

STATE OF GEORGIA

EFFINGHAM COUNTY

AMENDMENT TO ARTICLE II and V

OF THE EFFINGHAM COUNTY ZONING ORDINANCE

AN ORDINANCE TO AMEND ARTICLE II and ARTICLE V OF THE EFFINGHAM COUNTY ZONING ORDINANCE AND TO REPEAL ALL OTHER ORDINANCES IN CONFLICT HEREWITH.

BE IT ORDAINED by the Effingham County Board of Commissioners in regular meeting assembled and pursuant to lawful authority thereof:

The following text is deleted in its entirety and replaced with the following:

**ARTICLE II. - DEFINITIONS**

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

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

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

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

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

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

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

*2.6 Automotive sales, services, and storage.* The sale, service, or storage of new or used automobiles, including paint and body repair shops. Any business that stores automobiles shall only store automobiles that will be put back in use on the roadways of the United States.

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

2.7 *Boat house.* A house or shed for sheltering one or more boats.

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

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

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

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

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

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

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

2.15 *Camper.* A motor home, tent, trailer, or other self-contained vehicle designated for recreational purposes.

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

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

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

2.19 *Church.* A legally approved structure and its accessory buildings used and approved on a permanent basis, primarily for the public worship of God.

2.20 *Club, private.* An organization or association of persons for some common purpose, such as, but not necessarily limited to, a fraternal, social, educational, or recreational purpose, but not including clubs organized primarily for profit or to render a service, which is customarily carried on as a business. Such organizations and associations must be incorporated under the laws of Georgia as nonprofit corporations and such corporations' major purpose shall not be for the purpose of serving alcoholic

beverages to its members or others. This may not be located on, or in connection with any commercial activity.

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

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

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

2.22A *Culvert.* A sewer or drain crossing under a road, driveway, or embankment.

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

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

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

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

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

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

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

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

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

2.25.7 *Garden Apartment Community.* A low intensity, low-rise, apartment community comprised of two or three story buildings, each containing attached dwelling units Typically characterized by a garden-like setting, surrounded by lawns, trees, shrubbery, and gardens and/or interior courtyards.

2.25.8 *Multifamily.* A building or collection of buildings that are designed for and occupied by three or more families and located on a single parcel.

2.25. 9 Mixed-Use Residential. The mixing of principal residential uses with non-residential uses. Mixed use residential may occur by the following:

- a. Non-residential and multifamily in the same building (e.g., retail on ground floor, multifamily above), or
- b. Multifamily and another primary non-residential use located in different buildings sited on the same lot or parcel (e.g., multifamily located on the same parcel as an office building).
- c. Both options shall be designed, located, and oriented on the site so that non-residential uses are directly accessible to residents of the development. For the purposes of this section, "directly accessible" shall mean pedestrian access by way of improved sidewalks or paths and streets that do not involve leaving the development or using a major thoroughfare. "Directly accessible" does not necessarily mean that non-residential uses need to be located in a particular location, but that the siting of such uses considers the accessibility of the residential component of the development to the non-residential use. Parking areas shall be designed to minimize distances between uses.

2.25.10 *Townhouse*. A unit in a building with multiple dwelling units, where each unit is on an individual lot, shares a common sidewall, and is one to three stories in height.

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

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

2.28 *Reserved*.

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

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

2.31 *Reserved*.

2.32 *Family*. One person, or a group of two or more persons, living together and interrelated by bond or consanguinity, marriage, or legal adoption, occupying a dwelling unit as a single-family unit, with a single set of kitchen facilities.

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

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

2.35 *Floor area ratio*. Floor area of building or buildings on any lot divided by the area of the lot.

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

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

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

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

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

2.41 *Highway.* Any public thoroughfare of paving 22 feet or wider, including a street, which affords primary access to abutting property, and any thoroughfare of less width which is not classified as an alley (street).

2.41A *Historic structure.* A structure that is at least 50 years old and meets one of the following requirements:

2.41A.1 Listed on either the National or Georgia Register of Historic Places;

2.41A.2 Eligible for listing on either the National or Georgia Register of Historic Places; or

2.41A.3 Currently receiving or eligible to receive tax credits for rehabilitation of historic properties.

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

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

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

2.44A *Industrialized home.* A dwelling manufactured in accordance with the Georgia Industrialized Building Act (O.C.G.A. title 8, chapter 2, article 2, part 1) and the Rules of the Commissioner of the Georgia Department of Community Affairs issued pursuant thereto, bearing an insignia of approval issued by the commissioner.

2.45 *Junk yard.* Any land or building used for commercial storage and/or sale of paper, rags, scrap metals, other scrap, or discarded materials, or for the dismantling, storage, or salvaging of automobiles or other vehicles not in running condition, or of machinery or parts thereof, but not to be used as a dump. A "junk yard" also includes any outdoor area that is used exclusively for the temporary storage of wrecked automobiles, which are automobiles that do not get repaired and put back in use on the roadways of the United States, provided that no work shall be performed on any wrecked automobile while it is in storage.

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

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

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

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

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

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

2.52 *Lot, through.* Any lot having frontage on two parallel or approximately parallel streets or other thoroughfares.

2.52A *Manufactured home.* A dwelling fabricated in an off-site facility for installation or assembly at the building site, bearing a label certifying that it is constructed in compliance with the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. § 5401 et seq.).

2.52A.1 *Manufactured home site.* A parcel of land designed and designated for the location of one manufactured home, its accessory buildings or structures, and accessory equipment for exclusive use of the home.

2.52A.2 *Manufactured home stand.* That area of a manufactured home site which has been reserved for placement of a manufactured home.

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

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

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

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

2.56 *Reserved.*

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

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

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

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

2.60A *Planned manufactured home community.* A tract used or intended for use as a residential area occupied by manufactured homes; conforming to an approved development plan with appropriate and adequate community services, recreation facilities, utilities, streets, and sidewalks provided by the developer; and in which the resident owns or rents the manufactured home and rents the manufactured home space. All manufactured homes located within a manufactured home community must be installed in accordance with O.C.G.A. § 8-2-160 et. seq.

2.60B *Planned single-family home community.* A subdivision used or intended for use as a residential area occupied by single-family homes; conforming to an approved development plan with appropriate and adequate community services, recreation facilities, utilities, streets, and sidewalks provided by the developer; and in which the subdivision is under single ownership or control.

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

2.61A *Pond.* A manmade depression designed to hold water that is less than one acre in size. These include retention, detention, and borrow pits less than one acre.

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

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

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

2.65 *Public use.* Use of any land, water, or buildings by municipality, public body, or board, commission, or any county, state, or the federal government, or any agency thereof for a public service or purpose.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Exceptions:

- (a) The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to the standard of the governing authority;
- (b) The immediate transfer of property necessitated by death of the property owner to the said property owner's legal heirs, provided that the smallest parcel meets the minimum standards for the zoning district where that property is located and a minimum 60-foot access easement is available to serve a cumulative total of not more than three parcels that do not abut a public road;
- (c) The transfer of property between family members within the third degree of consanguinity, provided that the smallest parcel meets the minimum standards for the zoning district where that



property is located and a minimum 60-foot access easement is available to serve a cumulative total of not more than three parcels that do not abut a public road;

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

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

Conditional exemptions:

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

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

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

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

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

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

*2.83A Vacant.* A structure in which the principle use has been abandoned. This shall not include structures for sale or rent or temporarily unoccupied.

*2.83A [B] Utilities, government-owned.* Any government-owned water and sewer utilities and appurtenances, including publicly-owned treatment plants permitted by the State of Georgia, wells, water distribution lines, sewage collection lines, re-use water distribution lines, pump stations, water storage facilities, meter stations, and fire hydrant.

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

*2.85 Vehicle.* A conveyance for persons or materials.

*2.86 Waterfront.* Any site shall be considered as waterfront property provided any or all of its lot lines abut on or are contiguous to any body of water including creek, canal, river, or any other body of

water natural or artificial, including marshland, not including a swimming pool, whether said lot line is front, rear, or side.

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

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

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

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

2.91 *Zoning administrator*. That person hired by the county commissioners to enforce the zoning ordinance, subdivision regulations, and any other land use ordinances adopted by the county commissioners.

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

2.93 *Zoning map*. The Official Map of Effingham County.

## ARTICLE V. – USES PERMITTED IN DISTRICTS

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

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

#### 5.6.1 *Permitted uses*.

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

5.6.1.2 Multiple-family dwellings, Garden apartment communities or buildings, roominghouses, fraternities, sororities, and dormitories.

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

5.6.1.3 Customary accessory buildings incidental to the above permitted uses.

5.6.1.4 Townhouses, subject to the following requirements:

- a. A row of townhouses shall not contain more than six (6) dwelling units.
- b. Maximum lot coverage required in this section forty percent (40%) shall be applied per lot on which each individual townhouse sits.
- c. In order to provide visual diversity, no more than four (4) contiguous townhouse units shall be allowed with the same setback and the same façade treatment. Variations in setback shall be at least three feet.

- d. Townhouses shall have a front, side, or rear privacy yard having a minimum area of one hundred (100) square feet on each lot.
- e. Streets shall have sidewalks with a minimum four (4) foot width on any side of any street that contains townhouses. A tree no less than two (2) inches dbh shall be planted at a rate of at least one (1) for every fifty (50) feet between the sidewalk and the street.
- f. If permissible pursuant to Access Management and Encroachment Regulations for Effingham County Roads, these standards apply:
  - a. For developments with sixty (60) or fewer dwelling units, at least one (1) point of access to the roadway network shall be provided.
  - b. For developments with sixty-one (61) or more dwelling units, at least two (2) point of access to the roadway network shall be provided.

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

5.6.2.1 Clubs and private recreational facilities.

5.6.2.2 Nursing homes.

5.6.2.3 Day care facilities.

5.6.3 *Lot and building requirements.*

Density (applicable to townhouses and multifamily)	Maximum 9 per acre
Minimum lot width at building line	150 feet
Minimum setback from public street	15 feet
Minimum length of driveway	20 feet
Minimum rear yard	15 feet
Minimum side yard (interior) for townhouse buildings or single apartment building on a lot	15 feet
Minimum side yard (street) for townhouse buildings or single apartment building on a lot	35 feet
Maximum building height	35 feet
Maximum percent of [lot coverage]	40 percent

#### 5.6.4 Amenity requirements.

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

- a. The required setback areas may count toward the open space requirement if it is integrated into a common open space amenity.
- b. Common outdoor open space shall feature paths or walkable areas, landscaping, seating, lighting and other amenities to make the area more functional and enjoyable for a range of users, taking into consideration potential noise issues due to the configuration of the site.
- c. Common outdoor open space shall generally be designed so it is oriented at the front of dwelling units and/or community building(s).
- d. Ten percent (10%) of net usable area allocated as common open space shall be greenspace. The implementation of a conservation easement is encouraged.

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

#### **5.8 - R-6 Single-family residential district (four and a half (4.5) dwellings per acre).**

This zoning district is no longer available. All single family residential development shall be subject to R-1 and R-5 zoning district requirements.

##### *[5.8.1] Where applicable.*

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

##### *[5.8.2] Required utilities.*

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

##### *[5.8.3] Maximum density.*

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

##### *[5.8.4] Permitted uses.*

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

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

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

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

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

Libraries or museums.

*[5.8.5] Conditional uses.*

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

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

Such use is housed in a permanent structure;

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

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

Public utilities substation or subinstallation including water towers provided that:

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

Day care facilities.

Nursing homes

*[5.8.6] Lot and building requirements.*

Lot size:	
Area	8,500 sq. ft. (0.19 acres)
Width	Minimum 60 feet

Principle buildings:	
Maximum height	35 feet
Minimum front setback	15 feet
Stairs (but not porches) may encroach up to five feet into front yard setback	
Maximum front setback	The average of the house on either side or 20 feet, whichever is less.
Minimum side setback (interior)	7.5 feet (or 3 feet provided minimum building separation of 15 feet is maintained)
Minimum side setback (street)	15 feet
Minimum rear setback	25 feet
Maximum lot coverage	45%
Accessory buildings:	
Maximum height	20 feet and not to exceed the height of the principle building
Minimum rear and side setback	5 feet
Lot coverage	15%

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

*[5.8.7] Open space requirements.*

All developments in the R-6 zoning district must provide 15% of net usable area as common outdoor open space. Open space calculations must be on the subdivision plat. Common outdoor open space shall mean areas accessible to all residents of the development. Common outdoor open space can include passive or active recreation areas, pathways, swimming pools, and open areas for congregating, per Article II definition. 10% of common open space shall be greenspace. The implementation of a conservation easement is strongly encouraged.

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

*[5.8.8] Sidewalk requirement.*

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

*[5.8.9] Parking requirements.*

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

A new zoning district **Section 5.17 R-5 Single Family Traditional Neighborhood Design residential district** is inserted, as follows:

**5.17 - R-5 Single-family Traditional Neighborhood Design residential district**

*5.17.1 Where applicable.*

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

*5.17.2 Required utilities.*

All properties in the R-5 zoning district shall be connected to water and sewer systems. No individual septic systems shall be permitted.

*5.17.3 Maximum density.*

Minimum 0.15-acre lot, with no more than five (5) dwelling units per net usable acre.

*5.17.4 Permitted uses.*

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

5.17.4.2 Home occupations, as provided in Article III, section 3.15.

5.17.4.3 Customary accessory buildings incidental to the above permitted uses.

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

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

5.17.4.6 Planned single-family home communities with the following requirements:

- a) A homeowners' association shall be established, or management company identified. Said association or company shall operate pursuant to subdivision covenants, which are submitted to county with the final plat. It is the intent that said association or company will provide oversight of the development standards and maintenance of common areas and amenities.
  1. Covenants shall include a provision that no more than twenty percent (20%) of homes in the community may be rented until at least twelve (12) months has elapsed since issuance of the certificate of occupancy.

- b) The management company overseeing rentals shall pay an occupation tax and register with the County annually, pursuant to Article II – Business and Occupation Tax, for a license to operate a planned single-family home community.
- c) Walls in excess of twenty feet (20) in length facing a street shall be broken up with entry elements, windows or wall offsets at least two (2) feet deep.
- d) A minimum of two (2) decorative elements shall be added to the front façade including but not limited to decorative shutters, decorative lighting, trellises, cornices, or similar architectural elements.
- e) Maximum lot coverage of forty-five percent (45%) shall be applied per lot on which each individual single-family residence sits.

5.17.5 *Reserved.*

5.17.6 *Lot and building requirements.*

Lot size:	
Area	6,600 sq. ft. (0.15 acres)
Width	Minimum 50 feet
Principle buildings:	
Maximum height	35 feet
Minimum front setback	15 feet
Stairs (but not porches) may encroach up to five feet into front yard setback	
Minimum side setback (interior)	7.5 feet (or 3 feet provided minimum building separation of 15 feet is maintained)
Minimum side setback (street)	15 feet
Minimum rear setback	25 feet
Maximum lot coverage	45%

**\*\*All building setbacks shall be shown on final subdivision plat\*\***

5.17.7 *Open space requirements.*

All developments in the R-5 zoning district shall provide fifteen percent (15%) of net usable area as common outdoor open space. Open space calculations shall be shown on the Sketch Plan and



subdivision plat. Common outdoor open space shall mean areas accessible to all residents of the development. Common outdoor open space can include passive or active recreation areas, pathways, swimming pools, and open areas for congregating, per Article II, Definitions.

- a) Common outdoor open space shall feature paths or walkable areas, landscaping, seating, lighting and other amenities to make the area more functional and enjoyable for a range of users, taking into consideration potential noise issues due to the configuration of the site.
- b) Ten percent (10%) of net usable area allocated as common open space shall be greenspace. The implementation of a conservation easement is strongly encouraged.
- c) A homeowners association or some other entity shall be created to maintain the amenities and open space in good condition.

#### *5.17.8 Subdivision Design Requirements.*

##### *5.17.8.1 Roads and Rights-of-Way*

- a) Roads in R-5 developments shall have a minimum of sixty (60) foot right-of-way, with a minimum paved area as follows:
  1. Twenty-two (22) foot road pavement width is only permitted if homes have rear alley access. Signage is required indicating that on-street parking is prohibited.
  2. Twenty-eight (28) foot road pavement width, with parking on one side, is permitted if parking side is clearly delineated. Signage indicating parking side is required.
  3. Thirty-six (36) foot road pavement width, with parking permitted on both sides.
- b) R-5 developments shall have curb and gutter throughout.
- c) Streets in the R-5 developments shall have four (4) foot wide sidewalks on any side of any street that contains houses. A tree no less than two (2) inches dbh shall be planted at a rate of one (1) for every two (2) houses in the two (2) foot section of grass between the sidewalk and the curb.
- d) If lots are platted parallel to arterial, collector, or local (if outside of existing platted subdivision) road right-of-way, the following is required:
  1. Provide minimum twenty (20) foot landscaped strip and a residential street, with residential lot facing arterial, collector, or local road right-of-way.
  2. Provide minimum thirty (30) foot vegetative buffer and residential lot may have rear yard facing arterial, collector, or local road right-of-way.

##### *5.17.8.2 Parking requirements.*

Two (2) off street parking spaces shall be provided for each single-family dwelling. These spaces can be in a garage, carport, or driveway accessed from the front or rear of the parcel. One (1) additional space per every five (5) units shall be provided for overflow off-street parking.

##### *5.17.9 Development Standards.*

The follow design elements shall be included:

- a) Exterior finished material shall be constructed with a combination of clay masonry brick, natural stone including granite, marble, sandstone, field stone or other similar natural stone; manufactured stone including imitation field stone, marble terrazzo, and other similar

manufactured finish stone; and wood, cement plank, fiber plank, traditional three coat stucco, or other materials of like appearance.

b) Buildings shall utilize design features from the following list, totaling at least four (4) points, to provide visual relief along the front of the dwelling unit. Unless otherwise specified, features are worth one (1) point:

1. Dormers (functional or false)
2. Gables
3. Recessed entries
4. Covered front porches, at least six (6) feet in depth (2 points)
5. Pillars or posts
6. Two or more brick masonry pattern bond treatments
7. Side or rear loaded garage or carport (3 points)
8. Bay windows (minimum twenty-four (24) inch projection)
9. Multi-season porch or sunroom on rear of house (3 points)

c) The garage shall not occupy more than forty percent (40%) of the total building façade.

d) At least twenty percent (20%) of the wall space of the front façade shall be windows and doors. Windows shall be provided with trim.

e) The minimum roof overhang shall be twelve (12) inches, exclusive of porches and patios.

f) The minimum landscaping shall be as follows

1. (2) Large Trees (one in the front yard, one in the rear yard)

Mature size = 40'-60'

Planted size = 2" cal.

2. (2) Small Trees (one in the front yard, one in the rear yard)

Mature size = 15'-40'

Planted size = 2" cal.

3. (4) Large Shrubs (near foundation; 25% in rear yard)

Mature size = 5'-8'

Planted size = 30"

4. (8) Small Shrubs (near foundation; 25% in rear yard)

Mature size = 2'-4'

Planted size = 20"

5.17.10 R-5 Rezoning Application Requirements.

Applicant shall submit the following documentation in addition to the Rezoning Application:

- a) A completed *R-5 Development Standards Submittal Form and Checklist*.
- b) A subdivision concept plan showing the lots, road configuration, and all calculations (open space, etc.).
- c) A timeline delineating when the development will begin and estimated time of completion.
- d) Exhibits and descriptions of materials that clearly demonstrate the intent of the developer to meet the requirements of Sec. 5.8.10 *Development Standards*.

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

This \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

BOARD OF COMMISSIONERS,  
EFFINGHAM COUNTY, GEORGIA

BY: \_\_\_\_\_  
CHAIRMAN

ATTEST:

\_\_\_\_\_

STEPHANIE JOHNSON  
EFFINGHAM COUNTY CLERK

FIRST READING \_\_\_\_\_

SECOND READING \_\_\_\_\_