

## **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

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

79 **(f) Abandonment.**

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

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85 (3) When it has been replaced by a conforming use; or  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

88 **Sec. 107. Lot of record.**

- 89 (1) No permit for the use of any lot which is smaller in total area than the minimum  
90 size permitted for the district within which it is located shall be issued unless said  
91 lot was legally and properly recorded prior to the passage of this ordinance.  
92 (2) Yards or and lots recorded after the effective date of this ordinance shall comply  
93 with the requirements established by this ordinance.  
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98 **Article 2. Establishment of Land Use Districts and Interpretation**  
99 **of Land Use District Boundaries**

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

104 **Sec. 201. Establishment of Land Use Districts.**

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

107 A-F general agriculture-forestry  
108 A-R residential agriculture  
109 R-1 single-family residential  
110 R-2 one and two family residential  
111 R-3 multi-family residential  
112 RVP recreational vehicle park  
113 C-N neighborhood commercial  
114 C-G general commercial  
115 C-I interchange commercial  
116 I-R limited industrial  
117 I-G general industrial  
118 CP conservation preservation  
119 HH Hog Hammock  
120 PUD planned unit development

121 **Sec. 202. Establishment of zones by map.**

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

125 **(a) Changes in Boundaries**

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

129 **(b) Number of zoning classifications per lot**

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

132 **Sec. 203. Determination of land use district boundaries.**

133 **(a) Interpretation of land use district boundaries.**

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

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

167 **(b) Official Zoning Map Interpretation.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

265 *Court:* Any portion of the interior of a lot or building-site which is wholly or partially surrounded by  
 266 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.



- 314 d. *Dwelling, multiple-family*: A dwelling designed for occupancy by three or more  
315 families living independently of each other, exclusive of auto or trailer courts or  
316 camps, hotels or resort type hotels.
- 317 e. *Dwelling, unit*. One or more rooms within a dwelling constituting a separate,  
318 independent housekeeping establishment, with provision for cooking, eating and  
319 sleeping, and physically set apart from any other room or dwelling units in the same  
320 structure.
- 321 f. *Dwelling, accessory unit*. An additional living quarters on a single-family lot that is  
322 independent of the primary dwelling unit. The separate living space is equipped  
323 with kitchen and bathroom facilities, and can be either attached or detached from  
324 the main residence.
- 325 g. *Mobile home*: A structure, transportable in one or more sections, which, in the  
326 traveling mode, is eight body feet or more in width or 40 body feet or more in length  
327 or, when erected on site, is 720 or more square feet and which is built on a  
328 permanent chassis and designed to be used as a dwelling with or without a  
329 permanent foundation when connected to the required utilities and includes the  
330 plumbing, heating, air conditioning, and electrical systems contained therein.
- 331 h. *Modular home*: A factory fabricated transportable building consisting of units  
332 designed to be incorporated at a building site on a permanent foundation into a  
333 permanent structure to be used for residential purposes and which bears a seal of  
334 compliance with the regulations of the Southern Building Code Congress  
335 International, the Georgia Industrialized Building Act, or the National Manufactured  
336 Housing Construction and Safety Standards Act as amended. For the purpose of  
337 this Ordinance, a modular home is a one-family detached dwelling.
- 338 *Educational institution*: Elementary, junior high, high schools, college or universities or other  
339 schools giving general academic instruction in the several branches of learning and study  
340 required to be taught by the State Board of Education.
- 341 *Façade*: The exterior surface of a building.
- 342 *Fair market value*: The value of property or structures, shall mean, as determined by the tax  
343 assessor, either (a) before the improvement was started, or (b) if the structure has been  
344 damaged and is being restored, before the damage occurred.
- 345 *Farm*: Any plot or tract of land devoted to agricultural purposes or the raising of domestic and/or  
346 other animals.
- 347 *Flashing sign*: A sign whose illumination is not kept constant in intensity at all times when in use,  
348 and which exhibits changes in light, color, direction, or animation. Illuminated signs which  
349 indicate the date, time, and temperature will not be considered flashing signs.
- 350 *Floor area, gross*: The sum of the horizontal area of all livable floors of a building and its accessory  
351 buildings on the same lot, measured from the exterior faces of the walls. It does not include  
352 cellars, unenclosed porches or attics not used for human occupancy or for commercial  
353 and/or industrial use.
- 354 *Floor area, net*: The total of all floor areas of a building, excluding stairwells, equipment rooms,  
355 storage areas, interior vehicular parking and all floors below the first or ground floor, except  
356 when used or intended to be used for human habitation.
- 357 *Free-standing sign*: A self-supporting sign not attached to any building, wall, or fence, but in a fixed  
358 location. This does not include portable or trailer type signs.
- 359 *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.

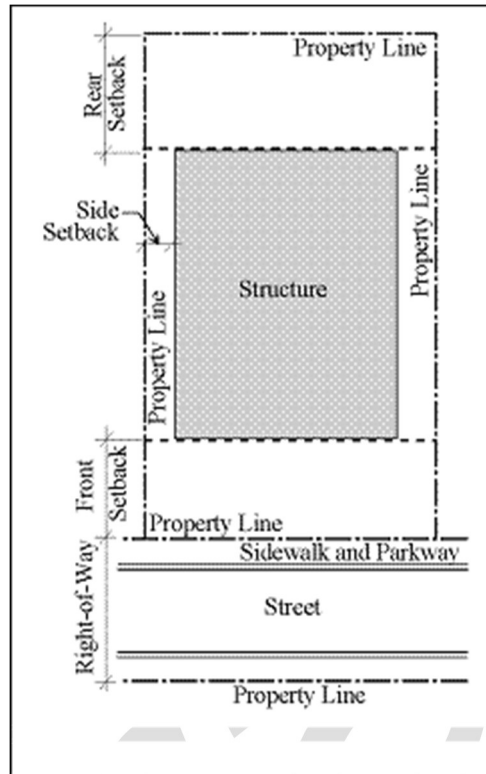
*Junk yards:* Any land or building used for the purchase, sale, abandonment, storage, keeping, collecting, or bailing of paper, rags, scrap metals, other scrap or discarded materials, or for the abandonment, demolition, dismantling, storage, or salvaging of junk. A "junk yard" includes automobile wrecking 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.

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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.



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

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

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

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

- 462 a. Light Industry includes manufacture or assembly processes carried on completely  
463 inside a building. Light Industry shall not produce any of the following adverse  
464 impacts, as determined at the boundary of the Light Industry lot:

- 465 1. Noise at a level greater than typical street or traffic noise;  
466 2. Hazardous solids, liquids, or gases for emission to the environment;  
467 3. Offensive odors or glare;  
468 4. Offensive vibration; or  
469 5. Any other adverse impact as may be determined by the County  
470 Commission, based on evidence presented.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

523 *Quasi-judicial officers, boards, or agencies:* shall have the same meaning as defined in O.C.G.A §  
524 36-6-3.

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

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

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

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

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

544 a. *Business identification sign:* A sign that contains the name of the business  
545 enterprise located on the same premises as the sign and the nature of the business  
546 conducted there.

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

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

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

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

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

- 563 g. *Individual letter business sign*: An individual letter business sign consists of  
564 individual letters that spell the name of the business and are placed on the wall of  
565 the business.
- 566 h. *Information sign*: Signs containing information other than directions, traffic or  
567 warning erected by a public agency.
- 568 i. *Mobile sign*: A sign designed and constructed in such a manner as to readily allow  
569 changes of location.
- 570 j. *Monument sign*: A monument sign structure is one sign either single-faced or  
571 double-faced located near the front property line indicating the name of the center's  
572 or site's general activity and may include the names of business occupants therein.
- 573 k. *Projecting sign*: A sign extending outward not more than eight (8) feet from the wall  
574 of a building and located overhead not less than the height of the first story ceiling.
- 575 l. *Sign area*: The area of the face of the sign formed by a perimeter consisting of a  
576 series of straight lines enclosing all parts of the sign. The area of a free-standing  
577 sign structure is the area of the face or faces on each side only.
- 578 m. *Roof sign*: A roof sign structure is one business sign either single-faced or double-  
579 faced located on the roof of the business advertised by the sign and extending  
580 upward not more than 8 feet high.
- 581 n. *Temporary sign*: A sign intended to be used for a period of no more than thirty (30)  
582 days. Exceptions for pennants and similar devices intended for civic purposes may  
583 be granted by special permit.
- 584 o. *Traffic sign*: Signs containing information for direction of all moving traffic/vehicles  
585 erected by a public agency.
- 586 p. *Wall sign*: Signs attached to the wall of a building and not projecting more than  
587 twelve (12) inches from the building.
- 588 q. *Warning sign*: Signs containing information to alert traffic to special conditions on  
589 the street/highway erected by a public agency.
- 590 *Single-family residence*. A structure which contains one dwelling unit designed for occupation by  
591 one family. It may be stick built manufactured or modular housing but not a mobile home.
- 592 *Special Use*: Use of a parcel of land or property in a manner that deviates from normally accepted  
593 activities in that area. Special Uses may be permitted by the County Board of  
594 Commissioners after it has:
- 595 a. Reviewed, in conjunction with the Standards of Review, the proposed site plans,  
596 its location within the County, its arrangements and design, its relationship to  
597 neighboring property, and other conditions peculiar to the particular proposal which  
598 would determine its desirability or undesirability; or
- 599 b. Has found the proposal not to be contrary to the intent of this Ordinance.
- 600 *Story*: That portion of a building included between the surface of any floor and the surface of the  
601 floor next above it; or if there be no floor above it, then the space between the floor and  
602 ceiling next above it.
- 603 *Street*: Any public or private thoroughfare which affords the principal means of access to abutting  
604 property.
- 605 a. *Street centerline*: That line surveyed and monumented by the governing authority  
606 shall be the centerline of a street, or in the event that no centerline has been

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

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

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

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

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

620 a. *Minor subdivision:* The division of an original tract in which each lot has frontage  
621 on an existing County street or road, and the subdivision does not require the  
622 construction of a new street or the widening of an existing roadway, the provision  
623 of stormwater detention facilities, or the construction or improvement of any public  
624 utilities.

625 b. *Major subdivision:* Any subdivision that does not qualify as a “minor subdivision.”  
626 A major sub-division commonly involves the construction of a new street or  
627 widening of an existing road-way, the provision of stormwater drainage facilities,  
628 or the construction or improvement of public utilities.

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

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

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

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

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

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

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

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

650 *Water dependent uses:* Those uses that require for their primary purpose, location on submerged  
651 lands or that require direct access to, or location in coastal waters and which therefore  
652 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.

694 **Sec. 206. Area regulation exceptions.**

695 **(a) Double frontage lots.**

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

699 **(b) Front setback from property line requirements.**

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

706 **(c) Exceptions to height regulations.**

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

711 **Sec. 207. A-F general agriculture-forestry district.**

712 **(a) Purpose and intent of the A-F zoning district.**

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

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

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

725 **(c) Area regulations.**

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

- 728 (1) Minimum lot area: 5 acres.
- 729 (2) Minimum lot width at building line: 300 feet.
- 730 (3) Minimum front setback from property line: 50 feet.
- 731 (4) Minimum side setback from property line: 40 feet.
- 732 (5) Minimum rear setback from property line: 50 feet.
- 733 (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.

- 815 (5) Only 'SITE BUILT' structures may be placed in an R1 district. For purposes of this  
816 paragraph, a 'Site Built' structure is one which is built or constructed, from the  
817 foundation to the roof, at the precise location where the structure is permanently  
818 affixed to its foundation.
- 819 (6) No mobile homes, manufactured homes, modular homes nor any similar structures  
820 may be placed in the R1 District.
- 821 (7) The storing of recreation vehicles must be in accordance with the requirements of  
822 Sec. 301.
- 823 (8) Modular homes with manufacturing specifications are permitted within the R-1  
824 district with a Special Use Permit.
- 825 **(e) Standards for accessory buildings in the R-1 district.**
- 826 (1) All accessory buildings shall be constructed with a pitched roof having a pitch of 3  
827 in 12 or greater.
- 828 (2) All accessory buildings over 200 sq. ft. must meet the wind code as referenced in  
829 the International Code Council handbook and be certified by the manufacturer of  
830 the building or a certified engineer.
- 831 (3) Any tier foundations must be approved by a design professional.
- 832 (4) All area regulations must be met as specified in section 3.4 Area Regulations.
- 833 (5) The location of all accessory buildings must be approved by the County Health  
834 Department.
- 835 (6) No shipping containers can be used as an accessory building in the R-1 district.
- 836 **(f) Domestic animals.**
- 837 (1) Domesticated animals may be kept in all residential districts for personal pleasure  
838 and use, but not for commercial activities.
- 839 (2) In no case shall poultry or livestock be permitted on lots less than 3 acres in size.  
840 Roosters shall not be allowed in the R-1 district.
- 841 (3) All structures which house livestock and poultry must be kept at least 50 feet from  
842 property lines which abut property in residential use.
- 843 (4) No stall or barn shall be kept or maintained within 200 feet of any window or door  
844 of any building used for human habitation nor within 300 feet of any portion of a  
845 required yard space or adjoining property if such property is devoted to a use other  
846 than agriculture.
- 847 (5) The keeping of an apiary and all domestic animals provided for in this Ordinance  
848 shall conform to all other provisions of law governing same and no fowl or animals,  
849 or any pen, coop, stable or barn, shall be kept or maintained within 200 feet of any  
850 portion of a required yard space located on adjoining property, or within 100 feet  
851 of any street or public property.
- 852 (6) On sites over 3 acres, horses and the grazing of bovine animals shall be permitted,  
853 but there shall be no more than one individual livestock per acre devoted to feed  
854 for same.
- 855 (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.

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

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

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

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

919 **(f) Domestic animals.**

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

- 938 (7) Kennels (non-commercial) shall not be kept on any lot less than one acre.
- 939 **(g) Signs permitted in the R-2 district.**
- 940 (1) For permitted home occupations, one non-illuminated professional or business
- 941 name plate not exceeding 2 square feet in area.
- 942 (2) For uses other than dwelling, a single illuminated or non-illuminated institution or
- 943 identification sign or bulletin board not exceeding 6 square feet in area.
- 944 (3) Temporary subdivision signs and private directional signs, under the provisions set
- 945 forth in [Sec. 505](#).

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

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

948 The intent of the R-3 district is to provide for medium to high-density residential purposes

949 served by adequate water and sewer facilities. The regulations that apply within this district are

950 designed to encourage the formation and continuance of a stable, healthy environment for several

951 different types of dwellings.

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

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

958 **(c) Area regulations.**

959 Unless otherwise specified in this Ordinance, uses permitted in the R-3 multi-family resi-

960 dential district shall conform to the following requirements:

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

969 **(d) Application Requirements.**

970 In order to rezone to R-3, applicants shall complete the following two-phase process. All

971 plans and Text Guides shall be prepared by an Architect or Engineer licensed in the State of

972 Georgia:

- 973 (1) Phase one: applicants seeking to rezone a lot or property shall meet the following
- 974 requirements:
- 975 a. Deliver the following documents in person to the McIntosh County Building
- 976 Department at least 30 days prior to the public hearing held by the
- 977 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

1019 **(b) Uses permitted in the RVP zoning district.**

- 1020 (1) No building, structure, or land shall be used except principal uses, accessory uses,  
1021 and temporary uses that are allowed by right or by Special Use approval listed on  
1022 Table 2.1: Allowed Land Uses by Zoning District in [Sec. 221](#).
- 1023 (2) Restrictions that apply to particular uses allowed by right or Special Use approval  
1024 are referenced on Table 2.1 and are contained in [Sec. 221](#) of this Ordinance.

1025 **(c) Area regulations.**

1026 Unless otherwise specified in this Ordinance, uses permitted in the RVP recreational  
1027 vehicle park district shall conform to the following requirements:

- 1028 (1) Minimum lot area: 5 acres.
- 1029 (2) Maximum density: 15 recreational vehicle units per acre with no more than one  
1030 recreational vehicle or travel trailer per unit location.
- 1031 (3) Each unit location shall be served by a public or community water and a community  
1032 engineered sewer approved by either the McIntosh County Health Department or  
1033 the Georgia Environmental Protection Division, sized for the number of units it is  
1034 intended to serve. If public water services are available within 500 feet, the park  
1035 shall be connected to the public services.
- 1036 (4) Each unit location shall have an individual electrical hookup connection.
- 1037 (5) A drainage and stormwater management plan for the park shall be designed in  
1038 compliance with the McIntosh County regulations. This water management plan  
1039 shall be designed and stamped by a professional engineer licensed in the State of  
1040 Georgia and is required as part of the development package of the park.
- 1041 (6) No unit parking space or community building shall be located closer than 30 feet  
1042 to a right-of-way line or closer than 20 feet to a property line.
- 1043 (7) All recreational vehicle housing parks shall install and maintain a wood, block, or  
1044 PVC fence at least 6 feet in height for the purposes of visual screening and noise  
1045 abatement between the recreational vehicle housing park and all developed  
1046 property.
- 1047 (8) Each unit area shall have a permanent unit parking space that shall be paved and  
1048 abut an interior paved drive.
- 1049 (9) Interior drives shall be a minimum of 24 feet in width, shall be paved or concrete,  
1050 and shall have unobstructed access to a public street. Street design and layout  
1051 must be approved by both the Director of Public Works and the fire marshal/chief.
- 1052 (10) Off-street parking shall be provided at the rate of one parking space per site and  
1053 shall be constructed of pavement, pervious pavement, pavers, or gravel sufficient  
1054 enough that automobiles may be located on each unit parking lot space. This is in  
1055 addition to the area set aside for the unit parking spaces.
- 1056 (11) All park accesses to the roadway shall meet the requirements for a commercial  
1057 driveway.
- 1058 (12) All units staying in the park must be attached to or have available a pull vehicle on  
1059 site or be self-powered so they may be moved in the event of emergency or  
1060 pending inclement weather
- 1061 (13) All units staying in the park must be currently licensed in the state and county in  
1062 which the unit is registered.

- 1063 (14) All units shall, prior to occupancy or other use, be stabilized in such a way as to  
1064 prevent tilting of the unit.
- 1065 (15) Each park must have a designated area for solid waste management. This area  
1066 shall be paved and fenced with a visual barrier. The park owner will be responsible  
1067 to provide covered dumpsters for disposal of solid waste and must make private  
1068 arrangements for garbage collection. It will also be the owner's responsibility to  
1069 keep this area free of trash and debris.
- 1070 (16) All parks must obtain an occupational license from McIntosh County to operate as  
1071 a business. In addition, there shall be a yearly charge of \$50.00 per parking lot to  
1072 be paid by the park owner to McIntosh County at the time the occupational license  
1073 is renewed.
- 1074 (17) The park shall remain under single ownership. Subdivision of the land within an  
1075 operating RV Park or fee simple sale of unit locations is prohibited.
- 1076 (18) Permanent residency of recreational vehicles and travel trailers is prohibited. RV's  
1077 that are continuously occupied by residents for a period longer than 60 days shall  
1078 be considered permanent residency.

1079 **(d) Application Requirements.**

1080 In order to rezone to RVP, applicants shall complete the following two-phase process. All  
1081 plans and Text Guides shall be prepared by an Architect or Engineer licensed in the State of  
1082 Georgia:

- 1083 (1) Phase one: applicants seeking to rezone a lot or property shall meet the following  
1084 requirements:
- 1085 a. Deliver the following documents in person to the McIntosh County Building  
1086 Department at least 30 days prior to the public hearing held by the  
1087 Planning Commission:
- 1088 1. Conceptual Site Plan showing location of all structures, building  
1089 dimensions, setbacks, buffers, parking ingress/egress,  
1090 conceptual utilities, landscape requirements, refuse collection,  
1091 roadways/driveway dimensions, and all lot sizes.
- 1092 2. Conceptual stormwater drainage plan.
- 1093 3. Conceptual drawing of buildings that indicate the proposed  
1094 architectural style, appearance, and size (heated and cooled  
1095 square feet).
- 1096 4. Conceptual Site Plan shall depict surrounding property for a depth  
1097 of 500 feet. Structures, roadways, and the zoning of the property  
1098 shall be included.
- 1099 5. Text Guide that explains all aspects of the Site Plan in detail.
- 1100 b. Following the public hearing, the Planning Commission's recommendation  
1101 and all documents will be sent to the County Commissioners for approval  
1102 or denial.
- 1103 c. County Commissioners will vote to approve or deny the rezoning  
1104 application.
- 1105 d. If the lot or property is current zoned correctly, skip phase and proceed to  
1106 phase two.

- 1107 (2) Phase two: applicants seeking approval of construction plans shall meet the  
1108 following requirements:
- 1109 a. Deliver the following documents to the McIntosh County Building  
1110 Department:
- 1111 1. Construction Plan showing all aspects of construction including  
1112 roadways, utilities, structures, etc.
- 1113 2. Text Guide that explains all aspects of the Construction Plans in  
1114 detail.
- 1115 3. Stormwater Management Plan
- 1116 b. All construction plans will be approved or denied by the Planning and  
1117 Zoning Commission.
- 1118 (3) Revision of Site Plan or Site Plan Text
- 1119 Upon approval of the Site Plan and/or Site Plan Text, only small changes may be  
1120 approved at the discretion of the Director of Building and Zoning. At the Director of  
1121 Building and Zoning's discretion, any requested changes may be sent to the  
1122 County Commissioners for approval.

1123 **Sec. 213. C-N neighborhood commercial.**

1124 **(a) Purpose and intent of the C-N zoning district.**

1125 The intent of the C-N district is to provide nearby residential areas with convenient  
1126 shopping and service facilities. Uses will include those businesses and services which are desired  
1127 by neighborhood residents on a day-to-day basis. Regulations are designed to encourage a  
1128 stable, healthy, and compatible environment, reduce traveling and parking inconveniences, avoid  
1129 strip commercial development, and prevent industrial and other encroachment capable of  
1130 destroying the neighborhood commercial character of the district.

1131 **(b) Uses permitted in the C-N zoning district.**

- 1132 (1) No building, structure, or land shall be used except principal uses, accessory uses,  
1133 and temporary uses that are allowed by right or by Special Use approval listed on  
1134 Table 2.1: Allowed Land Uses by Zoning District in [Sec. 221](#).
- 1135 (2) Restrictions that apply to particular uses allowed by right or Special Use approval  
1136 are referenced on Table 2.1 and are contained in [Sec. 221](#) of this Ordinance.

1137 **(c) Area regulations.**

1138 Unless otherwise specified in this Ordinance, uses permitted in the CN recreational vehicle  
1139 park district shall conform to the following requirements:

- 1140 (1) Minimum lot area: 4,000 square feet without a residence or 10,890 square feet  
1141 with residential if public/community water and public/community sewer are  
1142 provided in accordance with the requirements of the Georgia Environmental  
1143 Protection Division; otherwise, McIntosh County Health Department standards will  
1144 apply to the minimum lot area.
- 1145 (2) Minimum lot width at building line: 50 feet if public/community water and  
1146 public/community sewer are provided; otherwise, McIntosh County Health  
1147 Department standards will apply to minimum lot width.
- 1148 (3) Minimum front setback from property line: 20 feet.
- 1149 (4) Minimum side setback from property line: 10 feet.

- 1150 (5) Minimum rear setback from property line: 10 feet.
- 1151 (6) Maximum building height: 45 feet.
- 1152 (7) Maximum percentage of lot coverage: 60 percent.
- 1153 **(d) Accessory structures and uses for commercial and industrial uses.**
- 1154 (1) Off-street parking or storage area for costumer, client, or employee-owned
- 1155 vehicles.
- 1156 (2) Completely enclosed building for the storage of supplies, stock, or merchandise.
- 1157 (3) The principal use provided that dust, odor, smoke, noise, vibration, heat or glare
- 1158 produced as a result of such operation is not perceptible from any boundary line
- 1159 of the lot on which said principal and accessory uses are located and provided
- 1160 such operation is not otherwise specifically prohibited in the district in which the
- 1161 principal use is located.
- 1162 (4) Sheltered roofs, awnings, or canopies incidental to retail and commercial use,
- 1163 where such use is permitted, provided that no part shall, in any case, be located
- 1164 any closer than 10 feet to any property line.
- 1165 (5) In any district, all accessory uses and structures shall observe all setbacks, yard,
- 1166 and other requirements set forth for the district in which they are located.
- 1167 **(e) Public utility installations and buildings.**
- 1168 Public utility installations and buildings, including water towers, electric transformer
- 1169 stations, and water and sewage pumping stations in the C-N zoning district further shall comply
- 1170 with the following:
- 1171 (1) No storage is permitted at the site.
- 1172 (2) The area is fenced in by a wall or fence at least six feet in height.
- 1173 (3) A landscaped strip not less than ten feet in width is planted and maintained.
- 1174 **(f) Automobile service station.**
- 1175 Automobile service stations and filling stations approved in the C-N zoning district further
- 1176 shall comply with the following:
- 1177 (1) All pumps and parking areas are located at the side or back of the lot and set back
- 1178 at least 25 feet from the right-of-way line of all abutting streets.
- 1179 (2) Parking or service areas shall be entirely separated from adjoining residential
- 1180 properties by a suitable planting screen, fence, or wall at least 6 feet in height.
- 1181 **(g) Restaurants without drive-in service.**
- 1182 (1) Outside lighting and advertisement arrangements shall be directed away from
- 1183 adjoining residential properties
- 1184 (2) Parking service areas shall be separated from adjoining residential properties by
- 1185 a suitable planting screen, fence, or wall at least 6 feet in height.
- 1186 **(h) Drive-in restaurants.**
- 1187 (1) Outside lighting and advertisement arrangements shall be directed away from
- 1188 adjoining residential properties, if any.
- 1189 (2) Parking services areas shall be separated from adjoining districts, if any, by a
- 1190 suitable planting screen, fence, or wall at least 6 feet in height.

1191 (i) **Signs permitted in the C-N district.**

1192 (1) All signs as permitted by [Sec. 505](#).

1193 (2) The number of signs shall be limited to three for each street on which the  
1194 establishment fronts. The maximum size of a sign for any business establishment  
1195 shall be 64 square feet.

1196 (j) **Limitations on permitted uses in the C-N zones.**

1197 Every use permitted shall be subject to the following conditions and limitations:

1198 (1) All uses shall be conducted wholly within a building except such uses as electrical  
1199 transformer substations and nurseries for sale of plants and flowers and similar  
1200 enterprises customarily conducted in the open.

1201 (2) Permitted signs shall be limited to identification of occupants, type of use or  
1202 commodity sold or serviced on the premises, or the lease, sale or rental of the  
1203 premises.

1204 (3) Big-Box type architecture is not allowed within the C-N district.

1205 (4) Storage shall be limited to accessory storage of commodities sold on the premises.

1206 **Sec. 214. C-G general commercial district.**

1207 (a) **Purpose and intent of the C-G zoning district.**

1208 The intent of the C-G district is to encourage an economically healthy environment for a  
1209 wide variety of businesses and services that benefit from close proximity to each other. The  
1210 regulations shall encourage intense land development and discourage uses requiring large areas  
1211 of land in proportion to the number of pedestrians. The regulations are concerned with excluding  
1212 all uses involving heavy trucking which are not related to the predominant retail activity and  
1213 particularly in excluding manufacturing and warehousing.

1214 (b) **Uses permitted in the C-G zoning district.**

1215 (1) No building, structure, or land shall be used except principal uses, accessory uses,  
1216 and temporary uses that are allowed by right or by Special Use approval listed on  
1217 Table 2.1: Allowed Land Uses by Zoning District in [Sec. 221](#).

1218 (2) Restrictions that apply to particular uses allowed by right or Special Use approval  
1219 are referenced on Table 2.1 and are contained in [Sec. 221](#) of this Ordinance.

1220 (c) **Area regulations.**

1221 Unless otherwise specified in this Ordinance, uses permitted in the C-G general  
1222 commercial district shall conform to the following requirements:

1223 (1) Minimum lot area: 2,000 square feet if public/community water and  
1224 public/community sewer are provided; otherwise, McIntosh County Health  
1225 Department standards will apply to the minimum lot area.

1226 (2) Minimum lot width at building line: 40 feet if public/community water and  
1227 public/community sewer are provided; otherwise, McIntosh County Health  
1228 Department standards will apply to minimum lot width.

1229 (3) Minimum front setback from property line: 20 feet.

1230 (4) Minimum side setback from property line: 10 feet.

1231 (5) Minimum rear setback from property line: 10 feet.

1232 (6) Maximum building height: 45 feet.

- 1233 (7) Maximum percentage of lot coverage: 75 percent without special use permit.
- 1234 **(d) Accessory structures and uses for commercial and industrial uses.**
- 1235 (1) Off-street parking or storage area for costumer, client, or employee-owned
- 1236 vehicles.
- 1237 (2) Completely enclosed building for the storage of supplies, stock, or merchandise.
- 1238 (3) The principal use provided that dust, odor, smoke, noise, vibration, heat or glare
- 1239 produced as a result of such operation is not perceptible from any boundary line
- 1240 of the lot on which said principal and accessory uses are located and provided
- 1241 such operation is not otherwise specifically prohibited in the district in which the
- 1242 principal use is located.
- 1243 (4) Sheltered roofs, awnings, or canopies incidental to retail and commercial use,
- 1244 where such use is permitted, provided that no part shall, in any case, be located
- 1245 any closer than 10 feet to any property line.
- 1246 (5) In any district, all accessory uses and structures shall observe all setbacks, yard,
- 1247 and other requirements set forth for the district in which they are located.
- 1248 **(e) Restaurants without drive-in service.**
- 1249 (1) Outside lighting and advertisement arrangements shall be directed away from
- 1250 adjoining residential properties
- 1251 (2) Parking service areas shall be separated from adjoining residential properties by
- 1252 a suitable planting screen, fence, or wall at least 6 feet in height.
- 1253 **(f) Drive-in restaurants.**
- 1254 (1) Outside lighting and advertisement arrangements shall be directed away from
- 1255 adjoining residential properties, if any.
- 1256 (2) Parking services areas shall be separated from adjoining districts, if any, by a
- 1257 suitable planting screen, fence, or wall at least 6 feet in height.
- 1258 **(g) Outdoor sales space.**
- 1259 Outdoor sales space for exclusive sale of new or secondhand automobiles, mobile or
- 1260 modular homes, boats, and other such items approved in the C-G district further shall comply with
- 1261 the following:
- 1262 (1) Ingress and egress to the outdoor sales area shall be at least 60 feet from the
- 1263 intersection of any streets.
- 1264 (2) The lot must be graded, surfaced, and drained so as to dispose of all surface water.
- 1265 **(h) Signs permitted in the C-G district.**
- 1266 (1) All signs permitted in A-F, A-R, R-1, R-2, C-N Districts are permitted in commercial
- 1267 and industrial districts ([Sec. 505](#)).
- 1268 (2) On any occupied zoning lot in a commercial or industrial district, not more than 4
- 1269 signs of any type having a total area of not more than 750 square feet shall be
- 1270 permitted.
- 1271 (3) Commercial or industrial uses located on or adjacent to major streets or controlled
- 1272 access thoroughfares in commercial or industrial districts may include as part of
- 1273 their total permitted sign area, 1 business identification pylon sign which shall be
- 1274 erected so that no portion of the sign shall be less than 10 feet back from the street
- 1275 right-of-way line.

- 1276 (4) Signs in any commercial or industrial district may be illuminated.
- 1277 (i) **Limitations on permitted uses in the C-G zone.**
- 1278 Every use permitted in a C-G district shall be subject to the following conditions and
- 1279 limitations:
- 1280 (1) All uses shall be conducted wholly within an enclosed building except such uses
- 1281 as drive-in restaurants, gasoline stations, electrical transformer substations and
- 1282 horticultural nurseries, and similar enterprises customarily conducted in the open.
- 1283 (2) Storage shall be limited to accessory storage of commodities sold at retail on the
- 1284 premises.

1285 **Sec. 215. C-I interchange commercial district.**

1286 (a) **Purpose and intent of the C-I zoning district.**

1287 The intent of the C-I district is to serve the needs of inter-regional traffic at interchanges on

1288 limited access thoroughfares. The uses allowed in this district should be limited to the food,

1289 service, fuel, souvenirs, and lodging needs of tourists, visitors, truckers, and other travelers.

1290 (b) **Uses permitted in the C-I zoning district.**

- 1291 (1) No building, structure, or land shall be used except principal uses, accessory uses,
- 1292 and temporary uses that are allowed by right or by Special Use approval listed on
- 1293 Table 2.1: Allowed Land Uses by Zoning District in [Sec. 221](#).
- 1294 (2) Restrictions that apply to particular uses allowed by right or Special Use approval
- 1295 are referenced on Table 2.1 and are contained in [Sec. 221](#) of this Ordinance.

1296 (c) **Area regulations.**

1297 Unless otherwise specified in this Ordinance, uses permitted in the C-I interchange

1298 commercial district shall conform to the following requirements:

- 1299 (1) Minimum lot area: as required to meet district regulations and intent, if
- 1300 public/community water and public/community sewer systems are provided;
- 1301 otherwise, McIntosh County Health Department standards will apply to minimum
- 1302 lot area.
- 1303 (2) Minimum lot width at building line: 100 feet if public/community water and
- 1304 public/community sewer systems are provided; otherwise, McIntosh County Health
- 1305 Department standards will apply to minimum lot width.
- 1306 (3) Minimum front setback from property line: 50 feet.
- 1307 (4) Minimum side setback from property line: 10 feet.
- 1308 (5) Minimum side setback from corner lot: 35 feet.
- 1309 (6) Minimum rear setback from property line: 15 feet.
- 1310 (7) Maximum building height: 200 feet for hotels and 45 feet for all other structures.
- 1311 (8) Maximum percentage of lot coverage: 75 percent.

1312 (d) **Accessory structures and uses for commercial and industrial uses.**

- 1313 (1) Off-street parking or storage area for costumer, client, or employee-owned
- 1314 vehicles.
- 1315 (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:

- 1360 (1) Minimum lot area: as required to meet district regulations and intent, if  
1361 public/community water and public/community sewer systems are provided;  
1362 otherwise, McIntosh County Health Department standards will apply to minimum  
1363 lot area.
- 1364 (2) Minimum lot width at building line: 100 feet if public/community water and  
1365 public/community sewer systems are provided; otherwise, McIntosh County Health  
1366 Department standards will apply to minimum lot width.
- 1367 (3) Minimum front setback from property line: 30 feet.
- 1368 (4) Minimum side setback from property line: 25 feet.
- 1369 (5) Minimum rear setback from property line: 25 feet.
- 1370 (6) Maximum building height: 60 feet.
- 1371 (7) Maximum percentage of lot coverage: 75 percent.
- 1372 **(d) Accessory structures and uses for commercial and industrial uses.**
- 1373 (1) Off-street parking or storage area for costumer, client, or employee-owned  
1374 vehicles.
- 1375 (2) Completely enclosed building for the storage of supplies, stock, or merchandise.
- 1376 (3) The principal use provided that dust, odor, smoke, noise, vibration, heat or glare  
1377 produced as a result of such operation is not perceptible from any boundary line  
1378 of the lot on which said principal and accessory uses are located and provided  
1379 such operation is not otherwise specifically prohibited in the district in which the  
1380 principal use is located.
- 1381 (4) Sheltered roofs, awnings, or canopies incidental to retail and commercial use,  
1382 where such use is permitted, provided that no part shall, in any case, be located  
1383 any closer than 10 feet to any property line.
- 1384 (5) In any district, all accessory uses and structures shall observe all setbacks, yard,  
1385 and other requirements set forth for the district in which they are located.
- 1386 **(e) Obnoxious uses.**
- 1387 Any industrial use that may produce injurious or obnoxious noise, vibration, smoke, gas,  
1388 fumes, odor, dust, fire hazard, or other objectionable conditions as a result of its operations, shall  
1389 only be allowed with Special Use approval in the I-R zoning district and further shall comply with  
1390 the following:
- 1391 (1) Such use must be located at least 200 feet from any adjoining property lines.
- 1392 (2) Such use shall be in conformance with applicable rules and regulations  
1393 administered and enforced by the Environmental Protection Division of Georgia  
1394 Department of Natural Resources.
- 1395 **(f) Junkyards, junk, or salvage operations.**
- 1396 (1) All junk yards shall be completely screened from roads or developed areas with a  
1397 solid fence or wall a minimum of 8 feet in height, maintained in good condition as  
1398 determined by the governing authority, and painted except for masonry  
1399 construction.
- 1400 (2) Open yard use for the sale, dismantling, and/or storage of salvage or junk materials  
1401 and equipment shall be separated from adjoining properties by a planting screen,  
1402 fence, or wall at least 6 feet high.

- 1403 (3) Signs are permitted on the required screen, provided such signs are in  
1404 conformance with Article 5 of this Ordinance.
- 1405 (4) No operations shall be conducted which shall cause a general nuisance, endanger  
1406 the public health, or be in violation of any local, state, or federal environmental  
1407 regulations.

1408 **Sec. 217. I-G general industrial district.**

1409 **(a) Purpose and intent of the I-G zoning district.**

1410 The intent of the I-G district is to provide land for industrial, manufacturing, and  
1411 warehousing operations that require buildings and open areas for fabricating, processing,  
1412 extracting, or repairing equipment, raw materials, manufactured products, or wastes. The traffic  
1413 networks of the county and region are to be considered in order to discourage disruption and  
1414 congestion of traffic. The intensity of uses permitted in this district makes it desirable that they be  
1415 located downwind, as determined by the prevailing wind direction, and separated from residential  
1416 and commercial uses.

1417 **(b) Uses permitted in the I-G zoning district.**

- 1418 (1) No building, structure, or land shall be used except principal uses, accessory uses,  
1419 and temporary uses that are allowed by right or by Special Use approval listed on  
1420 Table 2.1: Allowed Land Uses by Zoning District in [Sec. 221](#). All uses in this district  
1421 shall be in conformance with applicable rules and regulations administered and  
1422 enforced by the Environmental Protection Division of the Georgia Department of  
1423 Natural Resources. Any industrial use that may produce injurious or obnoxious  
1424 noise, vibration, smoke, gas, fumes, odor, dust, fire hazard, or other objectionable  
1425 conditions as a result of its operations and such use is located at least 200 feet  
1426 from any adjoining property lines, and provided that such use be in conformance  
1427 with applicable rules and regulations administered and enforced by the  
1428 Environmental Protection Division of the Georgia Department of Natural  
1429 Resources may be permitted.
- 1430 (2) Restrictions that apply to particular uses allowed by right or Special Use approval  
1431 are referenced on Table 2.1 and are contained in [Sec. 221](#) of this Ordinance.

1432 **(c) Area regulations.**

1433 Unless otherwise specified in this Ordinance, uses permitted in the I-G general industrial  
1434 district shall conform to the following requirements:

- 1435 (1) Minimum lot area: as required to meet district regulations and intent, if  
1436 public/community water and public/community sewer systems are provided;  
1437 otherwise, McIntosh County Health Department standards will apply to minimum  
1438 lot area.
- 1439 (2) Minimum lot width at building line: 200 feet if public/community water and  
1440 public/community sewer systems are provided; otherwise, McIntosh County Health  
1441 Department standards will apply to minimum lot width.
- 1442 (3) Minimum front setback from property line: 50 feet.
- 1443 (4) Minimum side setback from property line: 50 feet.
- 1444 (5) Minimum rear setback from property line: 40 feet.
- 1445 (6) Maximum building height: 60 feet.
- 1446 (7) Maximum percentage of lot coverage: 75 percent.

1447 **(d) Accessory structures and uses for commercial and industrial uses..**

- 1448 (1) Off-street parking or storage area for costumer, client, or employee-owned  
1449 vehicles.
- 1450 (2) Completely enclosed building for the storage of supplies, stock, or merchandise.
- 1451 (3) The principal use provided that dust, odor, smoke, noise, vibration, heat or glare  
1452 produced as a result of such operation is not perceptible from any boundary line  
1453 of the lot on which said principal and accessory uses are located and provided  
1454 such operation is not otherwise specifically prohibited in the district in which the  
1455 principal use is located.
- 1456 (4) Sheltered roofs, awnings, or canopies incidental to retail and commercial use,  
1457 where such use is permitted, provided that no part shall, in any case, be located  
1458 any closer than 10 feet to any property line.
- 1459 (5) In any district, all accessory uses and structures shall observe all setbacks, yard,  
1460 and other requirements set forth for the district in which they are located.

1461 **(e) Obnoxious uses.**

1462 Any industrial use that may produce injurious or obnoxious noise, vibration, smoke, gas,  
1463 fumes, odor, dust, fire hazard, or other objectionable conditions as a result of its operations, shall  
1464 only be allowed with Special Use approval in the I-G zoning district and further shall comply with  
1465 the following:

- 1466 (1) Such use must be located at least 200 feet from any adjoining property lines.
- 1467 (2) Such use shall be in conformance with applicable rules and regulations  
1468 administered and enforced by the Environmental Protection Division of Georgia  
1469 Department of Natural Resources.

1470 **(f) Junkyards, junk, or salvage operations.**

- 1471 (1) All junk yards shall be completely screened from roads or developed areas with a  
1472 solid fence or wall a minimum of 8 feet in height, maintained in good condition as  
1473 determined by the governing authority, and painted except for masonry  
1474 construction.
- 1475 (2) Open yard use for the sale, dismantling, and/or storage of salvage or junk materials  
1476 and equipment shall be separated from adjoining properties by a planting screen,  
1477 fence, or wall at least 6 feet high.
- 1478 (3) Signs are permitted on the required screen, provided such signs are in  
1479 conformance with Article 5 of this Ordinance.
- 1480 (4) No operations shall be conducted which shall cause a general nuisance, endanger  
1481 the public health, or be in violation of any local, state, or federal environmental  
1482 regulations.

1483 **(g) Signs permitted in the I-G district.**

- 1484 (1) All signs permitted in A-F, A-R, R-1, R-2, C-N Districts are permitted in commercial  
1485 and industrial districts ([Sec. 505](#)).
- 1486 (2) On any occupied zoning lot in a commercial or industrial district, not more than 4  
1487 signs of any type having a total area of not more than 750 square feet shall be  
1488 permitted.
- 1489 (3) Commercial or industrial uses located on or adjacent to major streets or controlled  
1490 access thoroughfares in commercial or industrial districts may include as part of

1491 their total permitted sign area, 1 business identification pylon sign which shall be  
1492 erected so that no portion of the sign shall be less than 10 feet back from the street  
1493 right-of-way line.

1494 (4) Signs in any commercial or industrial district may be illuminated.

1495 **Sec. 218. CP conservation preservation district.**

1496 (a) **Purpose and intent of the CP zoning district.**

1497 The intent of the CP district is to preserve and control development within certain land,  
1498 marsh, and water areas of this county. These areas serve as wildlife refuges, possess great  
1499 natural beauty, are of historical or ecological significance, are utilized for outdoor recreational  
1500 purposes, or provide needed open space for the health and general welfare of the county's  
1501 inhabitants. The regulations are designed to discourage encroachment of uses capable of  
1502 destroying the undeveloped character of the district.

1503 (b) **Uses permitted in the CP zoning district.**

1504 (1) No building, structure, or land shall be used except principal uses, accessory uses,  
1505 and temporary uses that are allowed by right or by Special Use approval listed on  
1506 Table 2.1: Allowed Land Uses by Zoning District in [Sec. 221](#). All uses in wetlands  
1507 areas shall be compatible with adjacent uses (e.g., private docks only in residential  
1508 areas). Any use not compatible with adjacent uses shall be a special permit use.  
1509 Adjacent property is defined as that which is within 300 feet of the property in  
1510 question.

1511 (2) Restrictions that apply to particular uses allowed by right or Special Use approval  
1512 are referenced on Table 2.1 and are contained in [Sec. 221](#) of this Ordinance.

1513 (c) **Area regulations.**

1514 Unless otherwise specified in this Ordinance, uses permitted in the CP conservation  
1515 preservation district shall conform to the following requirements:

- 1516 (1) Minimum lot area: 2 acres.  
1517 (2) Minimum lot width at building line: 150 feet.  
1518 (3) Minimum front setback from property line: 50 feet.  
1519 (4) Minimum side setback from property line: 30 feet.  
1520 (5) Minimum rear setback from property line: 20 feet.  
1521 (6) Maximum percentage of lot coverage: 15 percent.

1522 (d) **Signs permitted in CP districts.**

1523 (1) One non-illuminated business identification sign not exceeding 20 square feet in  
1524 area may be erected for each use permitted in a Conservation Preservation  
1525 District.

1526 (2) Other directional or historical signs approved by the Planning Commission and  
1527 County Commission may be allowed.

1528 **Sec. 219. HH Hog Hammock district.**

1529 (a) **Purpose and intent of the HH zoning district.**

1530 The purpose of this district is to allow continued use and activities of the community of Hog  
1531 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. Further, it is the intent of this district to provide for a community on the island with limited water and/or sanitary 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 small commercial establishments to support this island community. Industry is not an acceptable form of development in the Hog Hammock district.

**(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: 21,780 square feet.
- (2) Minimum lot width at building line: 50 feet.
- (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 lot coverage of 4,356 square feet of impervious surfaces. Impervious surfaces as they pertain to this code section means any surface such as pavement, roofs, roadways, or other surface material through which water does not permeate. Grass, lawns, or any other vegetation are not considered impervious cover.
- (7) Maximum building height: 37 feet.
- (8) Dwelling shall have no more than 3,000 square feet enclosed within the exterior walls.
- (9) Minimum dwelling unit size: 720 heated square feet.
- (10) Maximum density: 1 single-family dwelling per lot.

**(d) Standards for residences in the HH 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, corrugated material, or similar materials.
- (3) The minimum floor area shall be 720 heated square feet.
- (4) Mobile homes with manufacturing specifications are permitted within the Hog Hammock district.



1574           **(e) Standards for accessory buildings in the HH district.**

- 1575           (1) All accessory buildings over 200 square feet must meet the wind code as  
1576           referenced in the International Building Code handbook and be certified by the  
1577           manufacturer of the building or a Georgia licensed design professional.
- 1578           (2) Any pier foundations over 5 feet high must be approved by a design professional.
- 1579           (3) All area regulations must be met as specified in Section 3.4 Area Regulations.
- 1580           (4) No shipping containers can be used as an accessory building in the Hog Hammock  
1581           district.

1582           **(f) Domestic animals.**

- 1583           (1) Domesticated animals may be kept in the Hog Hammock district.
- 1584           (3) All structures which house livestock and poultry must be kept at least 20 feet from  
1585           property lines which abut property in residential use.

1586           **(g) Signs permitted in the HH district.**

- 1587           (1) For permitted home occupations, one non-illuminated, professional or business  
1588           nameplate not exceeding 2 square feet in area is permitted.
- 1589           (2) All other non-dwelling signs shall not exceed 6 square feet in area.
- 1590

1591   **Sec. 220. PUD planned unit development.**

1592           **(a) Purpose and intent of the PUD zoning district.**

1593           The intent of the PUD district is to maintain the quality of life for citizens of McIntosh County  
1594           by accommodating a new type of unified residential and mixed-use development that is available  
1595           to be applied countywide and is sensitive to existing land use, the protection of the marshland  
1596           habitat, and historic resources of the County.

1597           **(b) Uses permitted in the PUD zoning district.**

- 1598           (1) No building, structure, or land shall be used except principal uses, accessory uses,  
1599           and temporary uses that are allowed by right or by Special Use approval listed on  
1600           Table 2.1: Allowed Land Uses by Zoning District in [Sec. 221](#).
- 1601           (2) Restrictions that apply to particular uses allowed by right or Special Use approval  
1602           are referenced on Table 2.1 and are contained in [Sec. 221](#) of this Ordinance.

1603           **(c) Area regulations.**

1604           Unless otherwise specified in this Ordinance, uses permitted in the PUD planned unit  
1605           development district shall conform to the following requirements:

- 1606           (1) Minimum parcel size: 10 acres.
- 1607           (2) Lots within the planned unit development may be of any size provided they are a  
1608           part of master planned community consisting of private lots, or condominium  
1609           ownership, and common open space. All lot sizes and configurations must be  
1610           compliant with the requirements of the State of Georgia and McIntosh County  
1611           Health Department.
- 1612           (3) There are no specific requirements for lot coverage, however, the master  
1613           development plan text must specify maximum lot coverage to be provided.
- 1614           (4) Maximum density:

- 1615 a. For inland property (not adjacent to coastal marshland), the residential  
1616 density shall not exceed 6 units per gross acre. For purposes of this article,  
1617 the term gross acre represents the area within the legal boundaries of the  
1618 property to be developed less any land that falls within the definition of  
1619 coastal marshland.
- 1620 b. For property abutting a coastal Marshland, the residential density shall not  
1621 exceed four units per gross acre.
- 1622 c. For PUD projects in any location exceeding the minimum open space  
1623 requirement provided in this Article by an additional 15%, the residential  
1624 density can be increased by two units per gross acre. This is an incentive  
1625 based density bonus for developers volunteering additional open space  
1626 within the PUD project.
- 1627 (5) Yard, buffer, and placement of building requirements:
- 1628 a. As it is the intent for the PUD zone to be applied to parcels which are to  
1629 be developed in a well-designed and environmentally sensitive manner,  
1630 there is no minimum yard, minimum lot frontage, or minimum width  
1631 requirements for the interior relationship of lots and buildings.
- 1632 All PUDs shall provide for perimeter buffers for the purposes of visual  
1633 screening and noise abatement between their property and all abutting  
1634 properties where compatibility of adjacent uses cannot be enhanced by  
1635 the type of building architecture alone. The buffers will be provided on the  
1636 Master Development Plan and set forth in the Master Development Plan  
1637 Text of the enacting ordinance.
- 1638 b. All development is required to abide by the Riparian Buffer provision of the  
1639 McIntosh County Water Resources Protection Ordinance.
- 1640 c. No habitable building or parking area shall occupy a required perimeter  
1641 buffer or marshland buffer.
- 1642 d. The minimum distance between buildings used for human habitation and  
1643 between buildings used for human habitation and accessory buildings  
1644 shall be ten feet or as required by the current building code and current  
1645 fire code.
- 1646 (6) Height:
- 1647 a. No building in the PUD zone shall exceed a height of 35 feet or shall  
1648 exceed three habitable stories whichever is lower. Building elements, such  
1649 as towers, cupolas and spires, not to exceed 300 square feet in collective  
1650 floor area, are allowed up to 45 feet in height. For individual buildings that  
1651 are shown in the Master Development Plan to be located to provide  
1652 increased public vista protection, the maximum building.
- 1653 (d) **Design requirements.**
- 1654 A Master Development Plan (MDP) shall accompany a petition to rezone property to the  
1655 PUD designation. Besides general building, street, and perimeter buffer features, the MDP shall  
1656 show how the proposed development will accommodate the following requirements:
- 1657 (1) Common amenity area: Active recreational areas comprising at least ten percent  
1658 of the total net development area to include amenities such as: swimming pools;  
1659 basketball courts; tennis courts; playgrounds; ball fields; walking or jogging paths;  
1660 community buildings.



1661 (2) Vista protection: In addition to the minimum distance between building requirement  
1662 as defined in this zone, the building and landscape layout shall maintain to the  
1663 maximum degree possible the existing vista of the marshland and waterways from  
1664 public right-of-way.

1665 (3) Open space: 20 percent of the net development area shall be in open space. This  
1666 open space shall include perimeter and marshland buffers, Common Amenity  
1667 Area, and other non-impervious areas including storm water retention and  
1668 treatment areas. At least 25 percent of the required open space area shall be  
1669 contiguous in that it may be accessed by a continuous pedestrian movement  
1670 notwithstanding the need to cross streets or common amenity areas. The use of  
1671 greens and squares within a new PUD development is encouraged when they are  
1672 consistent with surrounding development. These squares shall not be less than a  
1673 ratio of 4 to 1 (length to width).

1674 (4) Pervious surfaces are encouraged in all PUD projects.

1675 **(e) Environmental quality standards.**

1676 (1) The PUD shall identify any existing historic, cultural or environmentally sensitive  
1677 or unique resources within the PUD and explain how the resource is proposed to  
1678 be protected and managed.

1679 (2) The PUD shall include specific design and development criteria to reduce energy  
1680 demands for the project, conserve and reduce potable water and reduce  
1681 maintenance and water demand of new landscape plant material. Other  
1682 sustainable planning and building techniques are encouraged to be part of the  
1683 PUD.

1684 **(f) PUD incentives.**

1685 The developer may reduce certain PUD requirements as specified in this Code by adopting  
1686 targeted community initiatives within the PUD. Any such incentive allowed in this Code shall only  
1687 be granted upon the approval by the local government after review and recommendation of the  
1688 Planning Commission. The developer shall submit a written statement with the PUD application  
1689 identifying the incentive being requested and demonstrate that the reduction in the PUD  
1690 requirement(s) does not negatively impact the PUD or surrounding area. All other land  
1691 development codes shall be met.

1692 **(g) Targeted Community Initiatives**

1693 (1) Adopt Character Design Guidelines as part of PUD

1694 (2) Adopt Low Impact Development (LID) standards as part of PUD pursuant to the  
1695 Green Growth Guidelines

1696 (3) Adopt LEED-ND or local equivalent site standards as part of PUD

1697 (4) Exceed minimum Open Space requirements by 25%

1698 (5) Exceed minimum Civic Space requirements by 25%

1699 Any targeted community initiatives adopted shall apply to the entire PUD. Each targeted community  
1700 initiative adopted as part of the PUD, shall allow the developer to be eligible for one (1) PUD incentive. Both  
1701 PUD incentives may be granted for a PUD, if two or more community initiatives are adopted. Each PUD  
1702 incentive shall only be applied once.

1703

1704

1705

**PUD Incentives**

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

1706

**(h) Application Requirements.**

1707

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:

1708

1709

1710

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

1711

1712

- 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:

1713

1714

1715

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.

1716

1717

1718

1719

2. Conceptual stormwater drainage plan.

1720

1721

1722

3. Conceptual drawing of buildings that indicate the proposed architectural style, appearance, and size (heated and cooled square feet).

1723

1724

1725

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.

1726

5. Text Guide that explains all aspects of the Site Plan in detail.

1727

- b. Following the public hearing, the Planning Commission's recommendation and all documents will be sent to the County Commissioners for approval or denial.

1728

1729

1730

- c. County Commissioners will vote to approve or deny the rezoning application.

1731

1732

- d. If the lot or property is current zoned correctly, skip phase and proceed to phase two.

1733

1734

- (2) Phase two: applicants seeking approval of construction plans shall meet the following requirements:

1735

1736

- a. Deliver the following documents to the McIntosh County Building Department:

1737

1738

1. Construction Plan showing all aspects of construction including roadways, utilities, structures, etc.

1739

1740

2. Text Guide that explains all aspects of the Construction Plans in detail.

1741

1742 3. Stormwater Management Plan in compliance with the Georgia  
1743 Stormwater Management Plan.

1744 b. All construction plans will be approved or denied by the Planning and  
1745 Zoning Commission.

1746 (3) Revision of Site Plan or Site Plan Text

1747 Upon approval of the Site Plan and/or Site Plan Text, only small changes may be  
1748 approved at the discretion of the Director of Building and Zoning. At the Director of  
1749 Building and Zoning's discretion, any requested changes may be sent to the  
1750 County Commissioners for approval.

1751 (i) **Subsequent Development to be Consistent.**

1752 All subsequent development plans including, but not limited to site development plan,  
1753 subdivision plat/plan, utilities plan, landscaping plan, building plans shall be deemed consistent  
1754 with the Master Development Plan, by the Zoning and Building Administrator, prior to the issuance  
1755 of building or other work permits. The developer/applicant may appeal any adverse decision of  
1756 the Zoning and Building Administrator in accordance with the provisions defined in this Ordinance.

1757

1758 **Sec. 221. Summary table – allowed land uses by zoning district.**

1759 (a) **Land uses related to zoning districts.**

1760 Except for the PUD zoning district, principal uses, accessory uses, and temporary uses  
1761 allowed by right or with Special Use approval for each zoning district are shown on Table 2.1. In  
1762 the PUD district, all allowed uses are established for each PUD project as conditions of zoning  
1763 approval. For overlay districts (BDO, WVO), see the applicable provisions under each district.

1764 (b) **Interpretation of land use categories.**

1765 Words and phrases specifically relating to a category of land use not defined in this  
1766 Ordinance shall be construed to have the meaning given by common and ordinary use, the  
1767 meaning of which may be further clarified by reference to the North American Industrial  
1768 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.
<b>Principal Uses</b>															
<b>Principal Residential Uses</b>															
	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			
<b>Adult Entertainment</b>															
	Live Adult Entertainment								S						
	Adult Media Store								S						
	Adult Movie Theater								S						
11	<b>Agricultural Uses</b>														
111	Crop Production including fruits, vegetables, nuts, grains, trees, etc.	P	P								S	S	P	P	
1114	Greenhouse, Horticultural Nursery, and Floriculture Production	P	P							P				P	
1121	Cattle Ranching and Farming	S												P	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												P	303
1123	Poultry and Egg Production	S												P	303
1124	Sheep and Goat Farming	S												P	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	<b>Mining, Quarrying, and Oil and Gas Extraction</b>														
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	<b>Utilities</b>														
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		306
2211	Solar and Wind Electric Power Generation	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		306
22132	Sewage Treatment Facilities											S			
23	<b>Construction</b>														
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	<b>Manufacturing</b>														
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	<b>Wholesale Trade</b>														
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	<b>Retail Trade</b>														
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				S	
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				S	
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				S	
453930	Manufactured (Mobile) Home Dealers								P						307
453991	Tobacco Store including Cigarettes, Cigars, Pipes and Other Smoker's Supplies								P	P					
48-49	<b>Transportation and Warehousing</b>														
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				P	
488	Support Activities for Transportation including maintenance, repair and service										S	P			
492	Couriers and Messengers								P		P	P			
51	<b>Information</b>														
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				S	
52	<b>Finance and Insurance</b>														

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					
522298	Pawn Shop and Check Cashing								S	S					
524	Insurance Carriers and Related Activities							P	P	S					
53	<b>Real Estate and Rental and Leasing</b>														
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	<b>Professional, Scientific, and Technical Services</b>														
5411	Legal Services							P	P	P				P	
5412	Accounting, Tax Preparation, Bookkeeping, and Payroll Services							P	P	P				P	
5413	Architectural, Engineering, and Related Services							P	P	P				P	
5414	Specialized Design Services (would include interior, industrial, graphic, etc.)							P	P	P				P	
5415	Computer Systems Design and Related Services							P	P	P				P	
5416	Management, Scientific, and Technical Consulting Services							P	P	P				P	
5417	Scientific Research and Development Services								S	S	S	S		P	
5418	Advertising, Public Relations, and Related Services							P	P	P					
54194	Veterinary Services	S	S					S	S	S				P	
54194	Veterinary Services with overnight boarding	S							S					S	
56	<b>Administrative and Support and Waste Management and Remediation Services</b>														

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		S	
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	<b>Educational Services</b>														
6111	Elementary and Secondary Schools - Public or Private		P	S	S	S		P	P						
	Kindergartens		P	S	S	S		P	P						
6113	Colleges, Universities, and Professional Schools								P					S	
6115	Technical and Trade Schools								P						
6116	Other Schools and Instruction (this would include fine arts, sports, and educational lessons)							S	P					S	
62	<b>Health Care and Social Assistance</b>														
621	Offices of Physicians, Dentist, Chiropractors and all other Health Practitioners							P	P	S				S	
6214	Outpatient Care Centers								P	S				S	
622	Hospitals								P	S	S	S			
6233	Nursing and Residential Care Facilities			S	S	S			P						
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	<b>Arts, Entertainment, and Recreation</b>														
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	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		
71393	Marinas								P				P		
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	<b>Accommodation and Food Services</b>														
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	<b>Food Service and Drinking Places</b>														
7221	Restaurant							S	P	P				S	305
722213	Coffee Shop, Donut Shop or Ice Cream Parlor							S	P	P				S	305
72232	Caterers								P		P	P		P	
72233	Mobile Food Services								P		P	P		S	
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.
<b>81</b>	<b>Other Services</b>														
81111	Automotive Mechanical and Electrical Repair and Maintenance							S	S	P	P	P		S	
81112	Automotive Body, Paint, Interior, and Glass Repair							S	S	P	P	P			
811191	Automotive Oil Change Shop								S	P	P	P		S	
81131	Welding Shop										P	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					
812199	Tattoo Parlors and Body Art Studio								S	S					
<b>8122</b>	<b>Death Care Services</b>														
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										
<b>8123</b>	<b>Dry-cleaning and Laundry Services</b>														
81231	Laundromats						P	P	P	P					
81232	Dry-cleaning and Laundry Services Drop-Off Station							P	P	P					
812332	Dry-cleaning Plant											P			
<b>8129</b>	<b>Other Personal Services</b>														
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	<b>Religious, Grant making, Civic, Professional, and Similar Organizations</b>														
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	
<b>Accessory Uses to a Principal Use</b>															
<b>Accessory Use to an Agricultural Use</b>															
	Accessory uses to a working farm such as a barn, silo, corral, shed, etc.	P	P	S	S										
<b>Accessory Uses to a Residential Use</b>															
	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)*
<b>Accessory Uses to a Non-Residential Use</b>															
	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				S	309(c)
	Accessory Uses Customary to Industrial Uses										P	P			309(c)
	Caretaker residence	S										P	S	S	
<b>Temporary Uses</b>															
	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		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						P	
	Temporary Contractors Office and Real Estate Sales Office for a Development while Under Construction	P	P	P	P	P		P	P	P	P	P			

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## 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.



- 1813 (8) Temporary power is only available with a valid building permit or special use  
1814 permit. Temporary power will be shut off once a building permit or special use  
1815 permit expires or a CO is issued.
- 1816 (9) All structures must meet SBCCI Codes, ICC Codes, or county adopted codes.

1817 **Sec. 302. Residential district standards.**

1818 All single-family residences shall meet the following standards.

1819 **(a) Standards for single-family residences in the R-1 and R-2 district.**

- 1820 (1) The roof shall be covered with asphalt composition shingles, metal roofing, tile  
1821 materials, or corrugated metal similar materials. Flat sheet metal roofs are  
1822 prohibited.
- 1823 (2) The exterior wall shall be material similar to traditional site-built housing. These  
1824 materials may include clapboards, simulated clapboards such as conventional  
1825 vinyl or metal siding, wood shingles, logs, shakes, stucco, brick, brick veneer,  
1826 concrete block, or similar materials, but shall not include smooth, ribbed, or  
1827 corrugated metal or plastic panels. In the R-2 district, corrugated materials is  
1828 allowed.
- 1829 (3) The minimum floor area shall be 1,200 heated square feet in the R-1 district. The  
1830 minimum floor area shall be 720 heated square feet in the R-2 district.
- 1831 (4) Only 'SITE BUILT' structures may be placed in an R1 district. For purposes of this  
1832 paragraph, a 'Site Built' structure is one which is built or constructed, from the  
1833 foundation to the roof, at the precise location where the structure is permanently  
1834 affixed to its foundation.
- 1835 (5) No recreation vehicles, mobile homes, manufactured homes, modular homes nor  
1836 any similar structures may be placed in the R1 District.
- 1837 (6) A modular home is permissible with manufacturer specifications.

1838 **(b) Maximum impervious area for the A-R, R-1, R-2, and R-3 zoning districts.**

1839 **(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

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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.

- 1878 a. In the A-F district and on sites over two acres, two individual livestock per  
1879 acre devoted to feed for same will be permitted.
- 1880 (7) Kennels (commercial and non-commercial) shall not be kept on any lot less than  
1881 one acre.

1882 **Sec. 305. Automobile service station.**

1883 Automobile service stations and filling stations approved in the C-N zoning district further  
1884 shall comply with the following:

- 1885 (1) All pumps and parking areas are located at the side or back of the lot and set back  
1886 at least 25 feet from the right-of-way line of all abutting streets.
- 1887 (2) Parking or service areas shall be entirely separated from adjoining residential  
1888 properties by a suitable planting screen, fence, or wall at least 6 feet in height.

1889 **Sec. 306. Restaurants and other eating or drinking establishments.**

1890 Restaurants and other eating or drinking establishments in the C-N and C-G zoning district  
1891 further shall comply with the following:

1892 **(a) Restaurants without drive-in service.**

- 1893 (1) Outside lighting and advertisement arrangements shall be directed away from  
1894 adjoining residential properties
- 1895 (2) Parking service areas shall be separated from adjoining residential properties by  
1896 a suitable planting screen, fence, or wall at least 6 feet in height.

1897 **(b) Drive-in restaurants.**

- 1898 (1) Outside lighting and advertisement arrangements shall be directed away from  
1899 adjoining residential properties, if any.
- 1900 (2) Parking services areas shall be separated from adjoining districts, if any, by a  
1901 suitable planting screen, fence, or wall at least 6 feet in height.

1902 **Sec. 307. Public utility installations and buildings.**

1903 Public utility installations and buildings, including water towers, electric transformer  
1904 stations, and water and sewage pumping stations in the C-N zoning district further shall comply  
1905 with the following:

- 1906 (1) No storage is permitted at the site.
- 1907 (2) The area is fenced in by a wall or fence at least six feet in height.
- 1908 (3) A landscaped strip not less than ten feet in width is planted and maintained.

1909 **Sec. 308. Outdoor sales space.**

1910 Outdoor sales space for exclusive sale of new or secondhand automobiles, mobile or  
1911 modular homes, boats, and other such items approved in the C-G district further shall comply with  
1912 the following:

- 1913 (1) Ingress and egress to the outdoor sales area shall be at least 60 feet from the  
1914 intersection of any streets.
- 1915 (2) The lot must be graded, surfaced, and drained so as to dispose of all surface water.

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**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.

1959	<b>(b) Accessory structures and uses for dwellings.</b>
1960	(1) Private garage for the occupant's automobiles or vehicles. Must be non-
1961	commercial usage of garage.
1962	(2) Parking area or open storage space for motor vehicles belonging to the occupant,
1963	and provided that this regulation shall not be misconstrued to mean commercial
1964	uses are allowed.
1965	(3) Shed for the storage of equipment.
1966	(4) Children's playhouse or play equipment.
1967	(5) Private kennel, pens, or cages for occupant's pets provided it does not create a
1968	nuisance to neighbors.
1969	(6) Private swimming pool and bath house or cabana.
1970	(7) Structures designed and used for the purposes of shelter in the event of
1971	catastrophes.
1972	(8) Non-commercial flower, ornamental shrub or vegetable garden, greenhouse, or
1973	slat house.
1974	(9) Private boat dock, boat house.
1975	<b>(c) Standards for guest houses or accessory dwelling units.</b>
1976	(1) Cannot exceed 25 percent of the primary structure or 700 square feet.
1977	(2) Must meet all setback requirements.
1978	(3) Must be built on a permanent foundation.
1979	(4) Shall share all services with the primary dwelling.
1980	(5) All building plans shall be stamped by a licensed engineer or architect.
1981	<b>(d) Accessory structures and uses for church buildings.</b>
1982	(1) Religious education buildings, except for elementary school, secondary school,
1983	and college buildings.
1984	(2) Parsonage, pastorium, or parish house, together with any use accessory to a
1985	dwelling as listed above.
1986	(3) Off-street parking area for the use without charge to members and visitors to the
1987	church.
1988	<b>(e) Accessory structures and uses for commercial and industrial uses.</b>
1989	(1) Off-street parking or storage area for costumer, client, or employee-owned
1990	vehicles.
1991	(2) Completely enclosed building for the storage of supplies, stock, or merchandise.
1992	(3) The principal use provided that dust, odor, smoke, noise, vibration, heat or glare
1993	produced as a result of such operation is not perceptible from any boundary line
1994	of the lot on which said principal and accessory uses are located and provided
1995	such operation is not otherwise specifically prohibited in the district in which the
1996	principal use is located.
1997	(4) Sheltered roofs, awnings, or canopies incidental to retail and commercial use,
1998	where such use is permitted, provided that no part shall, in any case, be located
1999	any closer than 10 feet to any property line.

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- 2000 (5) In any district, all accessory uses and structures shall observe all setbacks, yard,  
2001 and other requirements set forth for the district in which they are located.

2002 **Sec. 311. Home occupations.**

2003 A home occupation is permitted as an accessory use of any dwelling provided it meets the  
2004 restrictions of this Section.

2005 **(a) Home occupations.**

- 2006 (1) Is carried on by a member(s) of the family residing in the dwelling unit only. One  
2007 employee who is not part of the family is permitted.
- 2008 (2) Is conducted entirely within the principal building.
- 2009 (3) Utilizes not more than twenty-five (25) percent of the total floor area of the principal  
2010 building.
- 2011 (4) Produces no alteration or change in the character or exterior or change in the  
2012 principal building from that of a dwelling.
- 2013 (5) Involves no sale or offering for sale of any article not produced or assembled by  
2014 members of the family, or any service not entirely performed by members of the  
2015 family, residing on the premises.
- 2016 (6) Creates no disturbing or offensive noise, vibration, smoke, dust, odor, heat, glare,  
2017 traffic hazard, unhealthy or unsightly condition.
- 2018 (7) Is not visibly evident from the outside of the dwelling except by one non-illuminated  
2019 sign two square feet or smaller in size.
- 2020 (8) A yearly certificate of occupancy shall be issued for the proposed use.
- 2021 (9) The County Building and Zoning Administrator/Code Enforcement Officer shall  
2022 verify that the home occupation conforms to the preceding standards.
- 2023 (10) An enclosed accessory building may be used for storage.

2024 **(b) Home Business Office.**

- 2025 (1) There shall be no sign or external indication of the business office.
- 2026 (2) No more than one vehicle used in the conduction of the business may be parked  
2027 at the home location. Signage on this vehicle is limited to the area of the driver and  
2028 passenger front doors of said vehicle.
- 2029 (3) No material shall be stored on site, other than office supplies.
- 2030 (4) The office shall occupy no more than 25 percent of the floor area of the principle  
2031 structure.
- 2032 (5) The office shall be located in the principle structure.
- 2033 (6) Only residents of the dwelling may engage in work at the office.
- 2034 (7) Customers shall not visit the office.

2035 **(c) Construction on closed and abandoned landfills, dumps, and refuse areas.**

2036 No building or subdivision shall be permitted over the location of a former dump, landfill or  
2037 refuse area unless the applicant for a building permit or subdivision can demonstrate to the  
2038 satisfaction of the Planning Commission that construction can be safely accomplished. Such  
2039 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:
<b>a. RESIDENTIAL</b>		
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>b. COMMERCIAL</b>		
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
<b>c. INDUSTRIAL AND MANUFACTURING</b>		
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
<b>d. INSTITUTIONAL AND OTHER</b>		



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

2065

2066 **Sec. 405. Location of off-street parking areas.**

- 2067 (1) The parking spaces for all dwellings shall be located on the same lot as the  
2068 residence.
- 2069 (2) Parking spaces shall be provided on the same lot with the main building of the  
2070 principal use.
- 2071 (3) Two or more principal uses may utilize a common area in order to comply with off-  
2072 street parking requirements, provided that the number of spaces required for each  
2073 use is met.
- 2074 (4) Portions of the public right-of-way on minor streets may be allowed for  
2075 maneuvering incidental to parking when determining parking area requirements  
2076 for individual uses.
- 2077 (5) On collector streets, major streets, and controlled access highways, parking  
2078 facilities shall provide space outside the public right-of-way for maneuvering  
2079 incidental to parking. This aisle on drive system shall be separated from the road  
2080 by a 10-foot, landscaped buffer.

2081 **Sec. 406. Off-street loading and unloading requirements.**

2082 (a) **Off-street loading requirements.**

- 2083 (1) Each off-street loading and unloading space required by the provisions of this  
2084 Ordinance shall be at least 10 feet wide, 50 feet long and 14 feet high. Such space  
2085 shall be clear and free of obstructions at all times.
- 2086 (2) Required off-street loading and unloading areas shall in all cases be located on  
2087 the same lot or parcel of land as the structure they are intended to serve. In no  
2088 case shall the required off-street loading space be considered as part of the area  
2089 provided to satisfy off-street parking requirements as listed herein.
- 2090 (3) All uses, whether specified in this Ordinance or not, shall provide off-street loading  
2091 areas sufficient for their requirements. Such space shall be adequate so that no

2092 vehicle loading or unloading in connection with normal operations shall stand in or  
2093 project into a public street walk, alley or way.

2094 **(b) Number of off-street loading spaces.**

2095 (1) Retail business uses with from 4,000 to 25,000 square feet in total floor area: 1  
2096 space. Retail businesses that exceed 25,000 will follow the schedule in Section  
2097 7.2.

2098 (2) Wholesale, industrial, governmental, and institutional uses, including public  
2099 assembly places, hospitals, and educational institutions, shall provide 1 space for  
2100 the first 25,000 square feet of total floor area and 2 spaces for the first 49,999  
2101 square feet of total floor area. For anything in excess of 25,000 square feet, such  
2102 uses shall provide loading spaces according to the following schedule:

2103 a. 25,000-49,999 square feet: 2 spaces.

2104 b. 50,000-99,999 square feet: 3 spaces.

2105 c. 100,000-199,999 square feet: 4 spaces.

2106 d. 200,000-350,000 square feet: 5 spaces.

2107 e. For each 50,000 square feet above 350,000 or fraction thereof, 1  
2108 additional space shall be provided.

2109 (3) Multi-family dwellings:

2110 a. Multi-family residences with less than 10 dwelling units: none.

2111 b. Multi-family residences with 10 to 30 dwelling units: 1 space.

2112 c. Multi-family residences with more than 30 dwelling units: 1 space for each  
2113 30 dwelling units or fraction thereof.

2114 **(c) On-street parking requirements in the R-2 and R-3 districts.**

2115 Streets may contain 8 foot by 22 foot (8' x 22') parking spaces parallel to the travel lane for  
2116 visitor or neighborhood amenity uses. All lots shall provide for off-street parking in accordance  
2117 with this Article.

2118 **(d) On-street parking in the PUD district.**

2119 (1) On-street parking designed as parallel to the travel lane along local streets,  
2120 meeting the minimum size of eight feet by 22 feet, may be counted toward the  
2121 overall PUD recommendation for parking. This on-street parking must be located  
2122 within 600 feet of the proposed uses to be considered toward the parking  
2123 requirement.

2124 (2) Off-street parking shall be provided pursuant to requirements defined in this  
2125 Ordinance.

2126 **Sec. 407. Buffer Strips.**

2127 Any institutional, commercial, or industrial uses, off-street loading areas, or off-street  
2128 parking areas for five or more automobiles shall be separated from adjoining residential property  
2129 by a continuous planted buffer strip of at least 10 feet. Such buffer strip, if planted, shall be  
2130 composed of healthy plants which possess growth characteristics of such a nature as to produce  
2131 a dense, compact planting screen not less than 6 feet in height, or if wood, stone, block, or brick  
2132 shall not be less than six feet high.

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## **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.

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- 2174 (3) The Building and Zoning Administrator is hereby authorized to issue a temporary  
2175 permit for a Special Event Sign to be placed along the rights-of-way, county owned  
2176 properties, or private owned properties zoned commercial or industrial whereby  
2177 the public will be informed about an upcoming event or directed to the location of  
2178 an event. Said temporary permit shall require \$100.00 cash bond and shall allow  
2179 the signs to be posted no earlier than 14 days on private property or 5 days on  
2180 county property prior to the event nor longer than 5 days after the event, regardless  
2181 of the property's ownership. Signs shall not exceed 24 square feet in area. The  
2182 location and size of any sign must be approved by the Building and Zoning  
2183 Administrator before a temporary permit is issued.
- 2184 (4) The Building and Zoning Administrator is hereby authorized to issue a temporary  
2185 permit for Political Signs during any normal campaign period for any election for  
2186 public office. Political signs located on private property shall not exceed the area  
2187 limitations set forth in each particular zoning district. Said temporary permit shall  
2188 require \$100.00 cash bond and shall be from last day of qualification (as  
2189 established by applicable federal, state or local law) till 14 days after the election  
2190 date.
- 2191 (5) All temporary signs must be removed by the permittee or erector of the sign by the  
2192 fifth (5th) day after the occurrence of the event, including but not limited to any  
2193 special event, election, sale or lease of real estate, or the conveyance of seventy-  
2194 five percent (75%) of the subdivision lots. If such temporary signs are not removed  
2195 by the fifth (5th) day, the permittee of those signs requiring permits shall forfeit the  
2196 one hundred dollar (\$100.00) cash bond. Upon forfeiture of the bond by the  
2197 permittee, the McIntosh County Public Works Department shall be authorized to  
2198 remove and dispose of the affected signs. Those temporary signs not requiring  
2199 permits shall be removed according to the provisions of this Article.
- 2200 (6) Signs must be maintained in good condition and not permitted to become  
2201 dilapidated. Each application and sign permit shall contain an agreement to  
2202 indemnify and hold the county harmless of all damages, demands or expenses of  
2203 every character which may in any manner be caused by the sign or sign structure,  
2204 either permanent, or temporary.
- 2205 (7) Permits shall not be required for official signs, real estate signs, construction signs,  
2206 temporary subdivision signs, temporary window signs, instructional/informational  
2207 signs, official notices issued by any court, public agency or officer, and allowed  
2208 home occupation signs under the regulations set forth in this Article.
- 2209 (8) A sign permit shall become null and void if the sign for which the permit was issued  
2210 has not been completed within a period of (6 months after the date of issuance.  
2211 For purposes of this section, an outdoor advertising sign shall be completed if the  
2212 sign base has been constructed.
- 2213 (9) The provisions of this Ordinance shall not apply to the ordinary servicing, repainting  
2214 of existing sign message, cleaning of a sign, nor to changing of advertising on a  
2215 sign specifically designed for periodic change of message without change in  
2216 structure, such as a billboard, or similar type of sign.
- 2217 (10) No permit shall be issued until fees have been paid as established by the McIntosh  
2218 County Board of Commissioners and a sketch plan showing the following  
2219 information has been filed with the Building and Zoning Administrator:
- 2220 a. Sketch plan showing the exact location of signs, setbacks from right(s)-of-  
2221 way, and proximity to driveways, curbs, buildings, and other structures.

- 2222 b. Elevation drawing(s) showing height, width, and style of sign(s) and other  
2223 structures.
- 2224 (11) No permit shall be issued for signs to be located in excess of twenty (20) feet in  
2225 height from ground level until the applicant provides signed and sealed engineering  
2226 results certified by a Professional Engineer Registered in Georgia that such signs  
2227 can withstand a one-hundred (100) miles per hour wind load.
- 2228 (12) A permit fee shall be paid to McIntosh County for each permit required by this  
2229 Ordinance. The fee shall be increased in direct relation to the increase in the dollar  
2230 value of the sign according to the rate schedule in the office of the Building and  
2231 Zoning Administrator.

2232 **Sec. 504. Prohibited Signs.**

- 2233 (1) Signs imitating warning signals are prohibited. No sign shall display lights  
2234 resembling the flashing lights customarily used in traffic signals or in police, fire,  
2235 ambulance, or rescue vehicles; nor shall any signs use the words, slogans,  
2236 dimensional shape and size, or colors of the governmental traffic signs.
- 2237 (2) No signs, except traffic signs and signals and informational signs erected by a  
2238 public agency, are permitted within any street or highway right-of-way.
- 2239 (3) Signs painted or attached to natural features (such as trees or rocks), telephone  
2240 poles, utility poles, or fence posts are prohibited.
- 2241 (4) Fluttering ribbons and banners are prohibited.
- 2242 (5) Signs within 300 feet of any officially designated historical site or monument,  
2243 except signs pertaining to that particular site or monument are prohibited.
- 2244 (6) No sign shall depict nudity, sexual conduct, obscene or pornographic material as  
2245 defined in the United States and/or Georgia Codes.  
2246

2247 **Sec. 505. Regulations for specific types of signs.**

2248 **(a) Home occupations signs.**

2249 One non-illuminated professional or business name plate not exceeding two square feet in  
2250 area is permitted.

2251 **(b) Signs of work under construction.**

2252 One non-illuminated sign, not exceeding 40 square feet in area displaying the name of the  
2253 building, the contractors, the architects, the engineers, the owners, the financial selling and  
2254 development agencies is permitted upon the premises of any work under construction, alteration,  
2255 or removal. Such sign shall be removed from the site within 30 days after the completion of the  
2256 project.

2257 **(c) Temporary subdivision signs.**

2258 Temporary signs, not exceeding 40 square feet in area announcing a land subdivision  
2259 development, are permitted on the premises of the land subdivision. Such signs shall be spaced  
2260 not less than 300 feet apart. They shall be removed when 75 percent of the lots are conveyed.

2261 **(d) Private directional signs.**

- 2262 (1) Signs indicating the location and direction of premises available for or in the  
2263 process of development, but not erected upon such premises, and having

2264 inscribed thereon the name of the owner, developer, builder, or agent may be  
2265 erected and maintained provided:

- 2266 a. The size of any such sign is not in excess of 6 square feet, and not in  
2267 excess of 4 feet in length
- 2268 b. Not more than 1 such sign is erected on each 500 feet of street frontage

2269 **(e) Wall signs.**

2270 (1) Signs on the walls of a building (including signs attached flat against the wall,  
2271 painted wall signs and projecting signs) shall meet the following requirements:

- 2272 a. The total area of signs on the exterior front surface of a building shall not  
2273 exceed 25 percent of the front surface of the building, so long as the figure  
2274 does not exceed the total amount of sign area permitted within the Zoning  
2275 District where the sign or signs are to be located.
- 2276 b. The total area of signs on a side or rear surface of building shall not exceed  
2277 50 percent of the exterior side or rear surface of the building respectively,  
2278 so long as this figure does not exceed the total amount of sign area  
2279 permitted within the Zoning District where the sign or signs are to be  
2280 located.
- 2281 c. The combined sign area on the front, side and rear surface of a building  
2282 must not exceed the total sign area permitted within the Zoning Districts  
2283 where the sign or signs are to be located.
- 2284 d. Wall signs attached flat to a wall may not extend more than 24 inches from  
2285 the wall.
- 2286 e. Signs attached at an angle to a wall may extend outward from the wall of  
2287 a building not more than 5 feet.

2288 **(f) Illuminated signs.**

2289 Illumination devices shall be so placed and so shielded that light from the sign itself will not  
2290 be directly cast into any residential district, sleeping rooms in any district or the eyes of an  
2291 automobile or vehicular driver.

2292 **(g) Outdoor advertising signs.**

2293 If visible from the Interstate 95 right-of-way outdoor advertising signs shall meet the  
2294 following requirements:

- 2295 (1) The outside measurements of all such signs shall be 12 feet in height and 50 feet  
2296 in length, with or without trim.
- 2297 (2) All illuminated signs shall use base mounted fluorescent lights and shall be  
2298 activated by photo-electric cells. Additional lighting including, but not limited to,  
2299 neon, animation and running lights is prohibited.
- 2300 (3) All signs shall be a minimum of 10 feet above adjacent interstate pavement  
2301 measuring from the lower portion of the sign face. Signs shall not exceed 30 feet  
2302 in height. Two signs in the same location (back-to-back) or "V" formation) shall be  
2303 the same height above the interstate's surface.
- 2304 (4) Extrusions beyond the face of the sign, excluding aprons, are prohibited.
- 2305 (5) Only one sign shall be allowed to face the same direction per location. This allows  
2306 back-to-back or "V" formation signs but prohibits two signs (side-by-side) facing  
2307 the same direction.

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- 2308 (6) Sign locations shall be no less than five hundred (500) feet apart measuring from  
2309 the two closest points.
- 2310 (7) Sign structures shall be no less than 10 feet from any property or right-of-way line.
- 2311 (8) A maximum of three sign locations shall be permitted per interchange quadrant  
2312 provided that spacing requirements can be met.
- 2313 (9) No sign shall be placed in or obstruct the view of a marshland area or an area of  
2314 designated historic interest.
- 2315 (10) Outdoor advertising shall be limited to the following:
- 2316 a. Travel service facilities, including lodging, gas, food, and camping.
- 2317 b. Areas of scenic beauty
- 2318 c. Public attractions, including historic, natural, scientific, or recreational  
2319 amenities.
- 2320 d. Any combination of the above-listed facilities. Further, the content of all  
2321 advertising shall be directional in nature.

2322 **(h) Spotlights.**

2323 The use of spotlights and other similar illumination devices may be permitted in commercial  
2324 zoning districts upon issuance of a Special Use permit, subject to the following additional  
2325 restrictions:

- 2326 (1) No spotlight may be directed at lower than 22½ degrees. For purposes of  
2327 determining the degree of angle, zero degrees shall be considered directly up and  
2328 above the spotlight. The lowest illuminated portion of any such light shall not shine  
2329 lower than 22½ degrees.
- 2330 (2) No spotlight shall shine or illuminate the atmosphere directly above any portion of  
2331 a residential district. Therefore, neither the light nor the illuminated atmosphere or  
2332 clouds shall not be visible using the naked eye from any residential district while  
2333 looking straight up within a residential district.
- 2334 (3) By seeking a Special Use permit for a spotlight, applicants are hereby placed on  
2335 notice that the issuance of a special permit for use of a spotlight shall be revocable  
2336 by the McIntosh County Board of Commissioners, with or without the consent of  
2337 the zoning board, at any time after issuance. Said applicants are hereby placed on  
2338 notice that the nuisance caused by such a spotlight may not be determinable in  
2339 advance of issuance of such permit.
- 2340 (4) For purposes of this section the term "spotlight" shall include any other similar  
2341 illumination device.

2342 **Sec. 506. Signs permitted in zoning districts.**

2343 **(a) Signs permitted in A-F district.**

- 2344 (1) For permitted home occupations, one non-illuminated professional or business  
2345 name plate not exceeding 2 square feet in area.
- 2346 (2) For uses other than dwellings, a single illuminated or non-illuminated institution or  
2347 business identification sign or bulletin board not exceeding 20 square feet in area.  
2348 Such sign shall be set back not less than 15 feet from the street right-of-way line  
2349 unless attached to the front wall of a building.

- 
- 2350 (3) Temporary subdivision signs and private directional signs, under the provisions set  
2351 forth in [Sec. 505](#).
- 2352 (4) Off-premise signs, provided such signs are not visible from the rights-of-way of I-  
2353 95 and U.S. 17 and do not exceed 32 square feet in area.
- 2354 **(b) Signs permitted in A-R, R-1, and R-2 districts.**
- 2355 (1) For permitted home occupations, one non-illuminated professional or business  
2356 name plate not exceeding 2 square feet in area.
- 2357 (2) For uses other than dwelling, a single illuminated or non-illuminated institution or  
2358 identification sign or bulletin board not exceeding 6 square feet in area.
- 2359 (3) Temporary subdivision signs and private directional signs, under the provisions set  
2360 forth in [Sec. 505](#).
- 2361 **(c) Signs permitted in the RVP districts.**
- 2362 (1) One non-illuminated professional or business name plate not exceeding 2 square  
2363 feet in area mounted flat against the wall of a building in which there is conducted  
2364 a permitted home occupation.
- 2365 (2) Signs, illuminated or non-illuminated; not to exceed a combined total sign area of  
2366 100 square feet per mobile home park or recreational vehicle park; and that where  
2367 a mobile home park abuts a federal primary or interstate highway, only 1 business  
2368 identification sign, illuminated or non-illuminated, not to exceed a total sign area of  
2369 100 square feet per mobile home park.
- 2370 **(d) Signs permitted in C-N districts.**
- 2371 (1) All signs as permitted by Sec. 505.
- 2372 (2) The number of signs shall be limited to three for each street on which the  
2373 establishment fronts. The maximum size of a sign for any business establishment  
2374 shall be 64 square feet.
- 2375 **(e) Signs permitted in C-G, C-I, and I-G districts.**
- 2376 (1) All signs permitted in A-F, A-R, R-1, R-2, C-N Districts are permitted in commercial  
2377 and industrial districts.
- 2378 (2) On any occupied zoning lot in a commercial or industrial district, not more than 4  
2379 signs of any type having a total area of not more than 750 square feet shall be  
2380 permitted.
- 2381 (3) Commercial or industrial uses located on or adjacent to major streets or controlled  
2382 access thoroughfares in commercial or industrial districts may include as part of  
2383 their total permitted sign area, 1 business identification pylon sign which shall be  
2384 erected so that no portion of the sign shall be less than 10 feet back from the street  
2385 right-of-way line.
- 2386 (4) Signs in any commercial or industrial district may be illuminated.
- 2387 (5) Each commercial use in a C-I district shall be allowed one business identification  
2388 sign not to exceed 75 feet in height as part of its total permitted sign area.
- 2389 **(f) Signs permitted in CP districts.**
- 2390 (1) One non-illuminated business identification sign not exceeding 20 square feet in  
2391 area may be erected for each use permitted in a Conservation Preservation  
2392 District.



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- 2393 (2) Other directional or historical signs approved by the Planning Commission and  
2394 County Commission may be allowed.
- 2395 **(g) Signs permitted in the HH district.**
- 2396 (1) Signs shall be in conformance with Article 2, Sec 219.
- 2397 (2) Other directional or historical signs approved by the Planning Commission and  
2398 County Commission.

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## **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.

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- 2437 (6) To record all non-conformities and notify landowners of such non-conformities  
2438 within a reasonable time after the adoption of the "Official McIntosh County  
2439 Zoning Map".
- 2440 (7) To issue temporary permits and demolition permits, provided that the permit  
2441 includes necessary safeguards for the public safety, health, and welfare.
- 2442 (8) To inform the applicant of a building permit if his proposed use, building, or  
2443 structure is designated as a Special Permit Use and to advise said applicant of  
2444 the procedures necessary to acquire this permit.
- 2445 (9) To inform the applicant for any new developments proposed within the County  
2446 which meet or exceed the minimum thresholds identified in the Department of  
2447 Community Affairs' Procedure and Guidelines for the Review of Developments of  
2448 Regional Impact (DRI), of the requirement to comply with the intergovernmental  
2449 review procedures. The County will not take any official action to further any such  
2450 developments until the DRI Review Process is completed or a minimum of thirty  
2451 (30) days has transpired from the date the completed DRI Request for Review  
2452 Form was forwarded to the Coastal Regional Commission.

2453 **Sec. 602. Building permit.**

2454 **(a) Building permit required.**

2455 A building permit issued by the Building Official is required in advance of the initiation of  
2456 construction, erection, moving or alteration of any building or structure in accordance with the  
2457 provisions of the building code. No building permit shall be issued and no building shall be erected  
2458 on any lot in the county unless access has been established in accordance with this Zoning Code.  
2459 No building permits shall be issued before approval of the final plat. All structures shall comply  
2460 with the requirements of this Zoning Code, whether or not a building permit is required.

2461 **(b) Requirements for building permit.**

2462 **(1) Building permit application:**

- 2463 a. The applicant shall submit to the Building and Zoning Administrator a  
2464 dimensioned plat or scale plan indicating the shape, size and location of  
2465 all buildings to be erected, and of any building already on the lot.
- 2466 b. When a proposed development is to be served by wells, or by septic tanks,  
2467 or by a private water system and/or a private sewage disposal system,  
2468 then the applicant for a permit for such development shall submit with his  
2469 application for a permit a certificate from the County Health Department  
2470 approving such water system, waste disposal system, septic tank, or well.
- 2471 c. Applicant shall also state the existing and intended use of all such  
2472 buildings and structures.
- 2473 d. For multi-family buildings, nonresidential buildings, and all structures using  
2474 "alternative construction materials" architectural plans prepared in  
2475 conformance with the applicable building codes and must be submitted to  
2476 the County. Plans shall be prepared by or under the supervision of an  
2477 architect or qualified engineer registered in the State of Georgia, who shall  
2478 sign and seal each sheet in the original set of drawings as applicable.  
2479 "Alternative construction materials" shall be determined by the Building  
2480 Official and require Special Use Approval prior to the issuance of a permit.

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- 2481 (2) If the proposed work as set forth in the building permit application conforms to the  
2482 provisions of this Ordinance, the Building and Zoning Administrator shall issue the  
2483 building permit upon payment of the required fee within 10 days.
- 2484 (3) If the building permit is refused, the Building and Zoning Administrator shall give  
2485 the applicant a written explanation of the reason(s) for refusal.
- 2486 (4) Building permits must be renewed if construction has not begun within six months  
2487 of the initial date of issuance.
- 2488 (5) If a noncontinuous footer is used (i.e. pole barn), the signature of a design  
2489 professional is required.
- 2490 (6) Single family home plans must be professionally drawn, or provide a foundation  
2491 plan, elevation plan, and framing plan. Internet plans are acceptable.
- 2492 (7) Only one power meter is allowed per lot.
- 2493 (8) Temporary power is only available with a valid building permit or special use  
2494 permit. Temporary power will be shut off once a building permit or special use  
2495 permit expires or a CO is issued.
- 2496

2497 **Sec. 603. Demolition permit.**

2498 No principal building or structure 200 square feet or more shall be demolished before the  
2499 issuance of a demolition permit.

2500 **Sec. 604. Certificate of Occupancy.**

2501 (a) **Certificate of occupancy required.**

2502 No land or building hereafter erected or altered in its use shall be used until a Certificate of  
2503 Occupancy has been granted.

2504 (b) **Occupancy permit to be denied.**

2505 An occupancy permit shall not be issued unless the development for which such permit is  
2506 requested complies with all applicable provisions of this Ordinance, including all applicable  
2507 electrical, plumbing, and mechanical codes are met. A record of all such occupancy permits shall  
2508 be filed in the office of the Building Inspector.

2509 (c) **Electrical service.**

- 2510 (1) Temporary electrical service may be provided at construction sites if a proper  
2511 building permit has been obtained. A Certificate of Occupancy must be obtained  
2512 prior to connection of permanent electrical service.
- 2513 (2) Electrical power may be reconnected to the same unit/dwelling without a Certificate  
2514 of Occupancy if service has not been interrupted for a period exceeding 90 days  
2515 and the reason for interruption did not involve fire or other damage or repair,  
2516 renovation or upgrading of electrical service.
- 2517 (3) The National Electrical Code in effect as adopted and amended from time to time  
2518 by the state department of community affairs is adopted by reference as the  
2519 Electrical Code of McIntosh County, Georgia.

2520 **Sec. 605. Building construction codes.**

2521 The latest edition(s) of the Construction Codes Currently in Effect as adopted and amended  
2522 from time to time by the state department of community affairs, pursuant to chapter 2 of Title 8 of

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2523 The Official Code of Georgia, including all appendices thereof adopted by the state department of  
2524 community affairs, shall be enforced by the county.

2525 *Editor's Note: see the attached link for latest editions of the current State Construction Codes:*  
2526 [http://www.dca.ga.gov/local-government-assistance/construction-codes-industrialized-](http://www.dca.ga.gov/local-government-assistance/construction-codes-industrialized-buildings/construction-codes)  
2527 [buildings/construction-codes](http://www.dca.ga.gov/local-government-assistance/construction-codes-industrialized-buildings/construction-codes)

2528 **Sec. 606 Temporary permit.**

2529 **(d) Temporary permit uses.**

2530 The Building and Zoning Administrator is authorized to issue temporary permits for the  
2531 following uses, subject to the applicable conditions for each individual temporary use and provided  
2532 it is determined such uses will cause no traffic congestion, and will not adversely affect  
2533 surrounding areas. Any temporary use not allowed for in this Ordinance shall be requested from  
2534 the County Commission.

- 2535 (1) Carnival or circus, in approved open areas, for a period not to exceed three weeks,  
2536 and subject to approval by the County Commission.
- 2537 (2) Religious meeting in a tent or other temporary structure, in an approved open area,  
2538 for a period not to exceed 40 days.
- 2539 (3) Open lot sale of Christmas trees or pumpkins, in the approved area, for a period  
2540 not to exceed 45 days.
- 2541 (4) Short-term outdoor concerts.
- 2542 (5) Contractor's office and equipment sheds, for a period of twelve months, provided  
2543 that such office is placed on the property to which it is appurtenant.

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## **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

2584 of a piece of property is requested, the applicant shall be only the owner of such  
2585 property or his authorized agent.

2586 **(e) Application for text amendment.**

2587 In the case of a text amendment, the application shall set forth the new text to be added  
2588 and the existing text to be deleted.

2589 **(f) Application for map amendment.**

2590 An application for a map amendment shall include the following information:

- 2591 (1) The community or area in which is located the land proposed to be reclassified  
2592 and the street number, lot numbers, the location with respect to the nearby public  
2593 roads in common use;
- 2594 (2) A suitable description of the land which may be by a plat of the land in question,  
2595 or by a description by metes and bounds, or by the lot, block and subdivision  
2596 designations with appropriate plat reference or by other suitable description;
- 2597 (3) The present zoning classification and the classification proposed for such land;
- 2598 (4) The name and address of the owners of the land;
- 2599 (5) The area of the land proposed to be reclassified stated in square feet if less than  
2600 1 acre, and in acres if 1 acre or more;
- 2601 (6) The county tax map reference number;
- 2602 (7) Development Plan: Any person petitioning for the rezoning of a parcel of land must  
2603 submit a development plan with the following elements:
- 2604 a. Plot plan or survey plat showing the dimensions of the property to be  
2605 developed.
- 2606 b. Location of existing structures, right-of-way, marshlands, boundaries,  
2607 watercourses and lakes, primary conservation areas, and existing  
2608 structures to remain.
- 2609 c. Location of proposed development, including structures, types of uses,  
2610 access drives, setbacks, easements, etc.
- 2611 d. Location of proposed recreational areas and dimensions of buffer zones,  
2612 if any.
- 2613 e. Location and size of existing or proposed public or community water,  
2614 sewer, and drainage facilities.
- 2615 f. In the case of multi-family developments, mobile home or RV parks,  
2616 indicate proposed number of dwelling units or pads and net acres available  
2617 for building.
- 2618 g. In the case of office, commercial, industrial, or institutional developments,  
2619 show proposed off-street parking and loading areas, signage and outdoor  
2620 lighting.
- 2621

2622 **Sec. 703. Special permit use.**

2623 The uses listed under the various land use zoning districts as "special permit uses" are so  
2624 classified because they more intensely dominate the area in which they are located than do other  
2625 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.



- 2671 e. The capacity of the storm drainage system to accommodate the proposed  
2672 use.
- 2673 f. The ability of the fire department to provide necessary protection services  
2674 to the site and development.
- 2675 (3) The natural characteristics of the site, including topography, drainage, and  
2676 relationship to ground and surface waters and floodplain, shall not be such that the  
2677 proposed use when placed on the site will cause undue harm to the environment  
2678 or to neighboring properties.

2679 **(c) Denial of special permits and appeals.**

- 2680 (1) If the decision of the Planning Commission is to deny the Special Permit, then the  
2681 same property may not again be considered for a Special Permit until the  
2682 expiration of at least 6 months immediately following the defeat of the Special  
2683 Permit by the Planning Commission.
- 2684 (2) Appeals of Decision. Appeals of the Planning Commission decision shall go to  
2685 Board of Appeals. A written appeal must be submitted to the Building and Zoning  
2686 Administrator within 15 days.

2687 **(d) Conditions of Special Uses.**

2688 Upon consideration of the standards listed above the Planning Commission may require,  
2689 such conditions, in addition to those required by other provisions of this Ordinance, as it finds  
2690 necessary to ensure compliance with those standards and all other applicable requirements of this  
2691 Ordinance. Violation of any of those conditions shall be a violation of this Ordinance. Such  
2692 conditions may include, but are not limited to, specifications for: type of landscaping/vegetation,  
2693 increased setbacks and yards, specified sewage disposal and water supply facilities, hours of  
2694 operation, operational controls, professional inspection and maintenance, sureties, location of  
2695 piers, docks, parking and signs, and types of construction.

2696 **Sec. 704. Variances.**

2697 The Planning Commission may authorize a variance from the requirements of this  
2698 Ordinance where it can be shown that owing to special and unusual circumstances related to a  
2699 specific lot, strict application of the ordinance would cause an undue or unnecessary hardship. No  
2700 variance shall be granted to allow the use of property for a purpose not authorized within the zone  
2701 in which the proposed use would be located. In granting a variance, the Planning Commission  
2702 may attach conditions which it finds necessary to protect the best interests of the surrounding  
2703 property or vicinity and otherwise achieve the purposes of this Ordinance.

2704 **(a) Conditions governing the granting of a variance.**

- 2705 (1) A variance may be granted by the Planning Commission only in the event that all  
2706 of the following circumstances exist:
- 2707 a. Exceptional or extraordinary circumstances apply to the property which do  
2708 not apply to other properties in the same zone or vicinity, and result from  
2709 lot size or shape, topography, or other circumstances over which the  
2710 owners of property since enactment of this Ordinance have had no control.
- 2711 b. The variance is necessary to provide the applicant the same basic property  
2712 rights that other property owners in the same zone or vicinity possess.
- 2713 c. The variance would not be materially detrimental to the purposes of this  
2714 Ordinance, or to property in the same zone or vicinity in which the property  
2715 is located, or otherwise conflict with the objectives of any county plan or  
2716 policy.

2717 d. The variance requested is the minimum variance which would alleviate the  
2718 hardship.

2719 **(b) Procedure for taking action on a variance application.**

2720 Variances shall be reviewed and authorized or rejected under the following procedure:

2721 (1) A property owner may initiate a request for a variance by filing an application with  
2722 the Building and Zoning Administrator. An application for a variance shall be filed  
2723 with the Building and Zoning Administrator at least 45 days prior to the next  
2724 regularly scheduled meeting of the County Planning Commission. Such application  
2725 shall contain all information requested and any other material or information  
2726 pertinent to the request which the Planning Commission may require, and shall  
2727 contain the notation of the Building and Zoning Administrator that the appropriate  
2728 fee has been paid to McIntosh County.

2729 (2) Required Public Hearings. No official action shall be taken on any proposed  
2730 Variance unless 1 public hearing has been held. The public hearing shall be  
2731 conducted by the Planning Commission. See [Sec. 703](#) of this Article for  
2732 procedures for calling a public hearing.

2733 **(c) Time limit on permit for variance.**

2734 Authorization of a variance shall be void after one year unless substantial construction has  
2735 taken place. However, the Planning Commission may extend authorization for an additional period  
2736 not to exceed one year, on request. The Building Administrator shall monitor variances to ensure  
2737 compliance with this section.

2738 **(d) Appeals of decision.**

2739 Appeals of the Planning Commission decision shall go to Board of Appeals. A written  
2740 appeal must be submitted to the Building and Zoning Administrator within 15 days.

2741 **Sec. 705. McIntosh County Rezoning Criteria.**

2742 An application for a rezoning or conditional use permit for any property or properties in the  
2743 county may be initiated by the governing body, planning commission, owner of the property, or  
2744 some other person(s) given authorization by the property owner to file said application.

2745 Any applicant wishing to submit an application for rezoning or conditional use permit must schedule  
2746 an appointing with The Building and Zoning Director or designee to review the application for  
2747 completeness. No such application shall be accepted for processing by the Director or designee  
2748 unless it meets the requirements of this section. Incomplete or improper applications will be  
2749 returned to the applicant. The director is hereby authorized to establish administrative deadlines  
2750 for the receipt of applications.

2751 Any applicant wishing to file an application for a zoning change related to a planned development  
2752 zoning district must schedule a conference with the Building and Zoning department staff at least  
2753 15 days prior to filing an application.

2754 **(a) Application requirements for submittal.**

2755 (1) Application form. All applications shall be submitted to the Building and Zoning  
2756 Director.

2757 (2) Fee. All applications shall be accompanied by a non-refundable fee as fixed from  
2758 time to time by the governing body. A fee shall not be charged if the governing body  
2759 or the planning commission initiate the application.

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- 2760 (3) Plat or boundary survey. A plat or boundary survey of the property or properties  
2761 involved in the application. Provide one scaled and folded copy, and one 8.5"x11" or  
2762 11"x17" reproducible size copy.
- 2763 (4) Legal description. A paper copy and an electronic copy of the legal description of the  
2764 property that corresponds with the property or properties shown on the submitted  
2765 boundary survey/plat.
- 2766 (5) Written narrative. A written narrative should indicate at a minimum:
- 2767 a. The purpose of the request, proposed use, economic and environmental  
2768 impacts as well as overlay zones or protection areas in which the property is  
2769 located.
- 2770 b. Any planned developments shall include a narrative that fully describes the  
2771 concept plan and must include at a minimum the proposed use, setbacks,  
2772 right-of-way widths, building heights, signage, whether the applicant wishes  
2773 the county maintain the road(s) as well as identify any overlay zones or  
2774 protection areas that may affect the use.
- 2775 (6) Architectural renderings. Architectural renderings for any proposed new construction  
2776 or exterior alterations of the existing structure(s), including at minimum:  
2777 a. Roof pitch;  
2778 b. Materials to be used on exterior;  
2779 c. Basic landscaping proposed; and  
2780 d. Building elevations.
- 2781 If the architectural rendering is in color format or is larger than an 11"x17" size  
2782 copy, ten copies of the colored or large-scale rendering must be submitted with the  
2783 completed application.
- 2784 (7) Concept plan. An application for a rezoning or conditional use permit approval related  
2785 to a residential subdivision, multi-family, or nonresidential use or zoning district shall  
2786 be accompanied by a concept plan if any new construction is proposed or alteration  
2787 of the site is required under the site or development design standards of this  
2788 Ordinance. An as-built survey (rather than a concept plan) indicating the most current  
2789 development conditions must be submitted with applications regarding existing  
2790 developments that are not to be altered. The applicant shall submit ten scaled and  
2791 folded copies, folded to fit into an 8"x10" size envelope, and one 11"x17" reproducible  
2792 copy. Concept plans for rezoning or conditional use permits shall at minimum include  
2793 the following:
- 2794 a. Name, address, and telephone number of the property owner.
- 2795 b. Name, address, and telephone number of the applicant.
- 2796 c. Date of survey, north point and graphic scale, date of plan drawing, and  
2797 revisions dates as appropriate.
- 2798 d. Proposed use of the property.
- 2799 e. Location (land district and lot size) and size of the property in acres (or in  
2800 square feet if less than one acre).

- 
- 2801 f. Zoning district classification of the subject property and all adjacent  
2802 properties, and zoning district boundaries as appropriate.
- 2803 g. Natural features within the property, including drainage channels, bodies of  
2804 water, wooded areas and other significant natural feature such as rock  
2805 outcroppings. On all water courses entering or leaving the property, the  
2806 direction of the flow shall be indicated. The 100-year flood plan, if any, shall  
2807 be outlined.
- 2808 h. Man-made features within and adjacent to the property, including existing  
2809 streets and names, city and county political boundary lines, and other  
2810 significant information such as location of bridges, utility lines, existing  
2811 buildings to remain, and other features as appropriate to the nature of the  
2812 application.
- 2813 i. The proposed project layout:
- 2814 i. For subdivisions, a professional stamped rendering showing  
2815 approximate lot lines and street right-of-way lines, along with the  
2816 front building setback line on each lot.
- 2817 ii. For multi-family and nonresidential development projects, the  
2818 approximate outling and location of all buildings, and the location of  
2819 all minimum building setback lines, outdoor storage areas, buffers,  
2820 parking areas, and driveways.
- 2821 j. The proposed phasing of the development if it is proposed to be built in  
2822 phases.
- 2823 k. A statement as to the source of domestic water supply.
- 2824 l. A statement as to the provision for sanitary sewer dispoal.
- 2825 m. The approximate location of proposed stormwater detention facilities.
- 2826 n. Such additional information as may be useful to permit an understanding of  
2827 the proposed use.

2828 **(b) Rezoning criteria.**

- 2829 (1) Is this request an illogical extension of a zone boundary which would intrude a  
2830 damaging salient of (a) commercial, (b) industrial, (c) high-density apartment use  
2831 into a stable neighborhood of well-maintained single-family homes, and would be  
2832 likely to lead to neighborhood deterioration, the spread of blight, and requests for  
2833 additional zoning of a similar nature which would expand the problem?
- 2834 (2) Is this spot zoning and generally unrelated to either existing zoning or the pattern  
2835 of development of the area?
- 2836 (3) Could traffic created by the proposed use or other uses permissible under the  
2837 zoning sought traverse established single-family neighborhoods on minor streets,  
2838 leading to congestion, noise, and traffic hazards?
- 2839 (4) Does this request conform/alter general expectations for population growth and  
2840 distribution?
- 2841 (5) Will this request eliminate options for the acquisition of future public facility sites,  
2842 roads, open-space, etc.?

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- 2843 (6) Will this request require a major change in existing, (1) levels of public service, (b)  
2844 county operators, and/or (c) fiscal stability?
- 2845 (7) Does this request have the potential of achieving short-term, to the disadvantage  
2846 of long-term, development goals?
- 2847 (8) Could a change in classification adversely affect market values and/or tax rates of  
2848 nearby properties?
- 2849 (9) Are nearby residents in favor of or support the proposed zoning change?
- 2850 (10) Is the proposed area to be developed located in or near an area of rare natural  
2851 beauty which would be damaged by the permitting of the proposed rezoning?
- 2852 (11) Could the proposed zoning allow uses that overload either existing public facilities  
2853 or those that are proposed?
- 2854 (12) Would rezoning be reasonable in light of development restrictions in wetlands on  
2855 the parcel and/or the potential for wetland or water quality impairment on or off of  
2856 the parcel?
- 2857 (13) If the proposed rezoning requires or permits the installation of septic systems on  
2858 the parcel, do the surrounding soil conditions, including the presence of wetlands,  
2859 impede effective treatment of human waste on site or transport of treated material?
- 2860 (14) Does the request conform to the McIntosh County Comprehensive Plan and Future  
2861 Development Strategy?
- 2862 (15) Does the proposed rezoning adversely affect historic resources?

2863 **Sec. 706. Conflict of Interest in Zoning Actions.**

- 2864 (1) Any government official, as defined in Georgia Law, Chapter 67A, who has a  
2865 financial interest in any real property affected by a rezoning or has a member of  
2866 the family with such an interest, shall immediately disclose the nature and extent  
2867 of such interest as required by 36-67-A O.C.G.A.
- 2868 (2) Applicants for rezoning shall file concurrent with the rezoning application, a  
2869 Disclosure Report listing all campaign contributions or gifts made to local  
2870 government officials of McIntosh County within the two years preceding the filing  
2871 of the application.
- 2872 (3) Opponents of zoning actions, who have made campaign contributions, as defined  
2873 in 36-67-A O.C.G.A. shall file a disclosure statement at least five calendar days  
2874 prior to the first public hearing. This disclosure statement shall list the local  
2875 government officials to whom campaign contributions were made totaling over  
2876 \$250 each during the previous two years.

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**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.

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- 2918 (2) To appoint a secretary who may be an officer of the governing authority or the  
2919 Planning Commission. The secretary may not vote.
- 2920 (3) Meetings shall be held at the call of the chairman and at other times the board may  
2921 determine.
- 2922 (4) Minutes shall be kept of meetings, including vote counts, and other official actions  
2923 for public record.
- 2924 (5) The chairman, or in her/his absence the acting chairman, has authority to  
2925 administer oaths and compel the attendance of witnesses by subpoena.
- 2926 (6) All meetings of the board are open to the public.
- 2927 (7) The board shall inform, in writing, all parties involved in its decisions concerning  
2928 appeals, applications, and other matters, and the reasons for the decision within  
2929 30 days.
- 2930 (8) Any person or persons jointly or severally adversely affected by a decision of the  
2931 board of zoning appeals may within 30 days of the filing of the decision in the office  
2932 of the board seek a review of such a decision pursuant to O.C.G.A. § 36-66-5.1.

2933 **(d) Powers of the Board of Appeals.**

- 2934 (1) To hear and decide appeals where an error is alleged in any order, requirement,  
2935 decision, or determination made by the Building and Zoning Administrator in the  
2936 enforcement of any section or article adopted in this Ordinance.
- 2937 (2) To hear and decide appeals on any action or ruling of the Planning Commission  
2938 pursuant to this Ordinance within 45 days after the Planning Commission has  
2939 rendered its decision. Written notice of appeal shall be filed with the Building and  
2940 Zoning Administrator. If the appeal is not filed within the 15-day period, the decision  
2941 of the Planning Commission shall be final. If the appeal is filed, the Board of  
2942 Appeals shall receive a report and recommendation thereon from the Planning  
2943 Commission and shall hold a public hearing on the appeal within 30 days.
- 2944 (3) In exercising the above powers, the Board of Appeals may reverse, affirm, or  
2945 modify the orders or requirements, and to that end shall have the powers of the  
2946 officer from whom the appeal is taken and may issue the necessary permit.
- 2947 (4) The Board of Appeals does not have the power to:
- 2948 a. Amend the zoning ordinance;
- 2949 b. Rezone land;
- 2950 c. Declare any part of this Ordinance invalid;
- 2951 d. Permit a use prohibited by the ordinance.

2952 **(e) Legal proceedings stayed.**

2953 An appeal stays all legal proceedings in furtherance of the action appealed from, unless  
2954 the Building and Zoning Administrator certifies to the Board of Appeals, after the notice of appeal  
2955 shall have been filed with him, that by reason or facts stated in the certificate a stay would, in his  
2956 opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed  
2957 otherwise than by a restraining order which may be granted by McIntosh County or by a court of  
2958 record on application, on notice to the Building and Zoning Administrator, and on due cause  
2959 shown.

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**(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.

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## 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

3013 shall be mailed such that they are received a minimum of 15 calendar days and a  
3014 maximum of 45 calendar days prior to the public hearing. The return receipts shall  
3015 be provided to the building and zoning department within one week of receipt.

3016 (5) A quasi-judicial officer, board, or agency shall provide for a hearing on each  
3017 proposed action. Notice of such hearing shall be provided at least 30 days prior to  
3018 the quasi-judicial hearing, with such notice being made as provided for in  
3019 subsection (1) of this Ordinance section and with additional notice being mailed to  
3020 the owner of the property that is the subject of the proposed action.

3021 (6) Notwithstanding any other provisions of this chapter to the contrary, when a  
3022 proposed zoning decision relates to an amendment of the zoning ordinance to  
3023 revise one or more zoning classifications or definitions relating to single-family  
3024 residential uses of property so as to authorize multifamily uses of property pursuant  
3025 to such classification or definitions, or to grant blanket permission, under certain or  
3026 all circumstances, for property owners to deviate from the existing zoning  
3027 requirements of a single-family residential zoning, such zoning decisions must be  
3028 adopted in the following manner:

3029 A. The zoning decision shall be adopted at two regular meetings of the local  
3030 government making the zoning decision, during a period of not less than 21 days  
3031 apart.

3032 B. Prior to the first meeting provided for in Sec. 804b(6)(A), at least two public  
3033 hearings shall be held on the proposed action. Such public hearings shall be held  
3034 at least three months and not more than nine months prior to the date of final action  
3035 on the zoning decision. Furthermore, at least one of the public hearings must be  
3036 held between the hours of 5:00 P.M. and 8:00 P.M. The hearings required by this  
3037 paragraph shall be in addition to any hearing required under Sec. 804b(1). The  
3038 local government shall give notice of such hearings by:

3039 1. Posting notice on each affected premises in the manner prescribed by  
3040 Sec. 804b (3); moreover, when more than 500 parcels are affected,  
3041 posting notice is required every 500 feet in the affected area.

3042 2. Publishing a newspaper of general circulation within the territorial  
3043 boundaries of the local government a notice of each hearing at least 15  
3044 days and not more than 45 days prior to the date of the hearing.

3045 3. Both the posted notice and the published notice shall include a prominent  
3046 statement that the proposed zoning decision relates to or will authorize  
3047 multifamily uses or give blanket permission to the property owner to  
3048 deviate from the zoning requirements of a single-family residential zoning  
3049 of property in classification previously relating to single-family residential  
3050 uses. The published notice shall be at least nine column inches in size and  
3051 shall not be in the classified advertising section of the newspaper. The  
3052 notice shall state that a copy of the proposed amendment is on file in the  
3053 office of the clerk or recording officer of the local government and in the  
3054 office of the clerk of the superior court of the county of the legal situs of  
3055 the local government for the purpose of examination and inspection by the  
3056 public. The local government shall furnish anyone, upon written request, a  
3057 copy of the proposed amendment, at no cost.

3058 4. The provisions of Sec. 804b(6) shall also apply to any zoning decisions  
3059 that provide for the abolition of all single-family residential zoning  
3060 classifications within the territorial boundaries of a local government or  
3061 zoning decisions that result in the rezoning of all property zoned for single-  
3062 family residential uses within the territorial boundaries of a local  
3063 government to multifamily residential uses of property.

3064 5. This subsection shall not apply to zoning decisions for the rezoning of  
3065 property from a single-family residential use of property to a multifamily  
3066 residential use of property when the rezoning is initiated by the owner or  
3067 authorized agent of the owner of such property.

3068 6. Posting of property associated with an amendment to the official zoning  
3069 map initiated by McIntosh County shall not be required.

3070 (7) Any site map required by this ordinance shall be made available for public review  
3071 not less than 15 days prior to the date of the public hearing. Such site map will be  
3072 available for public review at the office of the Building and Zoning Administrator  
3073 during regular business hours.

3074 (8) No official action shall be taken on the proposed amendment by McIntosh County  
3075 Planning Commission or Board of Commissioners until the required public  
3076 hearing(s) has been conducted.

3077 (9) All hearings of any quasi-judicial officer, board or agency and the county  
3078 commission shall be open to the public and shall comply with the Georgia Open  
3079 Meetings Act.

3080 **(c) Procedures for conducting a public hearing.**

3081 (1) All public hearings on zoning amendments shall be chaired by either the Chairman  
3082 of the Planning Commission or the County Commission Chairman or their  
3083 designees.

3084 (2) A secretary shall record the proceedings of the public hearing. If requested by any  
3085 party, verbatim transcripts of the public hearing can be prepared, only if requested  
3086 and purchased in advance by the requesting party.

3087 (3) The record of the public hearing and all evidence submitted at the public hearing  
3088 shall be recorded as such and become a permanent part of the particular zoning  
3089 amendment's file.

3090 (4) The official zoning map and the McIntosh County Comprehensive Plan shall be  
3091 available at the public hearing for reference by the Planning Commission.

3092 (5) Copies of this Article of this Ordinance shall be available upon request by the public  
3093 at each public hearing.

3094 (6) The Chairman of the Planning Commission or County Commission Chairman shall  
3095 preside at the public hearing and shall identify speakers, maintain order, and  
3096 conduct the public hearing.

3097 (7) Any analysis submitted by an applicant shall be presented by the applicant or their  
3098 agent at the public hearing. The Building and Zoning Administrator shall then  
3099 present their report, including a recommendation concerning the proposed zoning  
3100 decision, and any other information related to the zoning decision.

3101 (8) Any party may appear at the public hearing in person, by agent, or by an attorney-  
3102 at-law.

3103 (7) The process to be followed in conducting these hearings shall be as follows:

3104 a. The presiding officer shall state the specific zoning amendment being  
3105 considered at the public hearing.

3106 b. The presiding officer shall recognize the individual parties wishing to testify  
3107 or present evidence and allow them to present this information.

3108 c. Individuals wishing to speak for or against an application shall enter their  
3109 name and address on a sign-in sheet provided by the quasi-judicial officer,

3110 board or agency, secretary, or city clerk, as appropriate, prior to the  
3111 opening of the hearing, indicating whether they are proponents speaking  
3112 for or opponents speaking against the application. The applicant for the  
3113 zoning decision shall speak first. Other parties in support of the application  
3114 may then speak, followed by those opposed to the application. The  
3115 applicant may then be allowed a rebuttal opportunity, provided time  
3116 remains and the applicant has reserved such rebuttal time. Proponents,  
3117 including the applicant, shall be given a minimum of ten minutes and a  
3118 maximum of 20 minutes to present information concerning the application  
3119 and may choose to reserve a portion of that time for rebuttal. Rebuttals  
3120 must be limited to topics and issues raised at the hearing by opponents of  
3121 the applications. Opponents of the application shall also be given a  
3122 minimum of ten minutes and a maximum of 20 minutes to present  
3123 information. These minimum and maximum timeframes shall apply to each  
3124 side and not to individuals wishing to speak. The presiding officer may  
3125 grant additional time, provided an equal amount of time is granted to both  
3126 proponents and opponents.

3127 d. All speakers shall limit remarks to data, evidence, and opinions relevant to  
3128 the application being considered. Speakers shall address all remarks to  
3129 the presiding officer. Quasi-judicial officers, board or agency members or  
3130 county commission members may ask questions of the applicant at any  
3131 time. Time devoted to questions and answers shall not affect any time  
3132 limitations imposed on presentation.

3133 e. Once all parties have concluded their testimony, the presiding officer shall  
3134 adjourn the public hearing. Hearings may be continued from time to time  
3135 and, if the time and place of the continued hearing be publicly announced  
3136 at the time of the adjournment no further notice of such continued hearings  
3137 shall be required; otherwise, notice thereof shall be given, as in the case  
3138 of the original hearing.

3139 (8). An application for a rehearing may be made in the same manner as provided for  
3140 an original hearing.

3141 (9) The Planning Commission shall reach a decision following a public hearing within  
3142 a reasonable period of time; however, said period shall not exceed 45 days.

3143 (10) Printed copies of these procedures shall be available for distribution to the public  
3144 at the public hearing and available for public review on or before the date of the  
3145 public notice announce the public hearing at the building and zoning department.

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## **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.