

consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring, or plumbing, to an extent not exceeding ten (10) percent of the current replacement cost of the nonconforming portion of the structure as the case may be, provided that the cubic content existing when it became nonconforming shall not be increased.

(b) If a nonconforming structure or portion of a structure containing a nonconforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance, and is declared by any duly authorized official to be unlawful by reason of physical condition, it shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulations of the district in which it is located.

Sec. 3-7-126. Amortization and discontinuance.

There are found to be certain uses of land, buildings and structures which have adverse effect on the carrying out of the land use plan, and which can be discontinued after a reasonable time irrespective of aforementioned rules as to nonconforming uses. The following uses shall be removed or made conforming within the specified amortization period. Said amortization period shall commence upon the effective date of this chapter.

- (1) Fences, walls and foliage which constitute a hazard by virtue of impairing sight distances at a curve or intersection shall be made conforming within ninety (90) days.
- (2) Outdoor advertising signs and billboards deemed a nuisance or hazard shall conform within two (2) years.
- (3) All provisions in business or industrial districts of this chapter setting forth specifications for the operation of a business or industry requiring fencing or opaque shielding shall be complied with within two (2) calendar years.
- (4) Nonconforming open storage operations, such as truck parking, automobile wreck-

ing or salvage material storage and similar uses shall be made conforming within two (2) calendar years.

- (5) Nonconforming frame, block or light metal structures shall be made conforming within twenty-five (25) calendar years.
- (6) Structures incurring damage of less than fifty (50) percent of fair market value above the foundation may be restored and used as before, provided that such restoration is commenced within six (6) calendar months from the date damages were incurred. If reconstruction is not commenced within six (6) months, the use of said land or structure shall thereafter conform with the provisions of this chapter. Fair market value shall be determined by reference to current statutory provisions pertaining to real estate assessment and the records of the county assessor.

Secs. 3-7-127—3-7-140. Reserved.

ARTICLE VIII. SCHEDULE OF DISTRICT REGULATIONS

Sec. 3-7-141. Adoption of district regulations.

Zoning district regulations are set forth herein in the schedule of district regulations which is hereby adopted as a part of this chapter.

Sec. 3-7-142. Uses common to all single-family residential districts.

(a) There exist certain uses of land which are compatible and acceptable when located in a residential district, provided that each use conforms to the use and space limits of the particular residential district.

(b) Unless otherwise stated, the following uses are allowed in all residential districts subject to the restrictions imposed by the district regulations:

- (1) *Permitted Uses:*
 - a. Single-family dwellings.

- b. Crop gardens.
 - c. Local, state and federal governmental buildings.
 - d. Publicly owned and operated parks and recreation areas.
 - e. Temporary buildings and storage of materials in conjunction with construction of a building on a lot or adjacent lots where residential construction is taking place.
 - f. Home occupations, when conducted wholly within the principal structure.
- (2) *Accessory Uses:*
- a. Accessory structures or buildings.
 - b. Subdivision recreation areas owned, operated and maintained by homeowner's associations exclusively for the use of residents and their guests.
 - c. The parking of one unoccupied travel trailer, motor coach or pleasure boat, subject to provisions of this chapter.
 - d. Railroad through and spur tracks, but not sidings and/or terminal facilities.
 - e. Utility substations, when located in accordance with the requirements and space limits set forth in the district regulations. All substations shall have a landscaped or masonry barrier on all sides.
- (3) *Conditional Uses:* Upon application to, and recommendation by the planning commission and favorable decision thereon by the board of county commissioners, the following conditional uses are permitted in these districts:
- a. Basement apartment, provided that not more than one unit shall be permitted per lot and that no exterior alterations to the building are made to provide additional entrances. Adequate off-street parking is to be provided and the apartment shall meet health department standards.
 - b. Churches, synagogues, chapels and other places of religious worship or educational instruction when located on a major thoroughfare having minimum street classification of a collector street and having a minimum frontage of two hundred (200) feet. The minimum site area shall be two (2) acres and all buildings shall be located not less than fifty (50) feet from any property line. A planted buffer strip of not less than twenty (20) feet in width shall be provided along all side and rear property lines.
 - c. Garage apartment, provided that not more than one unit shall be permitted per lot and that such structure shall be subordinate to the principal structure and located entirely within the rear yard. The lot area must meet minimum requirements for two-family dwelling. Adequate off-street parking is to be provided and the apartment is to meet health department standards.
 - d. Guest quarters or employee quarters, provided that no more than one unit shall be permitted on a lot and this unit shall be in the rear yard. The lot on which such use is established shall meet the minimum area requirements for a two-family dwelling. These quarters shall not be used as rental property.
 - e. Home occupations where an accessory structure is used.
 - f. Nursery schools, kindergarten schools, and day care centers providing child care for more than six (6) children when conducted in a principal structure or within a church or school, provided that at least two hundred (200) square feet of outdoor play area and thirty-five (35) square feet of indoor play space is provided for each child. The outdoor play area shall be enclosed by a security chain link fence, at least four (4) feet in

height. A state license and a Henry County business license are required.

- g. Nursing care facilities of a denominational nature when located on the same site as a church.
- h. Public, parochial and private schools when such facilities are located on the same site of the school or college. Any such facility shall front on a thoroughfare having minimum classification of collector and have minimum frontage of two hundred (200) feet. The minimum site area shall be three (3) acres.
- i. Public and private golf courses, provided that use is limited to daytime hours and that all facilities shall be set back a minimum of one hundred (100) feet from any property line.
- j. Radio and television towers, and communications towers, provided that all such structures and support facilities shall be set back a minimum of two hundred (200) feet from adjacent property lines and that all Federal Aviation Administration requirements are met.

(4) *Conditional Exceptions:*

Temporary religious meetings.

(Ord. No. 90-09, 9-19-90; Ord. No. 93-11, 12-21-93; Ord. No. 96-05, 12-2-96)

Sec. 3-7-143. RA: residential-agricultural district.

(a) *Purpose.* It is the intent of this district to preserve the mixed agricultural and residential character of land which presently serves as a transition between rural land and land which is becoming urban in character.

(b) *Permitted Uses:*

- (1) Those permitted uses common to all single-family residential districts.
- (2) Agriculture, including the raising of field crops, horticulture, animal husbandry, and poultry farms, all of which shall be subject to regulation by the health depart-

ment. Farm structures which include raising or keeping animals shall be set back a minimum of one hundred (100) feet from all property lines.

- (3) Riding academies and stables on tracts of not less than three (3) acres.
- (4) Manufactured homes.
- (5) Industrialized buildings.

(c) *Accessory Uses:*

- (1) Those accessory uses common to all single-family residential districts.
- (2) Living quarters for persons regularly employed on the premises; but not to include labor camps or dwellings for transient labor.
- (3) Roadside stands for sale of agricultural products grown on the premises, but not to exceed five hundred (500) square feet in floor area.

(d) *Conditional Uses.* Upon application to, and recommendation by the planning commission and favorable decision thereon by the board of county commissioners, the following conditional uses are permitted in this district:

- (1) Those conditional uses common to all single-family residential districts.
- (2) *Reserved.*
- (3) Ambulance and emergency service.
- (4) Armories.
- (5) Crematories.
- (6) Colleges or universities with dormitories, fraternity and/or sorority houses when located on the main campus.
- (7) Hospitals and care homes having a minimum lot area of three (3) acres when fronting upon a major thoroughfare. Side and rear yard setbacks to be fifty (50) feet from property lines.
- (8) Noncommercial kennels; provided that all structures, pens and runs be in the rear yard only, with a minimum setback of seventy-five (75) feet from all property lines.

- (9) Private clubs and lodges.
- (10) Rural trailer/motor coach (RV) parks with minimum lot area of five (5) acres.

(e) *Conditional Exceptions:*

- (1) Carnivals, rodeos, fairs and similar activities of a temporary nature.
- (2) Taxidermist studios.
- (3) Travel trailer/motor coach (RV) campgrounds having a minimum lot area of five (5) acres.

(f) *Development Standards:*

- (1) Minimum lot area ... 1.25 acres minimum area with septic tank and well; 3.0 acres for agricultural uses; 1.0 acres when county water system is used and property has frontage on paved county road
- (2) Minimum lot width ... 200 feet; 175 feet when county water system is used and property has frontage on a paved county road
- (3) Minimum front yard ... 75 feet from right-of-way line; 50 feet from right-of-way when [in] part of a subdivision requiring new streets
- (4) Minimum side yard ... 20 feet
- (5) Minimum rear yard ... 40 feet
- (6) Maximum height ... 35 feet

- (7) Minimum floor area [(heated space)] ... 1,000 square feet when on lots of 1.25 acres or larger; 1,200 square feet for lots less than 1.25 acres
- (8) Curb and gutter ... Required in subdivisions
- (9) Paved driveway ... Required in subdivisions; otherwise not required
- (10) Sewage system ... Septic tank permitted
- (11) Water system ... Well or county water

(g) *Miscellaneous Provisions.* Minimum lot area of one and one-quarter (1.25) acres required in Towaliga River and Tussahaw Creek Watershed Protection Districts. (Ord. No. 87-16, 9-15-87; Ord. No. 88-03, 3-1-88; Ord. No. 88-11, 9-6-88; Ord. No. 89-19, 11-7-89; Ord. No. 93-11, 12-21-93; Ord. No. 95-01, 4-18-95; Ord. No. 97-12, 11-18-97)

Sec. 3-7-144. R-1: single-family residence district.

(a) *Purpose.* It is the intent of this district to provide for single-family residential dwellings of a low density character on individual lots.

(b) *Permitted Uses.* Those permitted uses common to all single-family residential districts.

(c) *Accessory Uses.* Those accessory uses common to all single-family residential districts.

(d) *Conditional Uses.* Upon application to, and recommendation by the planning commission and favorable decision thereon by the board of county commissioners, the following conditional uses are permitted in this district:

- (1) Those conditional uses common to all single-family residential districts.

- (2) Move-in houses.
- (3) Manufactured homes.
- (4) Industrialized buildings.

(e) *Conditional Exceptions.* Those conditional exceptions common to all single-family residential districts.

(f) *Development Standards:*

- (1) Minimum lot area . . . 43,560 square feet
(1 acre)
 - (2) Minimum lot width . . 150 feet
 - (3) Minimum front yard . 50 feet from right-of-way line
 - (4) Minimum side yard . . 20 feet
 - (5) Minimum rear yard . . 40 feet
 - (6) Maximum height 35 feet
 - (7) Minimum floor area
(heated space) 1,500 square feet
 - (8) Curb and gutter Required
 - (9) Paved driveway Required
 - (10) Sewage system Septic tank permitted
 - (11) Water system County water system
- (Ord. No. 87-16, 9-15-87; Ord. No. 90-09, 9-19-90; Ord. No. 91-03, 4-16-91; Ord. No. 93-11, 12-21-93; Ord. No. 95-02, 4-18-95)

Sec. 3-7-145. Reserved.

Editor's note—Former § 3-7-145, which pertained to the R-1A single-family residence district, was deleted pursuant to Ord. No. 90-04, adopted Sept. 19, 1990, which, in part, deleted R-1A from the list of zoning districts allowable within the county. The ordinance contained provisions repealing all ordinances in conflict therewith. Former § 3-7-145 has been amended by Ord. No. 87-16, adopted Sept. 15, 1987.

Sec. 3-7-146. R-2: single-family residence district.

(a) *Purpose.* It is the intent of this district to provide for single-family dwellings of a moderate density character on individual lots when served by septic tanks or public sewer system. Residen-

tial subdivisions in this district over eight (8) acres in total area shall have access onto an arterial road as identified in the land use plan.

(b) *Permitted Uses.* Those permitted uses common to all single-family residential districts.

(c) *Accessory Uses.* Those accessory uses common to all single-family residential uses.

(d) *Conditional Uses.* Upon application to, and recommendation by the planning commission and favorable decision thereon by the board of commissioners, the following conditional uses are permitted in this district:

- (1) Those conditional uses common to all single-family residential districts.
- (2) Move-in houses.
- (3) Manufactured homes.
- (4) Industrialized buildings.

(e) *Conditional Exceptions.* Those conditional exceptions common to all single-family residential districts with the exception of taxidermy.

(f) *Space Limits:*

- (1) Minimum lot area . . . 30,000 sq. ft. on septic tank system; 18,000 sq. ft. on public sewer system
- (2) Minimum lot width . . 125 feet on septic tank system; 100 feet on public sewer system
- (3) Minimum front yard . 50 feet from right-of-way line; 40 feet from right-of-way line if on public sewer
- (4) Minimum side yard . . 15 feet
- (5) Minimum rear yard . . 40 feet
- (6) Maximum height 35 feet
- (7) Minimum floor area
(heated space) 1,300 square feet

- (8) Curb and gutter Yes; sidewalks required for lots with 100-foot width
- (9) Paved driveway Yes
- (10) Sewage system Septic tank permitted if lot size equals or exceeds 30,000 sq. ft.; Sanitary sewer system required for lots less than 30,000 sq. ft. and 100 ft. width
- (11) Water system County water system

(g) *Miscellaneous Provisions.* Maximum permissible density shall not exceed one and twenty-five hundredths (1.25) dwelling units per acre with county water and septic tank systems. (Ord. No. 87-16, 9-15-87; Ord. No. 89-19, 11-7-89; Ord. No. 90-09, 9-19-90; Ord. No. 93-04, 3-16-93; Ord. No. 93-11, 12-21-93)

Sec. 3-7-147. R-3: single-family residence district.

(a) *Purpose.* The district is to provide for single-family residential development on smaller lots where public sewer systems are provided when part of a planned development project.

- (b) *Permitted Uses:*
- (1) Those permitted uses common to all single-family residential districts.
 - (2) Cluster home developments.
 - (3) Manufactured homes.

(c) *Accessory Uses.* Those accessory uses common to all single-family residential districts.

(d) *Conditional Uses.* Upon application to, and recommendation by the planning commission and favorable decision thereon by the board of county commissioners, the following conditional uses are permitted in this district:

- (1) Those conditional uses common to all single-family residential districts.
- (2) Move-in houses.

- (3) Manufactured homes.
- (4) Industrialized buildings.

(e) *Conditional Exceptions.* Those conditional exceptions common to all single-family residential districts with the exception of taxidermy.

(f) *Space Limits:*

- (1) *Minimum lot area* 12,000 square feet
- (2) *Minimum lot width* 75 feet
- (3) *Minimum front yard* 40 feet from right-of-way line
- (4) *Minimum side yard* 10 feet
- (5) *Minimum rear yard* 40 feet
- (6) *Maximum height* 35 feet
- (7) *Minimum floor area (heated space)* 1,050 square feet
- (8) *Curb and gutter* Yes: sidewalks required
- (9) *Paved driveway* Yes
- (10) *Sewage system* Sanitary sewer required
- (11) *Water system* County water system

(g) *Miscellaneous Provisions.* R-3 single-family residences are allowed only in a planned development project of no less than ten (10) acres, of which twenty-five (25) percent of the total net acreage may be zoned as R-3. Maximum permissible density shall not exceed three and six-tenths (3.6) dwelling units per acre. (Ord. No. 87-16, 9-15-87; Ord. No. 89-19, 11-7-89; Ord. No. 90-09, 9-19-90; Ord. No. 93-03, 3-16-93; Ord. No. 93-11, 12-21-93)