

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:

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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.

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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.

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