

ORDINANCE NO. 09-05

AN ORDINANCE BY HENRY COUNTY, GEORGIA, TO REPEAL FROM THE HENRY COUNTY CODE OF ORDINANCES CHAPTERS 3-6 THROUGH 3-11 AND OTHER ORDINANCES AND REGULATIONS OR PARTS THEREOF; AND TO ADOPT THE HENRY COUNTY UNIFIED LAND DEVELOPMENT CODE, IN LIEU THEREOF; INCLUDING THE OFFICIAL ZONING MAP.

WHEREAS, the Henry County Board of Commissioners desires to adopt the Henry County Unified Land Development Code; and

WHEREAS, the Unified Land Development Code replaces Chapters 3-6 through 3-11 and other Ordinances previously adopted by the Board of Commissioners; and

WHEREAS, the Unified Land Development Code includes an Official Zoning Map; and

WHEREAS, the Zoning Advisory Board held public workshops over the last year to provide affected property owners and other citizens of Henry County to participate in the creation of the unified Land Development code; and

WHEREAS, pursuant to O.C.G.A 36-66-4, public hearings were held by the Board of Commissioners on May 19, 2009 and September 15, 2009 and the Zoning Advisory Board on May 14, 2009 and September 10, 2009 after public notice as required by law, at which times all owners of property affected and other citizens of Henry County were given the opportunity to voice their protests, suggestions, or criticism, if any;

WHEREAS, the Henry County Board of Commissioners passed a ninety (90) day moratorium on Wireless Communication Facility (WCF) applications on Tuesday August 25, 2009, and said moratorium will be in effect even after the adoption of the Unified Land Development Code.

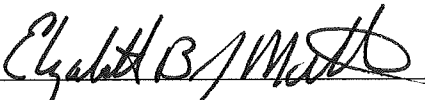
NOW, THEREFORE, BE IT RESOLVED THAT the Henry County Board of Commissioners ordains that the Henry County Unified Land Development Code is adopted as follows:

- A. The Henry County Unified Land Development Code is adopted for the purposes and intent set forth therein and shall become effective on September 15, 2009.
- B. The Henry County Zoning Map, dated September 15, 2009, including the computer-based electronic version thereof, is adopted as the Official Zoning Map of Henry County and shall become effective on September 15, 2009.
- C. The following ordinances and regulations previously adopted by the Henry County Board of Commissioners, and as amended from time to time, are hereby repealed upon the effective date of adoption of the Unified Land Development Code:
 1. Chapter 3-6: Planning & Development
 2. Chapter 3-7: Zoning
 3. Chapter 3-8: Subdivision
 4. Chapter 3-9: Buildings and Building Regulations
 5. Chapter 3-10: Signs
 6. Chapter 3-11: Drainage and Flood Control

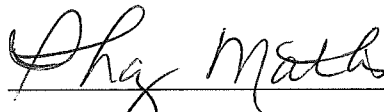
- D. The conditional rezoning approved for Henderson Farms on August 18, 2009 by the Board of Commissioners rezoning the applicable property from RA to PD per Resolution No. 09-205 (Rezoning File No. 09-04) shall be exempt from the provisions of the ULDC and the new Official Zoning Map. Such property shall be governed by a Development Agreement entered into between the parties subsequent to the adoption of the ULDC and the County Zoning Ordinance in effect prior to the adoption of the ULDC.
- E. All other laws or regulations or parts of laws or regulations of Henry County in conflict with the Unified Land Development Code are hereby repealed to the extent of their conflict as of the effective date of the Unified Land Development Code. Where the Unified Land Development Code overlaps with other requirements adopted by the Board of Commissioners, whichever imposes the more stringent restrictions shall prevail.
- F. It is hereby decreed to be the intention of the Henry County Board of Commissioners that the sections, paragraphs, sentences, clauses and words of the Henry County Unified Land Development Code are severable and if any word or words, clause or clauses, sentence or sentences, paragraph or paragraphs, section or sections of the Unified Land Development Code shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining words, clauses, sentences, paragraphs, and sections of the Unified Land Development Code as the same would have been enacted by the Henry County Board of Commissioners without the incorporation in the Unified Land Development Code of any such unconstitutional word or words, clause or clauses, sentence or sentences, paragraph or paragraphs, section or sections.

BE IT SO RESOLVED, THIS 15th DAY OF SEPTEMBER, 2009.

BOARD OF COMMISSIONERS
OF HENRY COUNTY, GEORGIA


Elizabeth 'BJ' Mathis, Chairman

ATTEST:


Shay Mathis, County Clerk