



BANKS COUNTY PLANNING COMMISSION MEETING

Courthouse Annex Boardroom | 150 Hudson Ridge | Homer, GA 30547

Tuesday, January 04, 2022 at 6:30 PM

AGENDA

1. CALL TO ORDER

2. APPROVE MINUTES

- [a.](#) Minutes from December 2021

3. APPLICATION FOR REZONE

- [a.](#) Z-22-01 — Darshaan Holding, LLC — An application has been submitted to rezone the property identified as parcel B51 025 Tract 1A, a 7.27-acre lot at Hwy 441 and McCoy Bridge Rd., from ARR (Agricultural, Rural, Residential) to C2 (Commercial) to be used for a convenience store/gas station, retail space, and self-storage facility.

4. CODE AMENDMENTS: Amendments to Code of Ordinance Appendix A entitled "Zoning"

- [a.](#) Article IV: "General Provisions"
- [b.](#) Article IV: "General Provisions"
- [c.](#) Article V: "CAD, Consolidated Agricultural District-Intensive"
- [d.](#) Article V: "CAD, Consolidated Agricultural District-Intensive"
- [e.](#) Article VI: "ARR, Agricultural-Rural Residential District"
- [f.](#) Article VI: "ARR, Agricultural-Rural Residential District"
- [g.](#) Article VII(A): "R-1, Single-Family Residential District"
- [h.](#) Article VIII: "C-1, Neighborhood Commercial District"
- [i.](#) Article IX(A): "C-2, General Commercial District"
- [j.](#) Article IX(B): "C-2, General Commercial District"
- [k.](#) Article X: "M-1, Industrial District"
- [l.](#) Article XII: "Administration, Interpretation, Enforcement, Penalties, and Remedies"
- [m.](#) Article XXI: "Office and Light Industrial District (OLI)"

5. ADJOURNMENT



BANKS COUNTY PLANNING COMMISSION MEETING

Courthouse Annex Boardroom | 150 Hudson Ridge | Homer, GA 30547

Tuesday, December 07, 2021 at 6:00 PM

MINUTES

1. CALL TO ORDER

Chairman Mathis calls the meeting to order.

2. APPROVE AGENDA

3. APPROVE MINUTES

a. Minutes: November 2021

Chairman Mathis asks for a motion to approve agenda/minutes.

Motion made by Vice-Chairman Griffith, Seconded by Mr. Wheatley.

Voting Yea: Chairman Mathis, Vice-Chairman Griffith, Mr. O'Kelley, Mr. Wheatley, Mr. Moon

5:0 vote and the motion passed.

4. APPLICATION TO REZONE

- a. **POSTPONED:** Z-21-09 – PNK Holdings, LLC– An application has been submitted to rezone parcel B77 012, a 167.07-acre lot; parcel B77 010, a 38.3-acre lot; and parcel B76 022, a 212-acre lot from ARR (Agricultural, Rural, Residential) to M1 (Industrial) and to rezone parcel B77 008, a 137-acre lot, from C2 (Commercial) to M1 (Industrial.)

5. APPROVE PLAT: Plat Approval for Seth Cape, The Oaks at Banks Crossing- Phase IV

Seth Cape introduces the final plat (phase 4) of The Oaks. Chairman Mathis asks for a motion.

Motion to approve made by Chairman Mathis, Seconded by Mr. O'Kelley.

Voting Yea: Chairman Mathis, Vice-Chairman Griffith, Mr. O'Kelley, Mr. Wheatley, Mr. Moon

5:0 vote and the motion passed.

6. CODE AMENDMENTS: Amendments to Code of Ordinances Chapter 74 entitled "Subdivisions"

General Recommendation:

Utilize section 74-37, reserve section: No subdivision may be created that is not defined in section 74-61 Definitions, *Classes of Subdivisions*.

Motion to approve with recommendations made by Vice-Chairman Griffith, Seconded by Mr. Moon.

Voting Yea: Chairman Mathis, Vice-Chairman Griffith, Mr. O'Kelley, Mr. Wheatley, Mr. Moon

5:0 vote and the motion passed.

a. Article III: "Definitions"

Recommendations:

Class II: should read "no less than 5 acres per lot"

Class III: should read "no less than 10 acres per lot"

Class III: remove "shall be zoned R-1"

Motion to approve with recommendations made by Vice-Chairman Griffith, Seconded by Mr. Moon.

Voting Yea: Chairman Mathis, Vice-Chairman Griffith, Mr. O'Kelley, Mr. Wheatley, Mr. Moon

5:0 vote and the motion passed.

b. Article V: "General Designs and Other Requirements"

Recommendations:

Correct typo "access to a class 3 subdivision"

Clarify: "not more than 150 feet and with a width of 20 feet"

Motion to approve with recommendations made by Vice-Chairman Griffith, Seconded by Mr. Moon.

Voting Yea: Chairman Mathis, Vice-Chairman Griffith, Mr. O'Kelley, Mr. Wheatley, Mr. Moon

5:0 vote and the motion passed.

c. Article VI: "Requirements for Streets and Other Right of Way"

Recommendations:

Change cul-de-sac to "at least 150 feet in diameter."

Add a 300 ft minimum distance between two access points.

Motion to approve with recommendations made by Vice-Chairman Griffith, Seconded by Mr. Moon.

Voting Yea: Chairman Mathis, Vice-Chairman Griffith, Mr. O'Kelley, Mr. Wheatley, Mr. Moon

5:0 vote and the motion passed.

d. Article VII: "Design Standards for Blocks and Lots"

Recommendations:

Change block lengths and widths wording to read "...except in unusually severe circumstances and with approval..."

Change underground utilities wording to read "shall be underground except in unusually severe circumstances and with approval..."

Motion to approve with recommendations made by Vice-Chairman Griffith, Seconded by Mr. Moon.

Voting Yea: Chairman Mathis, Vice-Chairman Griffith, Mr. O'Kelley, Mr. Wheatley, Mr. Moon

5:0 vote and the motion passed.

e. Article VIII: "Required Improvements"

Recommendations:

Change minimum pipe size to 24"

Motion to approve with recommendations made by Vice-Chairman Griffith, Seconded by Mr. Moon.

Voting Yea: Chairman Mathis, Vice-Chairman Griffith, Mr. O'Kelley, Mr. Wheatley, Mr. Moon

5:0 vote and the motion passed.

7. ADJOURNMENT

Chairman Mathis asks for a motion to adjourn.

Motion to adjourn made by Chairman Mathis, Seconded by Vice-Chairman Griffith.

Voting Yea: Chairman Mathis, Vice-Chairman Griffith, Mr. O'Kelley, Mr. Wheatley, Mr. Moon

5:0 vote and the motion passed.

Banks County Board of Commissioners
APPLICATION FOR REZONING PERMIT

Section 3, Item a.

150 HUDSON RIDGE SUITE 4 / HOMER, GA 30547
PHONE: (706)677-4272 FAX: (888)686-7421 www.bankscountyga.org

DATE ISSUED: 11/04/2021

PERMIT #: 2021-20210405

LOCATION:	SEWELL	DISTRICT	TAX MAP PARCEL
			B51 025 PARENT
	00 MCCOY BRIDGE RD	LOT	ZONING DISTRICT
		TR 1A	ARR
OWNER:	DARSHAAN HOLDING, LLC		TOTAL VALUATION
			\$0
CONTRACTOR:			TOTAL SQ FT
			0
			HEATED/UNHEATED
			0 / 0

TYPE CONSTRUCTION: REZONING APP

OCCUPANCY GROUP: REZONE TO C1 OR C2

<u>FEE CODE</u>	<u>FEE</u>
REZONING AND CONDITIONAL/REZONE TO C1 OR C2	300.00
TOTAL PAID: 300.00 **PAID IN FULL**	TOTAL AMOUNT: 300.00

REMARKS: Z-22-01 APPLICATION TO REZONE ARR TO C2
PROPOSED USE: CONVENIENCE STORE/STORAGE
WITHDRAWN 12/2021, REAPPLIED FOR 01/2022

Please schedule inspections 24 hours in advance by calling 706-677-4272. Inspection requests for the following day must be made by 2pm. This permit becomes null and void if work or construction authorized is not commenced within 6 months or if construction or work is suspended or abandoned for a period of 6 months at any time after work is started.

(SIGNATURE OF CONTRACTOR/OWNER)

(DATE)

(ISSUED BY)

(DATE)



PLANNING & ZONING

Dedicated to Serving Our Citizens

150 Hudson F
Homer, G
Office: 706.677.4272
Fax: 706.677.6217
www.co.banks.ga.us

Section 3, Item a.

RECOMMENDATION

December 15, 2021

Re: Rezoning 22-01
DARSHAN HOLDINGS
1387 Doverhill Dr.
Lawrenceville Ga. 30043
Map Parcel B51 025 (tract 1A 7.27 acres)

To: Whom it may concern

This letter is my recommendation for approval of above noted Rezoning application. The use requested is not allowed in ARR zoned areas. The request that the 7.27-acre parcel be rezoned to C2 (General Commercial) allowing for the building of a convenience store and ministorage facilities with parking on the property. After reviewing the criteria to consider this use and the updated Comprehensive Land Use Plan I have found no reason not to allow it. All approved uses will abide by guidelines of the Banks County Code. If you have any questions concerning this application or its use please do not hesitate to call.

Paul Ruark, Zoning Official
Planning and Zoning Department



REZONING APPLICATION

Banks County Planning
150 Hudson Ridge Suite 4
Homer, Georgia 30547
Office: 706.677.4272
Facsimile: 706.677.6217
www.co.Banks.ga.us

Property Owner:

Name JOHN DOUGLAS SEWELLAddress 327 CHARITY RD.HOMER, GA. 30547Phone 706-949-2693

Applicant:

Name DARSHAAN HOLDING LLCAddress 1837 DOVERHILL DRIVELAWRENCEVILLE, GA 30043Phone 678 458 6190

Existing Zoning:

ARR Proposed Zoning C-2CONVIENCE STORE WITH GAS PUMPS AND RETAIL SPACE/

Proposed Use:

SELF STORAGE FACILITYLocation of Property:
(Street Address)US 441 AND MCCOY BRIDGE ROADAcreage of Site: 7.27 ACRESTax Map & Parcel # B51 025 (TRACT 1-A)

THE FOLLOWING APPLICATION MATERIALS MUST ACCOMPANY THIS APPLICATION

1. Metes and bounds description of the property.
2. Boundary surveys of the property.
3. A letter of intent which describes general characteristics of the proposed development such as type and time frame of Development and background information in support of the application.
4. A site plan containing, at a minimum, the following information:
 - a. Title of the proposed development. Name, address and phone number of the architect, engineer or other designer.
 - b. Scale, date, north arrow, and general location map showing relationship of the site to street or natural landmarks.
 - c. Boundaries of the property, all existing and proposed streets, including right-of way and street pavement widths, buildings, water courses, parking & loading areas, and other physical characteristics of the property and the development.
5. Campaign Contribution Disclosure Form.
6. Completed information for the attached list of criteria used when considering variances.
7. Application Fee

PROPERTY OWNER'S CERTIFICATION

I hereby certify that I am the owner of the property described in the attached legal description, that all information contained in this application is true and correct to the best of my knowledge, and that the applicant listed above is authorized to act as the applicant in the pursuit of this application.

Signature of Property Owner:

John D. Semell

Date of Signature:

9-30-21

I have been informed that I, the applicant or the property owner, must attend the public hearings for this application.

The Banks County Planning Commission meets at 7 p.m. on the first Tuesday of each month. The planning commission's recommendation on the application is sent to the Banks County Board of Commissioners which meets on the second Tuesday of each month.

9-30-21

Date

John D. Sewell

Property Owner or Applicant

LEGAL DESCRIPTION**Hudson River Farms Tract 1-A**

All that tract or parcel of land lying in and being in GMD 208, Banks County, Georgia, and being more particularly described as follows:

Commence at a concrete monument (CMF) at the southern right-of-way (R/W) intersection of U.S. Hwy 441 (R/W varies) and McCoy Bridge Road (R/W varies); said intersection being the POINT OF BEGINNING (P.O.B.).

From the POINT OF BEGINNING, proceed in the direction N80°13'31"E for a distance of 54.32' to a CMF; then proceed along an arc for 331.89' having a radius of 1075.92', a chord direction S27°35'09"E and a chord length of 330.58' to a CMF; then proceed in the direction S19°32'46"E for a distance of 126.35' to a CMF; then proceed in the direction S60°00'00"W for a distance of 808.73' to ¾" pipe with cap (IPS); then proceed in the direction N50°00'00"W for a distance of 231.90' to an IPS; then proceed in the direction N42°26'44"E for a distance of 510.71' to a CMF; then proceed in the direction N53°37'29"E for a distance of 101.90' to a CMF; then proceed in the direction N42°30'27"E for a distance of 299.58' to a CMF; said CMF being the POINT OF BEGINNING.

Said tract or parcel of land contains 7.27 acres and is shown in detail on a division survey for John Douglas Sewell, prepared by Russell Cheek, dated January 23, 2015.



Document Transmittal

To: Banks County Planning
and Development
150 Hudson Valley Dr.
Suite 4
Homer, Georgia 30547

Re: McCOY BRIDGE C STORE AND
SELF STORAGE REZONING
APPLICATION

We are sending you:

☒ **Plan(s)** ☐ **Specifications** ☐ **Report(s)** ☐ **Correspondence** ☒ **Other**

Description:

- 1 Rezoning Plan sized 11x17 and 24x36
- 1 Rezoning Application package
- 1 survey sized 11x17

Comments:

Date: 11/29/2021

164 Professional Drive
Baldwin, GA 30511

Phone: 706-778-0067
Fax: 706-778-0069



LETTER OF INTENT
REQUEST FOR REZONING
BANKS COUNTY, GEORGIA

RE: ±7.27 acres located at Hwy 441 and McCoy Bridge Road, Parcel ID B51 025

Through its engineer and as authorized by the Applicant, Darshaan Holding, LLC (the "Applicant") respectfully submits this Letter of Intent to the Banks County Board of Commissioners in support of an application for rezoning for a c-store and self-storage units with a C-2 zoning. The property is currently zoned ARR.

The site plan has a proposed c-store with three additional spaces to rent and 8 self-storage buildings of various sizes. There is intent to have a drive thru on one end of the c-store. The self-storage units will be both climate controlled and dry storage.

This proposed development is in alignment with the growing commercial development along Hwy 441. The current property owner, who is looking to sell the property to the applicant, owns the adjacent property to this tract. This rezoning and proposed use should not create any adverse conditions to neighboring properties.

A site plan and the appropriate authorization forms have been included in the application to allow for comprehensive review and approval of the proposed rezoning.

Sincerely,

James Irvin, PE
Engineer for Applicant
Foothills Land Design, LLC



Record Magnetic North
Pb C pg 94

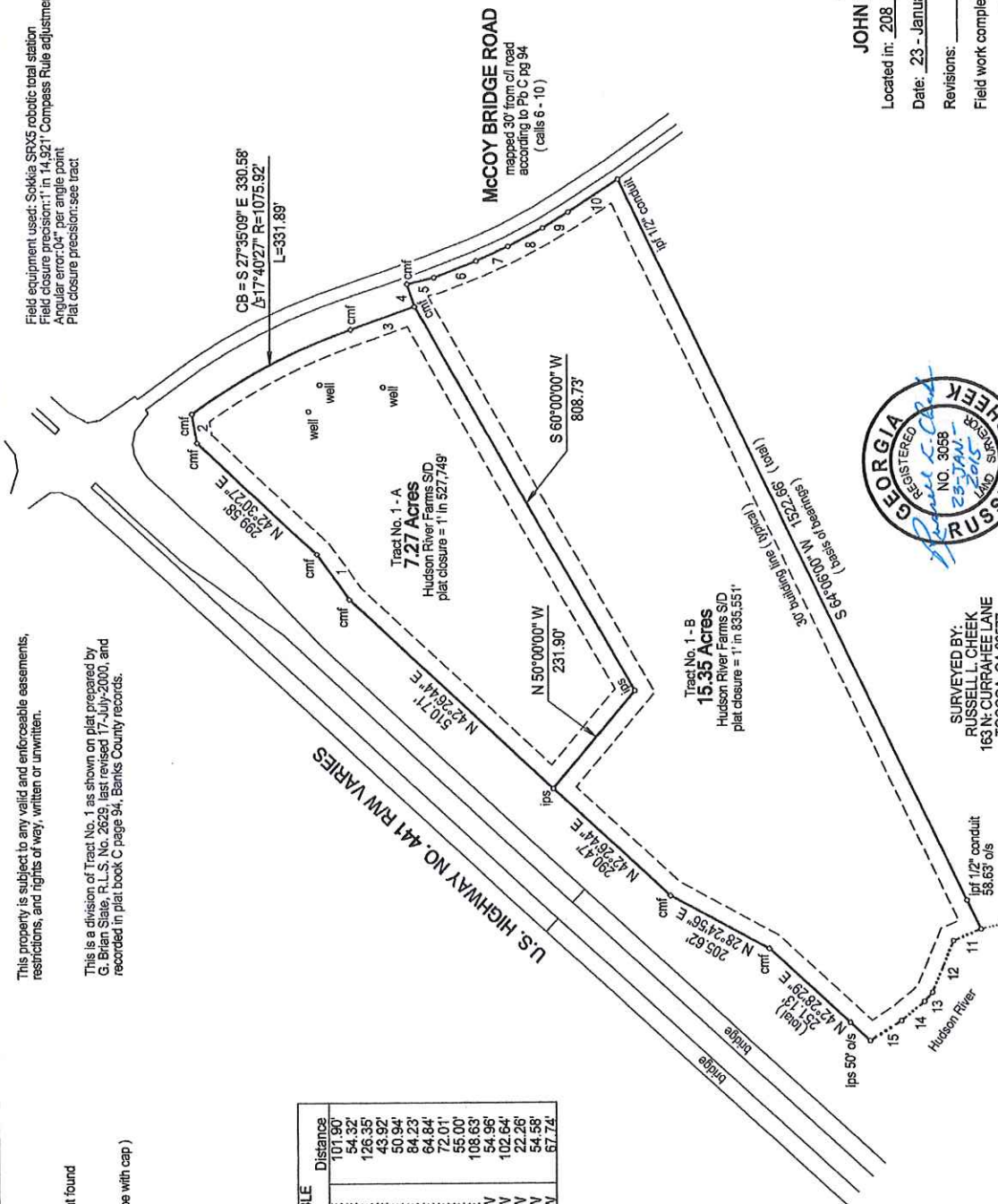
Field equipment used: Sokkia SPX3 robotic total station
Field closure precision: 1 in 14,921 Compass Rule adjustment
Angular error: 0.4" per angle point
Plat closure precision: see tract

This property is subject to any valid and enforceable easements, restrictions, and rights of way, written or unwritten.

This is a division of Tract No. 1 as shown on plat prepared by G. Brian Slat, R.L.S. No. 2629, last revised 17-July-2000, and recorded in plat book C page 94, Banks County records.

- ABBREVIATIONS:
- C/L = centerline
 - CMF = concrete monument found
 - CTP = cramped top pipe
 - DB = dead book
 - IPF = iron pin found
 - IPS = iron pin set (3/4" pipe with cap)
 - INT = intersection
 - OTP = open top pipe
 - Q/S = offset
 - N/A = not applicable
 - PB = plat book
 - NIF = now or formerly
 - RB = rebar
 - R/W = right of way

LINE TABLE		
Id	Bearing	Distance
1	N 53°37'29" E	101.90'
2	N 80°13'31" E	54.32'
3	S 19°32'46" E	126.35'
4	N 71°09'28" E	43.92'
5	S 13°11'05" E	50.94'
6	S 21°10'07" E	84.23'
7	S 24°03'19" E	64.84'
8	S 27°59'08" E	72.01'
9	S 31°30'08" E	55.00'
10	S 33°23'32" E	106.63'
11	N 23°05'28" W	54.96'
12	N 67°33'56" W	102.64'
13	N 49°10'37" W	22.26'
14	N 39°18'15" W	54.58'
15	N 32°22'15" W	67.74'



Division survey for:
JOHN DOUGLAS SEWELL

Located in: 208 G.M.D. Banks County, Georgia

Date: 23 - January - 2015 Job No. 13110 Bk. 2629

Revisions: none

Field work completed: 21 - January - 2015

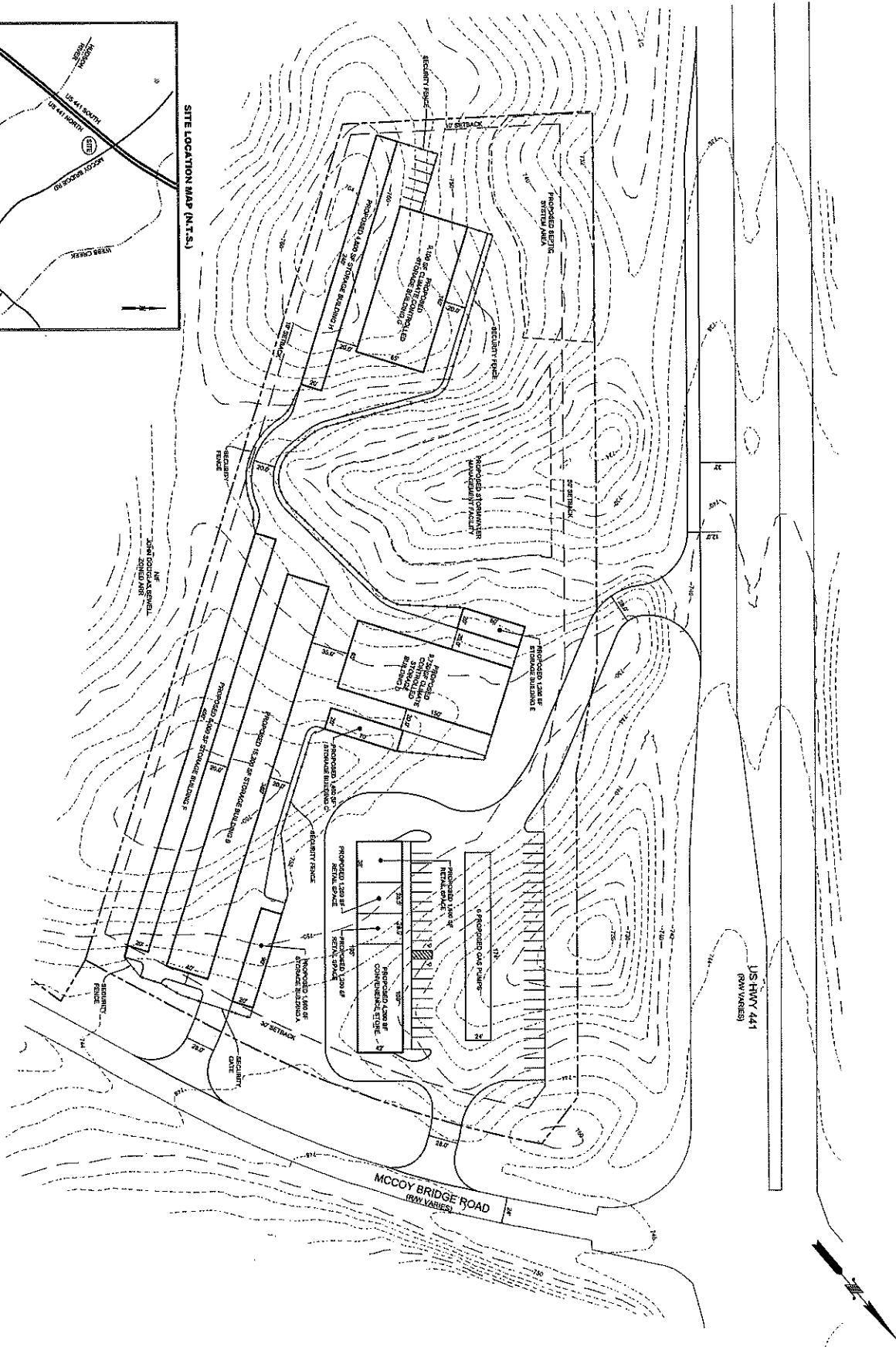
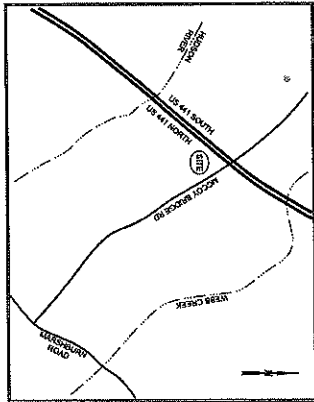
Scale: 1 inch = 200 feet File: Sewell, John



SURVEYED BY:
RUSSELL L. CHEEK
163 N. CURRAHEE LANE
TODD, GA 30577
PHONE: 706-886-8536

This survey was prepared in conformity with the Technical Standards for Professional Engineers as set forth in Chapter 1807 of the rules of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in the Georgia Professional Code, 18-6-57.

TOTAL AREA:
22.62 ACRES



DATE: 08/11/2010 SHEET: 1 JOB: 08110	REVISIONS	RECORDED PLAN	OWNER/DEVELOPER	164 PROFESSIONAL DRIVE SALDAÑA, GA 30511 PHONE: (770) 728-0007 FAX: (770) 778-0009 www.foothillsland.com	
	NO. DESCRIPTION	DATE	McCoy Bridge C-STORE AND SELF STORAGE GMD 208 BANKS COUNTY, GA		

ADVERTISED _____
PUBLIC HEARING _____
PUBLIC HEARING _____
ADOPTED _____

ORDINANCE NO. _____

AN ORDINANCE TO AMEND ARTICLE IV, "GENERAL PROVISIONS", SECTION 409 "ONE PRINCIPAL BUILDING ON A LOT", TO PROVIDE FOR MORE THAN ONE BUILDING ON A LOT; SECTION 411 PARAGRAPH (b) TO PROVIDE FOR CERTAIN SETBACKS; SECTION 413 TO PROVIDE MINIMUM LOT SIZE AND PROPORTIONS; TO PROVIDE FOR AN EFFECTIVE DATE AND TO REPEAL CONFLICTING ORDINANCES AND RESOLUTIONS, AND FOR OTHER PURPOSES.

WHEREAS, the Board of Commissioners of Banks County adopted by resolution on March 12, 2002, the codification of Resolutions, General Resolutions and Ordinances passed by the Board of Commissioners of Banks County as "The Code of Banks County, Georgia" published by Municipal Code Corporation; and further provided for the manner of amending the Code of Banks County, Georgia;

WHEREAS, the Board of Commissioners of Banks County desires to amend ARTICLE IV Section 409 to provide for more than one building on a Lot;

WHEREAS, the Board of Commissioners of Banks County desires to amend ARTICLE IV, Section 411, Paragraph (b) to provide for certain minimum setbacks ;

WHEREAS, the Board of Commissioners of Banks County desires to amend ARTICLE VII, Section 413 to provide for minimum lot size;

**BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF BANKS
COUNTY, GEORGIA, AS FOLLOWS:**

-1-

Section 409 entitled "One Principal Building On a Lot" is hereby amended by deleting Section 409 in its entirety and substituting in lieu thereof the following:

Section 409. - One principal building on a lot.

Only one principal building and its accessory buildings may be erected on any one lot of record; provided, however, that more than one dwelling, office, institutional, commercial or industrial building may be located upon a lot, subject to setbacks and separation as provided in these regulations.

-2-

Section 411 entitled- "Building setbacks" Paragraph (b) is hereby amended by deleting Paragraph (b) in its entirety and substituting in lieu thereof the following:

Section 411. - Building setbacks.

(b) In all zoning districts, except multifamily housing and the industrial district, no building or structure other than driveways, parking lots or fences shall hereafter be erected which is located closer than 30 feet to the rear and side property lines.

-3-

Section 413 entitled "Minimum lot size and proportions" is hereby amended by deleting Section 413 in its entirety and substituting in lieu thereof the following:

Section 413.-Minimum lot size and proportions.

No lot shall hereafter be created which does not contain a minimum lot size of two acres; provided, however, that lots for nonresidential development may be less than one two acres subject to the approval of the Banks County Health Department. These requirements shall be in addition to any requirements contained in any Banks County subdivision regulations. For additional regulations regarding lot size, reference should be made to each individual zoning district.

-4-

All Resolutions, or Ordinances, or parts thereof, in conflict with the terms of this Resolution are hereby repealed, but it is hereby provided that any resolution, ordinance or law, which may be applicable hereto and aid in carrying out and making effective the intent, purpose and provisions hereof, which shall be liberally construed to be in favor of Banks County, is hereby adopted as part hereof.

-5-

If any paragraph, sub-paragraph, sentence, clause, phrase, or any portion of this Resolution shall be declared invalid or unconstitutional by any court of competent jurisdiction or if the provisions of any part of this Resolution as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the portions of this Resolution not so held to be invalid. It is hereby declared to be the intent of the Board of Commissioners to provide for separable and divisible parts, and it does hereby adopt any and all parts hereof as may not be held invalid for any reason.

-6-

This Resolution is hereby adopted this _____ day of _____, 20____, and shall be codified as a part of the Code of Banks County, Georgia, to become effective upon the _____ day of _____, 20____, the public health, safety and general welfare demanding it.

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BANKS COUNTY BOARD OF COMMISSIONERS

Chairman

Vice Chairman

Commissioner

Commissioner

Commissioner

ATTEST:

County Clerk

County Seal

ADVERTISED _____

PUBLIC HEARING _____

PUBLIC HEARING _____

ADOPTED _____

ORDINANCE NO. _____

AN ORDINANCE TO AMEND ARTICLE IV, "GENERAL PROVISIONS", SECTION 417 "HOME OCCUPATIONS", TO PROVIDE THAT ALL APPLICANTS FOR HOME OCCUPATIONS MUST APPEAR BEFORE THE BOARD OF COMMISSIONERS OF BANKS COUNTY; TO PROVIDE THAT ONLY THE BOARD OF COMMISSIONERS OF BANKS COUNTY CAN APPROVE A HOME OCCUPATION; TO PROVIDE FOR AN EFFECTIVE DATE AND TO REPEAL CONFLICTING ORDINANCES AND RESOLUTIONS, AND FOR OTHER PURPOSES.

WHEREAS, the Board of Commissioners of Banks County adopted by resolution on March 12, 2002, the codification of Resolutions, General Resolutions and Ordinances passed by the Board of Commissioners of Banks County as "The Code of Banks County, Georgia" published by Municipal Code Corporation; and further provided for the manner of amending the Code of Banks County, Georgia;

WHEREAS, the Board of Commissioners of Banks County desires to amend ARTICLE IV Section 417 to provide for applicants for Home Occupations to appear before the Banks County Board of Commissioners.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF BANKS COUNTY, GEORGIA, AS FOLLOWS:

Section 417 entitled "HOME OCCUPATIONS" is hereby amended by adding thereto the following:

Section 417. – HOME OCCUPATIONS. **ALL APPLICANTS FOR HOME OCCUPATIONS MUST APPEAR BEFORE THE BOARD OF COMMISSIONERS OF BANKS COUNTY AND ONLY THE BOARD OF COMMISSIONERS OF BANKS COUNTY CAN APPROVE A HOME OCCUPATION.**

-2-

All Resolutions, or Ordinances, or parts thereof, in conflict with the terms of this Resolution are hereby repealed, but it is hereby provided that any resolution, ordinance or law, which may be applicable hereto and aid in carrying out and making effective the intent, purpose and provisions hereof, which shall be liberally construed to be in favor of Banks County, is hereby adopted as part hereof.

-3-

If any paragraph, sub-paragraph, sentence, clause, phrase, or any portion of this Resolution shall be declared invalid or unconstitutional by any court of competent jurisdiction or if the provisions of any part of this Resolution as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the portions of this Resolution not so held to be invalid. It is hereby declared to be the intent of the Board of Commissioners to provide for separable and divisible parts, and it does hereby adopt any and all parts hereof as may not be held invalid for any reason.

-4-

This Resolution is hereby adopted this _____ day of _____, 20____, and shall be codified as a part of the Code of Banks County, Georgia, to become effective upon the _____ day of _____, 20____, the public health, safety and general welfare demanding it.

REMAINDER OF THIS PAGE IS BLANK

BANKS COUNTY BOARD OF COMMISSIONERS

Chairman

Vice Chairman

Commissioner

Commissioner

Commissioner

ATTEST:

County Clerk

County Seal

ADVERTISED _____

PUBLIC HEARING _____

PUBLIC HEARING _____

ADOPTED _____

ORDINANCE NO. _____

AN ORDINANCE TO AMEND TITLE V. ENTITLED "CAD, CONSOLIDATED AGRICULTURAL DISTRICT-INTENSIVE[2]" SECTION 502 ENTITLED "PERMITTED USES" PARAGRAPH 8, TO DELETE WASTE LAGOONS, DAIRIES, HOG PARLORS, FEED LOTS, TURKEY RANGES AND COMMERCIAL EGG OPERATIONS; TO PROVIDE FOR AN EFFECTIVE DATE AND TO REPEAL CONFLICTING ORDINANCES AND RESOLUTIONS, AND FOR OTHER PURPOSES.

WHEREAS, the Board of Commissioners of Banks County adopted by resolution on March 12, 2002, the codification of Resolutions, General Resolutions and Ordinances passed by the Board of Commissioners of Banks County as "The Code of Banks County, Georgia" published by Municipal Code Corporation; and further provided for the manner of amending the Code of Banks County, Georgia;

WHEREAS, the Board of Commissioners of Banks County desires to amend **TITLE V. ENTITLED "CAD, CONSOLIDATED AGRICULTURAL DISTRICT-INTENSIVE[2]" SECTION 502 ENTITLED "PERMITTED USES" PARAGRAPH 8, TO DELETE WASTE LAGOONS, DAIRIES, HOG PARLORS, FEED LOTS, TURKEY RANGES AND COMMERCIAL EGG OPERATIONS;**

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF BANKS COUNTY, GEORGIA, AS FOLLOWS:

Section 502 entitled "PERMITTED USES" PARAGRAPH 8 is hereby amended by striking Paragraph 8 in its entirety and substituting in lieu thereof the following:

8. Agricultural uses including forestry, commercial greenhouses and plant nurseries, livestock, and poultry, provided that no structure housing poultry or other livestock as permitted herein or containing manure or other dust producing substances is located closer than 400 feet from an existing dwelling unit other than that of the property owner and 200 feet from any common property line (100 feet if the adjacent property is zoned CAD), provided, however, if an adjoining property owner constructs a dwelling unit within 200 feet of a property line that is adjacent to property zoned CAD, then the setback for structures housing poultry or other livestock as permitted herein or containing manure or other dust producing substances shall be 200 feet and not 400 feet from an existing dwelling unit. A fence erected for the purpose of containing livestock or for delineating agricultural properties is exempt from the 400-foot requirement. Notwithstanding the foregoing, the structures located on the land housing the poultry and livestock shall not exceed ten percent of the land area.

-2-

All Resolutions, or Ordinances, or parts thereof, in conflict with the terms of this Resolution are hereby repealed, but it is hereby provided that any resolution, ordinance or law, which may be applicable hereto and aid in carrying out and making effective the intent, purpose and provisions hereof, which shall be liberally construed to be in favor of Banks County, is hereby adopted as part hereof.

-3-

If any paragraph, sub-paragraph, sentence, clause, phrase, or any portion of this Resolution shall be declared invalid or unconstitutional by any court of competent jurisdiction or if the provisions of any part of this Resolution as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the portions of this Resolution not so held to be invalid. It is hereby declared to be the intent of the Board of Commissioners to provide for separable and divisible parts, and it does hereby adopt any and all parts hereof as may not be held invalid for any reason.

-4-

This Resolution is hereby adopted this _____ day of _____, 20____, and shall be codified as a part of the Code of Banks County, Georgia, to become effective upon the _____ day of _____, 20____, the public health, safety and general welfare demanding it.

BANKS COUNTY BOARD OF COMMISSIONERS

Chairman

Vice Chairman

Commissioner

Commissioner

Commissioner

ATTEST:

County Clerk

County Seal

ADVERTISED _____

PUBLIC HEARING _____

PUBLIC HEARING _____

ADOPTED _____

ORDINANCE NO. _____

AN ORDINANCE TO AMEND TITLE V. ENTITLED "CAD, CONSOLIDATED AGRICULTURAL DISTRICT-INTENSIVE[2]" SECTION 503 ENTITLED "CONDITIONAL USES" PARAGRAPH 4, TO ADD THERETO "ACCORDING TO GEORGIA DEPARTMENT OF AGRICULTURE REGULATIONS" AND ADD A NEW PARAGRAPH 15 ENTITLED "ANIMAL WASTE LAGOONS"; TO PROVIDE FOR AN EFFECTIVE DATE AND TO REPEAL CONFLICTING ORDINANCES AND RESOLUTIONS, AND FOR OTHER PURPOSES.

WHEREAS, the Board of Commissioners of Banks County adopted by resolution on March 12, 2002, the codification of Resolutions, General Resolutions and Ordinances passed by the Board of Commissioners of Banks County as "The Code of Banks County, Georgia" published by Municipal Code Corporation; and further provided for the manner of amending the Code of Banks County, Georgia;

WHEREAS, the Board of Commissioners of Banks County desires to amend **TITLE V. ENTITLED "CAD, CONSOLIDATED AGRICULTURAL DISTRICT-INTENSIVE[2]" SECTION 503 ENTITLED "CONDITIONAL USES" PARAGRAPH 4, TO ADD THERETO "ACCORDING TO GEORGIA DEPARTMENT OF AGRICULTURE REGULATIONS" AND ADD A NEW PARAGRAPH 15 ENTITLED "ANIMAL WASTE LAGOONS."**

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF BANKS COUNTY, GEORGIA, AS FOLLOWS:

-1-

Section 503 entitled "CONDITIONAL USES" PARAGRAPH 4 is hereby amended by adding thereto the following: "Provided they are operated in accordance with the Georgia Department of Agriculture Regulations" so as amended Paragraph 4 would read as follows:

4. Hog farms (hog parlors) of 3,000 hogs or less; dairy farms (300 cows or less); feed lots for 500 cows or less, commercial egg operations (cage layers); provided they are operated in accordance with the Georgia Department of Agriculture Regulations and provided that no structure housing such poultry or livestock is located closer than 600 feet from an existing dwelling other than that of the property owner or 400 feet from any common property line.

-2-

Section 503 entitled "CONDITIONAL USES" is hereby by adding a paragraph 15 entitled "Animal Waste Lagoons" as as amended Paragraph 15 would read as follows:

15. Animal Waste Lagoons

-3-

All Resolutions, or Ordinances, or parts thereof, in conflict with the terms of this Resolution are hereby repealed, but it is hereby provided that any resolution, ordinance or law, which may be applicable hereto and aid in carrying out and making effective the intent, purpose and provisions hereof, which shall be liberally construed to be in favor of Banks County, is hereby adopted as part hereof.

-4-

If any paragraph, sub-paragraph, sentence, clause, phrase, or any portion of this Resolution shall be declared invalid or unconstitutional by any court of competent jurisdiction or if the provisions of any part of this Resolution as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the portions of this Resolution not so held to be invalid. It is hereby declared to be the intent of the Board of Commissioners to provide for separable and divisible parts, and it does hereby adopt any and all parts hereof as may not be held invalid for any reason.

-5-

This Resolution is hereby adopted this _____ day of _____, 20____, and shall be codified as a part of the Code of Banks County, Georgia, to become effective upon the _____ day of _____, 20____, the public health, safety and general welfare demanding it.

BANKS COUNTY BOARD OF COMMISSIONERS

Chairman

Vice Chairman

Commissioner

Commissioner

Commissioner

ATTEST:

County Clerk

County Seal

ADVERTISED _____
PUBLIC HEARING _____
PUBLIC HEARING _____
ADOPTED _____

ORDINANCE NO. _____

AN ORDINANCE TO AMEND ARTICLE VI. - ARR, AGRICULTURAL-RURAL RESIDENTIAL DISTRICT, SECTION 602 TITLE "PERMITTED USES" TO ADD MINIMUM REQUIREMENTS FOR SINGLE FAMILY DWELLINGS; TO REMOVE THE SIZE PROHIBITION FOR STRUCTURES FOR AGRICULTURAL USES; TO PROVIDE FOR CLASS I SUBDIVISIONS TO COMPLY WITH BANKS COUNTY SUBDIVISION REGULATIONS; TO PROVIDE FOR AN EFFECTIVE DATE AND TO REPEAL CONFLICTING ORDINANCES AND RESOLUTIONS, AND FOR OTHER PURPOSES.

WHEREAS, the Board of Commissioners of Banks County adopted by resolution on March 12, 2002, the codification of Resolutions, General Resolutions and Ordinances passed by the Board of Commissioners of Banks County as "The Code of Banks County, Georgia" published by Municipal Code Corporation; and further provided for the manner of amending the Code of Banks County, Georgia;

WHEREAS, the Board of Commissioners of Banks County desires to amend ARTICLE VI. - ARR, AGRICULTURAL-RURAL RESIDENTIAL DISTRICT, SECTION 602 TITLE "PERMITTED USES" TO ADD MINIMUM REQUIREMENTS FOR SINGLE FAMILY DWELLINGS; TO REMOVE THE SIZE PROHIBITION FOR STRUCTURES FOR AGRICULTURAL USES; TO PROVIDE FOR CLASS I SUBDIVISIONS TO COMPLY WITH BANKS COUNTY SUBDIVISION REGULATIONS;

**BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF BANKS
COUNTY, GEORGIA, AS FOLLOWS:**

-1-

Section 602 entitled "PERMITTED USES" PARAGRAPH 4 is hereby amended by adding thereto the following:

4. Dwellings, single-family.

- (i) 1,200 minimum square feet of heated space, excluding garages and porches;
- (ii) Driveway permit required for Certificate of Occupancy;
- (III) Driveway pipes on county roads;
- (iv) Engineer provides required specifications for pipes on driveways; and
- (v) Lots in Class I Subdivision may share a common driveway.

-2-

Section 602 entitled "PERMITTED USES" PARAGRAPH 13 is hereby amended by deleting it in its entirety and substituting in lieu thereof the following.

13. Agricultural uses (excluding animal waste lagoons), including forestry, commercial greenhouses and plant nurseries (wholesale and retail), livestock (except dairies, hog parlors, and feed lots), and poultry [except turkey ranges and commercial egg operations (caged layers)], provided that no structure housing poultry or other livestock as permitted herein is located closer than 800 feet from an existing dwelling unit other than that of the property owner and 400 feet from any common property line.

-3-

Section 602 entitled "PERMITTED USES" PARAGRAPH 15 is hereby amended by deleting it in its entirety and substituting in lieu thereof the following.

15. Class I Subdivisions shall comply with Banks County Subdivision Regulations but all lots shall be at least two acres.

-4-

All Resolutions, or Ordinances, or parts thereof, in conflict with the terms of this Resolution are hereby repealed, but it is hereby provided that any resolution, ordinance or law, which may be applicable hereto and aid in carrying out and making effective the intent, purpose and provisions hereof, which shall be liberally construed to be in favor of Banks County, is hereby adopted as part hereof.

-5-

If any paragraph, sub-paragraph, sentence, clause, phrase, or any portion of this Resolution shall be declared invalid or unconstitutional by any court of competent jurisdiction or if the provisions of any part of this Resolution as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the portions of this Resolution not so held to be invalid. It is hereby declared to be the intent of the Board of Commissioners to provide for separable and divisible parts, and it does hereby adopt any and all parts hereof as may not be held invalid for any reason.

-6-

This Resolution is hereby adopted this _____ day of _____, 20____, and shall be codified as a part of the Code of Banks County, Georgia, to become effective upon the _____ day of _____, 20____, the public health, safety and general welfare demanding it.

SIGNATURES ON NEXT PAGE

BANKS COUNTY BOARD OF COMMISSIONERS

Chairman

Vice Chairman

Commissioner

Commissioner

Commissioner

ATTEST:

County Clerk

County Seal

ADVERTISED _____

PUBLIC HEARING _____

PUBLIC HEARING _____

ADOPTED _____

ORDINANCE NO. _____

AN ORDINANCE TO AMEND ARTICLE VI. - ARR, AGRICULTURAL-RURAL RESIDENTIAL DISTRICT, SECTION 603 TITLE "CONDITIONAL USES" TO PROHIBIT SHARED DRIVEWAYS, EXCEPT IN CLASS I SUBDIVISIONS; TO REMOVE THE SIZE PROHIBITION FOR STRUCTURES FOR AGRICULTURAL USES; TO PROVIDE FOR AN EFFECTIVE DATE AND TO REPEAL CONFLICTING ORDINANCES AND RESOLUTIONS, AND FOR OTHER PURPOSES.

WHEREAS, the Board of Commissioners of Banks County adopted by resolution on March 12, 2002, the codification of Resolutions, General Resolutions and Ordinances passed by the Board of Commissioners of Banks County as "The Code of Banks County, Georgia" published by Municipal Code Corporation; and further provided for the manner of amending the Code of Banks County, Georgia;

WHEREAS, the Board of Commissioners of Banks County desires to amend **ARTICLE VI. - ARR, AGRICULTURAL-RURAL RESIDENTIAL DISTRICT, SECTION 603 TITLE "CONDITIONAL USES" TO PROHIBIT SHARED DRIVEWAYS, EXCEPT IN CLASS I SUBDIVISIONS; TO REMOVE THE SIZE PROHIBITION FOR STRUCTURES FOR AGRICULTURAL USES.**

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF BANKS COUNTY, GEORGIA, AS FOLLOWS:

Section 603 entitled "CONDITIONAL USES" PARAGRAPH 2 is hereby amended by deleting it in its entirety and adding thereto the following:

2.. Shared driveways other than in Class I Subdivisions are not permitted.

-2-

Section 603 entitled "CONDITIONAL USES" PARAGRAPH 12 is hereby amended by deleting it in its entirety and substituting in lieu thereof the following.

12. Agricultural uses (excluding animal waste lagoons), including forestry, livestock (except dairies, hog parlors, and feed lots), and poultry [except turkey ranges and commercial egg operations (caged layers)], provided that no structure housing poultry or other livestock as permitted herein or containing manure or other dust-producing substances is located closer than 400 feet from an existing dwelling unit other than that of the property owner and 200 feet from any common property line.

-3-

All Resolutions, or Ordinances, or parts thereof, in conflict with the terms of this Resolution are hereby repealed, but it is hereby provided that any resolution, ordinance or law, which may be applicable hereto and aid in carrying out and making effective the intent, purpose and provisions hereof, which shall be liberally construed to be in favor of Banks County, is hereby adopted as part hereof.

-4-

If any paragraph, sub-paragraph, sentence, clause, phrase, or any portion of this Resolution shall be declared invalid or unconstitutional by any court of competent jurisdiction or if the provisions of any part of this Resolution as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the portions of this Resolution not so held to be invalid. It is hereby declared to be the intent of the Board of Commissioners to provide for separable and divisible parts, and it does hereby adopt any and all parts hereof as may not be held invalid for any reason.

-5-

This Resolution is hereby adopted this _____ day of _____, 20____, and shall be codified as a part of the Code of Banks County, Georgia, to become effective upon the _____ day of _____, 20____, the public health, safety and general welfare demanding it.

BANKS COUNTY BOARD OF COMMISSIONERS

Chairman

Vice Chairman

Commissioner

Commissioner

Commissioner

ATTEST:

County Clerk

County Seal

ADVERTISED _____
PUBLIC HEARING _____
PUBLIC HEARING _____
ADOPTED _____

ORDINANCE NO. _____

AN ORDINANCE TO AMEND ARTICLE VII(A). - R-1, SINGLE-FAMILY RESIDENTIAL DISTRICT SECTION 701(A) ENTITLED "PURPOSE AND INTENT" TO PROVIDE FOR MINIMUM ACREAGE REQUIREMENTS; TO PROVIDE FOR MINIMUM SQUARE FOOTAGE; TO PROVIDE FOR SIDING; TO PROVIDE FOR CRAWL SPACE OR BASEMENT; TO AMEND SECTION 702(A) ENTITLED "PERMITTED USES" TO PROVIDE FOR LOCATION OF ACCESSORY BUILDINGS; TO PROVIDE FOR AN EFFECTIVE DATE AND TO REPEAL CONFLICTING ORDINANCES AND RESOLUTIONS, AND FOR OTHER PURPOSES.

WHEREAS, the Board of Commissioners of Banks County adopted by resolution on March 12, 2002, the codification of Resolutions, General Resolutions and Ordinances passed by the Board of Commissioners of Banks County as "The Code of Banks County, Georgia" published by Municipal Code Corporation; and further provided for the manner of amending the Code of Banks County, Georgia;

WHEREAS, the Board of Commissioners of Banks County desires to amend ARTICLE VII(A). - R-1, SINGLE-FAMILY RESIDENTIAL DISTRICT SECTION 701(A) ENTITLED "PURPOSE AND INTENT" TO PROVIDE FOR MINIMUM ACREAGE REQUIREMENTS; TO PROVIDE FOR MINIMUM SQUARE FOOTAGE; TO PROVIDE FOR SIDING; TO PROVIDE FOR CRAWL SPACE OR BASEMENT; TO AMEND SECTION 702(A) ENTITLED "PERMITTED USES" TO PROVIDE FOR LOCATION OF ACCESSORY BUILDINGS;

**BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF BANKS COUNTY,
GEORGIA, AS FOLLOWS:**

-1-

Section 701(A), entitled "PURPOSE AND INTENT" is hereby amended by deleting it in its entirety and adding thereto the following:

The R-1, single-family residential district is intended to provide an opportunity for the establishment and preservation of quiet, stable, single-family residential neighborhoods at low densities free from other uses except those which are compatible with and convenient to the residents of such a district. To qualify acreage for rezoning to R-1, there shall be a minimum of 2 acres in the tract for consideration of Class IV Subdivision. To qualify acreage for rezoning to R-1, there shall be a minimum of 5 acres in the tract for consideration of Class II Subdivision. To qualify acreage for rezoning to R-1, there shall be a minimum of 10 acres in the tract for consideration of Class III Subdivision. There must be at least 2,000 square feet of heated space in each dwelling, not including basements, garages and porches with a minimum of 1,500 square feet on main floor of the dwelling. Each dwelling shall have four (4) sides of Masonry, Wood or Concrete Composite Siding. Each Dwelling shall have a basement or crawl space (no slab).

Sites for private landfills in this district is inconsistent with the intent of this district.

-2-

Section 702 (A) "PERMITTED USES" PARAGRAPH 1 is hereby amended by deleting it in its entirety and substituting in lieu thereof the following.

1. One accessory building (permanent structure built on site), customarily incidental to the principal permitted use, not to exceed 250 square feet. The minimum roof pitch of the accessory building shall be four feet of rise per 12 feet of run. Accessory building must be constructed beside or behind principal dwelling.

-3-

All Resolutions, or Ordinances, or parts thereof, in conflict with the terms of this Resolution are hereby repealed, but it is hereby provided that any resolution, ordinance or law, which may be applicable hereto and aid in carrying out and making effective the intent, purpose and provisions hereof, which shall be liberally construed to be in favor of Banks County, is hereby adopted as part hereof.

-4-

If any paragraph, sub-paragraph, sentence, clause, phrase, or any portion of this Resolution shall be declared invalid or unconstitutional by any court of competent jurisdiction or if the provisions of any part of this Resolution as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the portions of this Resolution not so held to be invalid. It is hereby declared to be the intent of the Board of Commissioners to provide for separable and divisible parts, and it does hereby adopt any and all parts hereof as may not be held invalid for any reason.

-5-

This Resolution is hereby adopted this _____ day of _____, 20____, and shall be codified as a part of the Code of Banks County, Georgia, to become effective upon the _____ day of _____, 20____, the public health, safety and general welfare demanding it.

BANKS COUNTY BOARD OF COMMISSIONERS

Chairman

Vice Chairman

Commissioner

Commissioner

Commissioner

ATTEST:

County Clerk

County Seal

ADVERTISED _____
PUBLIC HEARING _____
PUBLIC HEARING _____
ADOPTED _____

ORDINANCE NO. _____

AN ORDINANCE TO AMEND ARTICLE VIII - C-1, NEIGHBORHOOD COMMERCIAL DISTRICT SECTION 802 ENTITLED "PERMITTED USES" PARAGRAPH 9 TO DELETE PLACES OF PUBLIC ASSEMBLY AS A PERMITTED USE; AND TO AMEND SECTION 803 ENTITLED "CONDITIONAL USES" PARAGRAPH 3 TO ADD CIVIC ORGANIZATIONS; AND PARAGRAPH 13 AND 14 TO ADD MINI-WAREHOUSES AND REPAIR OF HOUSEHOLD APPLIANCES; TO PROVIDE FOR AN EFFECTIVE DATE AND TO REPEAL CONFLICTING ORDINANCES AND RESOLUTIONS, AND FOR OTHER PURPOSES.

WHEREAS, the Board of Commissioners of Banks County adopted by resolution on March 12, 2002, the codification of Resolutions, General Resolutions and Ordinances passed by the Board of Commissioners of Banks County as "The Code of Banks County, Georgia" published by Municipal Code Corporation; and further provided for the manner of amending the Code of Banks County, Georgia;

WHEREAS, the Board of Commissioners of Banks County desires to amend **ARTICLE VIII - C-1, NEIGHBORHOOD COMMERCIAL DISTRICT SECTION 802 ENTITLED "PERMITTED USES" PARAGRAPH 9 TO DELETE PLACES OF PUBLIC ASSEMBLY AS A PERMITTED USE; AND TO AMEND SECTION 803 ENTITLED "CONDITIONAL USES" PARAGRAPH 3 TO ADD CIVIC ORGANIZATIONS;**

**BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF BANKS COUNTY,
GEORGIA, AS FOLLOWS:**

-1-

Section 802 entitled "PERMITTED USES" Paragraph 9 is hereby amended by deleting it in its entirety and adding thereto the following:

9. Reserved.

-2-

Section 803 entitled "CONDITIONAL USES" Paragraph 3 is hereby amended by deleting it in its entirety and substituting in lieu thereof the following.

3. Civic organizations/clubs, lodges, fraternal institutions and other places of public assembly for membership groups, nonprofit or for profit, that exceed 2,500 square feet of gross floor area.

-3-

Section 803 entitled "CONDITIONAL USES" is hereby amended by adding a Paragraph 13 to read as follows:

13. Mini-warehouses and mini-storage facilities, where no individual storage stall or compartment exceeds 400 square feet of total floor area.

-4-

Section 803 entitled "CONDITIONAL USES" is hereby amended by adding a Paragraph 14 to read as follows:

14. Repair of household appliances.

-5-

All Resolutions, or Ordinances, or parts thereof, in conflict with the terms of this Resolution are hereby repealed, but it is hereby provided that any resolution, ordinance or law, which may be applicable hereto and aid in carrying out and making effective the intent, purpose and

provisions hereof, which shall be liberally construed to be in favor of Banks County, is hereby adopted as part hereof.

-6-

If any paragraph, sub-paragraph, sentence, clause, phrase, or any portion of this Resolution shall be declared invalid or unconstitutional by any court of competent jurisdiction or if the provisions of any part of this Resolution as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the portions of this Resolution not so held to be invalid. It is hereby declared to be the intent of the Board of Commissioners to provide for separable and divisible parts, and it does hereby adopt any and all parts hereof as may not be held invalid for any reason.

-7-

This Resolution is hereby adopted this _____ day of _____, 20____, and shall be codified as a part of the Code of Banks County, Georgia, to become effective upon the _____ day of _____, 20____, the public health, safety and general welfare demanding it.

BANKS COUNTY BOARD OF COMMISSIONERS

Chairman

Vice Chairman

Commissioner

Commissioner

Commissioner

ATTEST:

County Clerk

County Seal

ADVERTISED _____

PUBLIC HEARING _____

PUBLIC HEARING _____

ADOPTED _____

ORDINANCE NO. _____

AN ORDINANCE TO AMEND ARTICLE - C-2, GENERAL COMMERCIAL DISTRICT BY DELETING SECTIONS 901, 902, AND 903 AND INSERTING IN LIEU THERE A NEW SECTION 901(A) ENTITLED "PURPOSE AND INTENT"; A NEW SECTION 902(A) ENTITLED "PERMITTED USES"; AND A NEW SECTION 903(A) ENTITLED "CONDITIONAL USES"; TO PROVIDE FOR AN EFFECTIVE DATE AND TO REPEAL CONFLICTING ORDINANCES AND RESOLUTIONS, AND FOR OTHER PURPOSES.

WHEREAS, the Board of Commissioners of Banks County adopted by resolution on March 12, 2002, the codification of Resolutions, General Resolutions and Ordinances passed by the Board of Commissioners of Banks County as "The Code of Banks County, Georgia" published by Municipal Code Corporation; and further provided for the manner of amending the Code of Banks County, Georgia;

WHEREAS, the Board of Commissioners of Banks County desires to amend ARTICLE - C-2, GENERAL COMMERCIAL DISTRICT BY DELETING SECTIONS 901, 902, AND 903 AND INSERTING IN LIEU THERE A NEW SECTION 901(A) ENTITLED "PURPOSE AND INTENT"; A NEW SECTION 902(A) ENTITLED "PERMITTED USES"; AND A NEW SECTION 903(A) ENTITLED "CONDITIONAL USES;"

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF BANKS COUNTY, GEORGIA, AS FOLLOWS:

-1-

Section 901 entitled "PURPOSE AND INTENT" is hereby amended by deleting it in its entirety and adding thereto the following:

SECTION 901(A).- PURPOSE AND INTENT.

The C-2, General Commercial District, is intended to provide adequate space for various types of general business uses that serve residents on a community or regional level rather than neighborhood level, including the retailing of major goods and services of large scale, and automotive and other types of more intensive commercial activities and establishments that rely on highway-oriented, passerby traffic. All structures within the C-2 District, shall meet the design standards as stated in Article XVIII of Appendix A of the Code of Banks County, Georgia.

(Ord. No. 2006-15, § 1, 5-9-2006)

-2-

Section 902 entitled "PERMITTED USES" is hereby amended by deleting it in its entirety and substituting in lieu thereof the following:

SECTION 902(A) –PERMITTED USES,

1. Any use permitted in the C-1, Neighborhood Commercial Business District as enumerated in Section 802, Article VIII of Appendix A of the Code of Banks County, Georgia, but not subject to any specified square footage limitations.
2. Accessory uses and structures normally incidental to permitted principal uses.
3. Animal hospitals and veterinary clinics.
4. Assembly halls, auditoriums and meeting halls.
5. Banks and financial institutions.
6. Blueprinting establishments.
7. Trade shops.
8. Reserved.
9. Department stores.
10. Dry cleaning establishments, laundromats and laundries.
11. Reserved.

12. Reserved.
13. Floor covering stores.
14. Garden supply centers, greenhouses and landscaping services.
15. Automobile boat, truck, motorcycle, bicycle and other vehicle rental, repair, service, parts and sales.
16. Machine shops.
17. Mini-warehouses and mini-storage facilities, where no individual storage stall or compartment exceeds 500 square feet of total floor area.
18. Monument sales establishments.
19. Parking garages and parking lots.
20. Pet stores and pet grooming establishments.
21. Repair of household appliances.
22. Residences for a caretaker or night watchman.
23. Restaurants, including drive-in and drive-through facilities.
24. Taxidermist shops.
25. Reserved.
26. Warehousing and storage uses which occupy no more than 20,000 square feet of floor area.
27. Wholesale establishments which occupy no more than 20,000 square feet of floor area.
28. Theaters, indoor.
29. Furniture, fixtures and home furnishing stores, including sales and rental, but not including manufacturing.
30. Office for governmental, business, medical, professional or general purposes.
31. Cultural facilities, including art galleries, museums, theaters (not including movie theaters), libraries, and other uses similar in character to those listed.
32. Sign fabrication and painting shops, occupying not more than 2,500 square feet of floor area.
33. Exterminators and pest control businesses.

(Res. No. 2001-07, § 1, 3-14-2001; Res. No. 2001-17, § 1, 7-10-2001; Ord. No. 2006-15, § 2, 5-9-2006)

-3-

Section 903 entitled "CONDITIONAL USES" is hereby amended by deleting it in its entirety and substituting in lieu thereof the following:

SECTION 903(A).-CONDITIONAL USES.

1. Equipment sales, service, rental and repair.
2. Amphitheaters and stadiums.
3. Auction facilities.
4. Reserved.
5. Agricultural implement rental, repair, sales and service, and farm supply stores and storage yards.
6. Automobile car washes, including automated, full-service or self-service.
7. Billiard halls and amusement/video arcades.
8. Bowling alleys and skating rinks.
9. Building materials sales and lumber yards.
10. Bus passenger stations, terminals.
11. Camper and recreation vehicle sales, service and repair.
12. Reserved.
13. Reserved.
14. Reserved.
15. Firearms sales and service, including gun clubs and indoor shooting ranges.
16. Flea markets.
17. Golf courses and golf driving ranges.
18. Health clubs and spas.
19. Heliports and helistops.
20. Hospitals and clinics.
21. Hotel/Motel an establishment providing accommodations for travelers normally advertised, designed or utilized for daily occupancy.
22. Kennels.
23. Mobile home, mobile building and manufactured home sales, but not including residential occupancy of such structures.
24. Reserved.
25. Pawn shops.
26. Extended Stay Hotels or Motels means any hotel or motel in which guest rooms have facilities for both the storage, refrigeration, and preparation of food, and/or which are advertised, designed, or utilized for weekly or monthly occupancy. Extended Stay Hotels or Motels are subject to the Rules and Regulations of the Georgia Health Code, as amended from time to time. Reference Article XXIII .

27. Private clubs operated for profit.
 28. Race tracks for competitive racing of animals or motor-driven vehicles, including, without limitation, motorcycles, go-carts, cars, and trucks, provided the site contains a minimum of 100 acres, off-street parking, and permanent rest room facilities and is surrounded by an opaque vegetative buffer or opaque fence buffer.
 29. Television, land mobile, communication, microwave, and radio transmission antennae and towers, including studios or offices, provided the height of such towers and antennae do not exceed 150 feet without specific authorization from the Federal Aviation Administration and the Federal Communications Commission. All towers and antennae must be set back a distance equal to the full height of the tower from all property lines. The applicant at the time of filing the application shall provide a site plan and information regarding topography, coverage zone and tower height. Accessory structures shall be limited to usages associated with the operation of the antennae or towers and shall be appropriate in scale and intensity. All towers and antennae not used to transmit signals or communications for a period of 12 consecutive months shall be removed from the property where the towers and antennae are located.
 30. Recycling collection centers, but not including the processing or disposal of recyclable materials.
 31. Research and scientific laboratories.
 32. Sign fabrication and painting shops, occupying not more than 2,500 square feet of floor area.
 33. Taxicab and limousine services.
 34. Reserved.
 35. Truck stops and truck terminals.
 36. Reserved.
 37. Funeral homes, mortuaries and mausoleums.
 38. Reserved.
 39. Contractors' establishments, building, electrical and plumbing.
 40. Miniature golf courses, baseball/softball batting cages, go-cart track, which must be surrounded by a six foot fence along the side and rear property lines.
 41. Convenience food and retail stores with or without retail gasoline sales, which must be surrounded by an opaque fence buffer along the side and rear property lines.
- (Res. No. 2001-07, § 2, 3-14-2001; Res. No. 2001-17, § 2, 7-10-2001; Ord. No. 2002-13, § 8, 7-9-2002; Ord. No. 2006-15, § 3, 5-9-2006; Ord. No. 2017-05, § 1, 6-13-2017)

-4-

All Resolutions, or Ordinances, or parts thereof, in conflict with the terms of this Resolution are hereby repealed, but it is hereby provided that any resolution, ordinance or law, which may be applicable hereto and aid in carrying out and making effective the intent, purpose and provisions hereof, which shall be liberally construed to be in favor of Banks County, is hereby adopted as part hereof.

-5-

If any paragraph, sub-paragraph, sentence, clause, phrase, or any portion of this Resolution shall be declared invalid or unconstitutional by any court of competent jurisdiction or if the provisions of any part of this Resolution as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the portions of this Resolution not so held to be invalid. It is hereby declared to be the intent of the Board of Commissioners to provide for separable and divisible parts, and it does hereby adopt any and all parts hereof as may not be held invalid for any reason.

-6-

This Resolution is hereby adopted this _____ day of _____, 20____, and shall be codified as a part of the Code of Banks County, Georgia, to become effective upon the _____ day of _____, 20____, the public health, safety and general welfare demanding it.

BANKS COUNTY BOARD OF COMMISSIONERS

Chairman

Vice Chairman

Commissioner

Commissioner

Commissioner

ATTEST:

County Clerk

County Seal

ADVERTISED _____
PUBLIC HEARING _____
PUBLIC HEARING _____
ADOPTED _____

ORDINANCE NO. _____

AN ORDINANCE TO AMEND ARTICLE IX(A) - C-2, GENERAL COMMERCIAL DISTRICT BY ADDING A NEW ARTICLE IX(B) SECTION 901(B) AND 902(B) TO PROVIDE FOR WAREHOUSES AND DISTRIBUTION; TO PROVIDE FOR AN EFFECTIVE DATE AND TO REPEAL CONFLICTING ORDINANCES AND RESOLUTIONS, AND FOR OTHER PURPOSES.

WHEREAS, the Board of Commissioners of Banks County adopted by resolution on March 12, 2002, the codification of Resolutions, General Resolutions and Ordinances passed by the Board of Commissioners of Banks County as "The Code of Banks County, Georgia" published by Municipal Code Corporation; and further provided for the manner of amending the Code of Banks County, Georgia;

WHEREAS, the Board of Commissioners of Banks County desires to amend **ARTICLE IX(A) - C-2, GENERAL COMMERCIAL DISTRICT BY ADDING A NEW ARTICLE IX(B) SECTION 901(B) AND 902(B) TO PROVIDE FOR WAREHOUSES AND DISTRIBUTION;**

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF BANKS COUNTY, GEORGIA, AS FOLLOWS:

-1-

ARTICLE IX(A) is hereby amended by add thereto an ARTICLE IX(B) to read as follows:

ARTICLE IX(B) –C-3, WAREHOUSES AND DISTRIBUTION

SECTION 901(B)- PURPOSE AND INTENT

The C-3 Commercial District is established with the purpose of reserving certain areas with relatively level topography, adequate water and sewage facilities, and access to arterial streets for warehouse/distribution operations. Warehouse/distribution operations with the emission of noise, vibration, smoke, dust, gas, fumes, odors, or other nuisances, or radiation or other environmental hazards, and that create fire or explosion hazards or other objectionable conditions are prohibited. Uses within this district should not require substantial quantities of water for warehouse/distribution operations and should not necessarily require rail, air and water transportation. No uses which pose risks of ground or surface water contamination, air pollution or other environmental hazards shall be permitted. For property to be rezoned to C-3, Commercial District it has to have a Minimum of 100 acres, the building/structure cannot exceed a total of 1,000,000 square feet; building/structure setback minimums are 75 feet from the right of way of a street/roadway and to the rear and side property lines and 30% of the property must remain greenspace.

-2-

All Resolutions, or Ordinances, or parts thereof, in conflict with the terms of this Resolution are hereby repealed, but it is hereby provided that any resolution, ordinance or law, which may be applicable hereto and aid in carrying out and making effective the intent, purpose and provisions hereof, which shall be liberally construed to be in favor of Banks County, is hereby adopted as part hereof.

-3-

If any paragraph, sub-paragraph, sentence, clause, phrase, or any portion of this Resolution shall be declared invalid or unconstitutional by any court of competent jurisdiction or if the provisions of any part of this Resolution as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the portions of this Resolution not so held to be invalid. It is hereby declared to be the intent of the Board of Commissioners to provide for separable and divisible parts, and it does hereby adopt any and all parts hereof as may not be held invalid for any reason.

~~4~~

This Resolution is hereby adopted this _____ day of _____, 20____, and shall be codified as a part of the Code of Banks County, Georgia, to become effective upon the _____ day of _____, 20____, the public health, safety and general welfare demanding it.

BANKS COUNTY BOARD OF COMMISSIONERS

Chairman

Vice Chairman

Commissioner

Commissioner

Commissioner

ATTEST:

County Clerk

County Seal

ADVERTISED _____
PUBLIC HEARING _____
PUBLIC HEARING _____
ADOPTED _____

ORDINANCE NO. _____

AN ORDINANCE TO AMEND ARTICLE X. - M-1, INDUSTRIAL DISTRICT SECTION 1002 entitle "PERMITTED USES" TO REMOVE AGRICULTURAL USES, DISTRIBUTION OF PRODUCTS AND MERCHANDISE, MINI WAREHOUSE AND STORAGE FACILITIES AND REPAIR HOUSEHOLD APPLIANCES; TO ADD PLANER MILLS AND SAW MILLS; TO PROVIDE FOR AN EFFECTIVE DATE AND TO REPEAL CONFLICTING ORDINANCES AND RESOLUTIONS, AND FOR OTHER PURPOSES.

WHEREAS, the Board of Commissioners of Banks County adopted by resolution on March 12, 2002, the codification of Resolutions, General Resolutions and Ordinances passed by the Board of Commissioners of Banks County as "The Code of Banks County, Georgia" published by Municipal Code Corporation; and further provided for the manner of amending the Code of Banks County, Georgia;

WHEREAS, the Board of Commissioners of Banks County desires to amend ARTICLE X. - M-1, INDUSTRIAL DISTRICT SECTION 1002 entitle "PERMITTED USES" TO REMOVE AGRICULTURAL USES, DISTRIBUTION OF PRODUCTS AND MERCHANDISE, MINI WAREHOUSE AND STORAGE FACILITIES AND REPAIR HOUSEHOLD APPLIANCES; TO ADD PLANER MILLS AND SAW MILLS;

**BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF BANKS COUNTY,
GEORGIA, AS FOLLOWS:**

-1-

SECTION 1002 "PERMITTED USES" Paragraphs 2, 8, 12, 14, and 17 are hereby deleted in their entirety and substituted in lieu thereof the following:

- 2. Reserved.
- 8. Reserved
- 12. Lumber yards, planer mills and saw mills.
- 14. Reserved.
- 17.. Reserved

-2-

All Resolutions, or Ordinances, or parts thereof, in conflict with the terms of this Resolution are hereby repealed, but it is hereby provided that any resolution, ordinance or law, which may be applicable hereto and aid in carrying out and making effective the intent, purpose and provisions hereof, which shall be liberally construed to be in favor of Banks County, is hereby adopted as part hereof.

-3-

If any paragraph, sub-paragraph, sentence, clause, phrase, or any portion of this Resolution shall be declared invalid or unconstitutional by any court of competent jurisdiction or if the provisions of any part of this Resolution as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the portions of this Resolution not so held to be invalid. It is hereby declared to be the intent of the Board of Commissioners to provide for separable and divisible parts, and it does hereby adopt any and all parts hereof as may not be held invalid for any reason.

-4-

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_____ day of _____, 20____, the public health, safety and general welfare
demanding it.

BANKS COUNTY BOARD OF COMMISSIONERS

Chairman

Vice Chairman

Commissioner

Commissioner

Commissioner

ATTEST:

County Clerk

County Seal

ADVERTISED _____

PUBLIC HEARING _____

PUBLIC HEARING _____

ADOPTED _____

ORDINANCE NO. _____

AN ORDINANCE TO AMEND ARTICLE XII. - ADMINISTRATION, INTERPRETATION, ENFORCEMENT, PENALTIES AND REMEDIES[6] SECTION 1204 "BUILDING PERMIT REQUIRED" TO PROVIDE FOR A SITE PLAN ON FIVE ACRES OR LESS; TO PROVIDE FOR AN EFFECTIVE DATE AND TO REPEAL CONFLICTING ORDINANCES AND RESOLUTIONS, AND FOR OTHER PURPOSES.

WHEREAS, the Board of Commissioners of Banks County adopted by resolution on March 12, 2002, the codification of Resolutions, General Resolutions and Ordinances passed by the Board of Commissioners of Banks County as "The Code of Banks County, Georgia" published by Municipal Code Corporation; and further provided for the manner of amending the Code of Banks County, Georgia;

WHEREAS, the Board of Commissioners of Banks County desires to amend ARTICLE XII. - ADMINISTRATION, INTERPRETATION, ENFORCEMENT, PENALTIES AND REMEDIES SECTION 1204 "BUILDING PERMIT REQUIRED" TO PROVIDE FOR A SITE PLAN ON FIVE ACRES OR LESS;

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF BANKS COUNTY, GEORGIA, AS FOLLOWS:

SECTION 1204.- "BUILDING PERMIT REQUIRED" is amended to provide a site plan shall be required for residences and accessory structures on 5 acres or less so when amended the Paragraph will read as follows:

No building, structure or sign, except as specifically exempted by these regulations, shall be erected, moved; extended, enlarged or structurally altered, nor shall any excavation or filling of any lot for the construction of any building or other structure be commenced until the zoning administrative officer has issued a building permit for such work in conformity with the provisions of these regulations. A site plan shall be required for residences and accessory structures on 5 acres or less. All building permits shall be issued by the zoning administrative officer. In cases of uncertainty regarding whether a proposed building or other structure conforms to any provisions of these regulations, the zoning administrative officer shall consult with the county attorney for his interpretation. A building permit shall become invalid unless the work authorized by it shall have been commenced within 90 days after its date of issue, or if the work authorized by it is suspended or abandoned for a period of six months or more.

-2-

All Resolutions, or Ordinances, or parts thereof, in conflict with the terms of this Resolution are hereby repealed, but it is hereby provided that any resolution, ordinance or law, which may be applicable hereto and aid in carrying out and making effective the intent, purpose and provisions hereof, which shall be liberally construed to be in favor of Banks County, is hereby adopted as part hereof.

-3-

If any paragraph, sub-paragraph, sentence, clause, phrase, or any portion of this Resolution shall be declared invalid or unconstitutional by any court of competent jurisdiction or if the provisions of any part of this Resolution as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the portions of this Resolution not so held to be invalid. It is hereby declared to be the intent of the Board of Commissioners to provide for separable and divisible parts, and it does hereby adopt any and all parts hereof as may not be held invalid for any reason.

-4-

This Resolution is hereby adopted this _____ day of _____, 20____, and shall be codified as a part of the Code of Banks County, Georgia, to become effective upon the _____ day of _____, 20____, the public health, safety and general welfare demanding it.

BANKS COUNTY BOARD OF COMMISSIONERS

Chairman

Vice Chairman

Commissioner

Commissioner

Commissioner

ATTEST:

County Clerk

County Seal

ADVERTISED _____

PUBLIC HEARING _____

PUBLIC HEARING _____

ADOPTED _____

ORDINANCE NO. _____

AN ORDINANCE TO AMEND ARTICLE XXI. - OFFICE AND LIGHT INDUSTRIAL DISTRICT (OLD) BY CHANGING THE NAME OF DISTRICT; BY DELETING THE LIGHT INDUSTRIAL USES IN THE DISTRICT; TO PROVIDE FOR AN EFFECTIVE DATE AND TO REPEAL CONFLICTING ORDINANCES AND RESOLUTIONS, AND FOR OTHER PURPOSES.

WHEREAS, the Board of Commissioners of Banks County adopted by resolution on March 12, 2002, the codification of Resolutions, General Resolutions and Ordinances passed by the Board of Commissioners of Banks County as "The Code of Banks County, Georgia" published by Municipal Code Corporation; and further provided for the manner of amending the Code of Banks County, Georgia;

WHEREAS, the Board of Commissioners of Banks County desires to amend **ARTICLE XXI. - OFFICE AND LIGHT INDUSTRIAL DISTRICT (OLD) BY CHANGING THE NAME OF DISTRICT; BY DELETING THE LIGHT INDUSTRIAL USES IN THE DISTRICT;**

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF BANKS COUNTY, GEORGIA, AS FOLLOWS:

-1-

ARTICLE XXI. - OFFICE AND LIGHT INDUSTRIAL DISTRICT (OLI) is hereby amended to read as follows:

ARTICLE XXI. – OFFICE COMPLEX DISTRICT

Section 2101. - Intent and purpose.

This district, known as the Office Complex District, is established to promote sound and harmonious economic development by providing an environment for office development and usage all of a non- nuisance type, in an attractive campus-style setting with close access to major roads and served by public water and sewer. Proposals for this district are expected to submit for a public review, and abide by, a set of restrictive covenants designed to ensure an attractive campus-style environment and compatibility with adjacent land uses.

Section 2102. - Permitted uses.

1. Office and administrative facilities.
2. Research and educational facilities.

-2-

All Resolutions, or Ordinances, or parts thereof, in conflict with the terms of this Resolution are hereby repealed, but it is hereby provided that any resolution, ordinance or law, which may be applicable hereto and aid in carrying out and making effective the intent, purpose and provisions hereof, which shall be liberally construed to be in favor of Banks County, is hereby adopted as part hereof.

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to be the intent of the Board of Commissioners to provide for separable and divisible parts, and it does hereby adopt any and all parts hereof as may not be held invalid for any reason.

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This Resolution is hereby adopted this _____ day of _____, 20____, and shall be codified as a part of the Code of Banks County, Georgia, to become effective upon the _____ day of _____, 20____, the public health, safety and general welfare demanding it.

BANKS COUNTY BOARD OF COMMISSIONERS

Chairman

Vice Chairman

Commissioner

Commissioner

Commissioner

ATTEST:

County Clerk

County Seal