

DRAFT 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 CODE OF ORDINANCES 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.

Property Tax Compliance: The condition in which all ad valorem property taxes assessed by Effingham County on a parcel are paid in full and current, with no outstanding delinquencies, liens, or unpaid balances.

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 twenty-two (22) feet in overall length, used for home occupation activities. A utility trailer shall not display any commercial markings, logos, advertising, or equipment 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) **Property Tax Compliance.** No Home Occupation, Residential Business or Rural and Agritourism Business shall be approved, renewed, or continue operation if any County ad valorem property taxes assessed against the parcel are delinquent or otherwise not in compliance. Proof of tax compliance shall be verified by the Tax Commissioner prior to issuance or renewal of any approval under this Section.

- (c) 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.
- (d) No more than two (2) approved home-based commercial ventures, including any combination of Home Occupation and/or Residential Business, shall be permitted per residential parcel at any given time.
- (e) 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.
- (f) 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.
- (g) The total area proposed for the home occupation shall be declared in the application submitted to the Zoning Administrator or their designee.
- (h) All activities related to the home occupation shall occur entirely within the principal dwelling or accessory structure located on the same residential parcel.
- (i) 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.
- (j) No customers or clients shall be permitted on the premises in connection with the home occupation.
- (k) 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.
- (l) 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.
- (m) 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.
- (n) 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. Trailers are prohibited except as allowed under 'Utility Trailer'.

- 2) Utility Trailer. Utility trailer shall comply with the following standards:
 - a) The trailer shall be a non-commercial trailer not exceeding twenty-two (22) feet in length and used in connection with residential business activities.
 - b) A **maximum** of one (1) utility trailer shall be permitted.
 - c) The utility trailer shall be stored entirely within an enclosed garage or located behind opaque screening in the rear yard
 - d) On-street storage of a utility trailer is prohibited.
 - e) Loading and unloading of a utility trailer shall occur only during permitted business hours.

- (o) All home occupation approvals shall be subject to periodic review and shall coincide with the annual renewal of the home occupation license, as provided in Section 3.15.4 – Renewal of Home Occupation Approvals.

Approvals may be granted for the initial term of one (1) year and 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 this Ordinance.
- 2) Modify conditions of approval to address new or ongoing impacts.
- 3) Require updated documentation or inspection as part of renewal.
- 4) Revoke or deny renewal if violations are found and not corrected within a reasonable timeframe.

Failure to renew in accordance with Section 3.15.4 shall result in automatic expiration of the approval.

Section 3.15.1 – Non-Transferability

Approval of any Home Occupation shall be issued specifically to the principal practitioner and shall not be transferable upon sale, lease, or change of occupancy of the property. Any subsequent owner or occupant seeking to continue such activity shall be required to submit a new application in accordance with the procedures established in this Section.

Section 3.15.2 – Application Submittal Requirements

Each application for Home Occupation approval shall include the following documentation, as determined necessary by the Zoning Administrator or their designee:

1. **Concept Plan** – A scaled plan showing parcel boundaries, the principal dwelling, accessory structures, total floor area to be used for the occupation, designated parking areas, access points, and any equipment.
2. **Business Plan** – A written statement describing the nature of the business, hours of operation, staffing, floor area allocation, materials and equipment used, and methods of mitigating any potential impacts on adjacent residential properties.
3. **Photographs** – Current color photographs showing the principal dwelling, driveways, parking areas, and any accessory structures proposed for use, dated within fourteen (14) days of application submission.

4. **Additional Documentation** – The Zoning Administrator may require additional information necessary to verify compliance with the provisions of this Ordinance and to ensure compatibility with the surrounding residential character.

Section 3.15.3 – Compliance with Permit Conditions

All Home Occupations shall remain in compliance with the approved plans, conditions, and operational standards established under this Section. Failure to maintain compliance, including exceeding the maximum permitted area or engaging in unapproved activities, shall constitute a zoning violation and shall be subject to enforcement under **Section “Enforcement and Violations”** of this Ordinance.

Section 3.15.4 – Renewal of Home Occupation Approvals

- (a) **Purpose.** To ensure continued compliance with all applicable requirements through an annual administrative review process.
- (b) **Renewal Frequency.** Each approved Home Occupation shall be renewed annually in conjunction with the County’s business license renewal cycle. Failure to renew within the prescribed period shall render the approval void.
- (c) **Renewal Application Requirements.** Renewal applications shall include, at a minimum:
 - 1) A **Renewal Form** signed by the principal practitioner and property owner (if applicable);
 - 2) An **Updated Business Summary** describing any operational changes;
 - 3) **Verification of Floor Area** used for the occupation;
 - 4) An **Updated Concept Plan**, if any structural or operational modifications have occurred;
 - 5) A **Compliance Affidavit** affirming continued adherence to all applicable standards;
 - 6) **Current Photographs** showing the dwelling, parking, and accessory structures used for the occupation; and
 - 7) **Inspection Authorization** permitting County inspection if deemed necessary.

(d) Administrative Review.

The Zoning Administrator shall review all renewal applications. Approvals demonstrating continued compliance shall be renewed administratively. Where noncompliance is identified, the Administrator may deny renewal pending correction or refer the matter for enforcement.

(e) Lapse of Approval.

Failure to submit a complete renewal application within the required period shall result in automatic expiration of approval. Any continued operation thereafter shall require a new application pursuant to this Section.

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 violations of the provisions of this ordinance shall be subject to enforcement actions, which may include written warnings, fines, revocation of approval, 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.