

Staff Report

Subject: Ordinance Revision
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Department: Development Services
Date: June 4, 2024

Item Description: Amendment To Part II, Appendix C, Article II Definitions

Summary Recommendation

The county needs amendments to the current zoning ordinance. The county planning staff have suggested several amendments to the zoning ordinance. Some are just clarification and a few additional definitions.

Executive Summary/Background

Development Services is recommending the following changes:

- Added a definition of family subdivision.
- Changed the definition of minor subdivision.
- Made some grammar and spelling changes.

- **Alternatives:**

Approve an amendment to the Code of Ordinances Amendment to **Part II, Appendix C, Article II Definitions**

Deny an amendment to the Code of Ordinances Amendment to **Part II, Appendix C, Article II Definitions**

Recommended Alternative: 1

Other Alternatives: 2

Planning Board: No Recommendation

Department Review: Development Services

FUNDING: N/A

Attachments: Amendment To Part II, Appendix C, Article II Definitions

ARTICLE II. - DEFINITIONS

For the purpose of the administration and enforcement of this ordinance, and unless otherwise stated in this ordinance, the following words shall have a meaning as indicated herein.

Words used in the present tense shall include the future tense; words used in the singular number shall include the plural number; words used in the plural number shall include the singular number; the word "shall" is mandatory, not directory.

Accessory buildings. A, garage, or other building, use or structure subordinated to and not forming an integral part of the main or principal building on a lot or parcel but pertaining to the use of the main building.

Accessory dwelling unit. An independent dwelling unit that is located on the same lot as a single-family residential structure and is smaller than the lot's principal structure.

Advertising signs. A surface whereon advertising material is set in public view, including reference to any use of premises whereon it is displayed or posted.

Agricultural uses (including commercial greenhouses and plant nurseries). The use of land for one or more of the following:

1. Production of fruits and vegetables; production shall include, as permitted accessory uses, the sorting, grading, cooling, washing or initial packing of the agricultural output from the lot;
2. Production of nut trees, citrus and other fruit trees, vines, and bushes; production shall include, as permitted accessory uses, the sorting, grading, cooling, washing or initial packing of the agricultural output from the lot;
3. Pasture for cattle, horse, sheep or goats and other farm animals;
4. Forestry and other forms of food and fiber production for human and animal consumption;
5. Greenhouses, plant farms and ornamental horticulture; and
6. Raising, breeding, working and use of animals:

Airfields (general). An area of land or water which is used or intended to be used for the landing and taking off by aircraft, which provides limited size runways and may or may not provide facilities such as aircraft parking areas, hangars, repair facilities, control towers, shelters and vehicle parking.

Airport landing strips. A long flat area of ground that is used by aircraft with wings when taking off and landing.

Alley. A narrow thoroughfare dedicated or used for public passageway up to 20 feet in width, which usually abuts the rear of the premises, or upon which service entrances or buildings abut, and which is not generally used as a thoroughfare by both pedestrians and vehicles, is not used for general traffic, and is not otherwise officially designated as a street. A way which affords only a secondary means of access to abutting property.

All-terrain vehicle (ATV) track. See "racing track" in this section.

Alteration. Any change in the arrangement of a building, including any work affecting the structural parts of a building; or an enlargement; or any change in wiring, plumbing, heating, or cooling system; and includes the words "to alter" and "alter."

Animal Care. Raising, breeding, working and use of animals.

Apartment building. A building which is used or intended to be used as a home or residence for more than two families living in separate quarters.

Assembly (not manufacturing). The fitting or joining of parts of a mechanism by means of fasteners, nuts and bolts, screws, glue, welding, or other similar technique. Industrial assembly does not include the construction, manufacturing, stamping, or reshaping of any of the component parts.

Automated bank tellers. An automated facility through which certain banking functions such as deposits and withdrawals can be completed. For the purposes of this Code, when "automatic teller" is listed as a separate use, it refers to a freestanding facility not a part of a bank or branch bank building or structure.

Automotive sales, services, and storage. The sale, service, or storage of new or used automobiles, including paint and body repair shops. Any business that stores automobiles shall only store automobiles that will be put back in use on the roadways of the United States. ~~*Bed and breakfast lodging facility.* A transient accommodation with onsite staff that provides no more than nine guestrooms. At least one meal shall be offered and served on the premises to registered evening guests. The facility must meet all requirements of the Effingham County Health Department parking requirements shall be the same as for hotels and motels.~~

Banks. A financial institution engaged in deposit banking and closely related functions, such as the extension of credit by means of loans and investments, and fiduciary activities.

Beauty Parlor/Barber Shop. See "Personal Service" in this section. *Boat house.* A house or shed for sheltering one or more boats.

Bed and breakfast lodging facility. Transient accommodation with onsite staff that provides no more than nine guestrooms. At least one meal shall be offered and served on the premises to registered evening guests. The facility must meet all requirements of the Effingham County Health Department parking requirements shall be the same as for hotels and motels.

Boat sales. A marine retail sales establishment in which boats are sold.

Boat repairs. The use of land, structures or buildings for the purposes of mending, or restoring boat and related items after decay, damage, dilapidation or partial destruction.

Boat storage facilities. Marine storage use, in which space on a lot on dry land, inside a building either over-water or on dry land, or on a system of docks is rented or sold to the public for the purpose of storing boats.

Boundary of district. The centerline of a street or right-of-way or the centerline of an alleyway between the rear or side property lines, or, where no alley or passageway exists, the rear or side property lines or all lots bordering on any zoning district limits, or any zoning district boundary shown on the maps adopted by section 4.2.

Buildable area. That portion of any lot which may be used or built upon in accordance with the regulations governing the given zoning district within which the particular lot is located, once the various front, side, and rear yard requirements required for the district have been subtracted from the total lot area.

Building. Any structure having a roof entirely separated from any other structure by space or by walls, having no communicating doors or windows or similar opening, and being erected for the purpose of providing support of shelter for persons, animals, things, or property of any kind, and having a foundation to which it is anchored.

Building height. The height of a building with a gabled or hip roof shall be the vertical distance measured from the average elevation of the finished building site to the top of the roof of the uppermost story or to the deck line of a mansard roof. The height of a building with a flat or nearly flat roof, less than seven degrees from the horizontal, shall be measured from the footing as stated above to the highest point of the roof.

Building line. A line delineating the minimum allowable distance between the street right-of-way and nearest extreme projection of a building (including all areas covered by any vertical projections to the ground or overhang, walls, roof, or any other part of the structure).

Building site. The ground area of a building or buildings together with all open spaces surrounded by said building or buildings.

Building inspector. Any person hired by the county commissioners to inspect, determine compliance with, and render minor decisions concerning the compliance of structures and lots within Effingham County.

Bullet trap. A device designed to trap or capture entire bullets or fragments versus redirecting the projectile into a water body, wetland or earthen backstop.

Bus station. A designated area where local buses stop to load and unload passengers along local routes.

Cafes and restaurants. Eating establishments at which food and/or beverages are served 1) by waitresses or waiters to patrons seated at booths or tables; or 2) cafeteria style; (3) or customers receive the food and/or beverages at a counter, bar, or from a drive-in window. The customer may or may not consume the food or beverage on site.

Camper. A motor home, ~~tent~~, (needs own definition) trailer, or other self-contained vehicle designated for recreational purposes.

Care homes. Includes rest and nursing homes, convalescent homes, and boarding homes for the aged established to render nursing care for chronic or convalescent patients but excludes facilities for care of active or violent patients such as feebleminded or mental patients, epileptics, alcoholics, senile psychotics, or drug addicts.

Caretaker residence. An accessory dwelling in the Conservation Preservation district, occupied by the person and his or her family who oversees the operation 24 hours a day.

Cemeteries. Land used or intended to be used for the burial of human remains including, mausoleums, and mortuaries, if operated in connection with and within the boundaries of such cemetery.

Centerline, highway. The line running parallel with the highway right-of-way which is halfway the distance between the extreme edges of the official right-of-way width as shown on maps approved by the county tax assessor.

Certified survey. A survey, sketch, plat, map, or other exhibit is said to be certified when a written statement regarding its accuracy or conformity to specified standards is signed by the specified professional engineer, registered surveyor, architect, or other legally recognized person.

Charitable institutions. An organization that provides philanthropy, social services, or charity in promotion of the public good and not for profit.

Childcare center. See "Day care Facilities" in this section.

Church or religious institution. A legally approved structure and its accessory buildings used and approved on a permanent basis, primarily for the public worship of God. *Club/Private recreational facilities.* An organization or association of persons for some common purpose, such as, but not necessarily limited to, a fraternal, social, educational, or recreational purpose, but not including clubs organized primarily for profit or to render a service, which is customarily carried on as a business. Such organizations and associations must be incorporated under the laws of Georgia as nonprofit corporations and such corporations' major purpose shall not be for the purpose of serving alcoholic beverages to its members or others. This may not be located on, or in connection with any commercial activity.

Commissioners. The board of commissioners of Effingham County, which is the local governing authority for Effingham County.

Commercial firing range. Any building or premises where there are facilities of any sort for the firing of handguns, rifles, or other firearms and individuals are charged either a daily fee or an annual membership fee.

Commercial vehicle parking. A parking area containing a motor vehicle, trailer, or semi-trailer having a gross weight of more than 10,000 pounds.

Commercial recreational. A sports-oriented facility used for a variety of health, recreational, or social activities. Activities are primarily by and for participants; spectators are incidental and present on a non-recurring basis. Activities may be conducted within an enclosed building or in open facilities. Includes amusement facilities.

Commercial riding stables. A structure or land use in or on which horses are kept for training and boarding and individuals pay for the use of the land or facilities.

Common outdoor open space. Areas accessible from all parts of the development. Common open space can include passive or active recreation areas, pathways, swimming pools, and open areas for congregating. 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.

Conditional use. Those uses allowed within a district, only after specific requirements are met. The commissioners at their discretion may require additional restraints, restrictions, qualifications, or limiting factors upon a specific use so that it becomes acceptable. A public hearing shall be required with regard to all proposed conditional uses. The applicant needs to verbally agree to the conditions set by the commissioners.

Convenience store (no gas pumps). A retail store, 10,000 square feet or less, which sells convenience items as its primary sales.

Crematorium. An establishment for the burning of human remains or animal remains.

Culvert. A sewer or drain crossing under a road, driveway, or embankment.

Day care facilities. Any establishment other than a Family Child Care Learning Home as defined herein that provides, on a regular basis, supervision and care for children unrelated to the operator for a period of less than 24 hours a day and which receives a payment, fee, grant or bartering arrangement for any of the children receiving care, wherever operated, and whether or not operated for profit, except that the following are not included: public schools and non-public schools which are in compliance with the compulsory school attendance law, Section 20-2-690.1, Georgia Statutes; summer camps having children in full-time residence; summer day camps; and Bible schools normally conducted during vacation periods. The term includes kindergartens, nurseries, nursery schools, childcare centers, and day nurseries.

Density. The number of units or buildings per acre, or the number of people per unit, building, acre, or mile; the quantity of people, structures, or units within a specified area.

Depth of lot. The depth of lot is the depth between its mean front street line and its mean rear line, measured along the median between the two side lot lines.

Docks. A structure built over or floating upon the water and used as a landing place for boats and other marine transport, fishing, swimming, and other recreational uses.

Reserved.

Drive-in theater. An open lot devoted primarily to showing movies to patrons seated in vehicles.

Drive through (thru). Eating establishments at which the customers receive the food and/or beverages at a drive-in window. ~~Dry cleaning outfits. A business that launders clothing where clothing is dropped off and picked up by customers.~~

Dry cleaning outfits. A business that launders clothing where clothing is dropped off and picked up by customers.

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.

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.

Duplex. A residential building designed for, or used as, the separate homes or residences of two separate and distinct residences 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.

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

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.

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.

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.

Garden apartment. Three or more attached dwelling units in a two- or three-story building.

Multifamily. A building designed for or occupied by two or more families.

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.

Dwelling unit. A structure or a portion of any structure designed, arranged and used for living quarters for one or more persons living as a single housekeeping unit with cooking facilities, but not including units in hotels, motels, boarding houses, or like uses.

Dwelling, group. A building or portion of a building occupied or intended for occupancy by households, and in which separate cooking facilities are not provided for such resident persons or households. The term "group dwelling" includes, but is not limited to, rooming houses, apartment hotels, fraternity houses or sorority houses, Y.M.C.A., or Y.W.C.A. A hotel, motel, or tourist home shall not be deemed to be a group dwelling as herein defined.

Reserved.

Enclosed storage. The storage of goods, materials, machinery or supplies completely inside of a structure.

Energy plant. A facility that generates electricity by means of geothermal power, burning of coal, oil, or gas, or by hydropower. Accessory generators for hospitals, schools, and other similar uses shall not be considered a power generation facility, nor does the use include Solar Farms as defined by this Code.

Engineer. Any person having an acceptable degree from a recognized institution of higher learning who can determine the correct manner in which to construct roads, streets, highways, water and sewerage systems, drainage system, structures, or other technically related areas. The person to be county engineer must be recognized by the State of Georgia as one.

~~*Estate.* Any residential site comprising five acres or more shall come within the meaning of the word "estate."~~

Events venue, private. 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 private property.

Events venue, public. 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 other public property.

Family. One person, or a group of two or more people occupying a dwelling unit as a single-family unit, with a single set of kitchen facilities.

Family childcare learning home. A private residence operated by any person who receives therein for pay for supervision and care fewer than 24 hours per day, without transfer of legal custody, at least three but not more than six Children under 13 years of age who are not Related to such persons and whose Parent(s) are not residents in the same private residence as the Provider and which is required to be licensed.

Flag lot. A lot that has access to the road provided along a long narrow strip of land and does not meet the minimum lot width along a right-of-way.

Flood prone areas. That land adjacent to a creek, stream, river, channel, canal, or other body of water that is designated as a floodplain or flood prone area by a governmental agency.

Floor area. The sum of the gross floor area for each of the several stories under roof, measured from the interior limits or faces of a building or structure.

Floor area ratio. The floor area of a building or buildings on any lot is divided by the area of the lot.

Florist (retail & wholesale). A business whose principal activity is the selling of plants which are not grown on site and conducting business within an enclosed building.

Frontage. The distance or width of a parcel of land abutting a public right-of-way and as measured upon such right-of-way.

Funeral homes. An establishment engaged in preparing human remains for burial and conducting funerals.

Garage, community. A structure or series of structures under one roof, and under one ownership, for the storage of vehicles by three or more owners or occupants of property in the vicinity, where said structure has no public shop nor mechanical services in connection therewith.

Garage, private. A structure for the private use of the owner or occupant of a principal building, situated on the same lot as the principal building for the storage of motor vehicles, with no facilities for mechanical service or repair of a commercial or public nature for profit.

Garage, public. A structure for the storage, care, repair, or refinishing of motor vehicles, or a structure containing a public shop, or where automotive mechanical service is provided.

Gas station. A structure designated or used for the retail sale or supply of fuel, lubricants, air, water, and other operating commodities for motor vehicles and including the customary spacing and facilities for the installation of such commodities on or in such vehicles, but not including space or facilities for the storage, painting, repair, refinishing, body work, or other servicing of motor vehicles.

Go cart track. See "racing track" in this section.

Golf course. An area of land used for the playing of golf that includes at least nine holes, tees, greens, fairways, and hazards.

Government-owned utilities. All public lines and facilities related to the provision, distribution, collection, transmission, or disposal of water, storm and sanitary sewage, oil, gas, power, information, telecommunication, and electricity. *Highway.* Any public thoroughfare of paving 22 feet or wider, including a street, which affords primary access to abutting property, and any thoroughfare of less width which is not classified as an alley (street).

Historic structure. A structure that is at least 50 years old and meets one of the following requirements:

- 1 Listed on either the National or Georgia Register of Historic Places.
- 2 Eligible for listing on either the National or Georgia Register of Historic Places; or
- 3 Currently receiving or eligible to receive tax credits for rehabilitation of historic properties.

Home occupation. An occupation or profession which is conducted entirely within a dwelling, which is carried on only by residents of the home, which does not involve customers or clients coming onto the premises, and which is clearly incidental and secondary to the use of the dwelling for residential purposes.

Hospital. An institution providing health services, primarily for in-patients, and medical and surgical care of the sick or injured, including as an integral part of the institution such related facilities as laboratories, out-patient departments, training facilities, central service facilities, and staff offices.

Hotel. A building occupied as the more or less temporary residence of individuals who are lodged, with or without meals, and in which there are ten or more sleeping rooms with entrances through a common lobby or office.

Hunting lodge. The use of land, structure, or buildings for the provision of lodging to persons participating in activities on or nearby areas designated for hunting and fishing activities.

Indoor Entertainment Facilities. A building or complex of buildings where activities relating to games or recreation are conducted or held. Accessory uses may include the preparation and serving of food, or the sale of equipment related to the enclosed uses.

Industrialized home. A dwelling manufactured in accordance with the Georgia Industrialized Building Act (O.C.G.A. title 8, chapter 2, article 2, part 1) and the Rules of the Commissioner of the Georgia Department of Community Affairs issued pursuant thereto, bearing an insignia of approval issued by the commissioner.

Jails, correctional institutions, & detention facilities. A facility for the housing of persons convicted of or being held for a crime.

Junk. Old and dilapidated automobiles, trucks, tractors, and other such vehicles and parts thereof, wagons and other kinds of vehicles and parts thereof, scrap building material, scrap piping, bottles, glass, old iron, machinery, rags, paper, excelsior, hair, mattresses, beds or bedding, or any other kind of scrap or waste materials which is stored, kept, handled, or displayed within the county limits.

Junk yard. Any land or building used for commercial storage and/or sale of paper, rags, scrap metals, other scrap, or discarded materials, or for the dismantling, storage, or salvaging of automobiles or other vehicles not in running condition, or of machinery or parts thereof, but not to be

used as a dump. A "junk yard" also includes any outdoor area that is used exclusively for the temporary storage of wrecked automobiles, which are automobiles that do not get repaired and put back in use on the roadways of the United States, provided that no work shall be performed on any wrecked automobile while it is in storage.

Laboratories. An establishment engaged in the testing and analysis of material for medical or dental services or for the patient on prescription of a health practitioner.

Libraries. A building in which literary, musical, artistic or reference materials are kept for use but not generally for sale.

Loading areas. Space location designed to accommodate the temporary parking of vehicles used for bulk pickups and deliveries.

Lot. Parcel of land shown on a recorded plat or on the zoning map, or any piece of land described by a legally recorded deed.

Lot, corner. Any lot situated at the junction of and abutting on two or more intersections or intercepting streets or public highways. If the angle or intersection of the direction lines of two highways is more than 135 degrees, the lot fronting on said intersection is not a corner lot.

Lot, interior. Any lot which is not a corner lot that has frontage only on one street other than an alley.

Lot lines, front. In the case of a lot abutting upon only one street, the front lot line is the line separating such lot from such street. In the case of a corner lot, that part of the lot having the narrowest frontage on any street shall be considered the front lot line. In the case of any other lot, one such line shall be elected to be the front lot line for the purpose of this ordinance, provided it is so designated by the building plans which meet the approval of the building and zoning inspector.

Lot lines, rear. The rear lot line is that boundary which is opposite and most distant from the front lot line. In the case of a lot pointed at the rear, or any odd-shaped lot, the rear lot line shall be determined by the building and zoning inspector.

Lot lines, side. A side lot line is any lot boundary line not a front lot line or a rear lot line. A side lot line separating a lot from a street is an exterior side lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

Lot, thru. Any lot having frontage on two parallel or approximately parallel streets or other thoroughfares.

Manufactured home. A dwelling fabricated in an off-site facility for installation or assembly at the building site, bearing a label certifying that it is constructed in compliance with the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. § 5401 et seq.).

Manufactured home site. A parcel of land designed and designated for the location of one manufactured home, its accessory buildings or structures, and accessory equipment for exclusive use of the home.

Manufactured home stand. That area of a manufactured home site which has been reserved for placement of a manufactured home.

Manufacturing (heavy). An establishment engaged in manufacturing, assembly, fabrication, mining, packaging or other industrial processing of products primarily from extracted or raw materials or the bulk storage and handling of such products and materials, or an industrial establishment having potential to produce noise, dust, glare, odors or vibration.

Manufacturing (light). Manufacturing predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment and packaging of such products, and incidental storage, sales, and distribution of such products, but excluding basic industrial processing and custom manufacturing.

Mapped streets. A mapped street is any approved street shown on an official map or the projection of any existing street through an unsubdivided parcel of land, whether the street is dedicated or in existence or not.

Marina, docks & boat houses. Any facility for the mooring, berthing, storing, or securing of watercraft.

Marshland. All land subject to tidal action which is comprised of generally unstable soil materials commonly known as "hard or soft" marsh, which in its natural state is vegetated with marsh grass, reeds, and similar growth and is usually characterized by poor load-bearing capacity. Marshland lies below an elevation of six feet above mean sea level.

Metal plating and/or smelting. An establishment primarily engaged in all types of electroplating, plating, anodizing, coloring, and finishing of metals and formed products for the trade.

Mining. The process of extracting minerals from the earth.

Mixed-use residential. A development that includes primary residential and primary non-residential uses on the same development site.

Mobile home. A dwelling manufactured prior to June 15, 1976, which is transportable in one or more sections; in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or when erected on site, is 320 or more square feet in floor area; is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities; and includes the plumbing, heating, air-conditioning, and electrical systems contained therein. All mobile homes must be installed in accordance with O.C.G.A. § 8-2-160, et. Seq. Mobile homes must meet the construction standards specified in ANSI A119.1. Compliance with ANSI A119.1 shall be determined by the following procedures:

For mobile homes that are proposed to be relocated within Effingham County, the county building inspector or designee must inspect the unit to determine if the unit meets the Standards of ANSI A119.1 standards and all other applicable Effingham County ordinances are met, after which the county administrator or designee may issue the building permit for placement of the mobile home on site. An inspection fee determined from time to time by the board of commissioners shall be charged for each individual inspection of a mobile home.

Mobile home parks & subdivisions. Any parcel of land or portion thereof which is used or offered for use as a location for one or more mobile homes.

Mobile offices. A mobile home, trailer, recreational vehicle, or modular unit, or space within a permanent structure used as a temporary office facility.

Motel or motor hotel. A building or group of two or more buildings designed to provide sleeping accommodations for transient or overnight guests with no common entrance or lobby. Each building shall contain a minimum of ten residential units or rooms which generally have direct, private openings to a street, drive, or patio, etc.

Motorbike track. See "racing track" in this section.

Multi-family dwellings. A structure containing two or more dwelling units attached to each other by walls, garages, carports, utility rooms, breezeways, etc. or conventional dwelling units, whether attached or detached from each other, which share a single deeded lot. Each dwelling unit of the multiple family structures may be located on one deeded lot or may be on separately deeded lots. Multi-family includes such structures as duplexes, triplexes, quadraplexes, townhouses and apartments, as well as dormitories, congregate living facilities, life care treatment facilities and professional residential facilities.

Museums. An establishment engaged in the procurement, care, study, and display of objects of historical, educational and cultural value and interest.

Noncommercial horticulture or agriculture. The use of land for the growing of fruits, vegetables, flowers and ornamental plants for personal use.

Nonconforming lot. Any lot that is smaller than the minimum dimensions, area, or other regulations of the district in which the lot is located.

Nonconforming use. Use of any property or premises in any manner that does not comply with the regulations provided for the district in which the property or premises is situated, if such use was originally legally established at the effective date of this ordinance or any amendment thereof.

Nursing home. Shall include convalescent homes, homes for the aged, and such other activities designed to take care of the aged or people unable to care for themselves without supervision or assistance.

Office. A room or group of rooms used for conducting the affairs of a business, profession, service, or government.

Outdoor amusement park or privately owned recreational facilities. An outdoor facility that provides games and entertainment to the public for a fee.

Outdoor recreation. Outdoor facilities or structures used for recreation, including but not limited to playgrounds, swimming pools, and courts for sports.

Parking space. That area required for the parking or storage of one automobile, including necessary aisle or driveway space providing access thereto.

Parking lot. An off-street, improved area for the temporary storage of motor vehicles.

Parks, open space, recreation. An open space designed to serve the recreational needs of the community. May include passive and active recreational opportunities and trails.

Places of worship. A building, together with its accessory buildings and use, where persons regularly assemble for religious purposes and related social events and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain religious ceremonies and purposes.

Personal service. An establishment that primarily provides service generally involving the care of a person or a person's apparel, including but not limited to barber shop, beauty parlor or salon, seamstress shop, shoe repair, dry cleaning and laundry pickup facility, and coin-operated laundry.

Pet lodging. A facility which provides food, water, and shelter for pets for daily or overnight stays. May also include grooming or training.

Planned manufactured home community. A tract used or intended for use as a residential area occupied by manufactured homes; conforming to an approved development plan with appropriate and adequate community services, recreation facilities, utilities, streets, and sidewalks provided by the developer; and in which the resident owns or rents the manufactured home and rents the manufactured home space. All manufactured homes located within a manufactured home community must be installed in accordance with O.C.G.A. § 8-2-160 et. Seq.

Planning board. The Effingham County Planning Board, which is a body of people appointed by the commissioners whose responsibilities include the guidance of growth and development within Effingham County.

Plant garden & outdoor nurseries. An operation for the cultivating, harvesting, and sale of plants, bushes, trees, and other nursery items grown on site or established in the ground prior to sale, and for related accessory sales and uses.

Planned Development (PD). Land under unified control to be planned and developed as a whole in a single development operation or a definitely programmed series of development operations or phases. A planned development includes principal and accessory structures and uses substantially related to the character and purposes of the planned development. A planned development is built according to general and detailed plans which include not only streets, utilities, lots and building location, and the like, but also site plans for all buildings as are intended to be located, constructed, used, and related to each other, and plans for other uses and improvements on the land as related to the buildings. A planned development includes a program for the provisions, operations, and maintenance of such areas, facilities, and improvements as will be for common use by some or all of

the occupants of the planned development district, but which will not be provided, operated, or maintained at general public expense.

Pond. A manmade depression designed to hold water that is less than one acre in size. These include retention, detention, and borrow pits less than one acre.

Principal building. The building situated or to be placed nearest the front property line and the use of which conforms to the primary use permitted by the zoning classification in which it is located.

Printing and publishing. A commercial or industrial operation that produces printed materials.

Professional buildings. Structures used for the conduct of business in any of the following or related categories: law; architecture; accounting; engineering; medicine; dentistry; optometry; osteopathy; chiropractors; optician; planning, or consulting of the nature of the aforementioned categories, not including outside storage space for business vehicles or equipment.

Public body. Any government or governmental agency in Effingham County, the State of Georgia, or the United States Government.

Public use. Use of any land, water, or buildings by municipality, public body, or board, commission, or any county, state, or the federal government, or any agency thereof for a public service or purpose. *Public utilities substation/sub installation.* Facility with specialty equipment that transforms electricity into different voltages.

Racing track. A facility with a paved roadway used for automobile or vehicle racing. May include accessory uses such as seating, concessions, and parking.

Railroad switchyards. A facility engaged in the furnishing of terminal facilities for rail traffic for linehaul service and in the movement of railroad cars between terminal yards, industrial sidings and other such facilities.

Ready-mix concrete facilities. A plant for the manufacture or mixing of concrete, cement, and concrete and cement products, including any apparatus and uses incident to such manufacturing and mixing.

Recycling center. A building or an area where the primary activity is the separation of materials prior to shipment for remanufacture into new materials. This shall not include junk yards or wrecking yards.

Religious institution – See *Church or Places of Worship*.

Repair shop. The use of structures or buildings for the purposes of mending, or restoring items after decay, damage, dilapidation or partial destruction. Such services include but are not limited to, bicycle repair, electrical and electronic repairs, gunsmiths, locksmiths, reupholstery services, furniture refinishing and repair, small motor repair, and watch, clock and jewelry repair. Construction activities and motor vehicle repairs shall not be included in repair services.

Repairs. Restoration of portions of a building to its condition as before decay, wear, or damage, but not the alteration of the shape or size of any portion.

Research facilities. Facilities in which research, development, and prototype testing takes place related to such fields as chemical, pharmaceutical, medical, electrical, transportation, and engineering, provided such activities are conducted within entirely enclosed buildings and produce no noise, smoke, glare, vibration, or odor detectable outside the buildings.

Residential. The term "residential" or "residence" applies herein to any lot, plot, parcel, tract, area, piece of land, and/or any building used or intended to be used exclusively for family dwelling purposes, including concomitant uses specified herein.

Residential business. An occupation or profession which is conducted entirely within a dwelling, which is carried on only by residents of the home and by no more than one employee who does not reside therein, and which is clearly incidental and secondary to the use of the dwelling for residential purposes.

Restaurant. A building, room, or rooms where food is prepared and served to a group of families, a club, or to the public for consumption within the enclosed structure.

Retail, general. A business that sells goods or merchandise directly to consumers.

Retail, building supplies. A retail business that primarily sells building supplies directly to consumers.

Right-of-way line. The outside boundaries of a highway right-of-way, whether such right-of-way be established by usage, dedication, or by the official right-of-way.

Rooming house. (The terms rooming house, boardinghouse, tourist home, cooperative house, and lodging house are used synonymously in this ordinance.) A building, other than a hotel or dormitory, where, for compensation and by arrangement for definite periods, lodging or lodging meals are provided for more than three persons unrelated to the owners of the structure.

Rooming unit. Any room or group of rooms, forming a habitable unit used for living and sleeping, but which does not contain cooking or eating facilities.

Rural business. An occupation or profession which is conducted either entirely or partially within a dwelling, which is carried on by residents of the home, and which employs no more than one employee who does not reside therein.

RV parks and campsites. A lot or parcel of land occupied or intended for occupancy by recreational vehicles or tents for travel, recreational, or vacation usage for short periods of stay.

School. A facility which follows the compulsory school attendance law, Section 20-2-690.1, Georgia Statutes, and provides a curriculum of elementary and secondary academic instruction, including kindergartens, elementary schools, junior high schools, and high schools. See also Trade School, Technical School, Business School, Vocational School, and College.

Screened outdoor storage. An enclosed structure used for keeping and storing property.

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.

Setback. The minimum horizontal distance between the right-of-way line, rear, or side lines of the lot, and the front, rear, or side lines of the building. When two or more lots under one ownership are used, the exterior property line so grouped shall be used in determining offsets.

Shipping Container. A receptacle designed for intermodal transport of cargo aboard ship, truck trailer, or rail car, and which exhibits features designed to facilitate the movement of containerized cargo, including but not limited to corner fittings for pins, design for stacking, size dimensions of eight (8) feet wide by eight (8) or ten (10) feet high by twenty (20), thirty-five (35), or forty (40) feet in length, and which is otherwise designed and constructed in conformance with standards for shipping containers as set forth by the International Standards Organization.

Shipping Container Facility. A facility that provides storage for shipping containers awaiting transport or next use.

Sign. Any structure, display, or device that is used to advertise, identify, direct, or attract attention to a business, institution, organization, person, idea, product, service, event, or location by any means, including words, letters, figures, design characteristics, symbols, logos, fixtures, colors, movement, or illumination. The following definitions relate to sign requirements in Article XI:

- A. *Awning:* A cloth, plastic, or other nonstructural covering that either is permanently attached to a building or can be raised or retracted to a position against the building when not in use. A sign on an awning is considered a projecting sign.
- B. *Banner:* A sign on a lightweight material that is secured or mounted to a building.
- C. *Billboard:* A large sign erected along a state or interstate highway and intended to be viewed from travelers on said highway.

- D. *Changeable copy*: Copy, including text and/or graphics that changes at intervals.
- E. *External illumination*: Illumination of a sign that is affected by an artificial source of light not contained with the sign itself.
- F. *Façade*: The side of a building below the eaves.
- G. *Flag*: Lightweight material that is attached on one side to a pole.
- H. *Flashing illumination*: Illumination in which the artificial source of light is not maintained stationary or constant in intensity and color at all times when a street graphic is illuminated, including illuminated lighting.
- I. *Free standing sign*: A sign that is not attached to a building or other structure.
- J. *Graphic*: Written or pictorial representation.
- K. *Historic or scenic area*: An area that contains unique historic or scenic characteristics that require special regulations to ensure that signage displayed within the area is compatible with its visual character.
- L. *Incidental sign*: A sign of one square foot or less.
- M. *Indirect illumination*: A source or external illumination located away from the sign.
- N. *Institutional uses*: Schools, hospitals, places of worship, and government facilities.
- O. *Internal illumination*: A light source that is concealed or contained within a sign.
- P. *Multi-use building*: A building consisting of more than one commercial use.
- Q. *Neon sign*: A sign that is created by bending a neon filled glass tube to form text graphics.
- R. *Nonconforming sign*: A sign that was lawfully constructed or installed prior to the adoption or amendment of this ordinance and was in compliance with all ordinances at the time of installation, but which does not presently comply with these regulations.
- S. *On-premises signs*. On-premises signs located within 100 feet of a regularly used part of the activity being advertised and located on the same property and for sale or for lease signs located on the property being advertised are permitted.
- T. *Portable sign*: A sign not permanently attached to the ground or a building or designed to be permanently attached to the ground.
- U. *Projecting sign*: A sign attached to and projecting from a wall and not in the same plane as the wall.
- V. *Roof sign*: A sign that is displayed above the peak or parapet of the building.
- W. *Shopping center*: A commercial development under unified control consisting of four or more separate commercial establishments sharing a common building or are in separate buildings that share a common parking area or entryway.
- X. *Signable area*: An area within a single continuous perimeter composed of a single rectangle, circle, or triangle enclosing the extreme limits of characters, lettering, illustrations, ornamentations, or other figures.
- Y. *Temporary sign*: Any sign, including a banner sign, to be displayed for a limited time.

Site. An area designated as a separate and distinct parcel of land on a legally recorded subdivision plat or in a legally recorded subdivision plat or in a legally recorded deed.

Slaughterhouse. Any commercial land area, building, or place in which animals are slaughtered, eviscerated, or dressed for the purpose of sale.

Solar farm. A collection of photovoltaic solar panels on a site which is installed directly into the ground and not attached or fixed to an existing structure.

Solid waste facility. Facilities used for the disposal and processing of discarded materials and solid waste.

Special exception. A use, specifically designated in this ordinance, that would not be appropriate for location generally or without restriction throughout a given zoning district but which, if controlled as to number, area, location, or relation to the neighborhood, would, in the opinion of the county commissioners, promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare.

Story. That portion of a building included between the surface of any floor and the surface of the floor next above it; or if there be no floor above it, then the space between the floor and ceiling next above it.

Street. A dedicated and accepted public right-of-way for vehicular traffic which affords the principal means of access to abutting properties.

Structural alteration. Any change in the shape or size of any portion of a building or structure such as walls, columns, beams, arches, girders, floor joists, or roof joists.

Surveyor. A person who determines or delineates the form, extent, position, distance, or shape of a tract of land by taking linear and angular measurements, and by applying the principles of geometry and trigonometry.

Structure. Anything constructed or erected, the use of which requires rigid location on the ground or attachment to something having a permanent location on the ground; provided, however, that utility poles, fences, and walls (other than building walls) shall not be considered to be structures.

Subdivision. "Subdivision" means all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale, legacy, or building development, and includes all division of land involving a new street or change in existing streets, and includes re-subdivision and, where appropriate, the process of subdividing or the land or area subdivided; provided, however, that the following exceptions, with approval from the zoning administrator, are included within this definition only for the purpose of requiring that the planning board be informed and have record of such subdivisions:

Exceptions:

(a) The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to the standard of the governing authority.

~~(b) The immediate transfer of property necessitated by death of the property owner to the said property owner's legal heirs, provided that the smallest parcel meets the minimum standards for the zoning district where that property is located, and a minimum 60-foot access easement is available to serve a cumulative total of not more than three parcels that do not abut a public road;~~

~~(c) The transfer of property between family members within the third degree of consanguinity, provided that the smallest parcel meets the minimum standards for the zoning district where that property is located, and a minimum 60-foot access easement is available to serve a cumulative total of not more than three parcels that do not abut a public road;~~

~~(d)~~(b) The division of land into parcels of ten acres or more where no new street is involved.

Subdivision Types:

(a) Family Subdivision. Family subdivision is a maximum of five lots, including the parent parcel. Only three (3) lots of the entire family subdivision can be served by a required 60-foot unimproved easement. One lot must be served by a county or state-maintained road.

- (b) Minor Subdivision. A minor subdivision is 6 to 10 lots. A lot must meet the minimum zoning district requirements for lot size. Minor subdivisions require a road to meet the standards set forth in Appendix B.

Plats of such exceptions shall be received as information by the zoning administrator who shall indicate such fact on the plats.

Conditional exemptions:

To provide property owners with an expeditious method for subdividing a portion of a tract of land, conditional exemptions from the provisions of this ordinance are authorized and may be granted by the Effingham County Zoning Administrator provided such requests for conditional exemptions comply with the following:

- (a) The division of land into two parcels when the smallest parcel meets the minimum standards for the zoning district where that property is located and when divided for residential purposes meets health department requirements and where no new street is involved; provided that the same tract cannot be divided using this conditional exemption more than one time in any 12-month period beginning on the date of recording.

Plats requesting conditional exemption will be received by the Effingham County Zoning Administrator's Office for review. Plats meeting the requirements stated above can be approved by the zoning administrator who shall indicate such fact on the plats. If, in the determination of the zoning administrator, a plat requesting conditional exemption does not comply with the above requirements, or other factors peculiar to the individual circumstance of the property in question, the zoning administrator is required to deny the conditional exemption and forward the plat to the planning board for processing as a subdivision.

Surface mines. An area of land and facilities used for mining.

Telecommunications towers. All types of towers including but not limited to: a monopole; triple; lattice tower; guyed tower; self-support tower; pole; mast; or other structure, which are used to support one or more telecommunication antennae for the purpose of radio telecommunications and which may be located at ground level or on the roof of a building and may include an equipment shelter containing electronic equipment and which is not staffed on a permanent basis and only requires periodic maintenance.

Trailer. A non-self-propelled vehicle or conveyance permanently equipped to travel upon the public highways that provides temporary use as a residence or living quarters or office; serves as a carrier of people, new or used goods, products, or equipment; or is used as a selling, advertising, or display device whether or not the wheels have been removed and whether or not set on jacks, skirts, masonry blocks, or other foundation.

Trash. Cuttings from vegetation, refuse, paper, bottles, and rags.

Truck stop. A site that provides services to the trucking industry, including but not limited to the dispensing and sale of automotive fuel, repair services, and restaurants.

Use. The purpose for which land or a building is arranged, designed, or intended, or for which either/ and or a building is or may be occupied or maintained.

Utilities, government owned. Any government-owned water and sewer utilities and appurtenances, including publicly owned treatment plants permitted by the State of Georgia, wells, water distribution lines, sewage collection lines, re-use water distribution lines, pump stations, water storage facilities, meter stations, and fire hydrant.

Utilities, government-owned – restricted. 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.

Vacant. A structure in which the principal use has been abandoned. This shall not include structures for sale or rent or temporarily unoccupied.

Variance. A modification of the strict terms of this ordinance granted by the county commission where such modification will not be contrary to the public interest; and where, owing to conditions peculiar to the property and not as a result of any action on the part of the property owner, a literal enforcement of the ordinance would result in unnecessary and undue hardship; and where such modification will not authorize a principal or accessory use of the property which is not permitted within the zoning district in which the property is located.

Vehicle. A conveyance for persons or materials.

Vehicle paint and body shops. A facility which provides collision repair services, including body frame straightening, replacement of damaged parts, and painting of vehicles including cars, trucks, watercraft and similar.

Veterinary clinic. A facility for the care, treatment, and observation of animals or pets.

Vocational schools. An establishment in which is offered, for compensation, instruction in a vocation such as but not limited to industrial, clerical, managerial, artistic skills, barbering, cosmetology, hair styling, bartending and interior decorating. *Warehouse facility.* A use engaged in storage, wholesale, and distribution of manufactured products, supplies, and equipment.

Waterfront. Any site shall be considered as waterfront property provided any or all of its lot lines abut on or are contiguous to any body of water including creek, canal, river, or any other body of water natural or artificial, including marshland, not including a swimming pool, whether said lot line is front, rear, or side.

Wholesale operations. An establishment or place of business primarily engaged in selling and/or distributing merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

Wildlife refuge. Areas lawfully set aside as local, state or federally designated sanctuaries or refuges for wildlife.

Yard. An open space on the same lot with a building; said space lies between the building and nearest lot or street line.

Yard, front. That area of open space to the front of the platted lot, the area immediately adjacent to the street side of the lot. If streets are bound on two sides of the lot, the narrower portion fronting on a street shall be declared the front. See *Lot lines, front*.

Yard, rear. The area of open space that is opposite the area delineated as the front. That area of greatest distance from the street. See *Lot lines, rear*.

Yard, side. That area of open space that is immediately adjacent to the side lot lines. See *Lot lines, side*.

2.91 *Zoning administrator.* That person ~~hired~~ ~~appointed~~ by the County Manager to enforce the zoning ordinance, subdivision regulations, and any other land use ordinances adopted by the County Commissioners.

2.92 *Zoning ordinance or ordinance.* The Zoning Ordinance of Effingham County, Georgia.

Zoning map. The Official Map of Effingham County.