

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.

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