

STATE OF GEORGIA

HENRY COUNTY

ORDINANCE NO. 22-01

AN ORDINANCE BY HENRY COUNTY GEORGIA, TO AMEND CHAPTER 3 OF THE HENRY COUNTY CODE OF ORDINANCES TO AMEND SUBSECTION 3-16 REGARDING THE REGULATION OF THE PARKING, KEEPING, AND STORING OF COMMERCIAL VEHICLES

WHEREAS, the Henry County Code of Ordinances was adopted by the Henry County Board of Commissioners (BOC) on May 1, 1984 and amended periodically thereafter; and

WHEREAS, *Section 3-1-6, Amendments; effect of new ordinances and resolutions; amendatory language* of the Henry County Code of Ordinances outlines the procedural process for amendments to the Code; and

WHEREAS, staff has reviewed the Henry County Code of Ordinances and proposes to amend *Chapter 3, Section 3-16*, as it pertains to the regulation of the parking, keeping, and storing of commercial vehicles;

WHEREAS, County and State requirements for legal advertisement and a public hearing have been met;

NOW, THEREFORE, BE IT RESOLVED by the Henry County Board of Commissioners, and it is hereby ordained by the authority of the same, that:

I.

The Henry County Code, is hereby amended by adding an article to be numbered *Chapter 3-16, Article V. Commercial Vehicles*, which said article reads as follows:

ARTICLE V. – COMMERCIAL VEHICLES

Sec. 3-16-55. – Parking, keeping, or storing of commercial vehicles in residential areas.

The parking of the following commercial vehicles shall be prohibited in all residential subdivisions and in all residential zoning districts, except residential-agricultural zoned properties, with two (2) or more acres, except as otherwise authorized: limousines, flatbed trucks, dump trucks, septic pump trucks, tow trucks, bucket trucks, transport wreckers, vehicle carriers, cab-on-chassis trucks (vehicles with no pre-built body), tractor trailers, truck tractors without a trailer, buses, semi-trailers, vehicles with a Gross Vehicle Weight over 26,000 lbs., trailers over 10,000 lbs. in gross weight, bucket trucks, tanker vehicles, vehicles that are carrying hazardous materials, any vehicle that requires a Commercial Driver's License (CDL) or other specialist driver's license, or any other substantially similar vehicle or equipment as determined by the Henry County Code Enforcement Commander or their designee. Vehicles, equipment, or parts

thereof shall be parked or stored within a side or rear yard, or in a carport or other enclosed building. Any storage of vehicles, equipment, or parts thereof within a side or rear yard shall be fully concealed with a solid fence provided that any buffer requirements are met and that any public right-of-way, sidewalk, or sight distance, as defined in Chapter 8, Section 8.01.08 of the ULDC, is not obstructed.

1. The parking of any commercial vehicles shall be prohibited in all residential-agricultural zoned properties that contain a non-residential use and/or structure, including but not limited to: public property, property containing public facilities, institutional living and care facilities, animal boarding, stables and riding academies, cemeteries with or without crematoriums, special event facilities, religious facilities, and properties containing electrical substations or wireless communication facilities (WCFs).

Sec. 3-16-56. – Agricultural equipment and vehicles.

Vehicles or equipment used exclusively for agricultural purposes, such as agricultural tractors, cultivators, harvesters, mechanical tree shakers, mowers, tree trimmers, plow/ploughs, destoners/stone pickers, tillers, manure spreaders, sprayers, grain carts, swathers, hay balers/bale lifters/bale wrappers, hay rakes, grinder/mixers, or any other substantially similar vehicle or equipment as determined by the Henry County Code Enforcement Commander or their designee on residential-agricultural zoned property, not within a subdivision, with three (3) or more acres are permitted. Vehicles or equipment shall be parked or stored within a side or rear yard, or in a carport or other enclosed building. Any storage of vehicles or equipment within a side or rear yard shall be fully concealed with a solid fence provided that any buffer requirements are met and that any public right-of-way, sidewalk, or sight distance, as defined in Chapter 8, Section 8.01.08 of the ULDC, is not obstructed.

Sec. 3-16-57. – Parking, keeping, or storing of commercial vehicles in non-residential areas.

1. Except as otherwise permitted, in all office-institutional, commercial, interchange activity center, or mixed use zoning districts, it shall be unlawful for any person to permit or cause any commercial vehicle to be parked, kept, or stored in any office-institutional, commercial, interchange activity center, or mixed use zoning district unless:
 - a) The vehicle is engaged in loading or unloading activity where the driver is present and in charge thereof;
 - b) The vehicle is owned or is being used by a permitted and licensed business located on the property; or
 - c) A business on the property is conducting operations and the vehicle is being used in connection with such activity.
 - d) The operators of said vehicles are customers of a permitted and licensed business located on the property, and provided that said vehicles are parked within the lines of a designated parking space clearly marked and posted for commercial vehicles. Except as otherwise permitted, said vehicles shall not be parked, kept, or stored overnight.
 - e) Where a commercial vehicle is parked in a parking lot located in an office-institutional, commercial, interchange activity center, or mixed use zoning district pursuant to subsections (a) through (c) of this section, such vehicle shall park only in areas designated and posted as loading zones and/or loading docks.

2. Except at otherwise permitted, the use of parking spaces, parking lots, loading zones, or loading docks by operators of commercial vehicles for sleeping or parking overnight is strictly prohibited.
3. The provisions of this subsection shall not apply to permitted and licensed vehicle and commercial vehicle rental, leasing, or sales facilities operating and conducting business.
4. Any permitted and licensed business providing designated parking spaces for the parking of commercial vehicles pursuant to this subsection is prohibited from acting as a routing agent for said vehicles.
5. Parking in hotel or motel parking lots
 - a) Commercial vehicles may be parked in the parking lots of permitted and licensed hotels and motels provided that the operators of said vehicles are registered guests of the hotel or motel, staying overnight, and provided that said vehicles are parked within the lines of a designated parking space clearly marked and posted for commercial vehicles.
 - b) Any hotel or motel providing designated parking spaces for the parking of commercial vehicles pursuant to this subsection is prohibited from acting as a routing agent for said vehicles.

Sec. 3-16-58. – Overnight parking, keeping, or storing of commercial vehicles in non-residential areas.

- a) Commercial vehicles may be parked overnight or for storage purposes only in industrial zoning districts within the unincorporated jurisdiction of Henry County whereas the parking or storing of commercial vehicles is accessory to the permitted and licensed principal use of the property for warehousing, storage, and/or distribution purposes.
- b) Overnight parking or storing of commercial vehicles on vacant office-institutional, commercial, or industrial zoned property is prohibited.

Sec. 3-16-59. – Violations; penalties.

- a) Unless otherwise specified within a particular chapter of the Code of Henry County, Georgia, any person violating any of the provisions of this ordinance or failure to comply with any of its requirements, shall, upon conviction or plea of guilty thereof, be punishable by a fine not to exceed one thousand dollars (\$1,000.00), or by imprisonment of not more than sixty (60) days, or both, such fine and imprisonment as the facts of the case may justify.
- b) The imposition of one (1) penalty for any violation shall not excuse or permit the violation to continue. Each such violation committed or permitted to continue, shall constitute a separate offense and shall be punishable as such hereunder. Each day any violation of this ordinance shall continue shall constitute a separate offense.
- c) In addition to the penalties provided in this section or elsewhere in this ordinance, any condition caused or permitted to exist in violation of any of the provisions of this Code or any ordinance shall be deemed a public nuisance, and may be abated by the county as provided by law or ordinance. Each day that such condition continues shall be regarded as a new and separate offense.

- d) All costs, attorney's fees, expert witness fees and other expenses incurred by the county in connection with the enforcement of this ordinance shall be recovered from the violator.

II.

It is the intention of the BOC, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Henry County, Georgia.

III.

All ordinances, parts of ordinances, or regulations in conflict herewith are hereby repealed.

IV.

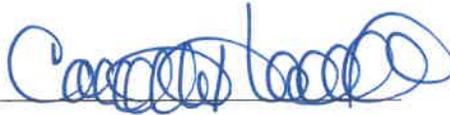
Should any section, part or provision of this ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of the ordinance as a whole or any part thereof not specifically declared to be invalid or unconstitutional.

V.

This ordinance shall take effect and be in force from and after the date of its adoption, the public welfare demanding it.

BE IT SO ORDAINED, THIS 1ST DAY OF MARCH, 2022.

**BOARD OF COMMISSIONERS
OF HENRY COUNTY, GEORGIA**



Carlotta Harrell, Chair

ATTEST:



Stephanie Braun, County Clerk

**PUBLIC HEARING/
NOTICE**

PUBLIC HEARING NOTICE
Henry County Board of
Commissioners (BOC)

Date: March 1, 2022
Location: Henry County
Administration Building
140 Henry Parkway,
McDonough, Georgia
30253
Public Meeting: 9:00 AM
Community Meeting: 6:00 PM

REZONING:

RZ-21-26
Samir Patel of McDonough, Georgia requests a rezoning, RA (Residential-Agricultural) and C-1 (Neighborhood Commercial) to R-2 (Single Family Residence) for property located at 1376 and Conyers Road in Land Lot 96 of the 12th District and Land Lot 96 of the 11th District. The property consists of 3.194 +/- acres, and the request is for a residential lot split. District 4

UNIFIED LAND DEVELOPMENT CODE TEXT AMENDMENT:

ULDC-AM-22-01

An Ordinance by Henry County, Georgia, to amend the Unified Land Development Code of the Henry County Code of Ordinances regarding the boundaries of the Highway Corridor Overlay District and for other purposes. Countywide

ULDC-AM-22-02

An Ordinance by Henry County, Georgia, to amend the Unified Land Development Code of the Henry County Code of Ordinances regarding the regulation of the parking, keeping, and storing of commercial vehicles in Henry County and for other purposes. Countywide

HENRY COUNTY CODE AMENDMENT:

HC-CODE-AM-22-01

An Ordinance by Henry County, Georgia, to amend the Henry County Code of Ordinances regarding the regulation of the parking, keeping, and storing of commercial vehicles in Henry County and for other purposes. Countywide
61509-2/12/2022

Henry County

EXECUTIVE SUMMARY

BOARD OF COMMISSIONERS MEETING

Meeting Date:

March 1, 2022

Department Requesting Agenda Item:

Henry County Planning & Zoning

Action Type:

Action requested by BOC

For informational purposes only

Attachments/Exhibits for Agenda Item:

1. Executive Summary
2. Ordinance
3. Legal Ad

Presenter:

Stacey Jordan-Rudeseal, Assistant Director

Agenda Item:

An Ordinance by Henry County, Georgia, to amend the Henry County Code of Ordinances regarding the regulation of the parking, keeping, and storing of commercial vehicles in Henry County and for other purposes. **Countywide**

Background:

The Henry County Code of Ordinances does not currently regulate the parking, keeping, or storing of commercial vehicles. The proposed Henry County Code of Ordinances amendment would provide clarity to *Chapter 3-16 Nuisances* regarding the regulation of the prohibition and allowances for the parking, storing, and keeping of commercial vehicles in Henry County.

Financial Implications/Considerations: N/A

The project is budgeted.	Y	or	N
The project will require the use of Fund Balance.	Y	or	N
If yes, please state amount _____.			
The project will require no funds.	Y	or	N
The project is grant funded and will require a _____% match, and those funds are/are not budgeted.	Y	or	N
Is this request a Capital Project and part of the Capital Project List?	Y	or	N

Additional Comments / Recommendation:

Planning and Zoning Staff recommends approval of the recommended changes.