### ARTICLE 5. AG-5 AGRICULTURAL AND RESIDENTIAL

Section 500. Statement of purpose.

The agricultural districts are established as districts in which the principal use of land is for farming, dairying, forestry operations and other agricultural activities. For the agricultural districts, in promoting the general purposes of these regulations, the specific intent of this article is to protect land needed and used for agricultural pursuits from encroachment by untimely and unplanned residential, commercial, or industrial development, and to allow the continuation of existing agricultural pursuits in areas where, in accordance with the recommendations of the comprehensive plan, future agricultural, commercial, industrial, or residential development is anticipated, but where the present application of zoning controls for future more intensive land uses would be unreasonable and premature.

DEFINITIONS

*Farm:* A parcel of land five acres or more on which bona fide agricultural and related uses are conducted as specified in "agriculture."

*Agriculture:* The production, raising, breeding, or maintenance of plants and animals including, but not limited to: forage and sod crops; grain and seed crops; dairy animals and dairy products; poultry and poultry products; livestock, including beef, cattle, sheep, swine, horses, or goats, game animals, exotic fish, and any mutations or hybrids thereof, including the breeding and grazing of any or all such species; bees and apiary products; fur animals; trees and forest products; fruit of all kinds, including grapes, nuts, berries; vegetables, nursery; floral, ornamental and greenhouse products; or land devoted to a soil conservation or forestry management program. This does not include the commercial slaughter of poultry, livestock, or other animals.

(1) In relation to the treatment of agricultural facilities and operations as nuisances, Georgia law provides in O.C.G.A. § 41-1-7(a) that "it is the declared policy of the state to conserve, protect, and encourage the development and improvement of its agricultural land and facilities for the production of food and other agricultural products. When nonagricultural land uses extend into agricultural areas, agricultural operations often become the subject of nuisance actions. As a result, agricultural facilities are sometimes forced to cease operations. Many others are discouraged from making investments in farm improvements or adopting new technology or methods. It is the purpose of this code section to reduce losses of the state's agricultural resources by limiting the circumstances under which agricultural facilities and operations may be deemed to be a nuisance."

(2) The Code further states in O.C.G.A. § 41-1-7(c) that "no agricultural facility or any agricultural operation at an agricultural facility shall be or shall become a nuisance, either public or private, as a result of changed conditions in or around the locality of such agricultural facility if the agricultural facility has been in operation for one year or more. The provisions of this subsection shall not apply when a nuisance results from the negligent, improper, or illegal operation of any agricultural facility."

(3) The Code further states in O.C.G.A. § 41-1-7(d) that "for the purposes of this code section, the established date of operation is the date on which an agricultural operation commenced operation. If the physical facilities of the agricultural operation are subsequently expanded or new technology adopted, the established date of operation for each change is not a separately and independently established date of operation and the commencement of the expanded operation does not divest the agricultural operation of a previously established date of operation."

(Amd. of 12-2-08)

Section 501. Purpose.

AG-5 zoning districts are intended to establish and preserve low-to-medium density areas where agriculture is the primary land use. Residences, which may or may not be incidental to these activities, are also permitted. These districts are free from other uses which are incompatible with low-to-medium density agricultural and residential uses.

Section 502. Boundaries of AG-5 districts.

The official map (Section 2301 of this appendix) shows the boundaries of all AG-5 districts within the county. Article 23 also contains additional information concerning interpreting district boundaries, amending boundaries, etc.

Section 503. Permitted uses.

(a) The following principal uses are permitted in AG-5 districts:

(1) Dwelling, single-family detached with a heated floor area of at least 975 square feet.

(2) Industrialized building.

(3) Church.

(4) Farm.

(5) Fruit and vegetable market.

(6) Nursery, garden center, and farm supply store.

(7) Kennel (commercial).

(8) Cemetery.

(9) School.

(10) Government: local, state or federal.

(11) Utility substations.

(12) Manufactured home.

(13) Recreational facility (private).

(14) Single-family dwellings by farm owner, agricultural or seasonal workers and related to the agricultural operation of the farm on which it is situated and intended for the temporary or seasonal housing of farm workers. These shall be allowed at one manufactured home per five acres. However, no manufactured home shall be placed closer than 200 feet to another manufactured home. The planning and zoning commission shall be granted the power to allow a greater number/density of manufactured homes where it is deemed warranted by unique agricultural needs. Must comply to D.O.L. standards for housing.

(15) A landowner may deed to a family member a minimum of one acre from the previously recorded parcel for the construction or placement of a single-family dwelling, provided a minimum of one acre remain in the original parcel of land. This provision shall be allowed one time per eligible family member. For purposes of this provision, the term "family member" means a child, grandchild, parent, grandparent, sibling or stepchild. A single-family dwelling on a lot deeded under this provision shall be required to meet the minimum setback requirements of the R-80 zoning district as set forth in section 606 of this chapter. This provision shall not apply if the lot being deeded to the family member is five acres or greater in area.

(b) Conditional uses (AG-5): The following conditional uses shall be permitted in this district upon approval by the board of commissioners pursuant to section 413:

(1) Farm supply store.

(2) Personal care home: Family personal care home or group personal care home.

(3) Recreation facility (commercial).

(4) Airport or airstrip (public, private, commercial).

(5) Facilities to host private and public functions.

(6) Day care facility.

(7) Golf course, tennis court and country club.

(8) Machine shop.

(9) Farm winery.

(10) Bed and breakfast inn.

(11) Civic and social organization.

(12) Solid waste landfill.

(13) Natural resource development.

(14) Manufactured homes, mobile offices, recreational vehicles or camping trailers shall be allowed as temporary occupancy units during the construction of a principal residential use subject to the following requirements:

a. There shall be an additional permit required for placement of a temporary occupancy unit with a fee as prescribed in the county's schedule of fees. Subject to any other conditions of expiration herein, a temporary occupancy permit shall be valid for one year. The zoning administrator may grant a one-year extension of the permit if, in the zoning administrator's opinion, the permittee has made a good-faith effort to construct the principal residential use.

b. If a valid building permit for a dwelling serving as a principal use on the subject lot, parcel or tract is not maintained, the temporary permit shall become void on the day the building permit lapses.

c. No more than one temporary occupancy unit may be occupied per parcel.

d. The temporary occupancy unit may be occupied either by the permanent occupants of the principal use under construction, or any work crew employed by the owner-occupant(s) whose purpose is for the construction of the principal use of the subject lot, parcel or tract. At no time shall any temporary occupancy unit be leased or rented for other residential or occupancy purposes.

e. The temporary occupancy unit must be removed no later than 30 days after receiving an approved certificate of occupancy for the principal residential structure, unless such unit is for the recreational use of the owner-occupant of the principal structure.

f. The temporary occupancy unit shall comply with all other applicable requirements of the zoning ordinance, including, but not limited to, setback and height requirements.

g. All recreational vehicles and camper trailers shall be built to American National Standards Institute Code (ANSI).

h. If the temporary occupancy unit has restroom facilities that are used, the temporary occupancy unit must be attached to an on-site sewage disposal system (septic tank) approved by the county health department.

i. Heating systems shall be maintained in accordance with the manufacturer's requirements. Any additional or new solid or liquid fuel-burning appliances to be used in a recreational vehicle or camping trailer shall be installed, used and maintained in accordance with the listing for the appliance and the manufacturer's requirements, including provisions allowing their use in recreational vehicles.

j. LP-gas storage and delivery system shall be maintained in accordance with the manufacturer's requirements. In lieu of complying with the manufacturer's requirements, additional storage of LP-gas is permitted provided the storage and delivery systems comply with the current editions of the Uniform Fire, Building and Mechanical Codes.

k. The recreational vehicle and camper trailers shall be set up in compliance with the manufacturer's minimum specifications and shall remain mobile. No ancillary structures may be permitted with regard thereto for the temporary occupancies provided for herein.

l. The application for the placement and use of a manufactured home or mobile office for the purpose(s) herein may require the applicant to post a bond in the form of government surety, cash or irrevocable letter of credit in the amount not to exceed $3,000.00 per unit to ensure the removal of the temporary occupancy unit within the specified timeframe.

m. Upon request of a county code enforcement officer investigating any complaint, satisfactory evidence shall be presented of continuing compliance with the applicable standards for temporary occupancy or the occupancy shall cease.

(15) Tower.

(16) Solar electric power generation.

(17) Boarding house.

(c) The following accessory uses are permitted in AG-5 districts:

(1) Garage or carport, private.

(2) ISO intermodal steel container.

(3) Children's playhouse.

(4) Swimming pool, bath house or cabana (private).

(5) Tennis court and/or basketball facilities (private).

(6) Garden (noncommercial).

(7) Deck, patio, barbecue grill, or other such facility.

(8) Fence, wall, exterior lighting fixture, or other general landscaping and site development facility.

(9) Antenna (noncommercial).

(10) Temporary building for storage of materials.

(11) Roadside stand.

(12) Home occupation.

(13) Temporary occupancy unit.

(d) The following accessory uses are allowed as conditional uses in AG-5 districts:

(1) Cottage industry (if located outside residential development areas as illustrated in the Bulloch County Future Land Use Map).

(e) All uses not permitted within AG-5 district by this section are specifically prohibited, except as may be allowed by other provisions of this section.

(Ord. No. 1997-40, 12-2-97; Amd. of 11-7-00(2); Amd. of 7-2-02(1); Amd. of 7-2-02(2); Amd. of 1-7-03; Amd. of 6-1-04; Amd. of 4-5-05(3); Amd. of 4-4-06; Amd. of 8-1-06(2); Amd. of 11-7-06; Amd. of 3-6-07; Amd. of 10-9-07; Amd. of 12-2-08; Amd. of 5-17-13(1); Amd. of 5-17-13(2); Amd. of 2-4-20(1); Amd. of 11-2-21)

Section 504. Development standards for AG-5 districts.

The following standards are required within AG-5 districts:

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| (1) | Minimum lot area: | As specified by the county health department, but in no case less than five acres; however a lot of record lawfully existing at the time of the original passage of this appendix (November 4, 1994) and having an area which does not conform to the above standards may nevertheless be developed with a use which is permitted within an AG-5 district if approved by the county health department. |
| (2) | Minimum lot width: | 200 feet. |
| (3) | Minimum front-yard setback: | 100 feet from property line. |
| (4) | Minimum side-yard setback: | 30 feet. |
| (5) | Minimum rear-yard setback: | 50 feet. |
| (6) | Maximum bldg. height | 45 feet; however, this height limit does not apply to projections not intended for human habitation. For buildings and structures with such projections, the minimum required yards must be increased one foot for every two feet (or part of two feet) of height greater than 45 feet. |

(7) Applicability to land and open space: No building, structure or land may be used or occupied—and no building or structure or part of a building or structure may be erected, constructed, reconstructed, moved, or structurally altered—unless in conformity with all of the regulations specified for the district in which it is located.

(8) Every use must be on a lot: No building or structure may be erected or use established unless upon a lot as defined by this appendix.

(9) Only one principal building per lot: Only one principal building and its accessory buildings may be erected on any lot, except for planned developments or as otherwise provided.

(10) Open space not to be encroached upon: No open space may be encroached upon or reduced in any manner except in conformity with the yard, setback, offstreet parking spaces, and other such required development standards contained in this appendix. Shrubbery, driveways, retaining walls, fences, curbs, and buffers are not considered to be encroachments of yards. Open space areas as required by this appendix must be permanently maintained as open space in accordance with the requirements of this appendix.

(11) Reduction of yards or lot area: Except as otherwise provided in this appendix, a lot existing at the time of the original passage of this ordinance (November 4, 1994) may not be reduced, divided, or changed so as to produce a tract of land which does not comply with the minimum dimension or area requirements of this appendix for the district in which it is located unless that reduction or division is necessary to provide land which is needed and accepted for public use.

(12) Lots with multiple frontage: In the case of a corner lot or double frontage lot, front yard setback requirements apply to all lot lines abutting a street.

(13) Street frontage: No principal building may be erected on any lot which has less than 30 feet of immediate frontage on at least one public street. For purposes of this provision, the term "frontage" includes the width of an easement from a public street to otherwise land-locked property.

(14) Yards and other spaces: No part of a yard, other open space, offstreet parking, or loading space required for another building may be included as a part of the yard, offstreet parking, or loading space required for another building, except as specifically provided for in this appendix.

(15) Substandard lots: When a lot has an area or frontage which does not conform with the requirements of the district in which it is located, but was a lot of record at the original effective date of this section (November 4, 1994), such a lot may be used for any use allowed in the zoning district in which it is located as long as all other requirements of this section are met.

a. Adjoining lots in same ownership: When two adjoining lots are in the same ownership, they may be utilized as one lot without being replatted.

b. [Reserved.]

(16) Encroachment on public rights-of-way: No building, structure, service area, required offstreet parking, or loading/unloading facilities are permitted to encroach on public rights-of-way.

(17) Physical design standards: Minimum design standards for driveways, loading areas, and other such physical site improvements are contained in applicable development regulations of the county. Consult that document for specific requirements.

(18) Offstreet parking and service requirements: Minimum standards for offstreet parking and service requirements are contained in the county standard for offstreet parking and service facilities (Appendix G).

(19) Other applicable development regulations: Information concerning any other applicable development regulations may be obtained by consulting the zoning administrator.

(20) Residential structures and non-residential structures designed or intended for human occupancy shall not be allowed to locate any closer than the height of the tower to any existing tower. See sections 2602 and 2605 of article 26—Standards for towers and wireless telecommunications facilities.

(Amd. of 1-3-06; Amd. of 12-2-08)