

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

AN ORDINANCE TO AMEND PART II, APPENDIX C, ARTICLE III, SECTION 3.15A. 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 3.15A Residential Businesses

A. Purpose and Intent

This section establishes regulations for residential businesses to ensure that such uses remain clearly secondary to the principal residential use of the property, preserve neighborhood character, and protect the health, safety, and welfare of the community.

B. Definitions

For purposes of this section, the following terms shall have the meanings indicated:

Residential Business: An occupation or profession that is conducted primarily within a dwelling or accessory structure, with no outdoor business activity permitted except as expressly authorized under Section D.5 through conditional approval by the Board of Commissioners (BOC). Any approved outdoor use shall be limited to the designated rear yard area, subject to conditions on size, setbacks, screening, noise, hours, equipment, and attendance, as set forth in Section D.5. The business must be operated solely by residents of the home and no more than one non-resident person performing work on-site at any time, and shall remain clearly incidental and secondary to the primary residential use of the property.

Principal Practitioner: The person primarily responsible for the operation of the residential business whose primary residence is the dwelling, evidenced by a homestead exemption or, if ineligible, two forms of proof of primary occupancy (e.g., driver's license and recent utility bill).

Primary Residence: The dwelling for which the practitioner qualifies for homestead exemption or, if ineligible, provides two forms of proof of primary occupancy.

Nonconforming Property: A parcel, structure, or use of land that was lawfully established prior to the adoption or amendment of this Development Code, but which does not conform to one or more of the current zoning, dimensional, or development standards applicable to the district in which it is located.

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

Incidental: A use or activity that is clearly secondary and subordinate to the principal residential use of the property, both in scale and in effect, and which does not alter the residential character of the dwelling, accessory structures, or surrounding neighborhood.

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.

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

On-site: Any area within property lines, including structures, attached or detached garages, outbuildings, and yards.

Rear Yard: The portion of the lot between the rear lot line and the rear line of the principal structure, excluding side yards.

Customer: Any person visiting the premises to receive goods or services.

Clients: Includes anyone receiving goods or services, whether formal or informal. Repeated visits (more than twice in 30 days) will be considered business-related regardless of the stated relationship to the principal practitioner.

Participant: Each person other than the principal practitioner physically present for business purposes, except for licensed childcare/daycare duly authorized by applicable regulations.

Non-resident Employee: Any individual not residing on the property who provides labor or services for the residential business, regardless of classification (employee, contractor, sub-contractor, agent, vendor, volunteer, intern, trainee, or gig worker). Any such individual physically entering the parcel for business purposes counts toward the concurrent on-site headcount and trip thresholds.

Group Activity: Any occurrence in which two or more unrelated persons are simultaneously present for business purposes, except for licensed childcare/daycare duly authorized by applicable regulations.

Trip: Each vehicle arrival to or departure from the parcel for business purposes, counted individually.

Commercial Vehicle: A motor vehicle used for business purposes, limited to a passenger car, van, or light truck with a manufacturer's rated carrying capacity of **no more than one ton**. 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

Utility Trailer: A non-commercial trailer not exceeding twenty-two (22) feet in overall length, used for residential business activities. A utility trailer shall not display any commercial markings, logos, advertising, or equipment and shall not be equipped with racks or lifts.

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.

C. Applicability

Residential businesses are permitted within the AR-1, AR-2, AR-3, and R-1 zoning districts, provided the following criteria

are met:

D. Approval and Renewal

- (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) **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.
- (e) **Nonconforming Property Compliance.** Any parcel determined to be a legal non-conforming use, structure, or lot under this Development Code shall be required to come into full compliance with all applicable zoning, development and property maintenance standards prior to consideration of a Conditional Use Permit or business approval by the Board of Commissioners. The Zoning Administrator shall verify compliance status before the application is scheduled for hearing.
- (f) Renewal must be applied for annually and is subject to review by the Zoning Administrator or their designee. All applications and renewal documents are subject to applicable public disclosure laws to promote transparency with adjacent property owners. Renewal requirements and procedures shall be governed by Section D.11 (Renewal of Residential and Home-Base Business Approvals).
- (g) The County or its authorized agents may conduct random, unannounced site inspections to ensure ongoing compliance with all requirements and business representation as stated in application materials.
- (h) 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.
- (i) An Occupational Tax Certificate is mandatory and must be maintained as a condition of operation.
- (j) Annual Compliance Statement: The applicant shall annually attest to compliance with all applicable federal, state, and local laws, including accessibility requirements when the business serves the public on premises. County staff shall not determine ADA applicability; the applicant bears responsibility for compliance.

D.1. Residence Requirements

- (a) 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.

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

D.2. Incidental Use and Operational Standards

- (a) Floor Area Limitation: The business floor area shall not exceed the lesser of thirty-five percent (35%) or 700 square feet of the dwellings conditioned floor area or within a fully enclosed, code-compliant accessory structure.
 - **Election of Option:** The principal practitioner shall elect one of the options in Section D.2., Subsection (a) at the time of application or permit approval. Once elected, the option shall remain in effect unless a modification is approved by the County.
 - **Prohibition on Dual Application:** Under no circumstances shall both the percentage-based limit and the square-footage limit be applied simultaneously to increase the allowable business area.
 - **Code Compliance:** All accessory structures used for business purposes must meet current building, fire, and zoning code requirements.
- (b) Hours of Operation: Businesses requiring on-site customers presence, deliveries, or outdoor business activity 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 BOC.
- (c) Trip caps: The total number of trips associated with any home-based commercial venture, including, without limitation, trips by customers, employees, contractors, service providers, and commercial or passenger deliveries, shall not exceed eight (8) per day and forty (40) per week, unless otherwise authorized by the Board of Commissioners. Where more than one home-based commercial venture operates on the same Parcel, trips shall be aggregated and calculated in accordance with Section D.10(d) (Cumulative Traffic Thresholds), and compliance shall be enforced on an aggregate basis across all such ventures.
- (d) Noise shall not exceed 55 dBA at any property line during permitted hours and 50 dBA at other times; no amplified outdoor sound.
- (e) Employee/On-Site Personnel: No more than one non-resident person performing work on-site at any time, inclusive of employees, contractors, sub-contractors, vendors, volunteers, interns, trainees, or gig workers.
- (f) All business-related parking must be on-site; on-street parking by business vehicles or customers is prohibited.
- (g) Enforcement: The County reserves the right to review and determine whether a residential business meets the definition and criteria for “incidental.” Failure to comply shall constitute a zoning violation subject to fines, abatement orders, and potential revocation of residential business permit approval.

D.3. 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.
- (e) Parking Location Restrictions – Any vehicle, regardless of duration, beyond approved parking locations is prohibited for business activity. Use of side streets, neighbors' property, easements, or street parking for client or business vehicles, even temporarily, is a violation. All business-related vehicles shall park on-site on paved or stabilized surfaces. On-street parking by customers or business vehicles is prohibited. Driveways and sidewalks shall not be blocked.

D.4. Delivery and Transportation Restrictions

- (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 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 BOC.
- (d) Delivery activity shall be conducted in a manner that does not create excessive traffic, on-street parking, or other adverse impacts inconsistent with residential character of the surrounding area.

D.5. Interior Use, Accessory Structures and Outdoor Activity

- (a) All business operations shall be conducted entirely within a fully enclosed residential dwelling or an approved accessory structure located on the same premises. No portion of the business shall be conducted in any outdoor

area, including but not limited to any yard, driveway, patio, porch, or other exterior portion of the property, unless express conditional approval is granted by the Board of Commissioners as part of the initial application and review process.

Any proposal involving outdoor activity, including the use of any exterior area of the lot, shall be explicitly identified in the application and subject to public hearing and discretionary review. The Board may, in its sole discretion, grant approval for such activities if it determines that they are compatible with the surrounding residential character will not create adverse impacts on neighboring properties, and comply with all applicable provisions of this ordinance. Approval may be subject to conditions, limitations, or performance standards as deemed necessary by the Board to mitigate potential impacts and ensure ongoing compliance.

- (b) Where outdoor activity is conditionally approved by the Board of Commissioners pursuant to subsection (a), such activity shall be subject to the following limitations and performance standards:
 - 1. Outdoor business operations shall be limited to a total area not exceeding 200 square feet.
 - 2. All outdoor activity areas shall maintain a minimum setback of twenty (20) feet from all property lines.
 - 3. The designated outdoor area located in the rear yard shall be fully screened from view of adjacent properties and public rights-of-way by a six-foot (6') tall opaque fence, supplemented with landscaping to minimize visual and noise impacts.
 - 4. The use of power equipment in outdoor areas shall be prohibited except during hours expressly permitted by this ordinance or as established by the Board of Commissioners through the conditional approval process.
 - 5. No outdoor storage of materials, tools, equipment, or vehicles related to the business shall be permitted, unless specifically authorized under conditions of approval.
 - 6. Hours of operation for any outdoor activity shall be subject to limitations established by the Board of Commissioners and specified in the conditional approval.
- (c) Visibility of the business from adjacent properties and public rights-of-way shall be minimized to the greatest extent practicable and shall be designed and maintained in a manner consistent with the existing residential character of the surrounding neighborhood and shall not detract from the visual quality or appearance of the property or area.

D.6. Signage

- (a) One non-illuminated sign up to one (1) square foot may be permitted, or signage may be prohibited entirely, as determined by BOC. In no case shall signs be illuminated or inconsistent with residential character, it must be flush-mounted on the primary structure's facade, no higher than five (5) feet from ground level.
- (b) All signs, including temporary banners, flags, or window notices visible from any public way, are prohibited.
- (c) Off-site signage is prohibited and constitutes a violation of the County's sign ordinance. Such violations shall be subject to enforcement actions as provided by the County Code.

D.7. Storage and Display

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

- (b) Window and Door Restrictions – All windows and exterior doors in the business area must remain uncovered except for standard residential drapes or blinds visible from residential street view. Mirror tints, painted glass, or permanent coverings are prohibited.

D.8. Commercial Vehicles and Utility Trailers

- (a) The principal practitioner may park **one** commercial vehicle on-site, limited to a pickup truck, panel truck, or van with a maximum carrying capacity of one ton. The vehicle shall not have visible business equipment from surrounding properties. Box trucks are prohibited; trailers are prohibited except as allowed under 'Utility Trailer'.
- (b) Utility Trailer. Utility trailer shall comply with the following standards:
 - 1) The trailer shall be a non-commercial trailer not exceeding twenty-two (22) feet in length and used in connection with residential business activities.
 - 2) A **maximum** of one (1) utility trailer shall be permitted.
 - 3) The utility trailer shall be stored entirely within an enclosed garage or located behind opaque screening in the rear yard
 - 4) On-street storage of a utility trailer is prohibited.
 - 5) Loading and unloading of a utility trailer shall occur only during permitted business hours.

A non-commercial trailer not exceeding 5x8 feet used for residential business activities. 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.

D.9. 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. 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 amounts, could endanger human health, safety, or the natural environment.
- (d) Waste shall not result in odor, vermin, or unsanitary conditions detectable beyond the property line.
- (e) Definition of "Normal Household Quantities": Defined as the greater of one (1) U.S. gallon of any single liquid hazardous material or ten (10) pounds of any solid hazardous material, per residence.
- (f) Zero-Tolerance Penalty: Any violation of this threshold, intentional or unintentional, results in mandatory revocation and a 12 to 24-month ban on reapplication.

D.10. Combined Standards for Home Occupations and Residential Businesses.

(a) Intent and Purposes.

This subsection establishes cumulative limitations for home-based commercial ventures operating on a single residential parcel to ensure such activities remain clearly subordinate to the principal residential use, preserve neighborhood and agricultural character, and prevent over-intensification of commercial activity within residential areas.

(b) Number of Permitted Ventures.

As provided in subsection D.1, 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.

(c) District-Specific Standards and Cumulative Area Limitations.

The **combined area** for all home-based ventures on a parcel shall not exceed the following, whichever is less per line item:

1. **AR-1, AR-2, AR-3 and R-1 Districts:** seven hundred (700) square feet **or** thirty-five percent (35%) of the heated floor area of the principal dwelling;
2. **Districts where only Home Occupations are permitted:** five hundred (500) square feet **or** twenty-five percent (25%) of the heated floor area of the principal dwelling.

This total includes all interior work areas, accessory structures, and storage areas associated with the approved ventures.

(d) Cumulative Traffic Thresholds.

1. Purpose.

To ensure that the intensity of activity from multiple home-based commercial ventures remains compatible with residential areas and does not create cumulative traffic or parking impacts inconsistent with neighborhood character.

2. Daily and Weekly Limits.

The combined total for all approved ventures on a single parcel shall not exceed eight (8) business-related trips per day or forty (40) trips per calendar week, unless specifically modified by the Board of Commissioners under conditional approval.

3. Shared Operations.

Where more than one venture operates on a parcel, all trips shall be tallied cumulatively across ventures. Applicants must demonstrate – via concept plan and business plan, that combined activity will remain within the trip caps.

4. Exceedance Review and Mitigation.

Exceeding trip caps constitutes a zoning violation subject to enforcement under Section H. Applicants may request a conditional modification from the Board of Commissioners demonstrating that additional trips will not adversely affect adjacent properties.

Mitigation measures may include restricted delivery windows, staggered scheduling, or enhanced on-site

parking management.

5. Monitoring and Verification.

The Zoning Administrator may require submission of periodic trip-log affidavits or evidence (e.g., appointment schedules, delivery records) to verify compliance.

(e) Non-Transferability.

Approval shall be issued to the Principal Practitioner and shall not transfer upon sale, lease, or change of occupancy.

(f) Application Submittal Requirements.

Each application shall include the following:

1. **Concept Plan.** A concept plan shall be required verifying the total heated floor area used for business purposes. If a business is currently being operated on the residential parcel, it shall be identified on the concept plan along with the proposed new business being applied for. The concept plan shall depict, at a minimum: parcel boundaries; principal dwelling and accessory structures; floor-area calculations for all business spaces; parking/driveway layout; loading/delivery areas (if any); customer entrance (if any); and the location of any proposed signage, outdoor storage, or equipment.
2. **Business Plan.** A business plan shall be required at the time of application and shall include, at a minimum: business description; Principal Practitioner information; operations summary; staffing; floor-area allocation table; parking/access plan; equipment and vehicles; materials, storage, and waste; neighborhood impacts and mitigation; signage; licenses and approvals; and a compliance affidavit.
3. **Administrative Review.** The Zoning Administrator shall review the concept plan and business plan for completeness and compliance. Additional documentation may be requested as necessary to verify compliance with this Ordinance.
4. **Photographs.** The applicant shall provide current color photographs sufficient to document compliance, including at a minimum: (a) front and side elevations of the principal dwelling; (b) driveways, parking areas, and points of access; (c) any accessory structures or detached work areas proposed for business use; (d) any existing or proposed signage; and (e) any outdoor storage or equipment associated with the business. Photographs shall be dated within fourteen (14) days of the application and become part of the permanent record of approval.

(g) Enforcement.

Exceeding the maximum permitted area, number of ventures, or violating any condition of approval constitutes a zoning violation subject to enforcement as provided in **Section H of this Ordinance (Enforcement)**

D.10A. Agricultural- Related Residential Businesses (AR-1 Zoning District Only)

(a) Purpose.

The purpose of this subsection is to allow limited business activity on residential property in the AR-1 zoning district where such activity is directly related to agricultural operations, provided that it remains clearly subordinate to the residential use of the property and consistent with the rural character of the area.

(b) Eligibility.

This subsection shall apply **only** to properties zoned AR-1 (Agricultural Residential) that meet all of the following criteria:

1. The property consists of a single parcel containing not less than five (5) acres;

2. The parcel is **not** located within a platted subdivision; and
3. The proposed business use is agricultural-related, as defined herein.

For the purposes of this subsection, “**agricultural-related business**” shall mean a business whose primary function supports or is derived from agricultural production, including but not limited to the processing, storage, or direct marketing of agricultural products, or the repair of agricultural equipment, provided that:

1. No more than two (2) pieces of agricultural equipment may be worked on or stored on the property for repair, service, or maintenance at any given time; and
2. All repair or maintenance activity shall occur within a fully enclosed building or within a designated work area screened from view of adjoining properties and public rights- or-way.

(c) Conditional Expansion of Allowable Area.

1. In lieu of the standard limitation of seven hundred (700) square feet or thirty-five percent (35%) of the principal dwelling’s floor area permitted for a residential business, an applicant meeting the eligibility requirements above may request approval to:
 - a. Utilize up to one thousand (1,000) square feet of enclosed floor area; and
 - b. Occupy up to forty-five percent (45%) of the principal dwelling’s heated floor area, whichever is less.

This total includes all interior work areas, accessory structures, and storage areas associated with the approved ventures.

2. Such request shall be subject to review and final determination by the Effingham County Board of Commissioners in accordance with the procedures established for residential business approvals.

(d) Additional Standards and Stipulations.

1. All other applicable standards of Section 3.15A shall apply unless specifically modified herein.
2. The Board of Commissioners may impose additional stipulations as reasonably necessary to protect the public health, safety, and welfare, including but not limited to:
 - a. Limitations on hours of operation;
 - b. Screening or buffering of outdoor storage, parking, or repair areas;
 - c. Limitations on the number of employees or customer visits; and
 - d. Access or roadway improvements as necessary to ensure safe ingress and egress.

(e) Road Access Conditions.

1. Where the subject property has access from a county-maintained public road, the Board of Commissioners may require driveway, apron, or frontage improvements to ensure compatibility with anticipated business activity.
2. Where access is via a private road or easement, the applicant shall demonstrate that such access is adequate for the proposed level of activity and that business use of the road does not violate existing covenants, easements, or private agreements.
3. The Board of Commissioners may limit or deny approval if it determines that use of a private road for business purposes would create a safety hazard or impose undue maintenance or access burdens on other property owners.

(f) Findings.

Before granting approval under this subsection, the Board of Commissioners shall find that:

1. The use is clearly incidental and subordinate to the agricultural and residential use of the property;
2. The proposed business will not create excessive traffic, noise, or other impacts inconsistent with the character of the area;
3. Adequate access, buffering, and operational controls are provided; and
4. The business activity will not adversely affect adjoining properties or the rural residential environment.

(g) State Law Compliance; Agricultural practice Protection.

1. The use permitted under this subsection shall be conducted in accordance with all applicable state and federal laws, regulations, and permits (including environmental, health, fire, building and septic-system requirements).
2. The business activity shall be operated so as not to interfere with the lawful agricultural operations, as defined under O.C.G.A § 41-1-7 (“Treatment of agricultural facilities and operations as nuisances”), on adjoining or nearby agricultural parcels.
3. The applicant shall certify that the business activity will be subordinate to the residential and agricultural uses, and will not supersede or convert the parcel to a primarily non-agricultural commercial operation.

(h) Review of Changes in Intensity.

Any change in the nature or intensity of the business approved under this subsection (including but not limited to increased equipment, new structures, expanded hours, increased number of employees or customer visits, or increased floor-area use beyond what was approved) shall require a new application or amendment to the existing approval and may be subject to additional stipulations by the Board.

(i) Monitoring and Revocation.

1. The Board of Commissioners shall require an annual review to confirm compliance with all conditions of approval. Such review shall occur in conjunction with the County’s business license renewal cycle and may include inspection by the Zoning Administrator or their designee to verify ongoing compliance.
2. Failure to comply with any condition imposed hereunder may result in revocation or suspension of the business authorization granted under this subsection.

(j) Renewal Submittals.

1. At each **annual renewal** pursuant to Section D.11, the applicant **shall submit an updated Concept Plan** and an **updated Business Plan** reflecting any changes in operations, staffing, floor-area allocation, equipment/vehicles, parking and access, deliveries, outdoor areas, signage, materials and waste handling, and mitigation measures.
2. The applicant **shall also submit current color photographs** sufficient to document compliance, including, at a minimum, the principal dwelling (front and side elevations), driveways/access and on-site parking, any accessory structures or detached work areas, any existing or proposed signage, and any outdoor storage or equipment.
3. Renewal submittals shall meet or exceed the minimum contents specified in **Section D.11 (Renewal Application Requirements)** and the photograph standards set forth in this Section, and **failure to provide complete renewal submittals shall be grounds for denial or non-renewal.**

D.11. Renewal of Residential and Home-Based Business Approvals.

(a) Purpose.

To ensure continued compliance of approved ventures through an annual administrative review process.

(b) **Renewal Frequency.**

Each approved Home Occupation or Residential Business, shall be renewed annually in conjunction with the County's business license renewal cycle. Failure to submit a renewal application within the prescribed period shall render the prior approval void.

(c) **Renewal Application Requirements.**

A renewal packet shall include, at a minimum:

1. Renewal Form signed by the Principal Practitioner and property owner (if applicable).
2. Updated Business Plan Summary detailing any changes in operations, staffing, traffic, or equipment.
3. Floor-Area Verification demonstrating continued compliance with applicable district limitations.
4. Concept Plan Update, if applicable.
5. Compliance Affidavit affirming ongoing conformance with this Ordinance
6. Photographs showing the principal dwelling, driveways/access, on-site parking, accessory structures, outdoor storage, and signage.
7. Inspection Authorization granting **Code Enforcement or their designee** access for site inspection if necessary.

(d) **Administrative Review.**

Renewal applications shall be reviewed administratively by the Zoning Administrator. The Administrator shall approve renewals that demonstrate continued compliance. If noncompliance is found, the Administrator may deny renewal pending compliance or refer the matter for enforcement under **Section H of this Ordinance (Enforcement)**.

(e) **Lapse of Approval.**

Failure to submit a complete renewal application and associated documentation by the renewal deadline shall result in automatic expiration of the approval. Any subsequent operation shall require a new application pursuant to subsection D(10).

(f) **Transfer and Ownership Changes.**

Approvals are specific to the **Principal Practitioner** and shall not transfer upon sale, lease, or change of occupancy. A new practitioner must apply as a new business under this Ordinance.

E. 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:** Automotive, boat, motorcycle, equipment, and small engine repair, and vehicle detailing are prohibited uses unless expressly authorized by BOC under conditional approval with specific standards.
- **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.
- **Food or Beverage Service:** Including any restaurant, commercial kitchen, tavern, catering facility, or food sales operation.
- **Group Activities or Assembly-Based Uses:** Group instruction, meetings, counseling, classes, or assembly uses involving more than one participant (excluding the principal practitioner) present at the same time are prohibited, except licensed childcare/daycare duly authorized by applicable regulations. 'Participant' means each person other than the principal practitioner physically present for business purposes, except for licensed childcare/daycare duly authorized by applicable regulations. Serial appointments shall be managed to comply with trip caps, parking, and hours.
- **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.
- **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.

F. Prohibited Activities

- 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.
- Misrepresentation Ban – Any pattern of unreported or misrepresented employment is grounds for immediate revocation and a 12 to 24-month reapplication ban.
- E-Commerce and Retail Ban – No on-site retail or wholesale sales to customers are permitted without BOC approval. Storage of inventory produced off-site is prohibited. Storage of finished goods produced on-site is limited to 50 square feet and 100 cubic feet unless otherwise approved by BOC. Customer pickup of goods on-site is prohibited absent BOC approval, regardless of where payment occurs. 'Retail activity' includes order pickups, curbside exchanges, and any transfer of possession to customers at the premises.

G. Architectural Consistency

- Any modifications or additions to the residence for business purposes must match the architectural character of the surrounding residential or agricultural area.
- Defined Business Area – Before approval, floor areas to be used for business shall be permanently marked and documented on the dwelling's layout. Unauthorized expansion is a violation.
- Renovation Disclosure – Any proposed renovations that would expand usable space must be disclosed and separately approved before any work or business activity begins.

H. Enforcement

- (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, 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.
- (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 12 to 24 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.
- (g) Immediate Review Trigger – Any violation found during unannounced inspections or substantiated complaints triggers immediate review and possible summary suspension of business activity by County Code Enforcement.
- (h) Repeat Violation Ban – Any business found in non-compliance more than once within a two-year period is permanently disqualified from residential business operation at that address.
- (i) Surveillance Requirement – Businesses are subject to video monitoring or time-stamped photo records of parking area use upon county inspection demand.
- (j) Employee Limits – Business records, including all compensation forms (W-2, 1099-MISC, cash logs) for every individual providing services for the business, must be available for inspection upon request.
- (k) Annual zoning compliance renewal is required. The County may inspect upon credible complaint or with reasonable notice. Violations are subject to a tiered enforcement path: warning, fine, suspension, and revocation. Repeated or material violations constitute grounds for revocation.

I. Consistency Clause

In the event of a conflict between this section and other provisions of the zoning code, the more restrictive provision shall control. All activities remain subject to general nuisance, noise, and property maintenance regulations.

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

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

This ____ day of _____ 20__.

BOARD OF COMMISSIONERS,

EFFINGHAM COUNTY, GEORGIA

FIRST READING: _____

BY: _____
DAMON RAHN, CHAIRMAN

SECOND READING: _____

ATTEST:

STEPHANIE JOHNSON
EFFINGHAM COUNTY CLERK