

STATE OF GEORGIA  
EFFINGHAM COUNTY

AMENDMENT TO ARTICLE II and III  
OF THE EFFINGHAM COUNTY ZONING ORDINANCE

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

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

New **subsections 2.72A and 2.72B** are inserted in **Article II Definitions**, as follows:

**2.72A Shipping Container.** A receptacle designed for intermodal transport of cargo aboard ship, truck trailer, or rail car, and which exhibits features designed to facilitate the movement of containerized cargo, including but not limited to corner fittings for pins, design for stacking, size dimensions of eight (8) feet wide by eight (8) or ten (10) feet high by twenty (20), thirty-five (35), or forty (40) feet in length, and which is otherwise designed and constructed in conformance with standards for shipping containers as set forth by the International Standards Organization.

**2.72B Shipping Container Facility.** A facility that provides storage for shipping containers awaiting transport or next use.

The text of **section 3.3 Accessory Structures in residential districts** is deleted in its entirety and replaced with the following:

**3.3 - Accessory structures in residential districts.**

**3.3.1 Accessory structures in the AR-1, AR-2, R and PD-R residential districts** may be erected within a side or rear yard, provided they conform to the following:

- A. Maximum Height: one and a half (1.5) story or fifteen (15) feet above finished grade in the R and PD-R districts; thirty-five (35) feet in AR-1 and AR-2 districts.
- B. An accessory structure shall not be less than five (5) feet from the rear property line and not less than five (5) feet from interior side setback lines.
- C. An accessory structure shall not be less than ten (10) feet from a principal structure.
- D. Not more than two accessory structures, including a detached garage, shall be located in any R or PD-R district, on one lot.

**3.3.2 Accessory structures in the AR-1 and AR-2 agricultural residential districts** may be placed in the front yard where the property is at least five (5) acres and not in a platted subdivision. All structures on the property must comply with the front setback requirements for a principal structure.

- A. Accessory structures shall not be erected on a lot prior to construction of a principal structure, except for agricultural purpose storage buildings in the AR-1 zoning district, where the property is at least five (5) acres, and not in a platted subdivision.
- B. Accessory structures in the R, PD-R, and AR zoning districts may not be used for any type of commercial operation, except as provided for in section 3.15A and 3.15B.
- C. An accessory structure shall not be used as a dwelling unit.

3.3.3. A shipping container may be utilized as an accessory building in an AR-1 and AR-2 zoning districts, provided it shall conform to the following:

- A. Containers shall be painted in solid neutral colors. No writing or advertising of any kind shall be permitted.
- B. Containers shall meet the required side and rear yard setback requirements for an accessory structure, and shall be placed no nearer than 10 feet from a primary structure.
- C. Containers shall not be placed in the front yard.
- D. Containers shall not be stacked above the height of a single container.
- E. Containers shall be subject to lot coverage requirements.
- F. Containers shall only be placed on AR-1 and AR-2 lots that meet the minimum lot size for the district.
- G. The number of shipping containers on AR-1 and AR-2 lots shall be limited to one (1) container per acre of land, to a maximum of five (5) containers on a parcel.
- H. No electricity or plumbing shall be connected to a shipping container.
- I. Ventilation is not required.
- J. No hazardous materials may be stored in a shipping container.
- K. Shipping containers shall be secured from entry by children and the general public when not attended.
- L. Shipping containers used for storage of equipment and supplies, and associated with an approved building construction project, shall be permitted to remain on site until the approval of the project's final building inspection, or expiration of the building permit, whichever is less.

The text of section 5.12 I-1 Industrial Districts is deleted in its entirety and replaced with the following:

5.12 - I-1 Industrial districts.

*5.12.1 LI-Light industrial permitted uses.*

All commercial uses are allowed in the I district.

The following uses shall be permitted in the Light Industrial district, provided that such uses meet all the requirements of this section and all other provisions established in this Code.

- 1. Assembly or fabrication of previously manufactured parts:
  - a. Apparel and other textile products;
  - b. Electronic and other electric equipment, electrical generator and distribution equipment;
  - c. Fabric samples;

- d. Furniture and fixtures;
  - e. Industrial machinery and equipment;
  - f. Instruments and related products;
  - g. Lumber and wood products, excluding the processing of material for the production of paper and allied products;
  - h. Metal products;
  - i. Plastic and rubber products;
  - j. Transportation equipment.
2. Boat sales and repairs.
  3. Automotive sales and repairs.
  4. Automotive storage, excluding junk yards.
  5. Florist—retail and wholesale.
  6. Laboratories.
  7. Manufacturing (light) of, including but not limited to the following:
    - a. Bakery products;
    - b. Beverages, including alcoholic beverages;
    - c. Communication equipment;
    - d. Computer and office equipment;
    - e. Electrical lighting and wiring equipment;
    - f. Electronic equipment;
    - g. Fabricated metals, excluding use of blast furnaces and drop forges;
    - h. Grain mill products;
    - i. Audio and visual equipment;
    - j. Appliances;
    - k. Ice;
    - l. Meat products, excluding slaughtering, dressing, and rendering;
    - m. Medical instruments and supplies;
    - n. Pharmaceutical products;
    - o. Biodiesel in an enclosed system.
  8. Offices.
  9. Printing and publishing.
  10. Recycling centers.
  11. Repair of any goods, equipment, and vehicles of which the manufacture, assembly or sales are permitted in this district.
  12. Research facilities.
  13. Vocational schools.
  14. Utility operations centers.
  15. Ready-mix concrete facilities.

*5.12.1A HI-Heavy industrial permitted uses.*

Heavy Industrial uses must meet the required buffer standards.

1. Manufacturing (heavy) of:
  - a. Aerospace vehicles and parts
  - b. Automobiles and parts
  - c. Paper
  - d. Lumber
  - e. Concrete pipe
  - f. Asphalt
  - g. Boats
  - h. Grain mill products
  - i. Sugar
  - j. Wood chips
  - k. Ethanol
  - l. Chemicals
  - m. Plastics
2. Energy plant
3. Reserved.
4. Railroad switchyards
5. Metal plating
6. Metal smelting
7. Recycling centers
8. Warehousing

*Buffers.* Buffers for the industrial district shall meet the following minimum guidelines from the adjacent property line:

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

Commercial, Institutional**	30 feet	30 feet	20 feet	15 feet	50 feet	150 feet
Light Industrial**	300 feet	150 feet	300 feet	50 feet	25 feet	25 feet
Heavy Industrial**	300 feet	300 feet	300 feet	150 feet	25 feet	25 feet

For projects that meet two out of the three non-metropolitan thresholds for DRI review the required buffer screening may be lessened to allow for architectural views upon approval of the zoning official.

Please see buffer ordinance for required plantings

**5.12.1B HI-Heavy industrial conditional uses.**

The following uses may be permitted on a conditional basis upon approval of the board of commissioners after review by the planning board.

1. *Junkyards.*
2. *Shipping Container Facility*, as provided in Article III, Section 3.16A.

The board of commissioners and planning board in reviewing the conditional use application, may consider the following factors:

- a. The effect the proposed activity will have on traffic flow along adjoining streets;
- b. Ingress and egress to the property;
- c. The number, size and types of signs proposed for the site;
- d. The amount and location of open space;
- e. Protective screening, either natural vegetation and/or berms, and fencing, to screen the use from public view;
- f. Hours and manner of operation;
- g. Outdoor lighting;
- h. Compatibility with surrounding land use; and,
- i. The effect of noise, dust, debris or other external impacts of the use on the surrounding uses.

**5.12.2** All proposed uses not listed within section 5.12.1 are subject to review by the planning board and approval by the board of commissioners in accordance with the following procedures:

**5.12.2.1 Submission of plans.** The owner of a tract of land zoned or permitted by conditional use for industrial use shall submit to the planning board and board of commissioners for its review a site plan for the use and development of such tract of land. It shall then be the duty of the planning board and board of commissioners to investigate and ascertain whether the proposed activity complies with all the provisions of this chapter which pertain to section 3.16A or I (Industrial) districts. The board of commissioners may determine that a proposed activity is similar to those uses listed within section 5.12.1 or that the use is not similar. If the proposed activity is considered to be a similar use, said activity may be permitted by right. If the proposed activity is not similar to those uses listed within section 5.1.11, the use shall be subject to the approval of the county commission after review and recommendation by the planning board, subject to such conditions deemed necessary and appropriate by the board of commissioners to protect the public health, safety, and welfare of the citizens of Effingham County and to promote the purposes of this chapter. The planning board and board of commissioners may employ experts in specific fields as needed, and as funds are available, to determine whether a proposed use meets the required performance standards.

*5.12.2.2 Submission requirements.* Design and operation site plans shall be submitted to the zoning official and consist of at least the following:

1. Name, address, and telephone number of petitioner, architect, surveyor, engineer or designer.
2. Names and addresses of all property owners of the site.
3. Zoning district classification of adjoining land.
4. Site plan to include the following:
  - a. Location and dimensions of existing and/or proposed structures with the type of usage designated.
  - b. Proposed and existing access and egress.
  - c. Proposed and existing right-of-ways.
  - d. Proposed and existing easements.
  - e. Proposed and existing water, sewer, and storm-water facilities.
  - f. Proposed and existing buffers.
  - g. Setbacks.
  - h. Streams, lakes, and jurisdictional wetland areas.
  - i. Proposed waste treatment/handling facilities.
  - j. Proposed parking.
  - k. Proposed outdoor lighting and signage.
  - l. Proposed hours of operation.
  - m. Traffic study.
  - n. Where the noise generated by the proposed development is expected to exceed 55 dB(A) at any point along the property line, the developer shall provide a detailed proposal for noise-reduction measures and shall depict said improvements on all site plans.
- o. A dust and debris mitigation plan to keep the roads clean.
5. Written report outlining the industrial operation, schedule of development, and listing the toxic and/or hazardous materials regulated by local, state, or federal regulations, including disposal/handling plans of said materials.

*5.12.3 Referral and authorization.* A written report of its findings shall be furnished by the planning board to the county commissioners. The planning board may suggest disapproval, recommend the plan as submitted, or may modify, alter, adjust, or amend the plan before recommendation, and in recommending it, may propose the prescribing of other conditions. The report of the planning board to the county commission shall include a finding as to whether the proposed use is consistent with the provisions and requirements of the zoning ordinance. If the county commissioners find that the proposed use is consistent with the purpose of the zoning ordinance to promote the public health, safety, and general welfare, it may approve the rezoning.

*5.12.4 Performance standards.* All industrial permitted and conditional uses must conform to the following performance standards:

*5.12.4.1 Smoke.* The emission from any air contaminant source the opacity of which is equal to or greater than 40 percent shall not be permitted. Furthermore, from fuel-burning equipment, visible emissions the opacity of which is equal to or greater than 20 percent, except for one six-minute period per hour of not more than 27 percent opacity, shall not be permitted. Any operation, process, handling, transportation, or storage facility which may result in fugitive dust shall take all reasonable precautions to prevent such dust from becoming airborne. The percent opacity from any fugitive dust source shall not equal or exceed 20 percent. "Opacity" means the degree to which emissions reduce the transmission of light and obscure the view of an object in the background, and is expressed in terms of percent opacity. The measurement of percent opacity does not include the measurement of the obscuration of view due to uncombined water

droplets. Any determination of the percent opacity shall be made by the arithmetic average of six minutes of data.

Any visual observation or determination of opacity taken for the purpose of determining compliance with any requirement of this standard shall be made by personnel certified according to procedures established for such certification by the Georgia EPD or by US EPA to make such observation or determination.

*5.12.4.2 Odor.* Any process which may involve the creation or emission of any odors shall be provided with a secondary safeguard system, so that control will be maintained if the primary safeguard system should fail. There is hereby established as a guide in determining such quantities of offensive odors Table 3 (Odor Thresholds) in Chapter 5, Air Pollution Abatement Manual, copyright 1951, by Manufacturing Chemists Association, Inc., Washington, D.C. Where said publication gives range of figures a simple average of these shall be used.

*5.12.4.3 Toxic gases.* The emission of gases or fumes injurious to persons or property beyond the lot lines occupied by the use is prohibited.

*5.12.4.4 Glare and heat.* Glare and heat from arc welding, acetylene torch cutting, or similar processes shall be performed so as not to produce glare which is visible, or objectionable heat beyond the property line of the lot on which the operation is located. Direct glare from incandescent exposed lights shall not be visible from adjoining streets or properties. All lighting shall be downward facing and shielded.

*5.12.4.5 Wastewater.* No discharge is permitted at any point in any private sewage disposal system or stream or into the ground of any materials in such a way or of such nature or temperature as could contaminate any water supply, or otherwise cause the emission of dangerous objectionable elements, except in accordance with the standards as approved by water pollution control boards of appropriate agencies of the state department of natural resources.

Furthermore, no accumulation of solid wastes conducive to the breeding of rodents or insects shall be permitted.

*5.12.4.6 Storage of toxic or hazardous wastes, chemicals, and materials.* Any applicant who intends to store, handle, or transport toxic or hazardous waste, chemicals, or materials shall submit to the county fire marshal a listing of all compounds and contents to be contained on the proposed site. Upon approval by the county fire marshal that the use, transport, and storage of said materials meets the federal and state guidelines, the applicant shall be issued a permit authorizing such secured storage. Disposal of toxic or hazardous wastes, chemicals, and materials is prohibited.

*5.12.4.7 Vibration.* Any use creating intense earthshaking vibration shall be set back as far as possible from the lot lines on all sides, and in no case shall any such vibration be perceptible along any lot line.

*5.12.4.8 Buffer/screening.* Please refer to section 3.4 buffers ~~ordinance~~.

*5.12.5 Uses prohibited.*

1. Residential subdivisions
2. Single-family residences
3. Churches
4. Single-family dwellings
5. Multifamily dwellings
6. Childcare centers (a childcare center may be allowed as a conditional use to make childcare available to the employees of an industrial site).

*5.12.6 Reserved.*

A new section 3.16A is inserted in Article III, as follows:

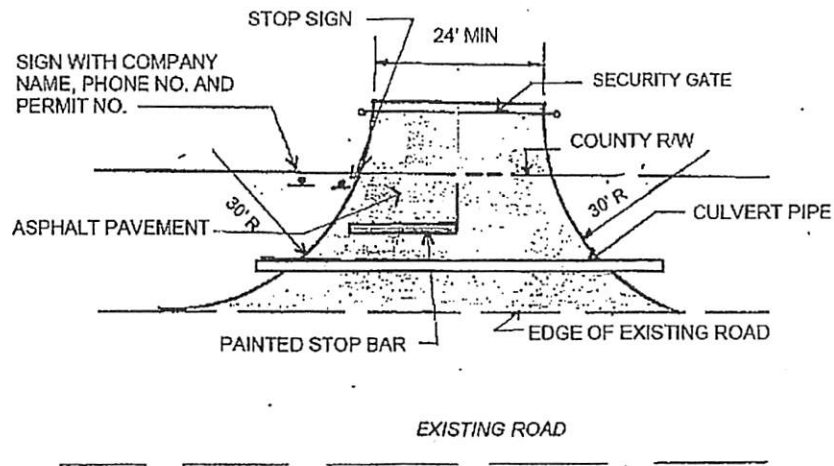
### 3.16A – Shipping Container Facility.

1. Buffers. A Shipping Container Facility shall be subject to the buffer requirements for Heavy Industrial uses pursuant to Section 3.4 Buffers. A variance to the buffer requirements may be requested, according to the following:
  - a. The width of the vegetative buffer required in HI-Heavy Industrial may be reduced six (6) feet for every one (1) feet of berm height.
2. Facility Operation Limitations. All repairs, with the exception of general maintenance and minor repairs, shall only occur within an enclosed building.
3. Signs. All signage shall meet the requirements for signs in industrial districts per Part II, Chapter 62-Signs, Article III, Section 3.38 Signs.
4. Parking and access. Parking and access for customers and employees must be provided on-site, pursuant to Section 3.30 Off-street access control and parking.
5. Hours of Operation. Days and hours of operation requiring access by customers and/or clients shall be Monday through Saturday, daylight hours only, except in cases of emergencies, natural disasters, or required maintenance.
6. Uses permitted. Shipping Container Storage, including offices related to the business operations.
7. Uses not permitted: Any use which is ineligible for state or local permits, or an Effingham County Occupational Tax License.
8. Performance Standards. Shipping Container Storage Facilities are subject to Section 5.12.4 Performance Standards.
9. Approval. A Shipping Container Facility conditional use application shall be submitted for review by the Planning Board and approval by the Board of Commissioners.
10. Transportation network and Road Impacts.
  - a. A Traffic Impact Study shall be required, pursuant to the Effingham County Traffic Impact Study Requirements.
  - b. All vehicles entering and exiting the site are subject to Section 74-8 Designated Truck Routes.
  - c. The property on which the Shipping Container Facility is proposed must have frontage on a paved roads built to county or GDOT standards.
  - d. No shipping container facility operators or transportation partners, customers, etc., shall damage any portion of a county road or right-of-way or cause a road to become impassable or unsafe to normal passenger traffic.
11. Minimum requirements for operating a Shipping Container Facility using a county road access:
  - a. Entrance drive/road into shipping container facility property is to be paved from edge of existing road to county right-of-way or to radius point. Pavement is to be at minimum 8" thick graded aggregate base course with 3" thick asphalt surface course.
  - b. Pavement section is to be twenty-four (24) foot minimum width at County right-of-way, with a thirty (30) foot radius on each side.
  - c. Figure 1 of this section illustrates the shipping container facility entrance road requirements.
  - d. A driveway culvert is to be installed if the right-of-way contains a roadside ditch or drainage swale, to allow for the continuation of drainage control along the right-of-way
  - e. The shipping container facility operator must install a sign facing the county road. The sign shall include the following information:
    - i. Operator/company name
    - ii. Operator/company phone number



- f. "Trucks Entering Road" signs are also to be installed at locations to be determined by the county engineer. A "Stop" sign is to be placed in the right-of-way to control trucks entering a county road from the shipping container facility.

Figure 1 Shipping Container Facility Entrance Road Requirements



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

This 3<sup>rd</sup> day of January, 2023

BOARD OF COMMISSIONERS,  
EFFINGHAM COUNTY, GEORGIA

BY: Wesley M. Cobb  
CHAIRMAN

ATTEST:  
S. Johnson  
STEPHANIE JOHNSON  
EFFINGHAM COUNTY CLERK

FIRST READING 12/06/2022

SECOND READING 01/03/2023