

STATE OF GEORGIA
EFFINGHAM COUNTY

AMENDMENT TO PART II, APPENDIX C, ARTICLE III, SECTION 3.15
OF THE EFFINGHAM COUNTY CODE OF ORDINANCES

AN ORDINANCE TO AMEND PART II, APPENDIX C, ARTICLE III, SECTION 3.15. 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:

Amendment – Part II, Appendix C, Article III, Section 3.15 Home Occupations

DEFINITIONS

Home Occupation: An occupation or profession that is conducted entirely within a dwelling or accessory structure, which is clearly incidental and subordinate to the primary residential use of the property. The occupation shall be conducted exclusively by family members residing on the premises, shall not involve customers or clients visiting the property, and shall not alter the residential character of the structure or surrounding neighborhood.

Principal Dwelling: The primary residential structure on the property that is lawfully occupied as the full-time residence of the property owner.

Business Vehicle: A vehicle used in conjunction with a home occupation, excluding heavy equipment or commercial trucks exceeding one-ton capacity.

Utility Trailer: A non-commercial trailer not exceeding 5 feet by 8 feet, used in connection with a home occupation. No commercial markings, logos, advertising, or equipment attached and shall not be equipped with racks or lifts.

Bona Fide Residence: The primary, legal residence where the practitioner resides full time.

Hazardous Materials: Substances regulated by applicable fire code (NFPA/IFC) that pose a risk to health, safety, or the environment. Storage and use shall comply with local fire code and all applicable Environmental Protection Division (EPD) regulations; Class I flammable liquids are limited to household exemption amounts unless otherwise approved by the Fire Marshal; any hazardous material storage requires disclosure with the application.

DEVELOPMENT STANDARDS

Home occupations shall be permitted in ALL Districts provided the following criteria are met:

- (a) No home occupation may commence operations without prior written approval from the Zoning Administrator or their designee.
- (b) A home occupation shall be permitted only if it is conducted entirely within the principal dwelling or an accessory structure located on the same residential parcel. The principal dwelling must serve as the bona fide residence of the principal practitioner.
- (c) No more than two commercial ventures (including home occupations, residential businesses, and/or rural businesses) shall be allowed in any residence at one time.

- (d) Home occupations must be incidental to the use of the premises as a residence, compatible with surrounding residential uses, limited in extent, and not detracting from the residential character of the neighborhood.
- (e) The total area utilized for the home occupation shall not exceed 500 square feet or 25% of the total heated floor area of the dwelling or accessory structure, whichever is less. This area must be declared at the time of application.
- (f) The total area proposed for the home occupation shall be declared in the application submitted to the Zoning Administrator or their designee.
- (g) All activities related to the home occupation shall occur entirely within the principal dwelling or accessory structure located on the same residential parcel.
- (h) Any structural modifications to the principal dwelling or accessory structure for purposes of conducting a home occupation shall be architecturally compatible with surrounding development and comply with all applicable building and zoning codes.
- (i) No customers or clients shall be permitted on the premises in connection with the home occupation.
- (j) Home occupation operations shall not produce noise that constitutes a nuisance. Operations shall not produce odors, vibrations, fumes, glare, electrical interference, or any other disturbances that are disruptive to the surrounding residential environment. All such activities shall remain entirely contained within the dwelling or accessory structure in which the occupation is conducted and shall not result in impacts that are perceptible beyond the property boundaries.
- (k) Hours of Operation: Home occupation activities are limited to 8:00 a.m. – 7:00 p.m. Monday-Friday and 9:00 a.m. – 5:00 p.m. Saturday; none on Sundays or County holidays unless otherwise approved by the Zoning Administrator or their designee.
- (l) Waste disposal for home occupation shall not produce hazardous materials, excessive waste or pollutants beyond what is normally associated with a residential use.
 - 1) No on-site burning, burying, or stockpiling of waste materials is permitted.
 - 2) Waste or by-products shall not be stored outdoors unless enclosed and screened from public view.
 - 3) The property shall not be used for the storage or disposal of toxic, flammable, or hazardous substances beyond household quantities. All uses must comply with all applicable Environmental Protection Division (EPD) regulations. Substances that pose a risk include any chemical, biological, or radiological material that, in excessive amount could endanger human health, safety, or the natural environment.
 - 4) Noise/odor impact: Waste shall not result in odor, vermin, or unsanitary conditions detectable beyond the property line.
- (m) Only one business vehicle and utility trailer used exclusively by the resident is permitted.
 - 1) The motor vehicle shall be no larger than a pickup truck, panel truck, or van and limited to a one-ton carrying capacity. Such vehicle shall have no visible business equipment or modifications that alter its residential appearance and shall not include box trucks, step vans, flatbeds, buses, semi-tractors, or other heavy equipment

- 2) Utility Trailer: A non-commercial trailer not exceeding 5x8 feet, shall be permitted. Maximum one trailer; must be stored fully within a garage or behind opaque screening in the rear yard; on-street storage is prohibited; loading/unloading only during permitted business hours.
- (n) All home occupation approvals shall be subject to periodic review and shall coincide with the renewal of the home occupation license. Approvals may be granted for the initial term of one (1) year, and may be renewed annually thereafter, subject to continued compliance with all applicable standards.

At the time of renewal, the County reserves the right to:

- 1) Reevaluate the operation for compliance with the ordinances.
- 2) Modify conditions of approval as necessary to address new or ongoing impacts.
- 3) Require updated documentation or inspection, if deemed necessary by the Zoning Administrator or their designee.
- 4) Revoke or deny renewal of the license if violations are found and not corrected within a reasonable timeframe.

Failure to renew the home occupation license annually shall result in automatic expiration of the approval.

PROHIBITED ACTIVITIES

- (a) Repair or mechanical maintenance of motor vehicles, boats, recreational vehicles, or equipment, or any use which creates noise, noxious odors, or hazards that may endanger the health, safety, or welfare of the neighborhood.
- (b) Any use that causes electrical interference detectable beyond the dwelling or accessory structure in which it operates is expressly prohibited.
- (c) Any other use determined by the Zoning Administrator or their designee to be incompatible with the residential nature of the neighborhood.
- (d) There shall be no exterior visibility of a business being conducted on the premises.
- (e) No signage related to the home occupation is permitted on the premises to maintain the residential character of the property.

ENFORCEMENT AND VIOLATIONS

- (a) The Code Enforcement or their designee may inspect home occupations to ensure compliance.
- (b) The County reserves the right to inspect home occupations for compliance with waste disposal requirements.
- (c) Any person operating a home occupation 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, stop-work orders, and legal proceedings as provided by County Code. Each day a violation continues shall constitute a separate offense, with a maximum fine of \$1,000 per day as stated in County Ordinance, Part II – Official Code, Chapter 1, Section 1-19 – General penalty, continuing violations; authority granted to court.
- (d) Failure to comply with the terms and conditions of approval may result in revocation and prohibition from reapplication for a period of 12 to 24 months.

- (e) Continued noncompliance may result in legal action, including injunctive relief.

APPEALS

- (a) Any applicant whose home occupation request has been denied by the Zoning Administrator or their designee shall have the right to appeal the decision.
- (b) A written notice of appeal must be submitted to the County Planning Department within thirty (30) calendar days of the date of denial. The notice shall state the grounds for appeal and include any supporting documentation the applicant wishes to provide.
- (c) Upon receipt of a timely and complete appeal, the matter shall be scheduled for a public hearing before the Board of Commissioners.
- (d) The Board of Commissioners shall consider the appeal at its next regularly scheduled meeting, provided proper public notice requirements are met. The Board may affirm, modify, or overturn the decision of the Zoning Administrator based on the evidence presented. The final decision shall be documented in writing and provided to the applicant.
- (e) The decision of the Board of Commissioners shall be final, subject to any further legal remedies available under state law.

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

This ____ day of _____ 20__.

BOARD OF COMMISSIONERS,
EFFINGHAM COUNTY, GEORGIA

BY: _____
DAMON RAHN, CHAIRMAN

FIRST READING: _____

SECOND READING: _____

ATTEST:

STEPHANIE JOHNSON
EFFINGHAM COUNTY CLERK