

3.15A Residential businesses. (CURRENT)

"Residential business" means an occupation or profession which is conducted entirely within a dwelling, which is carried on only by family members residing therein and by no more than one employee who does not reside therein, and which is clearly incidental and secondary to the use of the dwelling for residential purposes.

Residential businesses are permitted only in the AR-1, AR-2, and R-1 districts, provided the following criteria are met:

- (a) Each residential business must be approved by the planning board before any activities in connection with the occupation begin. The planning board may place any reasonable conditions on the application deemed necessary to insure the orderly operation of the proposed business and its compatibility with the surrounding properties. The planning board shall hold a public hearing as provided in article IX of this ordinance.
- (b) Residential businesses shall not include the repair and/or maintenance of motor vehicles, large scale manufacturing, or any use which will create noise, noxious odors, or any hazard that may endanger the health, safety, or welfare of the neighborhood.
- (c) The residential business shall not involve group instruction or group assembly of people on the premises.
- (d) The dwelling must be the bona fide residence of the principal practitioner at the time of the application and, if approved, the residential business shall be valid only as long as the original principal practitioner resides in the dwelling, is conducting the business and has a current business license.
- (e) Residential businesses shall be limited to no more than 35 percent of the total heated floor area of the residence or 700 square feet, whichever is less. The proposed size of the residential business shall be specified at the time of application.
- (f) Any additions or alterations to the residence which will be used for the residential business must be of an architectural style in keeping with the surrounding residential and agricultural development.
- (g) The portion of the residence in which the business is conducted shall be completely enclosed in a manner that the business is not visible from the surrounding property.
- (h) No outside storage or display shall be allowed.
- (i) Only one nonilluminated sign not to exceed one square foot is permitted, location to be approved by the zoning administrator.
- (j) No more than two commercial ventures (home occupations, residential businesses, and/or rural businesses) shall be allowed in any residence at one time.
- (k) Property on which the residential business is proposed must have frontage on a public road.
- (l) No customers or clients shall be permitted at the site unless sufficient off-street parking is provided and the location thereof approved by the zoning administrator.
- (m) Days of operation requiring access by the public, customers, and/or clients shall be Monday through Saturday, daylight hours only.
- (n) The principal practitioner will be permitted to park one commercial vehicle in the approved parking area. The commercial vehicle is limited to a passenger car, a van or a light truck (up to one ton).
- (o) No utility trailer may be used in the operation of the business except upon approval by the zoning administrator. The request must include the proposed use and size of the trailer.

(Ord. of 12-14-99(2), § 2; Amend. of 12-14-04(1))

Section 3.15A – Residential Businesses (Proposal)

DEFINITIONS

Residential Business: An occupation or profession that is conducted entirely within a dwelling, that is operated solely by the residents of the home and no more than one non-resident employee; and is clearly incidental and secondary to the primary residential use of the property.

Dwelling: A structure or portion thereof designed or used exclusively for residential occupancy.

Incidental: Subordinate in use, size, and purpose to the primary residential function of the dwelling.

Principal Practitioner: The person primarily responsible for the operation of the residential business who resides full-time at the dwelling.

Non-resident Employee: An individual who works for the residential business but does not live at the residence.

Commercial Vehicle: A vehicle used for business purposes, limited under this ordinance to a passenger car, van, or light truck (up to one ton).

Utility Trailer: A non-commercial trailer not exceeding 5x8 feet, used for residential business activities, as regulated herein.

Public Road Frontage: Property that directly abuts and has legal access to a public roadway.

Hazardous Materials: Substances that pose a risk to health, safety, or the environment beyond normal household quantities.

DEVELOPMENT STANDARDS

Residential businesses are permitted within the AR-1, AR-2, and R-1 zoning districts, provided the following criteria are met:

1. Board of Commissioners Approval, Annual Renewal and Time Limitations

- (a) A Conditional Use Permit to operate all residential businesses must receive approval from the Board of Commissioners prior to commencement of operations.
- (b) The Board may impose reasonable conditions to ensure compatibility with surrounding properties and maintain neighborhood character.
- (c) A public hearing shall be held in accordance with Article IX of this ordinance.
- (d) Renewal must be applied for annually and is subject to review by the Zoning Administrator or their designee.

- (e) The renewal process may include inspection to verify compliance with the conditions of approval and ordinance requirements.
- (f) Failure to renew prior to expiration shall render the permit void. Continued operation without renewal shall be a violation of this ordinance and will require an appeal to the Board of Commissioners for reinstatement.
- (g) An Occupational Tax Certificate is mandatory and must be maintained as a condition of operation.

2. Prohibited Activities

- (a) Repair or mechanical maintenance of motor vehicles, boats, recreational vehicles, or equipment is prohibited, as is any business activity that: creates noise, odors, vibration, fumes, glare, electrical interference, or other nuisances that are perceptible beyond the structure of the dwelling; causes electrical interference detectable beyond the dwelling; or endangers the health, safety, or welfare of the neighborhood.

For reference to applicable noise limitations, please see the Effingham County Noise Ordinance:

https://library.municode.com/ga/effingham_county/codes/code_of_ordinances?nodeId=PTIIOFCO_CH30EN_ARTII_NOCO

2.1. Prohibited Residential Business Types

The following business types are strictly prohibited within residential dwellings under this ordinance, regardless of scale, frequency, or proposed mitigation measures:

- **Vehicle or Equipment Repair:** Including but not limited to automobile, boat, motorcycle, equipment, or small engine repair and detailing.
- **Appliance Repair:** Including repair of major household appliances such as refrigerators, ovens, washers/dryers, etc.
- **Retail Sales:** Sale of goods not produced or fabricated on-site, including online resale operations, pawn shops, or storefront activity.
- **Personal Services with On-Site Clients:** Including but not limited to massage therapy, tattoo or body piercing, tanning salons.
- **Animal Services:** Including animal boarding, kennels, grooming facilities, and veterinary clinics with on-site services.
- **Food or Beverage Service:** Including any restaurant, commercial kitchen, tavern, catering facility, or food sales operation.
- **Group Activities or Assembly-Based Uses:** Including instruction, meetings, counseling sessions, or group activities that exceed one participant at a time.
- **Hazardous or Industrial Operations:** Including use or storage of chemicals beyond household quantities; manufacturing, welding, or woodworking with industrial equipment; and any operation producing fumes, noise, or pollutants beyond the dwelling.
- **Special Event Venues:** Including use of the property for weddings, receptions, parties, or similar events.
- **Dispatch or Commercial Vehicle Storage:** Including on-site parking or dispatch of tow trucks, delivery fleets, heavy equipment, or landscaping crews.

These uses are inconsistent with the intent of this section, which is to preserve the residential character of neighborhoods and protect the health, safety, and welfare of surrounding property owners.

2.2. Delivery and Transportation Restrictions in R-1 Zoning District

- (a) No truck-based deliveries or pickups are permitted in connection with a residential business, except those conducted by U.S. mail or commercial parcel service (e.g., USPS, UPS, FedEx).
- (b) Deliveries must be made using standard passenger vehicles, including non-commercial vans or light trucks with no more than two axles.
- (c) Business-related deliveries or pickups shall not exceed **two (2) per day** and must occur only between the hours of **7:00 a.m. and 7:00 p.m.**, Monday through Saturday.
- (d) Delivery activity shall not generate excessive traffic, on-street parking, or other impacts inconsistent with residential character.
- (e) All delivery vehicles must park in a designated approved area on the subject property and shall not block driveways, sidewalks, or the public right-of-way.

3. Group Activity Prohibited

- (a) Group instruction, group meetings, or other assemblies on the premises are not permitted.

4. Residence Requirement

- (a) The dwelling must be the bona fide residence of the principal practitioner at the time of application.
- (b) Approval is valid only as long as the original practitioner resides in the home, actively operates the business, and maintains a valid business license.

5. Size Limitation

- (a) The business may occupy up to 35% of the home's total heated floor area or 700 square feet, whichever is less.
- (b) Proposed square footage must be stated at the time of application.

6. Architectural Consistency

- (a) Any modifications or additions to the residence for business purposes must match the architectural character of the surrounding residential or agricultural area.

7. Interior Use Only

- (a) The business must be fully enclosed within the residence.
- (b) No portion of the business may be visible from adjacent properties.

8. Storage and Display

- (a) No outdoor storage or display of business materials is allowed.

9. Signage

- (a) One non-illuminated sign is allowed. The sign must not exceed one (1) square foot and must be approved by the Zoning Administrator or their designee.

10. Number of Businesses per Residence

- (a) No more than two commercial ventures (home occupations, residential businesses, and/or rural businesses) are allowed at any one residence at a time.

11. Site and Access Requirements

- (a) The property must have frontage on a public road.
- (b) Clients or customers may only visit the site if adequate off-street parking is provided.

Adequate off-street parking shall mean:

1. A designated parking area located entirely on the subject property, specifically within the existing driveway or approved parking pad.
 2. No use of the public right-of-way, street shoulder, or sidewalk areas for customer parking is permitted.
 3. The parking area must accommodate all expected vehicles associated with the business, including those of clients, customers, and non-resident employees.
 4. Parking areas must be surfaced with gravel, concrete, asphalt, or another stable, erosion-resistant material.
 5. The layout must not obstruct access to neighboring properties, pedestrian walkways, or emergency vehicle routes.
- (c) All parking areas for residential business use must be clearly demarcated and approved by the Zoning Administrator or their designee.

Approvals shall consider the number of visitors served, traffic patterns, proximity to adjacent properties, and visual impact from the street.

Parking configurations must also comply with ADA standards where applicable, including accessible parking and clear entry access.

- (d) All residential businesses that allow customer access must ensure that their premises and operations are compliant with applicable provisions of the Americans with Disabilities Act (ADA), including but not limited to accessible parking, entryways, and restrooms where applicable. Inspections related to ADA compliance must be approved by the Building Official or their designee.

12. Hours of Operation (Public Access)

- (a) Businesses requiring customer access may operate Monday through Saturday, between the hours of 7:00 a.m. and 7:00 p.m. only.

13. Commercial Vehicle

- (a) The principal practitioner may park one commercial vehicle at the site. Allowed vehicles shall be no larger than a pickup truck, panel truck, or van and limited to a one-ton carrying capacity. The vehicle shall not have business equipment visible from surrounding properties.

13.1. Utility Trailers

- (a) One utility trailer not exceeding 5x8 feet, shall be permitted. The trailer shall not be a commercial utility trailer and may be parked in the yard provided no commercial equipment or materials are visible. Placement of the trailer is also subject to approval by the Homeowners Association (HOA) where applicable.

14. Waste Disposal and Environmental Impact

Residential businesses shall not produce hazardous materials, excessive waste, or pollutants beyond what is normally associated with a residential use.

- (a) No on-site burning, burying, or stockpiling of waste materials is permitted.
- (b) Waste or by-products shall not be stored outdoors unless enclosed and screened from public view.
- (c) The property shall not be used for storage or disposal of toxic, flammable, or hazardous substances beyond household quantities.
- (d) Waste shall not result in odor, vermin, or unsanitary conditions detectable beyond the property line.

Enforcement and Violations

- (a) The Code Enforcement or their designee shall be responsible for the enforcement of this ordinance.
- (b) Any person operating a residential business in violation of the provisions of this ordinance shall be subject to enforcement actions, which may include written warnings, fines, revocation of the Conditional Use Permit, and legal proceedings as provided by County Code. Each day a violation continues shall constitute a separate offense.
- (c) The County reserves the right to inspect residential businesses for compliance with waste disposal requirements.
- (d) Failure to comply with the terms and conditions of approval may result in revocation of the permit and prohibition from reapplication for a period of up to 12 months.
- (e) Complaints must be submitted in writing and will be investigated by the Code Enforcement or their designee.
- (f) The Board of Commissioners reserves the right to revoke approval for cause, following a public hearing.

(Ord. of 12-14-99(2), § 2; Amend. of 12-14-04(1))