



MEMORANDUM

MEETING OF: August 22, 2017
COMMITTEE: Planning Commission
DEPARTMENT: Community Development

ISSUE/AGENDA ITEM TITLE:

TA17-14 an Ordinance to Amend Section 27-1410, Agriculture and Forestry, Chapter 27, of the Code of the City of Brookhaven

BACKGROUND/SUMMARY:

The proposed amendment relates to the recent adoption of amendments to Chapter 5, Animals, of the Code of the City of Brookhaven, which addressed the regulation, enforcement, and control of domestic fowl and apiaries. When drafting the amendment, it was determined that existing sections of the Zoning Ordinance conflicted with Chapter 5. At this time, the Department is proposing to correct these conflicts.

STAFF RECOMMENDATION:

Approval as presented.

ATTACHMENTS:

- TA17-14 MARK-UP An Ord to Amend Sec. 27-1410, Agriculture and Forestry (PDF)

STATE OF GEORGIA
COUNTY OF DEKALB
CITY OF BROOKHAVEN

ORDINANCE 2017 _____

AN ORDINANCE TO AMEND AN ORDINANCE TO AMEND SECTION 27-1410, AGRICULTURE AND FORESTRY, OF THE CODE OF THE CITY OF BROOKHAVEN

WHEREAS, Section 1.03(b)(25) of the Charter of the City of Brookhaven grants the City of Brookhaven the power to provide comprehensive planning and regulation through zoning and subdivision requirements to ensure a safe, healthy, and aesthetically pleasing community; and

WHEREAS, the Mayor and City Council find that amendments to the existing agriculture and forestry regulations are necessary to ensure the protection of property owners within the city.

BE IT ORDAINED by the Mayor and Council of the City of Brookhaven, Georgia and it is hereby ordained by the authority of same:

SECTION I:

Section 27-1410, Agriculture and Forestry, is amended to read as follows:

Sec. 27-1410. - Agriculture and forestry.

- (a) *Agricultural produce stands.* Agricultural produce stands shall comply with the front yard setback requirement for the district in which they are located, shall provide a minimum of four off-street parking spaces, and shall sell only products grown or produced on the premises on which such use is located.
- (b) *Commercial greenhouses and plant nurseries.* Any structure used as a commercial greenhouse or plant nursery shall be set back no less than 100 feet from any adjoining property which is zoned for residential use.
- (c) *Structures used in production and processing of fruits, tree nuts and vegetables.* Any structure used in the production or processing of fruits, tree nuts and vegetables shall be set back no less than 200 feet from any property line.
- (d) *Riding stables.* Riding stables shall be established on a lot having an area of not less than ten acres. Any structure shall be located at least 200 feet from any property line. All animals shall be maintained at least 100 feet from any property line.
- (e) *Temporary or portable sawmill.* The time limit for any permit for a temporary or portable sawmill shall not exceed six months. The sawmill may only process timber removed from the property on which it is located. The use shall be set back not less than 500 feet from a residential structure on adjoining property.

(Ord. No. 2014-09-03, § 1(27-733), 9-23-2014)

SECTION II:

Severability: Should any section of this Ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of the Ordinance as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

SECTION III:

Repeal of Conflicting Provisions: All ordinances, part of ordinances, maps, or regulations in conflict herewith are repealed.

SECTION IV:

Effective Date: This ordinance shall be effective immediately upon adoption.

SO ORDAINED, this _____ day of _____, 2017.

Approved by:

Approved as to Form and Content

John Arthur Ernst Jr., Mayor

Christopher Balch, City Attorney

Attest:

Susan Hiott, City Clerk

SEAL