

AN ORDINANCE TO AMEND THE TEXT OF SEC. 234-7 RECONSTRUCTION OF THE UNIFIED DEVELOPMENT ORDINANCE OF ROCKDALE COUNTY, AS AMENDED, REGARDING SINGLE-FAMILY RESIDENTIAL NONCONFORMING USES; TO REPEAL CONFLICTING LAWS; AND FOR OTHER PURPOSES.

WHEREAS, the Unified Development Ordinance of Rockdale County (Subpart B – Planning and Development of The Code of Rockdale County, Georgia), as amended, governs land use and zoning, administration of the Ordinance, including definitions, and development and permitting; and

WHEREAS, provisions within the Unified Development Ordinance regulates single-family residential uses and nonconforming uses, so as to protect the health, safety and welfare; and

WHEREAS, the reconstruction of nonconforming uses within the Unified Development Ordinance requires revision in order to allow single-family nonconforming uses to rebuild; and

WHEREAS, public hearings were held following public notice and all other requirements of Sec. 238-4 of the Unified Development Ordinance;

NOW, THEREFORE BE IT ORDAINED by the Board of Commissioners of Rockdale County, Georgia, and it is hereby ordained by the authority of same as follows:

Section I

That Sec. 234-7 Reconstruction is hereby amended by repealing the following:

Any building or structure constituting a nonconforming use of land and building(s), nonconforming use of land and structure(s), or building or structure with nonconforming characteristics that has been damaged by fire or other cause, may be reconstructed to its previous nonconforming characteristics and used as it was prior to damage if said reconstruction is completed within one year of the date of the damage, except that if said building or structure has been declared by the director to have been damaged to an extent exceeding 60 percent of its fair market value at the time of destruction, then any repair, reconstruction or new construction shall conform to all of the requirements of the district in which said building or structure is located.

Section II

That Sec. 234-7 Reconstruction is hereby amended by enacting the following:

- (a) Any building or structure constituting a nonconforming use of land and building(s), nonconforming use of land and structure(s), or building or structure with nonconforming characteristics that has been damaged by fire or other cause, may be reconstructed to its previous nonconforming characteristics and used as it was prior to damage if said reconstruction is completed within one year of the date of the damage, except that if said building or structure has been declared by the director to have been damaged to an extent exceeding 60 percent of its fair market value at the time of destruction, then any repair, reconstruction or new construction shall conform to all of the requirements of the district in which said building or structure is located.
- (b) Provided, however, a building which housed or houses a detached or attached single-family residential nonconforming use may be reoccupied by the same use after it has been damaged to the extent of 60 percent or more of the total fair market value of the building only as a matter of right in all zoning districts.

Section III

That all ordinances or resolutions, or parts thereof, in conflict with this Ordinance are hereby repealed.

Section IV

That should any court of competent jurisdiction declare any section of this ordinance invalid or unconstitutional, such declaration shall not affect the validity of the ordinance as a whole, or any part thereof, which is not specifically declared to be invalid or unconstitutional.

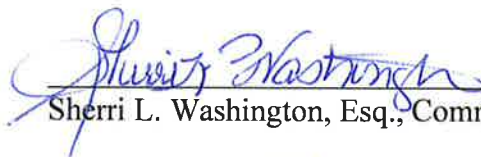
EFFECTIVE DATE: This Ordinance shall become effective as of the date hereof.

ADOPTED AND APPROVED THIS 9th **DAY OF** February, 2021.

**ROCKDALE COUNTY, GEORGIA
BOARD OF COMMISSIONERS**



Oz Nesbitt, Sr., Chairman



Sherri L. Washington, Esq., Commissioner Post I



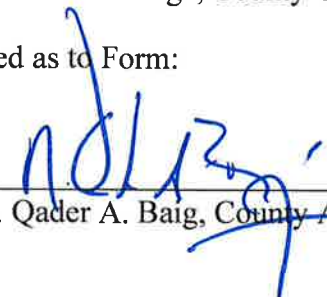
Dr. Doreen Williams, Commissioner Post II

Attest:

By: 

Jennifer Rutledge, County Clerk

Approved as to Form:

By: 

M. Qader A. Baig, County Attorney

First Reading: December 8, 2020

Second Reading: February 9, 2021