

## ARTICLE III. - GENERAL PROVISIONS

### 3.1 - Abandoned real property.

3.1.1 For any public street or alley which is hereafter officially vacated or abandoned, the regulations applicable to each parcel of abutting property shall apply to the centerline of the property which is abandoned. In the event abandoned property is not divided at the centerline for abutting properties, the zoning districts applicable shall apply to such ownership line as determined by virtue of such abandonment.

3.1.2 For any public property other than streets or alleys, the regulations applicable to the zoning classification which abuts the abandoned property for the greatest number of linear feet shall apply to the entire property.

### 3.2 - Abandoned vehicles.

Within all zoning districts, except where specifically authorized, all vehicles which are inoperative and/or unlicensed shall not be abandoned in the public right-of-way or on private property in excess of 30 days during any consecutive 120-day period, except within a completely enclosed garage or other structure. For purposes of this section, the term "vehicle" includes farm and commercial vehicles, machinery, and equipment.

### 3.3 - Accessory structures in residential districts.

3.3.1 Accessory structures in the AR-1, AR-2, R and PD-R residential districts may be erected within a side or rear yard, provided they conform to the following:

- A. Maximum Height: one and a half (1.5) story or fifteen (15) feet above finished grade in the R and PD-R districts; thirty-five (35) feet in AR-1 and AR-2 districts.
- B. An accessory structure shall not be less than five (5) feet from the rear property line and not less than five (5) feet from interior side setback lines.
- C. An accessory structure shall not be less than ten (10) feet from a principal structure.
- D. Not more than two accessory structures, including a detached garage, shall be located in any R or PD-R district, on one lot.

3.3.2 Accessory structures in the AR-1 and AR-2[ agricultural residential districts may be placed in the front yard on a property of at least five acres. All structures on the property must comply with the front setback requirements for a principal structure per the diagram below.

- A. Accessory structures shall not be erected on a lot prior to construction of a principal structure, except for agricultural purpose storage buildings in the AR-1 zoning district, where the property is at least five (5) acres, and not in a platted subdivision.
- B. Accessory structures in the R, PD-R, and AR zoning districts may not be used for any type of commercial operation, except as provided for in section 3.15A and 3.15B.
- C. An accessory structure shall not be used as a dwelling unit.

3.3.3 A shipping container may be utilized as an accessory building in an AR-1 and AR-2 zoning districts, provided it shall conform to the following:

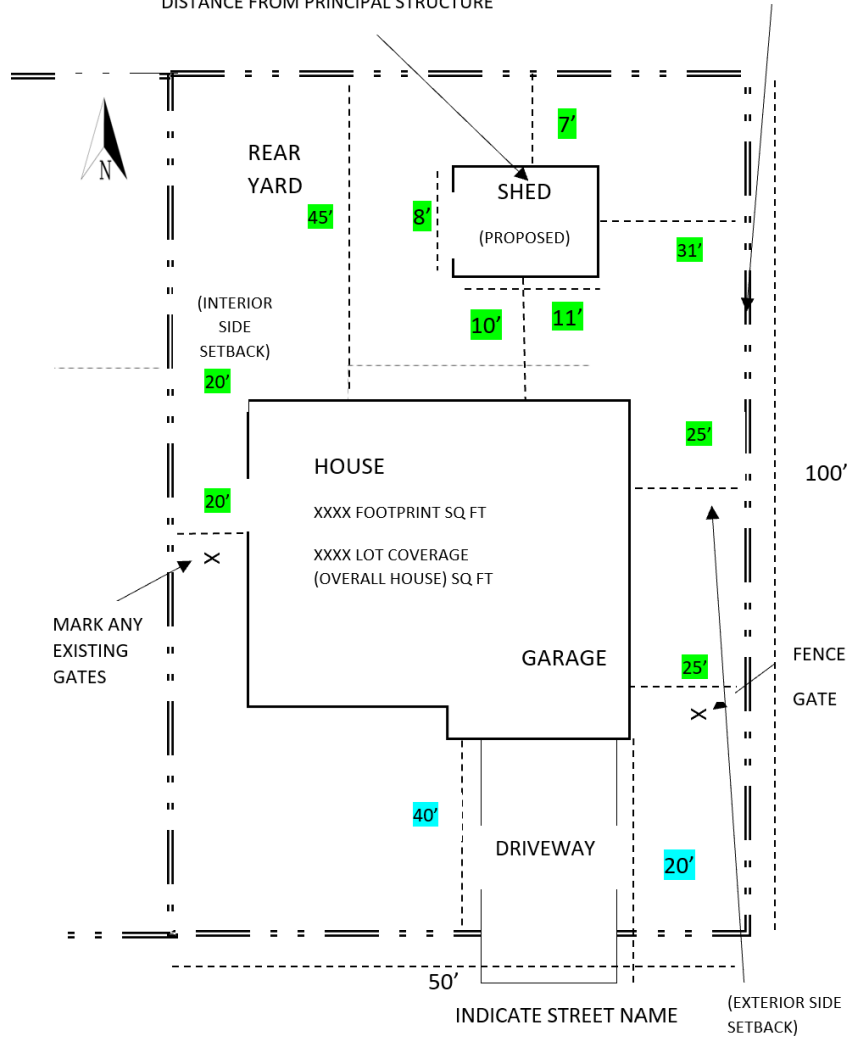
- A. Containers shall be painted in solid neutral colors. No writing or advertising of any kind shall be permitted.

- B. Containers shall meet the required side and rear yard setback requirements for an accessory structure, and shall be placed no nearer than 10 feet from a primary structure.
- C. Containers shall not be placed in the front yard.
- D. Containers shall not be stacked above the height of a single container.
- E. Containers shall be subject to lot coverage requirements.
- F. Containers shall only be placed on AR-1 and AR-2 lots that meet the minimum lot size for the district.
- G. The number of shipping containers on AR-1 and AR-2 lots shall be limited to one (1) container per acre of land, to a maximum of five (5) containers on a parcel.
- H. No electricity or plumbing shall be connected to a shipping container.
- I. Ventilation is not required.
- J. No hazardous materials may be stored in a shipping container.
- K. Shipping containers shall be secured from entry by children and the general public when not attended.
- L. Shipping containers used for storage of equipment and supplies, and associated with an approved building construction project, shall be permitted to remain on site until the approval of the project's final building inspection, or expiration of the building permit, whichever is less.

SITE PLAN EXAMPLE

INDICATE SHED HEIGHT, WIDTH, LENGTH, SQUARE FOOTAGE, ALL SETBACKS, & DISTANCE FROM PRINCIPAL STRUCTURE

INDICATE HEIGHT OF ANY EXISTING WALL OR FENCE



Property Lot Information:	
Total acreage	
Zoning	
Future land use classification	
Flood Zone	
Wetlands Present (Y/N)	
Proposed Use of Structure	



INDICATE DRAWING SCALE MEASUREMENTS

NOT TO EXCEED 1" = 100'

3.4 - Buffers.

*Purpose and function:* To provide minimum separation and screening of different land uses. To minimize the adverse effects of commercial and industrial land uses on surrounding property; to act as a filtration zone for stormwater; to make the environment more visually attractive; and to preserve the tree canopy in the county.

It is the intent of this ordinance that buffers be maintained and controlled so that the effects of the screening are not diminished.

*3.4.1 Buffer Design Standards:*

- A. *Plant material:* Existing plant materials including understory vegetation in buffers shall be maintained whenever possible. AH trees over six inches diameter at breast height (dbh) shall be retained. Additional planting may be required when existing plant material is inappropriate for screening. Additional landscaping may be added at the property owner's discretion.
- C. *Encroachment:* Buffer areas should remain natural. The following are the only permitted encroachments:
  - 1. Drainage ditches, utility and service lines provided that they are approximately perpendicular to the property line.
  - 2. Sidewalks and pathways that connect multiple parcels.
  - 3. Lighting fixtures.
  - 4. Signs.
  - 5. Flagpoles.
  - 6. Structural elements: Privacy fences or walls located in a buffer shall provide a minimum of two feet from the element to the exterior property line to allow for plant material.
  - 7. Landscaping retaining wall if integrated into the buffer and subject to approval by the zoning administrator.
  - 8. Berms, subject to the following standards if encroaching within a buffer :
    - a. Maximum slope of 4:1 (see figure \_\_ below).
    - b. Maximum height of the berm shall be based on the width as provided below and shall be reduced by six feet for every one foot of berm height:
      - i. 25' high; 150' wide berm. 300' buffer – 150' berm=150' wide total buffer (including berm)
      - ii. 16' high; 100' wide berm. 300' buffer – 100' berm=200' wide total buffer (including berm)
      - iii. 10' high; 60' wide berm. 300' buffer – 60'berm=240' wide total buffer (including berm)




\* Subdivisions of less than five lots are exempt from buffer requirements when neighboring property is under the same ownership.

\*\*Adjacent Commercial, Institutional, and Industrial developments which are designed as a single development or share parking may reduce the buffer width by up to 50 percent between these parcels. If commercial property is developed with zero lot lines then the buffer between parcels shall be eliminated. At no time may buffers be reduced between Commercial, Institutional, or Industrial and Residential uses.

\*\*\* The required plant material portion of a buffer may be reduced by 50% when adjacent to agricultural or conservation areas if replaced by additional stormwater management areas.

\*\*\*\*Industrial surface mines will follow the buffer requirements in [section 3.17.4](#).

**3.4.2 Adjacent public street buffers:** All development excluding industrial development shall maintain a ten-foot wide landscaped buffer between any parking or loading area and an adjacent accessed public right-of-way (ROW). In single family subdivisions a ten-foot landscaped buffer must be maintained between any lot or internal street and any public collector or arterial ROW accessed from the subdivision.

- A. In cases where the adjacent public street is also the exterior boundary of the site, the buffer required in table [3.4.1](#) shall be inclusive of this ten-foot-wide landscaped buffer.
- B. Where parcels abut a street without access to that street the buffer on that side of the parcel shall equal the required buffer for the use on the other side of the street in the above chart.
- C. Street buffers for industrial property shall equal the required buffer for the use on the other side of the street in the above chart.
- D. Single family subdivisions shall have visual buffers consisting of either vegetative cover or fencing and shall have a minimum 50% opacity. If vegetation is used, it shall be projected to reach the required opacity within one year of installation and shall maintain the minimum required opacity during all seasons of the year. A visual buffer may be no higher than six feet in height.
- E. PDs may have different buffer requirements. Please refer to PD ordinance.

**3.4.3 Specific buffer requirements:**

- A. *Buffers for adjacent vacant property.* When determining buffers for adjacent property, the property shall be classified based on the use allowed by right in the existing zoning district that would require the greatest buffer. The less intense use would not be required to meet the buffer requirement for the more intense use when adjacent to a non-conforming property.
- B. *Buffers at property line easement.* When a shared easement is located on a property line the required buffer shall be located on each side of the shared easement, so that 50% of the buffer is located on either side of the property line.
- C. *Mobile home perimeter landscaped buffer.* A natural or landscaped buffer not less than 30 feet in depth shall be provided around the entire perimeter of each mobile home park, mobile home subdivision and recreational vehicle park. The landscaped buffer shall be interrupted only where necessary to provide for vehicular and pedestrian access. It shall contain a visual screen consisting vegetation which have a minimum opacity of 75 percent to a height of not less than six feet. It shall be landscaped as set forth. Masonry or wooden fences meeting the requirements may be substituted along common property lines other than street right-of-way lines.

**3.4.5 Required plant material:**

- A. Where trees do not already exist they must be planted at a rate of one tree, at least two inches dbh, every 30 linear feet of buffer. The following list specifies recommended trees for this area. For buffers greater than 30 feet in depth required tree planting must come from the large tree list.
- B. Buffers in industrial zones must include understory plantings at a rate of on three gallon plant every five linear feet if sufficient understory foliage does not exist.

Large Trees >50' Suitable for areas with more than 400 square feet of total planting area; in a planting strip at least 16' x 25' or 20' x 20'

Common/Scientific Name	Height & Width	Sun/Shade	Insect & Disease Resistance	Growth Rate	Deciduous Evergreen	Remarks
Beech, American <i>Fagus grandifolia</i>	50-75' h 40-80' w	PS/FS	L	S	D	Native. Needs ample room above and below ground. Acid soil. Fruit attracts wildlife, no litter. Zones 4-9
Blackgum <i>Nyssa sylvatica</i>	65-75' h 25-35' w	PS/FS	H	S	D	Native. Soil pH below 6 best, texture tolerant, drought tolerant, wet soil tolerant. Fruit attracts wildlife, some litter. Zones 4-9

Cypress, bald <i>Taxodium distichum</i>	60-80' h 25-35' w	FS/PS	M	F	D	Native. Drought & wet tolerant. 'Knees' form in wet areas. Tolerates compaction. Zones 4-11
Cypress, pond <i>Taxodium ascendens</i>	50-60' h 50-60' w	PS/FS	H	F	D	Native. Soil adaptable below 7.5. Knobby 'knees' form in moist areas. Attracts wildlife. No litter. Zones 5-9
Hickory, pignut <i>Carya glabra</i>	50-65' h 30-40' w	PS/FS	M	M	D	Native. Soil texture adaptable. Drought tolerant. Nuts attract wildlife. Zones 4-9
Hickory, shagbark <i>Carya ovata</i>	60-80' h 25-35' w	PS/FS	H	S	D	Native. Soil texture adaptable. Abundant nuts attract wildlife. Shaggy bark attractive. Zones 4-8
Magnolia, Southern <i>Magnolia grandiflora</i>	60-80' h 30-40' w	PS/FS	M	M	E	Native. Soil adaptable. Bark is thin, protect from mechanical injury. White showy blooms in spring & summer. Good cultivars. Zones 7-9
Maple, Red <i>Acer rubrum</i>	60-75' h 25-35' w	PS/FS	H	F	D	Native. Prefers acidic soil, texture tolerant, wet tolerant. Bark is thin. Fruit attracts wildlife. Many cultivars. Zones 4-9
Oak, laurel/darlington <i>Quercus laurifolia</i>	60-70' h 50' w	PS/FS	H	F	SE	Native. Soil adaptable. Roots will heave sidewalks. Acorns



						attract wildlife, creates some litter. Zones 6-10
Oak, live <i>Quercus virginiana</i>	60-80' h 60-120' w	PS/FS	H	M	E	Native. Soil adaptable. Roots will eventually heave sidewalks. Good wind resistance. Some litter. Zones 8-10
Oak, shumard <i>Quercus shumardii</i>	60-80' h 40-50' w	FS	M	F	D	Native. Soil texture adaptable, acidic. Urban tolerant. Acorns attract wildlife. Some litter. Zones 5-9
Oak, southern red <i>Quercus falcata</i>	60-80' h 60-70' w	FS	M	M	D	Native. Acidic soil, all textures, urban tolerant. Fruit attracts wildlife, no significant litter. Zones 7-9
Oak, scarlet <i>Quercus coccinea</i>	60-75' h 45-60' w	FS	M	M	D	Native. Acidic soil, all textures. Needs ample root space. Nuts attract wildlife. Some litter. Zones 5-8
Oak, swamp chestnut <i>Quercus michauxii</i>	60-70' h 30-50' w	PS/FS	M	M	D	Native. Acidic soil, all textures, occasional wet. Leaf litter persistent, acorns for wildlife. Zones 6-9
Oak, white <i>Quercus alba</i>	60-100' h 60-80' w	PS/FS	H	M	D	Native. Acidic soil, all textures. Protect roots from disturbances. Nuts attract wildlife. Some litter. Zones 3-9

Oak, willow <i>Quercus phellos</i>	60-75' h 40-60' w	FS	M	F	D	Native. Acidic soil, all textures, occasional wet, drought, urban tolerant. Nuts attract wildlife. Some litter. Zones 5-9
Pine, loblolly <i>Pinus taeda</i>	50-80' h 30' w	FS	M	F	E	Native. Soil texture adaptable, acidic. Thick bark-resistant to fire. Needle drop prolific. Zones 6-9
Pine, longleaf <i>Pinus palustris</i>	60-80' h 30-40' w	FS	M	F	E	Native. Soil texture adaptable. Beautiful bark. Needle and cone drop prolific. Drought tolerant once established. Zones 7-10
Redcedar, eastern <i>Juniperus virginiana</i>	40-50' h 8-25' w	FS	H	F	E	Native. Soil pH and texture tolerant. Blue fruit attracts wildlife. Good wind break, urban tolerant. Zones 3-9
Sweetgum <i>Liquidambar styraciflua</i>	75' h 50' w	PS/FS	H	M	D	Native. Soil pH of 7.5 or less. Surface roots. Fruit attract wildlife, significant litter. Cultivar 'Rotundifolia' fruitless. Zones 5-9
Sycamore, American <i>Platanus occidentalis</i>	75-90' h 60-70' w	FS	L	F	D	Native. Soil pH and texture adaptable. Prefers moist soil. Roots may heave sidewalks. Showy bark. Zones 4-9

Tulip poplar <i>Liriodendron tulipifera</i>	80-120' h 25-40' w	FS	H	F	D	Native. Acidic soil, occasional wet. Avoid drought & salt. Showy greenish-yellow blooms in spring. Some leaf drop in high heat. Zones 4-9
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KEY			
Sun/shade exposure:	Growth rate:	Pest resistance:	Type:
FS = Full sun	S = Slow (less than 1' per year)	H = High	D = Deciduous
PS = Part sun	M = Medium (1-2' per year)	M = Medium	E = Evergreen
S = Shade	F = Fast (more than 2' per year)	L = Low	SE = Semi Evergreen

*Medium Canopy Trees:* (Count for 550 square feet of area for planting—minimum two inches caliber)

Medium Trees 30' - 50' Suitable for spaces with 100 to 200 sqft of total planting space; in a planting strip at least 4-7 feet wide; or place at least 4' from pavement or wall.						
Common Name/Scientific Name	Height & Width	Sun/Shade	Insect & Disease Resistance	Growth Rate	Deciduous Evergreen	Remarks
Birch, river <i>Betula nigra</i> 'Heritage	40-50' h 40-50' w	PS/FS	M	F	D	Native. Acidic soil. Drought sensitive in confined spaces. Roots need room. Cultivars available. Zones 3B-9
Holly, East Palatka <i>Ilex x attenuata</i>	30-45' h	FS	M	M	E	Florida natural hybrid. Urban & drought tolerant once

	10-15' w					established. Red berries attract wildlife. Zones 7-9
Holly, American <i>Ilex opaca</i>	40-50' h 15-25' w	FS	M	S	E	Native. Salt and drought tolerant once established. Red berries attract birds, no litter. Zones 5-9
Holly, Nellie R. Stevens <i>Ilex x</i>	20-30' h 10-15' w	FS	H	M	E	Hybrid. Soil texture tolerant. Needs male and female plants for berries. Drought tolerant. Showy red berries & deep green leaves. Zones 6-9
Holly, Savannah <i>Ilex x attenuata</i>	30-45' h 6-10' w	FS	M	M	E	Hybrid. Acidic soil, urban tolerant. Red berries attract birds, no litter. Zones 6-9
Magnolia, sweetbay <i>Magnolia virginiana</i>	40-50' h 15-25' w	PS	M	M	D	Native. Acidic soil. Tolerates wetlands. Flood & drought tolerant. Showy, white, fragrant flowers. Zones 5-9
Magnolia, Southern <i>Magnolia grandiflora</i>	30-50' h 15-30' w	FS	H	M	E	Native. Soil adaptable. White showy blooms in summer & early fall. Smaller leaves than species. Zones 6-9
Oak, overcup <i>Quercus lyrata</i>	35-50' h 35-50' w	FS	H	M	D	Native. Soil adaptable, wet & drought tolerant once established. Urban tolerant. Acorns attract

						wildlife, significant litter. Zones 5-9
Palm, cabbage <i>Sabal palmetto</i>	40-50' h 10-12' w	PS/FS	H	S	E	Native. Soil tolerant, frond and fruit litter messy. Needs irrigation until established as all cut roots die back. Southern region only. Zones 8B-11
Redbud, eastern <i>Cercis Canadensis</i> 'Forest Pansy'	20-30' h 15-30' w	PS	M	F	D	Native. Light, rich, moist soil, texture adaptable. Showy purple blooms in spring. Cultivar 'Texas White' good. Short lived. Zones 4-9
Silver bell, <i>Carolina</i> <i>Haleiwa Carolina</i>	20-40' h 15-30' w	PS/FS	H	M	D	Native. Acidic soil. Drought sensitive in full sun, roots need room. Showy white blooms in spring. Zones 5-8
Yellowwood, American <i>Cladastris</i> <i>kentukea</i>	30-50' h 40-50' w	PS/FS	H	M	D	Native. Needs pruning while young. White fragrant blooms. Tolerates urban conditions. Zones 4-8

KEY			
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S = Shade	F = Fast (more than 2' per year)	L = Low	SE = Semi Evergreen
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Small Trees < 25' Useful under utility lines; areas with < 100 sf of total planting area; a planting strip with a width of at least 4'.

Common Name/Scientific Name	Height & Width	Sun/Shade	Insect & Disease Resistance	Growth Rate	Deciduous Evergreen	Remarks
Cherry, Okame <i>Prunusx incamp 'Okame'</i>	15-25' h 20' w	PS/FS	M	M	D	Hybrid. Soil texture and pH adaptable. Roots need room. Pink showy blooms. Fruit attracts birds. Zones 7-9
Crape myrtle, Japanese <i>Lagerstroemia fauriei</i>	35-50' h 25-35' w	FS	H	M	D	Japan. Soil adaptable. Urban tolerant. White showy flowers. Beautiful bark. May be resistant to powdery mildew. Zones 6-9
Dogwood, flowering <i>Cornus florida</i>	20-30' h 20' w	PS	M	M	D	Native. Part shade. Drought sensitive, low salt tolerance, needs good drainage. White showy flowers. Horizontal branching pattern. Zones 5-9
Fringetree <i>Chionanthus virginicus</i>	12-15' h 10-15' w	PS/FS	M	S	D	Native. Acidic soil. Thin bark easily damaged. Urban tolerant. Showy white blooms in spring. Fruit attracts birds. Zones 4-9

Holly, yaupon <i>Ilex vomitoria</i> 'Pendula'	15-20' h 15-20' w	S/FS	M	M	E	Native. Soil & pH greatly adaptable. Urban tolerant. Thin bark. Red berries attract wildlife. Zones 7-10
Magnolia, Southern <i>Magnolia grandiflora</i> 'Little Gem'	20-25' h 10-15' w	PS/FS	M	M	E	Native. Soil adaptable. Bark is thin, protect from mechanical injury. White showy blooms in summer and early fall. Zones 7-9
Redbud, Oklahoma <i>Cercis reniformis</i> 'Oklahoma'	20-30' H 15-30' w	PS/FS	M	F	D	Native. Soil & pH adaptable, salt sensitive, showy thick leaves. Zones 5-9
Waxmyrtle <i>Myrica cerifera</i>	15-20' h 20-25' w	PS/FS	M	F	E	Native. Soil & pH adaptable, urban tolerant. Blue berries attract wildlife. Zones 8-11

KEY			
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3.5 - Buildings on through lots.

- A. Where a lot extends through from one street to another, the setback requirement for each such street shall be complied with and any building shall be dual facing.
- B. No accessory building or other structure shall be placed on through lots if said structures would conflict with other building values or uses on the same street.
- C. On lots having frontage on more than two streets, the minimum front yard shall be provided in accordance with the provisions of this ordinance on at least two of the street frontages.

3.6 Flag lots, as defined in Article II, shall be prohibited.

3.7 Reserved

3.8 - Conversion of dwellings.

The conversion of any building into a dwelling, or the conversion of any dwelling so as to accommodate an increased number of dwelling units, shall be permitted only within a district in which a new building for similar occupancy would be permitted under this ordinance, and only when the resulting occupancy will comply with the requirements governing new construction in such district with respect to minimum lot size, lot area per dwelling unit, percentage of lot coverage, dimensions of yards and other open spaces, and off-street parking. Each conversion shall be subject also to such further requirements as may be specified hereinafter within the article applying to such district.

3.8A - Construction sites (portable toilets).

Portable toilet facilities, as approved by the building inspector, shall be furnished at all construction sites for which a building permit has been issued prior to the commencement of work. The building inspector is authorized to waive this requirement upon a showing that alternate sanitary facilities are available to workers at the site.

3.8B - Construction sites (waste material).

All landowners, construction and demolition contractors, and other responsible persons for construction or demolition sites shall provide on-site refuse receptacles, bulk containers or detachable containers for loose debris, paper, building material wastes, scrap building materials, and other trash produced by those working on the site. All of the above-mentioned materials shall be containerized by the end of each day, and the site shall be kept in a reasonably clean and litter free condition. Dirt, mud, construction materials, or other debris deposited upon any public or private property as a result of construction or demolition shall be immediately removed by the landowners, construction and demolition contractors, and other responsible persons. Construction or demolition sites shall be kept clean and orderly at all times.

3.9 - Deed restrictions.

These regulations shall not lessen any previous deed restrictions or restrictive covenants recorded with any deed, plat, or other legal document relating to the use of lot and building requirements. The person or agency in the capacity of administering and enforcing these regulations shall abide by any deed restrictions or restrictive covenants provided the restrictions are known.

3.11 - Nonconforming uses, structures and lots of record.

- A. Nothing contained in this ordinance shall be deemed or construed to prohibit a continuation of any particular lawful use or uses of any land, building, structure, improvement, or premises legally existing in any of the respective districts at the time this ordinance becomes effective; provided, however, that if any such existing lawful use changes to a different use after the date of the adoption of this ordinance, such different use shall conform to the provisions of this ordinance



regulating the particular district in which said premises is situated. If any legally existing use or occupancy of a building or premises conflicts with any requirement of this ordinance or any of its amendments, such building shall not be moved, structurally altered, or added to except with the approval of the county commissioners.

- B. All future building structures, repairs, alterations, or other improvements shall comply with all district requirements contained herein, and such structural provisions of the building code and other regulations as have been incorporated herein and made a part hereof, including any building on which construction has been suspended at the time this ordinance was adopted and any building for which foundations were not completed at said time.
- C. No nonconforming building or structure shall be extended or enlarged except as follows:
  - a. when authorized by the board of commissioners, which may permit one enlargement or extension up to 25 percent of the floor area of the structure as it existed at the time of passage of this ordinance, or
  - b. an administrative variance may be requested when the extension or addition does not increase the non-conformity and meets current code requirements,
- D. A nonconforming use of a building or portion thereof that is discontinued for a continuous period of six months shall not be reestablished except in conformity with the regulations of the district in which such building is located.
- E. A nonconforming building, other than a single-family dwelling, which has been damaged by fire, explosion, act of God, or act of war to the extent of more than 60 percent of its reproduction value at the time of damage shall not be restored except in conformity with the regulations of the district in which it is located. When damage is less than 60 percent of its reproduction value, a nonconforming building may be repaired or reconstructed and used as before the time of damage, provided such repairs or reconstruction are completed within one year of the date of such damage.
- F. Subject to the limitation set forth in section 2.55.2 of this ordinance, a nonconforming single-family dwelling which has been damaged or destroyed by fire, explosion, act of God, or act of war may be repaired, reconstructed, or replaced with a nonconforming structure of the same dimensions and used as before the time of damage, provided such repair, reconstruction, or replacement is completed within one year of the date of such damage and provided that the structure meets all applicable county building and permitting requirements.
- G. A nonconforming structure located on a lot in any district, when once removed, shall not be relocated on such lot and shall not be replaced with another nonconforming structure except as otherwise permitted by this ordinance.

### 3.12 - Nonconforming lots.

- A. *Remedies.* Where two or more nonconforming lots with continuous frontage are under the same ownership or where a nonconforming lot has a continuous frontage with a larger tract under the same ownership, such lot or lots shall be combined to form one or more building sites meeting the lot requirements of the district in which they are located.
- B. *Dwellings on nonconforming lots.* A building permit may be issued for a single-family dwelling on any nonconforming lot, excluding substandard lots, provided that the remedies set forth in this section cannot be complied with and provided that the regulations of the district in which the lot is located are met.
- C. *Nonconforming uses of land.* The nonconforming use of land not involving any principal building or structure existing on the effective date of this ordinance may be continued for a period of not more than three years; provided, however, that no such nonconforming use of the land shall in any way be expanded or extended either on the same or adjoining property. If such nonconforming use of land or

any portion thereof is discontinued or changed, any future use of such land shall be in conformity with the provisions of this ordinance.

- D. Dwellings on substandard lots.* The county commissioners may authorize the issuance of a building permit for a single-family dwelling for a substandard lot only after it has been determined that remedies as set forth in this section cannot be complied with. The county commissioners may also grant variances to lot and building requirements in cases of hardship, if conditions detrimental to the public health, safety, and welfare are not caused.

### 3.13 - Nonconforming use of buildings and structures.

A. Use of any building or structure not in conformance with these regulations pertaining to uses permitted on the effective date of this ordinance may not be:

- a. Changed to another nonconforming use except where it is determined by the county commissioners that the design, construction, and character of the building is suitable for uses permitted in the district in which such nonconforming use is situated.
- b. Reestablished after discontinuance for six months except where it is determined by the county commissioners that the design, construction, and character of the building is unsuitable for conforming uses.
- c. Extended, enlarged, or expanded except when authorized by the county commissioners who may permit one enlargement or extension up to 25 percent of the floor area of the structure as it existed at the time of passage of this ordinance.

### 3.14 - Fences.

Except in planned manufactured home communities, industrial districts, and general and neighborhood commercial districts, no fence, wall, or screened structure, excluding plants and shrubbery, over six feet in height shall be built within the side and rear yards without a retaining wall. If a retaining wall is provided, the fence or wall may be no more than 10 feet in height. Any wall or fence in the front yard, not including a retaining wall, shall be limited to 48 inches in height. In no case shall a fence be placed within an easement, except with the written approval of the easement holder.

### 3.15 – Yard Encroachments, Overhangs or Extruding Projections.

A. In single-family residential districts, multifamily residential districts, and planned manufactured home community districts, every part of a required yard or court shall be open from its lowest point to the sky, unobstructed except for the customary ornamental features and eaves; provided, however, that none of the above projections shall extend into a required **yard more than four feet**. Open or enclosed fire escapes, outside stairways, balconies, chimneys, flues, or other projections shall not extend into any required yard except that uncovered steps may project not more than four feet into the required yard.

- B. Projections into yards and courts.* A wall or fence which meets the height requirements in section **XXX** may be erected within the limits of any yard not extending beyond the front setback line.

Patios must meet all setback requirements except for rear yards which must be a minimum of five feet from a property line.

Architectural projects. Chimneys, leaders, cornices, eaves, shutters, and bay windows, and the like may extend not more than 24 inches into any required yard.

### 3.16 - Garbage disposal.

Garbage or other refuse shall be deposited only in approved garbage cans or in approved garbage disposal areas.

### 3.17 - Government uses.

The board of county commissioners of Effingham County are not legally exempt from the provisions of this ordinance.

### 3.10 - Excavation of sand, gravel, or other material (for industrial or commercial use).

Excavation shall be considered a temporary use, and shall be permitted only in industrial and agricultural districts. Excavations shall not be nearer than 100 feet to any school, place of worship, dwelling, or highway right-of-way.

### 3.17 - Excavation, mining, ponds, and fills of land and/or state/federal jurisdictional waters or wetlands.

#### 3.17.1 The following activities shall be subject to review by the Effingham County Planning Board:

1. Excavation of land, or removal of earth that exceeds 1.0 acres of disturbed area.
2. Removal of earth or like material from the subject site to another parcel.
3. Filling of land and/or state/federal jurisdictional waters or wetlands.

\* If any item above meets the project criteria, review by the Planning Board and approval by the Board of Commissioners is mandatory.

#### 3.17.2 Excavation, mining, and fills of land and/or state/federal jurisdictional waters or wetlands.

Excavation, mining, and fills of land and/or state/federal jurisdictional waters or wetlands that are associated with a specific project that has been the board of commissioners that comply with all other regulations set forth in this ordinance are exempt from section 3.17.

#### 3.17.3 Requirements for submittal for planning board and/or staff review.

1. Application and checklist.
  - a. Applications and checklist may be obtained from the Development Services office.
  - b. Application and checklist must be complete and submitted with the all required information.
  - c. Fees in accordance with the Effingham County Schedule of Fees must be paid at the time of application submittal.
2. Excavation activities that have greater than one (1) acre of disturbed area must obtain a state mining permit. A copy of the approved state mining permit must be submitted to the development services office prior to work commencing.
3. Any excavation activity between one (1) acre and ten (10) acres that requires a state mining permit, or is a GDOT approved borrow-source or pit for a GDOT-approved project, may be permitted on a

conditional basis in the AR-1 zoning district, upon approval of the Board of Commissioners, and after review by the Planning Board.

4. Any excavation activity greater than one (1) acre of disturbed area may be permitted in the PD-MR zoning district. Excavation activities that have greater than ten (10) acres must be permitted in PD- MR.

### 3.17.3A Requirements for approval and final inspection.

- a) For a pond of less than one (1) acre of disturbed area, applicant shall submit a bond for \$1000. Construction of the pond shall cease within six (6) months of approval date. The bond will be released after submittal of a survey of the new pond site, and successful completion of the final inspection.
- b) For any excavation activity between one (1) acre and ten (10) acres that requires a state mining permit, or is a GDOT approved borrow-source or pit for a GDOT-approved project, the bond shall be submitted to DNR, if required. Excavation activities shall cease within three (3) years of DNR or GDOT approval date. Extension of excavation activities beyond three (3) years will require approval by the board of commissioners, after review by the planning board. Applicant shall submit a survey of the completed excavation site to Development Services. A final inspection is required. All DNR reclamation requirements shall be met.
- c) For any excavation activity greater than one (1) acre that requires a state mining permit and is permitted in PD-MR, or is a GDOT approved borrow-source or pit for a GDOT-approved project, the bond shall be submitted to DNR, if required. Excavation activities shall cease within five (5) years of DNR or GDOT approval date. Extension of excavation activities beyond five (5) years shall require approval by the board of commissioners, after review by the planning board. Applicant shall submit a survey of the completed excavation site to Development Services. A final inspection is required. All DNR reclamation requirements shall be met.

### 3.17.4 Construction requirements.

1. All projects must comply with best management practices as outlined in the "Manual for Soil and Sediment Control in Georgia" as specified in O.C.G.A. § 12-7-6.
2. Side slopes of any excavated area must be constructed at a 3:1 slope (one foot in elevation change per three feet of horizontal distance) from the top of the excavation to the bottom at all times during construction and at completion of the excavation.
3. All disturbed areas will have a permanent stand of grass established at completion.
4. No digging and hauling activities shall take place except between the hours of 8:00 am and 5:00 pm Monday through Friday. State permitted mining operations are exempt from this provision.
5. Unless a pond/excavation is to be shared by two or more parcels it shall be located at least 50 feet from the nearest property line. Excavations shall not be nearer than 100 feet to any school, church, dwelling, or highway right-of-way. This section shall serve as the buffer requirements for surface mining operations in I-1 zoning districts.
6. The limits of excavation of the pond shall be located at a distance from the nearest access easement or utility easement, as follows:

- a) For pond depths of 10' or less, the limits of excavation of the pond shall be 20' from the nearest easement or utility easement; and
  - b) For every additional 5' depth of pond, the additional distance from the nearest access easement or utility easement shall be 10'.
7. All wetland impacts must be approved by the USACE.
  8. The construction entrance and roadway shall be designed and built pursuant to GSWCC Construction Exit guidance (2016 Edition). The roadway shall extend a minimum of 50 (fifty) feet into the mine site from the paved entrance.

### 3.17A - Ponds—Construction.

- No digging and hauling activities shall take place except between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday.
- Unless a pond is to be shared by two or more parcels it shall be located at least 50 feet from the nearest property line.
- No pond shall be located less than ten feet from the nearest access or utility easements.
- The pond sides shall be sloped at a 3 to 1 run to rise ratio.
- All wetland impacts must be approved by the USACE.
- All digging and hauling operation must be completed within six months.

### 3.18 - Land subject to flooding.

No building or mobile home shall be moved into or constructed in a floodprone area unless the first floor elevation, including all mechanical and electrical equipment, ductwork, and any basement, is one foot above the highest elevation at that location expected to be flooded in a 100-year flood. These requirements shall be enforced in accordance with the Effingham County Floodplain Management Ordinance.

### 3.22 - Reserved.

### 3.23 - Moving of buildings.

Whenever a building is moved from any location to a site within Effingham County, the building shall immediately be made to conform to all provisions of the building, plumbing, and electrical codes, if any, and this ordinance. The person causing the building to be moved shall secure a building permit from the zoning office.

### 3.28 - Obstruction to vision at road intersections and driveways.

3.28.1 The minimum development standards set forth in this section shall apply to land abutting streets, street intersections, and driveways delineated as follows :

- (a) The triangle bounded on two sides by the intersecting right-of-way lines, measured 40 feet in each direction from the point of intersection, and on the third side by the diagonal line connecting the ends of the 40-foot sides, **as illustrated in Figure 1.**

- (b) The triangles bounded on two sides by the intersection of a private driveway, measured 40 feet along the road right-of-way and 12.5 feet along the private driveway. This shall apply to each side of the private driveway.
- (c) Additional sight distance requirements may be imposed on streets and roads maintained by Effingham County or the State of Georgia based on design speed and Institute of Transportation Engineers and American Association of State Highway Transportation Officials standards.

3.28.2 Within the triangles identified in subsection 3.28.1 above, and except as provided in subsection 3.28.2 below, no structure, sign, plant, shrub, tree, berm, fence, wall, or other object of any kind shall be installed, constructed, set out or maintained so as to obstruct cross-visibility at a level between 30 and 120 inches above the level of the center of the street intersection or driveway.

3.28.3 The restrictions of this section shall not apply to:

- (a) Existing natural grades which, by reason of natural topography, rise 30 or more inches above the level of the center of the adjacent intersection;
- (b) Trees having limbs or foliage trimmed in such a manner that no limbs or foliage extend into the area between 30 and 120 inches above the level of the center of the abutting intersection; or
- (c) Fire hydrants, public utility poles, mailboxes, street markers, governmental signs, and traffic control devices.
  - (1) All items listed in (c) above, shall be installed and maintained in accordance with approved standards.

3.28.4 In other than 90 degree intersections or where grades mandate, the Effingham County Building and Zoning Department in coordination with the public works department may impose additional sight triangles under standards adopted by the American Association of State Highway Transportation Officials.

3.28.5 The building official or designee shall investigate violations, issue notices and orders, and perform other duties required for enforcement under this section.

3.28.6 The building official or designee, with the concurrence of the public works director, may, based on design speed and Institute of Transportation Engineers and American Association of State Highway Transportation Officials standards, reduce or waive all or part of these requirements of this section where a waiver could not constitute a traffic hazard or a condition dangerous to public safety. A decision by the building official or designee may be appealed to the board of commissioners.

3.29 - Offensive color, designs, smoke, noise, etc.

Nothing shall be allowed on the premises in any district which would in any way be offensive or obnoxious by reason of the emission of odors, liquids, gas, dust, smoke, vibration, or noise; nor shall anything be placed, constructed, or maintained that will in any way constitute an eye-sore or nuisance to adjacent property owners, residents, or to the community. All uses must satisfactorily comply with the requirements of the state department of natural resources as required by the United States Environmental Protection Agency.

(Amend. of 4-4-00(23); Ord. of 12-8-09)

### 3.35 - Principal building on a lot.

Except in planned manufactured home communities and in the AR district as provided in these regulations, only one principal building and its customary accessory buildings may be erected on any lot of record. Any dwelling shall be deemed to be the principal building on the lot on which the same is located. An addition to any building shall not be construed as a principal building.

### 3.36 - Retaining walls.

Nothing in these regulations shall be construed to prohibit or to prevent the erection of a retaining wall on any property, provided that such retaining wall does not adversely affect the natural flow of surface water or create any other adverse effect upon adjacent or adjoining properties. However, any application for a retaining wall shall be subject to approval of the Development Services Official or designee before the issuance of a permit.

### 3.37 - Shopping centers.

Shopping centers are hereby defined as a group of retail stores or shops under single ownership or management with an area of five acres or more and with a minimum depth of 300 feet established as a shopping entity with common parking facilities, ingress, and egress, and loading and unloading facilities. Shopping centers shall be permitted in any general neighborhood commercial or mixed-use district and may be developed in accordance with approval of a plat of a subdivision or development as approved by the board of commissioners. The shopping center shall not be divided into separate lots for each store or use. No permit shall be issued for the construction of a shopping center until the plans and specifications, including the design of ingress and egress roads, parking facilities, and other such items as may be found of importance have been approved by the board of commissioners. No buildings shall be erected closer than 50 feet to any road right-of-way line. There shall be provided a minimum of one parking space for each 200 square feet of floor area designed to be used for business or shopping purposes. Such parking area, including maneuvering areas, ingress and egress roads, and driving lands, shall be paved and kept in good repair at all times with a hard, all-weather surface. All points of access shall be to the public road; however, there shall be no public roads or alleys within the shopping center property. All loading and unloading shall be done entirely within the shopping center property. Except as otherwise provided in this section all uses within the shopping center shall conform with other regulations as set forth in this ordinance.

### 3.38 – Lighting

Where lighting facilities are provided outdoors or within a parking area, they shall be designed and installed so as to reflect the light away from any contiguous property. Sources of lighting shall be pointed down and shielded to prevent direct glare caused by unshielded floodlights or other sources of high intensity lighting.

## 3.X – Dwellings in Residential Zones

### Section 1. - Equal treatment.

1.1 Within each zoning district, all allowed residential uses shall be treated equally with respect to zoning ordinance and building code enforcement. To ensure compatibility, the standards contained herein shall be applied equally to all single-family detached dwellings.

### Section 2. - General provisions.

- 2.1 Upon placement, any means of transportation, such as towing devices, wheels, axles, and hitches, shall be removed, unless the removal of said transportation devices would affect the structural integrity of the structure.
- 2.2 All structures that require a certificate of occupancy, except historic structures, shall, at a minimum, be completely anchored, and each site-built or manufactured or mobile home installed after October 1, 1993, shall be completely underpinned or "skirted" either with approved masonry, approved treated wood (excluding latticework) or with approved manufacturer's underpinning kits. The underpinning shall be installed and maintained in such a manner as to permit adequate ventilation and to prohibit the intrusion of small animals and rodents. Those structures qualifying under the compatibility standards in section 3 of this article must meet additional foundation requirements. Structures that are elevated more than 48 inches for more than 25 percent of the square footage will not have to be skirted if located in a floodplain area.
- 2.3 Prohibited uses.
- 2.3.1 No manufactured home, mobile home, or site-built single-family detached dwelling shall remain vacant for a period exceeding 120 days. This subsection does not apply to manufactured housing dealers or planned manufactured housing communities.
- 2.3.2 No manufactured home or mobile home may be used as a storage facility except as provided herein.
- 2.3.3 Failure to comply with the provisions of this section within 60 days of receipt of a certified letter from the Development Services Official or designee will result in the removal of said structure at the real property owner's expense. The cost charged to the property owner for removal of said structure will be the actual removal cost and will be assessed against the land.
- 2.4 Each newly installed manufactured or mobile home that is not located in a planned manufactured home community shall conform to the minimum construction and safety standards required by the U.S. Department of Housing and Urban Development before being connected to any utility service. It is the intent of this section of this ordinance to prohibit moving manufactured or mobile homes into Effingham County that do not conform to the applicable Housing and Urban Development construction and safety standards.
- 2.5 Each mobile home and manufactured home in Effingham County shall have beneath and descending from each outside door of such home a platform and a set of steps descending to the ground or grade level. The steps and platform must be constructed of all-weather materials or manufactured kits. Furthermore, all construction and/or manufactured kits shall comply with the requirements of Georgia Administrative Code Chapter 120-3-7, Rules and Regulations for Manufactured Homes. Each newly installed mobile home and manufactured home in this county shall comply with the requirements of this subsection.
- 2.6 Each manufactured home qualifying as a class A single-family detached dwelling shall be assessed as real property for the purposes of ad valorem taxation.
- 2.7 Except as otherwise provided in this ordinance, all structures existing within the unincorporated areas of Effingham County as of the date of this ordinance [XXXX] shall be considered nonconforming and exempt from the requirements of this ordinance, provided such structures are not relocated, replaced, or expanded.
- 2.8 Subject to the limitation set forth in section 2.55.2 of the Zoning Ordinance of Effingham County, Georgia, a nonconforming single-family dwelling which has been damaged by fire, explosion, act of God, or act of war may be repaired, reconstructed, or replaced with a nonconforming structure of the same dimensions and used as before the time of damage, provided such repair, reconstruction, or replacement is completed within one year of the date of such damage and provided that the structure meets all applicable county building and permitting requirements.
- 2.9. Flag lots, as defined in Article II, shall be prohibited.

Section 3. - Compatibility standards for single-family dwellings.



3.1 [Requirements.] All class A single-family detached dwellings shall meet or exceed the following requirements:

3.1.1 *Foundation.*

3.1.1.1 The structure shall be attached to a foundation to be installed according to the manufacturer's or architect's specifications and soil conditions.

3.1.1.2 The area beneath the ground floor of the structure shall be enclosed around the exterior of the structure with a curtain wall constructed of masonry at least four inches thick or enclosed by an approved manufacturer's underpinning kit, penetrated only by openings for installed vents and access doors. If a masonry curtain wall is constructed a permanent foundation that is at least six inches deep and 12 inches wide must be constructed.

3.1.2 *Exterior siding.* Exterior siding materials shall consist of any combination of wood, brick, stone, stucco, or similar materials, or lap siding of hardboard, vinyl, vinyl covered or painted metal, or similar materials.

3.1.3 *Roofs.*

3.1.3.1 All roof surfaces shall have a minimum pitch of 2:12 (two feet of rise for every 12 feet of run);

3.1.3.2 All roof surfaces exposed to view shall be covered with asphalt or fiberglass shingles, wood shakes or shingles, standing seam (noncorrugated) tin, clay tiles, slate, or similar materials.

3.1.4 [Minimum width.] Except as may be provided by Section 3.2, the minimum width of the structure shall be 14 feet.

3.1.5 [Minimum dimension for landing.] Each structure must have a landing with a minimum dimension of 48 inches by 48 inches, steps, and handrails.

3.2 *Exemptions from compatibility standards.* Exemptions from the compatibility standards may be granted to place a class B single-family detached dwelling in a residential zoning district restricted to class A single-family detached dwellings if the structure appears to be compatible in appearance to other housing in the immediate general area within the same zoning or residential district or area. Approval to place the structure may be granted by the planning board upon application and determination that the dwelling is substantially similar or superior in size, siding material, roof material, foundation, and general aesthetic appearance to:

3.2.1 Site-built or other forms of housing which may be permitted in the same general area under this ordinance;

3.2.2 Existing development; or

3.2.3 Proposed development in the same zoning classification or area, or as envisioned in the comprehensive plan of Effingham County.

3.2.4 Notwithstanding the criteria above, the planning board may grant a permit to place a manufactured home of less than 14 feet in width within a zoning district restricted to class A single-family detached dwellings during the construction of a site-built home. Said permit shall remain valid for a period which shall be the lesser of two years or issuance of the certificate of occupancy for the site-built home. Said permit may be extended for a period not to exceed one year upon approval of the county commission.

3.3 *Process.* The owner shall, prior to securing a building permit or placement of the structure, submit to the Development Services Official or designee an application containing the following:

3.3.1 Applicant's name and address and his or her representative, and the interest of every person represented in the application.

3.3.2 Documentation, which may include statements, pictures, or maps, of uses in the zoning district and the abutting district in which the structure is proposed to be placed.

- 3.3.3 A plat or sketch plan showing the configuration of the land on which the structure is to be placed and the location of placement, including distances of the structure from the property lines.
- 3.3.4 Specifications or pre-design plans which contain a complete description of the structure, including but not limited to square footage, siding material, roof material and pitch, foundation, and other evidence of the general aesthetic appearance required by the Development Services Official or designee and necessary to make a determination of compliance and compatibility as required by this ordinance.
- 3.3.5 Documents certifying that the structure is in compliance with the Standard Building Code, the National Manufactured Home Construction and Safety Standards, and any other codes, regulations, or manufacturing standards as required by this ordinance.
- 3.3.6 The applicant must carry the burden of proof to establish that the structure is compatible with surrounding structures. The criteria should include such factors as exterior material, square footage, foundation type, and other factors as deemed necessary for compliance and compatibility as required by this ordinance. The planning board shall further consider the possible negative effect of the structure on the property values of other properties in the immediate area and the possible effect the structure could have on the surrounding area in the event of inclement weather or high winds.

#### 3.4 Appeals.

- 3.4.1 The county commission may approve an exemption from one or more of the compatibility standards provided herein on the basis of finding that the material to be utilized or the architectural style proposed for the structure will be compatible and harmonious with existing structures in the vicinity. The findings must be in writing and adopted by the county commission.
- 3.4.2 The applicant must apply for the exemption and carry the burden of proof to establish that the structure is compatible with surrounding structures. The criteria should include such factors as exterior material, square footage, foundation type, and other factors as deemed necessary for compliance and compatibility as required by this ordinance. The county commission shall further consider the possible negative effect of the structure on the property values of other properties in the immediate area and the possible effect the structure could have on the surrounding area in the event of inclement weather or high winds. The applicant must file for appeal within 30 days of the decision of the planning board.

3.5 *Violations.* It shall be a violation of this ordinance to occupy any structure without first obtaining a certificate of occupancy from the Development Services Official or designee, who, before issuing said certificate of occupancy, shall determine that the structure is in compliance with the terms of this ordinance and all other zoning requirements and county ordinances. In the event the Development Services Official or designee is unable to determine whether the applicant meets the criteria established by this ordinance or other zoning requirements and county ordinances, the Development Services Official may refer the matter to the planning board for a final determination of applicability.

#### Section 4. - Other structures.

- 4.1 Any person, firm, or corporation desiring to place a manufactured home or site-built single-family dwelling not complying with the standards in this article within the limits of the county may make an application for same to the Development Services Official. The Development Services Official shall refer said application to the planning board which shall make a recommendation to the county commission on the basis of the criteria set forth in section 4.2 of this article.
- 4.2 If, in the opinion of the county commission, it should become necessary as a temporary emergency or hardship or for security or protection, such permit may be granted on a limited basis for a period not exceeding one year from the date of permit. If, before the anniversary date of the permit, the emergency or other reasons for the structure ceases to exist, then said permit automatically shall be cancelled and said structure shall be removed by the owner. If said structure is not removed, it will be removed by the county at the owner's expense as provided in section 2.3 of article III of this ordinance.

### 3.21 - Mobile homes, trailers, mobile home parks, and trailer parks.

No trailer, manufactured home, industrialized home, or mobile home shall be parked outside of a campsite/RV park or planned manufactured home community unless specifically permitted in a particular zoning district to provide living quarters or space for the conduct of a business. A trailer, manufactured home, industrialized building, or mobile home may be used temporarily for office purposes during the construction of a principal building or road upon the issuance of a temporary permit by the zoning officer. Notwithstanding the foregoing, any owner of camping and recreational equipment, including but not limited to travel trailers, pick-up coaches, motorized homes, and boat trailers, may park or store such equipment on private residential property subject to the following conditions:

- 3.21.1 Such parked or stored camping and recreational equipment shall never be occupied or used for living, sleeping, or housekeeping purposes.
- 3.21.2 If the camping or recreational equipment is parked or stored outside of a building, it shall be parked or stored, if possible, to the rear of the front building line of the lot.
- 3.21.3 Notwithstanding the provisions of subsection 3.21.2 above, camping and recreation equipment may be parked anywhere on the premises while actually being loaded or unloaded.

### 3.21A. - Mobile and manufactured homes septic tank installation.

Any certificate of occupancy and any building permit issued for a mobile home or manufactured home may be revoked by the Development Services Official 30 days or more after issuance of such certificate or permit upon a determination that the mobile home or manufactured home has not been connected to a properly functioning septic tank or sewage system, duly approved by the county health department.

### 3.38 - Structures in nonresidential zones

#### Section 1. - Procedure.

An exemption may be granted to locate a manufactured home, manufactured office, or industrialized structure in a nonresidential zoning district for non-residential uses provided the following requirements are met:

- 1.1 An application for placement must be filed with the Development Services Official or designee, said application containing the following:
  - 1.1.1 Applicant's name and address and his representative, and the name and interest of every person represented in the application, and having an interest in the business or enterprise which shall use the structure, and in the land on which the structure shall be located.
  - 1.1.2 A legal description of the property on which the structure is to be placed, together with a recent plat of the property prepared by an architect, engineer, or land surveyor, whose state registration is valid and whose seal shall be affixed to the plat. The plat must contain property lines, bearings, distances, adjoining streets with right-of-way and paving width, location of existing structures, creeks, easements, north arrow, and scale.
  - 1.1.3 A statement of circumstances in the proposed district and the abutting districts.
  - 1.1.4 A plat or sketch plan showing the configuration of the land on which the structure is to be placed and the location of placement, including distances of the structure from the property lines.
  - 1.1.5 Specifications or pre-design plans which contain a complete description of the structure to include square footage, siding material, roof material and pitch, foundation, and other

evidence of the general aesthetic appearance required by the Development Services Official or designee and necessary to make a determination of compliance and compatibility as required by this ordinance.

1.1.6 Documents certifying that the structure is in compliance with the Standard Building Code and any other codes, regulations, or manufacturing standards as required by this ordinance.

1.1.7 It shall be a violation of this ordinance to occupy or commence activity from any structure without first obtaining a certificate of occupancy from the Development Services Official or his designee, who shall determine, before issuing a certificate of occupancy, that the structure is in compliance with the terms of this ordinance and all other zoning requirements and county ordinances. In the event the Development Services Official or designee is unable to determine whether the applicant meets the criteria established by this ordinance, the Development Services Official may refer the matter to the planning board for a final determination of applicability.

1.2 Manufactured homes or industrialized buildings may be permitted in nonresidential districts for nonresidential uses provided the following criteria are met:

1.2.1 Placement of said structure complies with the requirements and limitations generally applicable in such zoning districts, including but not limited to minimum lot size, yard and building spacing, square footage requirements, percentage of lot coverage, off-street parking requirements, and approved foundations as described herein;

1.2.2 The structure compares favorably to site-built and other structures in the immediate general area within the same zoning district. Approval to place the structure shall be granted by the Development Services Official or designee upon application and determination that the structure is substantially similar in size, siding material, roof material, foundation, and general aesthetic appearance to:

- (1) Site-built or other forms of structures which may be permitted in the same general area under this ordinance;
- (2) Existing development; or
- (3) Proposed development in the same zoning district or area, or as envisioned in the comprehensive plan of Effingham County.

1.2.3 In making a determination the Development Services Official or designee shall consider exterior materials, square footage, foundation type, and other factors as deemed necessary for compliance and compatibility as required by this ordinance.

1.2.4 All towing devices, wheels, axles, and hitches must be removed, unless the removal of said transportation devices would affect the structural integrity of the structure.

1.2.5 The structure shall be attached to a permanent foundation, to include foundation walls. Skirting of structures is not sufficient to comply with the requirements of this article.

1.2.6 The structure shall be constructed according to the standards established by the Standard Building Code adopted by the county and in effect at the time of erection or placement. A manufactured building unit must bear the label or seal of compliance with the National Manufactured Home Construction and Safety Standards issued by the Department of Housing and Urban Development. No manufactured home unit manufactured before June 15, 1976, shall be allowed within the county. The Development Services Official or designee shall report any manufactured home or building unit manufactured after June 15, 1976, that does not bear such seal or label to the state administrative agency having jurisdiction and shall not grant a certificate of occupancy. All modular or industrialized homes must bear any and all labels, stamps, or seals of compliance required by the department of community affairs or Effingham County.

1.3 The county commission, based on a recommendation from the planning board, may approve an exemption from one or more of the development or architectural standards provided herein upon a finding that the material to be utilized or the architectural style proposed for the structure will be compatible and harmonious with existing structures in the vicinity. The applicant must apply for the variance and carry the burden of proof to establish that the structure is compatible with surrounding structures. The criteria should include such factors as exterior materials, square footage, foundation type, and other factors as deemed necessary for compliance and compatibility as required by this ordinance.

### 3.38 Reserved

### 3.41 - Swimming pools, private community, or club.

3.41.1 *Swimming pools.* A swimming pool, whether in the ground or permanently installed aboveground, is hereby defined as any pool, lake, or open tank, other than a farm pond, which is not located within a completely enclosed building and which contains, or is capable of containing, water at a depth at any point greater than 1½ feet. No such private swimming pool shall be allowed in the B-1, AR, PD districts, or in any R district, except as an accessory use, and unless it complies with the following conditions and requirements:

3.41.2 *Use.* The pool is intended and is to be used solely for the enjoyment of the occupants of the principal use of the property on which it is located and their guests, and no fee shall be charged.

3.41.3 *Location.* It may not be located, including any walks or paved areas or accessory structures adjacent thereto, closer than ten feet to any property line of the property on which it is located.

#### 3.41.4 *Reserved.*

3.41.5 *Community or club swimming pools.* A community or club swimming pool shall be any pool constructed by an association of property owners, or by a private club solely for use and enjoyment by members of the association or club and their families and guests of members. Community and club swimming pools shall comply with the following conditions and requirements:

3.41.5.1 The pool and accessory structures thereto, including the areas used by the bathers, shall meet the front setback for the district in which it lies. Side and rear setbacks shall be ten feet.

3.41.5.2 The swimming pool and all of the area used by the bathers shall be so walled or fenced as to prevent uncontrolled access by children from the street or adjacent properties. The said fence or wall shall not be less than four feet in height and maintained in good condition and grounded for electricity. The area surrounding the enclosure, except of the parking spaces, shall be suitably landscaped with grass, hardy shrubs, and trees and shall be maintained in good condition.

(Ord. of 6-23-15)

### 3.42 - Time limitation.

No building permit for construction, erection, or alteration of any building or structure or part thereof, or for signs or outdoor advertisements, or part thereof, shall be valid for more than six months unless work at the site has commenced within such period.

### 3.43 - Notice of starting work.

The building and zoning inspector shall be given at least 24 hours' notice by the owner or applicant prior to commencement of work at the site under building permits.

### 3.44 - Temporary dwelling allowance.

In the case of a single-family residence being destroyed by natural disaster or accidental fire it shall be allowed in all agricultural and single-family residential districts for a recreational vehicle or trailer to be moved onto the property for use as a temporary dwelling during the replacement of the primary residence. This special exemption shall be permitted for a period of no longer than one year. Placement of the vehicle must meet all setback requirements and be approved by the Effingham County Building Department. Sanitation must be approved by the Effingham County Health Department.

(Ord. of 5-4-10, § 1)