

## Article V: Use Requirements By District

### Section 500. [A - 1] Intensive Agricultural District

#### Section 500.01 Intent

The A-1 zoning district is comprised entirely of farmland used for intensive commercial agriculture including animal containment facilities/structures (including feeding operations) for poultry (including chicken houses), swine, and livestock, and dairy production, and related waste storage/handling structures. Intensive agricultural facilities shall have adequate land areas for their operation, any plan required by the Water Quality Control Act for the disposal of waste, and required setbacks and buffers. The uses of land authorized in the A-1 zoning district may result in odors, dust, noise, or other effects that may not be compatible with other zoning districts. However, the operations on land zoned A-1 shall be conducted in compliance with all applicable county, state, and federal laws and regulations, including land use, water quality, health, and environmental standards.

The specific setback and buffer requirements for the A-1 zoning district set forth herein are intended to minimize the adverse effects commonly associated with intensive agricultural uses, provided that larger setbacks or other conditions may be imposed as conditions in the rezoning of particular property to A-1 so as to minimize adverse effects on surrounding property in cases involving, but not limited to, uncommonly large operations, unusual topographical conditions, or proximity to sensitive natural, scenic, or historic areas, municipal boundaries, and residential areas.

#### Section 500.02 Non - conforming Uses

Existing intensive agricultural facilities and operations, which were in operation at the time the Zoning Ordinance of Oglethorpe County, Georgia (hereinafter "Ordinance") was adopted, and which do not meet the requirements for new or expanded intensive agricultural uses and facilities as described in this Section 500, shall be grandfathered as existing nonconforming uses for purposes of the Ordinance, provided that said facilities/operations were registered with the County as a nonconforming use within one year of the original adoption of the Ordinance. Such nonconforming uses shall not have to comply with the location and setback restrictions set forth herein for structures/facilities in existence as of the date of the original adoption of this Ordinance provided that such uses and structures/facilities are in compliance with applicable state and federal regulations for water and air quality. Such facilities and operations shall comply with all applicable state and federal regulations. If permitting of such facilities or operations is required by the state or federal government, then a copy of each such permit shall be provided to the Oglethorpe County Planning Department ("Planning Department") by the owner of such land.

#### Section 500.03 Construction or Expansion of Animal Containment Facilities on Property Zoned A - 1 as of September 8, 2015

- a. This Subsection 500.03, shall be applicable to property zoned A-1 as of September 8, 2015.
- b. On property zoned A-1 as of September 8, 2015, the construction or expansion of animal containment or waste storage/handling structures shall require the submission to the Planning Department of a Comprehensive Site Development Plan and building permit, copies of any other applicable permits/approvals, information on the proposed water source and projected usage of water for the operations, and compliance with the requirements set forth in Subsection 500.06 of this Ordinance. Approval of such new or expanded structures by the Zoning Board or the Board Commissioners is not required on land which was zoned A-1 as of September 8, 2015.
- c. For property which, as of September 8, 2015, are:
  - i. Zoned A-2;
  - ii. Adjacent to real property zoned A-1, and
  - iii. Under common ownership with such adjacent A-1 zoned property, as of September 8, 2015, the construction on such property of an animal containment facility shall first require said real property to be rezoned to A-1 by the Board of Commissioners pursuant to the submission of a rezoning application and applicable fees as prescribed by Amendment Section of this Development Ordinance. Said real

property shall be subject to the legacy setbacks set forth in this Subsection 500.03 of this Ordinance and not those set forth in Subsection 500.04. Such property shall be subject to the provisions of Subsection 500.06 of this Ordinance.

- d. Legacy Setbacks- Property which is zoned A-1 as of September 8, 2015 (or which is rezoned to A-1 after September 8, 2015 pursuant to Subsection 500.03.c) shall be subject to the following setbacks for the construction or expansion of animal containment and waste storage/handling structures for swine/livestock/dairy and for poultry, in addition to any other applicable requirements:

Distance From	Structures Swine/Livestock/Dairy	for Structures for Poultry
Property Line	400 feet	200 feet <sup>1</sup>
Existing Residential Structures <sup>2,4</sup>	1,320 feet for 1,000 or less animal units; 2,640 feet for more than 1,000 animal units	600 feet
Property Line of Existing Public Use Areas, including Parks and Recreation Facilities, Schools and Child Care Centers, Health Facilities, Places of Worship or Public Assembly, and Identified Significant Historic District or Sites	1,320 feet for 1,000 or less animal units; 2,640 feet for more than 1,000 animal units	600 feet
Municipal Boundaries	1.5 miles	1 mile

**Section 500.04 Requirements for Construction of Animal Containment and Waste Storage / Handling Structures Facilities on Property Zoned A - 1 after September 8, 2015.**

- a) This Subsection 500.04 shall be applicable to real property which is rezoned to A-1 after September 8, 2015, except for property which is rezoned pursuant to Section 500.03.c of this Ordinance.
- b) The rezoning of property to A-1 after September 8, 2015 shall require the following:
  - 1) The Applicant shall attend a pre-application conference with Planning Department staff to review:
    - i. the evaluation standards for such rezonings;
    - ii. the requirements for such a rezoning;
    - iii. the costs to apply for such a rezoning; and
    - iv. the process which will be followed by the County in considering the application. Applicant, upon the request of Planning Department staff, shall confirm by signed writing his or her understanding of the foregoing.
  - 2) The Applicant, upon the request of Planning Department staff, will be encouraged to participate in an optional informal preliminary conference with neighbors (as identified by Planning Department staff) likely to be impacted by the rezoning. The conference will be organized and facilitated by Planning Department staff and will occur either prior to or promptly after submission of the formal rezoning application. The purpose of such a conference will be to:
    - i. Apprise the Applicant of the opposition likely to be faced in the formal rezoning process;
    - ii. Allow affected neighbors to understand, at an early stage, the nature of the proposed rezoning; and

<sup>1</sup> Setback may be waived in writing by the owner of affected property/structure.

<sup>2</sup> The required setback from an existing residential structure may be waived in writing by the owner of such structure.

~~<sup>4</sup>The required setback from an existing residential structures may be waived in writing by the owner of such structure.~~

- iii. Facilitate a dialogue between the Applicant and affected neighbors to minimize community polarization. The refusal of the Applicant to participate in such a conference shall not be grounds for denial of such a rezoning application.
- 3) Submission of a rezoning application and fees as required by law.
- 4) Submission of a comprehensive site development plan.
- 5) Submission of copies of all required permits and approvals.
- 6) Submission of information regarding the proposed water source and projected usage of water by the operation.
- c) Upon completion of the construction contemplated by the rezoning, "as built" site plans shall be submitted to the Planning Department.
- d) The specific location and orientation of animal containment and waste handling/storage structures on A-1 land may vary from that depicted on the initially submitted comprehensive site development plan provided that all applicable setbacks and other requirements are observed. The "as built" site plan shall accurately depict the location and orientation of such structures.
- e) Animal containment and waste storage/handling structures, and related pits and litter storage (including stack houses) constructed on land rezoned to A-1 after September 8, 2015 shall, in addition to all other applicable requirements, be subject to the following setbacks for Swine/Livestock/Dairy and for Poultry:

Distance From	Structures for Swine/Livestock/Dairy	Structures for Poultry
Property Line of A-1 Property	400 feet	20 feet <sup>1</sup>
Property Line of non-A-1 Property	400 feet	600 feet <sup>2</sup>
Existing Residential Structures	1,300 feet for 1,000 or less animal units/2,640 feet for more than 1,000 animal units <sup>2</sup>	600 feet <sup>2</sup>
Property Line of Existing Public Use Areas, including Parks and Recreation Facilities, Schools and Child Care Centers, Health Facilities, Places of Worship or Public Assembly, and Identified Significant Historic District or Sites	1,320 feet for 1,000 or less animal units; 2,640 feet for more than 1,000 animal units	1,320 feet <sup>1</sup>
Municipal Boundaries	1.5 miles <sup>1</sup>	1 mile <sup>1</sup>

**Section 500.05 Additional requirements for Animal Containment and Waste Storage / Handling Structures for Poultry on land which is rezoned, or so ugh t to be rezoned, to A - 1 after September 8, 2015**

- a) Road frontage shall be visually screened from land containing animal containment and waste storage/handling structures for poultry with either vegetation or terrain.
- b) Property in areas of a residential/commercial character depicted on the A-1 Restricted Overlay map prepared by, and on file with, the Planning Department shall not be rezoned to A-1.

**Section 500.06 Provisions Applicable to A - 1 Zoned Property and Animal Containment Facilities, Regardless of When Such Property was Zoned A - 1**

- a) All property zoned A-1, regardless of when it was zoned or rezoned to that classification, and all animal containment facilities thereon, shall be subject to and comply with all applicable requirements of this Subsection 500.06, in addition to any other applicable requirements.
- b) If, after a tract is zoned or rezoned to A-1, such land is not actively used for intensive agricultural purposes within twelve (12) months of such rezoning, or ceases such uses for any twelve-month

<sup>1</sup> Setback is not waivable or reducible.

<sup>2</sup> Setback may be waived in writing by the owner of affected property/structure.

period thereafter, the County may, at its discretion, initiate a review of the zoning classification of said tract and consider the rezoning of said tract to A-2. For purposes of this provision, periods in which intensive agricultural uses have ceased for the purpose of authorized upgrades, construction, repairs or maintenance on such tract shall not be counted toward said twelve (12) month period. The County may also initiate such a review twelve (12) months after the time set forth by state regulations for the voluntary closure of such intensive agricultural operations on such tract.

- c) **Air Quality Protection** - The intensive agricultural operations and the operation of animal containment facilities shall not exceed allowable emissions of substances or compounds regulated by state or federal Clean Air Acts, or the Clean Air Act Amendments of 1990, or any future amendments to either, or any other applicable statute or regulation.
- d) **Dead Animal Disposal** - Dead animals shall be disposed of in a way that does not adversely affect ground or surface water and does not compromise public health. Any dead animal shall be disposed of within seventy-two (72) hours of discovery by removal for rendering, cremation, burial or composting as approved by the Georgia Department of Agriculture and by the Environmental Protection Division of the Georgia Department of Natural Resources.
- e) **Notice and Waiver of Agricultural Adjacency and Reciprocal Setbacks** – The applicable required minimum setbacks specified in this Section 500 shall be applied to any non-agricultural use proposed for property adjoining/abutting or adjacent to any existing A-1 zoned property unless an agricultural adjacency waiver as prescribed by this subsection has been duly signed and recorded.
- f) When a non-agricultural use is proposed for property abutting A-1 zoned property or will be located within the required minimum setbacks for such districts, the developer or owner of such abutting property shall be provided by the Planning Department with a “Notice of Agricultural Adjacency” at the time an application for a building or occupancy permit or for a change in zoning classification or land use is filed. As a condition of and prior to any action on such application, the applicant shall be required to sign a waiver on a form provided by the Planning Department which will indicate that such applicant understands that there is an ongoing agricultural land use adjacent to the subject property which could produce odors, noise, dust, and other effects which may not be compatible with the applicant’s use, development, or enjoyment of the subject property. Said waiver shall indicate that the applicant agrees, by executing the form, to waive any objection to such effects and to the uses and operations on such adjacent land, and not to bring any action against the adjacent land owners or any local government based on a claim that the agricultural uses of such adjacent property, or the effects therefrom, constitute a nuisance, provided that such adjacent land is operated in accordance with this Ordinance and with all applicable local, state, and federal laws and regulations.
- g) **Form of Notice and Waiver** - The above referenced notice and waiver of agricultural adjacency shall be in substantially the following form:

*You are hereby notified that all or part of the property you are proposing to use or build upon abuts or is located within the required minimum setback of agricultural land with one or more existing intense agricultural operations. You may be subject to inconvenience or discomfort from lawful agricultural operations. Discomfort and inconvenience may include, without limitation, noise, odors, fumes, dust, smoke, burning, vibrations, insects, rodents, and/or the operation of machinery (including aircraft) during any 24-hour period. You should be prepared to accept such discomfort and inconveniences as a normal and necessary aspect of living on or using land in an area with a strong rural character and an active agricultural sector. Your signature constitutes an agreement not to bring any action against adjacent landowners whose property is agricultural land or in agricultural use or operation, or against the local government, asserting that the adjacent agricultural operation or use constitutes a nuisance.*

[Signature of Applicant]

- h) **Effect of Failure to Give Notice or Obtain Waiver** – The failure of the County or its employees to provide the notice or to obtain the waiver referenced in Subsection 500.06(g) shall not be the basis for any action against, or any liability of, the County or its employees. The giving of, or the failure to give, such notice and obtaining, or failing to obtain, such waiver shall in no way be deemed to alter Georgia law regarding nuisance.
- i) **Nuisance Shield** – An intensive agricultural operation that is in compliance with the requirements of this Ordinance and the requirements of any applicable local, state, and federal laws and regulations shall be presumed not to be a nuisance. This provision shall not be construed so as to conflict with state law.
- j) **Waste Storage and Treatment Structure and Facility Requirements**
  - 1) **Dry Manure Handling/Storage** - Dry or solid manure is that which has had the addition of sufficient bedding to absorb all liquids, thereby making the manure shakable and preventing waste seepage/drainage. All handling and storage/treatment facilities for dry manure shall comply with all applicable regulations of appropriate state and federal agencies, in addition to all setback requirements and any other applicable requirements specified in this Ordinance.
  - 2) **Wet Manure Handling/Storage** - The term “liquid manure/waste” shall include manure in a liquid, slurry, or semi-solid state as well as all wastewater, seepage, drainage or contaminated runoff emanating from animal containment or manure/waste storage/treatment facilities. All handling and storage/treatment facilities for liquid manure shall comply with all applicable regulations of appropriate state and federal agencies, in addition to all setback requirements and any other applicable requirements specified in this Ordinance.
  - 3) **Closure Requirements for Facilities Using Waste Storage/Handling Structures/Facilities**  
The following performance requirements shall apply to all intensive agricultural operations, existing and new:
    - i. **Required Closure** - When no longer required by the operation, waste storage/handling structures/facilities shall be properly closed or converted to another use in compliance with all applicable regulations of appropriate state and federal agencies. No operation shall permanently abandon a lagoon or earthen basin.
    - ii. **Certification of Proper Closure** - Written certification from the Natural Resources Conservation Service or an independent registered professional engineer certifying that proper closure of the waste storage/handling structures/facilities has been carried out shall be submitted to the Planning Department within 90 days after such closure.

**Section 50 0.07 Permitted Uses**

In the A-1 Intensive Agricultural District, the following uses are permitted:

- a) Intensive agricultural uses including, but not limited to, dairy farms, hog farms, farrowing houses, animal containment structures, including poultry/chicken houses (both for broilers and layers) and related waste storage/handling structures, livestock feedlots or holding lots, and accessory buildings and uses customarily incidental to the intensive agricultural operation such as waste lagoons, basins or pits, stackhouses, barns, sheds, and storage structures directly related to the agricultural use.
- b) Livestock Sales Pavilion, provided any structures used for such sales shall be located no closer than one hundred (100) feet to any side or rear property line or four hundred (400) feet to any adjacent residence under separate ownership, and adequate off-street parking shall be provided at the site. Such use shall not adversely affect existing adjacent residential uses or impede traffic in the area.
- c) Wholesale and retail sales of agricultural products raised on the property. Adequate off-street parking must be provided at the site. Any structures used for such sale shall not be located closer than one hundred (100) feet to any side or rear property line or two hundred (200) feet to any existing adjacent residence under separate ownership. The sale of said products and

commodities shall not adversely affect existing adjacent residential uses or impede traffic in the area.

- d) Single-family detached dwelling or individual manufactured housing (Class A, B, or C) used as single-family dwelling in accordance with Specific Provisions Section of this Development Ordinance, along with customary accessory buildings and uses.
- e) Home occupations in accordance with the provisions of Specific Provisions Section of this Development Ordinance.
- f) Small scale solar farms in accordance with the Specific Provisions Section of this Development Ordinance .

#### **Section 500.08 Conditional Uses**

In the A-1 Intensive Agricultural District, the following uses may be permitted if approved by the Board of Commissioners as specified in Amendments Section of this Development Ordinance.

- a) Commercial Slaughterhouses, for the slaughter and sale of poultry, pork, and beef, provided that the slaughterhouse is not located closer than three hundred (300) feet from any side or rear property line or five hundred (500) feet from any existing adjacent residence under separate ownership. A Comprehensive Site Development Plan shall be required as part of the application for such a conditional use.
- b) Telecommunications/Transmission Towers and Antennas in accordance with the Specific Provisions Section of this Development Ordinance.
- c) Large Scale Solar Farms in accordance with the Specific Provisions Section of this Development Ordinance.

#### **Section 500.09 Spatial Requirements in the A - 1 Zoning District**

- a) A-1 zoned property used for animal containment facilities or for swine, dairy, livestock or poultry feeding operations must have a minimum area of 30 acres and have a minimum width of 400 feet.
- b) A-1 zoned property used for a single-family dwelling (where permitted) must have minimum area of 1.5 acres and a minimum lot width of 200 feet.
- c) Unusual topographical or soil conditions may necessitate larger minimum area or lot width requirements for certain properties than those prescribed in this subsection. Moreover, certain uses may require larger lot sizes as determined by the Oglethorpe County Health Department. In no case shall the minimum lot area be less than deemed necessary for safe and adequate sewage disposal and water supply as determined by the Health Department and the County Sanitarian.

#### **Section 500.10 Minimum Front Yard Setbacks in the A - 1 District**

In addition to all other setback requirements, the following front yard setbacks shall be required for structures in the A-1 District:

- a) Arterial Streets/Highway- 100 feet from right-of-way line or 150 feet from centerline of street if no established right-of-way.
- b) Collector Streets- 50 feet from right-of-way line or 80 feet from centerline if no established right-of-way.
- c) Local Streets and Private Access Drives/Easements - 20 feet from right-of-way line or 50 feet from centerline if no established right-of-way.
- d) For property rezoned to A-1 after September 8, 2015, the front yard setbacks provided in this Subsection 500.05.e may be increased as a condition of a rezoning to A-1 based upon the zoning and uses of property in the vicinity of the rezoned property.

#### **Section 500.11 Setbacks from Water Sources**

In addition to all other minimum setback requirements, animal containment and waste storage/handling structures for livestock, dairy and poultry shall be subject to the following minimum setbacks from the indicated water sources:

<b>Water Source</b>	<b>Required Minimum Setback</b>
Broad River, Oconee River, Perennial Streams/streams and lakes <sup>1</sup>	As specified in applicable state and federal regulations, and in Environmental Protection Provisions of this Development Ordinance.
100 year flood plain	Structures prohibited in 100 year floodplain
Wetlands	As specified in applicable state and federal regulations, and in Environmental Protection Provisions of this Development Ordinance.
Municipal water supply watersheds <sup>2</sup>	Structures prohibited, as specified in Environmental Protection Provisions of this Development Ordinance.
Public and private drinking water supply wells, other open wells and sinkholes	As specified in applicable state and federal regulations.
Significant Groundwater Recharge Areas (as defined in the Georgia Department of Natural Resources Rules for Environmental Planning Criteria)	As specified in Environmental Protection Provisions of this Development Ordinance.

**Section 500.12 Requirements for Land Application of Dry Manure/Litter and Liquid Manure/Slurry/ W a s t e water**

- a) Compliance with Local, State and Federal Regulations – Land application of dry manure/litter and liquid manure/slurry/wastewater shall comply with all applicable local, state, and federal regulations.
- b) Setbacks – All land application of dry manure or liquid manure/slurry/wastewater shall comply with the following required setbacks:
  - 1) Setbacks for application of liquid manure/slurry/wastewater from residences and public areas- For Existing Residential District/Use (R, R-1, R-2, R-3) (without a waiver from the owner), and for public use areas, such as parks and recreational facilities, schools and child care centers, health facilities, places of worship or public assembly, the minimum setback for the application of liquid manure/slurry/wastewater shall be 50 ft. from the property line (if injected into soil, or if applied using a method that prohibits drift and incorporated into soil within the same day, or subjected to approved physical, biological, or biochemical treatment to prohibit drift and odor) or 150 feet from the property line (if untreated or not injected into soil or without incorporation into soil within the same day).
  - 2) Setbacks for application of dry manure/litter from residences and public areas-The minimum setbacks for the application of dry manure/litter shall be 100 feet from residential structures in existing residential districts (R, R-1, R-2, R-3) (without a waiver from the owner) and 100 feet from the property line for public use areas, such as parks, recreational facilities, schools, child care centers, health facilities, places of worship or public assembly.
  - 3) Setbacks from water sources for application of dry manure/litter and liquid manure/slurry/wastewater:

<b>Water Source</b>	<b>Required Minimum Setback</b>
Broad River, Oconee River	200 feet from the banks, or width of the 100 year flood plain, whichever is greater, as specified in the Environmental Protection Provisions of this Development Ordinance.

<sup>1</sup> Excluding farm ponds/lakes located and contained entirely within the confines of the owner/operator’s property and which have no outlet to waters of the State (not including ephemeral or intermittent streams).

<sup>2</sup> Including municipal water supply reservoirs.



Perennial Streams/streams and lakes <sup>1</sup>	100 feet from the banks, or width of the 100 year flood plain, whichever is greater, as specified in the Environmental Protection Provisions of this Development Ordinance.
100 year flood plain	Prohibited in 100 year flood plain, as specified in the Environmental Protection Provisions of this Development Ordinance.
Wetlands	As specified in applicable state and federal regulations, and in Environmental Protection Provisions of this Development Ordinance.
Municipal water supply watersheds <sup>2</sup>	Prohibited in stream buffer areas as specified in the Environmental Protection Provisions of this Development Ordinance.
Public and private drinking water supply wells, other open wells and sinkholes	As specified in applicable state and federal regulations.
Significant Groundwater Recharge Areas (as defined in the Georgia Department of Natural Resources Rules for Environmental Planning Criteria)	As specified in Environmental Protection Provisions of this Development Ordinance.

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<sup>1</sup> Excluding farm ponds/lakes located and contained entirely within the confines of the owner/operator's property and which have no outlet to waters of the State (not including ephemeral or intermittent streams).

<sup>2</sup> Including municipal water supply reservoirs.

## Article XII: Exceptions and Modifications

### Section 1200. Nonconforming Uses /Structures/Lots of Record

#### Section 1200.01 Purpose

Within the Zoning Districts established by this Ordinance or amendments that may later be adopted, there exist Lots, Structures, and Uses of Structures and/or Land, which were lawful before this Ordinance was passed or amended, but which would be prohibited, further regulated, or restricted under the terms of this Ordinance or future amendments. Such non-conforming uses/structures/lots are declared by this Ordinance to be incompatible with permitted uses/structures/lots in the districts involved.

To balance the public interest in full compliance with the terms of the various zoning districts, and the private interest in legitimate investments made in good faith prior to this Ordinance, and in order to avoid undue hardship; this Ordinance seeks to phase out nonconforming uses/structures/lots at varying rates as specified herein, depending on the degree to which the effectiveness of the Ordinance is undermined by their continued existence. It is the intent of this Ordinance to permit all but the most imposing nonconformities to remain until they are voluntarily removed, corrected, or discontinued, but to prohibit their expansion and encourage their elimination or transformation to a conforming status.

Nothing in this Section shall require a change in the plans, construction, or designated use of any building under construction or designated use of any building under construction prior to the adoption of this Ordinance.

Any use or structure established prior or subsequent to the adoption of this Ordinance without the proper authorization and permits, and which violated and continues to violate the standards of this Ordinance, is ILLEGAL nonconforming, and shall be handled in accordance with Article XIII, Administration, Enforcement, and Appeals, of this Ordinance.

#### Section 1200.02 Nonconforming Lots of Record

Where the owner of a lot, which was legally platted and recorded prior to the adoption of this Ordinance, does not own sufficient land to enable him to conform with the width or area requirements of this Ordinance, such lot may nonetheless be developed with any use permitted in the District for which it has been designated, provided that said lot and use are approved by the Oglethorpe County Health Department, and that said lot and proposed use/structures shall comply with all other requirements of the District and this Ordinance. Any such use or structure shall not be considered non-conforming for the purposes of this section.

It is not the intention of this exception to allow building as a matter of right on a platted parcel which was never intended as a building site, but rather was numbered on a plat for identification purposes under a scheme in which multiple lots were intended to provide one building site.

#### Section 1200.03 Nonconforming Structures

Through their violations of maximum and/or minimum size and space standards designed to ensure light, air, privacy, and compatible design, nonconforming structures may significantly impact the use and value of neighboring properties, though rarely will they threaten the integrity of the whole district. So long as they are used in accordance with the district, such structures may remain indefinitely and be maintained, but the nonconformity may not be expanded. Specifically:

- a) No such nonconforming structures may be moved, enlarged, or altered in a way which increases its nonconformity; but any structure may be moved on the same lot (but remaining within the same district) or altered, providing it is in a way which decreases or eliminates its nonconformity. Normal repairs and maintenance shall be permitted.
- b) Nonconforming structures may not be moved for any reason to another lot or to another district without conforming to all of the regulations of the district into which it is moved.
- c) Should any such nonconforming structure be damaged or destroyed by any means, including natural disaster or catastrophe, to an extent exceeding seventy-five (75%) percent of its replacement cost at the time of destruction, as determined by the Zoning Official, it shall not be reconstructed, repaired, rebuilt, or altered except in conformity with the provisions of this Ordinance unless a variance has been approved by the Board of Commissioners.
- d) If a nonconforming structure ~~is part of an agricultural operation that and~~ is damaged or destroyed by any means, including natural disaster or catastrophe, ~~to an extent exceeding seventy-five (75%) percent of its replacement cost at the time of destruction, as determined by the Zoning Official(s), is part of an agricultural operation and constitutes less than fifty (50%) of the total operation,~~ then it may be

reconstructed, but in such a way as to reduce the nonconformity wherever feasible, and provided that a building permit is obtained for the work within six (6) months from the date the damages were incurred.

- e) Structures incurring damage equivalent to seventy-five (75%) percent or less of the replacement cost at the time of destruction, as determined by the Zoning Official(s), may be restored and reconstructed to their prior state, provided that a building permit is obtained for the work within six (6) months from the date the damages were incurred.
- f) In either case, the owner of such property shall remove debris, and where deemed necessary, the remainder of the structure itself, from the property within ninety (90) days from the date the damages were incurred. If, at the end of this period, the owner has failed to comply with this regulation, the County may remove the debris and shall assess the owner for the cost of removal which the county shall be entitled to collect in the same manner as property taxes.

**Section 1200.04 Physically Unsafe Structures**

If a nonconforming structure, or portion of a structure containing a nonconforming use, becomes physically unsafe or unlawful due to lack of repairs and maintenance, pursuant to the standards in OCGA Section 41-2-10, and is declared by any duly authorized official to be unlawful by reason of physical conditions, it shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulations of the district in which it is located.

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