

Ordinance
of the
City of Ball Ground, Georgia

ORDINANCE NO. _____
REZONING CASE 2024-R-04

APPLICANT: Josh and Jennifer Briggs for Two Little Hands Farm

AN ORDINANCE TO REZONE PROPERTY IN THE CITY OF BALL GROUND, GEORGIA, (HEREINAFTER THE "CITY) CONCERNING 4.526 +/- ACRES LOCATED IN LAND LOT 310 OF THE 4th DISTRICT, 2nd SECTION OF CHEROKEE COUNTY, GEORGIA, AND INDICATED AS PARCEL 04 N 04 037;

WHEREAS, it is hereby found and determined that Josh and Jennifer Briggs for Two Little Hands Farm filed a petition with the City to change the zoning of the property described above from R-40 to AG on or about December 17, 2024.

WHEREAS, the petition to change the zoning proposes the development of a **family farm** as shown on the site plan attached hereto as **Exhibit A**; and,

WHEREAS, O.C.G.A. 36-66-4 mandates any local government taking action which will result in a zoning decision shall provide for a hearing on the proposed action by causing to be published a notice in a newspaper of general circulation; and,

WHEREAS, the notice of public hearing, a copy of which is attached hereto as **Exhibit B** and incorporated herein by reference, was published more than 15 days prior to the public hearing; and,

WHEREAS, the Cherokee County Planning Commission held a public hearing on **March 4, 2025** upon this request for change of zoning in the Cherokee County Administration Building with meeting minutes attached hereto as **Exhibit C**; and,

WHEREAS, the recommendation by the Planning Commission for **Approval with Conditions**, attached hereto as **Exhibit D**, has been received regarding the subject property as described in the legal description, a copy of which is attached hereto as **Exhibit E** and incorporated herein by reference; and,

WHEREAS, the conditions of approval as recommended by the Planning Commission, also detailed in **Exhibit D** and incorporated herein by reference, have been considered; and,

WHEREAS, the Developer Agreement, attached hereto as **Exhibit F** and incorporated herein by reference, is executed by all required parties prior to the issuance of a land disturbance permit and must be fulfilled in a timely manner; and,

WHEREAS, the Ball Ground City Council has considered the proposed petition in contemplation of the Comprehensive Plan as adopted and interpreted by the Planning Commission; and, has examined the subject property and surrounding area, the statutory zoning criteria, and the need to modify the exercise of the police power with regard to this particular property as such exercise relates to the comprehensive exercise of that power throughout the incorporated area of the City of Ball Ground, Cherokee County, Georgia; and,

WHEREAS, after balancing the interests of the community in promoting public health, safety, morality, or general welfare against the right of the property owner to unrestricted use of the property.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of Ball Ground, that the petition for a change of zoning from **R-40** to **AG** is hereby declared to be **APPROVED WITH THE FOLLOWING CONDITIONS**:

1. No animal quarters are to be located closer than seventy-five (75) feet to any property line, excluding the adjacent property line (671 Old Dawsonville Road) where the applicant currently resides.
2. No intentional breeding of livestock for commercial purposes is allowed on site at any time.
3. No slaughter of animals on site for commercial purposes is allowed on site at any time.
4. The raising and keeping of hooved animals shall be limited to two animals per acre, not to exceed 10 animals at any time.
 - a. This includes cattle, horses, sheep, and goats.
5. No peacocks shall be allowed on site at any time.
6. No roosters shall be allowed on site at any time.
7. No pigs/swine shall be allowed on site at any time.
8. The property may not be used as a venue for events such as weddings, concerts, and similar activities known to generate substantial amounts of noise, vehicular traffic and other related issues.
9. All curb cuts and driveway improvements at Old Dawsonville Road are to be submitted to and reviewed and approved by Cherokee DOT.
10. The County Fire Marshal must review and approve commercial building plans prior to the issuance of a building permit.

This ordinance shall become effective _____ thirty days after approval by the Mayor and City Council.

The Planning Director of the City of Ball Ground, Georgia is hereby instructed to make any and all appropriate changes to the Official Zoning Map of Ball Ground, necessitated by this action described herein; however, said changes to the Official Zoning Map of Ball Ground are effective concurrent with the effective date _____, whether or not they have been physically made and represented.

All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

SO RESOLVED, APPROVED, AND ADOPTED this ___ day of _____, 2025 by the Mayor and City Council of Ball Ground, Georgia.

CITY OF BALL GROUND, GEORGIA

A.R. Roberts, III, Mayor

Attest:

Kaylyn Bush, City Clerk
(Seal)

1st Reading:
2nd Reading:

EXHIBIT B
Notice of Public Hearing

DRAFT

1st Reading:
2nd Reading:

EXHIBIT C
Planning Commission Minutes – Record of Public Hearing

DRAFT

1st Reading:
2nd Reading:

EXHIBIT D
Recommendation by the Planning Commission

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EXHIBIT E
Legal Description of Subject Property

COMMENCE at a one-half-inch rebar at the intersection of the northwesterly 50-foot right-of-way of Old Dawsonville Road with the land lot line common to land lots 310 and 337; which is the POINT OF BEGINNING; thence leaving said right-of-way North 89 Degrees 50 Minutes 50 Seconds West a distance of 491.60 feet to a marble monument; thence North 30 Degrees 14 Minutes 57 Seconds East a distance of 397.04 feet to a one-half-inch rebar; thence North 30 Degrees 07 Minutes 39 Seconds East a distance of 220.92 feet to a one-half-inch rebar; thence South 45 Degrees 53 Minutes 08 Seconds East a distance of 500.15 feet to a one-half-inch rebar on the northwesterly 50-foot right-of-way of Old Dawsonville Road; thence along said right-of-way the following courses and distances: South 39 Degrees 25 Minutes 53 Seconds West a distance of 26.46 feet to a point; thence with a curve turning to the right with an arc length of 48.31 feet, with a radius of 675.93 feet, with a chord bearing of South 40 Degrees 30 Minutes 06 Seconds West, with a chord length of 48.30 feet to a point; thence with a curve turning to the right with an arc length of 68.79 feet, with a radius of 962.51 feet, with a chord bearing of South 41 Degrees 44 Minutes 07 Seconds West, with a chord length of 68.78 feet to a point; thence with a curve turning to the right with an arc length of 99.08 feet, with a radius of 1174.55 feet, with a chord bearing of South 46 Degrees 30 Minutes 36 Seconds West, with a chord length of 99.05 feet to a point; thence South 49 Degrees 58 Minutes 55 Seconds West a distance of 16.40 feet to a one-half-inch rebar; which is the POINT OF BEGINNING; having an area of 4.526 acres, more or less.

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1st Reading:
2nd Reading:

EXHIBIT F
Developer Agreement

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