

## ARTICLE II. - DEFINITIONS

2.21.1 Common *outdoor* open space. areas accessible from all parts of the development. Common open space can include passive or active recreation area, pathways, swimming pools, and open areas for congregating. ~~Ponds and lakes may be used for up to 50 percent of required common open space. Ponds, lakes, buffers or other spaces that are not usable by the residents of a development for recreational purposes shall not be included in common outdoor open space.~~

2.25 *Dwelling*. A building or portion of a building arranged or designed to provide living quarters for one or more families on a permanent or long-term basis.

2.25.1 *Condominium*. A building or series of buildings on the same lot or portions thereof containing more than one dwelling unit under separate ownership with joint ownership of common open spaces.

2.25.2 *Duplex*. A residential building designed for, or used as, the separate homes or residences of two separate and distinct families, but having the appearance of a single-family dwelling unit. Each individual unit in the duplex shall comply with the definition of single-family detached dwelling.

2.25.3 *Single-family detached dwelling*. A building or structure designed for and occupied as a residence exclusively by one family.

2.25.4 *Site-built single-family detached dwelling*. A single-family detached dwelling constructed on the building site from basic materials delivered to the site and constructed in accordance with all requirements of the building codes as adopted by the county.

2.25.5 *Class A single-family detached dwelling*. A site-built single-family detached dwelling, a one-family manufactured home, or a one-family industrialized home that meets or exceeds the compatibility standards for single-family dwellings under article III of the Housing Ordinance of Effingham County, Georgia.

2.25.6 *Class B single-family detached dwelling*. A site-built single-family detached dwelling, a one-family manufactured home, or a one-family industrialized home that does not meet the compatibility standards for single-family dwellings under article III of the Housing Ordinance of Effingham County, Georgia.

2.25.7 *Garden Apartment*. Three or more attached dwelling units in a two- or three-story building.

2.25.8 *Multifamily*. A building designed for or occupied by three or more families.

2.25.9 *Mixed-Use Residential*. The mixing of principal residential uses with non-residential uses. Mixed use residential may occur by the following:

a. *Non-residential and multifamily in the same building (e.g., retail on ground floor, multifamily above), or*

b. Multifamily and another primary non-residential use located in different buildings sited on the same lot or parcel (e.g., multifamily located on the same parcel as an office building).

c. Both options shall be designed, located, and oriented on the site so that non-residential uses are directly accessible to residents of the development. For the purposes of this section, "directly accessible" shall mean pedestrian access by way of improved sidewalks or paths and streets that do not involve leaving the development or using a major thoroughfare. "Directly accessible" does not necessarily mean that non-residential uses need to be located in a particular location, but that the siting of such uses considers the accessibility of the residential component of the development to the non-residential use. Parking areas shall be designed to minimize distances between uses.

### ARTICLE III. - GENERAL PROVISIONS

#### 5.6 - R-3 Multifamily residential districts.

##### 5.6.1 Permitted uses.

5.6.1.1 All permitted uses in the R-1 single-family residential district and R-2 two-family residential district.

5.6.1.2 Multiple-family dwellings, roominghouses, fraternities, sororities, and dormitories.

5.6.1.3 ~~f4~~ Government-owned utilities, except publicly-owned treatment plants permitted by the State of Georgia and water storage facilities in excess of 1,000,000 gallon capacity, provided that wells, pump stations, meter stations, and water storage facilities must be enclosed by a painted or chain-link fence or wall at least six feet in height above finished grade and provided there is neither office nor commercial operation nor storage of vehicles or equipment on the premises.

5.6.1.3 Customary accessory buildings incidental to the above permitted uses.

5.6.2 *Conditional uses.* The following uses may be permitted in accordance with the provisions of section 7.1.6 in the multifamily residential (R-3) district on a conditional basis upon approval of the county commission after review by the planning board.

5.6.2.1 Clubs and private recreational facilities.

5.6.2.2 Nursing homes.

5.6.2.3 Day care facilities.

##### 5.6.3 Lot and building requirements.

~~Principal buildings. Garden apartment or townhouse.~~

<del>Living units</del> <u>Density (applicable to single family and multifamily)</u>	Maximum <del>12-9</del> per acre [LEA1]
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Minimum lot width at building line	150 feet
Minimum setback from public street	35 feet
Minimum front yard	10 feet
Minimum rear yard	15 feet
Minimum side yard (interior)	15 feet
Minimum side yard (street)	35 feet
Maximum building height	35 feet
Maximum percent of [lot coverage]	40 percent

#### 5.6.4 Amenity requirements.

5.6.4.1 All multi-family residential projects must provide 150 square feet of on-site common outdoor open space per multi-family dwelling unit or 15% of net usable area as common outdoor open space, whichever is greater. Open space calculations must be on the subdivision plat. Common outdoor open space shall be intentionally designed as such and landscaped courtyards, shared decks, gardens with pathways, children’s play areas, pools, water features, multipurpose recreational or green spaces to which all residents have access, as defined by Article II, definitions. The following requirements apply to common outdoor open space:

a. The required setback areas may count toward the open space requirement if it is integrated into a common open space amenity. [LEA2]

b. Common outdoor open space shall feature paths or walkable areas, landscaping, seating, lighting and other amenities to make the area more functional and enjoyable for a range of users, taking into consideration potential noise issues due to the configuration of the site.

c. Common outdoor open space shall generally be designed so it is oriented at the front of dwelling units and/or community building(s).

d. 10% of common open space shall be greenspace. The implementation of a conservation easement is encouraged.

5.6.4.2 A maintenance association, homeowners association, condominium association or some other entity acceptable to the County Administration must be created to maintain all amenities and common areas in good condition.

**5.8 - R-6 Single-family residential district (~~six~~ four and a half (4.5) <sup>[LEA3]</sup> dwellings per acre).**

*[5.8.1] Where applicable.*

This zoning district will only be allowed if municipal or county water and sewer service is adjacent to the parcel and capacity is available or a state permitted, privately owned community water and sewer system is constructed or available.

*[5.8.2] Required utilities.*

All properties in the R-6 zoning district shall be connected to water and sewer systems. No individual septic systems shall be permitted.

*[5.8.3] Maximum density.*

~~Six~~ Four and a half (4.5) dwelling units per acre.

*[5.8.4] Permitted uses.*

Site-built and Class A single-family detached dwellings.

Unlighted regulation size, or par three golf courses, consisting of nine holes or more, including normal clubhouses and pro shop activities, and other business activity associated with country clubs.

Home occupations and residential business, as provided in Article III, sections 3.15 and 3.15A.

Government owned utilities, except publicly owned treatment plants permitted by the State of Georgia and water storage facilities in excess of 1,000,000 gallon capacity, provided that wells, pump stations, meter stations, and water storage facilities must be enclosed by a painted or chain link fence or wall at least six feet in height above the finished grade and provided there is neither office nor commercial operation nor storage of vehicles or equipment on the premises.

Parks, recreational areas, playgrounds, public or private swimming pools.

Libraries or museums.

*[5.8.5] Conditional uses.*

The following uses may be permitted in accordance with the provisions of section 7.1.6 in the single-family residential (R-6) district on a conditional basis upon approval by the county commission after review by the planning board.

Churches, synagogues, mosques, temples, or other places of worship provided that:

Such use is housed in a permanent structure;

No structure on the lot is closer than 25 feet to any abutting residential property line.

Public and private school engaged in teaching general curriculum for educational advancement, provided the structure are placed not less than 50 feet from any residential property line. Such schools shall be day schools only and have no rooms regularly used for housing or sleeping purposes.

Public utilities substation or subinstallation including water towers provided that:

1. Such use is enclosed by a painted or chain link fence or wall at least six feet in height above finished grade;
2. There is neither office nor commercial operation nor storage of vehicles or equipment on the premises;
3. A landscaped strip not less than five feet in width is planted and suitably maintained around the facility.

Day care facilities.

Nursing homes

*[5.8.6] Lot and building requirements.*

Lot size:	
Area	6,600[LEA4]8,500 sq. ft. (0.15-19 acres)
Width	Minimum 60 feet
Principle buildings:	
Maximum height	35 feet
Minimum front setback	15 feet
Stairs (but not porches) may encroach up to five feet into front yard setback	

Maximum front setback	The average of the <del>house</del> house on either side or 20 feet, whichever is less.
Minimum side setback (interior)	7.5 feet (or 3 feet provided minimum building separation of 15 feet is maintained)
Minimum side setback (street)	15 feet
Minimum rear setback	25 feet
<del>Maximum</del> Maximum lot coverage	45%
Accessory buildings:	
Maximum height	20 feet and not to exceed the height of the principle building
Minimum rear and side setback	5 feet
Lot coverage	15%

**\*\*All building setbacks shall be show on final plat\*\***

*[5.8.7] Open space requirements.*

All developments in the R-6 zoning district must provide ~~20~~ 15 percent of total acreage as common outdoor open space. Open space calculations must be on the subdivision plat. Common outdoor open space shall mean areas accessible to all residents of the development. Common outdoor open space can include passive or active recreation areas, pathways, swimming pools, and open areas for congregating, per Article II definition. ~~Ponds and lakes may be used for up to 50 percent of required open space. Wetlands may be used for up to 10 percent of open space.~~ 10% of common open space shall be greenspace. The implementation of a conservation easement is strongly encouraged.

A homeowners association or some other entity acceptable to the administrator must be created to maintain the amenities and open space in good condition.

*[5.8.8] Sidewalk requirement.*

Streets in the R-6 zoning district shall have sidewalks on any side of any street that contains houses. A tree no less than two inches dbh must be planted at a rate of one for every two houses between the sidewalk and the street.

*[5.8.9] Parking requirements.*

Two off street parking spaces shall be provided for each single-family dwelling. These spaces can be in a garage, carport, or driveway accessed from the front or rear of the parcel.

## **5.9 - B-1 Neighborhood commercial districts.**

*5.9.1 Permitted uses.*

This district is designed for small scale retail and service businesses that primarily cater to the surrounding residential neighborhoods.

Personal and professional services (including clinics and studios).

Cafes, and restaurants.

Private clubs, lodges, community centers.

Dry cleaning outlets.

Convenience stores (retail) without gas pumps.

Child care centers.

Libraries.

~~Residential units above commercial units.~~ Mixed-use residential

Site-built single-family detached buildings.

Government-owned utilities.

Bed and breakfast lodging facility.

5.9.2 *Conditional uses.* The following uses may be permitted in accordance with the provisions of section 7.1.6 in the neighborhood commercial (B-1) district on a conditional basis upon approval of the board of commissioners after review by the planning board.

Plant gardens and outdoor nurseries.

Automated bank tellers.

Cemeteries.

Drive through.

Offices.

Mobile offices.

Churches.

Schools.

Self-storage mini storage facilities. Any real property designed and used for the purpose of renting or leasing individual storage space to occupants who are to have access to such facility for the purpose of storing and removing personal property.

Any use not expressly permitted or prohibited in a commercial district upon approval of the board of commissioners after review by the planning board.

5.9.3 *Prohibited uses.*

Mobile homes.

Gas stations.

Automotive sales, service, and/or storage.

Warehouses [DGS] (including mini-warehouses).

Veterinary clinics and kennels.

5.9.4 *Lot and building requirements.*



Minimum lot area (public water and sewer)	Must meet minimum site design requirements
Minimum lot area (public water only)	Must meet health department requirements
Minimum lot area (private water and sewer)	Must meet health department requirements
Minimum lot width at building line	N/A
Minimum front setback	N/A
Minimum rear setback	N/A
Minimum side setback (interior)	N/A
Minimum side setback (street)	N/A
Maximum building height	35 feet
<u>Maximum density for Mixed-Use Residential</u>	<u>12 dwelling units/acre</u>

**5.10 - B-2 General commercial districts.**

*5.10.1 Permitted uses.*

All uses permitted or conditional in B-1 except single-family detached buildings.

Fast food and all other restaurants, hotels, motels, and accessory structures.

Retail businesses.

Indoor entertainment facilities.

Offices and banks.

Libraries and public buildings.

~~Multifamily units up to 12 units per acre.~~ Mixed-Use Residential

Bus stations.

Movie theaters.

Bed and breakfast lodging facility.

*5.10.2 Conditional uses.* The following uses may be permitted in accordance with the provisions of section 7.1.6 in the general commercial (B-2) district on a conditional basis upon approval by the county commission after review by the planning board.

Wholesale operations.

Commercial parking areas.

Funeral homes.

Telecommunications towers.

Crematoriums.

Automobile service.

Mobile offices.

Museums.

Schools.

Churches.

Hospitals.

Nursing homes.

Cemeteries.

Private and public events venue. Any organized activity having as its purpose entertainment, recreation and/or education, such as a festival or celebration, concert, foot or vehicle race, parade or march, rally or assembly which takes place on a public street, sidewalk or right-of-way, or occurs on private property and impacts government services on public rights-of-way. This includes locations that are in the business of renting out their location to hold private and public functions.

(1) *General operating regulations.* The following operating regulations shall be enforced by the permittee:

- (a) No musical entertainment, either live or recorded, utilizing sound amplification equipment, shall be in violation of [Chapter 30], Article II, Noise Control.
- (b) No event shall be presented between the hours of 11:00 p.m. and 9:00 a.m. unless otherwise approved by the board of commissioners.
- (c) Camping on site by persons attending an event is permitted; provided that no on site camping shall be permitted more than two days prior or two days after an event.
- (d) Handicapped access shall be provided to activities that are open to the public.
- (e) Events and activities shall be accessible to emergency and service vehicles.
- (f) Adequate toilet facilities and trash receptacles shall be provided for all events.
- (g) The burden of preserving order during the concert or special event is upon the permittee.

(2) *Revocation of permit.* The board of commissioners may revoke permission for any proposed event or order that an event be discontinued immediately if, in the sole judgement of the board of commissioners, the event will disrupt traffic within the unincorporated area of Effingham County beyond practical solution; the event will interfere with access to fire stations and fire hydrants; the event will require the diversion of so many public employees that allowing the event would unreasonably deny service to remainder of the county; or the event might otherwise interfere with the welfare, peace, safety, health, good order and convenience of the general public.

(3) *Exemptions.* The following special events are exempt from the provisions of this article:

- (a) Special events occurring on private property used and occupied as a private residence, which special event is hosted by at least one of the occupants of such private residence, regardless of the number of attendees;
- (b) Special events occurring upon a city or county-owned sports facility, including without limitation, a ball field, tennis court or pool, provided that the special event constitutes a use for which the sports facility was intended, and regardless of the number of attendees;
- (c) Special events hosted by a church on property owned by the church, but only if the property is used on a regular basis, at least bi-monthly, to conduct worship services, and regardless of the number of attendees;

(d) Events hosted by a school on property owned by the school or a governmental entity, provided that the property is used on a regular basis, at least weekly, to conduct classes; and

(e) A governmental agency acting within the scope of its agency.

Any use not expressly permitted or prohibited in a commercial district upon approval of the board of commissioners after review by the planning board.

*5.10.3 Prohibited uses.*

Automotive sales (excluding storage of junked vehicles).

Warehouses.

Lumberyards, retail.

Motor freight terminals.

Bulk fuel storage.

Single-family detached dwellings.

Mobile homes.

*5.10.4 Lot and building requirements. ~~Same as B-1 except 60-foot limit to building height~~*

<u>Minimum lot area (public water and sewer)</u>	<u>Must meet minimum site design requirements</u>
<u>Minimum lot area (public water only)</u>	<u>Must meet health department requirements</u>
<u>Minimum lot area (private water and sewer)</u>	<u>Must meet health department requirements</u>
<u>Minimum lot width at building line</u>	<u>N/A</u>
<u>Minimum front setback</u>	<u>N/A</u>

<u>Minimum rear setback</u>	<u>N/A</u>
<u>Minimum side setback (interior)</u>	<u>N/A</u>
<u>Minimum side setback (street)</u>	<u>N/A</u>
<u>Maximum building height</u>	<u>60 feet</u>
<u>Maximum density for Mixed-Use Residential</u>	<u>12 dwelling units per acre</u>

### 5.11 - B-3 Highway commercial districts.

#### 5.11.1 Permitted uses.

All uses permitted or conditional in B-1 and B-2 except detached single-family buildings.

Automotive sales, service, and storage.

Wholesale operations.

Lumberyards.

Indoor amusement parks or privately owned recreation facilities.

Hospitals.

Screened outdoor storage.

Nursing homes.

~~Multifamily housing units~~ Mixed-Use Residential with a maximum density of 12 units per acre.

Bed and breakfast lodging facility.

5.11.2 *Conditional uses.* The following uses may be permitted in accordance with the provisions of section 7.1.6 in the highway commercial (B-3) district on a conditional basis upon approval of the county commission after review by the planning board.

Automotive paint and body shops.

Motor freight terminals.

Warehouse operations.

Mobile offices.

Outdoor amusement parks or privately owned recreational facilities.

Lumberyard that includes processing. [DG6]

Cemeteries.

County jails.

County correctional institutions.

County detention facilities.

Private and public events venue. Any organized activity having as its purpose entertainment, recreation and/or education, such as a festival or celebration, concert, foot or vehicle race, parade or march, rally or assembly which takes place on a public street, sidewalk or right-of-way, or occurs on private property and impacts government services on public rights-of-way. This includes locations that are in the business of renting out their location to hold private and public functions.

- (1) *General operating regulations.* The following operating regulations shall be enforced by the permittee:
  - (a) No musical entertainment, either live or recorded, utilizing sound amplification equipment, shall be in violation of [Chapter 30], Article II, Noise Control.
  - (b) No event shall be presented between the hours of 11:00 p.m. and 9:00 a.m. unless otherwise approved by the board of commissioners.
  - (c) Camping on site by persons attending an event is permitted; provided that no on site camping shall be permitted more than two days prior or two days after an event.
  - (d) Handicapped access shall be provided to activities that are open to the public.
  - (e) Events and activities shall be accessible to emergency and service vehicles.
  - (f) Adequate toilet facilities and trash receptacles shall be provided for all events.
  - (g) The burden of preserving order during the concert or special event is upon the permittee.
- (2) *Revocation of permit.* The board of commissioners may revoke permission for any proposed event or order that an event be discontinued immediately if, in the sole judgement of the board of commissioners, the event will disrupt traffic within the unincorporated area of Effingham County beyond practical solution; the event will interfere with access to fire stations and fire hydrants; the event will require the diversion

of so many public employees that allowing the event would unreasonably deny service to remainder of the county; or the event might otherwise interfere with the welfare, peace, safety, health, good order and convenience of the general public.

(3) *Exemptions.* The following special events are exempt from the provisions of this article:

- (a) Special events occurring on private property used and occupied as a private residence, which special event is hosted by at least one of the occupants of such private residence, regardless of the number of attendees;
- (b) Special events occurring upon a city or county-owned sports facility, including without limitation, a ball field, tennis court or pool, provided that the special event constitutes a use for which the sports facility was intended, and regardless of the number of attendees;
- (c) Special events hosted by a church on property owned by the church, but only if the property is used on a regular basis, at least bi-monthly, to conduct worship services, and regardless of the number of attendees;
- (d) Events hosted by a school on property owned by the school or a governmental entity, provided that the property is used on a regular basis, at least weekly, to conduct classes; and
- (e) A governmental agency acting within the scope of its agency.

Any use not expressly permitted or prohibited in a commercial district upon approval of the board of commissioners after review by the planning board.

#### 5.11.3 *Prohibited uses.*

Bulk fuel storage.

Mobile homes.

Single-family detached dwellings (including site-built, Class A or Class B).

5.11.4 *5.10.4 Lot and building requirements.* ~~Same as B-1 except 60-foot limit to building height.~~

Minimum lot area (public water and sewer)	Must meet minimum site design requirements
Minimum lot area (public water only)	Must meet health department requirements
Minimum lot area (private water and sewer)	Must meet health department requirements
Minimum lot width at building line	N/A
Minimum front setback	N/A
Minimum rear setback	N/A
Minimum side setback (interior)	N/A
Minimum side setback (street)	N/A
Maximum building height	<del>35</del> <u>60</u> feet