

STATE OF GEORGIA

COUNTY OF OGLETHORPE

**AN ORDINANCE TO AMEND THE TEXT OF THE UNIFIED  
DEVELOPMENT CODE OF OGLETHORPE COUNTY, GEORGIA**

WHEREAS, O.C.G.A. § 2-1-6(b) specifically provides that the general prohibition on local government regulation of crop management practices set forth in O.C.G.A. § 2-1-6(a) “shall not prohibit or impair the power of any local government to adopt or enforce any zoning ordinance or make any other zoning decision.”

WHEREAS, O.C.G.A. § 2-12-80(1)(B) generally confers regulatory authority over soil amendments derived from industrial by-products upon the Georgia Commissioner of Agriculture but specifically provides that, pursuant to O.C.G.A. § 2-1-6, “no local government shall be prohibited or impaired from adopting or enforcing any zoning ordinance, including the adoption of buffers and setbacks” of no greater width than 100 feet;

WHEREAS, the Board of Commissioners of Oglethorpe County, pursuant to its constitutional home rule authority to regulate zoning, desires to adopt a text amendment to The Unified Development Code of Oglethorpe County, Georgia to limit the negative impacts of the use and storage of soil amendments upon the residents of Oglethorpe County by enacting a 100 foot setback, in which no soil amendments may be used or stored, from property lines and from certain water sources;

NOW WHEREFORE it is hereby ordained that:

1. Article VII of The Unified Development Code of Oglethorpe County, Georgia is amended to include the following additional Section:

**“Section 713 Soil Amendment Use and Storage**

**Section 713.01 Intent**

The purpose of this section is to provide for setbacks, as authorized by state law, and to otherwise require compliance with applicable laws and regulations in the use and storage of soil amendments so as to mitigate the impact of the use and storage of soil amendments upon neighboring properties, water sources, and the community in general.

**Section 713.02 Soil Amendment Defined**

As set forth herein, the term “soil amendment” means any substance intended for changing the characteristics of soil or other growth medium for the purposes of: (1) increasing penetrability of water or air; (2) increasing water-holding capacity; (3) alleviating or decreasing soil compaction; or (4) otherwise altering the soil or other medium in such manner that the physical properties are materially enhanced. The term “soil amendment” does not include any substance for which a nutritional claim is made, such as, but not limited to, commercial fertilizers, liming materials, or unmanipulated vegetable or animal manures.

**Section 713.03 Compliance Required**

Any use or storage of soil amendments shall be done in a manner which is consistent with applicable state and federal laws and regulations, and with the required setbacks provided for in this Code.

**Section 713.04 Minimum Setback from Property Lines.**

Soil Amendments shall not be used or stored in any place which is less than 100 feet from a property line.

**Section 713.05 Minimum Setback From Water Sources.**

The following additional setbacks, in which soil amendments shall not be used or stored, shall apply to the following water sources:

<u>Water Source</u>	<u>Required Minimum Setback</u>
Broad River, Oconee River, Perennial Streams/streams and lakes,*	As specified in applicable state and federal regulations, or 100 feet, whichever is greater
Municipal water supply watersheds and and reservoirs	As specified in applicable state and federal regulations, or 100 feet, whichever is greater
Public and private drinking water supply wells, other open wells, and sinkholes	As specified in applicable state and federal regulations, or 100 feet, whichever is greater

\*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.

**Section 713.06 Enforcement and Violations**

The provisions of this Section are subject to enforcement, and violations of this Section are subject to punishment, as provided in Section 1301 of this Development Code.”

2. This ordinance shall take full force and effect upon approval by the Board of Commissioners.
3. All ordinances in conflict with the text of this ordinance are hereby repealed.

SO ORDAINED this 5<sup>th</sup> day of July, 2023.

(Signatures appear on following page)

OGLETHORPE COUNTY, GEORGIA

[SEAL]

  
\_\_\_\_\_  
JAY PAUL, CHAIRMAN  
OGLETHORPE COUNTY BOARD OF COMMISSIONERS

ATTEST:

  
\_\_\_\_\_  
AMY FORRESTER  
County Clerk

INITIATED and RECOMMENDED for ADOPTION and APPROVAL at the regular meeting of the Oglethorpe County Zoning Board on \_\_\_\_\_.

READ, ADOPTED, APPROVED, and ORDAINED by the Board of Commissioners of Oglethorpe County after a duly noticed public hearing held on June 5, 2023.