

Change Justification

Updating the Date

1. We removed the old 1988 date and replaced it with “effective date of the ordinance”. This just keeps the code from becoming outdated every time we update it

Allowing Basic Maintenance

1. We added language to make it clear that people can maintain and repair their property
2. This avoids confusion where someone might think they’re violating the code just by fixing something

Increasing Expansion from 25% to 50%

1. We increased how much a nonconforming structure can expand
2. The current 25% is very restrictive, especially for a rural county
3. This allows people to make reasonable improvements to their homes or buildings. **It still caps expansion and keeps it controlled**

Making Sure Nonconformities Don’t Get Worse

1. We added language that says any expansion cannot make the nonconformity worse
2. This keeps things from getting out of hand while still allowing some flexibility

Tying Decisions to the Comprehensive Plan

1. We added language to make sure decisions are looked at alongside the Future Land Use Map and Comp Plan
2. This helps ensure decisions follow the County’s long-term vision instead of being case-by-case

Extending the Abandonment Time

1. We changed the cutoff from 6 months to 12 months. In a rural area, uses are often seasonal or may sit inactive for a while, this prevents people from losing their rights too quickly

Clarifies That Undersized Lots Do Not Require Rezoning

1. Establishes that legally existing lots that do not meet current size requirements are considered nonconforming
2. Prevents unnecessary rezonings for dimensional issues
3. Aligns with standard zoning practice where rezoning is used for changes in use, not lot size

Ensures Reasonable Use of Property

1. Allows property owners to build on legally created lots
2. Supports the principle that land should not be rendered unusable due to updated standards
3. Aligns with common planning practice and property rights considerations

Clarifying Abandonment

1. We added language that helps define when something is considered abandoned. It also allows property owners to show that they didn't intend to abandon the use. This makes enforcement clearer and fairer

Protecting Agricultural and Seasonal Uses

1. We added an exception for agricultural and seasonal uses. These uses naturally go through periods where nothing is happening. This protects those uses from being penalized

Updating Damage Threshold

1. We updated the percentage used to determine when something must be rebuilt to current standards
2. The new number (75%) is more in line with current standards and FEMA guidance. It's also a more fair way to measure damage

Extending Rebuild Time

1. We increased the time people have to rebuild after damage
2. One year is often not enough, especially with insurance delays and contractor shortages. Two years is more realistic

Adding Floodplain Compliance

1. We added a reference to floodplain rules
2. This makes sure we stay in compliance with federal requirements and protect the County

Limiting Replacement Size

1. We clarified that if something is rebuilt, it can't be bigger than it was before
2. This allows rebuilding, but prevents expansion of nonconformities

Clarifying Removal Rules

1. We made it clear that these rules apply to voluntary removal
2. If something is destroyed by a fire or disaster, the property owner is not penalized
3. This makes the ordinance fairer

Extending Time for Nonconforming Land Uses

1. We increased the timeframe for certain nonconforming land uses
2. This gives people more time to come into compliance
3. Especially important for rural and agricultural uses

Making the Timeline Consistent

1. We made all the abandonment timelines consistent across the ordinance
2. Before, different sections had different timeframes
3. This makes the code easier to understand and enforce

Overall, these changes clean up this portion of the ordinance, make it easier to understand, and brings it in line with how development works in Effingham County today. The updates create a better balance between protecting the County and being fair to property owners, especially in a rural context where uses may be seasonal, rebuilding can take longer, and flexibility is needed. The revisions are also tied back to the Comprehensive Plan by supporting the preservation of existing housing, protecting agricultural uses, and encouraging reinvestment instead of abandonment. From a legal standpoint, the changes strengthen the ordinance by adding clear standards and consistency, which helps ensure decisions are not arbitrary and align with the intent of the Georgia Zoning Procedures Law. The approach used here reflects common practices seen in comparable rural Georgia counties, as well as guidance from state planning resources and federal standards such as FEMA, particularly related to damage thresholds and rebuilding timelines. Overall, this positions the County with a more modern, defensible, and practical ordinance moving forward.