

Sec. 2.03.00. - Uses allowed in base zoning districts.

2.03.01. *Generally.* The tables in this section describe those uses that are permissible in each base zoning district.

2.03.02. *Residential land uses in base zoning districts (see table 2.03.02).* The table in this section identifies the permissible residential uses within base zoning districts. Allowable density in residential districts shall be consistent with the comprehensive plan. Within the following table, the letter "P" means the identified use is permissible, subject to the standards and criteria applicable to the zoning district. The letter "S" means the use is permissible, subject to the standards and criteria applicable to the zoning district and supplemental standards applicable to the specific use. The section number for supplemental standards is listed within the cell. A blank cell means the use is prohibited in the indicated zoning district.

Table 2.03.02. Residential Land Uses in Base Zoning Districts.

Zoning Districts: P = Permitted S = Supplemental Blank cell = Prohibited	RA ¹	R-1	R-2	R-3	R-4	R-5	RS	RD	RM	RMH	MU	OI	C-1	C-2	C-3	IAC	M-1	M-2
RESIDENTIAL ACTIVITIES																		
Single-family dwellings	P	P	P	P	P	P	P	P	P		P							
Duplex								P			P							
Manufactured homes	S 4.01.07	S 4.01.07								P								
Industrialized/modular homes	P	P	P	P	P	P	P											
Move-in structures	P 2.03.05																	
Multifamily dwellings (including townhouses, fee-simple condos and apartments) 3 + units							P		P		P					P		
TRANSIENT LIVING																		
Motels and hotels											P				P	P		
Recreational vehicle parks and campgrounds	S 4.03.17														S 4.03.17	S 4.03.17		

Bed and breakfast (not in subdivisions)	S 4.03.28						S 4.03.28				S 4.03.28							
Private membership recreational facility (not in a platted subdivision)	S 4.03.33	S 4.03.33	S 4.03.33	S 4.03.33	S 4.03.33	S 4.03.33	S 4.03.33	S 4.03.33	S 4.03.33	S 4.03.33								
INSTITUTIONAL LIVING																		
Boarding and rooming houses	S 4.03.29											S 4.03.29	S 4.03.29	S 4.03.29	S 4.03.29			
Nursing homes, group homes, care homes, assisted living and hospice care facilities,	S 4.03.18										P	P				P		
Personal care homes	S 4.03.19	S 4.03.19	S 4.03.19	S 4.03.19	S 4.03.19	S 4.03.19	S 4.03.19	S 4.03.19	S 4.03.19	S 4.03.19								

¹ Single-family, duplex, multifamily, and/or institutional living may be permissible where the development within the RA zoning district is proposed as a traditional neighborhood development, pursuant to [section 6.01.00](#).

2.03.03. *Nonresidential land uses in base zoning districts.* The table in this section identifies the permissible nonresidential uses within each base zoning district. Within the following table, the letter "P" means the identified use is permissible, subject to the standards and criteria applicable to the zoning district. The letter "S" means the use is permissible, subject to the standards and criteria applicable to the zoning district and supplemental standards applicable to the specific use. The letter "H" means that use is permissible as a home occupation, subject to the supplemental standards and criteria applicable within [chapter 7, section 7.01.00](#). A blank cell means the use is prohibited in the indicated zoning district. Permissible accessory uses are identified in table 2.03.04. Land uses permitted in the C-1 zoning district are permitted in C-2 and C-3 zoning districts. Land uses permitted in the M-1 zoning district are permitted in the M-2 zoning district.

Table 2.03.03. Nonresidential Land Uses in Base Zoning Districts.

Zoning Districts: P = Permitted S = Supplemental H = Home Occupation CU = Conditional Use Blank cell = Prohibited	RA ¹	R-1	R-2	R-3	R-4	R-5	RS	RD	RM	RMH	MU	OI	C-1	C-2	C-3	IAC	M-1	M-2
SHOPPING, BUSINESS, OR TRADE ACTIVITIES																		
Vehicle sales new or used															P	P		
Vehicle body shop															P		P	P
Bicycle sales and repair shop											P		P	P	P	P		
Gasoline service											S 4.03.09		S 4.03.09	S 4.03.09	S 4.03.09	S 4.03.09		
Heavy consumer goods sales or service															P	P	P	P
Lawn and garden														P	P	P	P	P
Lumber yard and building materials															P	P	P	P

Durable consumer goods sales or service											P			P	P	P		
Consumer goods, other											P		P	P	P	P		
Grocery, food, beverage, dairy, etc.											P		P	P	P	P		
Farmer's market (no sale or raising of livestock)											P			P	P	P		
Health and personal services											P		P	P	P	P		
Pet supplies; pet stores											P		P	P	P	P		
Pet grooming	H	H	H	H	H	H					P		P	P	P	P		
Rental of vehicles and equipment														P	P	P	P	
Gun sales														P	P	P		
Pawn shops														S 4.03.32.1	S 4.03.32.1	S 4.03.32.1		
Gunsmith	H																	
Adult entertainment establishments																	S 4.03.32	

RESTAURANT-TYPE ACTIVITY																		
Restaurant											P		P	P	P	P		
Bar or drinking (alcoholic) beverage establishment											P		P	P	P	P		
Portable or mobile restaurants and food services, temporary outdoor and sales (transient merchant), and sidewalk sales											P		P	P	P	P	P	P
Caterer and food service contractor	H	H	H	H	H	H	H	H	H	H	P	P	P	P	P	P	P	P
OFFICE ACTIVITIES																		
Finance and insurance	H	H	H	H	H	H	H	H	H	H	P	P	P	P	P	P	P	P
Business, professional, scientific, and technical services	H	H	H	H	H	H	H	H	H	H	P	P	P	P	P	P	P	P
Professional services	H	H	H	H	H	H	H	H	H	H	P	P	P	P	P	P	P	P

Veterinary services (no outside runs or pens)	CU 4.03.01										S 4.03.01	S 4.03.01	S 4.03.01	S 4.03.01	S 4.03.01	S 4.03.01	S 4.03.01	S 4.03.01
Services to buildings and dwellings	H	H	H	H	H	H	H	H	H	H				P	P	P	P	P
Governmental and public buildings	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Real estate sales, rental, and management	H	H	H	H	H	H	H	H	H	H	P	P	P	P	P	P	P	P
Medical and dental offices, clinics and related services											P	P	P	P	P	P	P	P
INDUSTRIAL, MANUFACTURING, AND WASTE-RELATED ACTIVITIES																		
Food, textiles, and related products																	P	P
Food processing plants																	S 4.03.03	S 4.03.03
Wood, paper, and printing products																	P	P
Planing and sawmills																		P

Chemicals, metals, machinery, and electronics manufacture																		P
Cosmetic and pharmaceutical storage and production																	P	P
Asphalt and concrete batching; central mixing plants for cement, mortar, plaster, or housing materials manufacture																		S 4.03.03
Electronic equipment, appliance, and components manufacture																	P	P
Wholesale trade establishment																	P	P
Warehouse and storage services															P		P	P
Self-service storage facility															S 4.03.23	S 4.03.23	S 4.03.23	S 4.03.23

Construction-related business																	P	P
Construction-related business (including open storage)																	P	P
Inert landfill (from off-site source)															S <u>3-5-109</u>		S <u>3-5-109</u>	S <u>3-5-109</u>
Salvage, junkyards																		CU 4.03.21
Wrecker services (with storage area)																	CU 4.03.21	CU 4.03.21
Wrecker service (without storage area)															P			
Dry cleaning and laundering plants																	P	P
Solid waste management facilities																		P
Recycling centers																		P
Industrialized and modular buildings											S 4.03.31	S 4.03.31	S 4.03.31	S 4.03.31	S 4.03.31		S 4.03.31	S 4.03.31

Mining including surface and subsurface strip mining																		S 4.03.15
SOCIAL, INSTITUTIONAL, OR INFRASTRUCTURE-RELATED ACTIVITIES																		
Libraries	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
Public and private schools	S 4.03.22	S 4.03.22	S 4.03.22	S 4.03.22	S 4.03.22	S 4.03.22	S 4.03.22	S 4.03.22	S 4.03.22	S 4.03.22	S 4.03.22	P	P	P	P	P	S 4.03.22	S 4.03.22
Day care or nursery centers, child care	S 4.03.04	S 4.03.04	S 4.03.04	S 4.03.04	S 4.03.04	S 4.03.04	S 4.03.04	S 4.03.04	S 4.03.04	S 4.03.04	S 4.03.04	S 4.03.04	S 4.03.04	S 4.03.04	S 4.03.04	S 4.03.04	S 4.03.04	S 4.03.04
Colleges and universities											P	P	P	P	P	P	S 4.03.22	S 4.03.22
Technical, trade, and other specialty schools											P	P	P	P	P	P	P	P
Emergency response or public safety-related activities	S 4.03.06	S 4.03.06	S 4.03.06	S 4.03.06	S 4.03.06	S 4.03.06	S 4.03.06	S 4.03.06	S 4.03.06	S 4.03.06	S 4.03.06	S 4.03.06	S 4.03.06	S 4.03.06	S 4.03.06	S 4.03.06	S 4.03.06	S 4.03.06
Hospitals	CU 4.05.12										P	P	P	P	P	P		
Road, ground passenger, and transit transportation											P	P	P	P	P	P	P	P

Taxi office														P	P	P	P	P
Truck and freight transportation services															P	P	P	P
Postal, courier and messenger services											P	P	P	P	P	P	P	P
Trains or other rail movement											P	P	P	P	P	P	P	P
Aircraft takeoff, landing, taxiing, and parking	S 4.03.25														S 4.03.25	S 4.03.25	P	P
Wireless communication facilities (WCF)	CU <u>7.05.00</u>	CU <u>7.05.00</u>	CU <u>7.05.00</u>	CU <u>7.05.00</u>	CU <u>7.05.00</u>	CU <u>7.05.00</u>	CU <u>7.05.00</u>	CU <u>7.05.00</u>	CU <u>7.05.00</u>	CU <u>7.05.00</u>	CU <u>7.05.00</u>	CU <u>7.05.00</u>	CU <u>7.05.00</u>	CU <u>7.05.00</u>	CU <u>7.05.00</u>	CU <u>7.05.00</u>	CU <u>7.05.00</u>	CU <u>7.05.00</u>

ACTIVITIES ASSOCIATED WITH UTILITIES

Utility and utility services															P		P	P
Radio and television stations														P	P	P		
Essential public services	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Electrical substations	S 4.03.05	S 4.03.05	S 4.03.05	S 4.03.05	S 4.03.05	S 4.03.05	S 4.03.05	S 4.03.05	S 4.03.05	S 4.03.05	S 4.03.05	S 4.03.05	S 4.03.05	S 4.03.05	S 4.03.05	S 4.03.05	S 4.03.05	S 4.03.05

INTERMENT, CREMATION, OR GRAVEDIGGING

Funeral homes and mortuaries (with or without crematoriums)												S 4.03.08		S 4.03.08	S 4.03.08			
Cemeteries	S 4.03.02	S 4.03.02	S 4.03.02	S 4.03.02	S 4.03.02	S 4.03.02	S 4.03.02	S 4.03.02	S 4.03.02	S 4.03.02	S 4.03.02	S 4.03.02	S 4.03.02	S 4.03.02	S 4.03.02	S 4.03.02	S 4.03.02	S 4.03.02
Crematoriums												S 4.03.08		S 4.03.08	S 4.03.08		P	P

SOCIAL, CULTURAL, OR RELIGIOUS ASSEMBLY

Churches and similar religious facilities	CU 4.03.14	CU 4.03.14	CU 4.03.14	CU 4.03.14	CU 4.03.14	CU 4.03.14	CU 4.03.14	CU 4.03.14	CU 4.03.14	CU 4.03.14	P	P	P	P	P	P	CU 4.03.14	CU 4.03.14
Lodges, event facilities, etc.	S 4.03.27										P	P	P	P	P	P	CU 4.03.27	CU 4.03.27
Children and youth centers											P	P	P	P	P	P	CU	CU
Museums, aquariums, zoological park, convention center	CU 4.03.14										CU 4.03.14	CU 4.03.14	CU 4.03.14	CU 4.03.14	CU 4.03.14	CU 4.03.14	CU 4.03.14	CU 4.03.14
Movies, concerts, or entertainment shows											S 4.03.14			P	P	P		
Fairs and exhibitions	CU 4.03.14										CU 4.03.14			CU 4.03.14	CU 4.03.14	CU 4.03.14	CU 4.03.14	CU 4.03.14

ACTIVE LEISURE SPORTS OR RELATED ACTIVITIES

Amusement, sports, or recreation establishment											P		P	P	P	P	CU	CU
Miniature golf	CU 4.03.14										CU 4.03.14		CU 4.03.14	CU 4.03.14	CU 4.03.14	CU 4.03.14	CU 4.03.14	CU 4.03.14
Outdoor golf driving ranges	S 4.03.10	S 4.03.10	S 4.03.10	S 4.03.10	S 4.03.10	S 4.03.10	S 4.03.10	S 4.03.10	S 4.03.10		S 4.03.10							
Fitness club, spas and gyms											P	P	P	P	P	P		
Golf courses	S 4.03.10	S 4.03.10	S 4.03.10	S 4.03.10	S 4.03.10	S 4.03.10	S 4.03.10	S 4.03.10	S 4.03.10		S 4.03.10							
Stables and riding academies	S 4.03.01																	

PASSIVE LEISURE ACTIVITY

Recreational vehicle parks and campgrounds	S 4.03.17															S 4.03.17	S 4.03.17		
Parks	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Athletic fields	CU 4.03.14	CU 4.03.14	CU 4.03.14	CU 4.03.14	CU 4.03.14	CU 4.03.14	CU 4.03.14	CU 4.03.14	CU 4.03.14	CU 4.03.14	CU 4.03.14	CU 4.03.14	CU 4.03.14	CU 4.03.14	CU 4.03.14	CU 4.03.14	CU 4.03.14	CU 4.03.14	CU 4.03.14

FARMING, TILLING, PLOWING, HARVESTING, OR RELATED ACTIVITIES

Agriculture	P																		
Crop garden	P																		
Greenhouses and nurseries	S 4.03.11													S 4.03.11	S 4.03.11				

Support functions for agriculture	P																	P
Roadside stands (for agricultural products)	S 4.03.20																	
Forestry	P																	
LIVESTOCK-RELATED ACTIVITIES																		
Livestock processing or feedlots																	S 4.03.26	S 4.03.26
Kennels	CU 4.03.01										S 4.03.01			S 4.03.01	S 4.03.01	S 4.03.01	S 4.03.01	S 4.03.01
Pasturing, grazing, etc.	P																	

2.03.04. *Accessory land uses in base zoning districts.* The table in this section identifies the permissible accessory uses within each base zoning district. Individual accessory uses are listed, together with an indication as to whether the use is permissible, as an accessory use, within each zoning district. Some uses are permissible by right in a zoning district, and are so indicated in tables 2.03.03 and 2.03.04. Consult each table for a determination as to whether the indicated use is permissible by right, or as an accessory use. Where the cell is blank in all tables for a specified use in a specified zoning district, the use is prohibited. All accessory structures/uses require that a building permit be issued prior to placement through the Henry County Building Department.

Table 2.03.04. Accessory Land Uses in Base Zoning Districts

Zoning Districts: A = Accessory	Section Cross Reference	RA	R-1	R-2	R-3	R-4	R-5	RS	RD	RM	RMH	MU	OI	C-1	C-2	C-3	IAC	M-1	M-2
Accessory dwellings	7.02.02	A	A	A	A	A	A	A										A	A

Employee support facilities	7.02.08											A	A	A	A	A	A	A	A
Fallout shelters	7.02.03	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Outside storage	7.02.05	A												A*		A	A	A	A
Storage buildings, sheds, greenhouses	7.02.01	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Swimming pools	7.02.07	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	
Satellite dish antennas	7.02.06	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A

*Permitted only for lawn and garden, and greenhouses/nursery uses where a building is on the lot.

2.03.05. *Move-in structure uses in base zoning districts.*

- A. *[Applicability.]* Except as provided in this section, no application for a move-in structure permit shall 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 the ULDC (Appendix A) are exempt from this section.
- C. *[Permitted use.]* Move-in houses shall be a permitted use only in the RA (residential-agricultural) zoning district as defined in the ULDC, section 2.01.02 and are subject to all lot size and setback requirements of the RA district, and shall be subject to all regulations of the Henry County Health Department concerning on-site sewage disposal facilities and private wells.
- D. *Inspections.*
 1. *Preliminary inspections.* No building permit application for a move-in structure shall 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 shall be completed on forms provided by the building department prior to the inspection being made. The building department inspection shall determine the compliance or the feasibility of compliance to 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 his 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 shall be paid by the applicant for the move-in structure. If the building official or his authorized representative determines that compliance with existing codes is not feasible, the application for the building permits shall be denied. All such denials shall 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 shall, 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 his authorized representative regarding the

interior load-bearing walls, the owner shall remove one (1) side of these interior walls and the building department shall 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 shall be as set forth in the Henry County Building Department Fee Schedule which shall be paid to the building department prior to the inspection being made.
- E. *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 six (6) months from the date the building permit is issued, the owner of the move-in structure shall provide an irrevocable letter of credit or irrevocable bank escrow letter of surety in the amount of ten thousand dollars (\$10,000.00), meeting the requirements of section 12.02.13. Such irrevocable letters of credit or irrevocable bank escrow letters of surety shall be issued from a federally insured banking institution.
- F. *Building permit.* A building permit shall be obtained from the building department 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 building department fee schedule.
- G. *Owner certification.* All applications for permit shall 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 shall be required to obtain a certificate of occupancy to verify completion of all work and that the structure is ready for habitation.
- H. *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 shall 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 shall 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 (3) 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.
- I. *Requirements for moving companies.* Any firm or individual moving structures into or through Henry County shall 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.
- J. *Guarantee of completion.* No application for a building permit shall be approved until a performance bond, irrevocable letter of credit, or irrevocable bank escrow letter of surety shall first be provided as referred to in subsection E., above.
- K. *Time of completion.* All permits for move-in structures must be completed in compliance with all codes and ordinances of Henry County within six (6) 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 his authorized representative shall notify, in writing, the owner giving specific causes of noncompliance or noncompletion. Upon notification, the owner has thirty (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 shall be issued to the owner immediately. Failure to move or demolish said structure within ten (10) days of this notice shall be deemed a violation of this section and shall be punishable in the Magistrate Court of Henry County and the Henry County Building Official or his authorized representative shall authorize the surety or bank issuing the irrevocable letter of credit or escrow letter of surety to release to the county all funds.
- L. *Extension of completion time.* The Henry County Building Official or his 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 shall 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 shall 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 shall be as set forth in the Henry County Building Department Fee Schedule.

M. *Certification of occupancy.* A certificate of occupancy shall be issued upon the passing of a final inspection of a structure and shall verify the completion requirements hereinabove set forth, including compliance with all existing building and life safety codes.

(Ord. No. 10-12, § I, 10-18-10; Ord. No. 10-14, § I, 10-18-10; Ord. No. 10-18, § I, 11-16-10; Ord. No. 10-20, § I(5)—(8), 6-15-10; Ord. No. 10-15, § I, 10-18-10; Ord. No. 11-02, § I, 4-4-11; Ord. No. 11-08, § I, 12-5-11; Ord. No. 11-09, § I, 12-19-11; Ord. No. 12-10, § I, 2-1-12; Ord. No. 12-15, § I, 7-17-12; Res. No. 13-05, Exh. A, 4-16-13; Ord. No. 15-05, § I, 7-7-15; Ord. No. 17-15, 8-1-17)