

JACKSON COUNTY, GEORGIA

AN ORDINANCE
BY THE BOARD OF COMMISSIONERS
OF JACKSON COUNTY

An Ordinance of Jackson County, Georgia to Amend the Jackson County Unified Development Code, Article 3, "Restrictions of Particular Uses," Division I, "Restrictions That Apply to All Development," Section 306, "Separation between agricultural and residential uses [Amended 2-13-2006];" Division II, "Restrictions on Certain Uses," Section 334, "Horse and riding stables, private;" to repeal conflicting ordinances; to provide for severability; and to provide for an effective date.

WHEREAS, the Constitution of the State of Georgia, approved by the voters of the State in November of 1982, and effective July 1, 1983, provides in Article IX, Section II, Paragraph I thereof, that the governing authority of the county may adopt clearly reasonable ordinances, resolutions and regulations; and

WHEREAS, O.C.G.A. Section 36-1-20 authorizes counties to enact ordinances for protecting and preserving the public health, safety and welfare of the population of the unincorporated areas of the county; and

WHEREAS, in the interests of the health, safety, and general welfare of the citizens of Jackson County, Georgia, the Board of Commissioners of Jackson County desires to amend The Development Code; and

WHEREAS, appropriate notice and hearing on the amendments contained herein have been carried out according to general and local law.

NOW THEREFORE, be it ordained and resolved by the Board of Commissioners of Jackson County, Georgia, that the Unified Development Code shall be amended as follows:

SECTION 1.

Article 3, "Restrictions of Particular Uses," Division I, "Restrictions That Apply to All Development," Section 306, "Separation between agricultural and residential uses [Amended 2-13-2006];" is amended to read as follows:

"Section 306, Separation between agricultural and residential uses [Amended 2-13-2006]."

Adequate separation must be provided between agricultural structures or operations, as enumerated in this section, and neighboring residences for any new construction, in accordance with the provisions of this Section.

Separation required for new construction.

1. The following agricultural structures or operations, when constructed or established, shall be located no closer than 300 feet measured in a straight line from the nearest point of any existing neighboring residence:
 - a) Any active poultry house, feed lots, hog parlor, or milking parlor;
 - b) Manure and other waste storage containers, lagoons, or pits and agricultural waste impoundment sites, but not including any pastures.
2. The following structures or operations, when constructed or established, shall be located no closer than 150 feet measured in a straight line from the nearest point of any existing neighboring residence:
 - a) Accessory agricultural buildings for storage or operations, maintenance or processing of non-animal products not involving the housing of animals; and
 - b) Kennels and other enclosures for the housing or breeding of domestic animals; and
 - c) Pet Boarding Facilities, that house domestic animals (cats and dogs) for more than 12 hours; and
 - d) A ~~horse stable~~ **structure** containing more than 4 stalls **for horses**, and any corral, pen, open air arena, dressage ring, or other similar improved or constructed riding area or facility except for any pasture.
 - e) The location of the existing residential structure or agricultural structure or operation shall be determined as of the date a building permit, grading permit, or NPDES Notice of Intent is filed for the new agricultural structure or operation.
3. **The following agricultural structures or operations, when constructed or established, shall be located at least 100 feet away from any property line:**
 - a) **A structure containing more than 4 stalls for horses.**

Separation from existing uses.

1. When a new residence is to be constructed on a neighboring property in proximity to any existing agricultural structure or operation for which separation is required by this Section, but the existing structure or operation does not comply with such required distance, the new residence shall be separated from such structure or operation as follows:
 - a. The new residence shall be located no closer than 300 feet measured in a straight line from the nearest point of the new residential structure to the nearest point of any existing agricultural structure as defined in 306(a)1, and no closer than 150 feet measured in a straight line from the nearest point of the new residential structure to the nearest point of any existing agricultural structure as defined in 306(a)2, not including fences on the exterior property line. The location of the existing agricultural structure shall be determined as of the date a residential rezoning application is filed for the property upon which the new residence is to be located or as of the date a building permit application is filed for the new residence, whichever date is earlier.

SECTION 2.

Article 3, "Restrictions on Particular Uses," Division II, "Restrictions on Certain Uses," Section 334, "Horse and riding stables, private;" is amended to read as follows:

“Section 334. Horse and riding stables Structures containing horses, private.

A building for the shelter and feeding of horses as an accessory use to a residential use is subject to the following:

334 (a) *Personal horse stable.* **A structure containing horses for personal use.**

- (1) A ~~personal horse stable~~ **structure containing horses for personal use** shall not contain more than 4 stalls.
- (2) ~~Such stable shall be established on a lot having an area of not less than 4 acres for 1 horse, and an additional 2 full acres for each additional horse kept on the property.~~
- (3) ~~The horse stable and any corral or designated riding area shall be located at least 100 feet from any property line.~~
- (4) All animals shall be maintained within a fully fenced area.

334 (b) *Private riding stable.*

- (1) ~~Horse stables~~ **A structure containing horses** with 5 or more stalls ~~are~~ **is** allowed within an equestrian oriented subdivision for the common use of all residents in the subdivision.
- (2) ~~Such stable shall be established on a lot having an area of not less than 1.5 acres for 1 horse, and an additional 2 full acres for each additional horse kept on the property.~~
- (3) **Structures containing horses for** ~~private riding stables~~ must meet the separation requirements of Section 306 of this Article.
- (4) **Such structures containing horses shall be located at least 100 feet from any property line.**
- (5) **Such structures containing horses, when constructed or established, shall be located no closer than 150 feet measured in a straight line from the nearest point of any existing neighboring residence.**

SEVERABILITY

It is the express intent of the Jackson County Board of Commissioners that this Ordinance be consistent with both federal and State law. If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, the invalidity shall not affect other provisions

or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

CONFLICTING ORDINANCES REPEALED

Any and all Ordinances or parts of Ordinances in conflict herewith shall be, and the same are, hereby repealed to the extent of such conflict.

EFFECTIVE DATE

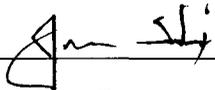
This Ordinance shall become effective immediately upon passage.

PASSED AND ADOPTED this 15th day of February, 2016, the public health, safety, and welfare demanding it.

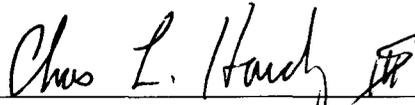
JACKSON COUNTY BOARD OF COMMISSIONERS:



Tom Crow, Chairman



Jim Hix, Commissioner, District 1



Chas Hardy, Commissioner, District 2



Ralph Richardson, Jr., Commissioner, District 3



Dwain Smith, Commissioner, District 4

Attest:



Clerk to the Board