

ARTICLE III. GENERAL PROVISIONS

3.1 County Surveyor

The County Manager or designee shall appoint a professionally licensed land surveyor. The County Surveyor will be responsible for performing land surveying and related services for the county. The County Surveyor is empowered to appoint one or more assistants or deputies, for whose conduct he/she is responsible.

3.2 Abandoned real property.

3.2.1 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.

3.2.2 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.

3.3 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.

(Ord. of 12-15-92)

3.4 Accessory structures in residential districts.

3.4.1 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 one-half story or 15 feet above finished grade in the R and PD-R districts; 35 feet in AR-1 and AR-2 districts.
- (b) An accessory structure shall not be less than five feet from the rear property line and not less than five feet from interior side setback lines.
- (c) An accessory structure shall not be less than ten 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.

3.4.2 Accessory structures in the AR-1 and AR-2 agricultural residential districts may be placed in the front yard where the property is at least five acres and not in a platted subdivision. All structures on the property must comply with the front setback requirements for a principal structure.

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- (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 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 ten 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 container per acre of land, to a maximum of five 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.

(Ord. of 2-19-91; Ord. of 1-19-21 ; Ord. of 9-15-20 ; Ord. of 1-3-23(2))

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.

- B. *Structural elements:* Structural elements such as fences, walls, and berms may be placed in buffers. When privacy fences or walls are located in a buffer, a minimum of two feet from the exterior property line will be maintained to allow for plant material to soften the affects of the structural element.
- C. *Encroachment:* Buffer areas should remain natural. There shall be no encroachment of structures, including eaves or paving, in buffer areas.

Proposed use	Adjacent use					
	R-district or single-family subdivision exterior boundary*	AR-1 or AR-2	Multifamily	Commercial, Institutional**	Light Industrial	Heavy Industrial**
R-district or single-family subdivision exterior boundary*	15 feet	15 feet	20 feet	30 feet	300 feet	300 feet
AR-1 or AR-2	15 feet	15 feet	20 feet	30 feet	150 feet	300 feet
Multifamily	20 feet	20 feet	15 feet	20 feet	150 feet	300 feet
Commercial, Institutional**	30 feet	30 feet	20 feet	15 feet	50 feet	150 feet
Light Industrial**	300 feet	150 feet	300 feet	50 feet	25 feet	25 feet
Heavy Industrial**	300 feet	300 feet	300 feet	150 feet	25 feet	25 feet

* 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.

***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.

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.

Street buffers for industrial property shall equal the required buffer for the use on the other side of the street in the above chart.

PDs may have different buffer requirements. Please refer to PD ordinance.

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PDs may have different buffer requirements. Please refer to PD ordinance.

3.4.3 Permitted activity in required buffers as shown in chart 3.4.1:

- A. Drainage ditches, utility and service lines provided that they are approximately perpendicular to the property line.
- B. Street and rail access, and driveways provided that they are approximately perpendicular to the property line.
- C. Sidewalks and pathways that connect multiple parcels.
- D. Lighting fixtures.
- E. Signs.
- F. Flagpoles.

3.4.4 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.
- 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.

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	60-80' h 30-40' w	PS/FS	M	M	E	Native. Soil adaptable. Bark is thin,

<i>Magnolia grandiflora</i>						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

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 10-15' w	FS	M	M	E	Florida natural hybrid. Urban &

						drought tolerant once 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</i> <i>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			
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

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</i> 'Okame'	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			
Sun/shade exposure:	Growth rate:	Pest resistance:	Type:
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S = Shade	F = Fast (more than 2' per year)	L = Low	SE = Semi Evergreen

(Amend. of 12-12-06; Ord. of 11-4-08; Ord. of 12-8-09, § 1; Ord. of 8-2-16, § 1(a))

3.5 Buildings on through lots.

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 have dual facing. 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. 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 Cemeteries, mausoleums, and crematories.

No premises shall be used or occupied for the purposes of a cemetery or mausoleum in any district except multi-family residential, single-family residential, and agricultural residential districts and then only upon approval after a public hearing. No land for which a plat has not been recorded shall be used for any burials. The dead shall not be buried or placed closer than ten feet to any highway right-of-way, nor closer than ten feet to any other property line. No premises shall be used or occupied for the purposes of a crematorium in any district except as a conditional use in a B-2 zoning district.

(Amend. of 7-3-01(1))

3.7 Churches and schools.

Public schools shall be subject to the regulations set forth in section 5.3 of this appendix.

3.7.1 Schools, churches, and religious institutions shall be permitted in agricultural, single-family residential districts, agricultural residential districts, multifamily residential districts, general commercial districts, and neighborhood commercial districts provided that the following requirements are complied with:

3.7.1.1 Off-street parking shall be provided as set forth in section 3.30 of this appendix.

3.7.1.2 The principal building and accessory buildings shall comply with the yard and setback requirements of the district in which they are located.

3.7.2 Schools, churches, and religious institutions may be permitted in other districts only after recommendations of the planning board and approval by the county commissioners, which shall hold a public hearing on such request.

3.7A Conditional zoning.

3.7A.1. In deciding any application for an amendment to the zoning classification of a parcel of property or to the zoning map, the board of commissioners may, on their own motion or upon the recommendation of the planning board or the zoning administrator, grant the application subject to certain conditions deemed necessary by the board to promote and protect the health, safety, morality, and welfare of the county and to further the purposes of this ordinance. Such provisions shall be imposed for the benefit of the community to prevent or lessen any negative impact expected to result from the zoning reclassification or zoning map amendment.

3.7A.2. Conditions that may be adopted include, but are not limited to, conditions as to buffers, preservation of existing vegetation and tree cover, maximum density and/or number of lots, minimum lot size, setback restrictions, and property use restrictions. Such restrictions shall be binding upon the applicant and any successor in title.

3.7A.3. If the conditions under consideration by the board are unacceptable to the applicant, the applicant may withdraw its application without prejudice to the filing of a new application requesting a different zoning classification.

3.7A.4. Map amendments and zoning classification amendments approved conditionally shall be reflected on the zoning map by a notation indicating that the property has been conditionally zoned.

(Ord. of 12-14-99(1))

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 or families, 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.

(Ord. of 10-1-19)

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.

3.10 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, church, dwelling, or highway right-of-way.

3.11 Existing uses.

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

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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.

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.

No nonconforming building or structure shall be extended or enlarged except 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.

3.12 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 ten feet in height shall be built within any yard.

3.13 Garbage disposal.

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

3.14 Government uses.

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

3.15 Home occupations.

"Home occupation" means an occupation or profession which is conducted entirely within a dwelling, which is carried on only by family members residing therein, 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.

Home occupations are permitted in the Agricultural Residential districts (AR-1 and AR-2) and Residential districts (R-1 and R-2), provided the following criteria are met:

- (a) Each home occupation must be approved by the zoning administrator before any activities in connection with the occupation begin.
- (b) "Home occupation" shall not include the repair and/or maintenance of motor vehicles, large scale manufacturing or any use which will create noise, noxious odors, or any hazard that may endanger the health, safety, or welfare of the neighborhood.
- (c) A home occupation shall not create noise, dust, vibration, odor, smoke, glare, or electrical interference that would be detectable beyond the dwelling's structure.
- (d) A home occupation shall not allow customers or clients to come to the premises.
- (e) The dwelling in which a home occupation is conducted must be the bona fide residence of the principal practitioner thereof.

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- (f) Home occupations shall be limited to no more than 25 percent of the total heated floor area of the residence or 500 square feet, whichever is less.
 - (g) The proposed size of the home occupation shall be specified at the time of application to the zoning administrator.
 - (h) Any additions or alterations to the residence which will be used for the home occupation must be of an architectural style in keeping with the surrounding residential and agricultural development.
 - (i) There shall be no exterior evidence of a business being conducted on the premises. No outside storage or display, including signs, shall be allowed.
 - (j) No more than two commercial ventures (home occupations, residential businesses, and/or rural businesses) shall be allowed in any residence at one time.
 - (k) One business vehicle used exclusively by the resident is permitted. The vehicle shall be no larger in size than a pick-up truck, panel truck, or van and is limited in size to one-ton carrying capacity. The vehicle shall not have business identification (signs) on it when it is parked at the premises and will not have any equipment used in the business left on the vehicle in a manner that can be seen from the surrounding property.
 - (l) Pick-ups from and deliveries to the site in regard to the business shall be restricted to vehicles having no more than two axles and shall be restricted to no more than two pick-ups or deliveries per day.

(Ord. of 12-14-99(2), § 1; Amend. of 12-14-04(1))

3.15A Residential businesses.

"Residential business" means an occupation or profession which is conducted entirely within a dwelling, which is carried on only by family members residing therein 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.

Residential businesses are permitted only in the AR-1, AR-2, and R-1 districts, provided the following criteria are met:

- (a) Each residential business must be approved by the planning board before any activities in connection with the occupation begin. The planning board may place any reasonable conditions on the application deemed necessary to insure the orderly operation of the proposed business and its compatibility with the surrounding properties. The planning board shall hold a public hearing as provided in article IX of this ordinance.
- (b) Residential businesses shall not include the repair and/or maintenance of motor vehicles, large scale manufacturing, or any use which will create noise, noxious odors, or any hazard that may endanger the health, safety, or welfare of the neighborhood.
- (c) The residential business shall not involve group instruction or group assembly of people on the premises.
- (d) The dwelling must be the bona fide residence of the principal practitioner at the time of the application and, if approved, the residential business shall be valid only as long as the original principal practitioner resides in the dwelling, is conducting the business and has a current business license.
- (e) Residential businesses shall be limited to no more than 35 percent of the total heated floor area of the residence or 700 square feet, whichever is less. The proposed size of the residential business shall be specified at the time of application.

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- (f) Any additions or alterations to the residence which will be used for the residential business must be of an architectural style in keeping with the surrounding residential and agricultural development.
 - (g) The portion of the residence in which the business is conducted shall be completely enclosed in a manner that the business is not visible from the surrounding property.
 - (h) No outside storage or display shall be allowed.
 - (i) Only one nonilluminated sign not to exceed one square foot is permitted, location to be approved by the zoning administrator.
 - (j) No more than two commercial ventures (home occupations, residential businesses, and/or rural businesses) shall be allowed in any residence at one time.
 - (k) Property on which the residential business is proposed must have frontage on a public road.
 - (l) No customers or clients shall be permitted at the site unless sufficient off-street parking is provided and the location thereof approved by the zoning administrator.
 - (m) Days of operation requiring access by the public, customers, and/or clients shall be Monday through Saturday, daylight hours only.
 - (n) The principal practitioner will be permitted to park one commercial vehicle in the approved parking area. The commercial vehicle is limited to a passenger car, a van or a light truck (up to one ton).
 - (o) No utility trailer may be used in the operation of the business except upon approval by the zoning administrator. The request must include the proposed use and size of the trailer.

(Ord. of 12-14-99(2), § 2; Amend. of 12-14-04(1))

3.15B Rural businesses.

"Rural business" means an occupation or profession which is conducted either entirely or partially within a dwelling, which is carried on by a principal practitioner who at all times maintains said dwelling as his or her permanent residence, and which employs no more than one employee who does not reside therein.

Rural businesses are permitted as a conditional use only in Agricultural Residential (AR-1 and AR-2) districts, and a rural business may be permitted in said district only if it meets the following criteria:

- (a) Intent. A rural business shall be a small office or small-scale retail sales or service-type business which shall be secondary or incidental to the primary use of property for agricultural or residential purposes. Such business shall be primarily directed toward providing local or neighborhood service to the rural-residential area in which it is located. Rural businesses are intended to be of a smaller size, intensity, and scale than commercial uses which would be more commonly found in commercial or business zoning districts. Rural business activities may occur in an accessory structure detached from the principal residence or in a screened area outside of the dwelling. In addition, an applicant for a rural business must have established residency and be living in a residence upon the subject property prior to any application being filed for consideration by the zoning administrator. There are no restrictions on customers coming to the premises.
- (b) Each rural business must be reviewed by the planning board and approved by the board of commissioners before any activities in connection with the occupation begin. The planning board may recommend to the board of commissioners that conditions be imposed to insure the orderly operation of the proposed business and its compatibility with the surrounding properties. The board of commissioners may place reasonable conditions on the proposed use as deemed necessary to insure the orderly operation of the proposed business and its compatibility with the surrounding properties.

The planning board and board of commissioners shall hold public hearings as provided in article IX of this ordinance.

- (c) Rural businesses shall be limited to no more than 1,000 square feet if in a structure, and 1,000 square feet of land if outside a structure. Should the use require both inside and outside area, the total area used may not exceed 1,000 square feet. If the rural business is to be conducted in the residence, no more than 45 percent of the heated floor space or 1,000 square feet, whichever is less, may be used for the business. The proposed size of the business shall be specified at the time that the application is submitted to the zoning administrator.
- (d) Any additions or alterations to the residence which will be used for the rural business must be of an architectural style in keeping with the surrounding residential and agricultural development. Any structure built to house the business must be located to the side or rear of the residence, unless it is at least 100 feet from the front property line and meets all applicable side and rear setbacks. The structure must be readily and easily usable for customary agricultural and residential uses.
- (e) Any outside area in which the business is conducted, other than parking area, shall be completely enclosed in a manner that the business is not visible from surrounding property.
- (f) Only one nonilluminated sign not to exceed 16 square feet is permitted, location to be approved by the zoning administrator. Said location must be at least 15 feet from all property lines.
- (g) No more than two commercial ventures (home occupations, residential businesses, and/or rural businesses) shall be allowed in any residence at one time.
- (h) Property on which the rural business is proposed must have frontage on a public road.
- (i) Parking for customers/clients must be provided on-site, and the location of the parking approved by the zoning administrator.
- (j) Days and hours of operation requiring access by the public, customers and/or clients shall be Monday through Saturday, daylight hours only.
- (k) Rural business shall be located on property containing at least three acres of land.
- (l) Uses permitted (as rural businesses):
 - 1. Offices;
 - 2. Beauty shops, barber shops;
 - 3. Retail sales or services of a specialty nature, such as antique shops, specialty food shops, custom furniture stores, custom-made sporting goods shops, and meat cutting as a retail service to the public provided, however, that no slaughtering or wholesale meat cutting or processing is permitted;
 - 4. Small repair shops for appliances, machinery, farm equipment, or automobiles with the following limitations:
 - a. Repair shops shall not create noise, noxious odors, or any hazard which would adversely affect the health, safety, or welfare of the adjoining property owners or the neighborhood in general;
 - b. Repair shops shall operate during daylight hours only;
 - c. No more than two vehicles shall actually be serviced, actively worked on, or repaired at any one time. Any pieces of machinery equipment or vehicles stored for service or awaiting pick-up after servicing shall be parked within an area reserved for that purpose (maximum 1,000 square feet) and designated at the time of approval by the board of commissioners.

The storage area must be located to the side or rear of the shop building unless normal operation would generate large amounts of vehicular traffic.

(m) Uses not permitted as rural businesses:

1. Any use which clearly is out of scale or character with an agricultural or residential area.

(Ord. of 12-14-99(2), § 3; Amend. of 12-14-04(1))

3.16 Junk yards.

3.16.1 All junk yards shall be completely screened from roads or developed areas with a solid fence or wall a minimum of seven feet, maintained in good condition as determined by the governing authority, and painted except for masonry construction, or with suitable evergreen plantings. Refer to section 3.4 for additional requirements.

3.16.2 No operations shall be conducted which shall cause a general nuisance or endanger the public health.

3.16.3 All existing junk yards shall comply with these requirements within one year of the date of this ordinance, or shall then terminate their operation.

3.16.4 Wrecked automobiles shall be stored in an orderly manner with an adequate area for maneuvering provided within the property boundaries. All loading and unloading shall occur within the property boundaries and no trucks delivering or picking up the wrecked automobiles shall park in the public road or public road rights-of-way. Under no circumstances may wrecked automobiles be stacked and at no time may any storage yard contain more than 50 wrecked automobiles. Further, all wrecked automobiles shall be free of all motor fuels and fluids including, but not limited to, gasoline, diesel fuel, oil, brake fluid, engine coolant and transmission fluids.

(Ord. of 11-5-19)

3.16A Shipping container facility.

3.16A.1 Buffers. A shipping container facility shall be subject to the buffer requirements for heavy industrial uses pursuant to section 3.4, buffers. A variance to the buffer requirements may be requested, according to the following:

- (a) The width of the vegetative buffer required in HI-Heavy industrial may be reduced six feet for every one foot of berm height.

3.16A.2 Facility operation limitations. All repairs, with the exception of general maintenance and minor repairs, shall only occur within an enclosed building.

3.16A.3 Signs. All signage shall meet the requirements for signs in industrial districts per part II, chapter 62-signs, article III, section 3.38, signs.

3.16A.4 Parking and access. Parking and access for customers and employees must be provided on-site, pursuant to section 3.30, off-street access control and parking.

3.16A.5 Hours of operation. Days and hours of operation requiring access by customers and/or clients shall be Monday through Saturday, daylight hours only, except in cases of emergencies, natural disasters, or required maintenance.

3.16A.6 Uses permitted. Shipping container storage, including offices related to the business operations.

3.16A.7 *Uses not permitted:* Any use which is ineligible for state or local permits, or a county occupational tax license.

3.16A.8 *Performance standards.* Shipping container storage facilities are subject to section 5.12.4, performance standards.

3.16A.9 *Approval.* A shipping container facility conditional use application shall be submitted for review by the planning board and approval by the board of commissioners.

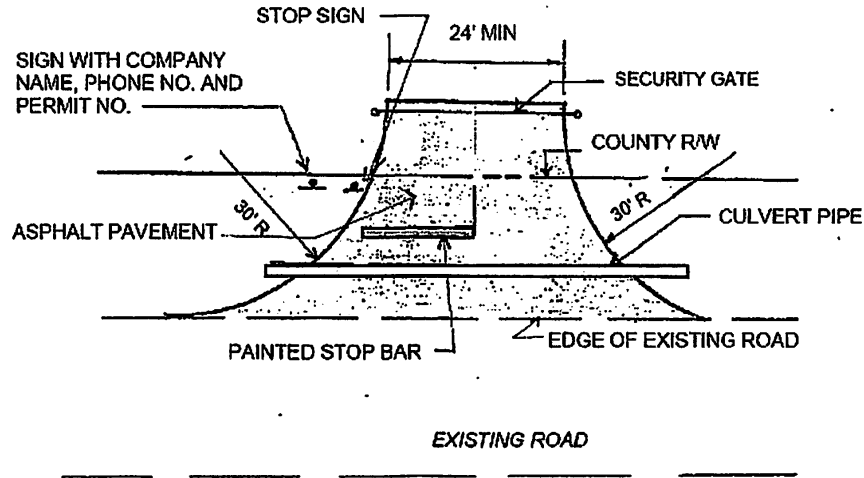
3.16A.10 *Transportation network and road impacts.*

- (a) A traffic impact study shall be required, pursuant to the county traffic impact study requirements.
- (b) All vehicles entering and exiting the site are subject to section 74-8, designated truck routes.
- (c) The property on which the shipping container facility is proposed must have frontage on a paved roads built to county or GDOT standards.
- (d) No shipping container facility operators or transportation partners, customers, etc., shall damage any portion of a county road or right-of-way or cause a road to become impassable or unsafe to normal passenger traffic.

3.16A.11 *Minimum requirements for operating a shipping container facility using a county road access:*

- (a) Entrance drive/road into shipping container facility property is to be paved from edge of existing road to county right-of-way or to radius point. Pavement is to be at minimum eight inches thick graded aggregate base course with three inches thick asphalt surface course.
- (b) Pavement section is to be 24-foot minimum width at county right-of-way, with a 30-foot radius on each side.
- (c) Figure 1 of this section illustrates the shipping container facility entrance road requirements.
- (d) A driveway culvert is to be installed if the right-of-way contains a roadside ditch or drainage swale, to allow for the continuation of drainage control along the right-of-way.
- (e) The shipping container facility operator must install a sign facing the county road. The sign shall include the following information:
 - 1. Operator/company name, and
 - 2. Operator/company phone number.
- (f) "Trucks Entering Road" signs are also to be installed at locations to be determined by the county engineer. A "Stop" sign is to be placed in the right-of-way to control trucks entering a county road from the shipping container facility.

Figure 1 Shipping Container Facility Entrance Road Requirements



(Ord. of 1-3-23(2))

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 county planning board:

1. Excavation of land, or removal of earth that exceeds one 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 approved by 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 county schedule of fees must be paid at the time of application submittal.
2. Excavation activities that have greater than one 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 acre and ten acres that requires a state mining permit, or is a GDOT-approved borrow-source or pit for a GDOT-approved project, may be permitted as a conditional use in the AR-1 and AR-2 zoning districts, upon approval of the board of commissioners, and after review by the planning board.

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

3.17.3A Requirements for approval and final inspection.

1. Pond of less than one acre of disturbed area. Construction of the pond shall cease within six months of approval date. The pond may be subject to a final inspection.
2. For any excavation activity between one acre and ten acres that is approved as a conditional use in AR-1 or AR-2, and 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 years of DNR or GDOT approval date. Extension of excavation activities beyond three years will require approval by the board of commissioners, after review by the planning board. Business operator shall maintain an annual occupation tax certificate, pursuant to article II, business and occupation tax, for a license to operate a surface mine. 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. For any excavation activity greater than one 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 years of DNR or GDOT approval date. Extension of excavation activities beyond five years shall require approval by the board of commissioners, after review by the planning board. Business operator shall maintain an annual occupation tax certificate, pursuant to article II, business and occupation tax, for a license to operate a surface mine. 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 a.m. and 5:00 p.m. Monday through Friday. A project of regional significance may be permitted alternative hours of operation, upon review and approval by the county manager or his designee.
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
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 ten inches or less, the limits of excavation of the pond shall be 20 inches from the nearest access easement or utility easement; and
 - b. For every additional five-inch depth of pond, the additional distance from the nearest access easement or utility easement shall be ten inches.
7. All wetland impacts must be approved by the USACE.

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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 feet into the mine site from the paved entrance.

(Ord. of 7-5-05; Ord. of 8-2-16, § 1; Ord. of 9-15-20 ; Ord. of 1-3-23(1))

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.

(Ord. of 9-4-07, § 1(b))

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 county floodplain management ordinance.

3.19 Living units in zones other than residential.

Dwellings shall not be permitted in any industrial district as a principal use. However, living units may be established conditionally within an industrial district, provided that such living units are accessory to the industrial use and have direct access to an abutting street.

(Ord. of 12-8-09, § 1)

3.20 Minimum living area.

No single or multiple-family living unit shall be constructed with a total living area of less than 525 square feet; provided, however, that a special exception to the minimum living area requirements shall be granted for the construction of efficiency type apartments having no separate bedroom if it is established that the granting of such exception will not adversely affect the interest of the general public or the character of the surrounding neighborhood. Application for any such special exception shall be made to the planning board, which shall forward its recommendations to the county commissioners for their action. The planning board may require the submission of plans in connection with such applications and may impose such additional requirements as a condition of the granting of the request as it deems reasonable and appropriate. (This section shall not apply to mobile homes meeting all other requirements 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 zoning administrator 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.

3.22 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.

3.24 Nonconforming buildings or structures.

- 3.24.1 Any lawful use of any dwelling, building, or structure existing as of July 5, 1988 may be continued, even though such use does not conform to the provisions hereof. If no structural alterations are made, a nonconforming use may be changed to another nonconforming use of a more restricted classification. Whenever a nonconforming use has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restricted use. No nonconforming building or structure shall be extended or enlarged 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 as of July 5, 1988.
- 3.24.2 Whenever the use of a building shall become nonconforming through a change in the zoning ordinance or the district boundaries, such use may be continued, and if no structural alterations are made, may be changed to another nonconforming use of the same or a more restricted classification.
- 3.24.3 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.

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- 3.24.4 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.
- 3.24.5 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.
- 3.24.6 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.

3.25 Nonconforming lots.

- 3.25.1 *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.
- 3.25.2 *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.
- 3.25.3 *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.
- 3.25.4 *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.

3.26 Nonconforming use of buildings and structures.

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:

- 3.26.1 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.
- 3.26.2 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.

3.26.3 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.

3.27 Nursing homes.

Nursing homes shall include convalescent homes, homes for the aged, and such other activities designed to take care of the aged or persons unable to care for themselves without supervision or assistance. Nursing homes shall be permitted as a conditional use in any multifamily residential district. Such uses shall comply with all regulations applicable to the district. Such uses shall comply with the off-street parking requirements set forth in this article. In addition, such uses shall meet the minimum requirements as set forth by state or federal agencies regulating such activities and shall, upon application for either building permit or occupancy certificate, provide certificates indicating approval by such state and federal agencies.

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 director of building and zoning shall investigate violations, issue notices and orders, and perform other duties required for enforcement under this section.

3.28.6 The director of building and zoning, 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 director of building and zoning 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.

3.30 Off-street access control parking and loading.

In all districts off-street parking facilities shall be provided and properly maintained, as set forth in this section for any building which is hereafter erected, enlarged, or increased in capacity. Such facilities shall be made available for public use.

3.30.1 *[Generally.]* In order to promote the safety of motorists and pedestrians and to minimize traffic congestion and conflict by reducing the magnitude of and the number of points of contact, the following regulations shall apply:

3.30.1.1 A point of access, that is, a driveway or other opening for vehicles onto a public street, shall be a minimum of 12 feet in width and not exceed 25 feet in width, except as otherwise provided in this section.

3.30.1.2 The maximum number of points of access permitted onto any one street shall be as follows:

Lot Width Abutting Street	Maximum Number of Points for Access
Less than 65 feet	1
65 feet to 200 feet	2
Greater than 200 feet	2 plus 1 for each additional 200 feet or fraction thereof.

3.30.1.3 In lieu of any two openings permitted on any one street, there may be permitted a single point of access up to 35 feet in width. However, service stations shall be permitted two openings, not to exceed 35 feet each in width along any abutting public street, provided that such property abuts such street for a distance of not less than 120 feet.

3.30.1.4 There shall be a minimum distance of 12 feet between any two openings onto the same street.

3.30.1.5 No point of access shall be allowed within 20 feet of the intersection of the right-of-way lines of any two local streets, nor within 30 feet at an intersection of a state or federal highway.

3.30.1.6 No curbs shall be cut or altered and no point of access or opening for vehicles onto a public street shall be established without a permit issued by the commissioners under the supervision of the county road superintendent.

3.30.2 *Size and access.* Each off-street parking space shall have an area of not less than 180 square feet exclusive of access drives or aisles and be in usable shape and condition, except in the case of dwellings, and shall have no parking area containing less than three spaces. There shall be adequate ingress and egress to all parking spaces. Where a lot does not abut on a public or private alley or easement or access, there shall be provided an access drive leading to the parking or storage areas or loading spaces. Such access drive shall be not less than 12 feet in width in the case of a dwelling, and not less than 20 feet in width in all other cases.

Access to off-street parking areas shall be limited to several well-defined locations, and in no case shall there be unrestricted access along the length of a street or alley.

3.30.3 *Number of parking spaces required.* The number of off-street parking spaces required are set forth in the following table. Where the use of the premises is not specifically mentioned, requirements for similar uses shall apply.

Uses	Required Parking
Automatic laundry	1 for each laundry machine
Automobile sales and service garage	1 for each 400 square feet floor area
Banks/Professional offices	1 for each 300 square feet floor area
Bowling alleys	4 for each alley
Churches, temples, or places of worship, funeral homes, schools, public buildings, theaters, auditoriums, areas, and places of assembly, private clubs, community buildings, social halls, and lodges	1 for each 4 seats of maximum seating capacity in principle assembly area or 1 for each 17 classroom seats, whichever is greater
Country clubs, golf clubs, gun clubs, tennis clubs, and organizations designed to provide outdoor sporting or recreational activities	1 for each 5 members
Dental offices	2 for each dentist
Driving ranges and golf courses	2 for each tee
Dwellings—single-family	2 for each unit
Dwellings—multiple-family	1½ for each unit
Food store, supermarket	1 for each 200 square feet floor area
Funeral homes, mortuaries	20 for each parlor
Furniture, appliance stores	1 for each 200 square feet floor area
Hospitals, sanitariums, and nursing homes	1 for each 2 patient beds
Hotels and motels	1 for each guest room plus 1 for each 3 employees
Manufacturing, industrial plant, research laboratory, bottling plants	1 for each 2 employees on largest shift plus 1 for each company vehicle
Manufacturing and industrial concerns with retail business on premises	1 for each 2 employees on largest shift plus 1 for each 150 square feet devoted to sales or service
Medical offices	10 for each doctor
Restaurants, beer parlors, nightclubs	1 for each 2.5 seats plus 1 for each 3 employees
Retail stores and shops	1 for each 300 square feet floor area
Roominghouses, boardinghouses, dormitories, fraternities, and sororities	1 for each 2 beds
Service station	2 for each pump
Sports arenas, auditoriums, theaters, assembly halls	1 for each 3.5 seats
Trailer or monument sales or auctions	1 for each 2,500 square feet of lot area
Wholesale and warehouse concerns	1 for each 2 employees, plus 1 for each 50 square feet of retail sales or service

3.30.4 *Location of off-street parking spaces.*

3.30.4.1 Such parking spaces as required in this section shall in no part exist upon and no portion of any vehicle shall overhang the right-of-way of any public road, street, alley, or walkway. There shall be no off-street parking in the front yards of residential districts except as normally exists in driveways.

3.30.4.2 The parking spaces for all dwellings shall be located on the same plot as the main building.

3.30.4.3 Parking spaces for all other uses shall be provided on the same plot with the main building or not more than 300 feet in distance, as measured along the nearest pedestrian walkway, provided that such area is under the same ownership as the principal use. The applicant for a building permit which proposes to use an area for off-street parking in order to meet the requirements of this ordinance and in accordance with the provisions of this subsection shall submit evidence of a restrictive covenant running with the land to be used for off-street parking purposes stating that such land shall not be encroached upon, used, sold, leased, or conveyed for any other purpose until such time as the principal building ceases to be required to provide such off-street parking facilities.

3.30.4.4 Parking requirements for two or more uses of the same or of different types may be provided by the establishment of the required number of spaces for each use in a common parking area when under the same ownership. Accessory uses shall not be required to have additional parking spaces other than those required by the principal use.

3.30.4.5 Off-street parking areas may be situated in any residential district abutting any commercial district or industrial district to a depth not exceeding 120 feet, provided that all off-street parking lot improvements as provided in section 3.30.5 of this article are complied with.

3.30.5 Parking lot improvement requirements. Any off-street parking lot of five or more parking spaces serving any use other than dwellings of four units per building or less shall meet the following off-street parking lot improvement requirements. Certain types of developments can obtain an exemption from the parking lot tree requirements listed in this section. These include, but are not limited to: warehouse loading and unloading areas, tractor-trailer parking, container storage yards, car dealerships, etc. Any exemption to the parking lot requirements must be approved by the zoning administrator prior to issuance of a LDA permit.

3.30.5.1 Screening and landscaping. Off-street parking areas for more than five vehicles and off-street loading areas shall be effectively screened on each side which joins or faces residential or industrial premises situated in any residential district.

1. In addition to required buffer planting trees from the large tree list (see buffer ordinance) which are at least two-inch dbh shall be provided and maintained at a ratio of one tree for every 12 spaces.
2. All landscape islands shall be at least as large as the adjoining parking spaces.
3. There shall be a minimum of curb radii of three feet required on the corners of all landscape islands and medians to allow for free movement of motor vehicles around planting materials. Although innovative storm water management techniques are strongly encouraged, all islands and medians shall have raised curbs unless other storm water management techniques are approved by the zoning administrator.
4. At the end of all rows of parking a terminal landscape island or area shall be provided to protect parked vehicles, confine moving traffic to aisles and driveways, and provide space for landscaping. A terminal island for a single row of parking spaces shall be planted with at least one tree. A terminal island for a double row of parking spaces shall contain two large trees.

3.30.5.2 Surfacing for all retail sales and services, business services, and professional services. Off-street parking areas for all retail sales and services, business services, and professional services serving the general public and having access to and abutting a paved street shall be provided with a hard surface, all-weather pavement of asphalt or cement and shall be so graded and drained to provide for the adequate runoff and disposal of surface water.

3.30.5.3 *Lighting.* Where lighting facilities are provided for the parking area, they shall be designed and installed so as to reflect the light away from any contiguous residentially zoned property.

3.30.6 *Off-street loading requirements.*

3.30.6.1 Every hospital, institution, commercial, or industrial building, or similar use having a floor area of 20,000 square feet or more and requiring receipt or distribution by vehicle of materials or merchandise shall have at least one permanent off-street loading space for each 20,000 square feet of gross floor area or fraction thereof immediately adjacent to the principal building.

3.30.6.2 Every building which requires the receipt or distribution of material and/or merchandise by motorized vehicles shall provide off-street loading berths in accordance with the following table:

Off-Street Loading Space Requirements

Uses	Square Feet of Floor Area	Required Off-Street Loading Berths
Schools	15,000 or more	1
Hospitals (in addition to space for ambulance)	10,000—300,000	1
	For each 1 additional 300,000 or major fraction thereof	1 additional
Undertakers and funeral parlors	All funeral homes	1
Hotels, offices, and multi-dwellings	10,000 or more	1
Commercial, wholesale, manufacturing, and storage	10,000—25,000	1
	25,000—40,000	2
	40,000—60,000	3
	60,000—100,000	4
	For each additional 50,000 or major fraction thereof	1 additional

3.30.6.3 Every off-street loading and unloading space shall have direct access to the public street or alley and shall have the following minimum dimensions: length, 30 feet; width, 12 feet; height, 14 feet.

(Ord. of 12-8-09, § 1)

3.31 Overhanging or extruding projections.

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.

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

Sec. 3.32 On street parking.

3.32.1 Within any R district no trucks or trailers in excess of one ton capacity shall be parked for storage purposes, including overnight, on any public right-of-way.

3.32.2 Dumpsters and temporary storage units may not be placed on any roadway open to the public.

3.32.3 Parking is allowed on local streets only. If they have a pavement width of at least 28 feet then parking is allowed on one side of the road. If they have a pavement width of at least 36 feet then parking may be allowed on both sides of the road.

(Ord. of 1-19-16, § 1)

3.33 Performance standards.

These performance standards shall apply to all nonresidential uses.

3.33.1 *Smoke, dust, and dirt.* All emissions of visible smoke, dust, dirt, fly-ash, or any particulate matter from any pipes, vents, or other openings from any other source shall conform to state and federal standards.

3.33.2 *Fumes, vapors, and gases.* All emissions of any fumes, vapors, or gases of a noxious, toxic, or corrosive nature which can cause any damage or irritation to health, animals, vegetation, or to any form of property shall conform to state and federal regulations.

3.33.3 *Sewerage.* There shall be no discharge at any point of liquid or solid waste into any public sewage disposal system which will overload such system or create detrimental effects in the flow and treatment of public sewage.

There shall be no treatment of public sewage. There shall be no discharge of any industrial wastes into any private sewage disposal system, stream, or into the ground of any kind or nature which would contaminate any water supply or otherwise cause emission of dangerous or objectionable elements or conditions. There shall be no accumulation of solid waste conducive to the breeding of rodents or insects.

3.33.4 *Odors.* There shall be no emission of odorous gases or other odorous matter in such quantities as to be offensive, obnoxious, or unpleasant beyond the property line on which the principal use is located. Any process including the preparation of food which may involve the creation and emission of any such odor shall be provided with a primary and secondary safeguard system so that odor control may be maintained in the event of failure of the primary safeguard system. Any odorous matter shall be kept a minimum of 1,500 feet from any residence, school, hospital, or church, and any commercial district.

3.33.5 *Noise.* The permitted level of noise or sound emission at the property line of the lot on which the principal use is located shall not at any time exceed the average noise level prevailing for the same hour as generated by streets and traffic activity. The determination of noise level shall be measured with a sound level meter that conforms to specifications published by the American Standards Association.

3.33.6 *Glare.* There shall be no direct glare visible from any residential district caused by unshielded floodlights or other sources of high intensity lighting.

3.34 Permitted building area.

The principal building on any lot or parcel of land shall be erected within the area bound by the building lines established by setback of yard requirements. Accessory buildings may be erected within any building line established for the principal building and in required rear yards as may be otherwise provided in these regulations.

3.35 Principal building on a lot.

Except in planned manufactured home communities and in the AR-1 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 zoning administrator 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 or neighborhood commercial 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 Signs.

The purpose of this section is to:

- A. Promote the safety of persons and property by providing that signs do not create traffic hazards or hazards due to collapse, fire, collision, decay or abandonment.
- B. To protect the public welfare and county property values by preserving the aesthetic quality of the natural environment.
- C. Promote efficient commercial and non-commercial identification or information by improving the legibility and effectiveness of signs through the control of their number, location, size, appearance, illumination, and animation.
- D. Preserve the right of free speech and expression.

3.38.1 Sign permits. All signs on commercial or industrial property must have a sign permit issued by the Effingham County Zoning Department. Multiple similar signs such as real estate or political signs shall only be required to have a single sign permit. All signs other than temporary event signs shall be required to get a building permit and meet all required wind load and building regulations.

3.38.2 Legal signs.

- A. Any permitted sign which complies with the provisions of this article, and any subsequent amendments hereto, is hereby deemed to be a legal sign. Any proposed alteration to or relocation of such sign shall require a new permit pursuant to this section.
- B. Any legal sign which does not comply with the provisions of this article solely due to the enactment of an amendment shall, upon the effective date of such amendment, become a nonconforming sign and shall be considered a legal sign unless it is relocated or altered.

3.38.3 Illegal signs. Any existing sign that does not have a permit issued by Effingham County pursuant to this section is hereby deemed to be an illegal sign and such sign and the person or persons responsible for such sign shall be subject to the enforcement and penalty provisions in this title.

3.38.4 Signs exempt from regulation.

- A. Governmental agency signs
- B. Property addresses up to 12 inches in height
- C. Incidental signs one square foot or less

3.38.5 Prohibited signs.

- A. Any sign, except those erected by a governmental agency, in a public street or highway right-of-way.
- B. Inflatable signs.
- C. Signs mounted on a roof or extending above the roofline.
- D. Ribbons, and pennants.
- E. Any sign resembling the shape, size, or color of a governmental traffic sign.
- F. Any sign with lights that resemble the lights used by police, fire, and emergency vehicles.
- G. Any light source on a sign that is directly visible from a vehicle or residence.
- H. Any flashing or intermittent light.
- I. Any sign attached to a natural feature such as a tree or rock.
- J. Any sign attached to a telephone pole or utility pole.
- K. Any unpermitted sign attached to a permitted sign.
- L. No sign shall be placed in or obstruct the view of an area of designated historic interest.

3.38.6 Billboards.

- A. *Uniform size.* The outside measurements of all billboards shall be 12 feet in height and 25 feet in length.
- B. *Location.* The billboard must be on commercial or industrial land. It must be located on a parcel with at least 200 feet of state or federal highway frontage.
- C. *Illumination.* All illuminated billboards shall use base-mounted lights. The light source must not be visible from a vehicle or a residence. No additional lighting shall be allowed.
- D. *Height.* All billboards shall be a minimum of ten feet above grade and a maximum of 30 feet above grade.
- E. *Extrusions prohibited.* Extrusions beyond the face of the billboard, excluding aprons, are prohibited.

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- F. *Number of signs per location.* Only one billboard shall be allowed to face the same direction per location. This allows back to back or V formation billboards but prohibits two billboards facing the same direction.
 - G. *Spacing.* Billboard location shall be no less than 500 feet from the nearest billboard measuring from the nearest point. No more than three billboards shall be permitted per mile when such billboards are located on the same side of the road.
 - H. *Distance from property line.* Billboard structures shall be no less than ten feet from any property line.
 - I. *State law.* All billboards must also comply with all aspects of the Georgia Outdoor Advertising Code.
 - J. *Changeable copy signs.*
 - 1. General Rule — Animated or changeable copy signs shall be erected, posted, displayed or modified only in accordance with the criteria hereunder as well as all other generally applicable standards of this ordinance related to the location, height, size, and other characteristics. Billboards that move, flash or simulate movement are prohibited.
 - 2. Each message displayed on any changing billboard display shall remain static for at least ten seconds following the completion of its transition from the previous message. As used in this subsection "static" shall mean a display that is fixed in one position with no portion of the display being in motion or changing in color or light intensity.
 - 3. Changing of image shall be substantially instantaneous, two seconds or less, as seen by the human eye and shall not use fading, rolling, window shading, dissolving or similar effect as part of the change.
 - 4. No display or other effect from any electronically changed billboard shall cause a glare or other condition that impairs the vision of the driver of any motor vehicle or which otherwise interferes with the safe operation of a motor vehicle.
 - 5. Video technology in billboards shall use automatic level controls to reduce light levels at night and under cloudy or other darkened conditions, in accordance with the following standards. All electronic or digital display unit message boards shall have installed ambient light monitors, and such monitors shall at all times automatically adjust the brightness level of the electronic billboard based on ambient light conditions. Maximum brightness levels for electronic or digital display boards shall not exceed ambient light levels by more than 0.3 foot candles.
 - 6. Any billboard using video technology which malfunctions, fails, or ceases to operate in its usual or normal manner causing therein motion, movement, flashing or any other similar effects shall be repaired or disconnected within 48 hours by the owner or operator of such billboard, and shall be equipped so that it may be turned off by the county in the event of such malfunction or failure.
 - 7. The county shall be permitted to post emergency notices on electronically changeable billboards on 24 hours' notice.
 - 8. Conversion of an existing billboard to an automatic changeable copy video billboard or to add an automatic changeable copy video element to it is allowed only if the billboard as modified will conform with all standards in this section and with all other applicable standards related to the height, size, location and other characteristics of the billboard.

3.38.7 Signs in commercial zones.

- A. Each parcel in a commercial zone is entitled to one freestanding sign for up to 200 feet of street frontage.

- B. Each parcel in a commercial zone may have an additional freestanding sign for each additional 200 feet of street frontage and must be separated by at least 200 feet from any other sign on the property.
- C. A multi-unit building on a single commercial parcel may have multiple tenant panels on a single sign.
- D. No sign shall encroach into the street right-of-way or be within 25 feet of an established street intersection and no sign or support thereof shall obstruct driver visibility.

3.38.8 *Number of signs.* In addition to any potential free standing sign, each business in a commercial or industrial zone shall be limited to one facade sign, one projecting sign attached to the building and one wall sign for each exposed side of the building other than the front.

3.38.9 *Freestanding sign size.* The maximum size of the signable area of a freestanding sign is as follows:

- A. In the B-2, B-3, and I-1 districts: 64 square feet for a single tenant parcel or 100 square feet for a multiple tenant parcel.
- B. In the B-1 zoning district: 32 square feet.
- C. In the R-3 and R-4 zoning districts: 50 square feet.
- D. In the R-1, R-1A, and R-2 zoning districts: Six square feet excluding signs at the entrance to neighborhoods which may be up to 24 square feet.
- E. In the CP zoning district: 16 square feet.
- F. In the PD zoning district: Sign regulations not less stringent than the regulations herein must be included in the written development text required by section 5.15.3.3 of the Effingham County Zoning Ordinance.

3.38.10 *Height.*

- A. *Maximum height.* In all commercial and industrial districts no freestanding sign shall exceed 30 feet from grade.
- B. *Clearance.* No hanging, suspended, or projecting sign shall have a vertical clearance of less than 14 feet over any vehicular public way, nor less than nine feet over any pedestrian public way. Public ways include privately owned sidewalks and drives customarily used by the public.

Permitted Freestanding Signs - By Land Use						
	Agricultural Property	Single and Two Family Residential	Multi-Family Residential	Commercial Property	Industrial Property	Public or Community Use Property
Principal Freestanding Sign — Depending on Zoning District						
Maximum Number	1 per lot	1 per lot	1 per street frontage	1 per 200 feet street frontage	1 per 200 feet street frontage	1 per 200 feet street frontage
Maximum Signable Area	16 square feet	6 square feet	50 square feet	64 square feet for single tenant, 100 square feet for multiple tenants	64 square feet for single tenant, 100 square feet for multiple tenants	64 square feet for single tenant, 100 square feet for multiple tenants
Maximum Height	6 feet	5 feet	30 feet	30 feet	30 feet	30 feet

3.38.11 Institutional uses. Institutional uses are allowed one sign per 200 feet of street frontage with a maximum signable area of 64 square feet regardless of which zoning district they are located in.

3.38.12 Projections. No sign shall project more than six feet from the wall of a building.

3.38.13 Event signs.

- A. In the B-1, B-2, B-3, I-1, R-3, or R-4 zoning districts one temporary event sign not to exceed 24 square feet in size and not to be displayed for more than 30 days may be located on each parcel. Temporary event signs in these districts must be secured to a building.
- B. In all zoning districts each parcel is entitled to one temporary event sign not to exceed six square feet in size. Such signs may be displayed for the length of the event. Each parcel may have no more than three such events per calendar year.
- C. When there is the threat of a serious wind event the county reserves the right to remove any temporary event sign that it deems to be a hazard to public safety. It will be the responsibility of the sign owner to retrieve any impounded sign from the county zoning office.
- D. Signs not removed within ten days following the occurrence of an event or expiration of the permitted period may be removed by the county zoning office and impounded. The costs of removal shall be charged to the person owning or using the sign or the owner of the building or premises.
- E. Impounded signs will be held for ten days, after which they will be destroyed.

3.38.14 Flags. In the B1, B-2, B-3, and I-1 zoning districts no more than three flags are allowed per parcel. The combined square footage of all flags displayed on a parcel in these districts shall be no more than 64 square feet.

3.38.15 Sign conditions.

- A. **Unsafe signs.** Whenever a sign becomes structurally unsafe or otherwise endangers the safety of the building or the public, the zoning administrator shall order that such sign be made safe or removed. The person owning or using the sign or the owner of the building or premises on which such unsafe sign is affixed or erected shall comply with such order within ten days of receipt thereof.
- B. **Unmaintained signs.** Whenever a sign is physically damaged or is not maintained and is determined by the zoning administrator to negatively impact the visual character of the surrounding area or pose an unsafe condition, the zoning administrator shall order that such sign be properly maintained or removed. The person owning or using the sign or the owner of the building or premises on which such unsafe sign is affixed or erected shall comply with such order within 60 days of receipt thereof.

3.38.16 Nonconforming signs. No nonconforming sign may be relocated or altered other than for routine maintenance without bringing the sign into conformance with the current sign ordinance. A temporary sign may not be considered a nonconforming sign for purposes of grandfathering.

3.38.17 Sign definitions.

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.

Banner: A sign on a lightweight material that is secured or mounted to a building.

Billboard: A large sign erected along a state or interstate highway and intended to be viewed from travelers on said highway.

Changeable copy: Copy, including text and/or graphics that changes at intervals.

External illumination: Illumination of a sign that is affected by an artificial source of light not contained with the sign itself.

Facade: The side of a building below the eaves.

Flag: Lightweight material, usually with a political symbol, that is attached on one side to a pole.

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.

Free standing sign: A sign that is not attached to a building or other structure.

Graphic: Written or pictorial representation.

Historic or scenic area: An area that contains unique historic or scenic characteristics that require special regulations to ensure that street graphics displayed within the area are compatible with its visual character.

Incidental sign: A sign of one square foot or less.

Indirect illumination: A source or external illumination located away from the sign.

Institutional uses: Schools, hospitals, churches, and government facilities.

Internal illumination: A light source that is concealed or contained within a sign.

Monument sign: A sign that is permanently affixed to the ground at its base, supported entirely by the base structure, and not mounted on a pole.

Multi-use building: A building consisting of more than one commercial use.

Neon sign: A sign that is created by bending a neon filled glass tube to form text or graphics.

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.

Pole sign: A freestanding sign other than a billboard that is permanently supported in a fixed location by a pole(s), uprights, or braces from the ground and not supported by a building or a base structure.

Portable sign: A sign not permanently attached to the ground or a building or designed to be permanently attached to the ground.

Projecting sign: A sign attached to and projecting from a wall and not in the same plane as the wall.

Roof sign: A sign that is displayed above the peak or parapet of the building.

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.

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.

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.

(Ord. of 2-4-97; Amend. of 11-7-06; Ord. of 4-7-09)

3.40 Traffic visibility across corner lots.

On any corner lot in any district, no fence, structure, or planting more than 30 inches high measured from the center of the road shall be erected or maintained within 20 feet of the corner so as not to interfere with traffic visibility across the corner.

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, PUD 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)