

**STATE OF GEORGIA
HENRY COUNTY**

ORDINANCE NO. 12-23

AN ORDINANCE TO AMEND CHAPTER 7: STANDARDS FOR ACCESSORY AND TEMPORARY USES, TABLE 7.02.04(B) TYPES OF FENCES IN ACCORDANCE WITH SECTIONS 12.02.11 AND 12.03.00 OF THE HENRY COUNTY UNIFIED LAND DEVELOPMENT CODE; AND FOR OTHER PURPOSES

WHEREAS, the Unified Land Development Code (ULDC) was adopted and made a part of the Henry County Code of Ordinances by the Henry County Board of Commissioners (BOC) on September 15, 2009; and

WHEREAS, *Section 12.02.11, Requirements for Amendments* of the ULDC outlines the procedural process for amendments to the Code; and

WHEREAS, Staff has reviewed the ULDC document and proposes to amend *Chapter 7, Table 7.02.4(B) Types of Fences* to allow a fence to be located within the front yard of a RA (Residential-Agricultural) subdivision with no minimum acreage requirements; and

WHEREAS, the Henry County Zoning Advisory Board reviewed and recommended approval of the proposed amendment on May 10, 2012; and

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

NOW, THEREFORE, BE IT ORDAINED by the BOC, and it is hereby ordained by the authority of the same, that:

I.

The BOC amends the Unified Land Development Code (ULDC) *Table 7.02.04(B) Types of fences* as follows and delineated below in *Table 7.02.04(B)*:

1. Delete “MORE THAN TWO (2) ACRES” and “NOT WITHIN A SUBDIVISION”-Column 2
2. Delete “RA LESS THAN TWO (2) ACRES”- Column 3
3. Add “*A privacy fence and/or other structure that obstructs or obscures the front view of the property shall be prohibited. All decorative fencing shall be in accordance with the same regulations that govern a fence around a swimming pool as shown in *Table 7.02.04(B)* below:

Table 7.02.04(B). Types of Fences.

| Fence Type | 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 |
|--|-------------|---|--------------------------|--|
| | | Within subdivisions | Not within a subdivision | |
| Decorative: wood, stone, masonry, wrought iron | Permitted * | Side and rear yards only | Permitted * | Permitted |
| Chain link | Permitted | Side and rear yards only | Permitted | Permitted |

| | | | | |
|--------------------|-------------------------------------|------------|---|---|
| Barbed wire | Limited to top of the fence or wall | Prohibited | Side and rear yards only; limited to top of the fence or wall | Limited to top of the fence or wall |
| Welded or hog wire | Side and rear yards only | Prohibited | Side and rear yards only | Prohibited adjacent to residential zoning districts |
| Electric | see Section 7.02.02(C) | Prohibited | Side and rear yard only: see Section 7.02.02(C) | Permitted: see Section 7.02.02(C) |

* All requests for a fence in the front yard shall be handled administratively, based on a justification and/or hardship. The request will be evaluated by the Architectural Review Committee.

II.

The aforementioned ordinance amendment shall not conflict or supersede any restrictive or protective covenants, which may exist within a subdivision; and

III.

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, and the sections and articles of the Code may be renumbered to accomplish such intention.

IV.

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

V.

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.

VI.

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 17th DAY OF JULY 2012.

BOARD OF COMMISSIONERS
OF HENRY COUNTY, GEORGIA

Elizabeth 'BJ' Mathis, Chairman

ATTEST:

Shay Mathis, County Clerk