

**ARTICLE 6  
GENERAL DEVELOPMENT REGULATIONS**

- Sec. 6.1      Generally
- Sec. 6.2      General Use Requirements
- Sec. 6.3      General Dimensional Requirements
- Sec. 6.4      Buffers and Screening
- Sec. 6.5      Off-street Parking
- Sec. 6.6      Access to Service Areas

**SECTION 6.1      GENERALLY**

Hancock County hereby adopts common standards and rules by which land uses may be established or altered within the municipal limits of the County. The provisions of this Article govern the manner in which permitted land uses may be located on property within Hancock County, and provide the standard provisions that must be incorporated into proposed development activities in order to ensure that new or modified developments adhere to, or exceed, the County's basic rules for facilitating growth that is functionally compatible with local infrastructure, and aesthetically compatible with the County's districts and neighborhoods.

**SECTION 6.2      GENERAL USE REQUIREMENTS**

*Section 6.2.1      Use of Land*

No land shall hereafter be used, occupied, or altered except in full compliance with the provisions of this Land Development Code, unless specifically provided otherwise by this Code.

No use or activity shall hereafter be established, re-established, located, extended, or expanded except in full compliance with the provisions of this Land Development Code, unless specifically provided by this Code.

No building or structure or part thereof shall herein after be located, relocated, occupied or used, extended, converted, or structurally altered except in full compliance with the provisions of this Land Development Code, unless specifically provided otherwise by this Code.

*Section 6.2.2      Use Upon a Lot of Record*

No building or structure shall be erected, or use established, unless upon a lot of record as defined by this Land Development Code, unless specifically provided otherwise in this Code.

*Section 6.2.3      One Single-family Dwelling Unit Per Lot of Record*

Only one (1) detached single-family dwelling unit, one (1) single-family attached dwelling, one (1) two-family dwelling, or manufactured home, under fee-simple ownership shall be permitted on a single lot of record. This Section shall not be construed to prevent the location of more than one (1) non-residential building on a single lot of record, where permitted.

**SECTION 6.3      GENERAL DIMENSIONAL REQUIREMENTS**

Basic dimensional requirements for land uses are established in Article 4 (Zoning District Regulations) of this Code for broad application to property in Hancock County. Reliance on a single tabular set of dimensional requirements however provides little clarity to their method of interpretation and application in individual scenarios. The dimensional requirements in this Section supplement those standards provided in Article 4, and shall prevail and apply where an inconsistency exists. Adherence to the provisions of this Section shall not be construed to permit the creation of lot or parcels, or development thereon of such property, in any manner that is inconsistent with the subdivision and land development requirements established in Article \_\_\_\_ (Subdivision and Land Development Requirements) of this Code.

## Article 6, General Development Regulations Hancock County, GA, Land Development Code

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### *Section 6.3.1 Height*

No building or structure shall hereafter be erected or altered so as to exceed the height limits established for the zoning district in which the building or structure is located; or any alternative height limits established for a specific building, structure, or use in Article 5 (Supplemental Uses Regulations,) or any other provision in this Code.

### *Section 6.3.2 Exemptions from Height Restrictions*

The following buildings and structures or parts thereof are hereby exempt from the height limitations as set forth in the zoning districts:

1. Agricultural buildings such as barns, silos, windmills, grain elevators and other farm structures, but not including dwellings.
2. Cooling towers, gas holders, or other industrial structures where required by an allowed manufacturing process.
3. Church spires, belfries, cupola, domes, monuments, observation towers (provided they are not used for human occupancy), transmission towers, water towers, windmills, chimneys, conveyors, flagpoles, parapet walls (provided they do not exceed four (4) feet above the roofline of a building), radio towers and aerials. This exemption does not apply to towers and wireless telecommunications facilities which shall be subject to the applicable provisions of Article 5 (Supplemental Use Requirements) of this Code.

### *Section 6.3.3 Lot Size and Density*

No lot shall hereafter be developed with a number of housing units that exceeds the residential density for the zoning district (or if applicable and controlling, the overlay zoning district or special zoning district) in which the lot is located as established by this Code.

No lot shall hereafter be platted, established, or developed unless it meets or exceeds the minimum lot size for the zoning district (or if applicable and controlling, for the overlay zoning district or special zoning district) in which the lot is located as established by this Code, provided, however, that where an overlay zoning district or a special zoning district allows the reduction of a lot size, or adjustment of density requirements for the applicable zoning district, than the overlay zoning district or special zoning district standards shall apply.

No lot shall hereafter be platted, established, or developed that fails to meet the minimum lot width for the zoning district (or if applicable and controlling, the overlay zoning district or special zoning district) in which the lot is located as established by this Code, except as otherwise specifically provided.

All lot sizes specified in this Ordinance shall be subject to the requirements of the Health Department.

### *Section 6.3.4 Land Area of a Lot*

The minimum lot size requirements for property in each zoning district is based on the land area of a lot, including those lands that may be periodically or seasonally inundated by water such as floodplains and wetlands. Open areas of water such as a lake or pond, or portion thereof, shall not be used to calculate a property's minimum required lot area. For purposes of this provision, detention or retention areas and ponds developed as part of residential subdivision shall be considered a lake or pond and shall not be used to calculate the square footage of individual lots proposed to be subdivided, whether or not the detention or retention area retains water on a permanent basis.

### *Section 6.3.5 Street Frontage*

No lot shall hereafter be platted, established, or developed that fails to maintain the minimum road frontage on a public street as established in Article 4; provided, however, that fee simple lots for attached residential dwelling units (i.e. townhouses) may be platted to lot widths and with street frontages specified for such uses in the Hancock County Land Development Code.

The street frontage requirement of the Hancock County Land Development Code shall not inhibit access to a building, structure, or activity by means of an access easement, if the lot on which it is located meets the minimum required street frontage and the use accessing the easement is permitted in the zoning district in which the lot is located.

## Article 6, General Development Regulations Hancock County, GA, Land Development Code

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### *Section 6.3.6 Yards and Building Setbacks*

No lot shall hereafter be developed, and no building or structure shall hereafter be erected or altered in a manner to have narrower or smaller rear yards, front yards, or side yards than specified and required for the zoning district in which the property is located.

### *Section 6.3.7 Building Coverage*

No lot shall hereafter be developed, and no building or structure shall hereafter be erected or altered in any manner that exceeds the maximum building coverage or impervious surface area coverage specified for the zoning district in which it is located.

### *Section 6.3.8 Intersection Visibility and Corner Setback*

In all Zoning Districts, except on corners where a traffic light or a 4-way stop is existing and operating 24 hours daily, no solid construction, hedge, bushes, or other obstruction to a clear view which extends over three (3) feet in height shall be permitted at any corner of intersecting streets where either or both of the streets are less than sixty (60) feet in width. Exceptions shall be made for utility poles, lighting standards, traffic and street signs and trees, the branches of which are kept trimmed to a height of eight (8) feet above the street level. Nonconforming buildings shall be exempted from this provision.

## **SECTION 6.4 BUFFERS AND SCREENING**

The Hancock County Land Development Code hereby establishes basic landscaping requirements to enhance the aesthetic, economic, and environmental value of property subject to, or potentially impacted by, development activity. To assist in facilitating beneficial development activity in Hancock County, property shall be subject to the provisions of this Section. The Board of Commissioners may impose special landscaping and buffer requirements as it deems necessary to screen the proposed use(s) from neighboring properties.

### *Section 6.4.1 Buffer Requirements*

Where required within this Code, buffers shall be established exclusively within the lot, parcel or tract, upon which the triggering activity and corresponding development is located. Required buffers shall not be located on another lot, or in a manner on the affected property that is not clearly associated with the intent to mitigate the impact of a specific building, structure or use.

Buffers may be of solid material or vegetative material, dependent upon the requirements as defined in Article 5 (Supplemental Use Regulations). No certificate of compliance shall be issued for development whereby required buffers have been installed that contain vegetative material when another material was required, or are of spatial dimensions, that are less than those that are specified, within a specific provision of this Code.

A buffer area, 30 feet from the property line of the affecting property, shall be established and maintained on all property zoned C-1, C-2, and C-O, where abutting all residential districts.

A buffer area, 100 feet from the property line of the affecting property, shall be established and maintained on all property zoned I-1 and I-2, where abutting all residential districts.

A buffer area shall not be used for parking or a structure other a fence. However, a Buffer Area may be used for vehicular access and utility easements only if these uses are positioned perpendicular to the greater distance of the Buffer Area.

Except as provided above, the natural topography of the land shall be preserved and natural growth shall not be disturbed beyond the removal of diseased, dangerous and decayed timbers.

### *Section 6.4.2 Screening of Commercial Service Areas and Rooftop Equipment*

Service areas, including loading areas, loading entrances, dumpster pads, sites for trash or recycling containers, and heating, ventilation, and air conditioning equipment (whether on the ground or on the roof of a building) shall be screened from the view of adjoining properties, public streets, parking areas, and other areas open to the public. Such screening, may be structural or vegetative or a combination of both, is subject to the approval of the Planning and Zoning Administrator, and where applicable shall meet the specific requirements of Article \_\_\_\_ (Subdivision and Land Development Regulations.)

## Article 6, General Development Regulations Hancock County, GA, Land Development Code

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Rooftop mechanical and electrical equipment, including but not limited to elements of a building's heating and air conditioning system, shall be screened from public view by building elements that are designed as an integral part of the building architecture, or by a parapet wall.

### **SECTION 6.5 OFF-STREET PARKING**

Unless specifically provided elsewhere in this Code, at the time of the establishment of any use, or erection of any building, or at the time any principal building is enlarged or increased in capacity by adding dwelling units, guest rooms, seats or floor area, there shall be provided permanent off-street parking spaces incorporating surface materials and other improvements as specified in this Section.

#### *Section 6.5.1 Off-Street Parking Area on Same Site as Use it Serves*

All parking areas containing spaces required by this Section, and for all additional parking provided in excess of this Section, for all uses shall be located on the same lot as the use for which such parking is intended, except as specifically provided otherwise in another Section of this Code.

#### *Section 6.5.2 Parking Area Use Limitations*

##### *Section 6.5.2.1 Limited Use*

Areas provided to meet the minimum parking requirements of this Section as to handicapped and other parking spaces, along with aisles and driveways necessary to provide access to those spaces, shall not be used for any purpose other than the temporary parking of on-site vehicles for the present on-site use or uses. Specifically, no such parking area may be used for the sale, repair, dismantling or servicing of any vehicles, equipment, materials, or supplies.

##### *Section 6.5.2.2 Temporary Structures*

Hancock County may allow temporary parking arrangements on a property that serve and are in conjunction with a temporary use established and approved in accordance with the provisions of Section 5.3 (Temporary Uses and Structures) of this Code, and provided that any such arrangement and associated structures are removed from the site at the conclusion of the activity.

#### *Section 6.5.3 Joint Parking Area*

Two (2) or more neighboring uses, of the same or different types may provide joint parking area, provided that:

1. The number of off-street parking spaces are not less than the sum of the individual requirements
2. All sites must have access to the parking area and no barriers preventing access to the other sites may be erected
3. The terms of agreement for access and maintenance between all involved sites must be in a signed and notarized document, signed by all parties and presented at the time of development application.

#### *Section 6.5.4 Design Requirements*

##### *Section 6.5.4.1 Paving*

Parking lots intended to provide for off-street parking spaces required by the Hancock County Land Development Code shall be improved and maintained utilizing any of the following paving materials and standards:

- Concrete Interlocking Paver System (sand base)
- Concrete Design Blocks (sand base)
- Brick Pavers (flexible/rigid base)
- Granite Setts (on six (6) inch sand base)
- Cut Stone (on flexible/ridged base)
- Exposed Aggregate in Concrete Base
- Four (4) inch Stabilized Aggregate Base Plus One (1) inch Hot Laid Asphaltic Concrete Binder
- Bituminous Surfacing – Double Treatment
- Concrete (minimum four (4) inches 3,000 lbs. mix)
- Asphalt (minimum four (4) inches)

Article 6, General Development Regulations  
Hancock County, GA, Land Development Code

*Section 6.5.4.2 Curb and Gutter*

Curb and gutter shall be constructed along and border those portions of parking areas abutting the public street right-of-way, and including driveway throats providing access to and from the site from the street. Consistent with Subsection 6.5.4.8, wheel stops shall be provided where parking spaces abut and face the edge of a parking area where a curb and gutter edge treatment has not been provided.

*Section 6.5.4.3 Grading*

Proper grading to eliminate sheet flow of drainage water onto sidewalks, public rights-of-way, and abutting properties shall be designed and constructed. Provisions may be necessary for on-site collection and storage of drainage water.

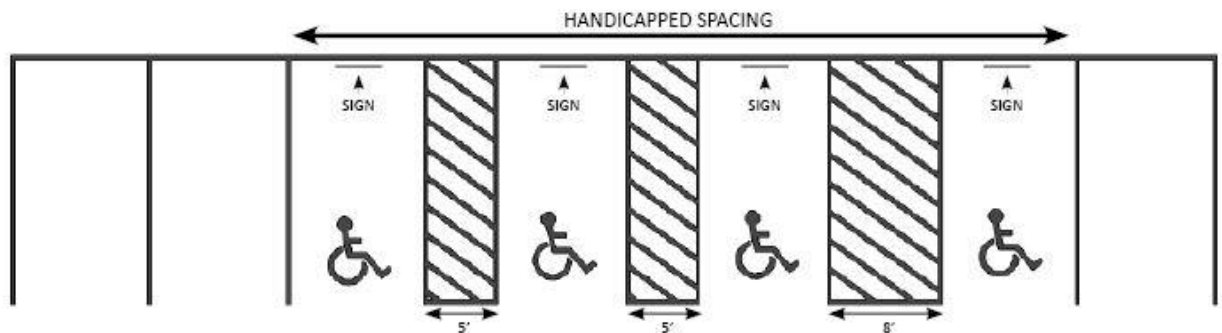
*Section 6.5.4.4 Parking Space Dimensions, Standard*

Every parking space shall provide a usable rectangular area at least 9 feet wide by 18 feet long, excluding access aisles.

*Section 6.5.4.5 Parking Space Dimensions, Handicapped*

All handicapped parking shall comply with the requirements of the federal Americans with Disabilities Act (ADA.) Handicapped parking spaces shall be clearly demarcated, and shall be designated as reserved by a sign showing the symbol of accessibility, per applicable state law requirements. Such signs shall be located so that they cannot be obscured by a vehicle parked in that space. Each handicapped space shall be served by at least one (1) adjacent aisle five (5) feet wide to facilitate access to the motor vehicle. (See Figure 6-1)

Figure 6-1: Handicapped Spacing



*Section 6.5.4.6 Interior Driveways*

There shall be provided adequate interior driveways to connect each parking space with a public right-of-way. Interior driveways shall be at least twenty-two (22') feet wide where used with ninety (90°) degree angle parking, at least twelve (12') feet wide where used with sixty (60°) degree angle parking, at least twelve (12') feet wide where used with forty-five (45°) degree parking, and at least twelve (12') feet wide where used with parallel parking, or where there is no parking, interior driveways shall be at least ten (10') feet wide for one-way traffic movement and at least twenty (20') wide for two-way traffic movement.

*Section 6.5.4.7 Minimum Dimensions of Access Aisles*

Access aisles in parking lots must be at least thirty (30) feet wide for two (2) way traffic and sixteen (16) feet wide for one-way traffic. One-way traffic must be clearly marked with directional arrows on the pavement at each intersection with another aisle.

*Section 6.5.4.8 Markings and Wheel Stops*

Clear and permanent markings shall be provided to define individual parking spaces, drive aisles, drive lanes, and intersections in accordance with specifications approved by the Planning and Zoning Administrator. Markings shall not be required of spaces used exclusively for the demonstration of inventory associated with motor vehicle rental or sales. Wheel stops shall be provided in all parking facilities that do not already have curbing for all spaces abutting property lines, buildings, and landscaping. No vehicle shall overhang a public right-of-way. Wheel stops shall be a minimum of four (4) inches in height and width and six (6) feet in length. They shall be firmly attached to the ground and so constructed as to withstand normal wear.

Article 6, General Development Regulations  
Hancock County, GA, Land Development Code

Section 6.5.5 Off-Street Parking Requirements

Unless specifically provided otherwise in the Hancock County Land Development Code, on each lot where a building, structure, or use exists, each site shall be designed to provide and shall provide for a minimum number of off-street parking spaces as provided in Tables 6.1, and handicapped-accessible off-street parking spaces as specified in Table 6.2.

Section 6.5.5.1 Parking Space Requirements, Standard

Standard off-street parking spaces shall be provided for each new, or expanding land use, in an amount consistent with or in excess of the minimum requirement provided in Table 6.1. It is the intent of this Code that all land uses listed in Article 4 (Zoning District Regulations) shall be provided with off-street parking unless specifically exempted herein. The Planning and Zoning Administrator is hereby provided with the discretion to determine the general land use categories identified in Table 6.1 that best match those land uses identified in Article 4 for purposes of determining the amount of off-street parking related to a proposed development. All standard off-street parking spaces and areas shall adhere to the full design and dimensional requirements of Section 6.5.

Table 6.1: Minimum Off-Street Parking Standards	
Use	Parking Spaces Required
<b>Residential (Single-Family)</b>	
Dwelling - Loft	2 per dwelling unit
Dwelling – Single-family Detached	2 per dwelling unit
Manufactured Home	2 per dwelling unit
<b>Residential (Multi-Family)</b>	
Dwelling – Multi-Family	1 per bedroom + 1 per 4 dwelling units
Dwelling – Single-family Attached	1 per bedroom
Dwelling - Two-family	1 per bedroom
<b>Accommodations and Group Living</b>	
Boarding House	1 per bedroom
Group Residence	1 per bedroom
Hotel, Motel, and Other Lodging Facilities.	1 per guestroom + required spaces for additional uses (i.e. restaurants, assembly space, etc.)
Institutional Resident Care Facilities	1.4 for each 4 beds
<b>Commercial Retail and Services</b>	
General Business and Professional Offices	1 for every 500 square feet of total floor space
General Commercial Retail Establishments	1 for every 500 square feet of retail sales area
General Professional Service Establishments	1 for every 500 square feet of area accessible to patrons
Ambulatory Health Care Facilities (incl. Medical & Dental Offices, Outpatient Care Services, Medical Labs, etc.)	1 for every 500 square feet of total floor space
Automotive and Machinery Service, and Repair	1 for every 1000 square feet of retail sales area or customer area
Banks and Financial Institutions	1 for every 500 square feet of total floor space
Convenience Store	1 for every 500 square feet of retail sales area
Convenience Store with Gas Station	1 for every 500 square feet of retail sales area + 1 per pump
Dry Cleaning Services and Laundromat	1 for every 1000 square feet of customer service area
Funeral home	1 for every 4 seats in largest chapel or main assembly area
Gas Station without Convenience Store	1 per every 2 pumps
Grocery Stores	1 for every 500 square feet of total floor space
Home Occupation	Not Applicable
Hospitals - General Medical and Surgical	1.5 per bed
Open-Air Business	1 per every 500 square feet of indoor floor space accessible to patrons + 1 per every 1,500 square feet of outdoor sales or display area
Personal Care Service Facilities	1 per every 500 square feet of area accessible to patrons
Restaurant – Full Service	1 per every 500 square feet of customer service and seating area.
Restaurant – Limited Service (incl. Fast Food) w/Seating	1 per every 500 square feet of customer service and seating area

Article 6, General Development Regulations  
Hancock County, GA, Land Development Code

Restaurant – Limited Service (incl. Fast Food) w/o Seating	1 per every 1000 square feet of customer service area
Shopping Center, Mall, or Other Unified Commercial Development not Otherwise Enumerated	2.5 per every 1000 square feet of retail sales area
Studios-Independent Artist, Writers, and Performers	1 per every 500 square feet of area accessible to patrons
<b>Industrial Uses</b>	
General Manufacturing and Industrial Uses	1 for each employee during a maximum work shift
Junkyard, salvage yard	1 per every 1000 square feet of office space
Warehouse Self-Storage	1 per every 30 storage units
Warehouse and General Storage	1 for each employee during a maximum working shift plus space for storage of truck or vehicle used
Wholesale Trade	1 per every 1000 square feet of sales floor area
<b>Public Assembly/Institutional</b>	
Cemetery	Not Applicable
Day Care Facility - Group	2 spaces + 1 per every 6 children or other individuals served (based on maximum allowable capacity)
Clubs and lodges, Non-Commercial	1 for every 1000 square feet
Fitness and Recreational Sports Centers	10 spaces plus + 1 per every 500 square feet of court area, surface water area, or other floor area accessible to patrons.
Government Offices	1 for every 500 square feet of total floor space
Library	1 for every 500 square feet of total floor space
Museum / Historical Site / Similar Use	1 for every 500 square feet of total floor space
(Indoor) Performing Arts and Spectator Sports Facilities, and other Places of Assembly (i.e. Auditorium, Assembly Hall, Civic Center, Spectator Sport Facilities, Theater, etc.)	1 for every 5 seats in room with greatest seating capacity; or, 1 per 50 square feet in largest assembly area without fixed seats.
(Outdoor) Performing Arts and Spectator Sports Facilities, and other Places of Assembly (i.e. Auditorium, Assembly Hall, Civic Center, Spectator Sport Facilities, Theater, etc.)	1 for every 5 seats in room with greatest seating capacity; or, 1 per 50 square feet in largest assembly area without fixed seats.
Place of Worship	1 for every 5 seats in room with greatest seating capacity; or, 1 per 50 square feet in largest assembly area without fixed seats + required spaces for additional uses (i.e. day care facility, school, etc.)
School, Elementary and Secondary	2 spaces per classroom + required spaces for additional use (i.e. offices, places of assembly, etc.)
School, College, University and Professional	5 spaces per classroom + required spaces for additional use (i.e. offices, places of assembly, etc.)
School, Specialty	1 for every 500 square feet of total floor space
<b>Park/Recreation/Conservation</b>	
General Outdoor Recreational Areas, Parks, etc.	1 for every 5,000 square feet of land area
General Indoor Amusement or Place of Recreation (i.e. Billiard Halls, Bowling Alleys, Skating Rinks, etc.)	1 for every 500 square feet of area accessible to patrons
<b>Agricultural</b>	
Agriculture	Not Applicable
Equestrian Facilities	1 per every 2000 square feet of total floor space
Forestry	Not Applicable

*Section 6.5.5.2 Parking Space Requirements, Handicapped*

In addition to those standard parking spaces required and provided in accordance with this Code, handicap-accessible off-street parking spaces shall be provided for each new, or expanding land use, in an amount consistent with or in excess of the minimum requirement provided in Table 6.2. All handicapped off-street parking spaces and areas shall adhere to the applicable design and dimensional requirements of Section 6.4.

Article 6, General Development Regulations  
Hancock County, GA, Land Development Code

<b>Table 6.2: Required Number of Handicapped Parking Spaces</b>	
<b>Total Required Parking Spaces</b>	<b>Minimum Number of Accessible Spaces</b>
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	2 Percent of Total
1001 and Over	20 Plus 1 for each 100 over 1000

*Section 6.5.6 Administrative Variances*

In accordance with Section \_\_\_\_ (Administrative Variances) of this Code, the Planning and Zoning Administrator may consider requests for administrative variances from the following provisions of Section 6.5:

- Section 6.5.4.1 Paving
- Section 6.5.5.1 Parking Space Requirements, Standard

**SECTION 6.6 ACCESS TO SERVICE AREAS**

*Section 6.6.1 Time Period for Access to Service Areas*

Access to service areas, including dumpster pads, shall be limited to the hours of 5:30 a.m. and 6:00 p.m., unless an emergency situation warrants access to these areas.

**SECTION 6.7 OPEN SPACE**

*Section 6.7.1 Not to be Encroached Upon*

No open space shall be encroached upon or reduced in any manner except in conformity to the yard, setback, off-street parking spaced, and such other regulations required by this Ordinance for the district in which such building is located. Shrubbery, driveways, retaining walls, fences, curbs, and planted buffer strips shall be construed not to be encroachments of yards.

*Section 6.7.1 May not be Used by Another Building*

No part of any yard, other open space, or off-street parking or loading space required for or in connection with any building, structure, or use by this Ordinance shall be considered to be part of a required yard, or other open space, or off-street parking or loading space for any other building, structure, or use except as provided in herein.