



## Staff Report

Subject: Text Amendment to the Zoning Ordinance – Section 3.46 Accessory Dwelling Units

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Department: Development Services  
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## REQUEST

Staff is requesting a text amendment to Appendix C, Article III, Section 3.46 – Accessory Dwelling Units (ADUs) of the Effingham County Code of Ordinances to revise and clarify standards related to accessory dwelling units in Agricultural-Residential (AR) and Residential (R) zoning districts.

## BACKGROUND

The existing ADU ordinance was adopted to provide standards for accessory residential units while maintaining compatibility with surrounding development patterns. Since adoption, staff has identified areas where additional clarity and refinement are needed to:

- Ensure consistent interpretation of what constitutes an ADU
- Distinguish between AR and R district standards
- Improve enforceability and administration
- Prevent misclassification of dwelling units as “additions”
- Align development standards with current building and infrastructure practices

The proposed amendment refines existing language rather than introducing a new use.

## PROPOSED AMENDMENT

The amendment modifies Section 3.46 to:

- Clarify that an ADU is a **self-contained dwelling unit** with independent living facilities
- Establish **separate standards for AR and R zoning districts**, including:
  - Maximum size (75% of principal dwelling)
  - Height limitations (35 ft in AR; 25 ft in R)
  - Compliance with applicable setbacks
- Reinforce that ADUs may be **attached, detached, or internal**
- Maintain that ADUs are **subordinate to the principal dwelling**
- Provide clearer language to distinguish ADUs from additions
- Maintain infrastructure requirements related to septic capacity and separation



## STAFF ANALYSIS

### Consistency with Ordinance Intent

The proposed amendment is consistent with the intent of the zoning ordinance to:

- Promote orderly development
- Ensure compatibility with surrounding land uses
- Provide clear and objective standards

### Clarification of Use vs. Structure

The amendment clarifies that zoning determinations are based on **use and function**, not how a structure is labeled. Structures containing independent living facilities meet the definition of a **dwelling unit**, regardless of whether they are described as an “addition.”

### District-Specific Standards

The amendment appropriately distinguishes between AR and R districts by:

- Allowing greater height in rural areas (AR)
- Maintaining lower intensity standards in residential districts (R)

### Infrastructure and Public Health Considerations

The amendment maintains requirements ensuring:

- Adequate septic capacity
- Compliance with separation standards

This supports safe and sustainable development practices.

### Administrative and Enforcement Benefits

The amendment:

- Reduces ambiguity
- Improves consistency in application review
- Supports defensible staff determinations
- Limits misinterpretation of the ordinance

## FACTS & FINDINGS

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### Planning and Zoning Services

804 South Laurel St., Springfield, Georgia 31329  
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Staff has reviewed the proposed text amendment and makes the following findings:

**1. The proposed amendment promotes the health, safety, and welfare of the public.**

The amendment ensures that accessory dwelling units are properly classified and regulated, including provisions related to infrastructure capacity and building standards, which directly support public health and safety.

**2. The amendment provides clear and objective standards for administration of the ordinance.**

The updated language reduces ambiguity by clearly defining what constitutes an ADU and distinguishing it from structural additions, improving consistency in zoning determinations.

**3. The amendment is consistent with the intent of the zoning ordinance.**

The changes reinforce the ordinance’s goal of maintaining compatibility between uses while allowing reasonable residential flexibility within established zoning districts.

**4. The amendment supports orderly and compatible development patterns.**

By establishing district-specific standards and maintaining subordination requirements, the amendment ensures that ADUs remain secondary in scale and function to the principal dwelling.

**5. The amendment will not adversely impact surrounding properties or increase intensity beyond what is permitted.**

ADUs remain an accessory use and do not increase allowable density, ensuring that development intensity remains consistent with the underlying zoning district.

**6. The amendment improves enforceability and reduces potential zoning conflicts.**

Clarifying definitions and standards allows staff to make consistent, defensible decisions and reduces the likelihood of misclassification or appeals.

## COMPREHENSIVE PLAN CONSISTENCY

The proposed amendment is consistent with the Comprehensive Plan by:

- Supporting a variety of housing options
- Encouraging efficient use of existing residential lots
- Maintaining neighborhood and rural character
- Promoting sustainable development

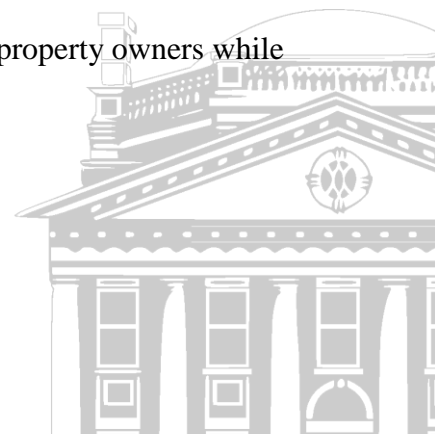
## PUBLIC IMPACT

The amendment is not anticipated to create adverse impacts. It provides clarity to property owners while ensuring infrastructure and compatibility standards are maintained.

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## **STAFF RECOMMENDATION**

Staff recommends **APPROVAL** of the proposed text amendment to Section 3.46 – Accessory Dwelling Units.

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