

ADVERTISED _____
PUBLIC HEARING _____
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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:

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)

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)

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)

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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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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.

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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