

COUNTY OF FRANKLIN
STATE OF GEORGIA

ORDINANCE NO. __

AN ORDINANCE BY THE BOARD OF COMMISSIONERS OF FRANKLIN COUNTY, GEORGIA, TO AMEND THE FRANKLIN COUNTY UNIFIED DEVELOPMENT CODE, ADOPTED AUGUST 1, 2022, EFFECTIVE SEPTEMBER 19, 2022, AMENDED MARCH 6, 2023, TO AMEND CHAPTER 2, "ZONING DISTRICTS AND OFFICIAL ZONING MAP," ARTICLE 2-3, "RESIDENTIAL ZONING DISTRICTS," SECTION 2-301, "RR, RURAL RESIDENTIAL DISTRICT" TO AMEND THE STATEMENT OF PURPOSE AND INTENT; TO AMEND SECTION 2-301, "RR, RURAL RESIDENTIAL DISTRICT" AND TABLE 2-4, "DIMENSIONAL REQUIREMENTS FOR RESIDENTIAL ZONING DISTRICTS" AS IT PERTAINS TO SAID ZONING DISTRICT TO ESTABLISH A MAXIMUM AREA THAT CAN BE REZONED TO SAID DISTRICT AND TO LIMIT THE NUMBER OF LOTS INTO WHICH A LOT OF RECORD IN SAID DISTRICT CAN BE SUBDIVIDED; TO AMEND SECTION 2-302, "LR, LAKEFRONT RESIDENTIAL DISTRICT" AND TABLE 2-4, "DIMENSIONAL REQUIREMENTS FOR RESIDENTIAL ZONING DISTRICTS" AS IT PERTAINS TO SAID DISTRICT TO ESTABLISH A MAXIMUM AREA THAT CAN BE REZONED TO SAID DISTRICT AND TO LIMIT THE NUMBER OF LOTS INTO WHICH A LOT OF RECORD IN SAID DISTRICT CAN BE SUBDIVIDED; TO AMEND SECTION 2-303, "SUBURBAN RESIDENTIAL DISTRICT AND TABLE 2-4, "DIMENSIONAL REQUIREMENTS FOR RESIDENTIAL ZONING DISTRICTS" AS IT PERTAINS TO SAID DISTRICT TO INCREASE THE MINIMUM LOT SIZE FOR RESIDENTIAL DEVELOPMENT IN SAID DISTRICT AND TO LIMIT APPLICATIONS FOR REZONING TO SAID DISTRICT TO PROPERTIES ENTIRELY WITHIN 2,640 FEET OF A CITY LIMIT BOUNDARY; TO REPEAL SECTION 2-304, "MFR, MULTIPLE-FAMILY RESIDENTIAL DISTRICT AND TO REMOVE REFERENCES TO SAID DISTRICT IN TABLE 2-3 "PERMITTED AND CONDITIONAL USES FOR RESIDENTIAL ZONING DISTRICTS" AND TABLE 2-4, "DIMENSIONAL REQUIREMENTS FOR RESIDENTIAL ZONING DISTRICTS"; TO REMOVE REFERENCES TO MULTI-FAMILY MINIMUM LOT SIZE REQUIREMENTS IN TABLE 2-4, "DIMENSIONAL REQUIREMENTS FOR RESIDENTIAL ZONING DISTRICTS"; TO AMEND ARTICLE 2-1, "OFFICIAL ZONING MAP," SECTION 2-102, "ZONING DISTRICTS ESTABLISHED," PARAGRAPH (C) TO DELETE REFERENCE TO THE MFR, MULTIPLE FAMILY RESIDENTIAL DISTRICT; TO AMEND CHAPTER 3, "SPECIFIC USE PROVISIONS," SECTION 3-137, "HOME OCCUPATION," PARAGRAPH "(C)" TO DELETE REFERENCE TO THE MFR ZONING DISTRICT; TO AMEND CHAPTER 15 "SIGNS AND ADVERTISING DEVICES" TO DELETE ALL REFERENCES TO THE MFR ZONING DISTRICT; TO REPEAL SECTIONS 3-125, "DWELLING, FEE SIMPLE TOWNHOUSE" AND SECTION 3-126, "DWELLING, MULTIPLE FAMILY;" IN CHAPTER 3, SPECIFIC USE PROVISIONS, ARTICLE 3-1, "SPECIFIC USES;" TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

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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, The Franklin County Board of Commissioners has adopted a comprehensive plan, titled “Franklin County 2019 Joint Comprehensive Plan,” and

WHEREAS, said comprehensive plan calls for the county to promote efficient land use, to maximize the use of existing infrastructure, minimize the costly conversion of undeveloped land at the periphery of the community, encourage development of sites closer to the traditional core of the community (i.e., municipal boundaries), preserve natural resources and maintain rural character and open space in agricultural, forestry, conservation and rural areas; and

WHEREAS, the Franklin County 2019 Joint Comprehensive Plan includes a character area map which places the vast majority of unincorporated land with a “rural” character area, which is intended to retain the existing rural character until the viability for utilities alters the development potential in said areas; and

WHEREAS, the Board of Commissioners finds that, except for areas close to city limits, the extension of utilities in particular sanitary sewer service is, for the most part, not viable in the short-term or long-term for residential development; and

WHEREAS, The Board of Commissioners has adopted a Unified Development Code to protect and preserve the public health, safety and welfare of the population of the unincorporated areas of the county; and

WHEREAS, The Board of Commissioners has determined that the Unified Development Code as it pertains to residential development permissions does not adequately restrict residential development in a manner that will meet the expectations of the Board and the desires for managed growth articulated in the comprehensive plan; and

WHEREAS, it is therefore in the interests of the health, safety, and general welfare of the citizens of Franklin County, Georgia, for the Board of Commissioners to amend the unified development code to place certain additional restrictions on residential development per various zoning districts to implement the goals and objectives of the county’s comprehensive plan more closely; and

WHEREAS, such additional restrictions on residential development will appropriately take many forms, including but not limited to the prohibition of certain residential uses; an increase in the lot size of suburban residential development; a revision of the purpose and intent statement for rural residential zoning districts, the repeal of regulations pertaining to certain residential use

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types; and imposition of a distance limit for suburban residential zoning districts such that said districts will not be approved if lying more than one-half a mile from a municipal limit boundary; and

WHEREAS, appropriate notice of the amendments contained herein have been carried out according to general and local law; and

WHEREAS, the Franklin County Planning Commission and the Board of Commissioners have each conducted a public hearing on the proposed amendments;

Now therefore, **IT IS ORDAINED** by the Board of Commissioners of Franklin County, Georgia, as follows:

SECTION 1.

The Franklin County Unified Development Code, Chapter 2, “Zoning Districts and Official Zoning Map,” Article 2-3, “Residential Zoning Districts,” Section 2-301, “RR, Rural Residential District,” paragraph (a), “Purpose and Intent,” which reads as follows is repealed and replaced with a new paragraph (a), “Purpose and Intent,” to read as follows:

Sec. 2-301. RR, Rural Residential District.

- ~~(a) Purpose and intent. The RR district is comprised of individual single family homes including manufactured homes at very low densities. Lot sizes generally range from one (1) to as much as ten (10) acres. The RR zoning district is intended to be compatible with and implement agricultural and rural character.~~
- (a) Purpose and intent. The RR district is exclusively designated for single-family residences, including manufactured homes, on lots spanning from one to as much as ten acres. The primary purpose of the RR zoning district is to seamlessly integrate with and actively promote an agricultural and distinctly rural ambiance. In line with this intent, the RR zone unequivocally prohibits any major subdivision developments because they are inconsistent with and would compromise rural character. Permitted uses include and are intended to welcome hobby farms, small-scale farming operations, and homesteads, in a manner that nurtures the essence of rural living. The availability of public water service may vary, while sanitary sewer services are generally not extended to this district.**

SECTION 2.

The Franklin County Unified Development Code, Chapter 2, “Zoning Districts and Official Zoning Map,” Article 2-3, “Residential Zoning Districts,” Section 2-301, “RR, Rural Residential District,” Table 2-4, “Dimensional Requirements for Residential Zoning Districts” as it pertains to said zoning district, is hereby amended to establish a maximum area that can be rezoned to said district and to limit the number of lots into which a parcel of land in said district can be subdivided, as follows:

Table 2-4
Dimensional Requirements for Residential Zoning Districts

DIMENSIONAL REQUIREMENT	RR
Minimum site area to rezone to this district (acres)	1.5
Maximum site area that can be rezoned to this district (acres)	20
Maximum number of lots into which a lot of record can be subdivided	5

SECTION 3.

The Franklin County Unified Development Code, Chapter 2, “Zoning Districts and Official Zoning Map,” Article 2-3, “Residential Zoning Districts,” Section 2-302, “LR, Lakefront Residential District,” Table 2-4, “Dimensional Requirements for Residential Zoning Districts” as it pertains to said zoning district, is hereby amended to establish a maximum area that can be rezoned to said district and to limit the number of lots into which a lot of record in said district can be subdivided, as follows:

Table 2-4
Dimensional Requirements for Residential Zoning Districts

DIMENSIONAL REQUIREMENT	LR
Minimum site area to rezone to this district (acres)	1.0
Maximum site area that can be rezoned to this district (acres)	10
Maximum number of lots into which a lot of record can be subdivided	5

SECTION 4.

The Franklin County Unified Development Code, Chapter 2, “Zoning Districts and Official Zoning Map,” Article 2-3, “Residential Zoning Districts,” Section 2-303, “Suburban Residential District,” Table 2-4, “Dimensional Requirements for Residential Zoning Districts” as it pertains to said district is amended to increase the minimum lot size for single-family detached homes and manufactured homes where permitted in said district, as follows:

Table 2-4
Dimensional Requirements for Residential Zoning Districts

MINIMUM LOT REQUIREMENTS, SINGLE-FAMILY DETACHED (AND MANUFACTURED HOME WHERE PERMITTED)	SR
Minimum lot area, public water and sanitary sewer (acres)	0.34 0.50
Minimum lot area, public water and sanitary sewer (square feet)	15,000 21,780

SECTION 5.

The Franklin County Unified Development Code, Chapter 2, “Zoning Districts and Official Zoning Map,” Article 2-3, “Residential Zoning Districts,” Section 2-303, “Suburban Residential District,” is amended to amend paragraph (a) with regard to density and to add a new paragraph (e) as follows:

“Sec. 2-303. SR, Suburban Residential District.

- (a) Purpose and intent. The SR zoning district is established primarily to provide locations for single-family detached residential uses on individual lots, including subdivisions, at densities of approximately ~~three (3)~~ **two (2)** units or less per acre. SR zoning districts require public water and sanitary sewer, and such districts are most appropriately located in suburban and urbanized or urbanizing areas near municipalities.
- (b) Permitted and conditional uses. Permitted and conditional uses shall be as provided in Table 2-3, “Permitted and Conditional Uses for Residential Zoning Districts.” If an industry or use is not listed, it is deemed a conditional use in the zoning district the zoning administrator determines as the most appropriate.
- (c) Dimensional requirements. Dimensional requirements (e.g., height, setback, lot area, density, intensity, and other requirements for development) shall be as provided in Table 2-4, “Dimensional Requirements for Residential Zoning Districts.”
- (d) Utility requirements. Rezoning to this zoning district requires sanitary sewer service and requires connection of all dwellings to sanitary sewer, unless a dwelling was existing on the effective date of SR zoning.
- (e) **Proximity to city limits. Rezoning to the SR zoning district requires proximity to a city limit boundary. No person shall file, and the zoning administrator shall not accept for processing, any application to rezone property to the SR zoning district unless the property proposed to be rezoned is contained entirely within a distance of 2,640 linear feet (measured in straight line distance) from a city limit boundary.**

SECTION 6.

The Franklin County Unified Development Code, Chapter 2, “Zoning Districts and Official Zoning Map,” Article 2-3, “Residential Zoning Districts,” Section 2-304, “MFR, Multiple-Family Residential District,” which reads as follows is repealed. This amendment includes the repeal of any references to said district in tables and listings of contents.

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~~“Sec. 2-304. MFR, Multiple Family Residential District.~~

- ~~(a) Purpose and intent. The MFR zoning district is established to provide locations for a mix of housing types, including single-family detached residences, attached single-family residential uses, duplexes, triplexes, quadraplexes, townhouses, and apartments and condominiums. MFR zoning districts require public water and sanitary sewer, and such districts are most appropriately located in urbanized or urbanizing areas near municipalities and urban services. The maximum density in this district is 12 units per acre.~~
- ~~(b) Permitted and conditional uses. Permitted and conditional uses shall be as provided in Table 2-3, “Permitted and Conditional Uses for Residential Zoning Districts.” If an industry or use is not listed, it is deemed a conditional use in the zoning district the zoning administrator determines as the most appropriate.~~
- ~~(c) Dimensional requirements. Dimensional requirements (e.g., height, setback, lot area, density, intensity, and other requirements for development) shall be as provided in Table 2-4, “Dimensional Requirements for Residential Zoning Districts.”~~
- ~~(d) Utility requirements. Rezoning to this zoning district requires sanitary sewer service and requires connection of all dwellings to sanitary sewer, unless a dwelling was existing on the effective date of MFR zoning.”~~

SECTION 7.

The Franklin County Unified Development Code, Chapter 2, “Zoning Districts and Official Zoning Map,” Table 2-3, “Permitted and Conditional Uses for Residential Zoning Districts,” is amended to delete the column for the MFR, Multiple Family Residential zoning district as follows:

Table 2-3
Permitted and Conditional Uses for
Residential Zoning Districts

Accessory Uses and Structures Generally P = Permitted C = Conditional Use X = Prohibited	See Also Sec.	MFR
Accessory uses and structures not otherwise listed in this table, determined by the zoning administrator to be normally incidental to one or more permitted principal uses	3-101	P
Amateur radio tower less than 70 feet in height		P
Fallout shelter or subterranean survival bunker		P
Intermodal container, temporary	3-140	P
Parking space (surface), accessory to one or more permitted uses		P
Solar energy system, building mounted	3-165	P
Solar energy system, ground mounted	3-166	C
Storage building or storage shed		P
Utility substation or installation		P

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Agricultural Uses P = Permitted C = Conditional Use X = Prohibited	See Also Sec.	MFR
Agriculture (crop production)		P
Forestry		P
Livestock quarters, not including poultry house		X
Poultry house		X
Sawmill		X
Stack house		X
Timber harvesting	3-169	P
Residential Uses P = Permitted C = Conditional Use X = Prohibited	See Also Sec.	MFR
Dwelling, detached single-family, fee simple		P
Dwelling, single-family attached (fee simple townhouse)	3-125	P
Dwelling, multi-family, including apartments and condominiums		P
Dwelling, two family (duplex)		P
Manufactured home (on individual lot)	3-127	X
Manufactured home park	3-147	C
Relocated residential structure	3-157	X
Uses and Structures Accessory to Residential Uses P = Permitted C = Conditional Use X = Prohibited	See Also Sec.	MFR
Carport		P
Family burial plot	3-128	X
Guest house	3-135	P
Home occupation, including family day care home	3-137	P
Home occupation, not meeting specified requirements	3-137	P
Recreation, private, including swimming pool and tennis courts		P
Yard or garage sale	3-177	P
Institutional Uses P = Permitted C = Conditional Use X = Prohibited	See Also Sec.	MFR
Church, temple, synagogue, place of worship	3-115	P
Club or lodge, nonprofit		C
Continuing care retirement community	3-121	C
Dormitory or fraternity or sorority house		C
Group home, dormitory, or rooming or boarding house	3-134	C
Institutionalized residential living and care facility, serving 15 or less persons	3-139	P
Institutionalized residential living and care facility, serving more than 15 persons	3-139	C
Public use		P
School, private		P
Commercial or Other Uses P = Permitted C = Conditional Use X = Prohibited	See Also Sec.	MFR
Boarding or breeding of animals	3-112	X
Child care learning center, group day care home, adult day services	3-114	X
Golf course	3-133	C
Timber harvesting	3-169	P

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SECTION 8.

The Franklin County Unified Development Code, Chapter 2, “Zoning Districts and Official Zoning Map,” Table 2-4, “Dimensional Requirements for Residential Zoning Districts” is amended to delete the column for the MFR, Multiple-Family Residential District as follows:

Table 2-4
Dimensional Requirements for Residential Zoning Districts

DIMENSIONAL REQUIREMENT	MFR
Minimum site area to rezone to this district (acres)	5.0
MINIMUM LOT REQUIREMENTS, SINGLE-FAMILY DETACHED (AND MANUFACTURED HOME WHERE PERMITTED)	MFR
Minimum lot area, well and septic tank (acres)	NP
Minimum lot area, public water and septic tank (acres)	NP
Minimum lot area, public water and sanitary sewer (acres)	0.34
Minimum lot area, public water and sanitary sewer (square feet)	15,000
Minimum lot width (feet), well and septic tank (feet)	NP
Minimum lot width (feet), public water and septic tank (feet)	NP
Minimum lot width (feet), public water and sanitary sewer	75
MINIMUM LOT REQUIREMENTS, MULTI-FAMILY	MFR
Minimum lot area, public water and sanitary sewer (acres) (duplex)	0.69
Minimum lot area, public water and sanitary sewer (square feet) (duplex)	30,000
Fee simple townhouse	See Sec. 3-125
Maximum density, multi-family development (units per acre)	12.0
BUILDING HEIGHT REQUIREMENTS	MFR
Maximum height (feet)	55
Maximum height (number of stories)	4
BUILDING SETBACKS, RESIDENCES OR OTHER PERMITTED PRINCIPAL BUILDINGS	MFR
Front (feet)	35
Side (feet)	20
Rear (feet)	25
BUILDING SETBACKS, ACCESSORY BUILDINGS AND STRUCTURES	MFR
Front (feet)*	NP
Side (feet)	25
Rear (feet)	25
COVERAGE AND SEPARATION REQUIREMENTS	MFR
Minimum principal building separation (feet)	20
Maximum building coverage, including principal and accessory buildings and structures (% of lot) (multi-family uses and nonresidential uses only)	50%
Minimum landscaped open space (% of lot) (multi-family residential and nonresidential uses only)	20%
FLOOR AREA REQUIREMENTS PER DWELLING UNIT	MFR
Minimum heated floor area per dwelling unit (sq. ft.)	800

SECTION 9.

The Franklin County Unified Development Code, Chapter 2, “Zoning Districts and Official Zoning Map,” Table 2-4, “Dimensional Requirements For Residential Zoning Districts” is amended to delete the requirements titled “Minimum Lot Requirements, Multi-Family” for the RR, LR, and SR zoning districts as follows:

Table 2-4
Dimensional Requirements for Residential Zoning Districts

MINIMUM LOT REQUIREMENTS, MULTI FAMILY	RR	LR	SR
Minimum lot area, public water and sanitary sewer (acres) (duplex)	NP	NP	NP
Minimum lot area, public water and sanitary sewer (square feet) (duplex)	NP	NP	NP
Fee simple townhouse	NP	NP	NP
Maximum density, multi family development (units per acre)	NP	NP	NP

SECTION 10.

The Franklin County Unified Development Code, Chapter 2, “Zoning Districts and Official Zoning Map,” Table 2-4, “Dimensional Requirements for Residential Zoning Districts” is amended to delete the requirements titled “Coverage and Separation Requirements” for the RR, LR, and SR zoning districts as follows:

Table 2-4
Dimensional Requirements for Residential Zoning Districts

COVERAGE AND SEPARATION REQUIREMENTS	RR	LR	SR
Minimum principal building separation (feet)	N/A	N/A	N/A
Maximum building coverage, including principal and accessory buildings and structures (% of lot) (multi family uses and nonresidential uses only)	N/A	N/A	N/A
Minimum landscaped open space (% of lot) (multi family residential and nonresidential uses only)	N/A	N/A	N/A

SECTION 11.

The Franklin County Unified Development Code, Chapter 2, “Zoning Districts and Official Zoning Map,” Article 2-1, “Official Zoning Map,” Section 2-102, “Zoning Districts Established,” paragraph (c) is amended to delete reference to the MFR, Multiple Family Residential District, as follows:

Sec. 2-102. Zoning districts established.

“(c) The following zoning districts are hereby established. Such zoning districts are shown on the official zoning map:

- AI, Intensive Agriculture District
- AG, Agricultural District

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RR, Rural Residential District
LR, Lakefront Residential District
SR, Suburban Residential District
~~MFR, Multiple Family Residential District~~
INST, Institutional District
NC, Neighborhood Commercial District
HB, Highway Business District
LI, Light Industrial District
HI, Heavy Industrial District”

SECTION 12.

The Franklin County Unified Development Code, Chapter 3, “Specific Use Provisions,” Section 3-137, “Home Occupation,” paragraph “(c)” is amended to delete reference to the MFR zoning district as follows:

Sec. 3-137. Home occupation.

(c) Accessory building. An accessory building may be used for, or in connection with, a home occupation, except in SR and ~~MFR~~ residential zoning districts.

SECTION 13.

The Franklin County Unified Development Code, Chapter 15, “Signs and Advertising Devices,” is amended to all extents necessary to delete all references to the MFR zoning district.

SECTION 14.

The Franklin County Unified Development Code, Chapter 3, “Specific Use Provisions,” Article 3-1, “Specific Uses,” Section 3-125, “Dwelling, Fee Simple Townhouse” which reads as follows is repealed, and all references to said section in Chapter 2, “Zoning Districts and Official Zoning Map,” Table 2-3, “Permitted and Conditional Uses for Residential Zoning Districts,” are also repealed:

“Sec. 3-125. Dwelling, fee simple townhouse. **[Repealed]**”

~~In zoning districts where permitted, single family attached, fee simple dwellings (townhouses) shall meet the following requirements:~~

~~(a) Minimum lot width and lot size. The minimum lot width shall be 24 feet and the minimum lot size shall be 2,400 square feet.~~

~~(b) Minimum heated floor area. The minimum heated floor area per dwelling unit shall be 1,200 square feet.~~

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- ~~(c) Setback. Zero lot line between fee simple units within the same building shall be permitted, subject to applicable fire and building codes. The end units of a townhouse building may also be zero lot line.~~
- ~~(d) Units in building. There shall be no less than three (3) dwelling units in a building, and no more than eight (8) units in a building.~~
- ~~(e) Staggered rooflines. Any building containing more than 3 units with common walls must have the roof of each attached unit distinct from the other through offsets of three feet or more in roof design.~~
- ~~(f) Building separation. Buildings in townhouse developments shall be separated by a distance of at least ten (10) feet.”~~
- ~~(g) Plat approval. See chapter 7, “Subdivision,” of this UDC for platting requirements.”~~

SECTION 15.

The Franklin County Unified Development Code, Chapter 3, “Specific Use Provisions,” Article 3-1, “Specific Uses,” Section 3-126, “Dwelling, Multiple family” which reads as follows is repealed and all references to said section in Chapter 2, “Zoning Districts and Official Zoning Map,” Table 2-3, “Permitted and Conditional Uses for Residential Zoning Districts,” are also repealed:

Sec. 3-126. Dwelling, multiple family. **[Repealed]**

- ~~(a) Dwelling units per floor and floor limit. No more than six (6) dwelling units per floor may be included within a building used exclusively as a multi-family dwelling, and there shall be no more than four floors in any dwelling.~~
- ~~(b) Building separation. Multi-family buildings shall be separated from each other by a distance of at least forty (40) feet.~~
- ~~(c) Community recreation. Multi-family residential developments consisting of fifty (50) or more dwelling units shall provide a minimum of twenty percent (20%) of the total land area for community recreation, and ten percent (10%) of the total land area (i.e., no less than one-half of the community recreation minimum requirement) shall consist of active recreation as approved by the zoning administrator.~~

SECTION 16.

All ordinances or portions of ordinances in conflict herewith are repealed.

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SECTION 17.

If any provisions of this Ordinance or the application thereof to any person or circumstance are held invalid, the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application and to this end, the provisions of this Ordinance are severable.

SECTION 18.

This ordinance shall become effective immediately upon its adoption.

So ORDAINED, this the ____ day of _____, 202__.

Chair, Board of Commissioners

Approved as to form:

Attest:

County Attorney

County Clerk