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Article 1. Adoption, Purpose, and Applicability

In order to classify, regulate, restrict, and segregate the uses of land and buildings, to regulate and restrict the height and bulk of buildings, to regulate the area of yards and other open spaces about buildings, and to regulate the density of population, the following land use classifications or zones are by this Ordinance established.

Sec. 101. Ordinance title.

This Ordinance shall be known and may be cited as “The Zoning Ordinance of McIntosh County, Georgia.”

Sec. 102. Enactment.

In accordance with the authority granted counties by the 1983 Georgia State Constitution, Article 9, Section 2, Paragraph 4 and Chapter 66 of Title 36 of the Official Code of Georgia, this Ordinance is adopted.

Sec. 103. Jurisdiction.

These regulations shall govern the use of all land and the development thereof within the unincorporated area of McIntosh County, Georgia.

Sec. 104. Purpose and objectives.

(a) Purpose of the Zoning Ordinance.

The purpose of this ordinance is to provide for the best and maximum use of property promoting the health, safety, morale, convenience, order, prosperity, and general welfare of the people of McIntosh County. These regulations are designed to:

- (1) Lessen congestion in the streets;
- (2) Secure safety from fire, panic, and other dangers;
- (3) Promote health and general welfare;
- (4) Provide adequate light and air;
- (5) Prevent overcrowding of the land;
- (6) Facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements;
- (7) Sustain the character of the County and its suitability for particular uses;
- (8) Promote desirable living conditions and stability of neighborhoods;
- (9) Protect property from blight and depreciation;
- (10) Secure economy in governmental expenditures;
- (11) Conserve the value of buildings
- (12) Encourage the most appropriate use of land and buildings throughout the County;
- (13) Conserve natural resources, waterfront areas, public access to water, and water dependent uses;
- (14) Preserve the County's historic and cultural resources for future generations.

Sec. 105. General scope.**(a) Scope of this Ordinance.**

The scope of this Ordinance of McIntosh County, Georgia, includes the following activities or uses:

- (1) The regulation of the location, height, bulk, number of stories and size of buildings and other structures;
- (2) The percentage of a lot which may be occupied; the sizes of yards and other open spaces;
- (3) The density and distribution of populations; and the uses of buildings, structures and lands for trade, industry, residence, recreation, agriculture, forestry, conservation, water supply, sanitation, public safety, public activities, preservation of scenic areas, historic structures, cultural resources, protection against floods, rising waters and erosion, and other purposes;
- (4) Creating districts for said purposes and establishing the boundaries thereof;
- (5) Defining certain terms used herein;
- (6) Providing for the method of administration, appeal and amendment and duties; and
- (7) Providing penalties for violation; and for other purposes.
- (8) To insure compliance with all federal and State laws pertaining to land use and development, health and environmental protection.

Sec. 106. Nonconformities.

The lawful use of any building, structure, or land existing at the time of enactment of this Ordinance may be continued, although such use does not conform with the provisions of this Ordinance, provided the conditions in this section are met.

(a) Unsafe structures.

Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition of any portion of a building or structure declared unsafe by a proper authority.

(b) Alterations.

A non-conforming building or structure may be altered, improved, or reconstructed provided such work is not to an extent exceeding 10 percent of the current value of the building or structure (assessed value of structure determined by tax assessor), unless the building or structure is changed to a conforming use.

(c) Extension.

A non-conforming use shall not be extended or enlarged.

(d) Changes.

No non-conforming building, structure or use shall be changed to another non-conforming use.

(e) Restoration.

Nothing in this Ordinance shall prevent the reconstruction, repairing, rebuilding, or continued use of any non-conforming building or structure damaged by fire, collapse, explosion, or acts of God, subsequent to the date of this Ordinance, wherein the expense of such work does not

exceed the current value of the building or structure (assessed value of structure determined by tax assessor) at the time such damage occurred.

(f) Abandonment.

A non-conforming use of a building or structure which has been abandoned shall not thereafter be returned to such non-conforming use. A non-conforming use shall be considered abandoned:

- (1) When the intent of the owner to discontinue the use is apparent;
- (2) When the use has been inactive for more than one year;
- (3) When it has been replaced by a conforming use; or
- (4) When it is being changed to another use requiring permit or certificate of occupancy.

Sec. 107. Lot of record.

- (1) No permit for the use of any lot which is smaller in total area than the minimum size permitted for the district within which it is located shall be issued unless said lot was legally and properly recorded prior to the passage of this ordinance.
- (2) Yards or and lots recorded after the effective date of this ordinance shall comply with the requirements established by this ordinance.

Article 2. Establishment of Land Use Districts and Interpretation of Land Use District Boundaries

In order to classify, regulate, restrict, and segregate the uses of land and buildings, to regulate and restrict the height and bulk of buildings, to regulate the area of yards and other open spaces about buildings, and to regulate the density of population, the following land use classifications or zones are by this Ordinance established.

Sec. 201. Establishment of Land Use Districts.

For the purpose of these regulations, McIntosh County, Georgia, is hereby divided into the following land use districts:

- A-F general agriculture-forestry
- A-R residential agriculture
- R-1 single-family residential
- R-2 one and two family residential
- R-3 multi-family residential
- RVP recreational vehicle park
- C-N neighborhood commercial
- C-G general commercial
- C-I interchange commercial
- I-R limited industrial
- I-G general industrial
- CP conservation preservation
- HH Hog Hammock
- PUD planned unit development

Sec. 202. Establishment of zones by map.

The location and boundaries of the various zones are as shown and delineated on the Zoning Map of McIntosh County, and said map is made a part of this Ordinance by reference as though fully set forth herein.

(a) Changes in Boundaries

Changes in boundaries of the zones shall be made by ordinance, adopting and amending the zoning map and, when so adopted, shall be published in the manner prescribed by law and become a part of this Ordinance.

(b) Number of zoning classifications per lot

Each lot shall only have one zoning classification so that a single property cannot have multiple zoning classifications.

Sec. 203. Determination of land use district boundaries.**(a) Interpretation of land use district boundaries.**

Where uncertainty exists with respect to the boundaries of any of the land use districts as shown on the official zoning map, the following shall apply:

- (1) Where district boundaries are indicated as approximately following street or highway center lines, or street or highway right-of-way lines, said boundaries shall be construed as following such lines.
- (2) Where district boundaries are indicated as approximately following lot lines, said boundaries shall be construed as following such lines.
- (3) Where district boundaries are indicated as being approximately parallel to the centerlines of right-of-way lines of streets, or the centerlines of right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto at the scaled distance indicated on the zoning map.
- (4) Boundaries indicated as following railroad lines or abandoned railroad easements shall be construed to be midway between the main tracks or midway between the easement if tracks no longer exist.
- (5) Boundaries indicated as following salt water shorelines shall be construed to follow the low water mark of said shorelines and in the event of change, the boundary line shall be construed as moving with the actual low water line; boundaries indicated as approximately following the centerline of fresh water rivers, creeks, canals, lakes, inlets, or other bodies of water shall be construed to follow such centerline.
- (6) Where physical or cultural features existing on the ground are incongruous with those shown on the official zoning map, the Planning Commission shall interpret the district boundaries.
- (7) Where a district boundary line divides a lot that was in single ownership at the time of passage of this Ordinance, the Planning Commission may permit the extension of the regulations for either portion of the lot into the remaining portion of the lot, not to exceed 75 feet beyond the district line.
- (8) It is the policy of the Planning Commission that all Saltwater Marsh areas fall within the Conservation Preservation Land Use District (CP). The boundary of Saltwater Marsh shall be determined by the National Wetlands Inventory identified by US Fish and Wildlife or the Georgia Department of Natural Resources. The boundary of the (CP) district will follow the boundary line established by the National Wetlands Inventory and GA DNR.

(b) Official Zoning Map Interpretation.

The Planning Commission shall provide interpretation of the official zoning map. In case of any question as to the location of any boundary line between zoning districts, a request for interpretation of the official zoning map may be made of the Planning Commission, and a determination shall be made by the Planning Commission. All decisions rendered in this regard by the Planning Commission shall be based upon the criteria set forth in [Sec. 203\(a\)](#) of this Ordinance.

Sec. 204. Definitions related to land use, lot, and building standards.

Abandonment: The voluntary discontinuance of a use for a continuous period of at least 365 days, either by vacating the site, by cessation of operations, or by conversion to a different use.

Accessory building: A subordinate building customarily incidental to, and located on the same lot with, the main building. An accessory use may not be unrelated to the principal use of the property.

Accessory use: A use customarily incidental to, and located on the same lot with, the main building or use. An accessory use may not be unrelated to the principal use of the property.

Advertising sign or structure: Any cloth, card, paper, metal, painted, glass, wooden, plastic, plaster, stone sign or other sign, device or structure of any character whatsoever, including statuary, placed for outdoor advertising purposes on the ground or on any tree, wall, bush, rock, post, fence, building or structure. The term "placed" shall include erecting, constructing, posting, painting, printing, tacking, nailing, gluing, sticking, carving or otherwise fastening, affixing or making visible in any manner whatsoever. The area of an advertising structure other than a sign shall be determined as the area of the largest cross-section of such structure. Neither directional, warning nor other signs posted by public officials in the course of their public duties nor merchandise or materials being offered for sale shall be construed as advertising signs for the purpose of this definition.

Agriculture: The raising of soil crops and/or poultry and livestock in a customary manner and shall include all associated activities.

Alley: A minor right-of-way dedicated to public use which affords a secondary means of vehicular access to the back or side of properties otherwise abutting a street and which may be used for public utility purposes.

Apartment: A room, or a suite of two or more rooms in a multiple dwelling unit, occupied or suitable for occupancy as a residence for one family.

Applicant: An owner or his/her designated representative who is submitting an application for consideration under any provision of this Ordinance.

Bed and breakfast: An owner occupied single family establishment that provide short-term lodging in private homes or small buildings converted for this purpose. Bed-and-breakfast inns are characterized by a highly personalized service and inclusion of a full breakfast in the room rate.

Buffer: That portion of a lot or parcel of land established for permanent vegetation and open space and intended to separate properties with a different and a possible incompatible types of use/or zoning classifications. This area is a distance as specified pursuant to this Ordinance and typically as measured from the common property line of the different uses and/or zoning classifications.

Buffer, natural: A buffer which is left to remain in its natural state except for minor maintenance activity as may be authorized under this Ordinance.

Buffer, opaque: A buffer which is of sufficiently dense vegetation and/or other features (such as a fence or earthen berm) as to preclude uninterrupted vision from one side to another.

Buffer, planted: A buffer which consists of planted vegetation as provided for in this Ordinance.

Buffer, undisturbed: A buffer, which once installed, is not to be reduced or altered except for minor maintenance as may be authorized under this Ordinance. This term "installed" as used herein refers to the time at which either: a) the natural buffer is staked out, or b) the planned buffer is planted and approved.

Building: Any combination of materials, whether portable or affixed to the ground, used for sheltering, housing or the enclosure of persons, animals, property, or materials of any kind. Such "building" shall include open porches, open breezeways and any other roofed areas.

Building and Zoning Director: The individual selected by the County Manager whose duty it shall be to administer and enforce the provisions of this Ordinance.

Building Height: The vertical distance from the average natural grade of the building footprint or from the base flood elevation established by FEMA plus 1 foot, whichever is higher above mean sea level, to the highest point of the roof or other structure of the building not otherwise exempted from height regulations.

Building, Principal or Building, Main: A building in which there is conducted the principal use of the lot on which said building is situated.

Building site: Means (a) the ground area of one lot or (b) the ground area of two or more lots when used in combination for a building or group of buildings, together with all open spaces required by this Ordinance.

Business or commerce: The purchase, sale or other transaction involving the handling or disposition of any article, service, substance or commodity for livelihood or profit; or the management of office buildings, offices, recreational or amusement enterprises, or the maintenance and use of offices, structures and premises by professions and trades rendering services.

Business identification sign: A business identification sign is a sign that contains the name of the business enterprise located on the same premises as the sign and the nature of the business conducted there. Not more than one-third of the area of a business identification sign may be devoted to commodity or service advertising.

Business identification pylon sign: A sign erected on a single pole or multiple poles which contains only the name or the nature of the business conducted on the premises on which it is located.

Certificate of occupancy (co): A statement signed by the Building Inspector permitting occupancy and use of a building.

Certified survey: A survey, 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.

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

Commercial fishing activities: Commercial fishing, including aquaculture and shrimp fisheries, and those commercial activities commonly associated with or supportive of commercial fishing, such as the manufacture or sale of ice, bait and nets, and the sale, manufacture, installation, or repair of boats, engines, or other equipment commonly used on boats.

Common open space: That land designated in a development which is undeveloped and of is specifically set aside for common use and enjoyment, and restricted only for such recreational and conservation uses as parks, playgrounds, swimming, golf courses and conservation areas.

Community Water: A community water system supplies water to the same population year-round. It serves at least 25 people at their primary residences or at least 15 residences that are primary residences.

Condominium: A building, or group of buildings, in which units are owned individually, and the structure, common areas and facilities are owned by all the owners on a proportional, undivided basis, as more specifically provided in the Code of Georgia. It is a legal form of ownership of real estate and not a specific building style.

Court: Any portion of the interior of a lot or building-site which is wholly or partially surrounded by buildings, and which is not a required front, side or rear yard.

Curb cut: A sloping grade transition from the street or road to a site drive or parking area to permit vehicular access.

Day care center: A private establishment enrolling four or more children under five (5) years of age and where tuition, a fee, or another form of compensation for the care of the children is charged.

Design Professional: A licensed architect or engineer.

Development setback line (dunes): A setback line determined by authorities of this county, seaward of which no development can take place, is to be drawn 40 feet behind the first (most seaward) stable dune row. The purpose of the setback line is to delimit those areas in which development can be allowed without interfering with natural processes. Ideally, successive rows of stable dunes should be retained, for maximum protection of inland properties. The setback line represents the closest conceivable point to which development can proceed without permanent interference with the natural functioning of the dune system. See ["SETBACK"](#).

Directional sign: The term "directional sign" means signs containing directional information about public places owned or operated by State, Federal or local governments or their agencies; publicly or privately owned natural phenomena, historic, cultural, scientific, educational, and religious sites, and areas of natural scenic beauty or naturally suited for outdoor recreation, deemed to be in the interest of the traveling public.

Domesticated pets: Shall include dogs, cats, song birds, parrots, reptiles (excluding alligators and crocodiles), rabbits and similar animals.

Dunes, active: Generally, the most seaward dune group (often more than a single row) may also commonly be referred to as primary or foredunes. Dunes remain active, in a state of flux, until finally stabilized by seaward moving inland plant communities. These active dunes may be characterized by sea oats, grasses with spreading, mat-like (though shallow) root systems, and scrub vegetation, low-lying shrubs, vines and scattered herbs. On calm days, and during summer months, active dunes accumulate sand, and grow. In times of storm, and high-water, these active dunes lose sand to erosion processes and wave action.

Dunes, Stable: Generally, the most landward dune ridges may also commonly be referred to as backdunes. These backdunes are characterized by plant life such as live oak, wax myrtle, and holly (all woody plants). Unlike foredunes, these backdunes are stable, not subject to constant shifting and change. An active-stable dune sequence should be characterized by foredunes and backdunes.

Dwelling: Any buildings, or portion thereof, which is designed or used as living quarters for an individual or one or more families containing permanent provisions for living, cooking, sleeping and sanitation.

- a. *Dwelling, group home:* 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 halfway houses, recovery houses and homes for delinquent youth or ex-offenders.
- b. *Dwelling, one family:* A dwelling designed to be occupied by one family for residential use.
- c. *Dwelling, two-family or duplex:* A dwelling designed to be occupied by two families living independently of each other with each dwelling unit containing an independent entrance, and permanent provisions for living, cooking, sleeping and sanitation facilities. There shall be a maximum of 4 bedrooms per unit.

- d. *Dwelling, multiple-family*: A dwelling designed for occupancy by three or more families living independently of each other, exclusive of auto or trailer courts or camps, hotels or resort type hotels.
- e. *Dwelling, unit*: One or more rooms within a dwelling constituting a separate, independent housekeeping establishment, with provision for cooking, eating and sleeping, and physically set apart from any other room or dwelling units in the same structure.
- f. *Dwelling, accessory unit*: An additional living quarters on a single-family lot that is independent of the primary dwelling unit. The separate living space is equipped with kitchen and bathroom facilities, and can be either attached or detached from the main residence.
- g. *Mobile home*: A structure, transportable in one or more sections, which, 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 720 or more square feet and which 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.
- h. *Modular home*: A factory fabricated transportable building consisting of units designed to be incorporated at a building site on a permanent foundation into a permanent structure to be used for residential purposes and which bears a seal of compliance with the regulations of the Southern Building Code Congress International, the Georgia Industrialized Building Act, or the National Manufactured Housing Construction and Safety Standards Act as amended. For the purpose of this Ordinance, a modular home is a one-family detached dwelling.

Educational institution: Elementary, junior high, high schools, college or universities or other schools giving general academic instruction in the several branches of learning and study required to be taught by the State Board of Education.

Façade: The exterior surface of a building.

Fair market value: The value of property or structures, shall mean, as determined by the tax assessor, either (a) before the improvement was started, or (b) if the structure has been damaged and is being restored, before the damage occurred.

Farm: Any plot or tract of land devoted to agricultural purposes or the raising of domestic and/or other animals.

Flashing sign: A sign whose illumination is not kept constant in intensity at all times when in use, and which exhibits changes in light, color, direction, or animation. Illuminated signs which indicate the date, time, and temperature will not be considered flashing signs.

Floor area, gross: The sum of the horizontal area of all livable floors of a building and its accessory buildings on the same lot, measured from the exterior faces of the walls. It does not include cellars, unenclosed porches or attics not used for human occupancy or for commercial and/or industrial use.

Floor area, net: The total of all floor areas of a building, excluding stairwells, equipment rooms, storage areas, interior vehicular parking and all floors below the first or ground floor, except when used or intended to be used for human habitation.

Free-standing sign: A self-supporting sign not attached to any building, wall, or fence, but in a fixed location. This does not include portable or trailer type signs.

Frontage: That Lot dimension along any road or street.

Garage, private: An accessory building or an accessory portion of the main building, enclosed on all sides and designed or used only for the shelter or storage of vehicles owned and operated by the occupants of the main building.

Guest house: A secondary building incidental to the main residence which is used only for the noncommercial boarding of guests.

Home professional use: When located within the principal dwelling and operated by a person resident in the building and employing not more than one person who is not a resident of the premises, provided that not more than twenty-five percent of total floor area in any dwelling unit is devoted to such use and that no additional parking spaces shall be required.

Home business office: An office within a dwelling which is secondary to the use of the structure for dwelling purposes. Home business offices are not offices for on-site customer servicing.

Home occupation: An occupation or profession carried on by the inhabitants of a residence and no more than one nonresident, within their primary residence which is clearly incidental and secondary to the use of the property for residential purposes.

Homeowners association: A private non-profit corporation, association, or other non-profit legal entity organized under the laws of the State of Georgia established to provide for the ownership, care and maintenance of common open space lands and site improvements.

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.

Hospital, veterinarian: An establishment in which veterinary services, clipping, bathing, boarding, and other services are rendered to dogs, cats, and other small animals and domestic pets.

Hotel or motel: A building or group of buildings under one ownership intended or designed to be occupied as a temporary place of persons who are lodged with or without meals for compensation, but not including an auto or trailer court or camp, sanatorium, hospital, asylum, orphanage, or building where persons are housed under restraint.

Illuminated sign: When artificial illumination techniques are used in any fashion to project the message on a sign, that sign shall be an illuminated sign.

Individual letter business sign: An individual letter business sign consists of individual letters that spell the name of the business and are placed on the wall of the business.

Information sign: Signs containing information other than directions, traffic or warning erected by a public agency.

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 material which is stored, kept, handled, or displayed.

Junk yards: Any land or building used for the purchase, sale, abandonment, storage, keeping, collecting, or bailing of paper, rags, scrap metals, other scrap or discarded materials, or for the abandonment, demolition, dismantling, storage, or salvaging of junk. A "junk yard" includes automobile wrecking yards and includes any area for storage, keeping or abandonment of junk, but does not include uses established entirely within enclosed buildings.

Kennel: The housing of four (4) or more dogs, cats, or other domestic animals for the purpose of providing income or revenue.

- a. *Commercial kennel*: Any location where boarding, caring for and keeping of more than a total of four (4) dogs or cats or other small animals or combination thereof (except litters of animals of not more than six (6) months of age) is carried on, and also raising, breeding, caring for or boarding of dogs, cats or other small animals for commercial purposes.
- b. *Noncommercial kennels*: Any location where the boarding, caring for and keeping of more than four (4) but not more than twelve (12) dogs or cats or other small animals or combination thereof (except litters of animals of not more than six (6) months of age) is carried on, not for commercial purposes, but as a hobby such as the raising of show and hunting dogs. Noncommercial kennels shall not be used for the purpose of producing income or revenue - and will be as a hobby only.

Land disturbing activity: Any activity which results in changes in the volume or flow rates of rainfall runoff, soil erosion from water or wind; any installation of impervious cover; any construction, rebuilding or significant alteration of a structure that damages or destroys vegetation; any other activity that destroys vegetation in the buffer; or the movement of sediments into state waters or onto land within the state, including, but not limited to, clearing, dredging, grading, excavating, transporting, and filling of land but not including agricultural practices. Land disturbing activity shall not include activities such as ordinary maintenance and landscaping operations, individual home gardens, yard and grounds upkeep, repairs, additions or minor modifications to a single-family dwelling, and the cutting of firewood for personal use.

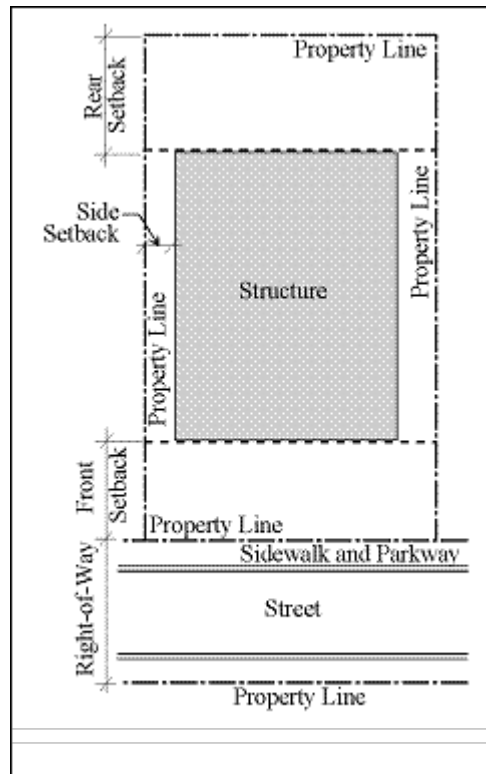
Livestock: Shall include horses, cows, pigs, goats, sheep, and similar animals.

Loading space, off-street: Space within the main building or on the same lot, providing for the standing, loading, or unloading of trucks and other carriers.

Lot: A developed or undeveloped parcel or tract of land in one ownership, legally transferable as a single unit of land.

- a. *Lot, area*: The total area included within lot lines, excluding roadways, right-of-way easements, and established wetlands.
- b. *Lot, corner*: A lot of which at least two adjacent sides abut for their full lengths on a street, provided that the interior angle at the intersection of such two sides is less than 135 degrees.
- c. *Lot coverage*: That portion of the lot that is covered by impervious surfaces.
- d. *Lot width*: The distance between side lot lines measured at and along the front building (setback) line.
- e. *Lot, double frontage or lot, through*: A lot having frontage on two nonintersecting parallel streets, as distinguished from a corner lot.
- f. *Lot lines*: The boundary dividing a given lot from the street or adjacent lots; the boundary defining the limit of ownership of a property.
 - 1. *Front lot line*: Any boundary line of a lot that butts a street. A lot adjacent to more than one street will have more than one front lot line.
 - 2. *Rear lot line*: Any boundary line of a lot that does not intersect with a street right-of-way line and is not a front lot line.

3. *Side lot line*: Any boundary line of a lot that intersects with a street right-of-way line and is not a front lot line.



- g. *Lot of record*: An area designated as a separate and distinct parcel of land on a legally recorded subdivision plat or in a legally recorded deed as filed in the records of the Clerk of McIntosh County, Georgia Superior Court.

Mean sea level: The average height of the sea for all stages of the tide.

Manufactured home: Any structure, transportable in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width and forty (40) body feet or more in length, or when erected on site, is 720 square feet or more, and which is built on a permanent foundation when connected to required utilities, which include plumbing, heating and electrical heating systems contained therein.

Manufacturing: Uses serving the needs of the community for industrial activity which are not offensive to nearby commercial or residential uses, as described below.

- a. Light Industry includes manufacture or assembly processes carried on completely inside a building. Light Industry shall not produce any of the following adverse impacts, as determined at the boundary of the Light Industry lot:
1. Noise at a level greater than typical street or traffic noise;
 2. Hazardous solids, liquids, or gases for emission to the environment;
 3. Offensive odors or glare;
 4. Offensive vibration; or
 5. Any other adverse impact as may be determined by the County Commission, based on evidence presented.

- b. All other manufacturing uses shall be considered Heavy Industrial.

Medical clinic building: An establishment where patients are accepted for special study or treatment by a group of physicians practicing together.

Modular home: A factory fabricated transportable building consisting of units designed to be incorporated at a building site on a permanent foundation into a permanent structure to be used for residential purposes and which bears a seal of compliance with the regulations of the Southern Building Code Congress International, the Georgia Industrialized Building Act, or the National Manufactured Housing Construction and Safety Standards Act as amended. For the purpose of this Ordinance, a modular home is a one-family detached dwelling.

Monument sign: A monument sign structure is one sign either single-faced or double-faced located near the front property line indicating the name of the center's or site's general activity and may include the names of business occupants therein.

Non-conforming lot: A lot, the area, dimensions or location of which was lawful prior to the adoption of this Ordinance, but which fails to conform to the present requirements of the zoning district.

Non-conforming structure or building. Any structure that exists lawfully under these zoning regulations at the effective date of its adoption or amendment that could not be built under these zoning regulations by reason of restrictions on lot area, lot coverage, height, yards, location on the lot, or requirements other than use concerning the structure.

Non-conforming use: A use which was lawfully established and maintained but which, because of the application of this Ordinance, no longer conforms to the use regulations of the zone in which it is located.

Outdoor storage: Placement on a lot not within a building or structure of supplies, materials, goods, products, or surplus materials for more than seven (7) consecutive days or more than thirty (30) days in any year if not fully screened from public view.

Personal services establishment: A commercial establishment, the primary concern of which is the rendering of a service to persons or individuals, rather than the sale of products.

Planning commission: An appointed body of people by the local governing authority whose responsibilities include the guidance of growth and development within the county and interpreting of the various county regulatory ordinances.

Principal building: One building, the use of which conforms to the primary use permitted by the zone classification in which it is located.

Principal use. The principal purpose for which a lot or the main building therein is designed, arranged, or intended, and for which it is or may be used, occupied, or maintained.

Projecting sign: A sign extending outward not more than eight (8) feet from the wall of a building and located overhead not less than the height of the first story ceiling.

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

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

Public or community sewer system: This means any sewage treatment works, pipe lines or conduits, pumping stations and force mains and all other constructions, devices, and appliances appurtenant thereto, approved by the Georgia Environmental Protection Division and/or the McIntosh County Health Department and designed for treating sewage

for ultimate disposal into lakes, streams, estuaries, or other bodies of surface water. The Health Department and EPD does not approve of any disposal of water into Surface Waters.

Public utility: Any person, firm or corporation, municipal department, board or commission duly authorized to furnish and furnishing under federal, state, or municipal regulations to the public: natural gas, steam, electricity, sewage disposal, communication, or water.

Quasi-judicial officers, boards, or agencies: shall have the same meaning as defined in O.C.G.A § 36-6-3.

Recreation vehicle: A vehicle portable structure, either towed or operated under its own power, designed as a temporary dwelling for travel, recreation or vacation uses, such vehicles being commonly known as "campers," "recreational vehicles," or "travel trailers."

Right-of-way: A strip of land that is generally used for the location of a street, walkway, utility line or other access way that is separate and distinct from the lots and parcels adjoining such right-of-way and not included within the dimensions of areas of such other lots or parcels.

Roof sign: A roof sign structure is one business sign either single-faced or double-faced located on the roof of the business advertised by the sign and extending upward not more than 8 feet high.

Setback: The shortest straight-line distance between a property line and the nearest point of a structure or building or projection there from, measured at 90 degrees to the property line. The "nearest point of a building" includes such projections as sun parlors and covered porches, whether enclosed or unenclosed, but does not include steps and roof overhangs of 18 inches or less.

Sign: Any display of lettering, logos, colors, lights, or illuminated neon tubes visible to the public from outside of a building or from a traveled way, which either conveys a message to the public, or intends to advertise, direct, invite, announce, or draw attention to, directly or indirectly, a use conducted, goods, products, services or facilities available, either on the lot or any other premises, excluding window displays and merchandise.

- a. *Business identification sign:* A sign that contains the name of the business enterprise located on the same premises as the sign and the nature of the business conducted there.
- b. *Business identification pylon sign:* A sign erected on a single pole or multiple poles which contains only the name or the nature of the business conducted on the premises on which it is located.
- c. *Directional sign:* A signs containing directional information about public places owned or operated by State, Federal or local governments or their agencies; publicly or privately owned natural phenomena, historic, cultural, scientific, educational, and religious sites, and areas of natural scenic beauty or naturally suited for outdoor recreation, deemed to be in the interest of the traveling public.
- d. *Flashing sign:* A sign whose illumination is not kept constant in intensity at all times when in use, and which exhibits changes in light, color, direction, or animation. Illuminated signs which indicate the date, time, and temperature will not be considered flashing signs.
- e. *Free-standing sign:* A self-supporting sign not attached to any building, wall, or fence, but in a fixed location. This does not include portable or trailer type signs
- f. *Illuminated sign:* When artificial illumination techniques are used in any fashion to project the message on a sign, that sign shall be an illuminated sign.

- g. *Individual letter business sign*: An individual letter business sign consists of individual letters that spell the name of the business and are placed on the wall of the business.
- h. *Information sign*: Signs containing information other than directions, traffic or warning erected by a public agency.
- i. *Mobile sign*: A sign designed and constructed in such a manner as to readily allow changes of location.
- j. *Monument sign*: A monument sign structure is one sign either single-faced or double-faced located near the front property line indicating the name of the center's or site's general activity and may include the names of business occupants therein.
- k. *Projecting sign*: A sign extending outward not more than eight (8) feet from the wall of a building and located overhead not less than the height of the first story ceiling.
- l. *Sign area*: The area of the face of the sign formed by a perimeter consisting of a series of straight lines enclosing all parts of the sign. The area of a free-standing sign structure is the area of the face or faces on each side only.
- m. *Roof sign*: A roof sign structure is one business sign either single-faced or double-faced located on the roof of the business advertised by the sign and extending upward not more than 8 feet high.
- n. *Temporary sign*: A sign intended to be used for a period of no more than thirty (30) days. Exceptions for pennants and similar devices intended for civic purposes may be granted by special permit.
- o. *Traffic sign*: Signs containing information for direction of all moving traffic/vehicles erected by a public agency.
- p. *Wall sign*: Signs attached to the wall of a building and not projecting more than twelve (12) inches from the building.
- q. *Warning sign*: Signs containing information to alert traffic to special conditions on the street/highway erected by a public agency.

Single-family residence. A structure which contains one dwelling unit designed for occupation by one family. It may be stick built manufactured or modular housing but not a mobile home.

Special Use: Use of a parcel of land or property in a manner that deviates from normally accepted activities in that area. Special Uses may be permitted by the County Board of Commissioners after it has:

- a. Reviewed, in conjunction with the Standards of Review, the proposed site plans, its location within the County, its arrangements and design, its relationship to neighboring property, and other conditions peculiar to the particular proposal which would determine its desirability or undesirability; or
- b. Has found the proposal not to be contrary to the intent of this Ordinance.

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

Street: Any public or private thoroughfare which affords the principal means of access to abutting property.

- a. *Street centerline*: That line surveyed and monumented by the governing authority shall be the centerline of a street, or in the event that no centerline has been

determined, it shall be that line running midway between, and parallel to the outside right-of-way lines of such streets.

- b. *Street, intersecting*: Any street which joins another street at an angle, whether or not it crosses the other.

Structure. Anything constructed or erected which requires location on the ground or attached to something having a location on the ground, including items located in water which are attached to the ground, but not including fences or walls used as fences less than six feet in height.

Structural alterations: Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams, or girders, or any substantial change in the roof or in the exterior walls.

Subdivision: The division of a parcel or tract of land into two or more lots for immediate or future use. Subdivisions are further categorized as:

- a. *Minor subdivision*: The division of an original tract in which each lot has frontage on an existing County street or road, and the subdivision does not require the construction of a new street or the widening of an existing roadway, the provision of stormwater detention facilities, or the construction or improvement of any public utilities.
- b. *Major subdivision*: Any subdivision that does not qualify as a "minor subdivision." A major sub-division commonly involves the construction of a new street or widening of an existing road-way, the provision of stormwater drainage facilities, or the construction or improvement of public utilities.

Temporary sign: A sign intended to be used for a period of no more than thirty (30) days. Exceptions for pennants and similar devices intended for civic purposes may be granted by special permit.

Traffic sign: Signs containing information for direction of all moving traffic/vehicles erected by a public agency.

Travel trailer: A vehicular type portable structure without permanent foundation, which can be towed, hauled or driven and primarily designed as temporary living accommodation for recreational, camping and travel use.

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.

Variance: A modification of the strict terms of this chapter granted by the Planning Commission where such modification will not be contrary to the public interest and where, owing to conditions peculiar to the property and not as the result of any action on the part of the property owner, a literal enforcement of this chapter would result in unnecessary and undue hardship.

Wall sign: Signs attached to the wall of a building and not projecting more than twelve (12) inches from the building.

Warehouse: A building used exclusively, except for appurtenant office space, for the storage of goods or merchandise.

Warning sign: Signs containing information to alert traffic to special conditions on the street/highway erected by a public agency.

Water dependent uses: Those uses that require for their primary purpose, location on submerged lands or that require direct access to, or location in coastal waters and which therefore cannot be located away from these waters. Those uses include, but are not limited to

commercial and recreational fishing and boating facilities, finfish and shellfish processing, aquaculture, storage, and retail and wholesale marketing facilities, marinas, navigation aides, basins and channels, industrial uses dependent upon water-borne transportation or requiring large volumes of cooling or processing water that cannot reasonably be located or operated at an inland site and uses which primarily provide general public access to marine or tidal waters.

Wetlands: Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. For purposes of this Ordinance, wetlands do not include coastal marshlands as defined under the Georgia Coastal Marshlands Protection Act.

Zoning decision: Shall have the same meaning as defined in O.C.G.A § 36-6-3.

(a) Interpretation of Terms.

For the purpose of this Ordinance, certain words or terms used herein shall be defined as follows:

- (1) Words used in the singular shall include the plural, and the plural shall include the singular;
- (2) Words used in the present tense shall include the future tense;
- (3) The word “shall” is mandatory and not discretionary;
- (4) The word “may” is discretionary;
- (5) The phrase “used for” shall include the phrases “arranged for,” “designed for,” “intended for,” “maintained for,” and “occupied for.”
- (6) The word “person” includes a firm, partnership, or corporation.
- (7) The word “lot” includes the word “plot” or “parcel.”
- (8) The word “building” includes the word “structures.”
- (9) Words not defined herein shall be construed to have the meaning given by common and ordinary use.

Sec. 205. Intent of land use districts and specific land use district regulations.

The regulations set by this Ordinance within each district shall be minimum regulations and shall apply uniformly and to each class or kind of structure or land, except when modifications are provided

(a) Use of land, buildings, and structures.

- (1) No building shall be erected, reconstructed, or structurally altered, nor shall any building or land be used for any purpose except as hereinafter specifically provided and allowed in the same zone in which such building and land is located.
- (2) No building or land shall be used except for the purposes permitted in the district as described in this chapter. A permit for the construction, alteration, enlargement, moving demolition or use of a building or structure shall not be issued by the Building Inspector unless it complies with the provisions of this chapter and/or has been granted a variance or special exception by the Planning Commission.

Sec. 206. Area regulation exceptions.**(a) Double frontage lots.**

On lots having frontage on more than one street, but not located on a corner, the minimum front setback from property line shall be provided for each street in accordance with the regulations for the Land Use District in which the lot is zoned.

(b) Front setback from property line requirements.

The front setback from property line requirements of this ordinance shall not apply to any lot where the average front setback on already built-upon lots located within 100 feet on each side of such lot and within the zoning district and fronting on the same street as such lot, is less than the minimum required setback. In such cases, the setback on such a lot may be less than the required setback but not less than the average of the existing setbacks on the developed lots. However, in no case shall setback be less than 10 feet.

(c) Exceptions to height regulations.

The height limitations of this ordinance shall not apply to church spires, belfries, cupolas and domes not intended for human occupancy, monuments, roof signs, water towers, observation towers, transmission towers, silos, chimneys, smokestacks, conveyors, flag poles, masts, and aerials.

Sec. 207. A-F general agriculture-forestry district.**(a) Purpose and intent of the A-F zoning district.**

The intent of the A-F district is to provide land for the production of agricultural products, such as field crops, livestock, poultry, and other conventional agricultural and forestry pursuits. This district is also created to assist in the conservation of natural resources by encouraging practices that will conserve soil, water, and marine resources. Utilities other than electricity and telephone should be provided by the land user in order to discourage the costly extension of public water supply and sewage disposal facilities.

(b) Uses permitted in the A-F zoning district.

- (1) No building, structure, or land shall be used except principal uses, accessory uses, and temporary uses that are allowed by right or by Special Use approval listed on Table 2.1: Allowed Land Uses by Zoning District in [Sec. 221](#).
- (2) Restrictions that apply to particular uses allowed by right or Special Use approval are referenced on Table 2.1 and are contained in [Sec. 221](#) of this Ordinance.

(c) Area regulations.

Unless otherwise specified in this Ordinance, uses permitted in the A-F general agriculture-forestry district shall conform to the following requirements:

- (1) Minimum lot area: 5 acres.
- (2) Minimum lot width at building line: 300 feet.
- (3) Minimum front setback from property line: 50 feet.
- (4) Minimum side setback from property line: 40 feet.
- (5) Minimum rear setback from property line: 50 feet.
- (6) Maximum percentage of lot coverage: 20 percent.

(d) Signs permitted in A-F district.

- (1) For permitted home occupations, one non-illuminated professional or business name plate not exceeding 2 square feet in area.
- (2) For uses other than dwellings, a single illuminated or non-illuminated institution or business identification sign or bulletin board not exceeding 20 square feet in area. Such sign shall be set back not less than 15 feet from the street right-of-way line unless attached to the front wall of a building.
- (3) Temporary subdivision signs and private directional signs, under the provisions set forth in [Sec. 505](#).
- (4) Off-premise signs, provided such signs are not visible from the rights-of-way of I-95 and U.S. 17 and do not exceed 32 square feet in area.

Sec. 208. A-R residential agriculture district.**(a) Purpose and intent of the A-R zoning district.**

The intent of the A-R district is to provide land primarily for small farms with residences and other limited compatible uses. Commercial, industrial, and small lot residential uses are discouraged in order to protect the natural amenities of the area, as well as suppress urban sprawl. It is the purpose of this district to promote a compatibility between uses and to encourage and provide an orderly transition from agriculture to urban uses.

(b) Uses permitted in the A-R zoning district.

- (1) No building, structure, or land shall be used except principal uses, accessory uses, and temporary uses that are allowed by right or by Special Use approval listed on Table 2.1: Allowed Land Uses by Zoning District in [Sec. 221](#).
- (2) Restrictions that apply to particular uses allowed by right or Special Use approval are referenced on Table 2.1 and are contained in [Sec. 221](#) of this Ordinance.

(c) Area regulations.

Unless otherwise specified in this Ordinance, uses permitted in the A-R residential agriculture district shall conform to the following requirements:

- (1) Minimum lot area: 3 acres.
- (2) Minimum lot width at building line: 150 feet.
- (3) Minimum front setback from property line: 30 feet.
- (4) Minimum side setback from property line: 25 feet.
- (5) Minimum rear setback from property line: 25 feet.
- (6) Maximum impervious area must comply with Sec 302(c).

(d) Signs permitted in the A-R district.

- (1) For permitted home occupations, one non-illuminated professional or business name plate not exceeding 2 square feet in area.
- (2) For uses other than dwelling, a single illuminated or non-illuminated institution or identification sign or bulletin board not exceeding 6 square feet in area.
- (3) Temporary subdivision signs and private directional signs, under the provisions set forth in [Sec. 505](#).

Sec. 209. R-1 single-family residential district.**(a) Purpose and intent of the R-1 zoning district.**

The intent of the R-1 district is to provide for single-family dwellings and related recreational, religious, and educational facilities needed to provide the basic elements of a balanced and attractive residential area. These areas are intended to be defined and protected from the encroachment of uses not performing a function appropriate to the single-family residential environment. Internal stability, attractiveness, order, and efficiency are encouraged by providing for adequate light, air, and open space for dwellings and related facilities and through consideration of the proper functional relationship of each element.

(b) Uses permitted in the R-1 zoning district.

- (1) No building, structure, or land shall be used except principal uses, accessory uses, and temporary uses that are allowed by right or by Special Use approval listed on Table 2.1: Allowed Land Uses by Zoning District in [Sec. 221](#).
- (2) Restrictions that apply to particular uses allowed by right or Special Use approval are referenced on Table 2.1 and are contained in [Sec. 221](#) of this Ordinance.

(c) Area regulations.

Unless otherwise specified in this Ordinance, uses permitted in the R-1 single-family residential district shall conform to the following requirements:

- (1) Minimum lot area: 43,560 square feet (1 acre) per dwelling unit.
- (2) Minimum lot width at building line: 60 feet.
- (3) Minimum front setback from property line: 25 feet.
- (4) Minimum side setback from property line: 10 feet.
- (5) Minimum rear setback from property line: 15 feet.
- (6) Maximum impervious area must comply with Sec 302(c).
- (7) Maximum building height: 45 feet.
- (8) Maximum density: 1 single-family dwelling per acre
- (9) Any and all lots in an R-1 district smaller than 43,560 square feet shall be served by public/community water or a public/community sewer system approved by the McIntosh County Health Department and/or Environmental Protection Division.

(d) Standards for single-family residences in the R-1 district.

- (1) All structures, including the primary structure, shall be constructed with a pitched roof having a pitch of 3 in 12 or greater.
- (2) The roof shall be covered with asphalt composition shingles, metal roofing, tile materials, or corrugated metal similar materials. Flat sheet metal roofs are prohibited.
- (3) The exterior wall shall be material similar to traditional site-built housing. These materials may include clapboards, simulated clapboards such as conventional vinyl or metal siding, wood shingles, logs, shakes, stucco, brick, brick veneer, concrete block, or similar materials, but shall not include smooth, ribbed, or corrugated metal or plastic panels.
- (4) The minimum floor area shall be 1,200 heated square feet.

- (5) Only 'SITE BUILT' structures may be placed in an R1 district. For purposes of this paragraph, a 'Site Built' structure is one which is built or constructed, from the foundation to the roof, at the precise location where the structure is permanently affixed to its foundation.
- (6) No mobile homes, manufactured homes, modular homes nor any similar structures may be placed in the R1 District.
- (7) The storing of recreation vehicles must be in accordance with the requirements of Sec. 301.
- (8) Modular homes with manufacturing specifications are permitted within the R-1 district with a Special Use Permit.

(e) Standards for accessory buildings in the R-1 district.

- (1) All accessory buildings shall be constructed with a pitched roof having a pitch of 3 in 12 or greater.
- (2) All accessory buildings over 200 sq. ft. must meet the wind code as referenced in the International Code Council handbook and be certified by the manufacturer of the building or a certified engineer.
- (3) Any tier foundations must be approved by a design professional.
- (4) All area regulations must be met as specified in section 3.4 Area Regulations.
- (5) The location of all accessory buildings must be approved by the County Health Department.
- (6) No shipping containers can be used as an accessory building in the R-1 district.

(f) Domestic animals.

- (1) Domesticated animals may be kept in all residential districts for personal pleasure and use, but not for commercial activities.
- (2) In no case shall poultry or livestock be permitted on lots less than 3 acres in size. Roosters shall not be allowed in the R-1 district.
- (3) All structures which house livestock and poultry must be kept at least 50 feet from property lines which abut property in residential use.
- (4) No stall or barn shall be kept or maintained within 200 feet of any window or door of any building used for human habitation nor within 300 feet of any portion of a required yard space or adjoining property if such property is devoted to a use other than agriculture.
- (5) The keeping of an apiary and all domestic animals provided for in this Ordinance shall conform to all other provisions of law governing same and no fowl or animals, or any pen, coop, stable or barn, shall be kept or maintained within 200 feet of any portion of a required yard space located on adjoining property, or within 100 feet of any street or public property.
- (6) On sites over 3 acres, horses and the grazing of bovine animals shall be permitted, but there shall be no more than one individual livestock per acre devoted to feed for same.
- (7) Kennels (non-commercial) shall not be kept on any lot less than one acre.

(g) Signs permitted in the R-1 district.

- (1) For permitted home occupations, one non-illuminated professional or business name plate not exceeding 2 square feet in area.
- (2) For uses other than dwelling, a single illuminated or non-illuminated institution or identification sign or bulletin board not exceeding 6 square feet in area.
- (3) Temporary subdivision signs and private directional signs, under the provisions set forth in [Sec. 505](#).

(h) Limitations on permitted uses in R-1 zones.

No person shall park a commercial vehicle, as is defined in the Vehicle Code of the State of Georgia, which has a capacity greater than three-quarters ($\frac{3}{4}$) of a ton, in any R-1 Zone.

Sec. 210. R-2 one and two family residential district.

(a) Purpose and intent of the R-2 zoning district.

The intent of the R-2 district is to provide for medium-density residential purposes served by adequate water and/or sewer facilities. The regulations that apply within this district are designed to encourage the formation and continuance of a stable, healthy environment for several different types of dwellings and to discourage unwarranted encroachment of commercial, industrial, or other uses capable of adversely affecting the residential character of the district.

(b) Uses permitted in the R-2 zoning district.

- (1) No building, structure, or land shall be used except principal uses, accessory uses, and temporary uses that are allowed by right or by Special Use approval listed on Table 2.1: Allowed Land Uses by Zoning District in [Sec. 221](#).
- (2) Restrictions that apply to particular uses allowed by right or Special Use approval are referenced on Table 2.1 and are contained in [Sec. 221](#) of this Ordinance.

(c) Area regulations.

Unless otherwise specified in this Ordinance, uses permitted in the R-2 one and two family residential district shall conform to the following requirements:

- (1) Minimum lot area:
 - a. 43,560 square feet (1 acre).
- (2) Minimum lot width at building line: 60 feet.
- (3) Minimum front setback from property line: 20 feet.
- (4) Minimum side setback from property line: 15 feet.
- (5) Minimum rear setback from property line: 15 feet.
- (6) Maximum impervious area must comply with Sec 302(c).
- (7) Maximum building height: 45 feet.
- (8) Minimum dwelling unit size: 720 heated square feet for single family homes, mobile homes, and manufactured homes.
- (9) R-2 zoning is prohibited from properties within 600 feet of any marshland or river frontage.
- (10) Maximum density: 1 duplex or 1 single-family dwelling per acre.

(d) Standards for single-family residences in the R-2 district.

- (1) All structures, including the primary structure, shall be constructed with a pitched roof having a pitch of 3 in 12 or greater.
- (2) The roof shall be covered with asphalt composition shingles, metal roofing, tile materials, or corrugated metal similar materials. Flat sheet metal roofs are prohibited.
- (3) The exterior wall shall be material similar to traditional site-built housing. These materials may include clapboards, simulated clapboards such as conventional vinyl or metal siding, wood shingles, logs, shakes, stucco, brick, brick veneer, concrete block, corrugated material, or similar materials.
- (4) The minimum floor area shall be 720 heated square feet.
- (5) Modular homes with manufacturing specifications are permitted within the R-2 district.

(e) Standards for accessory buildings in the R-2 district.

- (1) All accessory buildings shall be constructed with a pitched roof having a pitch of 3 in 12 or greater.
- (2) All accessory buildings over 200 sq. ft. must meet the wind code as referenced in the International Code Council handbook and be certified by the manufacturer of the building or a certified engineer.
- (3) Any tier foundations must be approved by a design professional.
- (4) All area regulations must be met as specified in section 3.4 Area Regulations.
- (5) The location of all accessory buildings must be approved by the County Health Department.
- (6) No shipping containers can be used as an accessory building in the R-2 district.

(f) Domestic animals.

- (1) Domesticated animals may be kept in all residential districts for personal pleasure and use, but not for commercial activities.
- (2) In no case shall poultry or livestock be permitted on lots less than 3 acres in size. Roosters shall not be allowed in the R-2 zoning district.
- (3) All structures which house livestock and poultry must be kept at least 50 feet from property lines which abut property in residential use.
- (4) No stall or barn shall be kept or maintained within 200 feet of any window or door of any building used for human habitation nor within 300 feet of any portion of a required yard space or adjoining property if such property is devoted to a use other than agriculture.
- (5) The keeping of an apiary and all domestic animals provided for in this Ordinance shall conform to all other provisions of law governing same and no fowl or animals, or any pen, coop, stable or barn, shall be kept or maintained within 200 feet of any portion of a required yard space located on adjoining property, or within 100 feet of any street or public property.
- (6) On sites over 3 acres, horses and the grazing of bovine animals shall be permitted, but there shall be no more than one individual livestock per acre devoted to feed for same.

- (7) Kennels (non-commercial) shall not be kept on any lot less than one acre.

(g) Signs permitted in the R-2 district.

- (1) For permitted home occupations, one non-illuminated professional or business name plate not exceeding 2 square feet in area.
- (2) For uses other than dwelling, a single illuminated or non-illuminated institution or identification sign or bulletin board not exceeding 6 square feet in area.
- (3) Temporary subdivision signs and private directional signs, under the provisions set forth in [Sec. 505](#).

Sec. 211. R-3 multi-family residential district.

(a) Purpose and intent of the R-3 zoning district.

The intent of the R-3 district is to provide for medium to high-density residential purposes served by adequate water and sewer facilities. The regulations that apply within this district are designed to encourage the formation and continuance of a stable, healthy environment for several different types of dwellings.

(b) Uses permitted in the R-3 zoning district.

- (1) No building, structure, or land shall be used except principal uses, accessory uses, and temporary uses that are allowed by right or by Special Use approval listed on Table 2.1: Allowed Land Uses by Zoning District in [Sec. 221](#).
- (2) Restrictions that apply to particular uses allowed by right or Special Use approval are referenced on Table 2.1 and are contained in [Sec. 221](#) of this Ordinance.

(c) Area regulations.

Unless otherwise specified in this Ordinance, uses permitted in the R-3 multi-family residential district shall conform to the following requirements:

- (1) Minimum lot area: 3 acres.
- (2) Maximum Density: 10 units per acre.
- (3) Minimum lot width at building line: 100 feet.
- (4) Minimum front setback from property line: 30 feet.
- (5) Minimum side setback from property line: 25 feet.
- (6) Minimum rear setback from property line: 25 feet.
- (7) Maximum impervious area must comply with Sec 302(c).
- (8) Maximum building height: 45 feet.

(d) Application Requirements.

In order to rezone to R-3, applicants shall complete the following two-phase process. All plans and Text Guides shall be prepared by an Architect or Engineer licensed in the State of Georgia:

- (1) Phase one: applicants seeking to rezone a lot or property shall meet the following requirements:
 - a. Deliver the following documents in person to the McIntosh County Building Department at least 30 days prior to the public hearing held by the Planning Commission:

1. Conceptual Site Plan showing location of all structures, building dimensions, setbacks, buffers, parking ingress/egress, conceptual utilities, landscape requirements, refuse collection, roadways/driveway dimensions, and all lot sizes.
 2. Conceptual stormwater drainage plan.
 3. Conceptual drawing of buildings that indicate the proposed architectural style, appearance, and size (heated and cooled square feet).
 4. Conceptual Site Plan shall depict surrounding property for a depth of 500 feet. Structures, roadways, and the zoning of the property shall be included.
 5. Text Guide that explains all aspects of the Site Plan in detail.
- b. Following the public hearing, the Planning Commission's recommendation and all documents will be sent to the County Commissioners for approval or denial.
 - c. County Commissioners will vote to approve or deny the rezoning application.
 - d. If the lot or property is current zoned correctly, skip phase and proceed to phase two.
- (2) Phase two: applicants seeking approval of construction plans shall meet the following requirements:
- a. Deliver the following documents to the McIntosh County Building Department:
 1. Construction Plan showing all aspects of construction including roadways, utilities, structures, etc.
 2. Text Guide that explains all aspects of the Construction Plans in detail.
 3. Stormwater Management Plan
 - b. All construction plans will be approved or denied by the Planning and Zoning Commission.
- (3) Revision of Site Plan or Site Plan Text
- Upon approval of the Site Plan and/or Site Plan Text, only small changes may be approved at the discretion of the Director of Building and Zoning. At the Director of Building and Zoning's discretion, any requested changes may be sent to the County Commissioners for approval.

Sec. 212. RVP recreational vehicle park district.

(a) Purpose and intent of the RVP zoning district.

The intent of the RVP district is to provide area, outside the normal use of the commercial district, on which to establish a planned, desirable living area with adequate open space and health considerations for the placement of recreational vehicles on a temporary basis. This Ordinance is adopted for the following purposes

(b) Uses permitted in the RVP zoning district.

- (1) No building, structure, or land shall be used except principal uses, accessory uses, and temporary uses that are allowed by right or by Special Use approval listed on Table 2.1: Allowed Land Uses by Zoning District in [Sec. 221](#).
- (2) Restrictions that apply to particular uses allowed by right or Special Use approval are referenced on Table 2.1 and are contained in [Sec. 221](#) of this Ordinance.

(c) Area regulations.

Unless otherwise specified in this Ordinance, uses permitted in the RVP recreational vehicle park district shall conform to the following requirements:

- (1) Minimum lot area: 5 acres.
- (2) Maximum density: 15 recreational vehicle units per acre with no more than one recreational vehicle or travel trailer per unit location.
- (3) Each unit location shall be served by a public or community water and a community engineered sewer approved by either the McIntosh County Health Department or the Georgia Environmental Protection Division, sized for the number of units it is intended to serve. If public water services are available within 500 feet, the park shall be connected to the public services.
- (4) Each unit location shall have an individual electrical hookup connection.
- (5) A drainage and stormwater management plan for the park shall be designed in compliance with the McIntosh County regulations. This water management plan shall be designed and stamped by a professional engineer licensed in the State of Georgia and is required as part of the development package of the park.
- (6) No unit parking space or community building shall be located closer than 30 feet to a right-of-way line or closer than 20 feet to a property line.
- (7) All recreational vehicle housing parks shall install and maintain a wood, block, or PVC fence at least 6 feet in height for the purposes of visual screening and noise abatement between the recreational vehicle housing park and all developed property.
- (8) Each unit area shall have a permanent unit parking space that shall be paved and abut an interior paved drive.
- (9) Interior drives shall be a minimum of 24 feet in width, shall be paved or concrete, and shall have unobstructed access to a public street. Street design and layout must be approved by both the Director of Public Works and the fire marshal/chief.
- (10) Off-street parking shall be provided at the rate of one parking space per site and shall be constructed of pavement, pervious pavement, pavers, or gravel sufficient enough that automobiles may be located on each unit parking lot space. This is in addition to the area set aside for the unit parking spaces.
- (11) All park accesses to the roadway shall meet the requirements for a commercial driveway.
- (12) All units staying in the park must be attached to or have available a pull vehicle on site or be self-powered so they may be moved in the event of emergency or pending inclement weather
- (13) All units staying in the park must be currently licensed in the state and county in which the unit is registered.

- (14) All units shall, prior to occupancy or other use, be stabilized in such a way as to prevent tilting of the unit.
- (15) Each park must have a designated area for solid waste management. This area shall be paved and fenced with a visual barrier. The park owner will be responsible to provide covered dumpsters for disposal of solid waste and must make private arrangements for garbage collection. It will also be the owner's responsibility to keep this area free of trash and debris.
- (16) All parks must obtain an occupational license from McIntosh County to operate as a business. In addition, there shall be a yearly charge of \$50.00 per parking lot to be paid by the park owner to McIntosh County at the time the occupational license is renewed.
- (17) The park shall remain under single ownership. Subdivision of the land within an operating RV Park or fee simple sale of unit locations is prohibited.
- (18) Permanent residency of recreational vehicles and travel trailers is prohibited. RV's that are continuously occupied by residents for a period longer than 60 days shall be considered permanent residency.

(d) Application Requirements.

In order to rezone to RVP, applicants shall complete the following two-phase process. All plans and Text Guides shall be prepared by an Architect or Engineer licensed in the State of Georgia:

- (1) Phase one: applicants seeking to rezone a lot or property shall meet the following requirements:
 - a. Deliver the following documents in person to the McIntosh County Building Department at least 30 days prior to the public hearing held by the Planning Commission:
 - 1. Conceptual Site Plan showing location of all structures, building dimensions, setbacks, buffers, parking ingress/egress, conceptual utilities, landscape requirements, refuse collection, roadways/driveway dimensions, and all lot sizes.
 - 2. Conceptual stormwater drainage plan.
 - 3. Conceptual drawing of buildings that indicate the proposed architectural style, appearance, and size (heated and cooled square feet).
 - 4. Conceptual Site Plan shall depict surrounding property for a depth of 500 feet. Structures, roadways, and the zoning of the property shall be included.
 - 5. Text Guide that explains all aspects of the Site Plan in detail.
 - b. Following the public hearing, the Planning Commission's recommendation and all documents will be sent to the County Commissioners for approval or denial.
 - c. County Commissioners will vote to approve or deny the rezoning application.
 - d. If the lot or property is current zoned correctly, skip phase and proceed to phase two.

- (2) Phase two: applicants seeking approval of construction plans shall meet the following requirements:
 - a. Deliver the following documents to the McIntosh County Building Department:
 1. Construction Plan showing all aspects of construction including roadways, utilities, structures, etc.
 2. Text Guide that explains all aspects of the Construction Plans in detail.
 3. Stormwater Management Plan
 - b. All construction plans will be approved or denied by the Planning and Zoning Commission.
- (3) Revision of Site Plan or Site Plan Text

Upon approval of the Site Plan and/or Site Plan Text, only small changes may be approved at the discretion of the Director of Building and Zoning. At the Director of Building and Zoning's discretion, any requested changes may be sent to the County Commissioners for approval.

Sec. 213. C-N neighborhood commercial.

(a) Purpose and intent of the C-N zoning district.

The intent of the C-N district is to provide nearby residential areas with convenient shopping and service facilities. Uses will include those businesses and services which are desired by neighborhood residents on a day-to-day basis. Regulations are designed to encourage a stable, healthy, and compatible environment, reduce traveling and parking inconveniences, avoid strip commercial development, and prevent industrial and other encroachment capable of destroying the neighborhood commercial character of the district.

(b) Uses permitted in the C-N zoning district.

- (1) No building, structure, or land shall be used except principal uses, accessory uses, and temporary uses that are allowed by right or by Special Use approval listed on Table 2.1: Allowed Land Uses by Zoning District in [Sec. 221](#).
- (2) Restrictions that apply to particular uses allowed by right or Special Use approval are referenced on Table 2.1 and are contained in [Sec. 221](#) of this Ordinance.

(c) Area regulations.

Unless otherwise specified in this Ordinance, uses permitted in the CN recreational vehicle park district shall conform to the following requirements:

- (1) Minimum lot area: 4,000 square feet without a residence or 10,890 square feet with residential if public/community water and public/community sewer are provided in accordance with the requirements of the Georgia Environmental Protection Division; otherwise, McIntosh County Health Department standards will apply to the minimum lot area.
- (2) Minimum lot width at building line: 50 feet if public/community water and public/community sewer are provided; otherwise, McIntosh County Health Department standards will apply to minimum lot width.
- (3) Minimum front setback from property line: 20 feet.
- (4) Minimum side setback from property line: 10 feet.

- (5) Minimum rear setback from property line: 10 feet.
- (6) Maximum building height: 45 feet.
- (7) Maximum percentage of lot coverage: 60 percent.

(d) Accessory structures and uses for commercial and industrial uses.

- (1) Off-street parking or storage area for customer, client, or employee-owned vehicles.
- (2) Completely enclosed building for the storage of supplies, stock, or merchandise.
- (3) The principal use provided that dust, odor, smoke, noise, vibration, heat or glare produced as a result of such operation is not perceptible from any boundary line of the lot on which said principal and accessory uses are located and provided such operation is not otherwise specifically prohibited in the district in which the principal use is located.
- (4) Sheltered roofs, awnings, or canopies incidental to retail and commercial use, where such use is permitted, provided that no part shall, in any case, be located any closer than 10 feet to any property line.
- (5) In any district, all accessory uses and structures shall observe all setbacks, yard, and other requirements set forth for the district in which they are located.

(e) Public utility installations and buildings.

Public utility installations and buildings, including water towers, electric transformer stations, and water and sewage pumping stations in the C-N zoning district further shall comply with the following:

- (1) No storage is permitted at the site.
- (2) The area is fenced in by a wall or fence at least six feet in height.
- (3) A landscaped strip not less than ten feet in width is planted and maintained.

(f) Automobile service station.

Automobile service stations and filling stations approved in the C-N zoning district further shall comply with the following:

- (1) All pumps and parking areas are located at the side or back of the lot and set back at least 25 feet from the right-of-way line of all abutting streets.
- (2) Parking or service areas shall be entirely separated from adjoining residential properties by a suitable planting screen, fence, or wall at least 6 feet in height.

(g) Restaurants without drive-in service.

- (1) Outside lighting and advertisement arrangements shall be directed away from adjoining residential properties
- (2) Parking service areas shall be separated from adjoining residential properties by a suitable planting screen, fence, or wall at least 6 feet in height.

(h) Drive-in restaurants.

- (1) Outside lighting and advertisement arrangements shall be directed away from adjoining residential properties, if any.
- (2) Parking services areas shall be separated from adjoining districts, if any, by a suitable planting screen, fence, or wall at least 6 feet in height.

(i) Signs permitted in the C-N district.

- (1) All signs as permitted by [Sec. 505](#).
- (2) The number of signs shall be limited to three for each street on which the establishment fronts. The maximum size of a sign for any business establishment shall be 64 square feet.

(j) Limitations on permitted uses in the C-N zones.

Every use permitted shall be subject to the following conditions and limitations:

- (1) All uses shall be conducted wholly within a building except such uses as electrical transformer substations and nurseries for sale of plants and flowers and similar enterprises customarily conducted in the open.
- (2) Permitted signs shall be limited to identification of occupants, type of use or commodity sold or serviced on the premises, or the lease, sale or rental of the premises.
- (3) Big-Box type architecture is not allowed within the C-N district.
- (4) Storage shall be limited to accessory storage of commodities sold on the premises.

Sec. 214. C-G general commercial district.

(a) Purpose and intent of the C-G zoning district.

The intent of the C-G district is to encourage an economically healthy environment for a wide variety of businesses and services that benefit from close proximity to each other. The regulations shall encourage intense land development and discourage uses requiring large areas of land in proportion to the number of pedestrians. The regulations are concerned with excluding all uses involving heavy trucking which are not related to the predominant retail activity and particularly in excluding manufacturing and warehousing.

(b) Uses permitted in the C-G zoning district.

- (1) No building, structure, or land shall be used except principal uses, accessory uses, and temporary uses that are allowed by right or by Special Use approval listed on Table 2.1: Allowed Land Uses by Zoning District in [Sec. 221](#).
- (2) Restrictions that apply to particular uses allowed by right or Special Use approval are referenced on Table 2.1 and are contained in [Sec. 221](#) of this Ordinance.

(c) Area regulations.

Unless otherwise specified in this Ordinance, uses permitted in the C-G general commercial district shall conform to the following requirements:

- (1) Minimum lot area: 2,000 square feet if public/community water and public/community sewer are provided; otherwise, McIntosh County Health Department standards will apply to the minimum lot area.
- (2) Minimum lot width at building line: 40 feet if public/community water and public/community sewer are provided; otherwise, McIntosh County Health Department standards will apply to minimum lot width.
- (3) Minimum front setback from property line: 20 feet.
- (4) Minimum side setback from property line: 10 feet.
- (5) Minimum rear setback from property line: 10 feet.
- (6) Maximum building height: 45 feet.

- (7) Maximum percentage of lot coverage: 75 percent without special use permit.

(d) Accessory structures and uses for commercial and industrial uses.

- (1) Off-street parking or storage area for customer, client, or employee-owned vehicles.
- (2) Completely enclosed building for the storage of supplies, stock, or merchandise.
- (3) The principal use provided that dust, odor, smoke, noise, vibration, heat or glare produced as a result of such operation is not perceptible from any boundary line of the lot on which said principal and accessory uses are located and provided such operation is not otherwise specifically prohibited in the district in which the principal use is located.
- (4) Sheltered roofs, awnings, or canopies incidental to retail and commercial use, where such use is permitted, provided that no part shall, in any case, be located any closer than 10 feet to any property line.
- (5) In any district, all accessory uses and structures shall observe all setbacks, yard, and other requirements set forth for the district in which they are located.

(e) Restaurants without drive-in service.

- (1) Outside lighting and advertisement arrangements shall be directed away from adjoining residential properties
- (2) Parking service areas shall be separated from adjoining residential properties by a suitable planting screen, fence, or wall at least 6 feet in height.

(f) Drive-in restaurants.

- (1) Outside lighting and advertisement arrangements shall be directed away from adjoining residential properties, if any.
- (2) Parking services areas shall be separated from adjoining districts, if any, by a suitable planting screen, fence, or wall at least 6 feet in height.

(g) Outdoor sales space.

Outdoor sales space for exclusive sale of new or secondhand automobiles, mobile or modular homes, boats, and other such items approved in the C-G district further shall comply with the following:

- (1) Ingress and egress to the outdoor sales area shall be at least 60 feet from the intersection of any streets.
- (2) The lot must be graded, surfaced, and drained so as to dispose of all surface water.

(h) Signs permitted in the C-G district.

- (1) All signs permitted in A-F, A-R, R-1, R-2, C-N Districts are permitted in commercial and industrial districts ([Sec. 505](#)).
- (2) On any occupied zoning lot in a commercial or industrial district, not more than 4 signs of any type having a total area of not more than 750 square feet shall be permitted.
- (3) Commercial or industrial uses located on or adjacent to major streets or controlled access thoroughfares in commercial or industrial districts may include as part of their total permitted sign area, 1 business identification pylon sign which shall be erected so that no portion of the sign shall be less than 10 feet back from the street right-of-way line.

- (4) Signs in any commercial or industrial district may be illuminated.

(i) Limitations on permitted uses in the C-G zone.

Every use permitted in a C-G district shall be subject to the following conditions and limitations:

- (1) All uses shall be conducted wholly within an enclosed building except such uses as drive-in restaurants, gasoline stations, electrical transformer substations and horticultural nurseries, and similar enterprises customarily conducted in the open.
- (2) Storage shall be limited to accessory storage of commodities sold at retail on the premises.

Sec. 215. C-I interchange commercial district.

(a) Purpose and intent of the C-I zoning district.

The intent of the C-I district is to serve the needs of inter-regional traffic at interchanges on limited access thoroughfares. The uses allowed in this district should be limited to the food, service, fuel, souvenirs, and lodging needs of tourists, visitors, truckers, and other travelers.

(b) Uses permitted in the C-I zoning district.

- (1) No building, structure, or land shall be used except principal uses, accessory uses, and temporary uses that are allowed by right or by Special Use approval listed on Table 2.1: Allowed Land Uses by Zoning District in [Sec. 221](#).
- (2) Restrictions that apply to particular uses allowed by right or Special Use approval are referenced on Table 2.1 and are contained in [Sec. 221](#) of this Ordinance.

(c) Area regulations.

Unless otherwise specified in this Ordinance, uses permitted in the C-I interchange commercial district shall conform to the following requirements:

- (1) Minimum lot area: as required to meet district regulations and intent, if public/community water and public/community sewer systems are provided; otherwise, McIntosh County Health Department standards will apply to minimum lot area.
- (2) Minimum lot width at building line: 100 feet if public/community water and public/community sewer systems are provided; otherwise, McIntosh County Health Department standards will apply to minimum lot width.
- (3) Minimum front setback from property line: 50 feet.
- (4) Minimum side setback from property line: 10 feet.
- (5) Minimum side setback from corner lot: 35 feet.
- (6) Minimum rear setback from property line: 15 feet.
- (7) Maximum building height: 200 feet for hotels and 45 feet for all other structures.
- (8) Maximum percentage of lot coverage: 75 percent.

(d) Accessory structures and uses for commercial and industrial uses.

- (1) Off-street parking or storage area for costumer, client, or employee-owned vehicles.
- (2) Completely enclosed building for the storage of supplies, stock, or merchandise.

- (3) The principal use provided that dust, odor, smoke, noise, vibration, heat or glare produced as a result of such operation is not perceptible from any boundary line of the lot on which said principal and accessory uses are located and provided such operation is not otherwise specifically prohibited in the district in which the principal use is located.
 - (4) Sheltered roofs, awnings, or canopies incidental to retail and commercial use, where such use is permitted, provided that no part shall, in any case, be located any closer than 10 feet to any property line.
 - (5) In any district, all accessory uses and structures shall observe all setbacks, yard, and other requirements set forth for the district in which they are located.
- (e) Signs permitted in the C-I districts.**
- (1) All signs permitted in A-F, A-R, R-1, R-2, C-N Districts are permitted in commercial and industrial districts ([Sec. 505](#)).
 - (2) On any occupied zoning lot in a commercial or industrial district, not more than 4 signs of any type having a total area of not more than 750 square feet shall be permitted.
 - (3) Commercial or industrial uses located on or adjacent to major streets or controlled access thoroughfares in commercial or industrial districts may include as part of their total permitted sign area, 1 business identification pylon sign which shall be erected so that no portion of the sign shall be less than 10 feet back from the street right-of-way line.
 - (4) Signs in any commercial or industrial district may be illuminated.

Sec. 216. I-R limited industrial.

(a) Purpose and intent of the I-R zoning district.

The intent of the I-R district is to provide land for various types of light industrial, manufacturing, or warehousing operations that are compatible to adjoining districts. Such uses generally require storage of materials or goods either before or after the manufacturing process, but are of low noise or nuisance level. Land for this district should be located in relation to the thoroughfare network of the community as well as rail and air, if required, and designated so as to not disrupt normal traffic flow. Planned industrial parks are encouraged in this district.

(b) Uses permitted in the I-R zoning district.

- (1) No building, structure, or land shall be used except principal uses, accessory uses, and temporary uses that are allowed by right or by Special Use approval listed on Table 2.1: Allowed Land Uses by Zoning District in [Sec. 221](#). All uses in this district shall be conducted in such a manner that noxious odors, fumes, dust, or particles will not be emitted beyond the property lines of the lots on which the uses are located. Uses shall also be in conformance with applicable rules and regulations administered and enforced by the Environmental Protection Division of the Georgia Department of Natural Resources.
- (2) Restrictions that apply to particular uses allowed by right or Special Use approval are referenced on Table 2.1 and are contained in [Sec. 221](#) of this Ordinance.

(c) Area regulations.

Unless otherwise specified in this Ordinance, uses permitted in the I-R limited industrial district shall conform to the following requirements:

- (1) Minimum lot area: as required to meet district regulations and intent, if public/community water and public/community sewer systems are provided; otherwise, McIntosh County Health Department standards will apply to minimum lot area.
- (2) Minimum lot width at building line: 100 feet if public/community water and public/community sewer systems are provided; otherwise, McIntosh County Health Department standards will apply to minimum lot width.
- (3) Minimum front setback from property line: 30 feet.
- (4) Minimum side setback from property line: 25 feet.
- (5) Minimum rear setback from property line: 25 feet.
- (6) Maximum building height: 60 feet.
- (7) Maximum percentage of lot coverage: 75 percent.

(d) Accessory structures and uses for commercial and industrial uses.

- (1) Off-street parking or storage area for customer, client, or employee-owned vehicles.
- (2) Completely enclosed building for the storage of supplies, stock, or merchandise.
- (3) The principal use provided that dust, odor, smoke, noise, vibration, heat or glare produced as a result of such operation is not perceptible from any boundary line of the lot on which said principal and accessory uses are located and provided such operation is not otherwise specifically prohibited in the district in which the principal use is located.
- (4) Sheltered roofs, awnings, or canopies incidental to retail and commercial use, where such use is permitted, provided that no part shall, in any case, be located any closer than 10 feet to any property line.
- (5) In any district, all accessory uses and structures shall observe all setbacks, yard, and other requirements set forth for the district in which they are located.

(e) Obnoxious uses.

Any industrial use that may produce injurious or obnoxious noise, vibration, smoke, gas, fumes, odor, dust, fire hazard, or other objectionable conditions as a result of its operations, shall only be allowed with Special Use approval in the I-R zoning district and further shall comply with the following:

- (1) Such use must be located at least 200 feet from any adjoining property lines.
- (2) Such use shall be in conformance with applicable rules and regulations administered and enforced by the Environmental Protection Division of Georgia Department of Natural Resources.

(f) Junkyards, junk, or salvage operations.

- (1) All junk yards shall be completely screened from roads or developed areas with a solid fence or wall a minimum of 8 feet in height, maintained in good condition as determined by the governing authority, and painted except for masonry construction.
- (2) Open yard use for the sale, dismantling, and/or storage of salvage or junk materials and equipment shall be separated from adjoining properties by a planting screen, fence, or wall at least 6 feet high.

- (3) Signs are permitted on the required screen, provided such signs are in conformance with Article 5 of this Ordinance.
- (4) No operations shall be conducted which shall cause a general nuisance, endanger the public health, or be in violation of any local, state, or federal environmental regulations.

Sec. 217. I-G general industrial district.

(a) Purpose and intent of the I-G zoning district.

The intent of the I-G district is to provide land for industrial, manufacturing, and warehousing operations that require buildings and open areas for fabricating, processing, extracting, or repairing equipment, raw materials, manufactured products, or wastes. The traffic networks of the county and region are to be considered in order to discourage disruption and congestion of traffic. The intensity of uses permitted in this district makes it desirable that they be located downwind, as determined by the prevailing wind direction, and separated from residential and commercial uses.

(b) Uses permitted in the I-G zoning district.

- (1) No building, structure, or land shall be used except principal uses, accessory uses, and temporary uses that are allowed by right or by Special Use approval listed on Table 2.1: Allowed Land Uses by Zoning District in [Sec. 221](#). All uses in this district shall be in conformance with applicable rules and regulations administered and enforced by the Environmental Protection Division of the Georgia Department of Natural Resources. Any industrial use that may produce injurious or obnoxious noise, vibration, smoke, gas, fumes, odor, dust, fire hazard, or other objectionable conditions as a result of its operations and such use is located at least 200 feet from any adjoining property lines, and provided that such use be in conformance with applicable rules and regulations administered and enforced by the Environmental Protection Division of the Georgia Department of Natural Resources may be permitted.
- (2) Restrictions that apply to particular uses allowed by right or Special Use approval are referenced on Table 2.1 and are contained in [Sec. 221](#) of this Ordinance.

(c) Area regulations.

Unless otherwise specified in this Ordinance, uses permitted in the I-G general industrial district shall conform to the following requirements:

- (1) Minimum lot area: as required to meet district regulations and intent, if public/community water and public/community sewer systems are provided; otherwise, McIntosh County Health Department standards will apply to minimum lot area.
- (2) Minimum lot width at building line: 200 feet if public/community water and public/community sewer systems are provided; otherwise, McIntosh County Health Department standards will apply to minimum lot width.
- (3) Minimum front setback from property line: 50 feet.
- (4) Minimum side setback from property line: 50 feet.
- (5) Minimum rear setback from property line: 40 feet.
- (6) Maximum building height: 60 feet.
- (7) Maximum percentage of lot coverage: 75 percent.

(d) Accessory structures and uses for commercial and industrial uses..

- (1) Off-street parking or storage area for costumer, client, or employee-owned vehicles.
- (2) Completely enclosed building for the storage of supplies, stock, or merchandise.
- (3) The principal use provided that dust, odor, smoke, noise, vibration, heat or glare produced as a result of such operation is not perceptible from any boundary line of the lot on which said principal and accessory uses are located and provided such operation is not otherwise specifically prohibited in the district in which the principal use is located.
- (4) Sheltered roofs, awnings, or canopies incidental to retail and commercial use, where such use is permitted, provided that no part shall, in any case, be located any closer than 10 feet to any property line.
- (5) In any district, all accessory uses and structures shall observe all setbacks, yard, and other requirements set forth for the district in which they are located.

(e) Obnoxious uses.

Any industrial use that may produce injurious or obnoxious noise, vibration, smoke, gas, fumes, odor, dust, fire hazard, or other objectionable conditions as a result of its operations, shall only be allowed with Special Use approval in the I-G zoning district and further shall comply with the following:

- (1) Such use must be located at least 200 feet from any adjoining property lines.
- (2) Such use shall be in conformance with applicable rules and regulations administered and enforced by the Environmental Protection Division of Georgia Department of Natural Resources.

(f) Junkyards, junk, or salvage operations.

- (1) All junk yards shall be completely screened from roads or developed areas with a solid fence or wall a minimum of 8 feet in height, maintained in good condition as determined by the governing authority, and painted except for masonry construction.
- (2) Open yard use for the sale, dismantling, and/or storage of salvage or junk materials and equipment shall be separated from adjoining properties by a planting screen, fence, or wall at least 6 feet high.
- (3) Signs are permitted on the required screen, provided such signs are in conformance with Article 5 of this Ordinance.
- (4) No operations shall be conducted which shall cause a general nuisance, endanger the public health, or be in violation of any local, state, or federal environmental regulations.

(g) Signs permitted in the I-G district.

- (1) All signs permitted in A-F, A-R, R-1, R-2, C-N Districts are permitted in commercial and industrial districts ([Sec. 505](#)).
- (2) On any occupied zoning lot in a commercial or industrial district, not more than 4 signs of any type having a total area of not more than 750 square feet shall be permitted.
- (3) Commercial or industrial uses located on or adjacent to major streets or controlled access thoroughfares in commercial or industrial districts may include as part of

their total permitted sign area, 1 business identification pylon sign which shall be erected so that no portion of the sign shall be less than 10 feet back from the street right-of-way line.

- (4) Signs in any commercial or industrial district may be illuminated.

Sec. 218. CP conservation preservation district.

(a) Purpose and intent of the CP zoning district.

The intent of the CP district is to preserve and control development within certain land, marsh, and water areas of this county. These areas serve as wildlife refuges, possess great natural beauty, are of historical or ecological significance, are utilized for outdoor recreational purposes, or provide needed open space for the health and general welfare of the county's inhabitants. The regulations are designed to discourage encroachment of uses capable of destroying the undeveloped character of the district.

(b) Uses permitted in the CP zoning district.

- (1) No building, structure, or land shall be used except principal uses, accessory uses, and temporary uses that are allowed by right or by Special Use approval listed on Table 2.1: Allowed Land Uses by Zoning District in [Sec. 221](#). All uses in wetlands areas shall be compatible with adjacent uses (e.g., private docks only in residential areas). Any use not compatible with adjacent uses shall be a special permit use. Adjacent property is defined as that which is within 300 feet of the property in question.
- (2) Restrictions that apply to particular uses allowed by right or Special Use approval are referenced on Table 2.1 and are contained in [Sec. 221](#) of this Ordinance.

(c) Area regulations.

Unless otherwise specified in this Ordinance, uses permitted in the CP conservation preservation district shall conform to the following requirements:

- (1) Minimum lot area: 2 acres.
- (2) Minimum lot width at building line: 150 feet.
- (3) Minimum front setback from property line: 50 feet.
- (4) Minimum side setback from property line: 30 feet.
- (5) Minimum rear setback from property line: 20 feet.
- (6) Maximum percentage of lot coverage: 15 percent.

(d) Signs permitted in CP districts.

- (1) One non-illuminated business identification sign not exceeding 20 square feet in area may be erected for each use permitted in a Conservation Preservation District.
- (2) Other directional or historical signs approved by the Planning Commission and County Commission may be allowed.

Sec. 219. HH Hog Hammock district.

(a) Purpose and intent of the HH zoning district.

The purpose of this district is to allow continued use and activities of the community of Hog Hammock on Sapelo Island. This community has unique needs in regard to its historic resources,

traditional patterns of development, threat from land speculators and housing forms. It is the intent of this district to reserve this area for low intensity residential and cottage industry uses which are environmentally sound and will not contribute to land value increases which could force removal of the indigenous population.

(b) Uses permitted in the HH zoning district.

- (1) No building, structure, or land shall be used except principal uses, accessory uses, and temporary uses that are allowed by right or by Special Use approval listed on Table 2.1: Allowed Land Uses by Zoning District in [Sec. 221](#).
- (2) Restrictions that apply to particular uses allowed by right or Special Use approval are referenced on Table 2.1 and are contained in [Sec. 221](#) of this Ordinance.

(c) Area regulations.

Unless otherwise specified in this Ordinance, uses permitted in the Hog Hammock district shall conform to the following requirements:

- (1) Minimum lot area:
 - a. Lot with public/community water and individual sewage: 21,780 square feet per dwelling unit.
 - b. Lot with an individual well and individual sewage: 43,560 square feet per dwelling unit.
 - c. All water and sewer systems comply with the minimum lot and design standards established by the State of Georgia and locally regulated by the McIntosh County Health Department and any other applicable ordinance.
- (2) Maximum percentage of lot coverage: 40 percent
- (3) In no case shall land parcels be assembled in areas greater than one acre unless it is for the purposes of community conservation by a certified land trust.
- (4) In no case shall condominiums or multifamily housing be permitted.
- (5) In no case shall a structure which is deemed eligible for the National Register of Historic Places be demolished before a demolition permit is secured from the County Building Inspector. An applicant must wait 90 days after the permit is issued before beginning demolition.
- (6) In no case shall any lot area be paved or covered with impervious surface except for building footprints.
- (7) Maximum dwellings per lot: 1
- (8) Maximum dwelling unit size: 1,400 square feet (heated and cooled).
- (9) Dwelling units and other structures of more than one and a half (1.5) stories in height shall be prohibited.
- (10) In no case shall building footprints, foundations, support, pillars, etc., be higher than the minimum allowable height for the particular flood plain in which the property is located.

(d) Design standards

All new development, infill development and redevelopment shall be encouraged to comply with the design guidelines presented in Chapter 4: Design Guidelines of "Hog Hammock Design Guidelines; Sapelo Island, McIntosh County," The University of Georgia College of Environment

and Design, December 2005. Where conflicts occur between the recommended guidelines and the standards of this ordinance, the standards of this ordinance shall apply.

(e) Signs permitted in the HH district.

- (1) Signs shall be in conformance with Article 2, Sec 219.
- (2) Other directional or historical signs approved by the Planning Commission and County Commission.

Sec. 220. PUD planned unit development.

(a) Purpose and intent of the PUD zoning district.

The intent of the PUD district is to maintain the quality of life for citizens of McIntosh County by accommodating a new type of unified residential and mixed-use development that is available to be applied countywide and is sensitive to existing land use, the protection of the marshland habitat, and historic resources of the County.

(b) Uses permitted in the PUD zoning district.

- (1) No building, structure, or land shall be used except principal uses, accessory uses, and temporary uses that are allowed by right or by Special Use approval listed on Table 2.1: Allowed Land Uses by Zoning District in [Sec. 221](#).
- (2) Restrictions that apply to particular uses allowed by right or Special Use approval are referenced on Table 2.1 and are contained in [Sec. 221](#) of this Ordinance.

(c) Area regulations.

Unless otherwise specified in this Ordinance, uses permitted in the PUD planned unit development district shall conform to the following requirements:

- (1) Minimum parcel size: 10 acres.
- (2) Lots within the planned unit development may be of any size provided they are a part of master planned community consisting of private lots, or condominium ownership, and common open space. All lot sizes and configurations must be compliant with the requirements of the State of Georgia and McIntosh County Health Department.
- (3) There are no specific requirements for lot coverage, however, the master development plan text must specify maximum lot coverage to be provided.
- (4) Maximum density:
 - a. For inland property (not adjacent to coastal marshland), the residential density shall not exceed 6 units per gross acre. For purposes of this article, the term gross acre represents the area within the legal boundaries of the property to be developed less any land that falls within the definition of coastal marshland.
 - b. For property abutting a coastal Marshland, the residential density shall not exceed four units per gross acre.
 - c. For PUD projects in any location exceeding the minimum open space requirement provided in this Article by an additional 15%, the residential density can be increased by two units per gross acre. This is an incentive based density bonus for developers volunteering additional open space within the PUD project.
- (5) Yard, buffer, and placement of building requirements:

- a. As it is the intent for the PUD zone to be applied to parcels which are to be developed in a well-designed and environmentally sensitive manner, there is no minimum yard, minimum lot frontage, or minimum width requirements for the interior relationship of lots and buildings.

All PUDs shall provide for perimeter buffers for the purposes of visual screening and noise abatement between their property and all abutting properties where compatibility of adjacent uses cannot be enhanced by the type of building architecture alone. The buffers will be provided on the Master Development Plan and set forth in the Master Development Plan Text of the enacting ordinance.

- b. All development is required to abide by the Riparian Buffer provision of the McIntosh County Water Resources Protection Ordinance.
- c. No habitable building or parking area shall occupy a required perimeter buffer or marshland buffer.
- d. The minimum distance between buildings used for human habitation and between buildings used for human habitation and accessory buildings shall be ten feet or as required by the current building code and current fire code.

(6) Height:

- a. No building in the PUD zone shall exceed a height of 35 feet or shall exceed three habitable stories whichever is lower. Building elements, such as towers, cupolas and spires, not to exceed 300 square feet in collective floor area, are allowed up to 45 feet in height. For individual buildings that are shown in the Master Development Plan to be located to provide increased public vista protection, the maximum building.

(d) Design requirements.

A Master Development Plan (MDP) shall accompany a petition to rezone property to the PUD designation. Besides general building, street, and perimeter buffer features, the MDP shall show how the proposed development will accommodate the following requirements:

- (1) Common amenity area: Active recreational areas comprising at least ten percent of the total net development area to include amenities such as: swimming pools; basketball courts; tennis courts; playgrounds; ball fields; walking or jogging paths; community buildings.
- (2) Vista protection: In addition to the minimum distance between building requirement as defined in this zone, the building and landscape layout shall maintain to the maximum degree possible the existing vista of the marshland and waterways from public right-of-way.
- (3) Open space: 20 percent of the net development area shall be in open space. This open space shall include perimeter and marshland buffers, Common Amenity Area, and other non-impervious areas including storm water retention and treatment areas. At least 25 percent of the required open space area shall be contiguous in that it may be accessed by a continuous pedestrian movement notwithstanding the need to cross streets or common amenity areas. The use of greens and squares within a new PUD development is encouraged when they are consistent with surrounding development. These squares shall not be less than a ratio of 4 to 1 (length to width).
- (4) Pervious surfaces are encouraged in all PUD projects.

(e) Environmental quality standards.

- (1) The PUD shall identify any existing historic, cultural or environmentally sensitive or unique resources within the PUD and explain how the resource is proposed to be protected and managed.
- (2) The PUD shall include specific design and development criteria to reduce energy demands for the project, conserve and reduce potable water and reduce maintenance and water demand of new landscape plant material. Other sustainable planning and building techniques are encouraged to be part of the PUD.

(f) PUD incentives.

The developer may reduce certain PUD requirements as specified in this Code by adopting targeted community initiatives within the PUD. Any such incentive allowed in this Code shall only be granted upon the approval by the local government after review and recommendation of the Planning Commission. The developer shall submit a written statement with the PUD application identifying the incentive being requested and demonstrate that the reduction in the PUD requirement(s) does not negatively impact the PUD or surrounding area. All other land development codes shall be met.

(g) Targeted Community Initiatives

- (1) Adopt Character Design Guidelines as part of PUD
- (2) Adopt Low Impact Development (LID) standards as part of PUD pursuant to the Green Growth Guidelines
- (3) Adopt LEED-ND or local equivalent site standards as part of PUD
- (4) Exceed minimum Open Space requirements by 25%
- (5) Exceed minimum Civic Space requirements by 25%

Any targeted community initiatives adopted shall apply to the entire PUD. Each targeted community initiative adopted as part of the PUD, shall allow the developer to be eligible for one (1) PUD incentive. Both PUD incentives may be granted for a PUD, if two or more community initiatives are adopted. Each PUD incentive shall only be applied once.

PUD Incentives

Incentive	Incentive Bonus
Parking	10% reduction for non-residential uses
Dwelling Units	2 units/acre density increase allowed

(h) Application Requirements.

In order to rezone to PUD, applicants shall complete the following two-phase process. All plans and Text Guides shall be prepared by an Architect or Engineer licensed in the State of Georgia:

- (1) Phase one: applicants seeking to rezone a lot or property shall meet the following requirements:

- a. Deliver the following documents in person to the McIntosh County Building Department at least 30 days prior to the public hearing held by the Planning Commission:
 1. Conceptual Site Plan showing location of all structures, building dimensions, setbacks, buffers, parking ingress/egress, conceptual utilities, landscape requirements, refuse collection, roadways/driveway dimensions, and all lot sizes.
 2. Conceptual stormwater drainage plan.
 3. Conceptual drawing of buildings that indicate the proposed architectural style, appearance, and size (heated and cooled square feet).
 4. Conceptual Site Plan shall depict surrounding property for a depth of 500 feet. Structures, roadways, and the zoning of the property shall be included.
 5. Text Guide that explains all aspects of the Site Plan in detail.
 - b. Following the public hearing, the Planning Commission's recommendation and all documents will be sent to the County Commissioners for approval or denial.
 - c. County Commissioners will vote to approve or deny the rezoning application.
 - d. If the lot or property is current zoned correctly, skip phase and proceed to phase two.
- (2) Phase two: applicants seeking approval of construction plans shall meet the following requirements:
- a. Deliver the following documents to the McIntosh County Building Department:
 1. Construction Plan showing all aspects of construction including roadways, utilities, structures, etc.
 2. Text Guide that explains all aspects of the Construction Plans in detail.
 3. Stormwater Management Plan in compliance with the Georgia Stormwater Management Plan.
 - b. All construction plans will be approved or denied by the Planning and Zoning Commission.
- (3) Revision of Site Plan or Site Plan Text
- Upon approval of the Site Plan and/or Site Plan Text, only small changes may be approved at the discretion of the Director of Building and Zoning. At the Director of Building and Zoning's discretion, any requested changes may be sent to the County Commissioners for approval.

(i) Subsequent Development to be Consistent.

All subsequent development plans including, but not limited to site development plan, subdivision plat/plan, utilities plan, landscaping plan, building plans shall be deemed consistent with the Master Development Plan, by the Zoning and Building Administrator, prior to the issuance

of building or other work permits. The developer/applicant may appeal any adverse decision of the Zoning and Building Administrator in accordance with the provisions defined in this Ordinance.

Sec. 221. Summary table – allowed land uses by zoning district.

(a) Land uses related to zoning districts.

Except for the PUD zoning district, principal uses, accessory uses, and temporary uses allowed by right or with Special Use approval for each zoning district are shown on Table 2.1. In the PUD district, all allowed uses are established for each PUD project as conditions of zoning approval. For overlay districts (BDO, WVO), see the applicable provisions under each district.

(b) Interpretation of land use categories.

Words and phrases specifically relating to a category of land use not defined in this Ordinance shall be construed to have the meaning given by common and ordinary use, the meaning of which may be further clarified by reference to the North American Industrial Classification System (NAICS), published by the U.S. Department of Commerce.

P	Permitted by Right
S	Permitted with Special Permit
	Prohibited

Table 2.1 Allowed Uses by Zoning District

Note: All uses not listed as permitted or special uses are prohibited and shall require the approval of the County Commission through the ordinance text amendment process.

NAICS Code	Use	A-F	A-R	R-1	R-2	R-3	RVP	C-N	C-G	C-I	I-R	I-G	CP	HH	See Sec.
Principal Uses															
Principal Residential Uses															
	Single Family Detached: Site-Built	P	P	P	P	P		S						P	302(a)
	Single Family Detached: Modular	P	P	S	P	P		S						P	302(a)
	Two Family Dwelling: Duplex				P										
	Multi Family Dwelling: Townhomes					P									
	Multi Family Dwelling: Apartment/Condominium					P									
321991	Mobile/Manufactured Home	P	P		P									P	
	Mobile/Manufactured Home Park														
	Residential Mixed-Use Building							P	S	S	S	S			
Adult Entertainment															
	Live Adult Entertainment								S						
	Adult Media Store								S						
	Adult Movie Theater								S						
11	Agricultural Uses														
111	Crop Production including fruits, vegetables, nuts, grains, trees, etc.	P	P								S	S	P		
1114	Greenhouse, Horticultural Nursery, and Floriculture Production	P	P							P					
1121	Cattle Ranching and Farming	S													303

NAICS Code	Use	A-F	A-R	R-1	R-2	R-3	RVP	C-N	C-G	C-I	I-R	I-G	CP	HH	See Sec.
1122	Hog and Pig Farming	S													303
1123	Poultry and Egg Production	S													303
1124	Sheep and Goat Farming	S													303
1125	Aquaculture	P	S								S	S	P		
1151	Support Activities for Crop Production including Soil Preparation, Planting, and Cultivating Businesses, including crop dusting services	P	S												
1152	Support Activities for Animal Production (other than veterinary) including Breeding and Boarding Services for Livestock	P													303
	Commercial Fishing Activities														
21	Mining, Quarrying, and Oil and Gas Extraction														
21232	Dredging (Must Comply with Local and State Regulations)												S		
21232	Mining for Sand, Gravel, and Clay (Barrow Pits)	S	S	S	S	S			S	S	S	S			
22	Utilities														
2211	Electric Power Generation (other than solar and wind)										S	S			
22112	Electric Power Transmission and Distribution	S	S	S	S	S	S	S	S	S	P	P	S	S	306
2211	Solar and Wind Electric Power Generation	S	S	S	S	S	S	S	S	S	S	S	S	S	
22131	Water Supply Systems	S	S	S	S	S	S	S	S	S	P	P	S	S	306
22132	Sewage Treatment Facilities											S			
23	Construction														
236	Building Construction Contractor's Office with NO out- door storage							P	P	P					
236	Building Construction Contractor's Office WITH outdoor storage							S	P	P	P	P			
238	Other Specialty Trade Contractors Offices with NO out- door storage							S	P	P					

NAICS Code	Use	A-F	A-R	R-1	R-2	R-3	RVP	C-N	C-G	C-I	I-R	I-G	CP	HH	See Sec.
238	Other Specialty Trade Contractors Offices WITH Outdoor Storage								P	P	P	P			
31-33	Manufacturing														
311	Food Manufacturing (other than bakeries animal slaughtering and processing)										S	P			308(a)
3116	Animal Slaughtering and Processing										S	S			308(a)
311812	Bakery							S	P	P	P	P			308(a)
312	Beverage and Tobacco Product Manufacturing (other than breweries, wineries and distilleries)										P	P			308(a)
31212	Breweries							S	S	S	S	S			308(a)
31213	Wineries							S	S	S	S	S			308(a)
31214	Distilleries							S	S	S	S	S			308(a)
313	Textile Mills										S	P			308(a)
314	Textile Product Mills										S	P			308(a)
315	Apparel Manufacturing										S	P			308(a)
321	Wood Product Manufacturing										S	P			308(a)
322	Paper Manufacturing											S			308(a)
324	Petroleum and Coal Products Manufacturing											S			308(a)
325	Chemical Manufacturing											S			308(a)
326	Plastics and Rubber Products Manufacturing										S	P			308(a)
327	Clay and Glass Manufacturing										S	P			308(a)
3273	Cement and Concrete Product Manufacturing											S			308(a)
331	Primary Metal Manufacturing											S			308(a)
332	Fabricated Metal Manufacturing										S	P			308(a)
333	Machinery Manufacturing										S	P			308(a)
334	Computer and Electronic Manufacturing										S	P			308(a)
335	Electronic Equipment & Component Manufacturing										S	P			308(a)

NAICS Code	Use	A-F	A-R	R-1	R-2	R-3	RVP	C-N	C-G	C-I	I-R	I-G	CP	HH	See Sec.
336	Transportation Equipment Manufacturing										S	P			308(a)
337	Furniture and Related Product Manufacturing										S	P			308(a)
339	Miscellaneous Manufacturing										S	P			308(a)
	Freight, Truck Yard, or Terminal										P	P			308(a)
42	Wholesale Trade														
423	Merchant Wholesalers, Durable Goods (includes vehicle parts, lumber, furniture, etc.)										P	P			
42314	Junkyard (Used Motor Vehicle Parts)											S			308(b)
42393	Scrapyard (Recyclable material wholesale)											S			308(b)
424	Merchant Wholesalers, Nondurable goods (includes paper/paper products, drugs, apparel, grocery, farm products, chemical products, petroleum, alcohol, etc.)										P	P			
44-45	Retail Trade														
4411	New and Used Auto Dealers								P						307
	New and Used Auto Dealer (over 5,000 lbs)								P						307
4412	New and Used Recreation Vehicle Dealer								P						307
4412	Other Motor Vehicle Dealers (included RV, motorcycle, boat, ATV, etc.)								P		P	P			307
4413	Auto Part, Accessory and Tire Store								P	P					
442	Furniture and Home Furnishings Stores								P	P					
443	Electronics and Appliance Stores								P	P					
44411	Home Center								P	S					
44413	Hardware Store							S	P	S					
44419	Building Material Sales Yard and Lumber Yard, Including the Sale of Rock, Sand, Gravel								S		P	P			
44419	Prefabricated Building Dealer								S						
44422	Plant Nursery, Garden Center and Farm Supply							S	P						

NAICS Code	Use	A-F	A-R	R-1	R-2	R-3	RVP	C-N	C-G	C-I	I-R	I-G	CP	HH	See Sec.
44511	Supermarkets and Other Grocery (except Convenience) Stores							P	P	P				S	
44512	Convenience Stores (no gas pumps)							S	P	P				S	
4452	Specialty Food Stores including meat, fish, vegetable, baked goods, candy, gourmet foods							S	P	P					
4453	Beer, Wine and Liquor Store								P	P				S	
4461	Health and Personal Care Stores (including pharmacies, drug stores, beauty supply, & supplement supplies)							P	P	P					
447	Gasoline Stations							S	P	P					304
44711	Gasoline Stations with Convenience Stores							S	P	P					304
44719	Truck Stops									S					
44719	Marine Service Stations								S		P	P			
448	Clothing and Clothing Accessory Store							S	P	P					
451	Sporting Goods, Hobby, Book and Music Stores								P	P					
45110	Fishing Supply Stores (Bait and Tackle, Marine Supplies, and Accessories Stores)								P	P					
45111	Firearms Sales								P	P					
452	General Merchandise Stores (department stores/supercenters/warehouse clubs)								P	P					
453	Miscellaneous Retail Stores including florists, souvenirs, antiques, pet supply, art & office supply								P	P					
453930	Manufactured (Mobile) Home Dealers								P						307
453991	Tobacco Store including Cigarettes, Cigars, Pipes and Other Smoker's Supplies								P	P					
48-49	Transportation and Warehousing														
481219	Private Airfields	S													
4811	Commercial airfields								P	S	S	S			
482	Rail Transportation										P	P			

NAICS Code	Use	A-F	A-R	R-1	R-2	R-3	RVP	C-N	C-G	C-I	I-R	I-G	CP	HH	See Sec.
483	Water Transportation												S		
484	Truck Transportation										P	P			
485	Transit and Ground Passenger Transportation							S	S	P					
487	Scenic and Sightseeing Transportation Company								S	S				S	
488	Support Activities for Transportation including maintenance, repair and service										S	P			
492	Couriers and Messengers								P		P	P			
51	Information														
5111	Publishing Industries (newspaper, book, periodical)							S	S	S	P	P			
5112	Software Publishers									P	P				
5121	Theaters, assembly halls, concert halls, or similar places of assembly when conducted completely within enclosed buildings								P	P					
512132	Drive-in theaters								S						
5122	Sound Recording Industries including record production, sound studios and audio recording								S		S	S			
5151	Radio and/or Television Stations, Including with Transmission Towers	S									P	P			
5151	Radio and/or Television Stations, Excluding with Transmission Towers	S									P	P			
518	Data Processing, Hosting, and Related Services								P	P	P	P			
5172	Wireless Telecommunications Antennae and Towers														
519	Other Information Services (Including News Archives, Internet Publishing and Broadcasting and Web Search Portals)								P		P	P			
51912	Libraries	S	S					S	P	P					
52	Finance and Insurance														

NAICS Code	Use	A-F	A-R	R-1	R-2	R-3	RVP	C-N	C-G	C-I	I-R	I-G	CP	HH	See Sec.
522	Banking, Savings, Credit Unions, Financing and Brokers							P	P	P				S	
522298	Pawn Shop and Check Cashing								S	S					
524	Insurance Carriers and Related Activities							P	P	S					
53	Real Estate and Rental and Leasing														
531	Real Estate (includes leasing and selling agents and related activities)							P	P	S					
53113	Mini-warehouse and self-storage units								P	S	P	P			
532	Rental and Leasing Services (includes car, truck, equipment, furniture, and machinery, etc.)								S	S	P	P			
54	Professional, Scientific, and Technical Services														
5411	Legal Services							P	P	P					
5412	Accounting, Tax Preparation, Bookkeeping, and Payroll Services							P	P	P					
5413	Architectural, Engineering, and Related Services							P	P	P					
5414	Specialized Design Services (would include interior, industrial, graphic, etc.)							P	P	P					
5415	Computer Systems Design and Related Services							P	P	P					
5416	Management, Scientific, and Technical Consulting Services							P	P	P					
5417	Scientific Research and Development Services								S	S	S	S		S	
5418	Advertising, Public Relations, and Related Services							P	P	P					
54194	Veterinary Services	S	S					S	S	S					
54194	Veterinary Services with overnight boarding	S							S						
56	Administrative and Support and Waste Management and Remediation Services														

NAICS Code	Use	A-F	A-R	R-1	R-2	R-3	RVP	C-N	C-G	C-I	I-R	I-G	CP	HH	See Sec.
5617	Administrative services for dwellings and offices, (including pest control, janitorial, landscaping, pool maintenance)								S		P	P			
562	Waste Management Office										P	P			
5621	Waste Collection										S	S			
562212	Landfill										S	S			
5629	Remediation and Other Waste Management Service (including septic tank pumping and portable toilets)											S			
61	Educational Services														
6111	Elementary and Secondary Schools - Public or Private		P	S	S	S		P	P					P	
	Kindergartens		P	S	S	S		P	P					P	
6113	Colleges, Universities, and Professional Schools								P						
6115	Technical and Trade Schools								P						
6116	Other Schools and Instruction (this would include fine arts, sports, and educational lessons)							S	P					S	
62	Health Care and Social Assistance														
621	Offices of Physicians, Dentist, Chiropractors and all other Health Practitioners							P	P	S					
6214	Outpatient Care Centers								P	S					
622	Hospitals								P	S	S	S		S	
6233	Nursing and Residential Care Facilities			S	S	S			P					S	
6239	Halfway Group Homes for Delinquents or Ex-Offenders								S						
6239	Personal Care Home for disabled, orphanages and group foster home								P						
6244	Child Day Care Services	P	P	S	S	S		P	P					P	
71	Arts, Entertainment, and Recreation														
711	Performing Arts (including theaters, dance studios and symphony halls)	P	S					S			S	S		S	

NAICS Code	Use	A-F	A-R	R-1	R-2	R-3	RVP	C-N	C-G	C-I	I-R	I-G	CP	HH	See Sec.
711211	Stadiums for Sports Teams and Clubs	S	-	-	-		-	S	P	P	P	P			
711212	Racetrack	S	-	-	-		-		S						
71211	Museums							P	P				S	S	
71212	Historical Site	S	S	S	S	S		P	P	P	P	P	P		
712190	Wildlife Refuges	P											P		
71213	Zoo or Botanical Garden	S							P						
71391	Golf Course or Country Club	P	P	S	S	S							S	S	
71393	Marinas								P				P	S	
71394	Gymnasium or Health Spa							P	P						
71399	Community/Neighborhood Recreation Center (including playground, swimming pool and other recreation amenities)	P	P	P	P	P			P				S	P	
71399	Outdoor Based Recreation Including Shooting Range, ATV Park, Go Kart Track, and Mini Golf	S	S												
71399	Riding Stables	P	S						P						303
72	Accommodation and Food Services														
72111	Hotels and Motels								P	P					
72119	Bed-and-Breakfast Inns	S	S	S	S	S		P	P					P	
	Tent Campgrounds	S					P						S	S	
7212	RV (Recreational Vehicle) Parks and Recreational Camps						P								
721214	Fishing Camp and Hunting Lodge	P	S										P	S	
722	Food Service and Drinking Places														
7221	Restaurant							S	P	P				S	305
722213	Coffee Shop, Donut Shop or Ice Cream Parlor							S	P	P					305
72232	Caterers								P		P	P			
72233	Mobile Food Services								P		P	P			
7224	Bars, Taverns and Other Drinking Places (Alcoholic Beverages)							S	P	P				S	305

NAICS Code	Use	A-F	A-R	R-1	R-2	R-3	RVP	C-N	C-G	C-I	I-R	I-G	CP	HH	See Sec.
81	Other Services														
81111	Automotive Mechanical and Electrical Repair and Maintenance							S	S	P	P	P			
81112	Automotive Body, Paint, Interior, and Glass Repair							S	S	P	P	P			
811191	Automotive Oil Change Shop								S	P	P	P			
81131	Welding Shop										P	P			
81131	Commercial and Industrial Machinery and Equipment Repair and Maintenance											P			
8114	Personal and Household Goods Repair and Maintenance including appliances and furniture								S	S	P	P			
81211	Personal Care Services including barber, and nail salons							P	P	P				S	
812199	Massage Therapy							S	S	S				S	
812199	Tattoo Parlors and Body Art Studio								S	S				S	
8122	Death Care Services														
81221	Funeral Homes and Funeral Services with NO crematories							S	S	P	P	P			
81221	Funeral Homes and Funeral Services, WITH crematories										P	P			
81222	Cemeteries and Mausoleums	P	S	S	S										
8123	Dry-cleaning and Laundry Services														
81231	Laundromats						P	P	P	P					
81232	Dry-cleaning and Laundry Services Drop-Off Station							P	P	P					
812332	Dry-cleaning Plant											P			
8129	Other Personal Services														
81291	Pet Care (except Veterinary) Services, such as boarding, grooming, and training	P	P					S	P		P	P		S	
81293	Parking Lots and Garages								P	P					

NAICS Code	Use	A-F	A-R	R-1	R-2	R-3	RVP	C-N	C-G	C-I	I-R	I-G	CP	HH	See Sec.
81299	Bail Bonding Services							S	S	S					
813	Religious, Grant making, Civic, Professional, and Similar Organizations														
81311	Churches and other facilities for religious worship	P	P	S	S	S		S	S					P	
8134	Civic and Social Organizations such as Fraternal Lodges and Veteran organizations							S	P	S				S	
Accessory Uses to a Principal Use															
Accessory Use to an Agricultural Use															
	Accessory uses to a working farm such as a barn, silo, corral, shed, etc.	P	P	S	S										
Accessory Uses to a Residential Use															
	Accessory Uses Customary to a Dwelling	P	P	P	P	P								P	309(a)(b)
	Home Occupation	P	P	S	P			P						P	310*
	Guest House or Accessory Dwelling Unit	P	P	P	P			P						P	310(c)
	Horse Stable, Personal	P	P	S	S										303(b)*
Accessory Uses to a Non-Residential Use															
	Accessory Uses Customary to a Church or Other Place of Worship	P	P	S	S	S		S	S					P	309(b)
	Accessory Uses Customary to Commercial Uses							P	P	P					309(c)
	Accessory Uses Customary to Industrial Uses										P	P			309(c)
	Caretaker residence	S										P	S		
Temporary Uses															
	Temporary Housing while a home is under construction (NEED REFERENCE IN REGS)														
81311	Religious Meeting or Other Gathering in a Tent or Other Temporary Structure	P	P					S	P	S	S	S			
45439	Temporary Outdoor Sales Events, such as the seasonal sale of Pumpkins and Christmas Trees, Swap Meets and Flea Markets	S	S					P	P	P	P	P			

NAICS Code	Use	A-F	A-R	R-1	R-2	R-3	RVP	C-N	C-G	C-I	I-R	I-G	CP	HH	See Sec.
71119	Temporary Entertainment Events, such as travelling carnivals and circuses, and outdoor musical concerts	S	S								S	S			
71132	Seasonal Outdoor Events, such as turkey shoots, holiday festivals, county or agricultural fairs, etc.	S	S					S							
	Temporary Contractors Office and Real Estate Sales Office for a Development while Under Construction	P	P	P	P	P		P	P	P	P	P			

Article 3. Restrictions on Particular Uses

The purpose of this Article is to provide land use and development regulations for specific uses that will then be applicable to sites throughout McIntosh County. Unless otherwise noted, these standards are intended to be applied within all zoning districts where the particular uses are permitted, whether by right or through Special Use approval.

Sec. 301. Restrictions that apply generally.

This section contains provisions that apply to the use of land without regard to the land use district within which the use is allowed.

(a) General Provisions

- (1) All water and sewer systems must comply with the minimum lot and design standards established by the State of Georgia and locally regulated by the McIntosh County Health Department and any other applicable ordinances.
- (2) No owner or occupant of land in any district shall permit a structure wholly damaged by a fire (or other ruins) to be left in such partially or wholly damaged state, but shall repair or remove and properly dispose of the same within six months.
- (3) Any persistent uses that may be obnoxious or injurious by reason of the production or emission of odor, dust, smoke, refuse matter, fumes, noise, vibration, or similar conditions or that are dangerous to the comfort, peace, enjoyment, health or safety of the community are prohibited.
- (4) Unless otherwise specified within this Ordinance, no structure shall exceed 35 feet in height. See ["BUILDING HEIGHT"](#) in definitions for determining how to be measured.
- (5) No persons shall park, store, or occupy a recreational vehicle as defined in this Ordinance on the premises of any occupied dwelling or on any lot which is not a part of the premises of any occupied dwelling except as follows:
 - a. The storing of one (1) recreational vehicle in a private garage building, accessory building, or in a rear or side yard is permitted providing said recreational vehicle is not occupied and belongs to the owner or lessee of the land it occupies.
 - b. Any property owner or lessee may accommodate one recreation vehicle of a nonpaying guest on their property for a period not exceeding 15 days in any one year. Property without a residential dwelling require a permit.
- (6) Any wall or fence within or along side yard boundaries must be set back at least 8 feet from the front setback requirements and may not exceed 8 feet in height. At the intersection of any private drive or entrance/exit with a public street, no fence, wall, hedge or other planting, or sign forming a material impediment to visibility over a height of 2½ feet (30 inches) shall be erected, planted, placed or maintained.
- (7) All exterior non-residential trash receptacles and multifamily residential with common trash receptacles shall be screened from public view on three sides and on the fourth side by a gate that screens the receptacles from view. The enclosure and gate should be a minimum of 6' in height and shall be made of a solid material such as block or a solid panel fence.

- (8) Temporary power is only available with a valid building permit or special use permit. Temporary power will be shut off once a building permit or special use permit expires or a CO is issued.
- (9) All structures must meet SBCCI Codes, ICC Codes, or county adopted codes.

Sec. 302. Residential district standards.

All single-family residences shall meet the following standards.

(a) Standards for single-family residences in the R-1 and R-2 district.

- (1) The roof shall be covered with asphalt composition shingles, metal roofing, tile materials, or corrugated metal similar materials. Flat sheet metal roofs are prohibited.
- (2) The exterior wall shall be material similar to traditional site-built housing. These materials may include clapboards, simulated clapboards such as conventional vinyl or metal siding, wood shingles, logs, shakes, stucco, brick, brick veneer, concrete block, or similar materials, but shall not include smooth, ribbed, or corrugated metal or plastic panels. In the R-2 district, corrugated materials is allowed.
- (3) The minimum floor area shall be 1,200 heated square feet in the R-1 district. The minimum floor area shall be 720 heated square feet in the R-2 district.
- (4) Only 'SITE BUILT' structures may be placed in an R1 district. For purposes of this paragraph, a 'Site Built' structure is one which is built or constructed, from the foundation to the roof, at the precise location where the structure is permanently affixed to its foundation.
- (5) No recreation vehicles, mobile homes, manufactured homes, modular homes nor any similar structures may be placed in the R1 District.
- (6) A modular home is permissible with manufacturer specifications.

(b) Maximum impervious area for the A-R, R-1, R-2, and R-3 zoning districts.

- (1) Maximum Impervious Area*

Lot Size (AC)	Allowable Impervious Area (SF)
0.100	750
0.125	750
0.150	750
0.175	750
0.200	750
0.225	750
0.250	3,600
0.275	4,050
0.300	4,150
0.325	4,250
0.350	4,300
0.375	4,750
0.400	4,850
0.425	4,950
0.450	5,050
0.475	5,150
0.500	6,500

0.750	6,600
1.000	6,750
1.250	6,850
1.500	6,950
1.750	7,050
2.00	7,150

* Impervious area must be less than what is shown for each lot size. If the lot size falls in between two lot sizes, then the smaller lot size listed shall apply.

**Any construction requiring more than the allowable impervious area must submit an engineered stormwater design with a hydrology study.

***This chart is not to solve stormwater runoff issues.

Sec. 303. Commercial Buildings.

(a) Change in Occupational License.

Every time a commercial building changes ownership or changes occupational license, an inspection by a building and zoning administrator is required.

Sec. 304. Boarding, raising, and breeding of animals.

(a) Agricultural animal production activities.

Where any form of "animal production" is an allowed agricultural use, boarding and/or breeding kennels, animal shelters, and the raising of non-domestic animals (such as horses, cattle, poultry, goats, and sheep) or wild and exotic animals must comply with the following requirements:

- (1) Animals raised for fur-bearing, feed, or scientific purpose.
- (2) Horses and the grazing of bovine animals (excluding dairies), provided that such animals will be permitted, shall not exceed a number equal to two horses or two bovine animals per acre devoted to feed for same, excluding feed lots.

(b) Domestic animals.

- (1) Domesticated animals may be kept in all residential districts for personal pleasure and use, but not for commercial activities.
- (2) In no case shall poultry or livestock be permitted on lots less than 3 acres in size. Roosters shall not be allowed in R-1, R1-CS, or R-2 zoning districts.
- (3) All structures which house livestock and poultry must be kept at least 50 feet from property lines which abut property in residential use.
- (4) No stall or barn shall be kept or maintained within 200 feet of any window or door of any building used for human habitation nor within 300 feet of any portion of a required yard space or adjoining property if such property is devoted to a use other than agriculture.
- (5) The keeping of an apiary and all domestic animals provided for in this Ordinance shall conform to all other provisions of law governing same and no fowl or animals, or any pen, coop, stable or barn, shall be kept or maintained within 200 feet of any portion of a required yard space located on adjoining property, or within 100 feet of any street or public property.
- (6) On sites over 3 acres, horses and the grazing of bovine animals shall be permitted, but there shall be no more than one individual livestock per acre devoted to feed for same.

- a. In the A-F district and on sites over two acres, two individual livestock per acre devoted to feed for same will be permitted.
- (7) Kennels (commercial and non-commercial) shall not be kept on any lot less than one acre.

Sec. 305. Automobile service station.

Automobile service stations and filling stations approved in the C-N zoning district further shall comply with the following:

- (1) All pumps and parking areas are located at the side or back of the lot and set back at least 25 feet from the right-of-way line of all abutting streets.
- (2) Parking or service areas shall be entirely separated from adjoining residential properties by a suitable planting screen, fence, or wall at least 6 feet in height.

Sec. 306. Restaurants and other eating or drinking establishments.

Restaurants and other eating or drinking establishments in the C-N and C-G zoning district further shall comply with the following:

(a) Restaurants without drive-in service.

- (1) Outside lighting and advertisement arrangements shall be directed away from adjoining residential properties
- (2) Parking service areas shall be separated from adjoining residential properties by a suitable planting screen, fence, or wall at least 6 feet in height.

(b) Drive-in restaurants.

- (1) Outside lighting and advertisement arrangements shall be directed away from adjoining residential properties, if any.
- (2) Parking services areas shall be separated from adjoining districts, if any, by a suitable planting screen, fence, or wall at least 6 feet in height.

Sec. 307. Public utility installations and buildings.

Public utility installations and buildings, including water towers, electric transformer stations, and water and sewage pumping stations in the C-N zoning district further shall comply with the following:

- (1) No storage is permitted at the site.
- (2) The area is fenced in by a wall or fence at least six feet in height.
- (3) A landscaped strip not less than ten feet in width is planted and maintained.

Sec. 308. Outdoor sales space.

Outdoor sales space for exclusive sale of new or secondhand automobiles, mobile or modular homes, boats, and other such items approved in the C-G district further shall comply with the following:

- (1) Ingress and egress to the outdoor sales area shall be at least 60 feet from the intersection of any streets.
- (2) The lot must be graded, surfaced, and drained so as to dispose of all surface water.

Sec. 309. Industrial uses.**(a) Obnoxious uses.**

Any industrial use that may produce injurious or obnoxious noise, vibration, smoke, gas, fumes, odor, dust, fire hazard, or other objectionable conditions as a result of its operations, shall only be allowed with Special Use approval in the I-R and I-G zoning districts and further shall comply with the following:

- (1) Such use must be located at least 200 feet from any adjoining property lines.
- (2) Such use shall be in conformance with applicable rules and regulations administered and enforced by the Environmental Protection Division of Georgia Department of Natural Resources.

(b) Junkyards, junk, or salvage operations.

- (1) All junk yards shall be completely screened from roads or developed areas with a solid fence or wall a minimum of 8 feet in height, maintained in good condition as determined by the governing authority, and painted except for masonry construction.
- (2) Open yard use for the sale, dismantling, and/or storage of salvage or junk materials and equipment shall be separated from adjoining properties by a planting screen, fence, or wall at least 6 feet high.
- (3) Signs are permitted on the required screen, provided such signs are in conformance with Article 5 of this Ordinance.
- (4) No operations shall be conducted which shall cause a general nuisance, endanger the public health, or be in violation of any local, state, or federal environmental regulations.

Sec. 310. Accessory uses and structures.

In addition to the principal uses which are designated as being permitted within the zoning districts established by this Ordinance, certain uses customarily incidental or accessory to such principal uses shall also be permitted. For the purposes of this Ordinance, each of the following uses is considered to be a customary accessory use and may be situated on the same lot with the principal use or uses to which it serves as an accessory, unless otherwise prohibited within this Ordinance. Accessory structures must comply with the setback and height requirements of the zoning district in which they are located and adhere to fire safety codes.

(a) Standards for accessory buildings in the R-1 and R-2 districts.

- (1) All accessory buildings shall be constructed with a pitched roof having a pitch of 3 in 12 or greater.
- (2) All accessory buildings over 200 sq. ft. must meet the wind code as referenced in the International Code Council handbook and be certified by the manufacturer of the building or a certified engineer.
- (3) Any tier foundations must be approved by a design professional.
- (4) All area regulations must be met as specified in section 3.4 Area Regulations.
- (5) The location of all accessory buildings must be approved by the County Health Department.
- (6) No shipping containers can be used as an accessory building in the R-1 or R-2 districts.

(b) Accessory structures and uses for dwellings.

- (1) Private garage for the occupant's automobiles or vehicles. Must be non-commercial usage of garage.
- (2) Parking area or open storage space for motor vehicles belonging to the occupant, and provided that this regulation shall not be misconstrued to mean commercial uses are allowed.
- (3) Shed for the storage of equipment.
- (4) Children's playhouse or play equipment.
- (5) Private kennel, pens, or cages for occupant's pets provided it does not create a nuisance to neighbors.
- (6) Private swimming pool and bath house or cabana.
- (7) Structures designed and used for the purposes of shelter in the event of catastrophes.
- (8) Non-commercial flower, ornamental shrub or vegetable garden, greenhouse, or slat house.
- (9) Private boat dock, boat house.

(c) Standards for guest houses or accessory dwelling units.

- (1) Cannot exceed 25 percent of the primary structure or 700 square feet.
- (2) Must meet all setback requirements.
- (3) Must be built on a permanent foundation.
- (4) Shall share all services with the primary dwelling.
- (5) All building plans shall be stamped by a licensed engineer or architect.

(d) Accessory structures and uses for church buildings.

- (1) Religious education buildings, except for elementary school, secondary school, and college buildings.
- (2) Parsonage, parsonage, or parish house, together with any use accessory to a dwelling as listed above.
- (3) Off-street parking area for the use without charge to members and visitors to the church.

(e) Accessory structures and uses for commercial and industrial uses.

- (1) Off-street parking or storage area for customer, client, or employee-owned vehicles.
- (2) Completely enclosed building for the storage of supplies, stock, or merchandise.
- (3) The principal use provided that dust, odor, smoke, noise, vibration, heat or glare produced as a result of such operation is not perceptible from any boundary line of the lot on which said principal and accessory uses are located and provided such operation is not otherwise specifically prohibited in the district in which the principal use is located.
- (4) Sheltered roofs, awnings, or canopies incidental to retail and commercial use, where such use is permitted, provided that no part shall, in any case, be located any closer than 10 feet to any property line.

- (5) In any district, all accessory uses and structures shall observe all setbacks, yard, and other requirements set forth for the district in which they are located.

Sec. 311. Home occupations.

A home occupation is permitted as an accessory use of any dwelling provided it meets the restrictions of this Section.

(a) Home occupations.

- (1) Is carried on by a member(s) of the family residing in the dwelling unit only. One employee who is not part of the family is permitted.
- (2) Is conducted entirely within the principal building.
- (3) Utilizes not more than twenty-five (25) percent of the total floor area of the principal building.
- (4) Produces no alteration or change in the character or exterior or change in the principal building from that of a dwelling.
- (5) Involves no sale or offering for sale of any article not produced or assembled by members of the family, or any service not entirely performed by members of the family, residing on the premises.
- (6) Creates no disturbing or offensive noise, vibration, smoke, dust, odor, heat, glare, traffic hazard, unhealthy or unsightly condition.
- (7) Is not visibly evident from the outside of the dwelling except by one non-illuminated sign two square feet or smaller in size.
- (8) A yearly certificate of occupancy shall be issued for the proposed use.
- (9) The County Building and Zoning Administrator/Code Enforcement Officer shall verify that the home occupation conforms to the preceding standards.
- (10) An enclosed accessory building may be used for storage.

(b) Home Business Office.

- (1) There shall be no sign or external indication of the business office.
- (2) No more than one vehicle used in the conduction of the business may be parked at the home location. Signage on this vehicle is limited to the area of the driver and passenger front doors of said vehicle.
- (3) No material shall be stored on site, other than office supplies.
- (4) The office shall occupy no more than 25 percent of the floor area of the principle structure.
- (5) The office shall be located in the principle structure.
- (6) Only residents of the dwelling may engage in work at the office.
- (7) Customers shall not visit the office.

(c) Construction on closed and abandoned landfills, dumps, and refuse areas.

No building or subdivision shall be permitted over the location of a former dump, landfill or refuse area unless the applicant for a building permit or subdivision can demonstrate to the satisfaction of the Planning Commission that construction can be safely accomplished. Such demonstration must include a report by a geologist or registered engineer.

Article 4. Parking and Loading Requirements

This Article sets out the requirements and restrictions on the provision of automobile parking spaces for each development to accommodate its residents, employees, customers, and visitors and for adequate truck parking to serve any business, industrial building, hospital, institution, hotel or multi-family development. The provisions of this Article apply equally to each designated use without regard to the zoning district in which it is located, unless otherwise noted.

Sec. 401. General intent and application.

It is the intent of these requirements that adequate parking and loading facilities be provided off the street for each use of land within the jurisdiction of this Ordinance. Requirements are intended to be based on the demand created by each use. These requirements shall apply to all uses in all districts.

Sec. 402. Control of land.

The control of land upon which the off-street parking is provided shall be the same as the ownership of land on which the principal use is located, unless a legally binding easement or other agreement that is attached to the deed can be provided to assure the County that adequate parking will be provided for the principal use.

Sec. 403. 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 usual shape and condition. There shall be adequate ingress and egress to all parking spaces. There shall be provided an access drive leading to the parking or loading spaces. Such access drive shall not be less than 10 feet in width.

Sec. 404. Number of parking spaces required.

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

(a) Minimum parking spaces required by use.

Table 4.1: Minimum Parking Spaces Required by Use		
Use	Minimum Number of Parking Spaces	Required for Each:
a. RESIDENTIAL		
1. Single-family residence	2	Dwelling unit
2. Two-family residence	2	Dwelling unit
3. Multiple-family residence	1.5	Dwelling unit
4. Hotels and motels		

(a) Guest rooms	1	Room
(b) Employees	1	Each 3 employees
5. Rooming houses, boarding houses, and dormitories	1	Each 2 beds
b. COMMERCIAL		
1. Automatic laundry	1	Each 3 laundry machines
2. Automobile sales and service garage	1	Each 400 square feet of floor area
3. Banks, business or professional offices	1	Each 400 square feet of gross floor area
4. Bowling alleys	1	Each alley
5. Food store, supermarket	1	Each 200 square feet of floor area
6. Funeral homes, mortuaries (without seating)	20	Each viewing parlor
7. Medical offices		
(a) Doctors	4	Each doctor
(b) Employees	1	Each 2 employees
8. Restaurants, beer parlors, night clubs	1	Each 2 seats
c. INDUSTRIAL AND MANUFACTURING		
1. Manufacturing and industrial concerns with retail business on premises		
a. Employees	1	Each 2 employees on largest shift
b. Sales or service	1	Each 150 square feet devoted to sales or service
1. Wholesale and warehouse concerns		
a. Employees	1	Each 2 employees
b. Company vehicles	1	Each company vehicle
c. Retail service	1	Each 150 square feet of retail sales or service
d. INSTITUTIONAL AND OTHER		

1. 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	Each 5 seats based on maximum seating capacity in principal assembly, or for each 17 classroom seat, whichever is greater
2. Stadiums, sport arenas, auditoriums (including school auditoriums), other places of public assembly, and club assembly and lodges having no sleeping quarters and not containing fixed seats	1	Each four seats and/or 1 for each 100 square feet of gross floor area not containing fixed seats

Sec. 405. Location of off-street parking areas.

- (1) The parking spaces for all dwellings shall be located on the same lot as the residence.
- (2) Parking spaces shall be provided on the same lot with the main building of the principal use.
- (3) Two or more principal uses may utilize a common area in order to comply with off-street parking requirements, provided that the number of spaces required for each use is met.
- (4) Portions of the public right-of-way on minor streets may be allowed for maneuvering incidental to parking when determining parking area requirements for individual uses.
- (5) On collector streets, major streets, and controlled access highways, parking facilities shall provide space outside the public right-of-way for maneuvering incidental to parking. This aisle on drive system shall be separated from the road by a 10-foot, landscaped buffer.

Sec. 406. Off-street loading and unloading requirements.

(a) Off-street loading requirements.

- (1) Each off-street loading and unloading space required by the provisions of this Ordinance shall be at least 10 feet wide, 50 feet long and 14 feet high. Such space shall be clear and free of obstructions at all times.
- (2) Required off-street loading and unloading areas shall in all cases be located on the same lot or parcel of land as the structure they are intended to serve. In no case shall the required off-street loading space be considered as part of the area provided to satisfy off-street parking requirements as listed herein.
- (3) All uses, whether specified in this Ordinance or not, shall provide off-street loading areas sufficient for their requirements. Such space shall be adequate so that no

vehicle loading or unloading in connection with normal operations shall stand in or project into a public street walk, alley or way.

(b) Number of off-street loading spaces.

- (1) Retail business uses with from 4,000 to 25,000 square feet in total floor area: 1 space. Retail businesses that exceed 25,000 will follow the schedule in Section 7.2.
- (2) Wholesale, industrial, governmental, and institutional uses, including public assembly places, hospitals, and educational institutions, shall provide 1 space for the first 25,000 square feet of total floor area and 2 spaces for the first 49,999 square feet of total floor area. For anything in excess of 25,000 square feet, such uses shall provide loading spaces according to the following schedule:
 - a. 25,000-49,999 square feet: 2 spaces.
 - b. 50,000-99,999 square feet: 3 spaces.
 - c. 100,000-199,999 square feet: 4 spaces.
 - d. 200,000-350,000 square feet: 5 spaces.
 - e. For each 50,000 square feet above 350,000 or fraction thereof, 1 additional space shall be provided.
- (3) Multi-family dwellings:
 - a. Multi-family residences with less than 10 dwelling units: none.
 - b. Multi-family residences with 10 to 30 dwelling units: 1 space.
 - c. Multi-family residences with more than 30 dwelling units: 1 space for each 30 dwelling units or fraction thereof.

(c) On-street parking requirements in the R-2 and R-3 districts.

Streets may contain 8 foot by 22 foot (8' x 22') parking spaces parallel to the travel lane for visitor or neighborhood amenity uses. All lots shall provide for off-street parking in accordance with this Article.

(d) On-street parking in the PUD district.

- (1) On-street parking designed as parallel to the travel lane along local streets, meeting the minimum size of eight feet by 22 feet, may be counted toward the overall PUD recommendation for parking. This on-street parking must be located within 600 feet of the proposed uses to be considered toward the parking requirement.
- (2) Off-street parking shall be provided pursuant to requirements defined in this Ordinance.

Sec. 407. Buffer Strips.

Any institutional, commercial, or industrial uses, off-street loading areas, or off-street parking areas for five or more automobiles shall be separated from adjoining residential property by a continuous planted buffer strip of at least 10 feet. Such buffer strip, if planted, shall be composed of healthy plants which possess growth characteristics of such a nature as to produce a dense, compact planting screen not less than 6 feet in height, or if wood, stone, block, or brick shall not be less than six feet high.

Article 5. Sign Regulations

This Article provides for the types of signs that may be placed on a property and regulated such characteristics as their size, number, placement, and timing (for temporary events).

Sec. 501. General intent and application.

(a) Purpose of sign regulation.

Regulation of the location, size, placement and certain features of signs is necessary to enable the public to locate goods, services, and facilities in the county without difficulty or confusion, to improve the general attractiveness of the county, to take advantage of the beauty of the county's natural environment, and to protect property values therein. Such regulation is also necessary to facilitate and aid in the identification and location of residences and businesses in the county in the event of police, fire, or other emergencies and to avoid confusion and delay in response to such emergencies.

Sec. 502. General provisions.

- (1) No sign shall be erected or maintained unless it is in compliance with the regulations of this Article.
- (2) Signs must be constructed of durable materials, maintained in good condition, and not permitted to become dilapidated.
- (3) All signs located on sites abutting or visible from the I-95 right-of-way shall conform to section 95A-916 of the Georgia Outdoor Advertising Code and shall meet all federal and state requirements necessary to obtain a permit under said code. In instances where the sign controls of this Ordinance are stricter, these regulations shall apply.
- (4) The creation, construction or maintenance of signs in areas adjacent to and/or visible from primary and interstate highway system rights-of-way shall be limited to property zoned: C-N Neighborhood Commercial, C-G General Commercial, C-I Interchange Commercial, I-R Limited Industrial, and I-G General Industrial Land Use Districts.
- (5) No signs, except as otherwise specified, shall exceed the height limit of the district in which they are located.
- (6) Any sign which advertises an activity, business, product, or service which has ceased operation or production shall be removed within one (1) month of the discontinuance of said activity.

Sec. 503. Sign permit required.

- (1) A sign permit is required before a sign or banner may be erected or attached to, suspended from or supported on a building or structure; and before an existing sign may be enlarged, relocated or materially improved, except for painting of the structure or sign frame or the replacement of lights or mechanical parts.
- (2) A sign permit shall be issued by the Building and Zoning Administrator when the plans, specifications and intended use of the applied sign conforms in all respects to the applicable provisions of this Ordinance and in accordance with Article 6, and any other applicable law or ordinance.

- (3) The Building and Zoning Administrator is hereby authorized to issue a temporary permit for a Special Event Sign to be placed along the rights-of-way, county owned properties, or private owned properties zoned commercial or industrial whereby the public will be informed about an upcoming event or directed to the location of an event. Said temporary permit shall require \$100.00 cash bond and shall allow the signs to be posted no earlier than 14 days on private property or 5 days on county property prior to the event nor longer than 5 days after the event, regardless of the property's ownership. Signs shall not exceed 24 square feet in area. The location and size of any sign must be approved by the Building and Zoning Administrator before a temporary permit is issued.
- (4) The Building and Zoning Administrator is hereby authorized to issue a temporary permit for Political Signs during any normal campaign period for any election for public office. Political signs located on private property shall not exceed the area limitations set forth in each particular zoning district. Said temporary permit shall require \$100.00 cash bond and shall be from last day of qualification (as established by applicable federal, state or local law) till 14 days after the election date.
- (5) All temporary signs must be removed by the permittee or erector of the sign by the fifth (5th) day after the occurrence of the event, including but not limited to any special event, election, sale or lease of real estate, or the conveyance of seventy-five percent (75%) of the subdivision lots. If such temporary signs are not removed by the fifth (5th) day, the permittee of those signs requiring permits shall forfeit the one hundred dollar (\$100.00) cash bond. Upon forfeiture of the bond by the permittee, the McIntosh County Public Works Department shall be authorized to remove and dispose of the affected signs. Those temporary signs not requiring permits shall be removed according to the provisions of this Article.
- (6) Signs must be maintained in good condition and not permitted to become dilapidated. Each application and sign permit shall contain an agreement to indemnify and hold the county harmless of all damages, demands or expenses of every character which may in any manner be caused by the sign or sign structure, either permanent, or temporary.
- (7) Permits shall not be required for official signs, real estate signs, construction signs, temporary subdivision signs, temporary window signs, instructional/informational signs, official notices issued by any court, public agency or officer, and allowed home occupation signs under the regulations set forth in this Article.
- (8) A sign permit shall become null and void if the sign for which the permit was issued has not been completed within a period of (6 months after the date of issuance. For purposes of this section, an outdoor advertising sign shall be completed if the sign base has been constructed.
- (9) The provisions of this Ordinance shall not apply to the ordinary servicing, repainting of existing sign message, cleaning of a sign, nor to changing of advertising on a sign specifically designed for periodic change of message without change in structure, such as a billboard, or similar type of sign.
- (10) No permit shall be issued until fees have been paid as established by the McIntosh County Board of Commissioners and a sketch plan showing the following information has been filed with the Building and Zoning Administrator:
 - a. Sketch plan showing the exact location of signs, setbacks from right(s)-of-way, and proximity to driveways, curbs, buildings, and other structures.

- b. Elevation drawing(s) showing height, width, and style of sign(s) and other structures.
- (11) No permit shall be issued for signs to be located in excess of twenty (20) feet in height from ground level until the applicant provides signed and sealed engineering results certified by a Professional Engineer Registered in Georgia that such signs can withstand a one-hundred (100) miles per hour wind load.
- (12) A permit fee shall be paid to McIntosh County for each permit required by this Ordinance. The fee shall be increased in direct relation to the increase in the dollar value of the sign according to the rate schedule in the office of the Building and Zoning Administrator.

Sec. 504. Prohibited Signs.

- (1) Signs imitating warning signals are prohibited. No sign shall display lights resembling the flashing lights customarily used in traffic signals or in police, fire, ambulance, or rescue vehicles; nor shall any signs use the words, slogans, dimensional shape and size, or colors of the governmental traffic signs.
- (2) No signs, except traffic signs and signals and informational signs erected by a public agency, are permitted within any street or highway right-of-way.
- (3) Signs painted or attached to natural features (such as trees or rocks), telephone poles, utility poles, or fence posts are prohibited.
- (4) Fluttering ribbons and banners are prohibited.
- (5) Signs within 300 feet of any officially designated historical site or monument, except signs pertaining to that particular site or monument are prohibited.
- (6) No sign shall depict nudity, sexual conduct, obscene or pornographic material as defined in the United States and/or Georgia Codes.

Sec. 505. Regulations for specific types of signs.

(a) Home occupations signs.

One non-illuminated professional or business name plate not exceeding two square feet in area is permitted.

(b) Signs of work under construction.

One non-illuminated sign, not exceeding 40 square feet in area displaying the name of the building, the contractors, the architects, the engineers, the owners, the financial selling and development agencies is permitted upon the premises of any work under construction, alteration, or removal. Such sign shall be removed from the site within 30 days after the completion of the project.

(c) Temporary subdivision signs.

Temporary signs, not exceeding 40 square feet in area announcing a land subdivision development, are permitted on the premises of the land subdivision. Such signs shall be spaced not less than 300 feet apart. They shall be removed when 75 percent of the lots are conveyed.

(d) Private directional signs.

- (1) Signs indicating the location and direction of premises available for or in the process of development, but not erected upon such premises, and having

inscribed thereon the name of the owner, developer, builder, or agent may be erected and maintained provided:

- a. The size of any such sign is not in excess of 6 square feet, and not in excess of 4 feet in length
- b. Not more than 1 such sign is erected on each 500 feet of street frontage

(e) Wall signs.

- (1) Signs on the walls of a building (including signs attached flat against the wall, painted wall signs and projecting signs) shall meet the following requirements:
 - a. The total area of signs on the exterior front surface of a building shall not exceed 25 percent of the front surface of the building, so long as the figure does not exceed the total amount of sign area permitted within the Zoning District where the sign or signs are to be located.
 - b. The total area of signs on a side or rear surface of building shall not exceed 50 percent of the exterior side or rear surface of the building respectively, so long as this figure does not exceed the total amount of sign area permitted within the Zoning District where the sign or signs are to be located.
 - c. The combined sign area on the front, side and rear surface of a building must not exceed the total sign area permitted within the Zoning Districts where the sign or signs are to be located.
 - d. Wall signs attached flat to a wall may not extend more than 24 inches from the wall.
 - e. Signs attached at an angle to a wall may extend outward from the wall of a building not more than 5 feet.

(f) Illuminated signs.

Illumination devices shall be so placed and so shielded that light from the sign itself will not be directly cast into any residential district, sleeping rooms in any district or the eyes of an automobile or vehicular driver.

(g) Outdoor advertising signs.

If visible from the Interstate 95 right-of-way outdoor advertising signs shall meet the following requirements:

- (1) The outside measurements of all such signs shall be 12 feet in height and 50 feet in length, with or without trim.
- (2) All illuminated signs shall use base mounted fluorescent lights and shall be activated by photo-electric cells. Additional lighting including, but not limited to, neon, animation and running lights is prohibited.
- (3) All signs shall be a minimum of 10 feet above adjacent interstate pavement measuring from the lower portion of the sign face. Signs shall not exceed 30 feet in height. Two signs in the same location (back-to-back) or "V" formation) shall be the same height above the interstate's surface.
- (4) Extrusions beyond the face of the sign, excluding aprons, are prohibited.
- (5) Only one sign shall be allowed to face the same direction per location. This allows back-to-back or "V" formation signs but prohibits two signs (side-by-side) facing the same direction.

- (6) Sign locations shall be no less than five hundred (500) feet apart measuring from the two closest points.
- (7) Sign structures shall be no less than 10 feet from any property or right-of-way line.
- (8) A maximum of three sign locations shall be permitted per interchange quadrant provided that spacing requirements can be met.
- (9) No sign shall be placed in or obstruct the view of a marshland area or an area of designated historic interest.
- (10) Outdoor advertising shall be limited to the following:
 - a. Travel service facilities, including lodging, gas, food, and camping.
 - b. Areas of scenic beauty
 - c. Public attractions, including historic, natural, scientific, or recreational amenities.
 - d. Any combination of the above-listed facilities. Further, the content of all advertising shall be directional in nature.

(h) Spotlights.

The use of spotlights and other similar illumination devices may be permitted in commercial zoning districts upon issuance of a Special Use permit, subject to the following additional restrictions:

- (1) No spotlight may be directed at lower than 22½ degrees. For purposes of determining the degree of angle, zero degrees shall be considered directly up and above the spotlight. The lowest illuminated portion of any such light shall not shine lower than 22½ degrees.
- (2) No spotlight shall shine or illuminate the atmosphere directly above any portion of a residential district. Therefore, neither the light nor the illuminated atmosphere or clouds shall not be visible using the naked eye from any residential district while looking straight up within a residential district.
- (3) By seeking a Special Use permit for a spotlight, applicants are hereby placed on notice that the issuance of a special permit for use of a spotlight shall be revocable by the McIntosh County Board of Commissioners, with or without the consent of the zoning board, at any time after issuance. Said applicants are hereby placed on notice that the nuisance caused by such a spotlight may not be determinable in advance of issuance of such permit.
- (4) For purposes of this section the term "spotlight" shall include any other similar illumination device.

Sec. 506. Signs permitted in zoning districts.

(a) Signs permitted in A-F district.

- (1) For permitted home occupations, one non-illuminated professional or business name plate not exceeding 2 square feet in area.
- (2) For uses other than dwellings, a single illuminated or non-illuminated institution or business identification sign or bulletin board not exceeding 20 square feet in area. Such sign shall be set back not less than 15 feet from the street right-of-way line unless attached to the front wall of a building.

- (3) Temporary subdivision signs and private directional signs, under the provisions set forth in [Sec. 505](#).
- (4) Off-premise signs, provided such signs are not visible from the rights-of-way of I-95 and U.S. 17 and do not exceed 32 square feet in area.

(b) Signs permitted in A-R, R-1, and R-2 districts.

- (1) For permitted home occupations, one non-illuminated professional or business name plate not exceeding 2 square feet in area.
- (2) For uses other than dwelling, a single illuminated or non-illuminated institution or identification sign or bulletin board not exceeding 6 square feet in area.
- (3) Temporary subdivision signs and private directional signs, under the provisions set forth in [Sec. 505](#).

(c) Signs permitted in the RVP districts.

- (1) One non-illuminated professional or business name plate not exceeding 2 square feet in area mounted flat against the wall of a building in which there is conducted a permitted home occupation.
- (2) Signs, illuminated or non-illuminated; not to exceed a combined total sign area of 100 square feet per mobile home park or recreational vehicle park; and that where a mobile home park abuts a federal primary or interstate highway, only 1 business identification sign, illuminated or non-illuminated, not to exceed a total sign area of 100 square feet per mobile home park.

(d) Signs permitted in C-N districts.

- (1) All signs as permitted by Sec. 505.
- (2) The number of signs shall be limited to three for each street on which the establishment fronts. The maximum size of a sign for any business establishment shall be 64 square feet.

(e) Signs permitted in C-G, C-I, and I-G districts.

- (1) All signs permitted in A-F, A-R, R-1, R-2, C-N Districts are permitted in commercial and industrial districts.
- (2) On any occupied zoning lot in a commercial or industrial district, not more than 4 signs of any type having a total area of not more than 750 square feet shall be permitted.
- (3) Commercial or industrial uses located on or adjacent to major streets or controlled access thoroughfares in commercial or industrial districts may include as part of their total permitted sign area, 1 business identification pylon sign which shall be erected so that no portion of the sign shall be less than 10 feet back from the street right-of-way line.
- (4) Signs in any commercial or industrial district may be illuminated.
- (5) Each commercial use in a C-I district shall be allowed one business identification sign not to exceed 75 feet in height as part of its total permitted sign area.

(f) Signs permitted in CP districts.

- (1) One non-illuminated business identification sign not exceeding 20 square feet in area may be erected for each use permitted in a Conservation Preservation District.

- (2) Other directional or historical signs approved by the Planning Commission and County Commission may be allowed.

(g) Signs permitted in the HH district.

- (1) Signs shall be in conformance with Article 2, Sec 219.
- (2) Other directional or historical signs approved by the Planning Commission and County Commission.

Article 6. Enforcement and Administration

The following provides a general overview of the key officials involved in the administration and enforcement of this Ordinance.

Sec. 601. Building and Zoning Administrator.

All provisions of this Ordinance shall be enforced and administered by the Building and Zoning Administrator. He/she may be provided with assistance of other people if directed by the County Commission.

(a) Duties and powers of the Building and Zoning Administrator.

- (1) To receive and check all applications for building permits and certificates of occupancy.
 - a. Prior to issuance of any building permit the Building and Zoning Administrator shall ensure that the building structure, or use proposed conforms in all respects to the provisions of this zoning Ordinance and other applicable regulations.
 - b. Prior to issuance of certificate of occupancy the Building and Zoning Administrator shall determine that the work completed is in accordance with all provisions of this zoning Ordinance and other applicable regulations.
- (2) To require any information necessary to determine the conformity of the application with the regulations of this Ordinance and building codes. This information may include:
 - a. Proposed uses of building, structure or land.
 - b. Placement of the building or structure on the lot.
 - c. Size, dimensions or other characteristics of the building, structure and the lot itself.
 - d. Placement, size, and number of signs.
 - e. Number, size, and location of parking and unloading spaces.
 - f. Any other relevant information under this Ordinance (such as access points).
- (3) To inspect premises of applicant's property, building, or structure.
- (4) To issue the building permit or certificate of occupancy after compliance with this zoning Ordinance and other applicable regulations is established.
- (5) To notify any person responsible for violating the provisions of this Ordinance and to order the action necessary to correct the violation. The Building and Zoning Administrator shall order:
 - a. Discontinuance of illegal use of land, buildings, or structures.
 - b. Removal of illegal buildings or structures.
 - c. Discontinuance of any illegal work being done.

- (6) To record all non-conformities and notify landowners of such non-conformities within a reasonable time after the adoption of the "Official McIntosh County Zoning Map".
- (7) To issue temporary permits and demolition permits, provided that the permit includes necessary safeguards for the public safety, health, and welfare.
- (8) To inform the applicant of a building permit if his proposed use, building, or structure is designated as a Special Permit Use and to advise said applicant of the procedures necessary to acquire this permit.
- (9) To inform the applicant for any new developments proposed within the County which meet or exceed the minimum thresholds identified in the Department of Community Affairs' Procedure and Guidelines for the Review of Developments of Regional Impact (DRI), of the requirement to comply with the intergovernmental review procedures. The County will not take any official action to further any such developments until the DRI Review Process is completed or a minimum of thirty (30) days has transpired from the date the completed DRI Request for Review Form was forwarded to the Coastal Regional Commission.

Sec. 602. Building permit.

(a) Building permit required.

A building permit issued by the Building Official is required in advance of the initiation of construction, erection, moving or alteration of any building or structure in accordance with the provisions of the building code. No building permit shall be issued and no building shall be erected on any lot in the county unless access has been established in accordance with this Zoning Code. No building permits shall be issued before approval of the final plat. All structures shall comply with the requirements of this Zoning Code, whether or not a building permit is required.

(b) Requirements for building permit.

- (1) Building permit application:
 - a. The applicant shall submit to the Building and Zoning Administrator a dimensioned plat or scale plan indicating the shape, size and location of all buildings to be erected, and of any building already on the lot.
 - b. When a proposed development is to be served by wells, or by septic tanks, or by a private water system and/or a private sewage disposal system, then the applicant for a permit for such development shall submit with his application for a permit a certificate from the County Health Department approving such water system, waste disposal system, septic tank, or well.
 - c. Applicant shall also state the existing and intended use of all such buildings and structures.
 - d. For multi-family buildings, nonresidential buildings, and all structures using "alternative construction materials" architectural plans prepared in conformance with the applicable building codes and must be submitted to the County. Plans shall be prepared by or under the supervision of an architect or qualified engineer registered in the State of Georgia, who shall sign and seal each sheet in the original set of drawings as applicable. "Alternative construction materials" shall be determined by the Building Official and require Special Use Approval prior to the issuance of a permit.

- (2) If the proposed work as set forth in the building permit application conforms to the provisions of this Ordinance, the Building and Zoning Administrator shall issue the building permit upon payment of the required fee within 10 days.
- (3) If the building permit is refused, the Building and Zoning Administrator shall give the applicant a written explanation of the reason(s) for refusal.
- (4) Building permits must be renewed if construction has not begun within six months of the initial date of issuance.
- (5) If a noncontinuous footer is used (i.e. pole barn), the signature of a design professional is required.
- (6) Single family home plans must be professionally drawn, or provide a foundation plan, elevation plan, and framing plan. Internet plans are acceptable.
- (7) Only one power meter is allowed per lot.
- (8) Temporary power is only available with a valid building permit or special use permit. Temporary power will be shut off once a building permit or special use permit expires or a CO is issued.

Sec. 603. Demolition permit.

No principal building or structure 200 square feet or more shall be demolished before the issuance of a demolition permit.

Sec. 604. Certificate of Occupancy.**(a) Certificate of occupancy required.**

No land or building hereafter erected or altered in its use shall be used until a Certificate of Occupancy has been granted.

(b) Occupancy permit to be denied.

An occupancy permit shall not be issued unless the development for which such permit is requested complies with all applicable provisions of this Ordinance, including all applicable electrical, plumbing, and mechanical codes are met. A record of all such occupancy permits shall be filed in the office of the Building Inspector.

(c) Electrical service.

- (1) Temporary electrical service may be provided at construction sites if a proper building permit has been obtained. A Certificate of Occupancy must be obtained prior to connection of permanent electrical service.
- (2) Electrical power may be reconnected to the same unit/dwelling without a Certificate of Occupancy if service has not been interrupted for a period exceeding 90 days and the reason for interruption did not involve fire or other damage or repair, renovation or upgrading of electrical service.
- (3) The National Electrical Code in effect as adopted and amended from time to time by the state department of community affairs is adopted by reference as the Electrical Code of McIntosh County, Georgia.

Sec. 605. Building construction codes.

The latest edition(s) of the Construction Codes Currently in Effect as adopted and amended from time to time by the state department of community affairs, pursuant to chapter 2 of Title 8 of

The Official Code of Georgia, including all appendices thereof adopted by the state department of community affairs, shall be enforced by the county.

Editor's Note: see the attached link for latest editions of the current State Construction Codes:
<http://www.dca.ga.gov/local-government-assistance/construction-codes-industrialized-buildings/construction-codes>

Sec. 606 Temporary permit.

(d) Temporary permit uses.

The Building and Zoning Administrator is authorized to issue temporary permits for the following uses, subject to the applicable conditions for each individual temporary use and provided it is determined such uses will cause no traffic congestion, and will not adversely affect surrounding areas. Any temporary use not allowed for in this Ordinance shall be requested from the County Commission.

- (1) Carnival or circus, in approved open areas, for a period not to exceed three weeks, and subject to approval by the County Commission.
- (2) Religious meeting in a tent or other temporary structure, in an approved open area, for a period not to exceed 40 days.
- (3) Open lot sale of Christmas trees or pumpkins, in the approved area, for a period not to exceed 45 days.
- (4) Short-term outdoor concerts.
- (5) Contractor's office and equipment sheds, for a period of twelve months, provided that such office is placed on the property to which it is appurtenant.

Article 7. Zoning Decisions

This Article describes the process through which a special permit may be approved, variances may be authorized, and appeals may be made.

Sec. 701. General

All zoning decisions must following the Procedures for Zoning Decisions found in Article VIII of this Ordinance.

Sec. 702. Zoning amendment petition.

(a) Process.

- (1) The Planning Commission will review Zoning Amendment applications and make a recommendation to the County Commission to approve or disapprove the petition.
- (2) The County Commission may amend the regulations, restrictions, boundaries, or any provision of this Ordinance.
- (3) Any member of the County Commission may introduce an amendment, and any official, board, or other person may present a petition to the County Commission requesting an amendment to this Ordinance.

(b) Zoning amendment petition application.

- (1) Application for an amendment shall be submitted to the Building and Zoning Administrator at least 45 days prior to the meeting at which it will be considered.
- (2) The County Commission, Planning Commission, and their designated representatives shall have the authority to conduct independent inquiries to verify the representations made on the site map. The site map shall be kept on file in the offices of the Planning Commission, where it will be made available for public examination.

(c) Planning Commission, review of zoning amendment.

- (1) No amendment shall be considered by the County Commission until it is first submitted to and given a recommendation by the Planning Commission.
- (2) If the proposed amendment is given a recommendation by the Planning Commission, it shall require the favorable vote of a majority of the entire membership of the County Commission to make the amendment effective.
- (3) The amendment shall be deemed approved if the Planning Commission fails to given a recommendation within thirty days of the public hearing at which the amendment is first heard.

(d) Application for Amendment.

- (1) Applications for amendment of these regulations may be in the form of proposals for amendment of the text of these regulations or proposals for amendment of the zoning map. Applications for amendment shall be submitted to the McIntosh County Board of Commissioners.
- (2) Signature of Applicant Required. All applications shall be signed by the applicant and shall state his name and address. When a change in the zoning classification

of a piece of property is requested, the applicant shall be only the owner of such property or his authorized agent.

(e) Application for text amendment.

In the case of a text amendment, the application shall set forth the new text to be added and the existing text to be deleted.

(f) Application for map amendment.

An application for a map amendment shall include the following information:

- (1) The community or area in which is located the land proposed to be reclassified and the street number, lot numbers, the location with respect to the nearby public roads in common use;
- (2) A suitable description of the land which may be by a plat of the land in question, or by a description by metes and bounds, or by the lot, block and subdivision designations with appropriate plat reference or by other suitable description;
- (3) The present zoning classification and the classification proposed for such land;
- (4) The name and address of the owners of the land;
- (5) The area of the land proposed to be reclassified stated in square feet if less than 1 acre, and in acres if 1 acre or more;
- (6) The county tax map reference number;
- (7) Development Plan: Any person petitioning for the rezoning of a parcel of land must submit a development plan with the following elements:
 - a. Plot plan or survey plat showing the dimensions of the property to be developed.
 - b. Location of existing structures, right-of-way, marshlands, boundaries, watercourses and lakes, primary conservation areas, and existing structures to remain.
 - c. Location of proposed development, including structures, types of uses, access drives, setbacks, easements, etc.
 - d. Location of proposed recreational areas and dimensions of buffer zones, if any.
 - e. Location and size of existing or proposed public or community water, sewer, and drainage facilities.
 - f. In the case of multi-family developments, mobile home or RV parks, indicate proposed number of dwelling units or pads and net acres available for building.
 - g. In the case of office, commercial, industrial, or institutional developments, show proposed off-street parking and loading areas, signage and outdoor lighting.

Sec. 703. Special permit use.

The uses listed under the various land use zoning districts as "special permit uses" are so classified because they more intensely dominate the area in which they are located than do other uses which are called permitted uses. Special permit uses are uses which would not normally be

appropriate in a district unless strictly controlled as to size, lot coverage, impact on public services, visibility, traffic, and other such characteristics. The following procedure is established to integrate the special permit uses with other land uses located in the district. These uses shall be reviewed and authorized or rejected under the following procedure:

(a) Applying for special permit use.

- (1) When applying for a building permit, the applicant shall be informed by the Building and Zoning Administrator that the proposed use is a Special Permit Uses. The matter will then be referred to the Planning Commission.
- (2) An application for special permit use shall be filed with the Building and Zoning Administrator at least 45 days prior to the next regularly scheduled meeting of the County Planning Commission. Such application shall contain all information requested and any other material or information pertinent to the request, which the Planning Commission may require, and shall contain the notation of the Building and Zoning Administrator that the appropriate fee has been paid to McIntosh County.

(b) Action of the Planning Commission.

The Planning Commission may approve the application as requested, require conditions for approval, or it may deny the application. A Special Use Permit may be granted by the Planning Commission only if the applicant establishes to the satisfaction of the Planning Commission that:

- (1) Neither the proposed use nor the proposed site upon which the use will be located is of such a character that the use will have significant adverse impact upon the value or quiet possession of surrounding properties greater than would normally occur from generally permitted uses in the zoning district. In reaching a determination on this standard, the Planning Commission shall consider:
 - a. The size of the proposed use compared with the surrounding uses.
 - b. The intensity of the proposed use, including amount to be generated, hours of operation, expanse of pavement, and similar measures of intensity of use, compared with surrounding uses.
 - c. The potential generation of noise, dust, odor, vibration, glare, smoke, litter and other nuisances.
 - d. Unusual physical characteristics of the site, including size of the lot, shape of the lot, topography, and soils, which may tend to aggravate adverse impacts upon surrounding properties.
 - e. The degree to which landscaping, fencing and other design elements have been incorporated to mitigate adverse impacts on surrounding properties.
- (2) County or other facilities serving the proposed use will not be overburdened or hazards created because of inadequate facilities. In reaching a determination on this standard, the commission shall consider:
 - a. The ability of the traffic to safely move into and out of the site at the proposed location.
 - b. The presence of facilities to assure the safety of pedestrians passing by or through the site.
 - c. The capacity of the street network to accommodate the proposed use.
 - d. The capacity of the sewerage and water supply systems to accommodate the proposed use.

- e. The capacity of the storm drainage system to accommodate the proposed use.
 - f. The ability of the fire department to provide necessary protection services to the site and development.
- (3) The natural characteristics of the site, including topography, drainage, and relationship to ground and surface waters and floodplain, shall not be such that the proposed use when placed on the site will cause undue harm to the environment or to neighboring properties.
- (c) Denial of special permits and appeals.**
- (1) If the decision of the Planning Commission is to deny the Special Permit, then the same property may not again be considered for a Special Permit until the expiration of at least 6 months immediately following the defeat of the Special Permit by the Planning Commission.
 - (2) Appeals of Decision. Appeals of the Planning Commission decision shall go to Board of Appeals. A written appeal must be submitted to the Building and Zoning Administrator within 15 days.
- (d) Conditions of Special Uses.**

Upon consideration of the standards listed above the Planning Commission may require, such conditions, in addition to those required by other provisions of this Ordinance, as it finds necessary to ensure compliance with those standards and all other applicable requirements of this Ordinance. Violation of any of those conditions shall be a violation of this Ordinance. Such conditions may include, but are not limited to, specifications for: type of landscaping/vegetation, increased setbacks and yards, specified sewage disposal and water supply facilities, hours of operation, operational controls, professional inspection and maintenance, sureties, location of piers, docks, parking and signs, and types of construction.

Sec. 704. Variances.

The Planning Commission may authorize a variance from the requirements of this Ordinance where it can be shown that owing to special and unusual circumstances related to a specific lot, strict application of the ordinance would cause an undue or unnecessary hardship. No variance shall be granted to allow the use of property for a purpose not authorized within the zone in which the proposed use would be located. In granting a variance, the Planning Commission may attach conditions which it finds necessary to protect the best interests of the surrounding property or vicinity and otherwise achieve the purposes of this Ordinance.

(a) Conditions governing the granting of a variance.

- (1) A variance may be granted by the Planning Commission only in the event that all of the following circumstances exist:
 - a. Exceptional or extraordinary circumstances apply to the property which do not apply to other properties in the same zone or vicinity, and result from lot size or shape, topography, or other circumstances over which the owners of property since enactment of this Ordinance have had no control.
 - b. The variance is necessary to provide the applicant the same basic property rights that other property owners in the same zone or vicinity possess.
 - c. The variance would not be materially detrimental to the purposes of this Ordinance, or to property in the same zone or vicinity in which the property is located, or otherwise conflict with the objectives of any county plan or policy.

- d. The variance requested is the minimum variance which would alleviate the hardship.

(b) Procedure for taking action on a variance application.

Variances shall be reviewed and authorized or rejected under the following procedure:

- (1) A property owner may initiate a request for a variance by filing an application with the Building and Zoning Administrator. An application for a variance shall be filed with the Building and Zoning Administrator at least 45 days prior to the next regularly scheduled meeting of the County Planning Commission. Such application shall contain all information requested and any other material or information pertinent to the request which the Planning Commission may require, and shall contain the notation of the Building and Zoning Administrator that the appropriate fee has been paid to McIntosh County.
- (2) Required Public Hearings. No official action shall be taken on any proposed Variance unless 1 public hearing has been held. The public hearing shall be conducted by the Planning Commission. See [Sec. 703](#) of this Article for procedures for calling a public hearing.

(c) Time limit on permit for variance.

Authorization of a variance shall be void after one year unless substantial construction has taken place. However, the Planning Commission may extend authorization for an additional period not to exceed one year, on request. The Building Administrator shall monitor variances to ensure compliance with this section.

(d) Appeals of decision.

Appeals of the Planning Commission decision shall go to Board of Appeals. A written appeal must be submitted to the Building and Zoning Administrator within 15 days.

Sec. 705. McIntosh County Rezoning Criteria.

An application for a rezoning or conditional use permit for any property or properties in the county may be initiated by the governing body, planning commission, owner of the property, or some other person(s) given authorization by the property owner to file said application.

Any applicant wishing to submit an application for rezoning or conditional use permit must schedule an appointing with The Building and Zoning Director or designee to review the application for completeness. No such application shall be accepted for processing by the Director or designee unless it meets the requirements of this section. Incomplete or improper applications will be returned to the applicant. The director is hereby authorized to establish administrative deadlines for the receipt of applications.

Any applicant wishing to file an application for a zoning change related to a planned development zoning district must schedule a conference with the Building and Zoning department staff at least 15 days prior to filing an application.

(a) Application requirements for submittal.

- (1) Application form. All applications shall be submitted to the Building and Zoning Director.
- (2) Fee. All applications shall be accompanied by a non-refundable fee as fixed from time to time by the governing body. A fee shall not be charged if the governing body or the planning commission initiate the application.

- (3) Plat or boundary survey. A plat or boundary survey of the property or properties involved in the application. Provide one scaled and folded copy, and one 8.5"x11" or 11"x17" reproducible size copy.
- (4) Legal description. A paper copy and an electronic copy of the legal description of the property that corresponds with the property or properties shown on the submitted boundary survey/plat.
- (5) Written narrative. A written narrative should indicate at a minimum:
 - a. The purpose of the request, proposed use, economic and environmental impacts as well as overlay zones or protection areas in which the property is located.
 - b. Any planned developments shall include a narrative that fully describes the concept plan and must include at a minimum the proposed use, setbacks, right-of-way widths, building heights, signage, whether the applicant wishes the county maintain the road(s) as well as identify any overlay zones or protection areas that may affect the use.
- (6) Architectural renderings. Architectural renderings for any proposed new construction or exterior alterations of the existing structure(s), including at minimum:
 - a. Roof pitch;
 - b. Materials to be used on exterior;
 - c. Basic landscaping proposed; and
 - d. Building elevations.

If the architectural rendering is in color format or is larger than an 11"x17" size copy, ten copies of the colored or large-scale rendering must be submitted with the completed application.
- (7) Concept plan. An application for a rezoning or conditional use permit approval related to a residential subdivision, multi-family, or nonresidential use or zoning district shall be accompanied by a concept plan if any new construction is proposed or alteration of the site is required under the site or development design standards of this Ordinance. An as-built survey (rather than a concept plan) indicating the most current development conditions must be submitted with applications regarding existing developments that are not to be altered. The applicant shall submit ten scaled and folded copies, folded to fit into an 8"x10" size envelope, and one 11"x17" reproducible copy. Concept plans for rezoning or conditional use permits shall at minimum include the following:
 - a. Name, address, and telephone number of the property owner.
 - b. Name, address, and telephone number of the applicant.
 - c. Date of survey, north point and graphic scale, date of plan drawing, and revisions dates as appropriate.
 - d. Proposed use of the property.
 - e. Location (land district and lot size) and size of the property in acres (or in square feet if less than one acre).

- f. Zoning district classification of the subject property and all adjacent properties, and zoning district boundaries as appropriate.
- g. Natural features within the property, including drainage channels, bodies of water, wooded areas and other significant natural feature such as rock outcroppings. On all water courses entering or leaving the property, the direction of the flow shall be indicated. The 100-year flood plan, if any, shall be outlined.
- h. Man-made features within and adjacent to the property, including existing streets and names, city and county political boundary lines, and other significant information such as location of bridges, utility lines, existing buildings to remain, and other features as appropriate to the nature of the application.
- i. The proposed project layout:
 - i. For subdivisions, a professional stamped rendering showing approximate lot lines and street right-of-way lines, along with the front building setback line on each lot.
 - ii. For multi-family and nonresidential development projects, the approximate outling and location of all buildings, and the location of all minimum building setback lines, outdoor storage areas, buffers, parking areas, and driveways.
- j. The proposed phasing of the development if it is proposed to be built in phases.
- k. A statement as to the source of domestic water supply.
- l. A statement as to the provision for sanitary sewer dispoal.
- m. The approximate location of proposed stormwater detention facilities.
- n. Such additional information as may be useful to permit an understanding of the proposed use.

(b) Rezoning criteria.

- (1) Is this request an illogical extension of a zone boundary which would intrude a damaging salient of (a) commercial, (b) industrial, (c) high-density apartment use into a stable neighborhood of well-maintained single-family homes, and would be likely to lead to neighborhood deterioration, the spread of blight, and requests for additional zoning of a similar nature which would expand the problem?
- (2) Is this spot zoning and generally unrelated to either existing zoning or the pattern of development of the area?
- (3) Could traffic created by the proposed use or other uses permissible under the zoning sought traverse established single-family neighborhoods on minor streets, leading to congestion, noise, and traffic hazards?
- (4) Does this request conform/alter general expectations for population growth and distribution?
- (5) Will this request eliminate options for the acquisition of future public facility sites, roads, open-space, etc.?

- (6) Will this request require a major change in existing, (1) levels of public service, (b) county operators, and/or (c) fiscal stability?
- (7) Does this request have the potential of achieving short-term, to the disadvantage of long-term, development goals?
- (8) Could a change in classification adversely affect market values and/or tax rates of nearby properties?
- (9) Are nearby residents in favor of or support the proposed zoning change?
- (10) Is the proposed area to be developed located in or near an area of rare natural beauty which would be damaged by the permitting of the proposed rezoning?
- (11) Could the proposed zoning allow uses that overload either existing public facilities or those that are proposed?
- (12) Would rezoning be reasonable in light of development restrictions in wetlands on the parcel and/or the potential for wetland or water quality impairment on or off of the parcel?
- (13) If the proposed rezoning requires or permits the installation of septic systems on the parcel, do the surrounding soil conditions, including the presence of wetlands, impede effective treatment of human waste on site or transport of treated material?
- (14) Does the request conform to the McIntosh County Comprehensive Plan and Future Development Strategy?
- (15) Does the proposed rezoning adversely affect historic resources?

Sec. 706. Conflict of Interest in Zoning Actions.

- (1) Any government official, as defined in Georgia Law, Chapter 67A, who has a financial interest in any real property affected by a rezoning or has a member of the family with such an interest, shall immediately disclose the nature and extent of such interest as required by 36-67-A O.C.G.A.
- (2) Applicants for rezoning shall file concurrent with the rezoning application, a Disclosure Report listing all campaign contributions or gifts made to local government officials of McIntosh County within the two years preceding the filing of the application.
- (3) Opponents of zoning actions, who have made campaign contributions, as defined in 36-67-A O.C.G.A. shall file a disclosure statement at least five calendar days prior to the first public hearing. This disclosure statement shall list the local government officials to whom campaign contributions were made totaling over \$250 each during the previous two years.

Sec. 707. Violations.

Any person violating any provisions of this Ordinance shall be guilty of misdemeanor. Each day the violation continues, it constitutes a separate offense and will be treated as such. In case any building, structure, or land is used, erected, repaired, converted, or maintained in violation of this Ordinance, the building inspector or any other appropriate authority, or any county resident who would be damaged by such violation, may institute injunction, mandamus, or other appropriate action to prevent the use of the building, structure, or land.

Sec. 708. Appeals.**(a) General Provisions**

- (1) Any person or persons, jointly or severally, aggrieved by a zoning decision may appeal said decision in accordance with O.C.G.A. § 36-66-5.1.
- (2) Pursuant to O.C.G.A § 36-66-5.1.(c)(1), the County designates the City Clerk to approve or issue the certificate necessary to perfect a zoning decision appeal petition and upon whom service of such petition may be effected or accepted on behalf of the quasi-judicial officer, board or agency.
- (3) Pursuant to O.C.G.A § 36-66-5.1.(c)(2), the County designates the Chairman to accept service and upon whom service of an appeal of a quasi-judicial decision may be effected or accepted on behalf of the local governing authority.

(b) Public notice, public hearings, and written notice to nearby property owners for appeals and variances.

- (1) The zoning procedures law mandates that local governments adopt procedures for announcing and conducting public hearings regarding zoning decisions. Public hearings before the board of zoning appeals shall be in accordance with Article 8 Procedures for Zoning Decisions.
- (2) Establishment of Board of Appeals.
 - (1) Members of the Board of Appeals shall be appointed by the County Commission.
 - (2) The Board of Appeals shall consist of not less than three members but not more than five members.
 - (3) The members shall serve for overlapping terms of not less than three or more than five years.
 - (4) Any vacancy in the membership shall be filled for the unexpired term in the same manner that the initial appointment was made.
 - (5) No member of the board shall hold any other elected public office, except that one member shall also be a member of the Planning Commission.
 - (6) The local governing authority shall determine the amount of compensation to be paid to the Board of Appeals, if any.
 - (7) Members shall be removable for cause by the appointing authority upon written charges and after a public hearing.

(c) Procedures for the Board of Appeals.

- (1) To elect one member as chairman for a one-year term. The Chairman may be re-elected.

- (2) To appoint a secretary who may be an officer of the governing authority or the Planning Commission. The secretary may not vote.
- (3) Meetings shall be held at the call of the chairman and at other times the board may determine.
- (4) Minutes shall be kept of meetings, including vote counts, and other official actions for public record.
- (5) The chairman, or in her/his absence the acting chairman, has authority to administer oaths and compel the attendance of witnesses by subpoena.
- (6) All meetings of the board are open to the public.
- (7) The board shall inform, in writing, all parties involved in its decisions concerning appeals, applications, and other matters, and the reasons for the decision within 30 days.
- (8) Any person or persons jointly or severally adversely affected by a decision of the board of zoning appeals may within 30 days of the filing of the decision in the office of the board seek a review of such a decision pursuant to O.C.G.A. § 36-66-5.1.

(d) Powers of the Board of Appeals.

- (1) To hear and decide appeals where an error is alleged in any order, requirement, decision, or determination made by the Building and Zoning Administrator in the enforcement of any section or article adopted in this Ordinance.
- (2) To hear and decide appeals on any action or ruling of the Planning Commission pursuant to this Ordinance within 45 days after the Planning Commission has rendered its decision. Written notice of appeal shall be filed with the Building and Zoning Administrator. If the appeal is not filed within the 15-day period, the decision of the Planning Commission shall be final. If the appeal is filed, the Board of Appeals shall receive a report and recommendation thereon from the Planning Commission and shall hold a public hearing on the appeal within 30 days.
- (3) In exercising the above powers, the Board of Appeals may reverse, affirm, or modify the orders or requirements, and to that end shall have the powers of the officer from whom the appeal is taken and may issue the necessary permit.
- (4) The Board of Appeals does not have the power to:
 - a. Amend the zoning ordinance;
 - b. Rezone land;
 - c. Declare any part of this Ordinance invalid;
 - d. Permit a use prohibited by the ordinance.

(e) Legal proceedings stayed.

An appeal stays all legal proceedings in furtherance of the action appealed from, unless the Building and Zoning Administrator certifies to the Board of Appeals, after the notice of appeal shall have been filed with him, that by reason or facts stated in the certificate a stay would, in his opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by McIntosh County or by a court of record on application, on notice to the Building and Zoning Administrator, and on due cause shown.

(f) Court reviewed board of appeals.

Any person(s) aggrieved by any decision of the Board of Appeals may take an appeal to the Superior Court. The appeal must be made to the court within 30 days after the Board of Appeals decision. Otherwise, its decision is final. Request must be made for a jury trial within 30 days after filing for appeal before the Superior Court.

Article 8. Procedures for Zoning Decisions

Sec. 801. Public hearing and public notice on proposed amendment or action.

(a) Public hearings generally

- (1) A quasi-judicial officer, board or agency, and the city council shall each hold a public hearing concerning a zoning decision as defined in O.C.G.A § 36-66-3 of the Zoning Procedures Law. The quasi-judicial officer, board or agency shall forward a recommendation to the county commission following a public hearing. County commission shall make no zoning decision until a public hearing has been held. Public notice for all public hearings shall comply with Sec. 804b Public notice of public hearings. Public hearings shall be conducted as provided in Sec. 804c Public hearing procedures. Amendments to the text of the zoning ordinance shall only be initiated by McIntosh County government.

(b) Public notice of public hearings

- (1) *Legal notice.* Notice of a public hearing pursuant to this ordinance shall be published in the legal organ of the county in which the legal advertisements of the county are published. Where the proposed actions include any combination of zoning decisions under subparagraphs (C), (E), or (F) or paragraph (4) of Code Section 36-66-3 for the same property, the local government shall cause to be published within a newspaper of general circulation within the territorial boundaries of the local government a notice of the hearing at least 15 but no more than 45 days prior to the date of the hearing. The notice shall state the time, place, and purpose of the hearing. Notices announcing a public hearing for considering an application to rezone property or an application for a special use shall also include (1) the location of the property, and (2) the present and proposed zoning classification or the proposed special use of the property, as appropriate.
- (2) Prior to scheduling the required public hearing applicants shall first complete all submission requirements contained in the McIntosh County Zoning Ordinance. (e.g., forms, fees, deeds, maps, etc.) or as otherwise required by the Building and Zoning Administrator, Planning Commission, or Board of Commissioners.
- (3) *Property posting.* The applicant shall post a sign or signs provided by the building and zoning department in a conspicuous place on the property a minimum of 15 calendar days prior to a public hearing that shall comply with the following requirements:
 - A. Be readable from each street on which the property fronts, or if the property has no street frontage, from each street from which access will be gained.
 - B. Clearly indicate the following information: (1) present zoning classification of the property, (2) Proposed zoning classification or special use, (3) hearing date and time, and (4) location of the public hearing.
 - C. Be maintained by applicant to prevent removal from the property or destruction for the period commencing on the date the public notice appears in the newspaper through the date of the public hearing.
- (4) *Written notice to adjacent and nearby property owners.* The applicant shall give written notice by certified mail return receipt requested to all property owners within 300 feet of the boundaries of the property as appears in the McIntosh County tax records. The measurement shall be performed from each boundary of the property that is the subject of a zoning petition or special use application. Public notices

shall be mailed such that they are received a minimum of 15 calendar days and a maximum of 45 calendar days prior to the public hearing. The return receipts shall be provided to the building and zoning department within one week of receipt.

- (5) A quasi-judicial officer, board, or agency shall provide for a hearing on each proposed action. Notice of such hearing shall be provided at least 30 days prior to the quasi-judicial hearing, with such notice being made as provided for in subsection (1) of this Ordinance section and with additional notice being mailed to the owner of the property that is the subject of the proposed action.
- (6) Notwithstanding any other provisions of this chapter to the contrary, when a proposed zoning decision relates to an amendment of the zoning ordinance to revise one or more zoning classifications or definitions relating to single-family residential uses of property so as to authorize multifamily uses of property pursuant to such classification or definitions, or to grant blanket permission, under certain or all circumstances, for property owners to deviate from the existing zoning requirements of a single-family residential zoning, such zoning decisions must be adopted in the following manner:
 - A. The zoning decision shall be adopted at two regular meetings of the local government making the zoning decision, during a period of not less than 21 days apart.
 - B. Prior to the first meeting provided for in Sec. 804b(6)(A), at least two public hearings shall be held on the proposed action. Such public hearings shall be held at least three months and not more than nine months prior to the date of final action on the zoning decision. Furthermore, at least one of the public hearings must be held between the hours of 5:00 P.M. and 8:00 P.M. The hearings required by this paragraph shall be in addition to any hearing required under Sec. 804b(1). The local government shall give notice of such hearings by:
 1. Posting notice on each affected premises in the manner prescribed by Sec. 804b (3); moreover, when more than 500 parcels are affected, posting notice is required every 500 feet in the affected area.
 2. Publishing a newspaper of general circulation within the territorial boundaries of the local government a notice of each hearing at least 15 days and not more than 45 days prior to the date of the hearing.
 3. Both the posted notice and the published notice shall include a prominent statement that the proposed zoning decision relates to or will authorize multifamily uses or give blanket permission to the property owner to deviate from the zoning requirements of a single-family residential zoning of property in classification previously relating to single-family residential uses. The published notice shall be at least nine column inches in size and shall not be in the classified advertising section of the newspaper. The notice shall state that a copy of the proposed amendment is on file in the office of the clerk or recording officer of the local government and in the office of the clerk of the superior court of the county of the legal situs of the local government for the purpose of examination and inspection by the public. The local government shall furnish anyone, upon written request, a copy of the proposed amendment, at no cost.
 4. The provisions of Sec. 804b(6) shall also apply to any zoning decisions that provide for the abolition of all single-family residential zoning classifications within the territorial boundaries of a local government or zoning decisions that result in the rezoning of all property zoned for single-family residential uses within the territorial boundaries of a local government to multifamily residential uses of property.

5. This subsection shall not apply to zoning decisions for the rezoning of property from a single-family residential use of property to a multifamily residential use of property when the rezoning is initiated by the owner or authorized agent of the owner of such property.
6. Posting of property associated with an amendment to the official zoning map initiated by McIntosh County shall not be required.
- (7) Any site map required by this ordinance shall be made available for public review not less than 15 days prior to the date of the public hearing. Such site map will be available for public review at the office of the Building and Zoning Administrator during regular business hours.
- (8) No official action shall be taken on the proposed amendment by McIntosh County Planning Commission or Board of Commissioners until the required public hearing(s) has been conducted.
- (9) All hearings of any quasi-judicial officer, board or agency and the county commission shall be open to the public and shall comply with the Georgia Open Meetings Act.

(c) Procedures for conducting a public hearing.

- (1) All public hearings on zoning amendments shall be chaired by either the Chairman of the Planning Commission or the County Commission Chairman or their designees.
- (2) A secretary shall record the proceedings of the public hearing. If requested by any party, verbatim transcripts of the public hearing can be prepared, only if requested and purchased in advance by the requesting party.
- (3) The record of the public hearing and all evidence submitted at the public hearing shall be recorded as such and become a permanent part of the particular zoning amendment's file.
- (4) The official zoning map and the McIntosh County Comprehensive Plan shall be available at the public hearing for reference by the Planning Commission.
- (5) Copies of this Article of this Ordinance shall be available upon request by the public at each public hearing.
- (6) The Chairman of the Planning Commission or County Commission Chairman shall preside at the public hearing and shall identify speakers, maintain order, and conduct the public hearing.
- (7) Any analysis submitted by an applicant shall be presented by the applicant or their agent at the public hearing. The Building and Zoning Administrator shall then present their report, including a recommendation concerning the proposed zoning decision, and any other information related to the zoning decision.
- (8) Any party may appear at the public hearing in person, by agent, or by an attorney-at-law.
- (7) The process to be followed in conducting these hearings shall be as follows:
 - a. The presiding officer shall state the specific zoning amendment being considered at the public hearing.
 - b. The presiding officer shall recognize the individual parties wishing to testify or present evidence and allow them to present this information.
 - c. Individuals wishing to speak for or against an application shall enter their name and address on a sign-in sheet provided by the quasi-judicial officer,

board or agency, secretary, or city clerk, as appropriate, prior to the opening of the hearing, indicating whether they are proponents speaking for or opponents speaking against the application. The applicant for the zoning decision shall speak first. Other parties in support of the application may then speak, followed by those opposed to the application. The applicant may then be allowed a rebuttal opportunity, provided time remains and the applicant has reserved such rebuttal time. Proponents, including the applicant, shall be given a minimum of ten minutes and a maximum of 20 minutes to present information concerning the application and may choose to reserve a portion of that time for rebuttal. Rebuttals must be limited to topics and issues raised at the hearing by opponents of the applications. Opponents of the application shall also be given a minimum of ten minutes and a maximum of 20 minutes to present information. These minimum and maximum timeframes shall apply to each side and not to individuals wishing to speak. The presiding officer may grant additional time, provided an equal amount of time is granted to both proponents and opponents.

- d. All speakers shall limit remarks to data, evidence, and opinions relevant to the application being considered. Speakers shall address all remarks to the presiding officer. Quasi-judicial officers, board or agency members or county commission members may ask questions of the applicant at any time. Time devoted to questions and answers shall not affect any time limitations imposed on presentation.
 - e. Once all parties have concluded their testimony, the presiding officer shall adjourn the public hearing. Hearings may be continued from time to time and, if the time and place of the continued hearing be publicly announced at the time of the adjournment no further notice of such continued hearings shall be required; otherwise, notice thereof shall be given, as in the case of the original hearing.
- (8). An application for a rehearing may be made in the same manner as provided for an original hearing.
 - (9) The Planning Commission shall reach a decision following a public hearing within a reasonable period of time; however, said period shall not exceed 45 days.
 - (10) Printed copies of these procedures shall be available for distribution to the public at the public hearing and available for public review on or before the date of the public notice announce the public hearing at the building and zoning department.

Article 9. Legal Status Provisions

Sec. 901. Provisions of Ordinance Declared to be Minimum Requirements.

In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements, adopted for the promotion of public health, safety, morale, or general welfare. Wherever the requirements of this Ordinance are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, deed restrictions, or covenants, the most restrictive or that imposing the higher standards, shall govern.

Sec. 902. Separability clause.

Should any section, subsection, or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

Sec. 903. Conflicting ordinances repealed.

The provisions of any ordinance or regulations or parts thereof in conflict herewith are hereby repealed. Effective date.

This Ordinance shall take effect and be in force as of [September 13, 2011]. Enacted and ordained by the County Commission of McIntosh County, Georgia.