend any zoning district, the applicant, agent or property owner has 36 months in which to make substantial progress in developing the property.

B. Substantial progress means the point of construction at which time the first inspection is carried out.

C. If no substantial construction or alteration of the property or other affirmative action to develop the property has occurred within 36 months of the granting of an application for rezoning, the Board of Commissioners may change the zoning category to its prior or other appropriate zoning district classification upon recommendation by staff. Such hearing must follow the process for rezonings initiated by a local government, provided that the property owner must be notified of the potential rezoning in writing at least 15 days prior to the first public hearing on the matter. Notice must be delivered by statutory overnight delivery to the address provided by the property owner to staff and

to the address listed on the records maintained by the County Tax Commissioner. In determining whether or not to rezone the subject property to another district, in addition to the standards for the exercise of the zoning power, the Board of Commissioners should consider the reasons asserted for the delay in development or use of the property pursuant to the zoning districts, the hardship to the property owner if the property is rezoned, and whether the prior or proposed zoning classification would provide a reasonable and economically viable use for the property.

10.2.5. Site Plans

A. Requirements

Site plans of proposed development must be submitted with rezoning applications. Such plans are conceptual and approval of a site plan included with an amendment application does not indicate approval for development (see Sec. 10.9). All site plans must be drawn to scale and must, at a minimum, contain the following information:

1. Project name.
2. Vicinity map showing zoning districts and existing land use within 500 feet of the boundaries of the site.
3. Total area in acres and square feet.
4. Current and proposed zoning classification, together with a summary of the applicable development standards for the proposed zoning district.
5. Natural features, including topography at two-foot intervals, surface drainage, surface waters, floodplains, watershed areas, groundwater recharge areas, general location of wetlands, and the general location of wooded areas.
6. General location of existing and proposed roads and utility rights-of-way or easements.
7. A boundary survey of the subject property showing the location of existing property lines within the development site.
8. General location of existing and proposed development by type of use.
9. Proposed residential density and dwelling unit types, if applicable.
10. Existing buildings or structures, wells, driveways, fences, and any other improvements on the site.
11. Location of proposed open spaces, recreational areas, and public buildings and uses, indicating those areas reserved or dedicated for public use.
12. Layout indicating a minimum lot size of proposed single-family residential lots, if applicable.
13. General plan for the provision of utilities and infrastructure.
14. A report or letter from HCWA indicating the availability of water and sewer and a report or letter from the Henry County Environmental Health Department indicating septic suitability if sewer is not available.
15. 100-year floodplain horizontal limits and flood zone designations as shown on survey or FEMA FIRM maps.
16. Lakes, streams, and waters of the state and associated buffers.

Sec. 10.3. Special Uses

10.3.1. Applicability

A. Special uses within each zoning district are uses that may be appropriate in a particular zoning district, but because of the increased potential for incompatibility with adjacent uses, require individual review by the Board of Commissioners.

B. Special Use approval is required for all special uses set forth in this ULDC.

10.3.2. Procedures

A. Pre-application Conference

Prior to submitting an application for a special use, the applicant must schedule a pre-application conference with the Department of Planning and Zoning to discuss procedures, standards and regulations required for approval. This requirement may be waived at the discretion of the Director.

B. Applications

Applications for special uses must be filed with the Director at least 30 days prior to the date in which it is to be heard by the Zoning Advisory Board. Applications must be submitted on forms provided by the county and must include all materials and documents required by the Department of Planning and Zoning.

C. Fees

At the time of the application, applicants must pay fees as specified in the County fee schedule adopted by the Board of Commissioners. Fees are not refundable except when determined by the Director that the application was accepted in error, or the fee paid exceeded the amount due, in which case the amount of the overpayment will be refunded to the applicant.

D. Public Hearings and Notice

Public hearings and notice must be held regarding each proposed special use by the ZAB and the BOC in accordance with the requirements of Sec. 10.2.2.

E. Review Standards

In reviewing applications for a proposed special use, the following standards and factors must be considered by the ZAB and BOC:

1. Whether the proposed use is suitable in view of the use and development of adjacent and nearby property.
2. Whether the proposed use is consistent with the requirements of the zoning district in which the use is proposed to be located.
3. Whether the proposed use adversely affects the existing use or usability of adjacent or nearby property.
4. Whether the proposed use results in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or other public facilities.

5. Whether there is adequate ingress and egress to the subject property, including evaluation of the traffic impact of the proposed use relative to street capacity and safety of public streets and nearby pedestrian uses.
6. Whether there are other existing or changing conditions which, because of their impact on the public health, safety, and general welfare, give supporting grounds for either approval or disapproval of the proposed use.

F. Approval Process

1. Action of the Director of Planning and Zoning

   The Director of the Department of Planning and Zoning will review the application for a special use considering the requirements and standards of this section and applicable requirements of Article 6. The Director or their designee must prepare a staff recommendation to be presented to the Zoning Advisory Board and Board of Commissioners prior to their respective action on such applications.

2. Zoning Advisory Board Recommendation

   Following a public hearing, the Zoning Advisory Board must make a recommendation on each proposed special use reviewed and submit its report to the Board of Commissioners prior to the date of the public hearing on such special use by the Commission. If the Zoning Advisory Board fails to submit a report within said period, it will be deemed to have made no recommendation regarding the proposed special use.

3. Board of Commissioners' Action

   (a) Following the public hearing, the Board of Commissioners, after receiving the recommendation of the Zoning Advisory Board, must take appropriate action on the application at a regularly scheduled meeting of the Commission.

   (b) The decision of the Board of Commissioners on each application for special use must be based on a discretionary determination as to whether or not the applicant has met the criteria contained in Sec. 10.3.2.E., the use standards contained in Article 6, the consistency of the application with the comprehensive plan, the requirements of the zoning district in which such use is proposed to be located, and any additional conditions deemed necessary to ensure the compatibility of the special use with the surrounding properties.

4. Conditions of Approval

   (a) The proposed special use may be approved subject to such conditions as may be imposed to mitigate impacts on nearby properties which may be expected without the imposition of conditions.

   (b) Requirements imposed as a condition will be required of the property owner and all subsequent owners.

   (c) Requirements imposed as a condition will be interpreted and continuously enforced by the Director in the same manner as any other provision of the ULDC.

Sec. 10.4. Conditional Use Permits

10.4.1. Applicability

A. Certain land uses are considered generally appropriate in a particular zoning district, but require controls or safeguards to ensure their compatibility with the surrounding area. The conditional use permit is intended to allow consideration of the impact of the proposed conditional use by the Zoning Advisory Board.

B. A conditional use permit approval is required for all conditional uses set forth in this ULDC.

10.4.2. Procedures

A. Applications

Applications for conditional use permits must be filed with the Director at least 30 days prior to the date in which it is to be heard by the Zoning Advisory Board. Applications must be submitted on forms provided by the county and must include all materials and documents required by the Department of Planning and Zoning.

B. Fees

At the time of the application, applicants must pay fees as specified in the County fee schedule adopted by the Board of Commissioners. Fees are not refundable except when determined by the Director that the application was accepted in error, or the fee paid exceeded the amount due, in which case the amount of the overpayment will be refunded to the applicant.

C. Public Hearings and Notice

Applications for a conditional use permit must follow those procedures for public hearings and notice as described in Sec. 10.5.3.G and 10.5.3.H.

D. Review Standards

In reviewing applications for a proposed conditional use permit, the following standards and factors must be considered by the Zoning Advisory Board:

1. The conditional use will preserve the value, spirit, character and integrity of the surrounding area.
2. The conditional use fulfills all other requirements of Article 6 pertaining to the conditional use in question.
3. Granting the conditional use permit will not be harmful to the public health, safety, and general welfare.
4. Sufficient setbacks, lot area, buffers or other safeguards are being provided to meet the above standards.

E. Approval Process

1. Action of the Director of Planning and Zoning

   The Director of the Department of Planning and Zoning will review the application for a conditional use permit considering the requirements and standards of this section and applicable requirements of Article 6. The Director or their designee must prepare a staff

recommendation to be presented to the Zoning Advisory Board prior to any action on such application.

2. Zoning Advisory Board Action

   (a) Following the public hearing, the Zoning Advisory Board, after receiving the recommendation of the director, must take appropriate action on the application at a regularly scheduled meeting of the board.

   (b) The decision of the Zoning Advisory Board on each application for conditional use permit must be based on a discretionary determination as to whether or not the applicant has met the criteria contained in Sec. 10.4.2.D, the use standards contained in Article 6, the consistency of the application with the comprehensive plan, the requirements of the zoning district in which such use is proposed to be located, and any additional conditions deemed necessary to ensure the compatibility of the special use with the surrounding properties.

3. Conditions of Approval

   The proposed conditional use permit may be approved subject to such conditions as may be imposed to mitigate impacts on nearby properties which may be expected without the imposition of conditions.

4. Duration of Conditional Use Permit Approval

   A conditional use permit will remain valid so long as the use allowed is being conducted on the property to which it applies. Once activity authorized by a conditional use permit has been discontinued for a period of 120 days or more, the conditional use permit will expire, and such use may not be made on the premises without reapplication and approval by the Zoning Advisory Board.

Sec. 10.5. Request for Relief

10.5.1. General

A. Purpose.

The purpose of this section is to establish procedures for requesting relief from the strict application of regulations contained in this ULDC where those regulations impose a hardship on the development of property. The requests for relief are to be considered by various bodies and individuals depending on the type of request and its relationship to applications for use permits and rezonings. Variances apply to specific standards in this ULDC. Modifications apply to the approved conditions of zoning or a use permit.

10.5.2. Variances

A. General

1. Request for Relief Applications

A variance is a request for relief from the provisions of this ULDC. There are four types of variance applications. The type of variance necessary will be determined by the Director. The different types of variances are listed and described as follows:

(a) Administrative variance.

(b) Variance.

(c) Flood plain variance.

(d) Stream buffer variance.

(e) Wetland variance.

2. General Considerations

An administrative variance or variance must be based upon credible evidence demonstrating compliance with all of the following:

(a) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography that are not applicable to other lands or structures in the same zoning district;

(b) A literal interpretation of the provisions of this ULDC would deprive the applicant of rights commonly enjoyed by other properties of the zoning district in which the property is located;

(c) Granting the variance requested will not confer upon the property of the applicant any special privileges that are denied to other properties of the zoning district in which the applicant's property is located;

(d) The requested variance will be in harmony with the purpose and intent of this ULDC and will not be incompatible with the neighborhood or to the general public welfare;

(e) The special circumstances are not the result of the actions of the applicant;

(f) The variance requested is the minimum variance that will make possible the legal use of the land, building or structure; and

(g) The variance is not a request to permit the use of land, buildings, or structures which are not permitted by right in the zoning district involved.

3. Administrative Variance

(a) The Director of Planning and Economic Development has the authority to grant an administrative variance to the standards of this ULDC, limited to the following. Prior to granting an administrative variance involving a standard reviewed or administered by another County department or agency, the Director shall consult with the applicable department or agency and consider its technical recommendation.

i. The design standards of Sec. 2.2 upon finding that such standards are not necessary for the protection of the public health, safety, environment, and general welfare.

ii. The standards of Article 5 upon finding that such standards are not necessary for the protection of the public health, safety, environment, and general welfare.

iii. A reduction in the minimum front, side, or rear yard setbacks for a single lot, provided the following standards are met:

a. The reduction is necessary because of any one of the following: geologic conditions, topography, the inability to otherwise adhere to tree protection standards set forth in Sec. 9.1, or the zoning conditions set forth by the Henry County Board of Commissioners.

b. The reduction is limited to a maximum of 10% of the minimum standard.

iv. A reduction in the minimum required parking provided the following standards are met:

a. The reduction is necessary based on characteristics unique to the property, in contrast to the characteristics of other uses within the same category.

b. The reduction is the greater of either 5 spaces or 10%.

c. The reduction does not limit the availability or location of required handicapped parking.

v. Side yard requirements may be waived by the Director, where a joint fall-out shelter is proposed, provided that permanent easements are recorded to ensure access to both parties.

vi. The buffer requirement can be reduced by half with the installation of a decorative fence.

vii. A waiver may be issued by the Director from Sec. 7.1.4. requiring a dust free parking surface under the following conditions:

a. Unpaved parking spaces may not count towards more than 20% of the parking requirements outlined in Sec. 7.1.

b. Materials used for unpaved parking must be approved by the Henry County Fire Department prior to installation.

c. The unpaved parking area must meet the minimum dimensional standards for parking lots in Sec. 7.1.4.

d. Unpaved parking areas remain subject to the landscaping provisions in Sec. 7.1.4. Surfaces must remain grass and weed free.

(b) The Fire Marshal has the power to grant an administrative variance to the standards of this ULDC under their review, subject to the criteria in subsection 2 above.

i. In addition to the powers of relief indicated above, the Fire Marshal may grant an administrative variance to the standards of this ULDC under their review when an alternative approach not considered by this ULDC would provide the same or a similar level of protection of the public health, safety, environment, and general welfare.

(c) The Director of the Henry County Department of Transportation has the power to grant an administrative variance to the standards of this ULDC under their review, subject to the criteria in subsection 2 above.

i. In addition to the powers of relief indicated above, the Director of the Henry County Department of Transportation may grant an administrative variance to the standards of this ULDC under their review when an alternative approach not considered by this ULDC would provide the same or a similar level of protection of the public health, safety, environment, and general welfare.

(d) Any administrative variance decision under this sub-paragraph may be appealed in accordance with the procedures set out in Sec. 10.6.

4. Variance

A request for a variance from any provision of this ULDC will be heard and decided by the Zoning Advisory Board, except for administrative, flood plain, stream buffer, or wetland protection variances, as defined by this Sec. 10.5.2.

5. Flood Plain Variance

The following variance and appeals procedures apply to an applicant who has been denied a permit for a development activity or to an owner or developer who has not applied for a permit because the proposed development activity would be inconsistent with the provisions of Sec. 9.2 (Floodplain Management). A request for a variance may be submitted by an applicant who has been denied a permit by the Henry County Development Plan Review Department or by an owner or developer who has not previously applied for a permit for the reasons stated above.

(a) Requests for variances from the requirements of Sec. 9.2 must be submitted to the Henry County Planning and Zoning Department. All such requests will be heard and decided in accordance with procedures to be published in writing by the Henry County Planning and Zoning Department. At a minimum, such procedures must include notice to all affected parties and the opportunity to be heard.

(b) Any person adversely affected by any decision of the Henry County Planning and Zoning Department will have the right to appeal such decision to the Zoning Advisory Board in accordance with Sec. 10.6.

(c) Any person aggrieved by the decision of the Zoning Advisory Board may appeal such decision to the Henry County Board of Commissioners.

(d) Variances may be issued for the repair or rehabilitation of historic structures within a floodplain upon a determination that the proposed repair or rehabilitation will not preclude

the structure's continued designation as an historic structure, and the variance issued is the minimum necessary to preserve the historic character and design of the structure.

(e) Variances may be issued for development necessary for the conduct of a functionally dependent use, provided the criteria of this section are met, no reasonable alternative exists, and the development is protected by methods that minimize flood damage during the base flood and create no additional threats to public safety.

(f) Variances may not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(g) In reviewing such requests, the Henry County Stormwater Management Department and the Zoning Advisory Board will consider all technical evaluations, relevant factors, and all standards specified in this and other sections of this article.

(h) Conditions for variances: Requests for variances from the requirements of Sec. 9.2 must be submitted to the Henry County Planning and Zoning Department. All such requests must be heard and decided in accordance with procedures to be published in writing by the Henry County Planning and Zoning Department. At a minimum, such procedures must include notice to all affected parties and the opportunity to be heard.

i. A variance may be issued only when there is:

a. A finding of good and sufficient cause;

b. A determination that failure to grant the variance would result in exceptional hardship; and

c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, or the creation of a nuisance.

ii. The provisions of Sec. 9.2 are minimum standards for flood loss reduction; therefore, any deviation from the standards must be weighed carefully. Variances may only be issued upon determination that the variance is the minimum necessary, considering the flood hazard, to afford relief; and, in the instance of a historic structure, a determination that the variance is the minimum necessary so as not to destroy the historic character and design of the building.

iii. Any person to whom a variance is granted will be given written notice specifying the difference between the base flood elevation and the elevation of the proposed lowest floor and stating that the cost of flood insurance will be commensurate with the increased risk to life and property resulting from the reduced lowest floor elevation.

iv. The building and development division director or designee must maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

(i) Any person requesting a variance must, from the time of the request until the time the request is acted upon, submit such information and documentation as the Henry County Planning and Zoning Department deems necessary to consider the request.

(j) Upon consideration of the factors listed above and the purposes of this article, the Henry County Planning and Zoning Department and the Zoning Advisory Board may attach such

conditions to the granting of variances as they deem necessary or appropriate, consistent with the purposes of this article.

(k) Variances will not be issued "after the fact".

6. Stream Buffer Variance

(a) Where a parcel was platted prior to the effective date of the Stream Buffer Protection Ordinance, and its shape, topography or other existing physical conditions prevent land development consistent with this ULDC, and Henry County Development Plan Review Department finds and determines that the requirements of Sec. 9.5 prohibit the otherwise lawful use of the property by the owner, the Administrator or Designee of Henry County may grant a variance from the stream buffer and setback requirements of Sec. 9.5, provided such variance requires mitigation measures to offset the effects of any proposed land development on the parcel.

(b) Variance requests from the requirements of Sec. 9.5 must be submitted on an application form provided by the County, along with any fees as established by the Board of Commissioners. Such requests will be reviewed and determined administratively by the Department of Planning and Zoning and the Department of Stormwater Management.

i. The following factors will be considered in determining whether to issue a variance:

a. The shape, size, topography, slope, soils, vegetation and other physical characteristics of the property.

b. The locations of all streams on the property, including along property boundaries as determined from field inspection.

c. The location and extent of the proposed buffer or setback intrusion.

d. Whether alternative designs are possible which require less intrusion or no intrusion.

e. The long-term and construction water-quality impacts of the proposed variance.

f. Whether issuance of the variance is at least as protective of natural resources and the environment.

g. The value of mitigation activities as calculated in accordance with the Stormwater Management Manual.

ii. Variances granted in accordance with this section are only applicable to stream buffers established by Henry County. Exemption from these requirements does not constitute approval or exemption from buffer requirements established under State law or from other applicable local, State or Federal Regulations.

(c) The following land-disturbing activities are examples of projects not specifically listed in O.C.G.A. § 12-7-17(3) that are considered minor land-disturbing activities and exempt from the Georgia Erosion and Sedimentation Act and the applicable buffer requirements for the state waters:

i. Elevated structures such as decks, gazebos, patios, walkways, viewing platforms and/or open picnic shelters, provided:

a. No more than100 square feet of footprint of the elevated structure extends into or over the buffer, with an exception for structures compliant with the Americans with Disabilities Act;

b. No grading, cutting, filling or similar land-disturbing activities occur as a part of the site preparation, construction or subsequent development;

c. The structure is built on posts, concrete blocks and/or similar supports;

d. Permanent protective vegetative cover remains or protective measures such as mulch or gravel are installed within the footprint of the elevated structure to prevent post construction soil erosion;

e. A natural canopy is left in sufficient quantity to keep shade on the stream bed;

f. No concrete or asphalt slabs, pads or foundations are constructed or placed as a part of the site preparation, construction or subsequent development.

ii. A pervious ground level walkway approach to a dock and/or similar structure, provided:

a. No more than 100 square feet of the constructed walkway extends into the buffer, with an exception for structures compliant with the ADA;

b. No grading, cutting, filling or similar land-disturbing activities occur as a part of the preparation, construction or subsequent development;

c. No concrete or asphalt slabs, pads, supports or foundations are constructed or placed as a part of the site preparation, construction or subsequent development;

d. All ground preparation and walkway material placement is completed with use of handheld equipment.

iii. Restoration of buffer area after the removal of an existing structure, provided;

a. No more than 100 square feet of the structure footprint is in the buffer; and

b. The buffer area is replanted with native vegetation.

iv. Maintenance or repair of existing structures, the failure of which would result in a threat to human health or state waters, such as sewer lines, water lines, dams, or gas lines. Total disturbance must be less than 100 square feet.

v. Placement of rock riprap within the buffer not to exceed 100 square feet on any one property, provided:

a. The placement of the riprap does not result in soil disturbance outside the placement area; and

b. No grading, cutting, filling or similar land-disturbing activities occur as part of the site preparation, construction or subsequent development.

(d) The following land-disturbing activities are examples of projects that are not exempt from the Georgia Erosion and Sedimentation Act and the applicable buffer requirements for state waters:

i. Any land-disturbing activity utilizing wheeled or tracked machinery and equipment resulting in soil erosion within the buffer;

ii. Paving with poured or prefab concrete and/or asphalt;

iii. Any project or combination of projects occurring within the same calendar year on the same property resulting in more than 100 square feet of any elevated structures or pervious ground level walkways within or extending into the buffer;

iv. Construction of a barbeque pit on a concrete or asphalt slab or pad within the buffer;

v. Construction of a ground level patio within the buffer;

vi. Construction of a swimming pool within the buffer;

vii. Construction of a structural or decorative retaining wall within the buffer;

viii. Construction of a new seawall with land-disturbing activities occurring within the buffer; and

ix. Backfilling any new seawall construction within the buffer.

7. Wetland Protection Variance

(a) Variance requests from the requirements of Sec. 9.7 must be submitted on an application form provided by the County, along with any fees as established by the Board of Commissioners. Such requests will be reviewed and determined administratively by the Department of Planning and Zoning and the Department of Stormwater Management.

i. Those requirements for variances in Sec. 10.5.2.A.6(b)i apply.

ii. Variances granted in accordance with this section are only applicable to wetland buffers established by Henry County. Exemption from these requirements does not constitute approval or exemption from buffer requirements established under State law or from other applicable local, State or Federal Regulations.

B. Modifications

1. Classification; Types

(a) A modification is a request for relief from the conditions of zoning or use permit when a site development proposal does not comply with approved conditions.

(b) Types. There are two different types of modifications as follows:

i. Administrative modification.

ii. Zoning modification.

2. Application

A request to modify a condition of zoning or use permit may be initiated by the property owner or the Board of Commissioners. Applications must be submitted to the Director. A modification application must include:

(a) A legal description of the property.

(b) A written explanation of the request and the circumstances upon which the request is based including the reason why development or use of the property, as approved, cannot be accomplished without the modification.

(c) A revised site plan illustrating the requested modification.

3. Administrative Modification

   Administrative modifications include changes to dimensional design features as depicted on a site plan. Such dimensional design features as provided on a development plan must generally conform to the conditions depicted on the concept plan but may be allowed to vary so long as the Director determines that the development plan is generally consistent with the initial site plan conditions.

4. Zoning Modification

   Zoning modifications to zoning conditions include any changes to allowable uses, maximum density, maximum intensity, or compatibility requirements attached to the zoning approval as conditions of approval. A zoning modification request will be considered a zoning map amendment and must be presented to the Board of Commissioners for consideration in a public hearing consistent with the procedures in Sec. 10.2.2.

10.5.3. Procedures

A. Applicability

This Sec. 10.5.3. contains basic steps common to all variances and modifications, except for zoning modifications as detailed in Sec. 10.4.2.B.4 which are subject to the procedures and requirements of Sec. 10.2.2.

B. Application

All applications for variances and modifications must be filed with the Director on forms provided by the County. The type of application process necessary to accomplish the change requested by the applicant will be determined by the Director. The Director must transmit the petition and all documents constituting the record to the appropriate hearing body or individual.

C. Initiation of Application

1. A request for a modification may be initiated by the property owner or their agent or the Board of Commissioners.
2. A request for a variance may be initiated by the property owner or their agent.

D. Filing Deadlines

1. Applications for variances and modifications must be submitted in accordance with the advertised filing deadlines, depending on the type of application. An incomplete submission will not be accepted.
2. Concurrent variance applications must be filed in accordance with the filing deadline for the parent petition of a zoning map amendment or zoning modification request in accordance with Sec. 10.2.2.

E. Withdrawal

1. An application may be withdrawn by the applicant in writing at any time before the public hearing notice advertisement is published and the notice of hearing is posted on the property.
2. Applications which do not require a public hearing may be withdrawn at any time before notification of a decision is mailed.

3. Once the public hearing has been advertised, the request for withdrawal of the application must be placed on the public hearing agenda and the Zoning Advisory Board must act on the withdrawal request.

F. Fees

At the time of the application, applicants must pay fees as specified in the County fee schedule adopted by the Board of Commissioners. Fees are not refundable except when determined by the Director that the application was accepted in error, or the fee paid exceeded the amount due, in which case the amount of the overpayment will be refunded to the applicant.

G. Public Hearing

1. A public hearing must be conducted by the Zoning Advisory Board on each variance application subject to the board's review.
2. Public hearings are not required for administrative variances or administrative modifications.
   (a) Any decision made on the applications described in 10.5.3.G.2. above may be appealed to the Zoning Advisory Board in accordance with the procedures set out in Sec. 10.6.
3. The public hearing will be conducted in accordance with the procedures established in Sec. 10.2.2.B.

H. Public Notification

1. For those applications requiring a public hearing, public notification is required according to the procedures in Sec. 10.2.2.A except as specifically modified below:
   (a) The Director must give notice of the public hearing by mail to the subject property owner. Notices must be mailed at least 15 days before the public hearing date.
   (b) Renotification is not required when a petition is deferred by the Zoning Advisory Board.

I. Decisions

The Zoning Advisory Board and the Director, in considering applications other than variances under this section, must do one of the following:

1. Approve the application;
2. Approve the application with conditions;
3. Deny;
4. Hold or postpone the decision for further study; or
5. Approve to withdraw.

J. Notice of Decision

1. At the conclusion of a hearing by the Zoning Advisory Board, the board must announce its decision or recommendation, as required, and direct the Director to notify the applicant in writing of such decision or recommendation. The notification will be made a part of the record on the date that the written notification is given to the applicant.

2. The Director must, with respect to administrative variances and administrative modifications, provide written notification of such decisions. The approval of a permit constitutes notice of approval for administrative variances.

Sec. 10.6. Appeals

10.6.1. Applicability

A. Any person aggrieved by the final decision rendered on any conditional use or any other zoning or quasi-judicial decision by any county official, department, board, or agency made in the enforcement of this ULDC.

B. A person is considered aggrieved for the purposes of this section only if:

1. The person or their property was the subject of the action appealed from; or
2. The person has a substantial interest in the action appealed from and is in danger of suffering special damage or injury not common to all property owners similarly situated.

C. Appeals of administrative officials will be heard by the Zoning Advisory Board and appeals of any decision-making body will be heard by the Board of Commissioners.

10.6.2. Filing of Appeal

A. An appeal must be filed in writing to the Planning and Zoning Department within 30 calendar days following the written approval, denial, interpretation, or decision of the Zoning Advisory Board or administrative official.

B. The Director of Planning and Zoning, upon receipt of the written notice of appeal and fee, must notify the County Clerk in writing of the appeal within 2 days of receipt. The Director is responsible for providing all documentation related to the appeal to the County Clerk for inclusion on a scheduled public meeting.

C. When the written approval, denial, interpretation, or decision being considered for appeal was made by an administrative official outside of the Department of Planning and Zoning, the Director must notify the appropriate department that an appeal application has been filed and immediately forward those documents to the appropriate department head.

10.6.3. Application Requirements

An appeal request must be submitted on forms provided by the County, along with the fee as specified in the County fee schedule adopted by the Board of Commissioners, addressing the following information:

A. Written documentation specifying the application subject to the appeal and any alleged errors in the approval, denial, interpretation, or decision of the Zoning Advisory Board or the administrative official;

B. Citation of the section or sections of the ULDC pertaining to the action or decision of the Zoning Advisory Board or administrative official; and

C. A statement of the specific relief requested by the party appealing.

10.6.4. Required Public Notice

Public notice is required according to the procedures in Sec. 10.2.2.A, except as specifically modified below:

A. The Director must mail written notice of the hearing to the owner of the property that is the subject of the appeal at least 30 days prior to the meeting. In addition, a sign giving notice of the public hearing must be placed in a conspicuous location on the property at least 15 days prior to the hearing.

B. A scheduled appeal may be temporarily postponed at the request of the appellant or staff, provided that the party requesting such postponement is responsible for the cost of any legal advertisement fees prior to the matter being rescheduled for a new hearing date.

10.6.5. Hearing and Decision

A. The hearing of the appeal must be conducted at a regular meeting of the Board of Commissioners or Zoning Advisory Board, according to the published schedule.

B. Any party may appear at the hearing in person, by an authorized agent, or by an attorney.

C. Participants in the hearing may present testimony and produce documentary evidence. The Board of Commissioners or Zoning Advisory Board may ask questions or seek clarification from any participant in the hearing and may limit the time for the hearing as it considers necessary and appropriate, provided that all participants are afforded equal time to present evidence.

D. Following the consideration of all testimony, documentary evidence, and matters of record presented, the Board of Commissioners or Zoning Advisory Board must render a decision on the appeal unless an extension of time is agreed to in writing by the appealing party and the hearing body.

E. In exercising its powers, the Board of Commissioners or Zoning Advisory Board may approve, modify, or reject the determination or action being appealed. An appeal may be reversed or the decision modified only upon an expressed finding by the hearing body that the action was based on an erroneous finding of a material fact, or that said action was arbitrary.

10.6.6. Stay of Proceedings

An appeal stays all proceedings in furtherance of the action appealed from unless the Director certifies to the Board of Commissioners or Zoning Advisory Board, after notice of appeal has been filed, that by reasons of facts stated in the certificate, a stay would, in the Director's opinion, cause imminent peril to life or property. In such case proceedings will be stayed only by a restraining order granted by the Superior Court of Henry County on notice to the Director and on due cause shown.

Sec. 10.7. Nonconformities

10.7.1. General

A. Within the zoning districts established by this ULDC there may exist lots, structures, or uses of land which were lawfully established before this ULDC was adopted or subsequently amended, but which would be prohibited, regulated, or restricted under the terms of this ULDC as adopted or subsequently amended.

B. Nonconforming lots, structures, and uses may continue in their nonconforming status with the limitation and requirements established in this section.

C. Any change of use, including a change of a single use within a multiple-use structure, must comply with the requirement of this ULDC and any condition of zoning.

D. Nothing in this Sec. 10.7. will prevent the ordinary and routine maintenance and repair of nonconforming structures or structures which contain nonconforming uses.

E. A nonconforming structure or a structure containing a nonconforming use that is determined by the Director to be physically unsafe or unlawful due to lack of repairs and maintenance may only be restored, repaired, or rebuilt in conformity with the regulations of the zoning district in which it is located.

10.7.2. Nonconforming Lot

A. A single-family dwelling and permissible accessory structures may be constructed on a single lot of record in any district where such uses are permissible, subject to the following requirements:

1. The lot of record was established before the adoption of this ULDC;
2. The lot of record is in separate ownership from adjacent lots with continuous frontage on the same street;
3. The lot is nonconforming due to failure to meet standards for the zoning district for minimum lot area and/or minimum lot width; and
4. The lot is developed in compliance with standards for front, side, and rear yard setbacks and building height for the zoning district in which it is located.

B. Lots of record with continuous frontage which became nonconforming at the time of adoption of this ULDC or its amendments, must meet the following requirements to be developed:

1. The lots of record consist of two or more lots or portions of lots in single ownership;
2. The lot or portions of lots do not meet the standards of the zoning district for lot area and lot width;
3. The lots will be treated as one lot for the purpose of developing according to the site design standards of the zoning district; and
4. No portion of the undivided parcel may be used or sold in a manner which diminishes compliance with this ULDC.

10.7.3. Nonconforming Structure

A lawfully established structure that becomes nonconforming at the time of adoption of this ULDC or its subsequent amendment may continue subject to the following requirements:

A. The structure is nonconforming with only the following site design standards:

1. Minimum lot area;
2. Maximum lot coverage or impervious surface;
3. Maximum building height;
4. Minimum yard setbacks; and
5. Other requirements regarding building location on the lot.

B. The structure complies with all other standards and requirements of this ULDC.

C. The structure may not be enlarged or altered in a way which increases its nonconformity. This does not prohibit the expansion, enlargement, or extension for a conforming use in the applicable zoning district provided that any expansion, enlargement, or extension of a nonconforming structure must meet the dimensional requirements for the applicable zoning district and all other requirements of this ULDC.

D. The structure or portion of the structure may be altered if the degree of nonconformity is decreased.

E. Destruction, by any means, of more than 60% of the gross square footage of a structure requires that the structure be reconstructed in conformity with the provisions of this ULDC.

F. If a nonconforming structure is moved for any reason for any distance, it must conform to the regulations for the district in which it is located.

10.7.4. Nonconforming Use

A lawfully established use that becomes nonconforming at the time of adoption of this ULDC or its subsequent amendment may continue subject to the following requirements:

A. No structure containing a nonconforming use may be enlarged, extended, constructed, reconstructed, moved, or structurally altered except to change the use to a permitted use.

B. Any nonconforming use may be extended throughout any part of a building which was arranged or designed for such use at the time the use became nonconforming, but no such use may be extended to occupy any land outside such building.

C. When a nonconforming use is replaced with a permitted use in a structure or structure and land in combination, such structure or land must not later revert to a nonconforming use.

D. When a nonconforming use of a structure or structure and land in combination is discontinued or abandoned for 6 consecutive months, the structure or structure and land in combination may only be used in conformity with the regulations of the zoning district in which it is located.

E. A nonconforming use may not be changed to another nonconforming use. A change in tenancy or ownership is not considered a change to another nonconforming use, provided that the use itself remains unchanged.

10.7.5. Exemptions Due to Governmental Action

A. When a lot is made nonconforming because of land acquisition by the County or State, building permits will be granted for new construction when the proposed structure complies with all but lot area requirements, and the setback requirements may be reduced without the requirement for a variance to the extent of the width of the acquired property.

B. When a structure is made nonconforming because of County or State action, other than an amendment to this ULDC, the use of the structure may continue and the structure may be replaced as though nonconformity exists if, after such action, the structure is destroyed.

Sec. 10.8. Subdivision Review Procedures

10.8.1. Applicability

A. Except as specified in 10.8.1.B below, subdivision review is required for any:

1. Division of land into two or more lots;
2. Combination of two or more lots;
3. Revision or reconfiguration of lot lines;
4. Dedication of public right-of-way;
5. Abandonment or existing public right-of-way; and
6. Extension of public streets.

B. The following activities are considered subdivisions but are exempt from Sec. 10.8.3 and Article 8, except as otherwise specified. Each of the following subdivision types must be drawn as an exemption plat in accordance with the final plat standards of Sec. 10.8.4 and must be submitted with an appropriate number of copies, together with the appropriate fees, to the Director for review and approval. Upon approval, the Director will authorize recording the exemption plat with the Clerk of Superior Court of Henry County and will issue building permits under this ULDC.

1. Minor Subdivision

   The division of a buildable lot of record into 6 or more lots in the R-A district, provided:

   (a) The existing lot of record to be subdivided is at least 18 acres.

   (b) No street, utility, or other public improvement or infrastructure is required to be installed in order to subdivide.

   (c) Each resultant lot will be at least 3 acres in size.

   (d) Each resultant lot will have a lot frontage of 125 feet and a lot width of 200 feet.

      i. Flag lots may be allowed provided each flag lot meets the requirements of Sec. 2.1.1 and has a lot width of 200 feet.

      ii. Minor subdivisions along gravel roads is allowed.

   (e) Each proposed lot must comply with the requirements of the HCWA and the Henry County Health Department, as appropriate, whose certification of approval is required prior to approval of the exemption plat by the Director.

      i. Minor subdivisions may be exempted from the requirements to tie in with any public water system or sanitary sewer system upon approval by the Director.

2. Lot Division

   The division of a buildable lot or record into up to 5 lots within any residential zoning district, provided:

   (a) Each proposed lot complies with all requirements of this ULDC and is limited to single-family dwelling use.

(b) No street, utility, or other public improvement or infrastructure, except sidewalks, is required to be installed in order to subdivide.

(c) Each lot thus created may not be resubdivided within a period of 5 years from the date of the original recordation.

10.8.2. General Requirements

A. Pre-application Conference

No application for the subdivision or resubdivision of land may be accepted without first attending a pre-application conference with County staff. The pre-application conference provides an opportunity for the applicant to consult with county staff for advice and assistance prior to preparation of a preliminary plat.

It is the county's intent that all procedural and development requirements be identified during the pre-application conference. However, no person may rely upon any comment made by a participant at the pre-application conference concerning a proposed development, or any expression of any nature about the proposal, as a representation or implication that the proposal will ultimately be approved. Additionally, the failure to identify an applicable requirement or condition does not preclude the county from requiring an applicant to comply with such requirement or condition.

B. Preliminary Plat

Any subdivider of land, except for those exemptions listed in Sec. 10.8.1.B, must submit to the Director a preliminary plat of the proposed subdivision conforming to all the requirements set forth in these regulations and any other applicable county, state, and federal regulations. The Director must approve or deny the preliminary plat in accordance with the processes described in Sec. 10.8.3. A preliminary plat may be submitted along with a rezoning request. However, the Director may not approve the plat until the rezoning request has been approved by the Board of Commissioners. Once the preliminary plat is approved, a final plat must be filed which conforms to all the requirements set forth in this Sec. 10.8.

C. Approval and Permits Required Prior to Construction

No subdivider may proceed with any construction work on the proposed subdivision, including clearing, grading, or grubbing, before obtaining the appropriate approvals and permits.

D. Approval and Confirmation Required Prior to Dedication of Public Streets and Improvements

1. No land may be dedicated, opened, extended, or accepted as a public street or for any other public purposes before obtaining final approval from the County. The approval and confirmation must be entered in writing on the final plat. Any subdivider of property for public purposes other than streets must be transferred to the appropriate county authority by deed.

2. The review of a dedication may include approval of a preliminary plat, construction improvement plans, a final plat, and as-built construction plans. The approval process for dedication plats is the same as for a final subdivision plat. A letter of credit is required for all public improvements as required for final plats.

3. When a site is determined necessary for public purposes by the county, and the applicant elects to reserve rather than dedicate the site, then it must be reserved for public purposes. The applicant must allow an acquisition period of one year from the date of preliminary plat

approval, during which time the county may authorize and complete the purchase of the site. During the one-year period for acquisition, the applicant may proceed with the necessary approvals for subdivision of the remainder of the development of the reserved tract.

4. Land dedicated for public purposes to the Henry County Board of Commissioners or the HCWA may be eligible for credits toward development impact fees adopted by the county.

E. No Building Permit Issued Unless Legal Access to Street Approved

No building permit may be issued for property unless legal access is provided from the property to a public or private street approved under the terms of this ULDC.

10.8.3. Preliminary Plat Specifications

A. Procedures

1. Application

An application for a development permit for a subdivision must be submitted to the Department of Planning and Zoning. The application must contain the following information:

(a) Proof of ownership.

(b) When the applicant is a representative of the property owner, a notarized statement authorizing the representative to act as an agent of the property owner regarding the application and associated procedures.

(c) Campaign disclosure form (for applicant/owner, agent, and/or attorney).

(d) A boundary survey conducted no more than 5 years prior to the filing of the application, containing the legal description, boundaries, land area, notation whether any portion of the property is within a floodplain as regulated in Sec. 9.2., and existing improvements located on the site. Where two or more parcels are included within a proposed development, the survey must include all parcels that are part of the proposed development, including all phases. The survey must be prepared and sealed by a surveyor registered in the State of Georgia.

(e) A preliminary plat for development, prepared in accordance with this Sec. 10.8.3. Preliminary plats must be based on a certified boundary survey as specified in subsection d above and tied to a point of reference (tie point) with the same degree of accuracy as the boundary survey itself. The survey must have an initial field closure precision of 1 foot in no less than 10,000 feet and must meet all requirements of Georgia law regarding the recording of maps and plats.

(f) Payment of applicable application and review fees as established by the Board of Commissioners.

(g) Other information as may be required by the Director.

2. Completeness

All preliminary plat applications must be reviewed by the Director for completeness within 10 days of receipt. A preliminary plat application will be deemed to be complete if the application complies with all County, State and federal regulations. If an application is determined not to be complete, the applicant will be notified of any deficiencies. The applicant will have 30 days from

the date of notice to revise the plat to correct the deficiencies. Until the applicant corrects the deficiencies, no further action will be taken for processing the application. If the applicant fails to correct the deficiencies within the 30-day period, the application will be considered withdrawn and fees forfeited.

B. Preliminary Plat Contents

The preliminary plat must be submitted in a format as determined by the County and must contain the following:

1. Proposed name of the subdivision.
2. Name, address, and telephone number of the owner of record, and of the subdivider (if not the owner).
3. Name, address, and telephone number of the professional which prepared the plat.
4. The preliminary plat must be legibly drawn at a scale of no less than 1 inch = 100 feet. Sheet sizes must not exceed 24 inches by 36 inches.
5. Date of survey, north point, and graphic scale, source of vertical datum, date of plat drawing, and sufficient space for revisions dates.
6. Proposed use of the site. For residential subdivisions, the total number of dwelling units within the subdivision must be included.
7. Location (land lot and land district), acreage, and density.
8. Location map of the property in relation to the surrounding area with regard to well-known landmarks such as major thoroughfares or railroads. Sketches must be drawn at a scale sufficient to show clearly the information required, but not less than 1 inch = 2,000 feet. U.S. Geological Survey maps may be used as a reference guide for the location map.
9. Name of former subdivision of any or all the land in the preliminary plat that has been previously subdivided, showing boundaries of the same.
10. Boundary lines of the perimeter of the tract indicated by a heavy line giving lengths in feet and hundredths of a foot, and bearings in degrees, minutes, and seconds. Bearing and distance to designated tie point.
11. Contour lines based on sea level datum, or other datum acceptable to the County, drawn at intervals of not more than 2 feet.
12. Natural features within the proposed subdivision, including drainage channels, bodies of water, and other known significant features such as groundwater recharge areas and rock outcroppings. On all water courses entering or leaving the property, the direction of flow must be indicated. The 100-year floodplain, if any, must be delineated.
13. Man-made and cultural features existing within and adjacent to the proposed subdivision including any right-of-way measured from the centerline pavement widths, names of existing and platted streets; all easements, City, and County jurisdictional lines; existing structures on the site; cemeteries or gravesites; and other significant information. The location and dimensions of existing bridges; water, sewer, and other existing utility lines and structures; culverts and other features must also be indicated.

14. The proposed layout including lot lines, lot numbers, and block letters; proposed street names, roadway, and right-of-way lines; and sites reserved through covenants, easement, dedication, or otherwise for public uses. Lots must be numbered in numerical order and blocks lettered alphabetically. The minimum building setback line from all streets must be shown on the plat.
15. When a subdivision is to be constructed in phases, a proposed phasing plan must be indicated on the plat.
16. The existing zoning of the property. Rezoning and variance case numbers, dates of approval and conditions (as applicable). Note minimum lot size and minimum yard requirements, and other applicable zoning requirements. Show and dimension and required buffers, landscape strips, no-access easements, etc. Any approved waivers from these regulations must be noted on the plat.
17. All adjoining property owners, subdivision names, lot numbers and lot lines, block letters, and zoning.
18. A statement as to the source of the domestic water supply and provisions for sanitary sewage disposal.
19. The approximate location of proposed stormwater management facilities.
20. The proposed location of any open space, if any, including the total area of the open space and percent of the site within the 100-year floodplain; proposed ownership and management of the open space (public, homeowners association, etc.).
21. Such additional information as may be reasonably required to permit an adequate evaluation of the subdivision.
22. Plans must be stamped and signed by a professional engineer, registered land surveyor or landscape architect (as appropriate).

C. Certificate of Preliminary Plat Approval

Each preliminary plat must carry the following certificate printed or stamped thereon:

All applicable requirements of the Henry County Unified Land Development Code relative to the preparation and submission of a subdivision development permit application having been fulfilled, said application and all supporting plans and data having been reviewed and approved by all affected departments as required under their respective and applicable regulations, approval is hereby granted, on this Preliminary Plat and all other development plans associated with this subdivision, subject to all further provisions of said Unified Land development Code and other County existing regulations.

_____

Director of Planning and Zoning (or designee)

_____

Date

_____

Director of Building & Plan Review (or designee)

_____

Date

THIS CERTIFICATE EXPIRES TWELVE MONTHS FROM THE DATE OF APPROVAL UNLESS A DEVELOPMENT PERMIT IS ISSUED.

Note: This Plat is not for recording.

D. Additional Plans

The preliminary plat must be accompanied by other development plans showing the following information when same is not shown, or evident, from the preliminary plat. The plans may be combined where appropriate and clarity can be maintained.

1. A stormwater management plan prepared in accordance with Sec. 9.4.
2. Erosion control plan prepared in accordance with the requirements of Chapter 3-5, Subchapter 5 (Soil Erosion, Sedimentation and Pollution Control) of the Henry County Code of Ordinances. In addition to those requirements, erosion control plans for subdivisions must include the following:
   (a) Name and phone number of a 24-hour local contact who is responsible for erosion and sedimentation controls.
   (b) Activity schedule showing anticipated starting and completion dates for the project. Include the statement in bold letters that "The installation of erosion and sedimentation control measures and practices must occur prior to or concurrent with land disturbing activities."
   (c) Stormwater and sedimentation management systems-storage capacity, hydrologic study, and calculations, including off-site drainage areas.
   (d) Vegetative plan for all temporary and permanent vegetative measures, including species, planting dates, and seeding, fertilizer, lime, and mulching rates. The vegetative plan must show options for year-round seeding.
   (e) The following statement:

   Mulch, temporary vegetation, or permanent vegetation shall be completed on all exposed areas within 14 days after disturbance ceases.

   (f) Delineation of disturbed areas within project boundary.
   (g) Detailed drawings and narrative notes to demonstrate compliance with the erosion and sediment control standards of Chapter 3-5, Subchapter 5 (Soil Erosion, Sedimentation and Pollution Control) of the Henry County Code of Ordinances and the requirements in the current edition of the Manual for Erosion and Sediment Control in Georgia.
   (h) Maintenance statement as follows:

   Erosion and sedimentation control measures shall be maintained at all times. Additional erosion and sedimentation control measures and practices shall be installed if deemed necessary by onsite inspection.

   (i) Existing and planned contours, with ground slope contour intervals of 2 feet. Location of erosion and sedimentation control measures and practices using coding symbols from the Manual for Erosion and Sediment Control in Georgia.

3. A floodplain management plan and engineering study, if applicable, prepared in accordance with Sec. 9.2.
4. A landscape plan prepared in accordance with the specifications of this subsection and other articles of this ULDC.
5. Tree preservation/replacement plan, as applicable.
6. If sanitary sewers are to be installed a sanitary sewer plan, including the location and size of all proposed sewer lines, manholes, and any easement required therefore, together with sufficient dimensions to locate the same on the ground.

E. Exemptions

1. Minor subdivisions, as defined by this ULDC, are exempt from the requirements of this Sec. 10.8.3.
2. Lot divisions, as defined by this ULDC, are exempt from the requirements of this Sec. 10.8.3.

10.8.4. Final Plat Specifications

A final plat is required for any subdivision, resubdivision, lot division, minor subdivision, lot combination, boundary line adjustment and dedication of public land or improvement.

A. Procedures

1. No final plat may be submitted to the County until the improvements, as shown on the preliminary plat, are in place. The final plat must substantially conform to the preliminary plat and it must constitute only that portion of the approved preliminary plat which the subdivider proposes to record at any one time, provided that such portion conforms to the requirements of these regulations, and said portion is not inconsistent with the public health, safety, or welfare. Any substantial deviation from the preliminary plat will require revision and reapproval of the preliminary plat.
2. A final plat meeting the requirements of Sec. 10.8.4.B. must be submitted to the Director.
3. Before the final plat is approved, the following must be submitted to the County:
   (a) Verification by the County that all required inspections have been made and approved and the improvements to the subdivision, including street construction, sidewalks, drainage systems, right-of-way seeding, are in compliance with approved plans, all underground utilities have been installed, and street and traffic signs installed by the county.
   (b) Verification from the County that the soil erosion and sedimentation control for the subdivision is in compliance with the approved soil erosion and sedimentation control plan.
   (c) Verification by the HCWA that all requirements have been met, including submission of required documents and inspections.
   (d) As-built drawings as follows:
      i. The as-built drawings must be prepared by a professional engineer or surveyor, registered in the State of Georgia, at a minimum of 1 inch = 100 feet.
      ii. As-built construction plans for all water and sewerage facilities submitted to and approved by the HCWA.

iii. As-built drawings of streets, storm drainage systems, and stormwater detention. The minimum required as-built information to be submitted with the final plat application includes the following:

a. The existing center line profiles of all newly constructed streets.

b. The size, material, length, slope, invert elevations, and accurate location of all storm drainpipes (this information can be shown on the plan view).

c. The top and invert elevations of all drainage structures.

d. An as-built topographical survey of all detention basins and details of existing outlet structures. Calculations showing volumes and outflow rates.

(e) A letter of credit or maintenance bond to guarantee the maintenance of infrastructure and improvements.

i. For developments with multiple phases of construction, the Director may require that portions of a previously approved phase be placed under an extended letter of credit or maintenance bond if the previously approved phase is used as access for construction traffic for the development of future phases. A plan showing the various streets that will be used as access for the construction traffic through the previously approved phase must be provided. The duration of such an extended letter of credit or maintenance bond may not exceed 3 years from the date of approval of the final plat for the final phase of the development.

ii. A letter of credit or maintenance bond must be released at the end of the three-year period. 90 days prior to expiration, a final inspection of all subdivision improvements will be performed by the County to determine the need for any repairs. If repairs are necessary, the Director must provide written notice to the applicant.

iii. If the applicant fails to take the necessary action to make repairs within 30 days of notification by the County, the Director may authorize the surety or bank issuing the letter of credit or maintenance bond to release to the county all funds.

iv. The Director may require the letter of credit or maintenance bond to be extended to ensure the completion of repairs started but not completed by the application for a period not to exceed 180 days.

4. Completeness

All final plats must be reviewed by the Director for completeness within 10 days of receipt. A final plat application will be deemed to be complete if the application complies with all applicable County, State and federal regulations. If the Director determines that a final plat is not complete, the applicant will be notified if any deficiencies and provided 30 days to revise the plat to correct the identified deficiencies. If the Director determines that previously identified deficiencies remain in any corrected final plat, the Director may reject the plat entirely or request that the applicant submit a new corrected final plat.

5. Approval

(a) For all final plats, after the Director determines that the application is complete and signed accordingly, the final plat must be approved.

(b) Once the final plat has been signed by the Director of Planning and Zoning and the Director of Building and Plan Review, the plat must be returned to the applicant for recording.

(c) The applicant is responsible for properly recording the final plat with the Clerk of the Superior Court of Henry County. A copy of the approved, recorded plat must be returned to the Director.

B. Final Plat Contents

The final plat must be submitted in a format as determined by the County and must contain the following:

1. Name of the subdivision, unit number or phase of development (if applicable), land district, and land lot number.
2. Name, address, and telephone number of the owner of record and the subdivider (if not the owner).
3. Name, address, and telephone number of each professional firm associated with the portion of the subdivision within the final plat (engineer, surveyor, landscape architect, etc.).
4. The final plat must be legibly drawn at a scale of no less than 1 inch = 100 feet. Sheet sizes must not exceed 24 inches by 36 inches.
5. Date of plat drawing, graphic scale, north point; notation as to the reference of bearings to magnetic, true north or grid north, and an indication whether bearings shown are calculated from angles turned.
6. Legal description of the property including reference to land lot and district lines, street right-of-way lines, easements and other rights-of-way, property lines of lots and other sites with accurate dimensions to nearest one-hundredth (0.01) of a foot; bearings and angles on all lines, radii, arcs, and central angles of all curves with readings to the nearest minute.
7. Name of former subdivision, if any or all of the final plat has been previously recorded.
8. Current zoning, including setbacks and any special conditions placed on the rezoning of the property as a result of any applicable rezoning and variance approvals. The final plat must include case numbers, dates of approval and conditions (as applicable) for such approvals
9. The layout of the subdivision, including the following information:
   (a) All street right-of-way boundaries, street names, bearings, angles of intersection, and right-of-way and easement widths.
   (b) The lengths of all arcs, including radii, points of curvature, tangent bearings, and the length and bearing of the long cord of every arc.
   (c) Drainage, sanitary sewer, and utility easements along all side and rear lot lines and watercourses as required.
   (d) Detention pond maintenance and access easement a minimum width of 20 feet to a public right-of-way.
   (e) Location of all storm drains, including pipe sizes.
   (f) Any buffer or landscape areas required in the ULDC.

(g) All lot lines measured to the hundredths (0.01) of a foot. The bearings must be indicated for all lot lines to the nearest second. The error of closure should not be less than 1 foot in 10,000 feet.

(h) Individual lot sizes measured in square feet and acreage. This figure may be placed on the lot or in a table with lot numbers and addresses. All lots with detention ponds must meet the minimum zoning area requirements outside the area of the detention pond.

(i) Location and width of sidewalks and pedestrian or bicycle paths.

10. Location of any area to be reserved, donated, or dedicated to public use with notes stating their purpose and limitations. Location of any area to be reserved by private deed covenant for the common use of all property owners or dedicated to a homeowner's association.

11. A statement of private covenants, if any, and if they are brief enough to be they must be placed directly on the plat; otherwise, if covenants are separately recorded, a statement as follows:

    This plat is subject to the covenants set forth in the separate document(s) attached hereto dated _____, which hereby become a part of this plat, and which were recorded _____ and signed by the owner.

12. Extent of the 100-year floodplain and a floodplain chart showing the area within and outside the floodplain for each lot containing any portion of the 100-year floodplain. The origin of the floodplain data must be indicated.

13. Notation that streams or wetlands lie or do not lie within the subdivision, unit or phase. If wetlands do lie within this subdivision, unit or phase, the plat must include a statement as follows:

    Wetlands shown on this plat are under the jurisdiction of the U.S. Army Corps of Engineers. Lot owners may be subject to penalty by law for disturbance to these wetland areas without proper authorization.

14. Certification by the surveyor that all monuments exist and their sizes, locations, and materials are correctly shown on the plat.

C. Certificates and Statements

Each final plat must bear the following certificates or statements printed or stamped thereon as follows:

1. Final Surveyors Certificate:

    It is hereby certified that this plat is true and correct as to the property lines and all improvements shown thereon, and was prepared from an actual survey of the property made by me or under my supervision; that all monuments shown hereon actually exist, and their location, size, type and material are correctly shown. The field data upon which this plat is based has a closure precision of one foot in _____ feet and an angular error of _____ per angle point, and was adjusted using _____ rule. This plat has been calculated for closure and is found to be accurate within one foot in _____ feet, and contains a total of _____ acres. The equipment used to obtain the linear and angular measurements herein was _____.

    By: _____

    REGISTERED GEORGIA LAND SURVEYOR

REG NO _____

DATE OF EXPIRATION _____

2. Owners Acknowledgement:

   STATE OF GEORGIA

   COUNTY OF HENRY

   The owner of the land shown on this plat and whose name is subscribed hereto, in person or through a duly authorized agent, acknowledges that this plat was made from an actual survey, and accurately depicts the land owned by the undersigned and dedicated by this Acknowledgement and Declaration to the use of the public forever all streets, sewer collectors, lift stations, drains, easements, and other public facilities and appurtenances thereon shown.

   _____ _____

   SIGNATURE OF SUBDIVER DATE SIGNED

   _____

   PRINTED OR TYPED NAME OF SUBDIVIDER

   _____ _____

   SIGNATURE OF OWNER DATE SIGNED

   _____

   PRINTED OR TYPED NAME OF OWNER

3. Final Plat Approval:

   This plat complies with the Henry County Unified Land Development Code and all other operational county departments, as appropriate. This plat is hereby approved for recording.

   _____

   Director of Planning and Zoning (or designee)

   _____

   Date

   _____

   Director of Building & Plan Review (or designee)

   _____

   Date

4. Public Notices:

   (a) *NOTE: Henry County assumes no responsibility for the overflow or erosion of natural or artificial drains beyond the extent of the right-of-way, or for the extension of culverts beyond the points shown on the plat, and as required by Henry County.*

   (b) *NOTE: All storm drains shall be extended a minimum of 30 feet behind any future residence or building.*

(c) *NOTE: The following utilities are provided as a part of this subdivision: (utilities listed).*

(d) *NOTE: Structures are not allowed in drainage easements.*

Sec. 10.9. Development Review Procedures

10.9.1. General

A. Applicability

No person may conduct any development activity within the jurisdictional boundaries of Henry County without first obtaining an approved development plan, construction plans, and permits to perform such activities. However, a parcel, as shown on the most recent Henry County Tax Map, may be split into 5 lots within a five-year period and without a development plan.

B. All Development on Platted Lots

Permits will only be issued for development on platted and recorded lots.

1. No permits may be issued on lots described by metes and bounds.
2. All development activities or site work conducted after approval of a development plan must conform to the specifications of the approved plans.

C. Changes to Approved Development Plans

Major changes to an approved plan will require specific approval of an amended plan. Major changes include the following:

1. Altering the amount and velocity of stormwater runoff from the site;
2. Increasing the amount of impervious surface within the development;
3. Altering the overall density of the development;
4. Substantially increasing the amount of excavation, fill, or removal of vegetation during construction; or
5. Alter the overall appearance of the development as proposed, as determined by the Director.

D. Expiration of Approvals

1. If construction described in an approved development permit has not commenced within 12 months from the date of issuance, the permit will expire. The permit may be extended for an additional 12 months, upon payment of the permit fee for such extension.
2. If construction described in the approved development permit is suspended after work has commenced, the permit will expire 12 months after the date the work ceased. In cases of permit expiration due to abandonment or suspension of work, the landowner will be required to restore topography to its original contours and restore vegetation as determined by the Director.

E. Fees

At the time of the application for a development permit, applicants must pay all applicable fees as specified in the County fee schedule.

F. Exemptions

The following situations may be exempt from the requirement to obtain an approved development plan prior to the issuance of required permits:

1. Repairs to a facility that is part of a previously approved and permitted development.

2. Accessory structures, provided all applicable permits are obtained.

10.9.2. Development Plan Specifications

All development plans and construction plans must conform to the following standards:

A. Procedures

1. The applicant must submit the number of copies of development plans, drawings, supporting data and supporting plans as specified by the County.
2. The applicant must submit 1 copy of construction improvement plans to the HCWA.
3. Completeness

   All development plan applications must be reviewed by the Director for completeness within 10 days of receipt. A development plan application will be deemed to be complete if all required documents and plans have been submitted in sufficient number, and all fees have been paid. If an application is determined not to be complete, the applicant will be notified of any deficiencies. The applicant will have 30 days from the date of notice to revise the application to correct the deficiencies. Until the applicant corrects the deficiencies, no further action will be taken for processing the application. If the applicant fails to correct the deficiencies within the 30-day period, the application will be considered withdrawn, and fees forfeited. A determination of completeness is not a determination of compliance with substantive standards and criteria.

   When an application for development plan has been determined to be complete, the application and all accompanying information will be distributed to all required reviewers.
4. Review and Approval

   (a) The plan review process will include a determination of compliance with the regulations of this ULDC by the Director and recommendations for any changes necessary to improve the development.

   (b) A development plan may be approved with conditions. If the development plan is approved with modifications, the conditions must be indicated on the plan. A copy of the plan with changes indicated will be returned to the applicant, who must have the revisions made by the engineer, surveyor, or landscape architect who prepared the plan before the plan is issued for approval.

   (c) A soil erosion and sedimentation control plan, when conforming to Chapter 3-5, Subchapter 5 (Soil Erosion, Sedimentation and Pollution Control) of the Henry County Code of Ordinances, must be approved prior to issuance of a building or development permit to begin construction.

B. Development Plan Contents

All development plans must provide the following information:

1. All information needed to demonstrate compliance with the site design and development standards in this ULDC.
2. Copies of all state and federal permits, including state and jurisdictional waters identification (delineation) and mapping, must be submitted to the HCWA for inclusion in the plan review.

Proposed development plans will not receive approval without documentation of all necessary state and federal coordination, as required by law.

3. Proposed site developments that include multi-parcel layouts must include a master drainage plan for the complete proposed project site disturbance. Future alteration to site drainage for individual parcels as part of a larger site development plan is not allowed without approval from the HCWA.
4. Flood limit identification and mapping must be submitted to the HCWA for any proposed development site which receives runoff from a drainage basin 10 acres in size or larger. No structures or septic system components will be allowed within the 10-acre drainage area, unless the HCWA determines that the structure will have no adverse effect to water quality.
5. Depiction of existing uses in adjacent areas.
6. Draft of proposed deed restrictions to be imposed.
7. Zoning district of the property, including any special conditions of zoning imposed by the Board of Commissioners.
8. Zoning of the adjacent parcels.
9. Total area in acres and square feet.
10. If the tract is to be developed in phases, then a separate permit is required for each phase.
11. Topographic contours and vertical intervals of not more than 2 feet when a new street is proposed.
12. Soil conditions according to U.S. Soil Conservation Service Classifications Manual.
13. Proposed density (both gross and net) and lot layout, consistent with the requirements of the future land use map of the comprehensive plan, including lot and block numbers and/or letters. Layout of all lots must indicate building setback lines, lot dimensions, and lot area. Lots containing detention ponds must meet minimum zoning area requirements outside the area of the detention pond.
14. For mixed use projects a table summarizing the total amount of development in each use, the percentage of the total site, net density of proposed residential development.
15. Location of existing and platted property lines, location, width, and names of all platted roads, railroads, utility rights-of-way, public areas, existing buildings or structures.
16. All existing and proposed easements must be indicated.
17. Protected open space.
18. Depiction of natural features on the site and adjacent areas, including streams, lakes, other water bodies, wetlands, designated groundwater recharge areas, land subject to a 100-year flood hazard, including contour elevations, and geologic features, and other protected environmental features, as set forth in Article 9, including an outline of wooded areas, vegetation, and surface drainage, together with information on methods for protection of natural features as required in this ULDC. State if elevations are taken from a surveyed stream on a FEMA map or if the elevations are from an independent study (HEC-2, QUICK-2, etc.). Flood elevations on any lots within a 100-year flood hazard area must be shown. In addition, the

foundation elevation that is at least feet above the established 100-year flood evaluation must be shown. This data may be shown either on the layout or in tabular form.

19. Wetland areas must be field located. Notation whether live streams and/or wetlands lie within this development. Provide a copy of wetlands delineation report from a qualified professional with training and experience in wetland delineation following the guidelines of the latest version of the Army Corps of Engineers Wetlands Delineation Manual.
20. Proposed buffers, landscaping, and tree protection as required by Article 9. This must include the location, size, and type of proposed plant materials.
21. Location of proposed buildings to be used for commercial, industrial, recreational or public facility uses, consistent with the requirements of this ULDC
22. Details regarding other proposed structures or additions to existing structures, including accessory structures and signs.
23. Layout and names of proposed roads, alleys, public walkways/bikeways (i.e., sidewalks, trails, paths, bicycle facilities), including width of pavement and rights-of-way. Total lineal feet of proposed roads (per phase and total) must be indicated. The proposed road system must conform to the future infrastructure map and the requirements of Article 8.
24. Construction plans of streets including typical cross section and grade profiles. Show percent of each grade and length of each vertical curve.
25. Show the centerline stopping distance for all points of access onto county roads. Show posted speed limit of existing county roads.
26. Existing sewers, water mains, drains, culverts or other underground facilities within the tract or within the right-of-way of boundary roads with sizes, grades, and invert elevations from field surveys or other sources. All sizes and data on all utilities must be provided. Location of proposed public facilities such as sanitary sewers, water mains, storm drainage facilities, culverts, bridges, and other underground or aboveground facilities within the parcel to be developed, or within the rights-of-way of roads bordering the parcel, with sizes, grades and invert elevations from field surveys or other sources, consistent with the requirements of Article 8.
27. Construction plans of sanitary sewers with grades, service, pipe size, and points of discharge and connection to other trunk or lateral sewers.
28. Construction plans of storm drainage systems with pipe sizes, length, grade, location of outlets, runoff and velocity calculations, etc. All storm drainage systems carrying off-site runoff must be designed for the 100-year storm event. All storm pipes within the county right-of-way must be approved by the County.
29. Construction plans of water supply system with pipe sizes and location of hydrants, valves, and all appurtenances.
30. Final contours. In some cases, the street profiles will suffice in showing the amount of cut and fill; however, in many cases, final contours need to be shown on the plans.
31. Any structural practice used must be explained and illustrated with detail drawings.
32. The following notes must be included on all plans:

(a) A twenty-foot storm sewer and sanitary sewer easement exists along each property line and along each lot line, centered on lot lines, for future drainage and sanitary sewer lines.

(b) All storm drains must be extended to the rear setback line.

(c) Grade stakes must be set on all streets prior to any street grading. An as-built subgrade centerline profile must be submitted and approved by county prior to the installation of curb and gutter or waterlines.

(d) An as-built detention pond detail and revised hydro study must be submitted to the county prior to the final approval.

(e) All undisturbed buffers must be field located; staked and flagged or marked with "tenzar" (or similar type fencing); and must be submitted to the county for approval prior to grading.

C. Additional Requirements for Manufactured Home Development Plans

1. The application must be accompanied by a development plan and a narrative report summarizing the development concept and time schedule.
2. The development plan must comply with the submittal requirements in this Sec. 10.9. and must include the following additional information:

   (a) Details demonstrating compliance with the requirements of Sec. 3.10. regarding manufactured home parks and developments, including the proposed location of all lots or pads, buffers, required recreation areas, structures, and appurtenant facilities.

   (b) If the manufactured home development is proposed as a subdivision, all information required for a subdivision plat.

   (c) Detailed information regarding placement of all improvements, in compliance with the requirements set forth in Article 8.

3. The narrative report must include the following information:

   (a) A summary of acres, dwelling units, and net density, as well as a statement of the number of acres devoted to buffer areas, recreation acres, and green belts, or other amenities, such as lakes, etc.

   (b) A description of the phases under which construction will be programmed, depicting the geographical limits of each phase of construction.

   (c) A draft of the proposed rules and regulations which will be established and enforced by management if the development is a mobile home park.

   (d) A draft of the text of covenants running with the land which will be binding on the applicant or any future owner of the property so long as the property is used as a mobile home development. The covenants must provide for perpetual upkeep and maintenance in a clean and healthy state of all grass, lawns, shrubbery, trees, recreation areas, and other natural amenities of the property including buffer zones. Said covenants will be subject to approval of Henry County, and Henry County must be made a party thereto having full powers of enforcement at law or equity or otherwise. Upon approval by the county attorney, said covenants must be recorded in the superior court of Henry County and the recording of said covenants will be a condition precedent to any development, defoliation, or other construction on the property.

(e) In addition, typical elevation drawings, including general architectural style and exterior building materials, if possible, of all permanent buildings and structures to be constructed on the premises must be submitted.

D. Additional Requirements for Development Plans in Watershed Protection Areas

Applications for all development plans within a watershed protection area identified and regulated in Sec. 9.5 must provide the following additional information:

1. The distance of each impervious structure and surface to the nearest bank of an affected perennial stream and reservoir.
2. The location of each perennial stream that crosses or abuts the site.
3. The location of each public reservoir that abuts the site.
4. The location, elevation and orientation of the 100-year floodplain on the site.
5. Certification issued by a registered land surveyor or registered engineer verifying the location of the site as being located either within the water quality critical area, the limited development area or outside of both areas.
6. Location and detailed design of any spill and leak collection systems designed for the purposes of containing accidentally released hazardous or toxic materials.

10.9.3. Land Disturbance Permit Specifications

A. Applicability

Any land disturbance activity must comply with the development standards of this ULDC, along with any other applicable local or state regulations.

B. Residential Land Disturbance

For any residential land disturbance outside of a watershed protection area as identified in Sec. 9.5, the following standards apply:

1. Applicants for a residential land disturbance permit must provide a proposed site plan, drawn to scale by a registered surveyor or engineer, showing the lot, rights-of-way, easements, buffers, all preserved areas of trees, direction of drainage and proposed placement of the septic system, if any. Such plan must also show the proposed location of all erosion control devices, setback lines, building size, location of the building on the lot, driveway, and the location of all other structures on the site.
2. A permit may be issued upon submittal of the application and the required permit fee; however, land disturbance is not to proceed until an inspector has visited and approved an initial inspection verifying that the application complies with this ULDC.
3. Additional inspections may be made, as necessary at the discretion of the County, to verify compliance with the requirements for erosion control in Chapter 3-5, Subchapter 5 (Soil Erosion, Sedimentation and Pollution Control) of the Henry County Code of Ordinances and tree protection in Sec. 9.1.

C. Nonresidential Land Disturbance

For all other land disturbance outside of a water protection area as identified in Sec. 9.6 the following standards apply:

1. In addition to the provisions of Sec. 10.9.3., applications must include an erosion and sedimentation control plan as required in Chapter 3-5, Subchapter 5 (Soil Erosion, Sedimentation and Pollution Control) of the Henry County Code of Ordinances.
2. In addition to the local permitting fees, fees will also be assessed pursuant to O.C.G.A. § 12-5-23(5)(a), provided that such fees will not exceed $80.00 per acre of land disturbing activity. These fees must be calculated and paid by the primary permittee as defined in the state general permit for each acre of land disturbing activity included in the planned development or each phase of development. All applicable fees must be paid prior to issuance of the land disturbance permit. In a jurisdiction that is certified pursuant to O.C.G.A. § 12-7-8(a), half of such fees levied must be submitted to the division; except that any and all fees due from an entity which is required to give notice pursuant to O.C.G.A. § 12-7-7 must be submitted in full to the division, regardless of the existence of a local issuing authority in the jurisdiction.
3. Approval by the Henry County Soil and Water Conservation District. Immediately upon receipt of an application and plan for a permit, the county will refer the application and plan to the district for its review and approval or disapproval concerning the adequacy of the erosion and sedimentation control plan. The district must approve or disapprove a plan within 35 days of receipt. Failure of the district to act within 35 days will be considered an approval of the pending plan. The results of the district review must be forwarded to the county. Such review may not be required if the county and the district have entered into an agreement which allows the county to conduct such review and approval of the plan without referring the application and plan to the district.
4. Proof of irrevocable letter of credit.
5. Proof of payment of all ad valorem taxes levied against the property.
6. No permit will be issued by the Director unless the erosion and sedimentation control plan has been approved by the district and the Director has determined that the plan complies with the requirements of the County. If a letter of credit is required, the permit will not be issued until the requirements regarding the letter of credit have been satisfied.
7. If the permit is denied, the reason for denial must be furnished to the applicant.
8. If the tract is to be developed in phases, then a separate permit is required for each phase.
9. The permit may be suspended, revoked, or modified by the Director upon finding that the holder or successor in title is not in compliance with the approved erosion and sedimentation control plan, or that the holder or successor in title is in violation of this ULDC. The holder of a permit must notify any successor in title as to all or any portion of the land affected by the approved plan of the conditions contained in the permit.

D. Land Disturbance within Watershed Protection Areas

For all land disturbance within a water protection area as identified in Sec. 9.6 the following standards apply:

1. Within a watershed protection area, no land disturbing activity, construction, or other development, other than specifically exempted activities in subparagraph 2 below, may be conducted without a permit.
2. The following land use activities are exempted from the development review and permit requirements of this Section 10.9.3:
   (a) Agriculture and forestry. Normal agricultural and forestry activities involving planting and harvesting of crops are exempted if they conform to best management practices established by the Georgia Department of Agriculture. Silvicultural activities must conform to best management practices by the Georgia Forestry Commission.
   (b) Mining activities. All mining activities that are permitted by the Georgia Department of Natural Resources under the Georgia Surface Mining Act, as amended, are exempted.

Sec. 10.10. Miscellaneous Provisions

10.10.1. Development of Regional Impact

A. A proposed development that meets or exceeds the thresholds for Metropolitan areas set by the State will require a Development of Regional Impact (DRI).

B. When a development meeting DRI threshold is proposed, the County may not take action on the development until the DRI review process is completed.

C. Upon receipt of a request for action related to a project that meets or exceeds the established DRI thresholds, the local government may request that the applicant submit additional information about the project.

D. Upon determination that the proposed development is not a DRI, the County may continue with review and decision-making procedures set forth in this ULDC.

E. Upon conclusion of the DRI review, the County may continue with review and decision-making procedures as set forth in this ULDC.

1. The county is encouraged to include the public findings and comments regarding the proposed DRI project in considering actions on the application for project approval.
2. Where the project received a negative public finding is approved by the County, the county must notify the DCA, indicating any conditions that have been placed on the project to mitigate the negative finding.
3. The Planning and Zoning department is responsible for submitting applications for DRI to the DCA.

10.10.2. Traffic Impact Studies

A. Objectives.

The County finds that requiring a traffic impact study for proposed developments that meet certain thresholds will help to achieve the following objectives:

1. To foster and support the coordinated and comprehensive transportation plan.
2. Provide transportation investments that reinforce the land use plans and development vision of the county.
3. Forecast additional traffic associated with new development, based on accepted practices.
4. Determine the improvements that are necessary to accommodate the new development.
5. Allow the County government to assess the impacts that proposed development may have and assist the county government in making decisions regarding development proposals.
6. Help to ensure safe and reasonable traffic conditions on streets after the development is complete.
7. Reduce the negative impacts created by developments by helping to ensure that the transportation network can accommodate the development.
8. Protect the substantial public investment in the street system.

9. Provide information relevant to comprehensive planning, transportation planning, future transit planning and the provision of programs and facilities for traffic safety, road improvements, transportation demand management, pedestrian access and other transportation system considerations.

B. Threshold of Applicability.

1. A traffic impact study is required for all zoning map amendments, use permits applications, and other permit applications if any of the following thresholds are met:

   (a) DRI Metropolitan threshold (as defined by State Code).

   (b) 50% of DRI Metropolitan threshold (as defined by State Code).

   (c) All developments that are expected to generate more than 100 new vehicle trips during an a.m. or p.m. peak hour; or

   (d) All developments that are expected to generate more than 1,000 new trips in an average day.

2. Projects that qualify as an Atlanta Regional Commission DRI can use their DRI to satisfy the County's traffic impact study requirements. DRI mitigation installations listed in the final letter will become requirements of the project at no cost to the County and must be constructed.

C. Analysis

The source for trip generation rates for the purposes of this Sec. 10.2.6. is the "Trip Generation and Handbook" published by the Institute of Transportation Engineers (ITE), most recent edition, unless otherwise approved by the Director of Transportation Planning.

D. Study Scope Meeting

Once it is determined that a traffic impact study is required, a scoping meeting must be held with the developer and the appropriate representatives of the county. It will be the responsibility of the developer to initiate this meeting. The purpose of this meeting is to discuss the availability of site-specific information concerning the development, available forecasts of traffic volumes, and to ensure the applicant understands the content requirements for traffic impact studies.

E. Required Contents

A traffic impact study must be prepared following and meeting the standards of the GRTA Development of Regional Impact technical guidelines, dated January 14, 2002, as may be amended from time to time. In addition, the following components must be included:

1. Alternative transportation. Alternative transportation (sidewalk, bicycle, transit) impacted or needed as a result of the development.

2. References. A listing of all technical documents and resources cited or consulted in preparing the traffic impact study.

3. Technical appendix. Relevant technical information, including, but not limited to: copies of raw traffic count data used in the analysis, calculation sheets and/or computer software output for all LOS and V/C calculations in the analysis, and warrant worksheets for signals, turn lanes, signal phasing, etc. used in the analysis.

F. Additional Technical Specifications.

The Director of Transportation Planning is authorized to require the use of additional technical specifications for conducting traffic impact studies consistent with analysis methods included in the most recent Highway Capacity Manual, Manual on Uniform Traffic Control Devices, and/or Traffic Access and Impact Studies for Site Development: A Recommended Practice (Washington, DC: Institute of Transportation Engineers, 1991), as may be amended or republished from time-to-time.

G. Costs and Fees

The county assumes no liability for any costs or time delays (either direct or consequential) associated with the preparation and review of traffic impact studies. There is no application review fee for a traffic impact study.

H. Submittal and Review

The applicant for the proposed development or the qualified professional must submit one electronic copy of the traffic impact study and technical appendix, three paper copies of the traffic impact study, and one paper copy of the technical appendix to the Director. The Director will transmit the study to the Director of Transportation Planning, who may submit copies of the report to applicable review agencies which may include the Georgia Department of Transportation, the Georgia Regional Transportation Authority, an adjacent local jurisdiction and/or metropolitan planning organization or regional development center. Within 10 working days of receipt of a traffic impact study, the Director of Transportation must review all calculations and analyses and determine if they are complete, reasonable, understandable, consistent and fully explained. The conclusions presented in the traffic impact study must be consistent with and supported by the data, calculations and analyses in the report. Calculations, graphs, tables, data and analysis results that are not consistent with and supported by the data will not be accepted. In such events, the Director of Transportation must return the traffic impact study to the development applicant for correction.

I. Recommendations for Mitigation of Impacts

Within 15 working days of receipt of a completed traffic impact study, the Department of Transportation Planning must complete the review of the study and submit to the development plan review department director, or their designee, all recommendations for mitigation measures as stated in the traffic impact study and include any interpretations or recommended conditions of approving the development proposal that will mitigate traffic impacts of the proposed development.

J. Determination of Project and System Improvements.

1. The Director of Transportation Planning will determine which mitigation measures constitute “project” improvements and which mitigation measures constitute “system” improvements within the context of the Georgia Development Impact Fee Act of 1990.

2. If a particular improvement is called for in the traffic impact study or recommended by the Director of Transportation Planning, and the Director is unable to uniquely attribute the recommendation as a project or system improvement or finds that such improvement has characteristic of both a project improvement and a system improvement, the Director of Transportation Planning, with the assistance of the Planning and Zoning Director, will determine the proportion of the cost of such improvement(s) that can reasonably be attributed to the

development as a project improvement, and the portion of such improvement that can reasonably be considered a system improvement.

K. Conditions of Development Approval

Upon the determination of project improvements needed to mitigate the traffic impacts of the development proposal as provided in this ULDC, the Director of Transportation Planning may recommend the project improvements be completed by the developer as conditions of approval of the development proposal.

L. System Improvements

When the Director of Transportation Planning recommends system improvements as conditions for approval of the development proposal, the Director may include such recommendations in the recommended conditions of approval for the development application. In the case of system improvements, the applicant will have the following options:

1. The applicant may voluntarily agree to pay for the cost of providing the system improvements, or a pro-rated share of the cost of said system improvements that are reasonably attributed to the subject development, as determined by the county.
2. If the mitigation measure is a system improvement listed in the county's comprehensive transportation plan or SPLOST Program transportation project list, then the applicant may agree to install the system improvement and the county may agree to provide a credit or partial credit for the improvement.
3. The county may subsequently use the traffic impact study for future long range transportation planning efforts and may consider the recommendations of the traffic impact study in a future update of its transportation system plan, capital improvement plan and/or the capital improvement element of the comprehensive plan.
4. The county may find that the proposed development will provide substantial adverse impacts on the transportation system. Mitigation measures may be necessary if the county is unable to provide adequate transportation facilities within a reasonable amount of time after the impacts of said development would occur. The Board of Commissioners may reduce the development density or intensity of the development so that the adverse impacts of the development proposal do not degrade transportation facilities below adopted level of service standards. A phasing of the development may be required in a manner that adequate public facilities will be provided publicly or privately. In cases where such alternatives do not address the adverse impacts, an application for a development proposal may be denied

10.10.3. Specifications for Digital Files

A. General

1. Final plats required in digital format showing address and lot number inside each lot; all lots must be closed polygons.
2. All drawings must be geo-referenced to the US State Plane coordinate system, NAD 83, GA West Zone, US Survey Feet. All drawings must contain a reference survey marker tied to the Henry County GIS GPS monument network.

3. All features depicted in the drawings must be surveyed after construction. Henry County, may, at its discretion, spot check coordinates to ensure accuracy. Water system features will be surveyed at a horizontal accuracy of ≤ 0.3 foot and vertical accuracy of ≤ 0.5 foot. Sewer system features will be surveyed at a horizontal accuracy of ≤ 0.5 foot and a vertical accuracy of ≤ 0.1 foot.
4. The following feature geometry types must be shot directly using the survey instrument and tied to the Henry County GIS monument network:
   (a) All point features (hydrants, valves, sewer manholes, etc.);
   (b) All line features at all endpoints, bends, and turns (pipes, etc.); and
   (c) All polygon features at all corners and bends (project boundaries, lots, rights-of-way, etc.).
5. The following feature types are acceptable: Line, polyline, text, and insert. Any other features such as leaders, blocks, etc., must not be present on the standard Henry County GIS CAD layers.
6. Henry County GIS will provide template drawing files upon request.

B. Layering

1. All required layers listed in Henry County GIS CAD layers must contain only the features that are described for that layer. For example, the BOUNDARY_LINE layer must only contain the boundary line and not such features as north arrows or parcels.
2. All required layers must be present in the drawing except for features that do not pertain to a particular project. For example, some commercial projects may not contain sewer taps as part of the construction and should not be included in the drawing.
3. All layers must be clearly differentiated from each other.
   (a) Two layers having the names "WATER_LINE" and "WATER_LINES" may not exist in the same drawing.
   (b) "SEWER_LINE_TEXT" and "SEWER_TEXT" may not exist in the same drawing.
4. All text must appear on separate layers from the layers they annotate. For example, text describing a sewer line must be on the SEWER_LINE_TEXT layer not the SEWER_LINE layer.
5. Text leaders must be placed on the text layer, not the feature layer. For example, the leader for the diameter of a water pipe must be on the WATER_LINE_TEXT layer, not the WATER_LINE layer. Leaders will be drawn using line features not leaders.

C. Drawing

1. All layers must conform to the proper geometry type (line, polygon, text) as specified on documents provided by the county.
2. All polygon type features must be completely closed. Lines may need to be duplicated on more than one layer.
   (a) Subdivision parcels must be closed figures on their layer (not closed with the subdivision boundary).
   (b) Road edge-of-pavement must be drawn as closed polygons.

(c) Where a polygon feature extends beyond the edge of the plan, the property boundary (repeated on the polygon feature's layer) must be used to close the polygon.

(d) All edges on polygon features must be snapped together at the vertices. Gaps in polygon boundaries will not be accepted.

3. Sewer Features.

(a) Sewer lines and sewer taps must be digitized with proper directionality: lines must be drawn from the uphill node to the downhill node or flipped after the lines have been digitized.

(b) All tangents between sewer manholes must be drawn with a single line.

(c) All tangents must be snapped at endpoints intersecting at the exact center of the manhole. No gaps may exist between tangents.

(d) Manholes must be symbolized consistently with a circle centered exactly on the tangent endpoints.

4. Water Features.

(a) Water lines must be digitized with all straight-line pipes consisting of only two points. Straight-line pipes will begin and end at the following features (nodes): Hydrants, valves, meters, pumps, tees, crosses, and valves.

(b) Curves may be digitized with enough vertices to capture the curve geometry. Curves or arcs may also be used to designate curved pipe.

(c) All water lines must be continuous, with pipe endpoints snapped to each other at endpoints.

(d) End-of-line caps must be drawn to differentiate end-of-lines from lines that extend beyond the extent of the drawing. Caps must be drawn for lines that are to be permanently capped when the project is complete, not for lines that are temporarily capped pending inspection.

5. Stormwater Features.

(a) Storm sewers must be digitized with proper directionality: lines must be drawn from the uphill node to the downhill node or flipped after the lines have been digitized.

(b) All tangents between stormwater structures must be drawn with a single line.

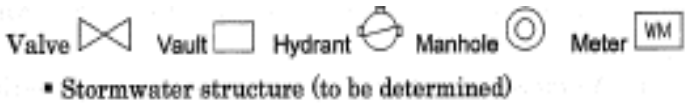
(c) All tangents must be snapped at endpoints intersecting at the exact center of the structure. No gaps may exist between tangents.

(d) Stormwater structures must be symbolized consistently with a designated symbol centered exactly on the tangent endpoints.

D. Symbolization

Symbols are standardized according to examples provided in the Henry County GIS template file. The following "point" features must be symbolized using standard Henry County GIS CAD symbols and drawn as inserts:

Figure 10.1 Stormwater Symbolization



E. Annotations

1. Any nonstandard water and sewer lines must be annotated as such. Line diameter, material, ownership, etc., that does not conform to standard practice must be noted in the corresponding annotation layer. For example, standard subdivision sewer lines are 8 inches in diameter. Any other diameter must be annotated on the SEWER_LINE_TEXT layer.
2. All addresses and lot numbers must be number data type (that is, no text or symbols (#, -, ft, _, ", ', etc.)). If the lot does not have a number, this layer will be blank.

F. File Naming and Revisions

1. File names must correspond exactly to the subdivision name and be consistent from one version to the next. The file name must contain the finalized date of the drawing (in YYMMDD format) as part of the name. There may be no blank spaces in the name, only underscores. An example file name for the November 10, 2003, final plat for the third phase of the Monarch Village subdivision is: "Monarch_Village_3_031110."
2. File finalized dates will only be updated by the contractor/developer and not by Henry County GIS.

G. Deliverable Format

All files must be delivered in a format as determined by the County.

H. Fee for Nonelectronic Submittal

An additional charge of 20% of the final plat fee or $10.00 per lot, whichever is greater, will be required if a copy of the final revision is not submitted in electronic format. This fee must be paid prior to final plat approval.

10.10.4. Temporary Permits for Special Events

A. In addition to the general submittal requirements, an applicant for a temporary permit for a special event must provide the following information:

1. Address of building, structure, or lot to where the special event is to be located;
2. A site plan depicting the layout of the proposed special event;
3. Written consent of the owner of the building or lot upon which the special event will be located; and

B. Temporary permits for special events will be reviewed by the Director. Approval is based upon the conformance of the plans and specifications with the requirements in this ULDC.

C. All permits will either be issued or denied within 30 days of the submission date.

D. If the application is denied because it does not contain the required information or if the information is inaccurate or false, a new application may be submitted with all the required information, and such application will be assigned a new submission date. If the application is denied, the Director must notify the applicant and state the reason for the denial.

10.10.5. Requirements Regarding Placement of Manufactured Homes in Single-family Residential Districts

A. Applications for approval of placement of manufactured homes must meet the general submittal requirements set forth in this ULDC. In addition, the application must provide photographs or renderings of the front and side of the manufactured home or mobile home exterior finish and other information deemed necessary by the Director to make determinations required by this ULDC.

B. The Director will make a determination of completeness as set forth in Sec. 10.7.2.

C. The completed application will be submitted to the compatibility standards review committee for review.

D. Approval or denial of the application will be made within 30 days of the date of receipt of the application and all required supporting materials.

1. The applicant will be notified in writing of the approval, conditional approval, or denial of the application within two working days after such decision is made.
2. Conditional approval requires that the specific conditions and the reasons for such approval be stated in writing and be agreed to by the applicant; such conditions are binding upon the applicant upon agreement.
3. In the case of denial, the reasons must be specifically stated in writing by designating each specific provision of this ULDC which is not met and an explanation as to the reason or reasons why each such provision is not met.

Approved manufactured homes and their placements will be taxed in the same manner as comparable site-built homes within the area where the manufactured home is located.

10.10.6. Requirements for Irrevocable Letter of Credit, Escrow Letter of Surety or Maintenance Bond

A. When an irrevocable letter of credit, escrow letter of surety or maintenance bond is required by the provision of this ULDC, the follow standards apply:

1. The letter of credit, escrow letter of surety or maintenance bond must be issued from a federally insured bank with a regional office in the Atlanta area. A local contact, phone number, and physical address of the bank is required. Post office boxes are not allowed.
2. A letter of credit, escrow letter of surety or maintenance bond from other institutions may be allowed upon approval by the Director. If the Director determines that the obligor or surety for the letter of credit, escrow letter of surety or maintenance bond is unreliable or that for other reasons practical difficulties in enforcing the letter of credit, escrow letter of surety or

maintenance bond exists, such letter of credit, escrow letter of surety or maintenance bond may be rejected.

3. The Henry County Board of Commissioners must be named as the obligee.
4. The amount of the letter of credit, escrow letter of surety or maintenance bond will be determined by the County's most recently adopted fee schedule.

B. Time period for a letter of credit, escrow letter of surety or maintenance bond.

1. For final plats: 3 years from the date of final plat approval.
   (a) During the 3-year period, it is the responsibility of the applicant to repair any defects related to streets, drainage systems, and stormwater detention systems. Extensions may be required by the County.
2. For wireless communication facilities: the duration of the lease, including any possible extensions, or 20 years. The letter or credit is renewable for periods not to exceed 5 years.
3. For relocated residential structures: 1 year following the date of issuance of a certificate of occupancy.

C. The Coard of Commissioners may draw upon the letter of credit, escrow letter of surety or maintenance bond upon presentation to the surety company of a notice from the Director of the Building and Plan Review Department that the principal has failed to comply with this Sec. 10.8.5 with regard to making all of the required repairs and that the cost of the repairs equals or exceeds the amount of the letter of credit, escrow letter of surety or maintenance bond.

10.10.7. Requirements for Development Agreements

A. A development agreement may be authorized in situations where a large tract of land is proposed to be developed in phases over an extended period of time. The agreement may provide vested right to the property owner during the term of the agreement to ensure that the development proceeds in compliance with land use regulations in effect on the date of the agreement.

1. For any data center use, a development agreement is required.

B. Minimum Land Area

1. Except for data centers, a minimum of 25 acres is required to execute a development agreement with the County. Any lands subject to protection under Article 9 of this ULDC must be excluded when determining the minimum development size.

C. Development agreements must contain the following information:

1. All pertinent information required by Sec. 10.9.2.
2. The time period and specific expiration date of the agreement, and a time period and specific expiration date for development of phases.
3. Specification of land uses, including population, density of development, and dimensions of buildings, lots, and site features, as applicable.
4. Description of public facilities and infrastructure to serve the development, including an identification of the service provider, and the time of service availability.
5. Description of easements that are necessary for public facilities and infrastructure.

6. Identification of land to be reserved or dedicated for public purposes.
7. Identification of land that is required to be protected as set forth in Article 9.
8. Identification of development and building periods that are required. The agreement must include a statement that failure to list a required permit does not relieve the property owner from compliance with all permitting requirements.
9. Identification of any conditions, terms, restrictions, or other requirements that may be necessary to protect the public health, safety, or welfare.
10. Identification of all parties to the agreement.
11. For data centers, the development agreement must contain the information required in Sec. 6.6.3 in addition to any applicable requirement of this section.

D. Adoption of the Agreement

1. The adoption of a development agreement must follow those requirements established in Sec. 10.2.

E. Breach of Agreement

1. Where the review reveals a material breach of the agreement, a notice of breach will be provided to the property owner and all parties to the development agreement.
2. The notice must set forth in detail the nature of the breach, the evidence that supports the determination that a breach has occurred, and a reasonable time period to correct the breach.
3. Upon failure of the property owner to correct the breach within the specified time period, the Board of Commissioners may terminate or modify the agreement. Termination or modification will occur in the same manner as the initial adoption of the agreement.
4. The property owner will have an opportunity to rebut the determination that a breach has occurred or to consent to a modification of the agreement as necessary to correct the breach.

F. Modification of Agreement

1. A modification to an existing agreement may be initiated by the Board of Commissioners.
2. Modification to an agreement will occur in the same manner as the initial adoption of the agreement.

G. All development agreements must be recorded with the Henry County Clerk of the Superior Court.

10.10.8. Dedication of Public Improvements or Sites

A. A plat is required for the dedication to the county of right-of-way, public improvements, and sites for public purposes. Public improvements may include streets, sewer lines, or water lines, outside of an area to be subdivided or developed, and which will provide access or service to development or which will serve future development in an area. Sites for public purposes may include parks and recreation sites, school sites, sites for public safety facilities, sites for water treatment facilities, sites for sewer treatment facilities, or sites for other public buildings.

B. When a site is dedicated for public purposes to the appropriate county authority, the land must be transferred by a deed and dedication plat and recorded by the Clerk of Superior Court, following acceptance by Henry County.

1. Park and recreation sites must be first recommended by the ZAB and Recreation Board prior to action for acceptance of dedication of the site by the Board of Commissioners.
2. The Board of Education must review the location and need for the school sites, and decide whether or not to accept dedication of a site within 90 days of receipt of a preliminary plan, or preliminary plat and construction improvements plans. The Board of Education must consult with the ZAB for recommendation on school sites. If the Board of Education decides to accept dedication of the site for a school, it must notify the Board of Commissioners. The Board of Commissioners will then direct the Director to have the deed and dedication plat recorded by the Clerk of Superior Court.
3. Land dedication for fire or police stations, public buildings, and other public works that are non-rights-of-way related, must be transferred to the county by a deed and dedication plat and recorded by the Clerk of Superior Court, following acceptance by the Board of Commissioners. Right-of-way deeds and dedication plats associated with subdivisions will be transferred to the county through the final plat process, in accordance with the provisions detailed in this ULDC, and only requires the signatures of the Environmental Compliance and Plan Review Director, and the Planning and Zoning Director, or in the case where the subdivision is located within the jurisdiction of a city for which the county has an agreement to review the final plats, the signature of the mayor of that respective city.
4. Land dedicated for water and sewage treatment facilities and other facilities under jurisdiction of the HCWSA shall be recorded following approval of the HCWSA.

10.10.9. Reasonable Accommodation

A. Purpose

It is the policy of the jurisdiction, pursuant to the Federal Fair Housing Amendments Act of 1988 (hereafter "fair housing laws"), to provide individuals with disabilities reasonable accommodation in rules, policies, practices and procedures to ensure equal access to housing and facilitate the development of housing for individuals with disabilities. This section establishes a procedure for making requests for reasonable accommodation in land use, zoning and building regulations, policies, practices and procedures of the jurisdiction to comply fully with the intent and purpose of fair housing laws.

B. Findings

The Federal Fair Housing Amendments Act of 1988 imposes an affirmative duty on local governments to make reasonable accommodation in their land use and zoning regulations and practices when such accommodation may be necessary to afford individuals with disabilities an equal opportunity to housing.

1. The housing element of the jurisdiction must identify and develop a plan for removing governmental constraints to housing for individuals with disabilities including local land use and zoning constraints or providing reasonable accommodation.
2. A fair housing reasonable accommodation procedure for individuals with disabilities and developers of housing for individuals with disabilities to seek relief in the application of land use, zoning and building regulations, policies, practices and procedures will further the jurisdiction's compliance with federal and state fair housing laws and provide greater opportunities for the development of critically needed housing for individuals with disabilities.

C. Applicability

Reasonable accommodation in the land use and zoning context means providing individuals with disabilities or developers of housing for people with disabilities, flexibility in the application of land use and zoning and building regulations, policies, practices and procedures, or even waiving certain requirements, when it is necessary to eliminate barriers to housing opportunities.

1. An individual with a disability is someone who has a physical or mental impairment that limits one or more life activities; anyone who is regarded as having such impairment; or anyone with a record of such impairment.
2. A request for reasonable accommodation may be made by any individual with a disability, his or her representative, or a developer or provider of housing for individuals with disabilities, when the application of a land use, zoning or building regulation, policy, practice or procedure acts as a barrier to fair housing opportunities.

D. Notice to the Public of Availability of Accommodation Process

Notice of the availability of reasonable accommodation must be prominently displayed at public information counters in the Planning and Zoning and Building departments, advising the public of the availability of the procedure for eligible individuals. Forms for requesting reasonable accommodation are available to the public in the Planning and Zoning and Building departments.

E. Requesting Reasonable Accommodation

1. To make housing available to an individual with a disability, any eligible person as defined in Sec. 10.10.9.C may request a reasonable accommodation in land use, zoning and building regulations, policies, practices and procedures.
2. Requests for reasonable accommodation must be in writing and provide the following information:
   (a) Name and address of the individual(s) requesting reasonable accommodation;
   (b) Name and address of the property owner(s);
   (c) Address of the property for which accommodation is requested;
   (d) Description of the requested accommodation and the regulation(s), policy or procedure for which accommodation is sought; and
   (e) Reason that the requested accommodation may be necessary for the individual(s) with the disability to use and enjoy the dwelling.
3. Any information identified by an applicant as confidential will be retained in a manner so as to respect the privacy rights of the applicant and will not be made available for public inspection to the extent allowed by law.
4. A request for reasonable accommodation in regulations, policies, practices and procedures may be filed at any time that the accommodation may be necessary to ensure equal access to housing. A reasonable accommodation does not affect an individual's obligations to comply with other applicable regulations not at issue in the requested accommodation.
5. If an individual needs assistance in making the request for reasonable accommodation, the jurisdiction will provide assistance to ensure that the process is accessible.

F. Reviewing Authority

The reviewing authority consist of representatives from Planning and Zoning, Building, and Fire and Code Enforcement departments.

1. Requests for reasonable accommodation shall be reviewed by the "reviewing authority" using the criteria set forth in Sec. 10.10.9.G.
2. The reviewing authority must issue a written decision on a request for reasonable accommodation within 60 days of the date of the application and may either grant, grant with modifications, or deny a request for reasonable accommodation in accordance with the required findings set forth in Sec. 10.10.9.G.
3. If necessary to reach a determination on the request for reasonable accommodation, the reviewing authority may request further information from the applicant consistent with fair housing laws, specifying in detail the information that is required. If a request for additional information is made, the sixty-day period to issue a decision is stayed until the applicant responds to the request.

G. Required Findings

The written decision to grant, grant with modifications, or deny a request for reasonable accommodation must be consistent with fair housing laws and based on the following factors:

1. Whether the housing, which is the subject of the request for reasonable accommodation, will be used by an individual with disabilities protected under fair housing laws;
2. Whether the requested accommodation is necessary to make housing available to an individual with disabilities protected under the fair housing laws;
3. Whether the requested accommodation would impose an undue financial or administrative burden on the jurisdiction; and
4. Whether the requested accommodation would require a fundamental alteration in the nature of the jurisdiction's land use and zoning or building program.

H. Written Decision

1. The written decision on the request for reasonable accommodation must explain in detail the basis of the decision, including the reviewing authority's findings on the criteria set forth in Sec. 10.10.9.G. All written decisions must give notice of the applicant's right to appeal and to request reasonable accommodation in the appeals process as set forth below. The notice of decision must be sent to the applicant by certified mail.
2. The written decision of the reviewing authority is final unless an applicant appeals it to the Zoning Advisory Board.
3. If the reviewing authority fails to render a written decision on the request for reasonable accommodation within the sixty-day time period in Sec. 10.10.9.F.2, the request will be deemed granted.
4. While a request for reasonable accommodation is pending, all laws and regulations otherwise applicable to the property that is the subject of the request remain in full force and effect.

I. Appeals

1. Within 60 days of the date of the reviewing authority's written decision, an applicant may appeal an adverse decision. Appeals from the adverse decision must be made in writing.
2. If an individual needs assistance in filing an appeal on an adverse decision, the jurisdiction will provide assistance to ensure that the appeals process is accessible.
3. All appeals must contain a statement of the grounds for the appeal. Any information identified by an applicant as confidential will be retained in a manner so as to respect the privacy rights of the applicant and will not be made available for public inspection.
4. Nothing in this procedure will preclude an aggrieved individual from seeking any other state or federal remedy available.

ARTICLE 11. DEFINITIONS

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Sec. 11.1. General

11.1.1. Rules of Interpretation

A. For the purposes of this Unified Land Development Code, certain words or terms are defined as follows. All other words not defined in this article or other sections of this ordinance containing definitions have their customary dictionary meanings.

B. All words used in the present tense include the future tense. All words in the singular number include the plural number and words in the plural number include the singular number, unless the obvious construction of the wording indicates otherwise.

C. The word "building" includes the term "structure"; the word "person" includes an individual, limited liability company, partnership, association, public or private authority, trust, corporation, or other entity or organization; the word "lot" includes the terms "plot," “parcel,” or “tract”; the word "used" includes "designed," "intended," or "arranged to be used"; the term "erected" includes "constructed," "reconstructed," "altered," "placed," or "moved"; the terms "land use" and "use of land" include "building use" and "use of building"; the word "adjacent" means "nearby" and not necessarily "contiguous".

D. The word "county" means Henry County, Georgia; the terms "County Commission," “Board of Commissioners,” "Zoning Advisory Board," "Building Official," "county engineer," "Planning and Economic Development Director" or “Director,” and "health officer" mean the respective boards, commissions, and officers of said county within their jurisdictions, unless stated otherwise.

11.1.2. Abbreviations

The following abbreviations appear frequently in this ULDC and refer to the full term identified below:

Table 11.1 Table of Abbreviations

Abbreviation	Full Term
BMP	Best Management Practices
BOC	Board of Commissioners
BTL	Build-to Line
CLOMA	Conditional Letter of Map Amendment
CLOMR	Conditional Letter of Map Revision
CSD	Conservation Subdivisions Development
DBH	Diameter at Breast Height
DCA	Department of Community Affairs
DHR	Department of Human Resources
DNR	Department of Natural Resources
DRI	Development of Regional Impact
FAA	Federal Aviation Administration
FCC	Federal Communications Commission
FEMA	Federal Emergency Management Agency
FHBM	Flood Hazard Boundary Map
FIRM	Flood Insurance Rate Map
FIS	Flood Insurance Study
Ft. or ft.	Feet, foot
GIS	Geographic Information System
GDOT	Georgia Department of Transportation
GSMM	Georgia Stormwater Management Manual
HCWA	Henry County Water and Sewer Authority
HPB	Historic Preservation Board
HVAC	Heating, ventilation, and air conditioning
ICWPA	Indian Cree Watershed Protection Area
LBCS	Land Based Classification Standards
LBWPA	Long Branch Creek Watershed Protection Area
LDP	Land Disturbance Permit
max.	Maximum

Abbreviation	Full Term
min.	Minimum
MNGWPD	Metropolitan North Georgia Water Planning Districts
MPH	Miles per hour
NGVD	National Geographic Vertical Datum
NWI	National Wetland Inventory
O.C.G.A.	Official Code of Georgia Annotated
PD	Planned Development
RFN	Residential Fly-in Neighborhood
ROW	Right-of-way
RPZ	Runway Protection Zone
RV	Recreational Vehicle
SCWPA	Shoal Creek Watershed Protection Area
Sf. or sf. or sq. ft.	square feet, square foot
TCWPA	Tussahaw Creek Watershed Protection Area
TRWPA	Towaliga River Watershed Protection Area
ULDC	Unified Land Development Code
WCF	Wireless Communication Facility
WCWPA	Walnut Creek Watershed Protection Area
WPA	Watershed Protection Area
ZAB	Zoning Advisory Board

Sec. 11.2. Defined Terms

11.2.1. Definitions

A

Accidental discharge. A discharge prohibited by this ULDC which occurs by chance and without planning or thought prior to occurrence.

Accessory structure. See Sec. 6.8.2.

Acoustical barrier. A permanent exterior structure, wall, enclosure, or screening system constructed of solid, absorptive, or sound-attenuating materials and designed to reduce, absorb, or deflect noise generated by mechanical, electrical, or operational equipment, for the purpose of minimizing noise impacts to surrounding properties.

Addition to an existing building. Any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a fire wall. Any walled and roofed addition which is connected by a fire wall or is separated by an independent perimeter load-bearing wall shall be considered new construction.

Adiabatic cooling. A method of cooling air through water evaporation to reduce temperature, typically used for data center climate control but restricted in Henry County to closed systems.

Adjacent. An area located within the defined horizontal distance from the future-conditions floodplain boundary that are at, or lower, in elevation than either three feet above the base flood elevation or one foot above the future-conditions flood elevation, whichever is higher, unless the area is hydraulically independent (meaning absolutely no connection to the flooding source such as through pipes, sewer laterals, down drains, foundation drains, ground seepage, overland flow, gated or valved pipes, excavated and backfilled trenches, etc. with no fill or other manmade barriers creating the separation).

Administrative variance. See Sec. 10.5.2.

Adult entertainment establishment. See Sec. 6.5.1.

Agriculture. See Sec. 6.7.1.

Air cooled system. A cooling method that uses ambient air to dissipate heat without consuming water, often through large fans or radiators.

Aircraft. Any vehicle used or designed for flight in the air.

Airport. Any area of land or water designed and set aside for the landing and taking off of aircraft. The term may include facilities for refueling, repair, handling, and storage of aircraft or facilities for passengers and freight.

Antenna. Any structure or device used to collect or radiate electromagnetic waves for the provision of services including, but not limited to, cellular, paging, personal communications services (PCS) and microwave communications. Such structures and devices include, but are not limited to, directional antennas, such as panels, microwave dishes and satellite dishes, and omnidirectional antennas, such as whips. This definition does not apply to broadcast antennas, antennas designed for amateur radio use, or satellite dishes designed for residential or household purposes.

Apartment. A room or suite of rooms, with sleeping, bathroom, and kitchen accommodations, designed and used as a residence, physically separated from and located in a building containing a number of such rooms/suites of rooms, designed for occupancy by families living independently of each other and not owned in a fee simple title.

Apartment, studio. An apartment unit containing only one habitable room.

Applicant.

1. With respect to the general provisions of this ULDC, a person submitting an application for approval under this ULDC.
2. With respect to Sec. 9.4, a person submitting a post-development stormwater management application and plan for approval.

Appeal. A request for a review of the administrative interpretation of any provision of this ULDC. Appeals must be filed in accordance with Sec. 10.6.

Approach surface. The area longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope.

Archeologist. Any person who is:

1. A member of or who meets the criteria for membership in the Society of Professional Archaeologists and can demonstrate experience in the excavation and interpretation of human graves; or
2. Employed by the state or by any county or municipal governing authority as an archeologist.

Archery range. A public or privately owned facility designed and operated for the purpose of archery practice at targets within a controlled setting.

Architectural review. The administrative review and approval of architectural plans, building elevations, exterior materials, colors, and related architectural features for compliance with this ULDC, applicable overlay district requirements, an approved zoning resolution and conditions of approval, and any architectural exhibits incorporated into an approval. Architectural review is conducted by the Planning and Zoning Department or the Architectural Review Committee, as required by this ULDC or the applicable zoning approval. Unless expressly provided otherwise, a requirement for architectural review in an approved zoning resolution or condition means the review described in this definition.

Architectural plan book (plan book). A collection of architectural plans, building elevations, exterior material and color specifications, and related architectural details submitted for architectural review. Unless expressly provided otherwise, the terms “architectural plan book” and “plan book” in an approved zoning resolution or condition mean the document described in this definition.

Area of future-conditions flood hazard. The land area that would be inundated by the one-percent-annual-chance flood based on future-conditions hydrology (100-year future-conditions flood).

Area of shallow flooding. A designated AO or AH Zone on a community's flood insurance rate map (FIRM) with a 1% or greater chance of flooding to an average depth of 1 to three 3 feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of special flood hazard. The land area subject to a 1% or greater chance of flooding in any given year. This includes all floodplain and flood prone areas at or below the base flood elevation designated as zones A, A1-30, A-99, AE, AO, AH, and AR on a community's flood insurance rate map (FIRM).

As-built plans. Detailed construction plans showing completed improvements as constructed.

B

Base flood. The flood having a one-percent chance of being equaled or exceeded in any given year, also known as the "100-year flood."

Base flood elevation. The highest water surface elevation anticipated at any given location during the base flood.

Basement. Any area of a building having its floor subgrade below ground level on all sides.

Battery Energy Storage System (BESS). A large-scale energy storage installation that uses rechargeable batteries to provide backup power or grid stability.

Bed and breakfast inn. See Sec. 6.5.8.

Bedroom. A room that has a closet.

Berm. A planted earthen mound designed to provide visual interest, screen views, reduce noise, or fulfill other such purposes.

Best management practices. A collection of structural practices and measures written by a state agency or other known authority which, when properly designed, installed and maintained, will prove effective in the areas of erosion and sedimentation control, silviculture, stormwater, etc. The term "properly designed" means designed in accordance with the hydraulic design specifications contained in the "Manual for Erosion and Sediment Control in Georgia" specified in O.C.G.A. § 12-7-6(b).

Best management practices plan (BMP plan). A plan consisting of a wide range of management procedures, activities, and prohibitions or practices which control the quality and/or quantity of stormwater runoff and which are compatible with the planned land use.

Block. An area of land within a subdivision or development that is entirely surrounded by streets, public lands, rights-of-way, watercourses, or other well-defined and fixed boundaries.

Body shop. See “vehicle repair, major”.

Breezeway. A roofed, often open, passageway connecting two buildings or halves of buildings. The breezeway connects to each building at an exterior door.

Buffer. A natural or enhanced vegetated landscaped area of a lot. A buffer is maintained and created with the intention to visibly separate different and possible incompatible types of uses, measured from the common property line of the different uses, to shield or block noise, light, glare, or other nuisances, or the area of land immediately adjacent to the banks of state waters in its natural state of vegetation, which facilitates the protection of water quality and aquatic habitat within a water supply watershed adjacent to reservoirs or perennial streams.

Buffer strip. Land area located within the boundary of a lot required to be set aside and used for landscaping and upon which only limited encroachments are authorized.

Build-to line. The line at which construction of a building facade is to occur on a lot. A build-to line runs parallel to the front property line and is established to create an even building facade line on a street.

Buildable area. The portion of a lot where a building may be locate and which is not located within any required yard, landscape strip/area or buffer.

Building. See "Structure".

Building frontage. The exterior wall of a building that faces any road or street that provides a means of direct ingress and egress to the lot.

Building permit. The permit required for new construction, completion of construction, or an interior finish pursuant to the applicable building code. As used in this ULDC, the term does not include permits required for remodeling, rehabilitation, or other improvements to an existing structure provided there is no increase in the demand placed on public facilities.

Building coverage. The area of a lot occupied by all buildings expressed as a percentage of the gross area of the lot.

Building official. The official, or their designee, designated by the Board of Commissioners of Henry County as being responsible for issuing construction permits and certificates of occupancy.

Built environment. The elements of the environment that are generally built or made by people as contrasted with natural processes.

Burial ground. An area dedicated to and used for interment of human remains. The term includes privately owned burial plots, individually and collectively, once human remains have been buried therein.

Burial object. Any item reasonably believed to have been intentionally placed with the human remains at the time of burial or interment or any memorial, tombstone, grave marker, or shrine which may have been added subsequent to interment. Such term also means any inscribed or un-inscribed marker, coping, curbing, enclosure, fencing, pavement, shelter, wall, stoneware, pottery, or other grave object erected or deposited incident to or subsequent to interment.

Business subdivision. See “subdivision”.

C

Caliper. The diameter or thickness of the trunk of a nursery-grown tree measured 4 inches above the top of the root mass.

Canopy roofed structure. A roofed structure that covers an area, or especially one that shelters a passageway between two buildings.

Canopy tree (large tree or shade tree). Any tree, evergreen or deciduous, whose mature height can be expected to exceed 35 feet and whose crown spread can be expected to exceed 30 feet. Examples include Red Maple, Sycamore, English Oak, Willow Oak, Loblolly Pine, or trees of similar stature.

Capital improvement. An improvement with a useful life of 10 years or more, by new construction or other action, which increases the service capacity of a public facility.

Capital improvements element. That portion of the Henry County Comprehensive Plan that sets out projected needs for system improvements during the planning horizon established therein, which

provides a schedule that will meet the anticipated need for system improvements, and which provides a description of anticipated funding sources for each required improvement, as most recently adopted or amended by the Board of Commissioners.

Care home. See Sec. 6.3.2.

Carport. Any parking space having a covered roof but not enclosed by walls accessory to a dwelling unit.

Cemetery. See Sec. 6.4.2.

Certificate of appropriateness. A document evidencing approval by the Historic Preservation Board of an application to make a material change in the appearance of a designated historic property located within a designated historic district.

Certificate of occupancy. A document issued by the Building Official indicating the use of a particular building or land conforms to the requirements of this ULDC.

Channel. A natural or artificial watercourse with a definite bed and banks used to conduct continuously or periodically flowing water.

Channel bank. The sloping land bordering a channel. The bank has a steeper slope than the bottom of the channel and is normally steeper than upland areas adjacent to the channel.

Character. The image and perception of a community as defined by its built environment, landscaping, natural features and open space, types and style of housing, and number and size of roads and sidewalks.

Clean Water Act. The Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

Clinic, medical. See Sec. 6.5.9.

Club. A building or facilities owned or operated by and for special educational or recreational purposes, but not primarily for a profit or to render a service that is customarily carried on for a gain.

Cluster housing. A residential development which provides for the grouping of attached and/or detached single-family dwellings on lots that may be smaller than normally permitted in a certain zoning district for purposes of preserving open space and natural features of the terrain thereby allowing public facilities and services to be provided for more economically. Development shall be limited to not more than 4 units occupying 1 building.

Collocation/site sharing. Use of:

1. A common WCF by two or more wireless license holders or by one wireless license holder for more than one type of communications technology;
2. A common WCF-site by two or more wireless license holders or by one wireless license holder for more than one type of communications technology; or
3. The placement of a WCF on a structure owned or operated by a utility or other public entity (i.e., water tower, billboard, etc.).

Commencement of construction.

1. As it relates to private development, the initiation of physical construction activities as authorized by a development permit and leading to completion of a foundation inspection or other initial inspection and approval by a public official charged with such duties.

2. As it relates to public projects, the expenditure or encumbrance of any funds, whether they be development impact fee funds or not, for a public facilities project, or advertising of bids to undertake a public facilities project.

Commercial kitchen. See Sec. 6.5.4.

Commercial vehicle. A vehicle whose gross vehicle weight rating is over 26,000 pounds, or a trailer with a gross vehicle weight rating of over 10,000 pounds, including commercial tractor-trailers, dump trucks, wreckers, and earth-moving equipment. Agricultural vehicles and equipment and school buses are excluded from this definition.

Common area. Land within a development, not individually owned or dedicated for public use, which is designed and intended for the common use or enjoyment of the residents of the development. Common area may include complementary structures and improvements.

Compatibility. The characteristics of different uses, activities or design which allow them to be located near or adjacent to each other in harmony. Some elements affecting compatibility include the following: height, scale, mass and bulk of structures, pedestrian or vehicular traffic, circulation, access and parking impacts, landscaping, lighting, noise, odor and architecture.

Completion of construction. The issuance of the final certificate of occupancy by the appropriate governmental jurisdiction. The date of completion is the date on which such certificate is issued.

Comprehensive plan. The most recent documents approved by the Board of Commissioners which set forth desired long range development patterns for Henry County, adopted or amended in accord with the State of Georgia Minimum Standards and Procedures for Local Comprehensive Planning.

Concealed telecommunications facility. Any telecommunications facility that is integrated as an architectural feature of an existing structure or any new support structure designed so that the purpose of the facility or support structure for providing wireless services is not readily apparent to a casual observer. Examples may include, but are not limited to, architecturally screened roof-mounted antennas, building-mounted antennas painted to match the existing structure, antennas integrated into architectural elements, antenna structures designed to look like light poles and structures designed to resemble natural features such as trees and rock outcroppings. Concealed facilities are also sometimes known as alternative or stealth facilities.

Conditional use permit. A use within a zoning district of this ULDC which is not permitted as a matter of right but may be permitted upon approval by the Henry County Zoning Advisory Board. A conditional use permit remains in effect until such time as the use is discontinued.

Condemnation. The taking of private property by a government unit for public use, when the owner will not relinquish it through sale or other means; the owner is compensated by payment of market value. The power to take the property is based on the concept of eminent domain.

Condominium. The ownership in fee simple title of a single unit in a multi-unit structure and an undivided ownership interest, in common with other owners of the common elements of the structure, including the common areas of land and its appurtenances.

Confined animal feeding operation. A building or fenced enclosure designed and used for holding or fattening of animals in preparation for market. It does not include the pasturing of animals at densities recommended by the best management practices of the Georgia Department of Agriculture as follows: Horses—one per 43,560 square feet; cows—one per 43,560 square feet; sheep or goats—one per 20,000 square feet; fowl—20 per 43,560 square feet.

Conical surface. The surface that extends outward and upward from the periphery of the horizontal surface at a slope of 20:1 for a horizontal distance of 4,000 feet.

Conservation easement. An agreement between a landowner and Henry County or other government agency or land trust that permanently protects open space or greenspace on the owner's land by limiting the amount and type of development that can take place, but continues to leave the remainder of the fee interest in private ownership.

Construction. Any site, preparation, assembly, erection, substantial repair, alteration or similar action but excluding demolition, for or of public or private right-of-way, structures, utilities or similar property.

Construction activity. Activities subject to the Georgia Erosion and Sedimentation Control Act or NPDES General Construction Permits. These include construction projects resulting in land disturbance. Such activities include, but are not limited to, clearing and grubbing, grading, excavating, and demolition.

Construction standard drawing. The Henry County Construction Standards Manual and related drawings for public improvements.

Cooking facilities. Any device used in the preparation of food, including range, ovens, cook-top surface units, refrigerators, electric warming irons or hot plates, microwave ovens, coffee makers, toaster ovens, and other similar small electric appliances. Freezers separate from or not included within a refrigeration unit are not included in this definition.

Cooling tower. A mechanical device or structure used to dissipate heat from water or other fluids by transferring thermal energy to the atmosphere through evaporation, convection, or conduction. Cooling towers operate as either open systems, in which water is exposed to the atmosphere and subject to evaporative loss, or closed systems, in which water or coolant circulates through a sealed loop without direct atmospheric exposure.

Cornice. The uppermost horizontal molded projection or other uppermost horizontal element located at the top of a building or portion of a building.

Corridor. A street, roadway, river or other linear element connecting major sources of trips that may contain a number of streets, highways, and transit route alignments. A corridor is also defined as all land within the buffer areas established adjacent to reservoirs or perennial streams within a water supply watershed.

Covenant, protective. A contract between private parties which constitute a restriction on the use of a particular parcel of property.

Covenant, restrictive. Private contracts entered into between the developer and purchaser(s) which constitute a restriction on the use of all private property within a development for the benefit of property owners, and provide a mutual protection against undesirable aspects of development which would tend to impair stability of values.

Critical root zone. An area on the ground around a tree that is equal to the reach of the farthest branches, containing sufficient root mass for survival.

Cross access easement. A limited right to make use of a property owned by another to gain access to another property; a right-of-way across the property.

Crosswalk. A public right-of-way used primarily for pedestrians' travel through or across any portion of a block or intersection.

Culvert. A pipe, conduit, or similar enclosed structure with appurtenant works which carries surface or stormwater under or through an embankment or fill, roadway, or pedestrian walk, or other structure.

Curb cut. The providing of vehicular ingress or egress between a property and an abutting public street.

Cupola. A roof or ceiling in the form of a dome or a small structure on a roof, sometimes made of glass and providing natural light inside.

Cut. A portion of land surface or area from which earth has been removed or will be removed by excavation; the depth below original ground surface to excavated surface. Also known as excavation.

Cutting. As it pertains to tree protection, the detaching or separating of any limb, branch, or root from a tree.

D

Day. A calendar day, unless otherwise indicated.

Dead storage. The storage of goods not in use and not associated with any commercial or manufacturing business.

Dead tree. A tree that does not contain any live tissue, i.e., green leaves or live limbs.

Deciduous tree. Any tree which naturally loses its leaves in the fall.

Decision date. The date upon which the director of a department, or their designated representative, makes the final decision on the approval or denial of a permit.

Decommissioning. The process of safely retiring and restoring a data center site to predevelopment conditions or other agreed upon standards once operations permanently cease, including removal of equipment, infrastructure, and remediation of environmental impacts.

Dehumidification system. A system that removes moisture from the air to maintain optimal environmental conditions for server operations.

Density, gross. The total number of dwelling units divided by the total project area, expressed as gross dwelling units per acre.

Density, net. The number of dwelling units per acre of land when the average involved includes only the land devoted to residential uses and excludes such areas as street rights-of-way, flood hazard areas, steep slopes (greater than 25%), and any public land or land intended to be deeded to the public.

Department of Community Affairs (DCA). The Georgia Department of Community Affairs.

Detention. The temporary storage of stormwater runoff in a stormwater management facility for purposes of controlling the peak discharge.

Detention facility. A detention basin or structure designed for the detention of stormwater runoff and gradual release of stored water at controlled rates.

Developer. A person or legal entity who undertakes land development activities.

Development. Any manmade change to improved or unimproved real estate including, but not limited to, buildings or other structures, mining, dredging, filling, clearing, grading, paving, any other installation of impervious cover, excavation or drilling operations or storage of equipment or materials.

Development approval. Written authorization, such as issuance of a building permit, approval for grading or site development, or other forms of official action required by local law or regulation prior to commencement of construction.

Development impact fee. The payment of money imposed upon and paid by new development as a condition of development approval as its proportionate share of the cost of system improvements needed to serve it.

Development of regional impact (DRI). A development project, regardless of the mix of land uses, which is likely to have impacts to the transportation network and environment beyond the limits of the jurisdiction in which it is being constructed.

Development, unified. Any project or group of related projects constructed or planned for construction on a single parcel or on contiguous parcels under single ownership.

Development rights. A governmentally recognized entitlement to use or develop land at a certain density, or intensity, or for a particular purpose.

Diameter at breast height (DBH). A forestry term that takes the thickness measurement of a tree at 4.5 feet above the ground, usually expressed in inches.

Directed downward. A requirement that the light fixture be installed and angled so all emitted light is aimed toward the ground, not outward or upward.

Director of Transportation Planning. The Director of Transportation Planning [or county engineer], or their designee.

Drainage easement. An easement appurtenant or attached to a tract or parcel of land allowing the owner of adjacent tracts or other persons to discharge stormwater runoff onto the tract or parcel of land subject to the drainage easement.

Drainage structure. A device composed of a virtually nonerodible material such as concrete, steel, plastic, or other such material that conveys water from one place to another by intercepting the flow and carrying it to a release point for stormwater management, drainage control, or flood control purposes.

Drive-through. See Sec. 6.8.4.

Drive-in restaurant. See Sec. 6.5.13

Dwelling. A building or portion thereof which is designed or used exclusively for residential purposes, including single-family, two-family, multiple-family dwellings, rooming and boarding houses, fraternities, sororities and modular dwellings, but not including hotels or motels.

Accessory dwelling unit. See Sec. 6.8.3.

Cottage court. See Sec. 6.3.1.

Duplex or two-family. See Sec. 6.3.1.

Multifamily. See Sec. 6.3.1.

Quadruplex. See Sec. 6.3.1.

Single-family. See Sec. 6.3.1.

Townhouse. See Sec. 6.3.1.

Triplex. See Sec. 6.3.1.

Dwelling unit. One room, or rooms connected together, constituting a separate, independent household establishment for owner occupancy, for rental or lease on a weekly, monthly, or longer basis and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent living, sleeping, toilet and a single kitchen with cooking facilities.

E

Easement. A grant of one or more property rights by a property owner to the general public, a public utility, a governmental unit, or a private individual or corporation for the use of a portion of the owner's land for a specific purpose, or use as a means of access to other property. Easements shall be designated "public" or "private" depending upon the nature of the usage.

Eave. The projecting lower edges of a roof overhanging the wall of a building.

Electric vehicle. Any vehicle that is licensed and registered for operation on public and private roadways, roads, and streets and operates either partially or exclusively on energy from the grid, or an off-board source, that is stored on-board for motive purposes. Includes battery electric vehicles and plug-in hybrid vehicles.

Electric vehicle charging station. A public or private parking space that is served by electric vehicle supply equipment that has as its primary purpose the transfer of electric energy (by conductive of inductive means) to a battery or other energy storage device in an electric vehicle. An electric vehicle charging station equipped with Level-1 or Level-2 charging equipment is permitted as an accessory use to any principal use.

1. **Electric vehicle charging station, private use**. An electric vehicle charging station that is (1) privately owned and restricted access (e.g. single-family home, designated employee parking) or (2) publicly owned and restricted (e.g. fleet parking with no access to the general public).
2. **Electric vehicle charging station, public use**. An electric vehicle charging station that is (1) publicly owned and publicly available (e.g. on-street parking and County-owned parking facilities) or (2) privately owned and publicly available (e.g. shopping center parking, non-reserved parking in multi-family parking lots or structures).

Electric vehicle supply equipment (EVSE). The conductors, including the ungrounded, grounded, and equipment grounding conductors and the electric vehicle conductors, attachment plugs, and all other fittings, devices, power outlets, or apparatus installed specifically for purposes of delivering energy from the premises wiring to the electric vehicle, complying and conforming with National Electric Code Article 625 as such standard may be from time to time amended.

Elevated building. A non-basement building which has its lowest elevated floor raised above the ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

Embodied carbon. Greenhouse Gas (GHG) Emissions from the manufacturing, transportation, installation, maintenance, and disposal of building infrastructure materials.

Emergency generator. A backup energy source designed to provide temporary power during outages, subject to noise and emission limitations under County review.

Encumber. To legally obligate by contract or otherwise commit to use by appropriation or other official act of Henry County, Georgia.

Energy Refuse Effectiveness (ERE). A measurement of the efficiency with which a data center reuses recovered energy for other purposes, such as heating or local utility exchange.

Enforcer. The person, officer, official, or their authorized representative, designated by the Board of Commissioners, Henry County, as its agent for the administration of the provisions of the ULDC.

Equipment facility. Any structure used to contain ancillary equipment for a WCF which included cabinets, shelters, a buildout of an existing structure, pedestals, and other similar structures.

Erect. To build, paint, construct, attach, hang, place, suspend, assemble or affix.

Erosion. The process by which land surface is worn away by the action of wind, water, ice or gravity.

Erosion and sedimentation control plan. A plan that is designed to minimize and control the accelerated soil erosion and sedimentation runoff resulting from a land disturbing activity.

Essential public services. The components of potable water systems, sanitary sewer systems, drainage systems, gas, electricity, cable, television, telephone, and other utilities and services that deliver the service to individual properties. Included are cables, utility poles, pipes, mains, lift stations, switch boxes, culverts, and the like. Specifically excluded are high voltage towers, wireless communication towers, and electrical substations.

Evergreen tree. Any tree that retains green leaves throughout the year. This includes magnolias and tree-type hollies, as well as pines and cedars.

Excess capacity. That portion of the capacity of a public facility or system of public facilities which is beyond that necessary to provide adequate service to existing development at the adopted level-of-service standard.

Exempt. A project which has been determined to have negligible impacts to emissions and air quality and, therefore, is not typically incorporated into travel demand modeling and emissions analyses. Typical exempt projects include bicycle and pedestrian facilities, facilities to support transit services (but not the services themselves), studies, minor intersection improvements and safety upgrades.

Existing construction. Any structure for which the "start of construction" commenced before March 17, 2026.

Existing manufactured home park or subdivision. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed before September 15, 2009.

Expansion to an existing manufactured home park or subdivision. The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Extended detention. The detention of stormwater runoff for an extended period, 24 hours or longer.

Extreme flood protection. Measures taken to prevent adverse impacts from large low-frequency storm events with a return frequency of 100 years or more.

F

Facade.

1. Primary facade. The exterior wall surface(s) across the building front, extending from grade to top of the parapet, wall, gable, or eaves and from side corner to side corner that are visible from any location on the street or main parking area and includes the primary entrance into the building. If the building faces more than one parking area or street, the largest exterior wall of the building with a primary entrance most near to parallel to the widest street or largest parking area to which the building faces will be considered the primary facade.
2. Secondary facade. Any exterior wall of a building not considered the primary facade.

Family. One or more persons occupying a dwelling and living as a single housekeeping unit. The term does not include persons occupying a boarding house, lodging house, hotel, fraternity or sorority house.

Farm. A farm includes all places of three or more acres devoted to the raising of agricultural products regardless of the quantity or value of production.

Fee payer. That person or entity who pays a development impact fee, or his or her legal successor in interest when the right or entitlement to any refund of previously paid development impact fees required has been expressly transferred or assigned to the successor in interest.

Feedlot. Land devoted to confinement feeding of livestock. A lot or building or combination lots and buildings intended for the confined feeding, breeding, raising or holding of livestock while being fattened for slaughter and where animal waste may accumulate, but not including barns, pens or similar structures not intended for the fattening of animals for slaughter.

Federal Emergency Management Agency (FEMA). The federal agency which administers the National Flood Insurance Program. This agency prepares, revises, and distributes the flood maps and studies adopted in this ULDC.

Fence. An artificially constructed structure, usually but not always designed with some measure of transparency, intended for use as a boundary, means of protection, screening or confinement. See Sec. 7.2.5 for fence standards,

Fill. A portion of land surface to which soil or other solid material has been added; the depth above the original ground.

Finished grade. See “grade”.

Firing range. A public or privately owned facility designed and operated for the purpose of discharge of rifles, shotguns and handguns at targets within a controlled setting.

Flag lot. See Sec. 2.1.1.

Flood or flooding. A general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters; or
2. The unusual and rapid accumulation or runoff of surface waters from any source.

Flood hazard area. The area possibly threatened by periodic flooding as determined by various data, e.g., maps provided by the United States Department of Housing and Urban Development, United States

Soil Conservation Service, Army Corps of Engineers, or hydrological studies utilizing generally accepted engineering practices. Flood hazard areas shall include all lands underneath a permanent body of water, e.g., a lake, pond, river, and stream, and all land within the limits of a flood hazard area having a one-hundred-year return frequency.

Flood hazard boundary map (FHBM). An official map of a community, issued by the Federal Insurance Administration, where the boundaries of areas of special flood hazard have been defined as zone A.

Flood insurance rate map (FIRM). An official map of a community, issued by FEMA, delineating the areas of special flood hazard and/or risk premium zones applicable to the community.

Flood insurance study (FIS). The official report by FEMA providing an examination, evaluation and determination of flood hazards and corresponding flood profiles and water surface elevations of the base flood.

Floodplain. Any land area susceptible to flooding with at least a one-percent probability of flooding occurrence in any calendar year based on the basin being fully developed as shown on the current land use plan.

Floodproofing. Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway or regulatory floodway. The channel of a stream, river or other watercourse and the adjacent land areas of the floodplain which is necessary to contain and discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Floodplain or flood-prone area. Any land area susceptible to flooding.

Floodproofing. Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floor area. The total number of square feet of floor area in a building determined by horizontal measurements between the exterior faces of the outside walls, but excluding any attic, unfinished basement area, breezeway, balcony, cellar, porch, or verandah.

Frontage. See Sec. 2.1.1.D.

Fuel cell system. An energy generation system that produces electricity through a chemical reaction, often used as a cleaner backup power source.

Full cutoff housing. A light fixture designed so that no light is emitted above a horizontal line.

Fully shielded. A light fixture where the light source is completely enclosed by an opaque or solid shield to prevents the bulb from being visible from the side or above and minimize glare and light trespass.

Functionally dependent use. A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

Functional street classification. A hierarchical ranking based on the degree of mobility and access that a street provides. Streets are generally classified as arterials, collectors and local streets. See “streets”.

Future-conditions flood. The flood having a one-percent chance of being equaled or exceeded in any given year based on future-conditions hydrology. Also known as the 100-year future-conditions flood.

Future-conditions flood elevation. The highest water surface elevation anticipated at any given location during the future-conditions flood.

Future-conditions floodplain. any land area susceptible to flooding by the future-conditions flood.

Future-conditions hydrology. The flood discharges associated with projected land-use conditions based on a community's zoning maps, comprehensive land-use plans, and/or watershed study projections, and without consideration of projected future construction of stormwater management (flood detention) structures or projected future hydraulic modifications within a stream or other waterway, such as bridge and culvert construction, fill, and excavation.

G

Garage, parking. A structure, lot or any portion thereof which is open to the public in which one or more vehicles are housed or kept, not including exhibition, show rooms, storage of cars or cars for sale.

Garage, repair. A building or structure used to house, cover or protect automobiles or other vehicles from the elements while repairs are being made thereto.

Glare. Intense or uncontrolled brightness that reduces visibility or causes discomfort. Often the result of a bare bulb or unshielded light shining onto adjacent properties or roadways.

Glare shields. Attachments added to light fixtures to block direct views of the lamp and control spillover light.

Global Warming Potential (GWP). A measure of how much energy the emission of 1 ton of a gas will absorb over a given period of time, relative to the emission of 1 ton of carbon dioxide (CO_2). The larger the GWP, the more that a given gas warms the Earth compared to CO_2 over that time period. The period usually used for GWPs is 100 years.

Grade. The lowest point of elevation of the finished surface of the ground immediately surrounding the building or structure.

1. **Finished grade**. The final elevation and contour of the ground after cutting or filling and conforming to the proposed design.
2. **Highest adjacent grade**. The highest natural elevation of the ground surface adjacent to the proposed foundation walls of a structure prior to construction.

Grade, roadway. The slope (ratio of change in elevation to change in distance) or a roadway typically given in percent. For example, a 2% grade represents 2 feet of elevation change over a 100-foot distance.

Grading. Altering the shape of ground surfaces to a predetermined condition; this includes stripping, cutting, filling, stockpiling and shaping or any combination thereof and shall include the land in its cut or filled condition.

Greenspace. Any area protected as permanently vegetated land.

Ground elevation. The original elevation of the ground surface prior to cutting or filling.

H

Hardship. The presence of some unique or rare condition of land, different in type and extent from other land in the same location or in the same zoning district.

Hazardous material. Any substance defined as "hazardous waste" by the Georgia Department of Natural Resources pursuant to O.C.G.A. § 12-8-60 et seq. as amended.

Hazard to air navigation. An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.

Hazardous waste. Any solid waste which has been defined as "hazardous waste" in regulations promulgated by the Administrator of the United States Environmental Protection Agency pursuant to the Federal Act which are in force and effect on February 1, 1991, codified as 40 C.F.R. Section 261.3, as amended, and any designated hazardous waste. Includes any substance defined as "hazardous waste" by the Georgia Department of Natural Resources pursuant to O.C.G.A. § 12-8-60 et seq., as amended.

Heat reuse. The capture and redirection of waste heat from data centers for other uses, such as heating nearby facilities or water systems.

Height. See Sec. 2.1.3.A.

Heliport. A designated area for landing and takeoff of rotorcraft.

Henry County's separate storm sewer system. Any facility designed or used for collecting and/or conveying stormwater, including, but not limited to, any roads with drainage systems, highways, Henry County streets, curbs, gutters, inlets, catch basins, piped storm drains, pumping facilities, structural stormwater controls, ditches, swales, natural and manmade or altered drainage channels, reservoirs, and other drainage structures, and which is:

1. Owned or maintained by unincorporated Henry County;
2. Not a combined sewer; and
3. Not a part of a publicly-owned treatment works.

Historic district. A geographically definable area, possessing a significant concentration, linkage, or continuity of sites, buildings, structures or objects united by past events or aesthetically by plan or physical development. A district may also comprise individual elements separated geographically but linked by association or history. A historic district may also be an area designated by the Board of Commissioners as a historic district pursuant to the criteria established in the Georgia Historic Preservation Act.

Historic structure.

1. With respect to the general provision of this ULDC, structures in Henry County which have been formally designated as a historic structure by the County Historic Preservation Board or Georgia Historic Preservation Division of the Department of Natural Resources or the United States Department of the Interior.
2. With respect to Sec. 9.2. Floodplain Management, a structure that is:

(a) Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(c) Individually listed on a state inventory of historic places by states with historic preservation programs which have been approved by the Secretary of the Interior; or

(d) Individually listed on a local inventory of historic places by communities with historic preservation programs that have been certified either:

i. By an approved state program as determined by the Secretary of the Interior, or

ii. Directly by the Secretary of the Interior in states without approved programs.

Home occupation. See Sec. 6.8.7

Horizon year. The horizon year is 20 years into the future from the year during which a traffic impact study is being prepared, unless otherwise specified or approved by the director of transportation planning.

Hospice care facility. Hospice care provides humane and compassionate care for people in the last phases of incurable disease so that they may live as fully and comfortably as possible. Hospice is to enable patients to continue an alert, pain-free life and to manage other symptoms so that their last days may be spent with dignity and quality, surrounded by their loved ones. Hospice affirms life and does not hasten or postpone death. Hospice care treats the person rather than the disease; it focuses on quality rather than length of life. It provides family-centered care; care is provided for the patient and family 24 hours a day, 7 days a week. Hospice care can be given in the patient's home, a hospital, nursing home, or private hospice facility.

Hospital. See Sec. 6.5.9.

Hotel. See Sec. 6.5.8.

Hotspot. An area where the use of the land has the potential to generate highly contaminated runoff, with concentrations of pollutants in excess of those typically found in stormwater.

Hydrologic soil group (HSG). A Natural Resource Conservation Service classification system in which soils are categorized into four (4) runoff potential groups. The groups range from group A soils, with high permeability and little runoff produced, to group D soils, which have low permeability rates and produce much more runoff.

I

Illicit discharge. Any direct or indirect nonstormwater discharge to Henry County's separate storm sewer system, except as exempted in this ULDC.

Illegal connection. Either of the following:

1. Any pipe, open channel, drain or conveyance, whether on the surface or subsurface, which allows an illicit discharge to enter the storm drain system including, but not limited to, any

conveyances which allow any nonstormwater discharge including sewage, process wastewater, and wash water to enter the storm drain system, regardless of whether such pipe, open channel, drain or conveyance has been previously allowed, permitted, or approved by an authorized enforcement agency; or

2. Any pipe, open channel, drain or conveyance connected to Henry County's separate storm sewer system which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

Impervious surface (or impervious cover). Any manmade paved, hardened or structural surface composed of any material that significantly impedes or prevents the natural infiltration of water or stormwater into the ground below the structure or surface into soil. Impervious surfaces include, but are not limited to, rooftops, buildings, streets and roads, swimming pools and any concrete or asphalt surface.

Improvements. Physical changes to the land which are necessary to create useable lots including, but not limited to, grading and paving streets, sewer and water facilities, hydrants, sidewalks, monuments, changes to existing utilities, and stormwater drainage and detention systems.

Individual assessment determination. A finding by the Director that an individual assessment study does or does not meet the requirements for such a study as established by this article or, if the requirements are met, the fee calculated therefrom.

Individual assessment study. The engineering, financial, or economic documentation prepared by a fee payer or applicant to allow individual determination of a development impact fee other than by use of the applicable fee schedule.

Indoor play space. Play space required inside the principal structure of child care centers set aside for children's recreation and play. The area provided must be at least 35 square feet of indoor play space for each child.

Industrial activity. Activities subject to NPDES industrial permits as defined in 40 CFR, Section 122.26(b)(14).

Industrialized building. Any structure or component thereof which is wholly or in substantial part made, fabricated, formed, or assembled in manufacturing facilities for installation on a building site and has been manufactured in such a manner that all parts or processes cannot be inspected at the installation site without disassembly, damage to, or destruction thereof. Industrialized buildings are constructed and regulated in accordance with the "Industrialized Buildings Act", Georgia Law 1981 pp 1637—1643 (O.C.G.A., § 8-2-2(1)).

Industrial stormwater permit. A National Pollutant Discharge Elimination System (NPDES) permit issued to an industry or group of industries which regulates the pollutant levels associated with industrial stormwater discharges or specifies on-site pollution control strategies.

Inert construction waste. Waste building materials and other waste resulting from the construction, remodeling or repair of houses, buildings and other structures which will not or are not likely to cause production of leachate of environmental concern. Such waste is limited to earth and earth-like products, concrete, cured asphalt, rock, bricks, yard trimmings, stumps, limbs and leaves. This definition excludes all waste not specifically listed above. (See Section 3-5-109(f) of the Henry County Code of Ordinances.)

Infill. Development of vacant or remnant lands passed over by previous development in the area.

Infiltration. The process of percolating stormwater runoff into the subsoil.

Infrastructure. Manmade structures and systems which serve the common needs of the population, such as: sewage disposal systems; potable water systems; potable water wells serving a system; solid waste disposal sites or retention areas; stormwater systems; utilities; piers; docks; wharves; breakwaters; bulkheads; seawalls; bulwarks; revetments; causeways; marinas; navigation channels; bridges; and roadways.

Inoperable vehicle. Any motorized vehicle incapable of immediately being driven.

Inspection and maintenance agreement. A written agreement providing for the long-term inspection and maintenance of stormwater management facilities and practices on a site or with respect to a land development project, which when properly recorded in the deed records constitutes a restriction on the title to a site or other land involved in a land development project.

Internal trips. Trips that are made within a multi-use or mixed-use development, by vehicle or by an alternate mode, such as walking.

Institutional use. Activities for civic, cultural, educational, social, or governmental purposes.

Interparcel connection. A vehicular and pedestrian road, street or lane, including sidewalks, for public use to gain access to adjacent residential, commercial, industrial and mixed-use subdivisions and developments.

Interior landscape area. An area to be landscaped located in the interior area of a development or building site where vehicular parking spaces are to be provided, or which is otherwise intended to be covered with impervious surface.

J

Junk or salvage yard. See Sec. 6.6.10.C.

Junked vehicle. Any wrecked, inoperable, or dismantled automobile, truck or other vehicle which does not bear a current state license plate.

Jurisdictional wetland. An area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of vegetation typically adapted for a life in saturated soil conditions, commonly known as hydrophytic vegetation.

K

Kennel. The following constitute a kennel:

1. **Commercial kennel**: Any location which provides boarding and care for 5 or more dogs, cats, or other small animals for profit.
2. **Noncommercial kennel**: Any single-family residence in the R-A zoning district where no more than 10 adult dogs and/or cats are kept as pets for the noncommercial purpose of hunting, exhibition in shows, field trials or breeding. Surplus offspring bred at such kennels to enhance or perpetuate any given breed, recognized by the American Kennel Club, may be sold at such kennels and not be considered a commercial activity. All animals kept or maintained in said

kennel must be owned by the individual or family residing upon the lot upon which the kennel is located.

Kindergarten. A state-approved institution for the education of pre-school aged children.

Kitchen. A room or interior area equipped for preparing and cooking food.

L

Ldn noise contour. A line linking together a series of points of equal cumulative noise exposure, based upon airport flight patterns, number of daily operations by type of aircraft, and typical runway utilization patterns.

Land development. See “development”.

Land development activities. Those actions or activities which comprise, facilitate or result in land development.

Land development project. A discrete land development undertaking.

Land disturbance. Any land or vegetation change, including, but not limited to, clearing, grubbing, stripping, removal of vegetation, dredging, grading, excavating, transporting, and filling of land, that do not involve construction, paving or any other installation of impervious cover.

Land disturbing activity. Any activity which may result in soil erosion from water or wind and the movement of sediments into state waters or onto lands within the state, including, but not limited to, clearing, dredging, grading, excavating, transporting, and filling of land but not including agricultural practices.

Land disturbance permit. An official authorization issued by the Building Official allowing defoliation or alteration of a site or the commencement of any construction activities including, but not limited to, clearing, grubbing, grading, and excavating, transporting and filling of land. The term does not include agricultural practices as defined in the O.C.G.A. § 1-3-3.

Landscape plan. A detailed plan depicting proposed landscaping which must accompany all site plans submitted for development approval when required by this ULDC.

Large quantity generator of hazardous waste. Any person, corporation, partnership, association or other legal entity that is defined as a "large quantity generator" by the Georgia Department of Natural Resources pursuant to O.C.G.A. § 12-8-60 et seq., as amended, and that is regulated by the State of Georgia under that section.

Larger common plan of development or sale. A contiguous area where multiple separate and distinct construction activities are occurring under one plan of development or sale. For the purposes of this paragraph, "plan" means an announcement; piece of documentation such as a sign, public notice or hearing, sales pitch, advertisement, drawing, permit application, zoning request, or computer design; or physical demarcation such as boundary signs, lot stakes, or surveyor marking, indicating that construction activities may occur on a specific plot.

Level of service (LOS). A quantitative and qualitative measure of how well traffic flows on a given street or highway. Level of service relates to such factors as highway width, number of lanes, percentage of trucks, total traffic volume, turning movements, lateral clearances, grades, sight distance, capacity in

relation to volume, travel speed and other factors which affect the quality of flow. Level of service is typically summarized by letter grades described as follows:

Level "A" is a condition with low traffic volumes, high speeds and free-flow conditions.

Level "B" is a condition with light traffic volumes, minor speed restrictions and stable flow.

Level "C" is a condition with moderate traffic volumes, where speed and maneuvering are restricted to a limited degree by the amount of traffic.

Level "D" is a condition with heavy traffic operating at tolerable speeds, although temporary slowdowns in flow may occur.

Level "E" is a condition of very heavy flow and relatively low speeds. Under Level "E" the traffic is unstable and short stoppage may occur.

Level "F" is a condition of extremely heavy flow, with frequent stoppage and very slow speeds. It is an unstable traffic condition under which traffic often comes to a complete halt.

Litter. Any organic or inorganic waste material, rubbish, refuse, garbage, trash, hulls, peelings, debris, grass, weeds, ashes, sand, gravel, slag, brickbats, metal, plastic, and glass containers, broken glass, dead animals or intentionally or unintentionally discarded materials of every kind and description which are not "waste" as such terms defined on O.C.G.A., § 16-7-51(6).

Loading space. Space logically and conveniently located for bulk pickups and deliveries, scaled to the size of delivery vehicles expected to be used.

Local issuing authority. The governing authority of any county or municipality which is certified pursuant to O.C.G.A § 12-7-8(a).

Lodge. A membership organization that holds regular meetings and that may, subject to other regulations controlling such uses, maintain dining facilities, serve alcohol, or engage professional entertainment for the enjoyment of dues-paying members and their guests. There are no sleeping facilities.

Lot. See Sec. 2.1.1.

Lot coverage. A percentage factor which, when multiplied by the total area of any lot, establishes the total area of impervious cover which may be built on said lot. Includes buildings, accessory structures, driveways, walkways, and parking areas.

Lot line. A line established through recordation of an approved plat, or a deed in the absence of a platting requirement, which separates a lot from other lots, or a lot from rights-of-way.

Lot of record. An individual lot or a lot which is a part of a subdivision, the map of which has been recorded in the office of the clerk of superior court of Henry County, Georgia, or a parcel of land the deed of which has been recorded in the office of the clerk of superior court of Henry County.

Louvres. Slatted or fin-style components installed on or inside a light fixture to block or redirect light, helping reduce visibility of the light source and reduce glare.

Lowest floor.

1. The lowest floor of the lowest enclosed area, including basement.

2. The term does not include an unfinished or flood resistant enclosure used solely for the parking of vehicles, building access or storage in an area other than a basement; provided that such enclosure is not built so as to render the structure in violation of other provisions of this ULDC.

M

Major recreational equipment. Boats and boat trailers, travel trailers, pickup campers or coaches (designed to be mounted on automotive vehicles), motorized dwelling, motor coaches, tent trailers, and cases or boxes used for transporting recreational equipment, whether occupied by such equipment or not.

Master development plan. A written and graphic submission for a mixed-use development which represents a tract of land, proposed subdivision, the location and bulk of buildings and other structures, density of development, public and private streets, parking facilities, common open space, public facilities and all covenants relating to use thereof. The master development plan is submitted in conjunction with a rezoning application for the MU zoning district.

Material change in appearance. A change that will affect either the exterior architectural or environmental features of a historic property or any building, structure, site, object, or landscape feature within a historic district, such as:

1. A reconstruction or alteration of the size, shape or façade of a historic property, including relocation of any doors or windows or removal or alteration of any architectural features, details or elements;
2. Demolition or relocation of a historic structure;
3. Commencement of excavation for construction purposes;
4. A change in signage visible from the public right-of-way; or
5. The erection, alteration, restoration or removal or any buildings or other structure within a historic property or district, including walls, fences, steps and pavements, or other appurtenant features.

Metropolitan River Protection Act (MRPA). A state law referenced as O.C.G.A. § 12-5-440 et seq., which addresses environmental and developmental matters in certain metropolitan river corridors and their drainage basins.

Microgrid. A localized network of energy sources that can operate independently from the main electrical grid to improve energy resilience and reliability.

Mini-warehouse. A building or portion of a building used for dead storage, mainly of the excess personal property of an individual or family, but also of small amounts of goods or merchandise for businesses or individuals. A mini-warehouse is considered “self-storage” for the purposes of this ULDC.

Mixed-use development. A development project that incorporates two or more types of land uses or activities, such as residential, commercial, office, and/or industrial. A mixed-use development has the different types of land uses in proximity, vertically or horizontally, planned as a unified complementary whole, and functionally integrated to the use of shared vehicular and pedestrian access and parking areas.

Mobile food services. See Sec.6.9.2.

Mobile home community. A mobile home development with continuing local general management and with special facilities for common use by the occupants, including such items as common recreational building and areas, common open space, laundries and the like.

Mobile home development. A mobile home development included mobile home parks, mobile home subdivisions and mobile home condominiums.

Mobile home park. A parcel of land that has been planned and improved for the placement of mobile homes for living or sleeping purposes, or where spaces or lots are set aside and offered for rent for use by mobile homes for living or sleeping purposes, including any land, building or structure or facility used by occupants of mobile homes on such premises. A mobile home park does not include an automobile or mobile home sales lot on which unoccupied mobile homes are parked for inspection or sale.

Mobile home or manufactured home subdivision. A tract of land that is used, designated, maintained or held out for sale of lots to accommodate mobile homes or manufactured housing. A mobile home or manufactured home subdivision shall meet the requirements of the zoning district in which it is located.

Monopole. A single, freestanding pole-type structure supporting one or more antenna. For purposes of this ULDC, a monopole is not a tower.

Motel. See Sec. 6.5.8.

Move in house or structure. A pre-existing dwelling or structure relocated to another lot or on the same lot.

N

National Geodetic Vertical Datum, as corrected in 1929. A vertical control used as a reference for establishing varying elevations within the floodplain.

National Pollutant Discharge Elimination System (NPDES) Stormwater Discharge Permit. A permit issued by the Georgia EPD under authority delegated pursuant to 33 USC § 1342(b) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

Natural area. An area of natural vegetation that is generally undisturbed, unmaintained, and is self-perpetuating. It includes not only trees, but also native shrubs, ground covers, wildflowers, vines, and grasses.

Natural vegetated area. An undeveloped area largely free from human disturbance where naturally occurring vegetation is allowed to remain undisturbed or is enhanced and maintained by human intervention. Activities specifically allowed in such an area include, but are not limited to: Conservation or preservation of soil, water, vegetation, fish, shellfish and other wildlife; outdoor recreational activities, including hunting, fishing, trapping, bird watching, hiking, boating, horseback riding, swimming, canoeing, skeet and trap shooting; education, scientific research and nature trails; maintenance or repair of lawfully located roads, structures and utilities used in the service of the public, provided that the work is conducted using best management practices to ensure that negative effects on the previous nature of the land shall be minimized; and limited excavating, filling and land disturbance necessary for the repair and maintenance of structures necessary to the uses permissible in the area as above.

Natural ground surface. The ground surface in its original state before any grading, excavation or filling.

Nephelometric turbidity units (NTU). Numerical units of measure based upon photometric analytical techniques for measuring the light scattered by finely divided particles of a substance in suspension. This technique is used to estimate the extent of turbidity in water in which colloidally dispersed particles are present.

Net acreage. The total acreage of any parcel or combined parcels of land to be developed as a single project, less the sum of the following: total number of acres contained in the 100-year flood hazard area, total number of acres contained in rights-of-ways and the total number of acres contained in detention or retention ponds to be constructed.

New construction. Any structure for which the "start of construction" commenced on or after March 17, 2026 and includes any subsequent improvements to the structure.

New development. A land development activity on a previously undeveloped site.

New trips. Total vehicle trips, minus pass-by trips, minus internal trips, if applicable.

Noise monitoring. The continuous or periodic measurement of sound levels to verify compliance with established noise thresholds and mitigation requirements.

Noncombustible material. Any material which will not ignite at or below a temperature of one thousand two hundred degrees Fahrenheit (1,200°F) and will not continue to burn or glow at that temperature.

Nonconformity or nonconforming use. A land use activity, building or structure legally established prior to adoption of this ULDC, or subsequent amendment to it, that would not otherwise be permissible under the current provisions of this ULDC. See also Sec. 10.7.

Nonpoint source pollution. A form of water pollution that does not originate from a discrete point such as a sewage treatment plant or industrial discharge, but involves the transport of pollutants such as sediment, fertilizers, pesticides, heavy metals, oil, grease, bacteria, organic materials and other contaminants from land to surface water and groundwater via mechanisms such as precipitation, stormwater runoff, and leaching. Nonpoint source pollutions are a by-product of land use practices such as agricultural, silvicultural, mining, construction, subsurface disposal and urban runoff sources.

Nonstormwater discharge. Any discharge to the storm drain system that is not composed entirely of stormwater.

Nonstructural stormwater management practice (nonstructural practice). Any natural or planted vegetation or other nonstructural component of the stormwater management plan that provides for or enhances stormwater quantity and/or quality control or other stormwater management benefits, and includes, but is not limited to, riparian buffers, open and green space areas, overland flow filtration areas, natural depressions, and vegetated channels.

North American Vertical Datum (NAVD) of 1988. A vertical control used as a reference for establishing varying elevations within the floodplain.

Nursery school, kindergarten schools. See “day care”.

O

Object. A material thing of functional, aesthetic, cultural, historical or scientific value that may be, by nature or design, movable yet related to a specific setting or environment.

Octave band analysis. A method of sound analysis dividing noise into frequency bands to identify and mitigate specific tonal or low frequency sounds.

Off-site facility. A stormwater management facility located outside the boundaries of the site.

Open space. See Sec. 7.3.

Operator. The party or parties that have:

1. Operational control of construction project plans and specifications, including the ability to make modifications to those plans and specifications; or
2. Day-to-day operational control of those activities that are necessary to ensure compliance with a stormwater pollution prevention plan for the site of other permit conditions, such as a person authorized to direct workers at a site to carry out activities required by the stormwater pollution prevention plan or to comply with other permit conditions.

Outdoor play area. An area outside the principal structure designed and set aside for recreation and play in the open air and sunshine and may contain some play equipment.

Outside storage. See Sec. 6.8.8.

Overbank flood protection. Measures taken to prevent an increase in the frequency and magnitude of out-of-bank flooding (i.e., flow events that exceed the capacity of the channel and enter the floodplain), and that are intended to protect downstream properties from flooding for the two-year through twenty-five-year frequency storm events.

Overhang. The edge of a roof that projects out over the space or wall beneath.

Overlay zoning district or overlay district. A defined geographic area that encompasses one or more underlying zoning districts and that superimposes additional requirements above those required by the underlying zoning district. An overlay district can be coterminous with existing zoning districts or containing only parts of one or more such districts.

Owner. The legal or beneficial owner of a site, including, but not limited to, a mortgagee or vendee in possession, receiver, executor, trustee, lessee or other person, firm or corporation in control of the site.

P

Parcel. See “lot”.

Parking, off-street. Parking that is not located within a right-of-way.

Parking, on-street. Parking that is located within a right-of-way.

Parking space. An indoor or outdoor area designated for the parking of one vehicle on an all-weather surface.

Parking structure. A building containing either two or more levels of above ground parking or one or more levels of below-ground parking.

Pass-by trips. Vehicle trips which are made by traffic already using the adjacent roadway and entering the site as an intermediate stop on the way to another destination.

Patio cover. An attached structure with open, screened or glazed walls which is used only for recreational, outdoor living purposes associated with the dwelling unit and not as carports, garages, storage rooms or habitable rooms.

Pavement width. The cross-section width of a paved road measured from the edges of pavement.

Peak hour. From 7:00 a.m. to 8:00 a.m., or 8:00 a.m. to 9:00 a.m. or the highest four fifteen-minute increments within such time period for the a.m. peak hour; 4:00 p.m. to 5:00 p.m., 5:00 p.m. to 6:00 p.m. or the highest four fifteen-minute increments within such a time period for the p.m. peak hour.

Peak-hour trip generation study. A study by a qualified professional of one or more actual developments of similar land use and development characteristics which provides empirical data on the actual number of trips entering and exiting said development(s) during the a.m. and p.m. peak hour. A peak-hour trip generation study shall consist of a.m. and p.m. peak hour traffic counts by direction (entering and exiting) on at least three separate weekdays if the study is based on only one similar development, or at least one a.m. and p.m. traffic count for three different actual developments. The results of actual traffic counts from peak-hour trip generation studies may be adjusted to discount pass-by trips as provided in this ordinance.

Perennial stream. Any stream which flows throughout the entire year, as shown as a solid blue line on a United States Geological Survey (USGS) 7-minute Topographic Series Maps (1:24,000).

Perimeter landscape area. An area to be landscaped which is located between the buffer area required by the ULDC and the interior landscape area, as defined in this ULDC.

Permit. The permit issued by the Henry County to the applicant which is required prior to undertaking any development activity.

Person. Any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, state agency, municipality or other political subdivision of this state, any interstate body or any other legal entity.

Pet. A tame animal kept for companionship or pleasure. In all residential zoning districts the maximum number of pets allowed per residence is four.

Place of worship. See Sec. 6.4.1.

Planning and Zoning Department. The professional planning staff of Henry County, Georgia, responsible for administering the zoning ordinance, subdivision regulations and comprehensive land use plan.

Plat. A map indicating the subdivision, combination, or resubdivision of land, intended to be filed for recording.

Pollutant. Anything which causes or contributes to pollution. Pollutants may include, but are not limited to: Paints, varnishes, and solvents; petroleum hydrocarbons; automotive fluids; cooking grease; detergents (biodegradable or otherwise); degreasers; cleaning chemicals; nonhazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects and accumulations, so that same may cause or contribute to pollution; floatable objects; pesticides, herbicides, and fertilizers; liquid and solid wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; concrete and cement; and noxious or offensive matter or any kind.

Pollution. The contamination or other alteration of any water's physical, chemical or biological properties by the addition of any constituent and includes, but is not limited to, a change in temperature, taste, color, turbidity, or odor of such waters, or the discharge of any liquid, gaseous, solid, radioactive, or other substance into any such waters as will or is likely to create a nuisance or render such waters harmful, detrimental or injurious to the public health, safety, welfare, or environment, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish or other aquatic life.

Portico or porch. A covered entrance to a large building or a covered walkway, often leading to the main entrance of a building that consists of a roof supported by pillars.

Post-development. The time period, or the conditions that may reasonably be expected or anticipated to exist, after completion of the land development activity on a site as the context may require.

Power Usage Effectiveness (PUE). A ratio that measures the energy efficiency of a data center by dividing total facility energy use by the energy used for computing equipment. Lower values indicate greater efficiency.

Pre-development. The time period, or the conditions that exist, on a site prior to the commencement of a land development project and at the time that plans for the land development of a site are approved by the plan approving authority. Where phased development or plan approval occurs (preliminary grading, roads and utilities, etc.) the existing conditions at the time prior to the first item being approved or permitted shall establish pre-development conditions.

Premises. Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

Present value. The current value of past, present, or future payments, contributions, or dedications of goods, services, materials, construction, or money, as calculated using accepted methods of financial analysis for determination of "net present value."

Preserve and protect. To keep from destruction, peril, or other adversity and may include the placement of signs, markers, fencing, or other such appropriate features so as to identify the site as a cemetery or burial ground and may also include the cleaning, maintenance, and upkeep of the site so as to aid in its preservation and protection.

Primary surface. An area longitudinally centered on a runway extending 200 feet beyond each end of the runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

Principal building. The building or structure in which the primary use permissible on the lot is conducted. In R-A lots less than two acres or a within platted subdivision, R-1, R-2, R-3, R-4, R-5, R-TF, R-X, R-M and MHD residential zoned districts a dwelling will be deemed to be the principal building on the lot. A structurally independent garage, carport or other structure attached to the principal buildings by a roofed breezeway which will cause the entire structure to be considered as part of the principal building and will be subject to the provisions and standards applicable to the principal building or structure.

Principal permitted use. That use of a lot which is among the uses allowed as a matter of right under the zoning classifications. (Also see WCF principal or accessory use.)

Private deed restrictions or covenants. Private deed restrictions or covenants imposed on land by private land owners. They bind and restrict the land in the hands of present owners and subsequent

owners. They are enforceable only by the land owners involved and not by the county or other public agency.

Professionally accepted. Published by the Institute of Transportation Engineers, or prepared by a qualified professional under work supervised by the county, or prepared by a qualified professional and accepted by the director of transportation planning.

Project. A single improvement or set of interrelated improvements undertaken together within a finite time period at a specific location.

1. With regard to land development, a project may be identified as those construction activities authorized collectively by a building permit or other development approval, or for an interrelated collection of buildings and common public facilities such as a residential subdivision or an office park.

Project improvements. Site specific improvements or facilities that are planned, designed, or built to provide service for a specific development project and that are necessary for the use and convenience of the occupants or users of that project only, and that are not "system" improvements. The character of the improvement will control a determination of whether an improvement is a project improvement or a "system" improvement, and the physical location of the improvement on-site or off-site may not be considered determinative of whether an improvement is a "project" improvement or a "system" improvement. A project improvement may provide no more than incidental service or facility capacity to persons other than users or occupants of the particular project they serve. No improvement or facility included in a plan for public facilities and approved for public funding by Henry County, Georgia, may be considered a project improvement.

Property line. See “lot line”.

Property owner. That person or entity that holds legal title to property.

Proportionate share. That portion of the cost of system improvements that is reasonably and fairly related to the service demands and needs of a project.

Protection area or stream protection area. With respect to a stream, the combined areas of all required buffers and setbacks applicable to such stream.

Public or private property. The right-of-way of any road or highway; any body of water or watercourse or the shores or beaches thereof; any park, playground, building, refuge, or conservation or recreation area; timberlands or forests; and residential, commercial, industrial, or farm properties.

Public facilities or public spaces. See Sec. 6.4.

Public streets. Right-of-way dedicated to the county or owned by the county for public street purposes.

Public utility. Any firm, corporation, or local government authorities providing gas, electricity, communications service, and similar essential services.

Public water facilities. Mains and service lines owned and operated by the Henry County Water and Sewage Authority, or when approved by the Board of Commissioners, a private water system operating under the direct supervision of the DNR.

Q

Qualified personnel. Any person who meets or exceeds the education and training requirements of O.C.G.A. § 12-7-19.

Qualified professional, TIS. For purposes of conducting traffic impact studies as may be required by this ordinance, a qualified professional shall mean a registered professional engineer with experience in traffic engineering. For purposes of conducting peak-hour trip generation studies, a qualified professional shall mean a registered professional engineer with experience in traffic engineering, or another professional approved by the director of transportation planning based on education and experience to conduct such trip generation studies.

Quarters. A place of residence.

R

Recreational vehicle. A vehicle which is:

1. Built on a single chassis;
2. Four hundred square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by light duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Redevelopment. A land development project on a previously developed site, but excludes ordinary maintenance activities, remodeling of existing buildings, resurfacing of paved areas, and exterior changes or improvements which do not materially increase or concentrate stormwater runoff, or cause additional nonpoint source pollution.

Regional development centers (RDC). State of Georgia regional agencies created to facilitate coordinated and comprehensive planning in conformity with state standards and procedures.

Regional stormwater management facility (regional facility). Stormwater management facilities designed to control stormwater runoff from multiple properties, where the owners or developers of the individual properties may assist in the financing of the facility, and the requirements for on-site controls is either eliminated or reduced.

Regulatory flood (regulatory flood elevation). The flood standard equal to or higher than the base flood.

Repetitive loss. Flood related damage sustained by a structure on two separate occasions during a ten-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 % of the market value of the structure before the damage occurred.

Reservoir boundary. The edge of a reservoir, defined by its normal pool level (elevation above mean sea level).

Residence. See “dwelling”.

Residential fly-in neighborhood. A subdivision designed to include a private airport or landing strip.

Retail sales. See Sec. 6.5.14.

Right-of-way. Access over or across a particularly described property for a specific purpose. A strip of land intended to be occupied by a street, crosswalk, railroad, electric transmission line, oil or gas pipeline, water line, storm sewer, drainage structure, sewer line, or other similar use.

Riparian. Belonging or related to the bank of a river, stream, lake, pond or impoundment.

Road frontage. See "frontage".

Roadway drainage structure. A device such as a bridge, culvert, or ditch, composed of a virtually nonerodible material such as concrete, steel, plastic, or other such material that conveys water under a roadway by intercepting the flow on one side of a traveled way consisting of one or more defined lanes, with or without shoulder areas, and carrying water to a release point on the other side.

Rotorcraft. A heavier-than-air aircraft that derives its support in flight principally from lift generated by one or more rotors.

Runoff. See "Stormwater runoff".

Runway. A defined area at an airport prepared for landing and takeoff of aircraft along its length.

Runway protection zone. A trapezoidal shaped, two-dimensional area located near each planned runway end.

S

Sediment. Solid material, both organic and inorganic, that is in suspension, is being transported, or has been moved from its site of origin by air, water, ice, or gravity as a product of erosion.

Sedimentation. The process by which eroded material is transported and deposited by the action of water, wind, ice, or gravity.

Self-service storage facility. See Sec. 6.6.8.

Service area. A geographically defined area as designated in the capital improvements element of the comprehensive plan in which a defined set of public facilities provide or are proposed to provide service to existing or future development.

Setback. See Sec. 2.1.2.

Sewer line, lateral. Sanitary sewer collection lines within a subdivision or development that transports effluent to larger trunk sewers for sewage treatment.

Sewer line, trunk. The main sanitary sewer lines which collect sewage from lateral sewer lines for transportation either directly to sewage treatment plants or to larger interceptor sewers entering a treatment plant.

Shopping center. A group of commercial establishments having a building composition that is a single architectural unit and is not a miscellaneous assemblage of stores. It is planned and developed as a unit, related in location, size and type of shops to the trade area that the unit serves, and provides on-site parking in definite relationship to the types and sizes of stores. For the purposes of this ULDC, shopping centers are considered a "General Retail" use.

Sign. Any device, fixture, placard, or structure affixed to, supported by, or suspended by a stationary object, building or the ground that uses any color, form, graphic, illumination, symbol, or writing to communicate information of any kind to the public. See Sec. 7.4 for all other sign related definitions.

Site. The parcel of land being developed, or the portion thereof on which the development project is located.

Skyglow. The brightening of the night sky caused by outdoor lighting scattering in the atmosphere, reducing visibility of the night sky and often indicating excessive or misdirected light.

Small box discount store. A retail store, other than a drug store or convenience store, that meets all the following:

1. With floor area less than 15,000 square feet;
2. That primarily offers for sale a combination and variety of convenience shopping goods and consumer shopping goods; and
3. Continuously offers and advertises a majority of the items in their inventory for sale at a price less than ten dollars ($10.00) per item.

Soil and water conservation district approved plan. An erosion and sedimentation control plan approved in writing by the Henry County Soil and Water Conservation District.

Solid waste management facilities. Public or private disposal facilities or transfer stations, operated for the purpose of recycling, reclaiming, treating, or disposal of garbage, sewage, rubbish, offal, oil field wastes, hazardous waste, or other waste material originating on or off the premises.

Special use. A use which is not automatically permitted inherently but which may be permitted within a zoning district subject to review and approval by the Board of Commissioners. A special use is permanent in nature.

Specimen tree. Any tree which meets the criteria of Sec. 9.1.4.A.

Stabilization. The process of establishing an enduring soil cover of vegetation by the installation of temporary or permanent structures for the purpose of reducing to a minimum the erosion process and the resultant transport of sediment by wind, water, ice or gravity.

Stable. See Sec. 6.7.6.

Start of construction includes substantial improvement. The date the permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of the structure on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include initial land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

State general permit. The National Pollution Discharge Elimination System general permit or permits for stormwater runoff from construction activities as is now in effect or as may be amended or reissued in the future pursuant to the state's authority to implement the same through federal delegation under

the Federal Water Pollution Control Act, as amended, 33 U.S.C. Section 1251, et seq., and O.C.G.A. § 12-5-30(f).

State waters. Any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells, and other bodies of surface or subsurface water, natural or artificial, lying within or forming a part of the boundaries of the state which are not entirely confined and retained completely upon the property of a single individual, partnership, or corporation, except any project involving less than one acre of disturbed area and as may be defined in O.C.G.A. § 12-7-17(7).

Storefront. The primary facade of a single, undivided commercial or retail unit.

Stormwater better site design. Nonstructural site design approaches and techniques that can reduce a site's impact on the watershed and can provide for nonstructural stormwater management. "Stormwater better site design" includes conserving and protecting natural areas and green space, reducing impervious cover and using natural features for stormwater management.

Stormwater management. The collection, conveyance, storage, treatment and disposal of stormwater runoff in a manner intended to prevent increased flood damage, stream bank channel erosion, habitat degradation and water quality degradation, and to enhance and promote the public health, safety and general welfare.

Stormwater management facility. Any infrastructure that controls or conveys stormwater runoff. Such facilities can be further defined as follows:

1. **Off-site facility**. A stormwater management facility located outside the boundaries of the property being developed.
2. **On-site facility**. A stormwater management facility located within the boundaries of the property being developed.
3. **Regional stormwater management facility**. Stormwater management facilities designed to control stormwater runoff from multiple properties, where the owners or developers of the individual properties may assist in the financing of the facility, and the requirement for on-site controls is either eliminated or reduced.

Stormwater management measure. Any stormwater management facility or nonstructural stormwater practice.

Stormwater management plan. A document describing how existing runoff characteristics will be affected by a land development project and containing measures for complying with the provisions of this ordinance.

Stormwater management system. The entire set of structural and nonstructural stormwater management facilities and practices that are used to capture, convey and control the quantity and quality of the stormwater runoff from a site.

Stormwater retrofit. A stormwater management practice designed for a currently developed site that previously had either no stormwater management practice in place or a practice inadequate to meet the stormwater management requirements of the site.

Structural stormwater control. A structural stormwater management facility or device that controls stormwater runoff and changes the characteristics of that runoff including, but not limited to, the quantity and quality, the period of release or the velocity of flow of such runoff.

Stormwater runoff or stormwater. Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

Stream. Any stream, beginning at:

1. The location of a spring, seep, or underground outflow that sustains streamflow; or
2. A point in the stream channel with a drainage area of 25 acres or more; or
3. Where evidence indicates the presence of a stream in drainage area of other than 25 acres, Henry County may require field studies to verify the existence of a stream.

Stream bank. The sloping land that contains the stream channel and the normal flows of the stream.

Stream channel. The portion of a watercourse that contains the base flow of the stream.

Stream protection area. See "protection area".

Street. The land between the right-of-way lines, whether improved or unimproved, and may comprise pavement, shoulders, curb and gutter, sidewalks, drainage ditches and structures, and other areas within the right-of-way lines.

1. Alley. A strip of land providing vehicular and pedestrian access to the rear of properties which abut and are served by a public street.
2. Boulevard. A street developed with two one-way pavements separated by a landscaped median.
3. Collector street. A public street whose function is to collect traffic from local streets and neighborhoods and connects to another public street of equal or greater classification. A collector may also provide direct access to adjacent properties.
4. County street. A street which is owned and/or maintained by Henry County.
5. Cul-de-sac. A dead-end local street, of limited length, opened at one end and closed at the other by a permanent turnaround.
6. Dead-end street. A local street open at one end and closed at the other.
7. Expressway. The expressway system includes high volume limited access thoroughfares through the county and region beyond.
8. Frontage road. A street which is parallel to, and adjacent to major thoroughfare and which provides access to abutting properties and protection from through traffic.
9. Local street. A public street that serves a limited area and whose primary function is to provide direct access to adjoining properties.
10. Major arterial. A public street whose primary function is to connect two highways of equal or greater classification or capacity, provide primary access to a large land area, provide access to a large traffic generator, or connect two or more towns or communities. The secondary function is to provide local access.
11. Minor arterial. A public street that serves an intermediate function between collectors and major arterials, and also serves as a traffic feeder to major arterials and for cross-country and regional travel.
12. Stub-out street. A dead-end street at adjoining property lines intended for future extension to serve the development of adjoining areas.

Structural erosion and sedimentation control practices. Practices for the stabilization of erodible or sediment producing areas by utilizing the mechanical properties of matter for the purpose of either changing the surface of the land or storing, regulating or disposing of runoff to prevent excessive sediment loss. Examples of structural erosion and sediment control practices are riprap, sediment basins, dikes, level spreaders, waterways or outlets, diversions, grade stabilization structures, sediment traps and land grading, etc. Such practices can be found in the publication Manual for Erosion and Sediment Control in Georgia.

Structural stormwater control. A structural stormwater management facility or device that controls stormwater runoff and changes the characteristics of that runoff including, but not limited to, the quantity and quality, the period of release or the velocity of flow of such runoff.

Structure. A walled and roofed building (including a gas or liquid storage tank), that is principally above ground, or a manufactured home.

Stub-out service. Sanitary sewer connection facilities within the street right-of-way provided from lateral sewer line to the private property line for connection to building sewer lines.

Subdivision. The division of a tract or parcel of land resulting in one or more new lots or building sites for the purpose, whether immediately or in the future, of sale, other transfer of ownership or land development, and includes divisions of land resulting from or made in connection with the layout or development of a new street or roadway or a change in an existing street or roadway.

1. **Business subdivision**. A single parcel on which multiple businesses are located, or multiple connected parcels on which businesses are located and where the owners of the parcel share any common property.
2. **Lot division**. See Sec. 10.8.1.
3. **Major subdivision**. A type of development not classified as lot division or a minor subdivision which includes the subdivision of land resulting in 6 or more lots, or any size subdivision requiring the installation of any street, public or private, or utilities or other public improvements or infrastructure.
4. **Minor subdivision**. See Sec. 10.8.1.

Submission date. The date stamped on a sign application indicating the date the application was received by the department.

Substantial damage. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred. This term also includes repetitive loss.

Substantial improvement. Any reconstruction, rehabilitation, addition, or other improvement to a structure, taking place during a ten-year period, in which the cumulative cost equals or exceeds 50% of the market value of the structure prior to the improvement. The market value of the building means:

1. The appraised value of the structure prior to the start of the initial repair or improvement; or
2. In the case of damage, the value of the structure prior to the damage occurring.

   This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include those improvements of a structure required to comply with existing state or local health, sanitary, or safety code

specifications which are the minimum necessary to assure safe living conditions, which have been identified by the code enforcement official. The term does also not include any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

Substantially improved existing manufactured home park or subdivision. The repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or 50% of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

Surface water. Any river, creek, stream, or body of water that is not manmade.

System improvement costs. Costs incurred to provide public facilities capacity to serve new growth and development, including the costs of planning, design, engineering, construction, land acquisition, and land improvement for the construction or reconstruction of facility improvements or expansions. System improvement costs include the construction contract price, surveying and engineering fees, related land acquisition costs (including land purchases, court awards and costs, attorneys' fees, and expert witness fees), and expenses incurred for qualified staff or any qualified engineer, planner, architect, landscape architect, or financial consultant for preparing or updating the capital improvements element, and administrative costs of up to 3% of the total of all other costs. Projected interest charges and other finance costs may be included if the impact fees are to be used for the payment of principal and interest on bonds, notes, or other financial obligations issued to finance system improvements, but such costs do not include routine and periodic maintenance expenditures, personnel training, and other operating costs.

System improvements. Capital improvements that are public facilities designed to provide service to more than one project or to the community at large, in contrast to "project" improvements.

T

Telecommunications. The transmission and reception of audio, video, data, and other information by wire, radio frequency, light, and other electronic or electromagnetic systems.

Temporary wireless communication facility (temporary WCF). A WCF to be placed in use for 90 or fewer days.

Tiny house. A dwelling unit that has less than 500 square feet of floor space, not including lofts. Tiny houses have provisions for individual living, including a kitchen, bathroom, and living space. Tiny houses are detached and can be transported on wheels or can be stick built on site.

Tonal noise. A steady hum, buzz, or pitch that stands out above other background noise, often created by generators, fans, or cooling equipment.

Tourist home. A dwelling in which sleeping accommodations are provided or offered to transient visitors for compensation.

Tower. A lattice-type structure, guyed or freestanding, that supports one or more antennas.

Toxic. Any chemical or substance that has been defined as toxic by the Environmental Protection Agency of the United States, Environmental Protection Department of the State of Georgia, or the Department of Agriculture of the State of Georgia.

Traffic impact study (TIS). A traffic impact study is an important tool in the overall development planning process (residential, commercial, industrial, institutional, etc.). It provides information which identifies impacts of proposed developments on the existing, short range and long range roadway/circulation networks. It also identifies mitigation measures for the impacts identified. Traffic impact studies shall be conducted by a qualified professional.

Trailer (motor home). A motorized vehicle, designed and/or maintained for use as a temporary dwelling or sleeping place for travel or recreation purposes exclusively, having no foundation other than for wheels or jacks.

Trailer (travel). A nonmotorized vehicle, pulled by an automobile or truck designed and/or maintained for use as a temporary dwelling or sleeping place for travel or recreation purposes exclusively.

Trailer park. A parcel of land which is used solely for the rental or lease of lots for transient campers, trailers, motor homes or temporary parking of any other recreational vehicle that is not a mobile home.

Transitional surface. An area extending outward and upward at right angles to the runway centerline, extended at a slope of seven to one (7:1) from the sides of the primary surface and from the sides of the approach surfaces.

Transparency. The ability to transmit light so objects on the other side of the material are visible. As it relates to building design, transparency is the penetration of windows and doors on a building facade. May also be referred to as “fenestration”.

Transportation facility. The means by which a transportation mode is provided. For example, sidewalks are a facility serving the walking mode, a roadway is a facility serving the driving mode and a heavy rail line is a facility serving the transit mode.

Tree. Any living, self-supporting, woody perennial plant which has a trunk DBH of one and one-half (1½) inches and which normally attains a height of at least 12 feet at maturity, usually with one main stem or trunk and many branches.

Tree diameter. The widest cross-sectional dimension of a tree trunk measured at diameter breast height (dbh).

Trip. A single or one-directional travel movement with either the origin or destination of the trip inside the study site.

Trip generation. An estimate of the number of vehicle trips that will be generated due to the new development, which is calculated based on the type and amount of land uses in the proposed development and professionally accepted trip generation rates for each such land use. Trip generation may be expressed on an average daily basis or average peak hour (a.m., p.m. or both).

U

Understory tree (medium or small tree). A class of trees and large shrubs that do not attain the height of a canopy or shade tree yet are large enough at maturity to provide shade for people, as well as many of the benefits of larger shade trees.

Undisturbed buffer. A buffer, either impervious or vegetated, in which no encroachment of buildings or structures is permitted.

Unit of development. The standard incremental measure of land development activity for a specific type of land use upon which the rate of demand for public service and facilities is based, such as a dwelling unit, square foot of floor area, motel room, etc.

Unused or excess impact fee. Any individual impact fee payment from which no amount of money or only a portion thereof has been encumbered or expended according to requirements.

Use. The purpose or activity for which land or buildings are designed, arranged, intended, or occupied and maintained or leased.

Utility. Public or private water or sewer piping systems, water or sewer pumping stations, electric power lines, fuel pipelines, telephone lines, roads, driveways, bridges, river/lake access facilities, stormwater systems and railroads.

V

Variance. A grant of relief from the requirements of this ULDC.

Vegetative erosion and sedimentation control measures. Measures for the stabilization of erodible or sediment-producing areas by covering the soil with:

1. Permanent seeding, sprigging or planting, producing long-term vegetative cover;
2. Temporary seeding, producing short-term vegetative cover; or
3. Sodding, covering areas with a turf of perennial sod-forming grass. Such measures can be found in the publication Manual for Erosion and Sediment Control in Georgia.

Vehicle, abandoned. A vehicle which does not bear a current state license plate, unless said vehicle is stored within a completely enclosed building or it is stored on a bona fide sales lot and is in satisfactory operating condition.

Vehicle use area. Any area, paved or unpaved, used for egress or ingress, or to store or park motor vehicles.

Vineyard. A plantation of grape-bearing vines, grown mainly for winemaking, but also raisins, table grapes and non-alcoholic grape juice.

Violation. The failure of a structure or other development to be fully compliant with the requirements of this article. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this article is presumed to be in violation until such time as that documentation is provided.

W

Wall. A solid structure of concrete, stone, brick, or similar material intended or used as a boundary, means of protection, screening or confinement. See Sec. 7.2.5 for wall standards.

1. **Wall, retaining**. A wall constructed for the purpose of stabilizing soil, slowing or stopping erosion, or terracing a parcel or site.

Wastewater system. The collection, transportation and treatment of sanitary sewerage, via a pipe network, to a common collection point as required by the department of natural resources for the State of Georgia.

Water quality critical area. See Sec. 9.6.4.

Water supply watershed. The drainage area (watershed) of lands upstream of a governmentally owned public drinking water intake or water supply reservoir or a proposed public drinking water intake or water supply reservoir.

Water Usage Effectiveness. A metric used to determine the efficiency of water use in a data center, calculated as the liters of water used per kilowatt hour of IT equipment energy.

Watercourse. Any natural or artificial stream, river, creek, channel, ditch, canal, conduit, culvert, drain, waterway, gully, ravine, or wash in which water flows either continuously or intermittently and which has a definite channel, bed, and banks, and including any area adjacent thereto subject to inundation by reason of overflow or floodwater.

Watershed. The land area that drains into a particular stream.

WCF principal or accessory use. Antennas and towers may be considered either principal or accessory uses. A different existing use or an existing structure on the same lot shall not preclude the installation of existing antennas or towers on such lot. For purposes of determining whether the installation of an antenna or tower complies with district development regulation, including, but not limited to, setback requirements, lot coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lots. Towers that are constructed and antennas that are installed in accordance with the provisions of this article shall not be deemed to constitute the expansion of a nonconforming use or structure.

Wetlands. Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

Wholesale. See Sec. 6.6.11.

Winery. See Sec. 6.7.2.

Wireless communications. Any personal wireless services as defined in the Telecommunications Act of 1996, which includes FCC-licensed commercial wireless communications services, including cellular, digital communications (DCS), personal communications services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging, radio and television communications, and similar services that currently exist or that may in the future be developed.

Wireless telecommunications facility. A structure, facility or location designed, or intended to be used as, or used to support, antennas or other transmitting or receiving devices. This includes without limit, new and existing support structures, replacement support structures, collocations on existing support structures, attached wireless telecommunications facilities and concealed wireless telecommunications facilities.

The following definitions are used in conjunction with wireless telecommunications facilities.

> **Abandonment**. The intent to abandon or discontinue operations as evidenced by voluntary conduct or failure to use a wireless telecommunications facility for a period of six months or more.

Above ground level (AGL). A measurement of height from the natural grade of a site to the highest point of a structure.

Administrative approval. Zoning approval that the director of the planning and zoning department, or his designee, is authorized to grant after administrative review.

Attached wireless telecommunications facility. Antennas that are secured to an existing building or structure (except a monopole or tower) with any accompanying pole or device which attaches it to the building or structure, together with transmission cables, and an equipment cabinet, which may be located either on the roof or inside/outside of the building or structure. An attached wireless telecommunications facility is considered to be an accessory use to the existing principal use on a site.

Collocation. Where two or more wireless personal service providers place a wireless telecommunications antenna on the same support structure without increasing the height of the tower or structure. Collocation also means locating telecommunications facilities on an existing structure (for example: buildings, water tanks, towers, utility poles, etc.) without the need to construct a new support structure.

Coverage. The geographic area reached by an individual wireless telecommunications facility installation.

Geographic search area (GSA). An area designated by a wireless provider or operator for a new base station, produced in accordance with generally accepted principles of wireless engineering.

Modification or modify. The improvement, upgrade, expansion, or replacement of existing wireless facilities on an existing wireless support structure or within an existing equipment compound, provided such improvement, upgrade, expansion, or replacement does not increase the height of the wireless support structure or increase the dimensions of the equipment compound.

Major modifications. The addition, removal or change of any of the physical and visually discernable components or aspects of an existing telecommunications facility or support structure that result in a substantial change to the facility or structure. Collocation of new telecommunications facilities to an existing support structure without replacement of the structure shall not constitute a major modification. "Major modifications" include, but are not limited to, extending the height of the support structure by more than 20 feet or the replacement of the structure.

Minor modifications. The addition, removal or change of any of the physical and visually discernable components or aspects of an existing telecommunications facilities or support structures, that result in some material change to the facility or support structure but of a level, quality or intensity that is less than a "substantial" change. Such minor modifications include, but are not limited to, collocations of new telecommunications facilities, extending the height of the support structure by less than 20 feet, and the expansion of the compound area for additional accessory equipment.

Provider. Any entity licensed by the FCC to provide subscriber-based personal wireless telecommunications services.

Radiofrequency engineer. An engineer specializing in electrical or microwave engineering, especially the study of radio frequencies.

Support structure. A structure, with or without a foundation designed to support or capable of supporting telecommunications facilities including, but not limited to, monopoles and towers.

Support structure replacement. Constructing a replacement support structure that is a new tower or monopole with related antennas of proportions and of equal height or lesser height to a pre-existing or nonconforming support structure in order to support a telecommunications facility or to accommodate collocation and removing the pre-existing support structure.

Telecommunications. The transmission and/or reception of audio, video, data, and other information by wire, radio frequency, light, and other electronic or electromagnetic systems.

Telecommunications facility. Any unmanned facility established for the purpose of providing wireless transmission of voice, data, images or other information including, but not limited to, cellular telephone service, personal communications service, and paging service. A telecommunication facility can consist of one or more antennas and accessory equipment or one base station.

Wrecker service. The recovering or removing wrecked, junked, abandoned, disabled or repossessed vehicles by a person, vehicle, or piece of equipment employed, especially a truck with a hoist and towing apparatus. The dismantling of stored vehicles for resale purposes is not included in this term.

X

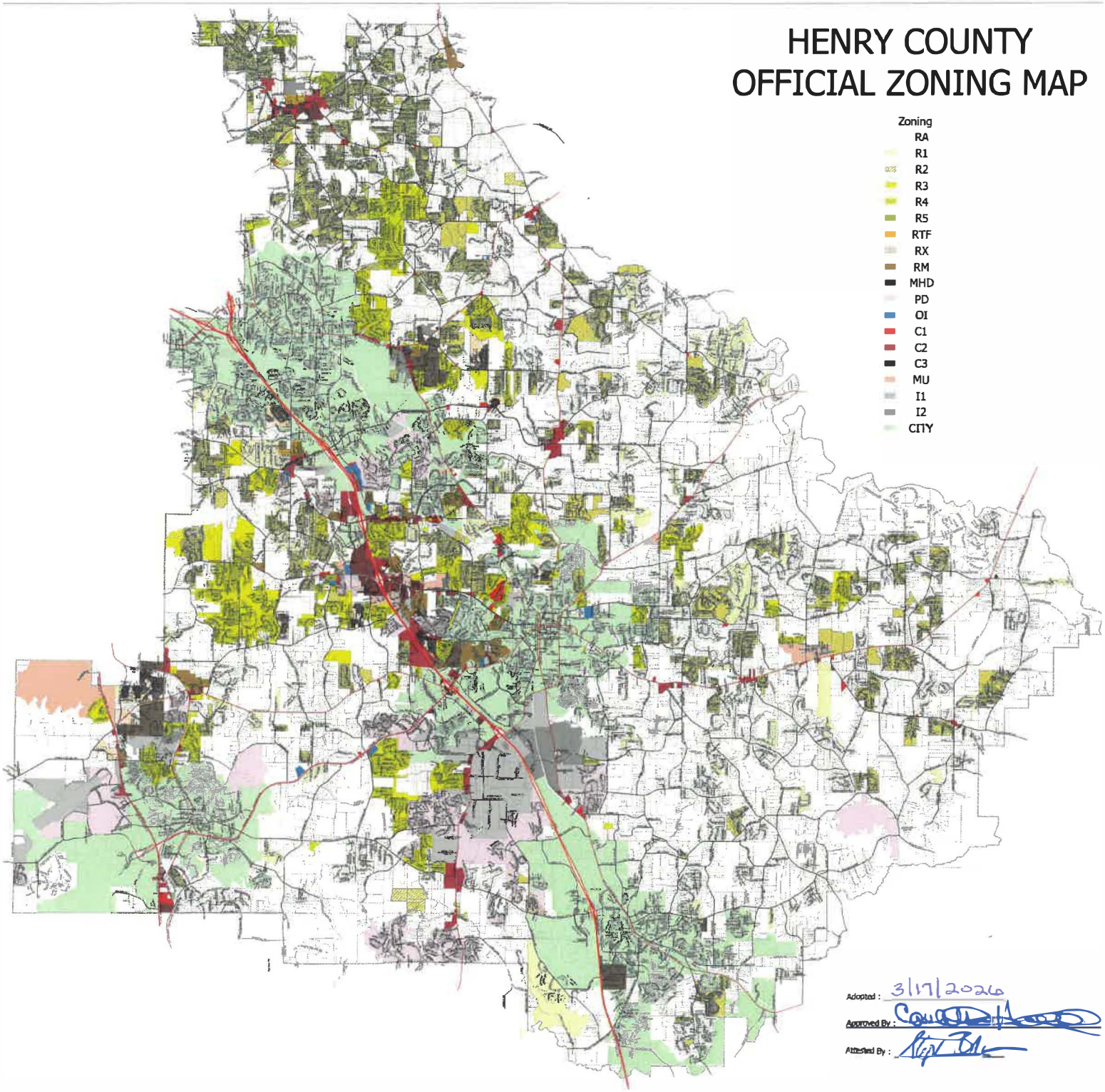
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Z

Zero lot line. The location of building on a lot in such a manner that one or more of the buildings sides rests directly on a lot line, such as “patio homes” or “townhouses”.

Zoning district. The use classification of parcels of land as generally defined under this ULDC. The zoning districts are further described in Article 3 and Article 4.

HENRY COUNTY
OFFICIAL ZONING MAP

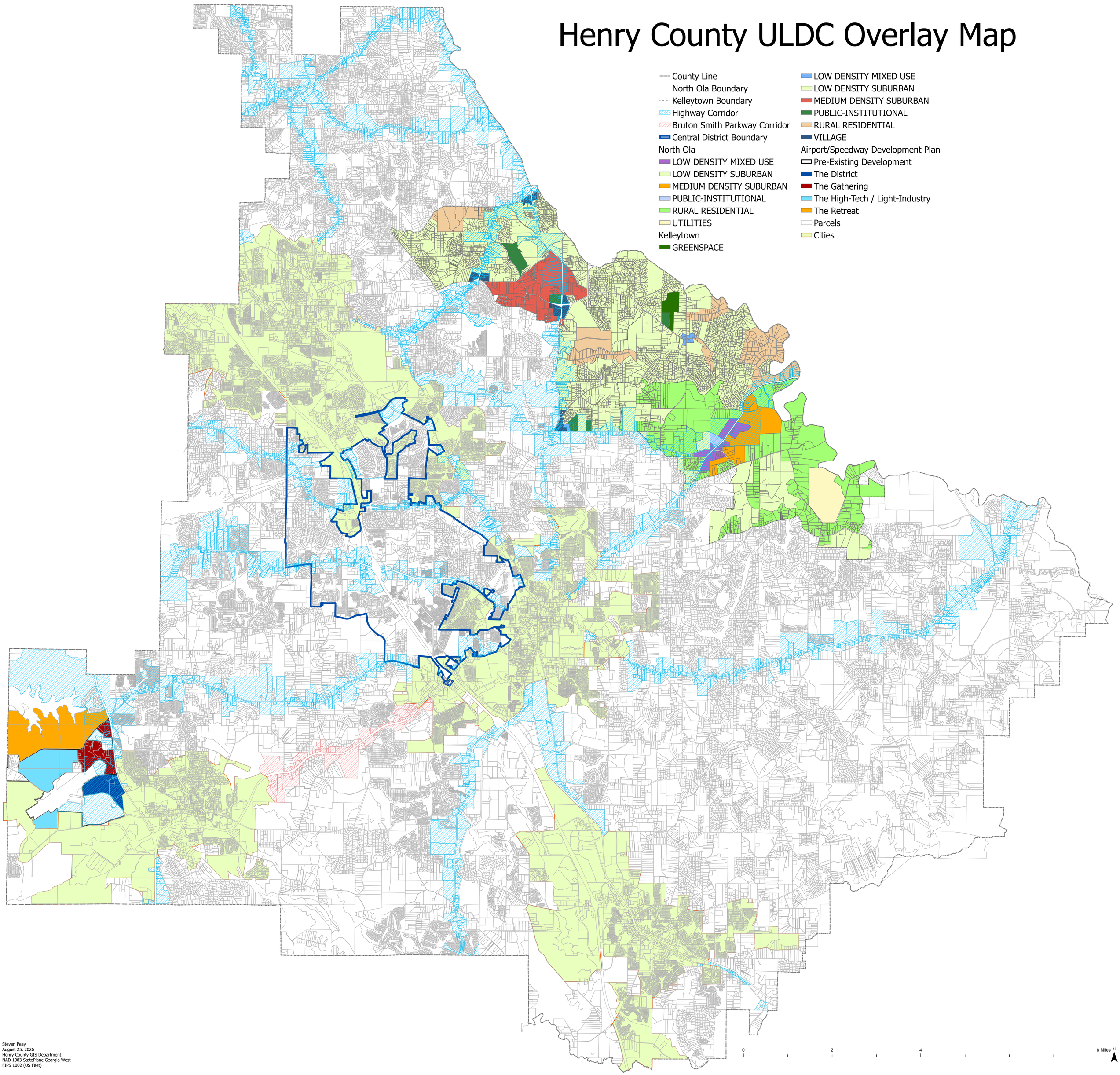


Adopted : 3/17/2026

Approved By :

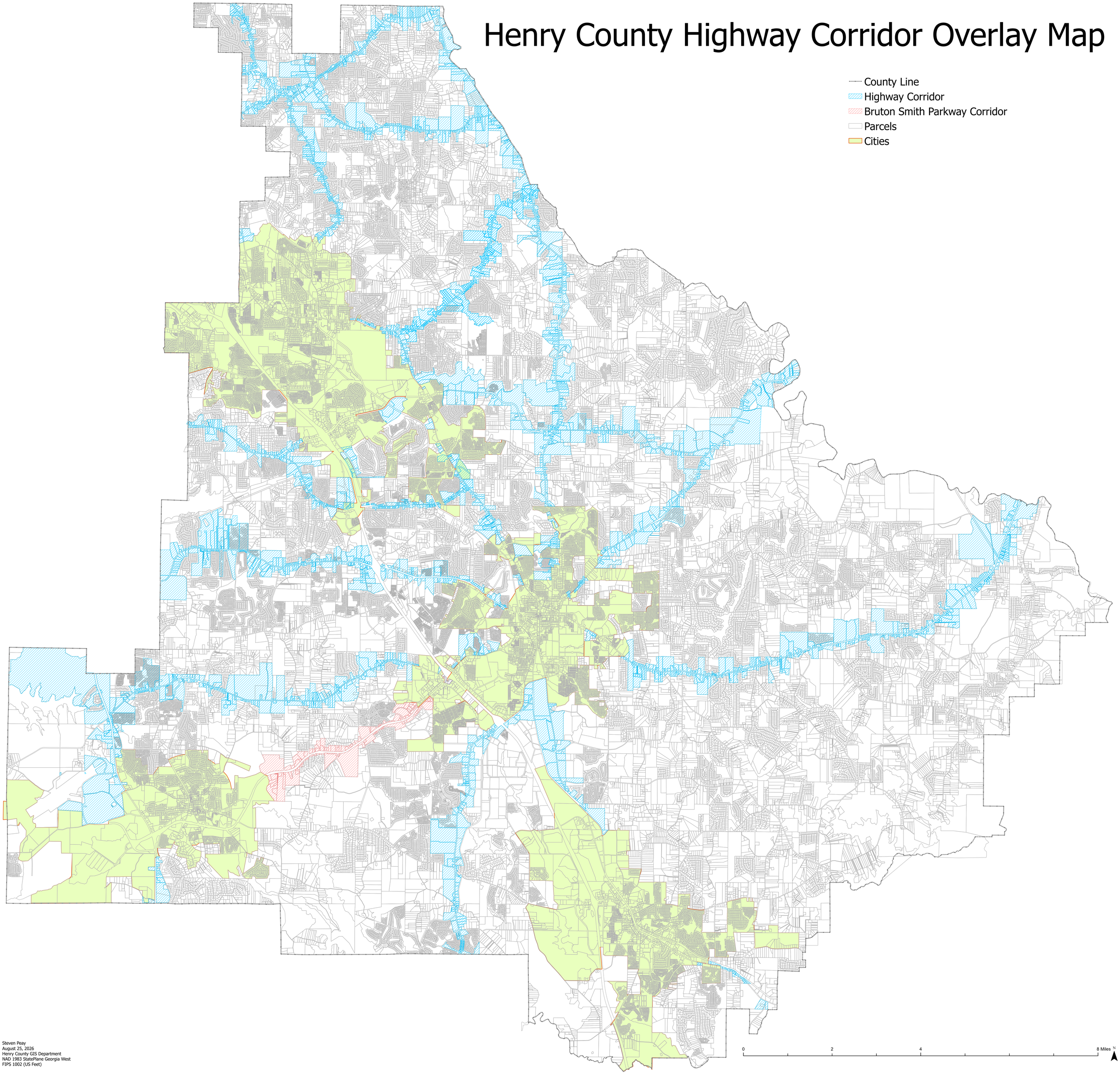
Attested By :

Henry County ULDC Overlay Map

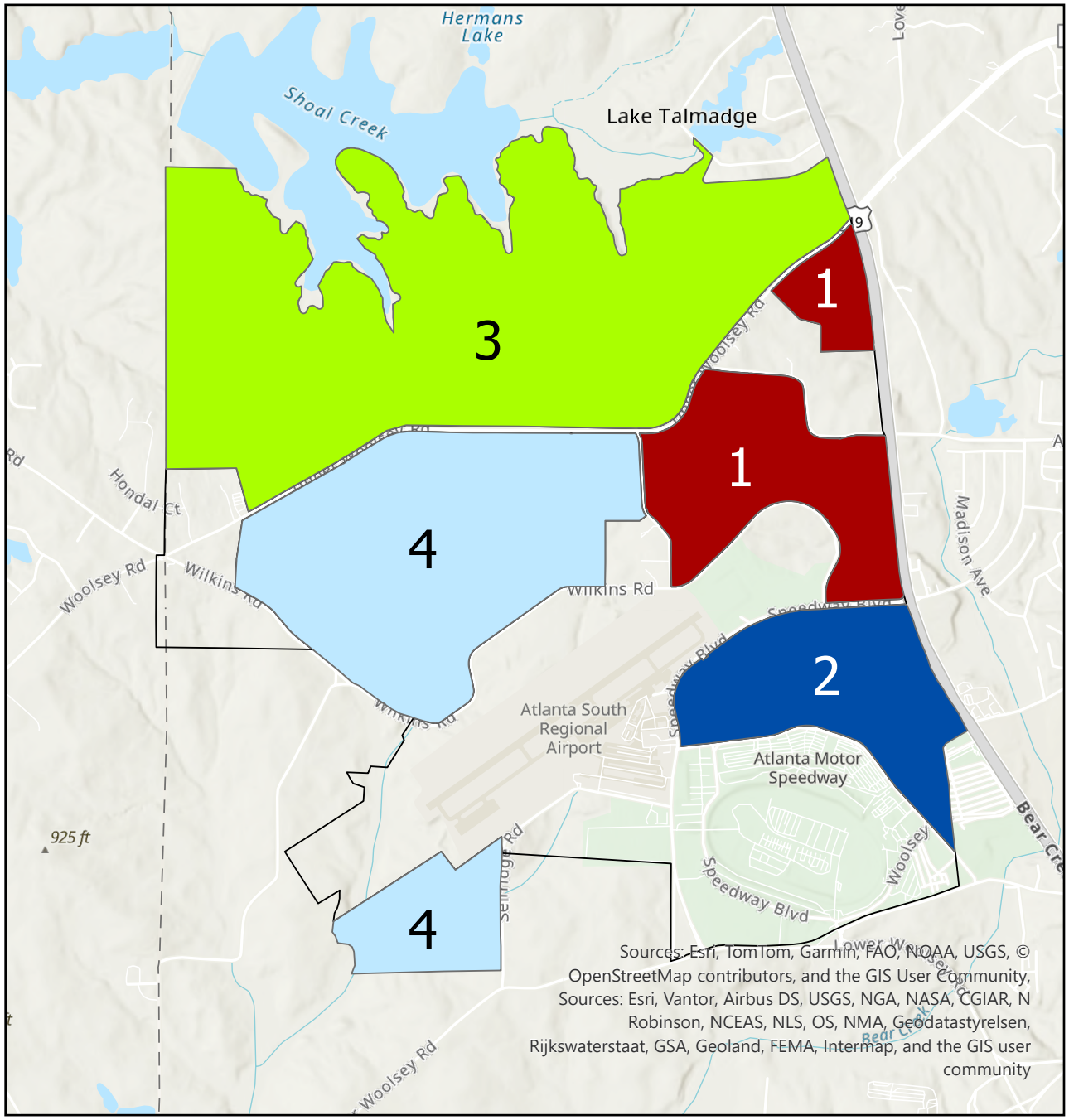


Steven Peay
August 25, 2026
Henry County GIS Department
NAD 1983 StatePlane Georgia West
FIPS 1002 (US Feet)

Henry County Highway Corridor Overlay Map



Steven Peay
August 25, 2026
Henry County GIS Department
NAD 1983 StatePlane Georgia West
FIPS 1002 (US Feet)



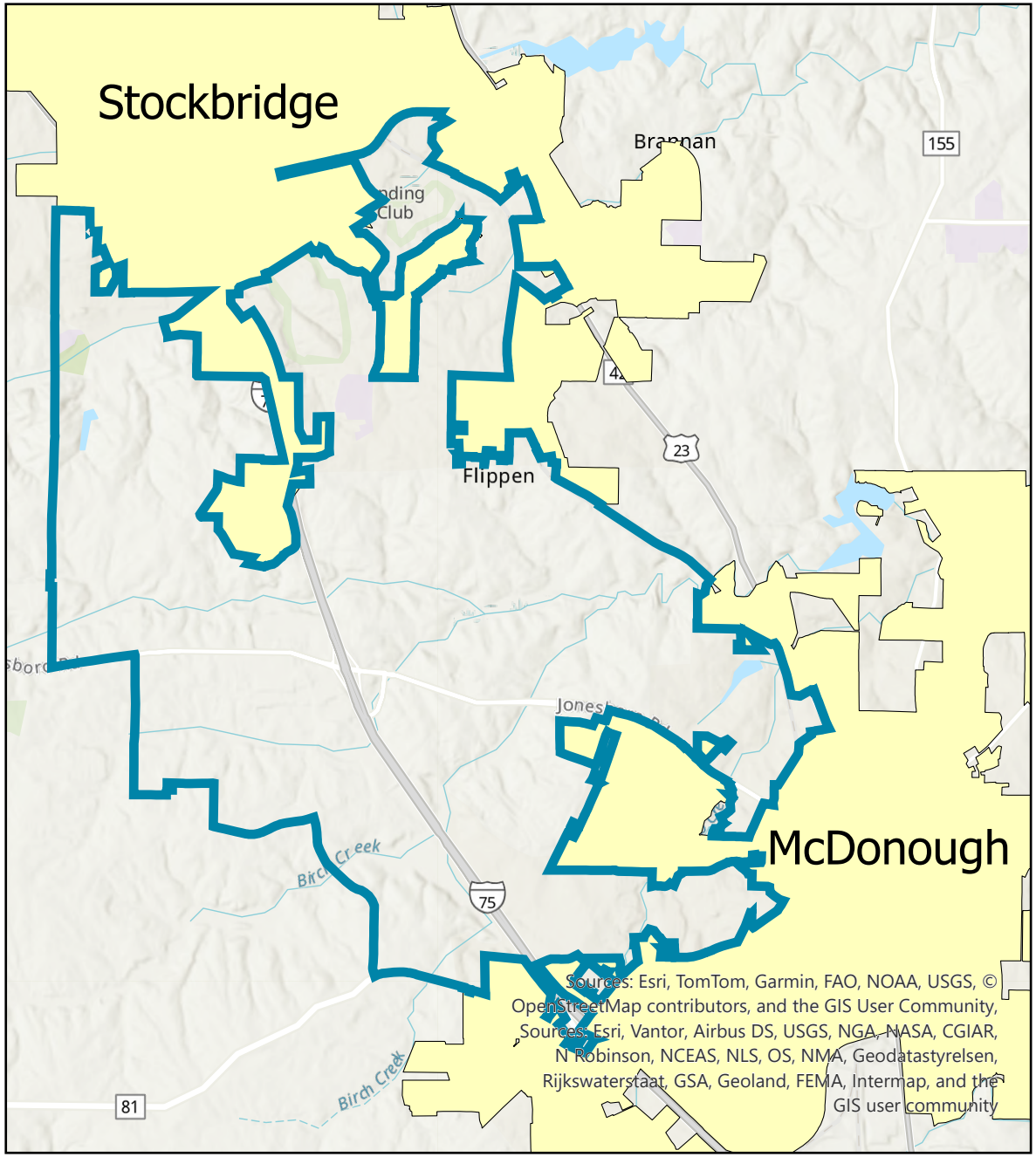
Airport and Speedway Development Overlay

Development Type

- Pre-Existing Development
- 1- The Gathering
- 2- The District
- 3- The Retreat
- 4- The High-Tech / Light-Industry

3000 1500 0 3000 US Feet

N



Henry County Central District Overlay

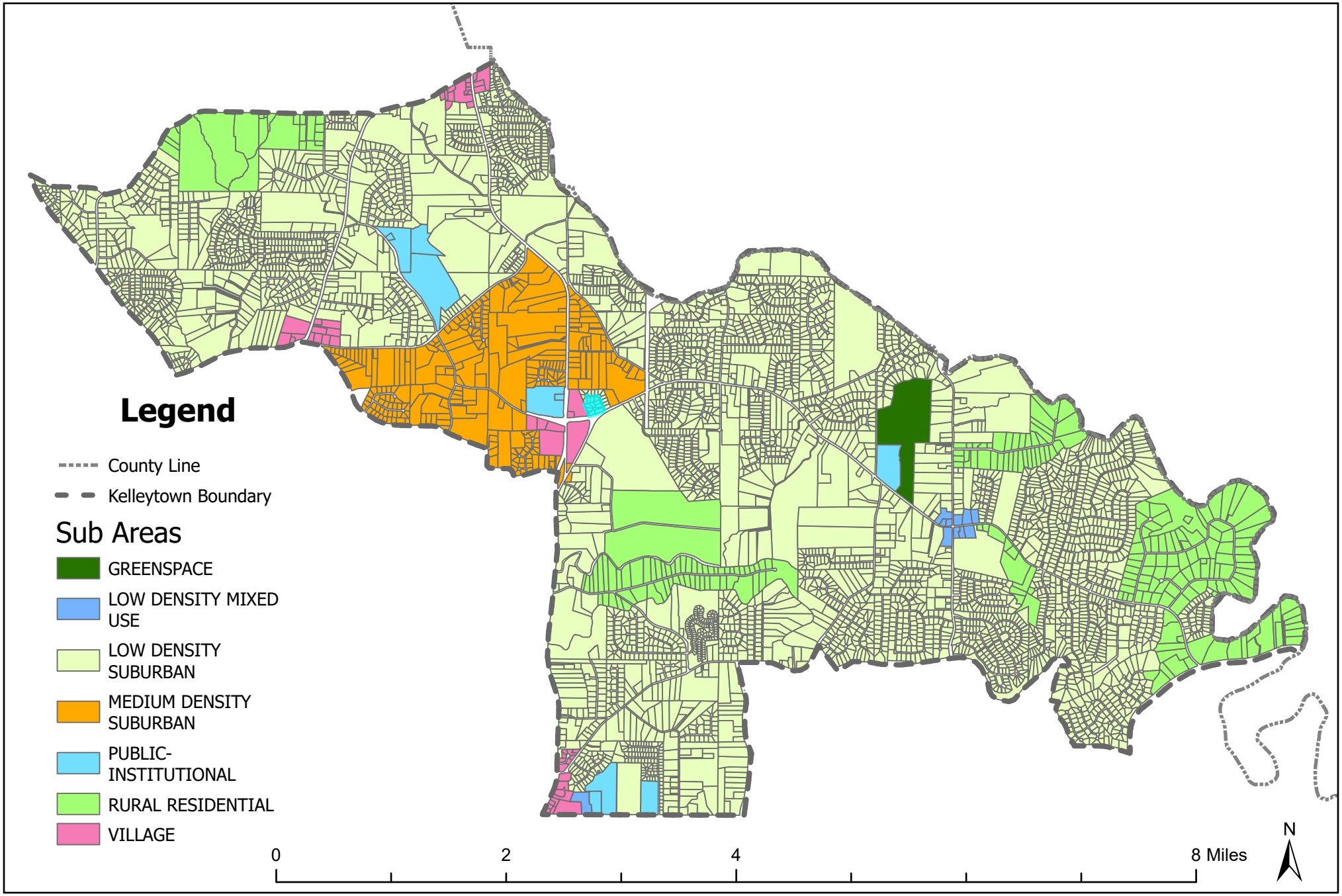
Legend

- Central District
- Incorporated Cities

N

0 1 2 4 Miles

Kelleytown Unincorporated Overlay



North Ola Unincorporated Overlay

