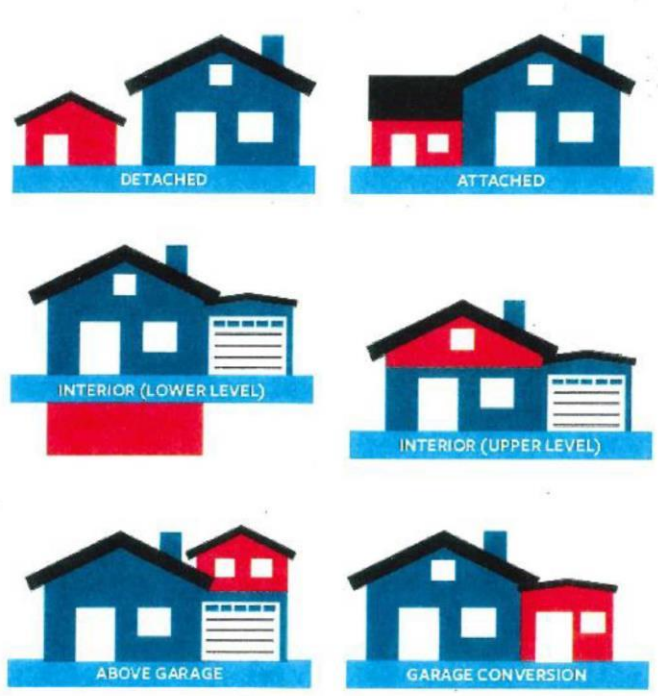
STATE OF GEORGIA
EFFINGHAM COUNTY

AMENDMENT TO APPENDIX C, ARTICLE III, SECTION 3.46
OF THE EFFINGHAM COUNTY CODE OF ORDINANCES

AN ORDINANCE TO AMEND APPENDIX C, ARTICLE III, SECTION 3.46 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:



(Ord. No. 2025-291, 6-17-25; Ord. No. 2025-515, 11-18-25)

3.46 Accessory Dwelling Units (ADUs)

3.46.1 Purpose

The purpose of this Section is to establish uniform standards for accessory dwelling units as an accessory residential use, ensuring consistency with established development patterns, compatibility with surrounding properties, and clear, objective administration of this ordinance.

3.46.2 General Provisions

Definitions:

A. *Accessory dwelling unit (ADU).* An accessory dwelling unit (ADU) is a subordinate, self-contained dwelling unit located on the same lot as a principal dwelling and providing permanent provisions for living, sleeping, eating, cooking, and sanitation.

B. *Dwelling Unit Requirements.* A structure or portion thereof shall be considered a dwelling unit for the purposes of this Section only if all of the following conditions are met:

1. The accessory dwelling unit shall contain no more than two (2) bedrooms.
2. The unit contains permanent kitchen facilities, including a fixed sink, counter surface, and appliance connections.
3. The unit contains permanent sanitary facilities, including a toilet, bathing/shower fixture, and sink.
4. All habitable rooms meet the minimum standards for livable space defined by the International Residential Code (IRC) or the building code adopted by the County.
5. The unit is constructed as a permanent structure and not a temporary, mobile, or portable structure.

C. *Subordination.*

1. The accessory dwelling units (ADUs) shall remain subordinate to the principal dwelling in size, scale, and function.
2. The livable floor area of an accessory dwelling unit (ADU) shall not exceed seventy-five percent (75%) of the livable floor area of the principal dwelling.
3. Accessory dwelling units (ADUs) livable floor area shall be measured only by space that meets building-code requirements for habitable space. Garages, unfinished attics, unfinished basements, storage areas, mechanical rooms, and similar non-habitable areas shall not be included.

D. *Quantity.* No more than one (1) accessory dwelling unit (ADU) is permitted per lot of record.

E. *Ownership.* The accessory dwelling unit (ADU) shall remain in common ownership with the principal dwelling and shall not be subdivided, platted separately, or conveyed as an independent parcel.

F. Types of accessory dwelling units (ADUs).

1. Detached accessory dwelling unit (ADU): A stand-alone permanent structure.
2. Attached accessory dwelling unit (ADU): A structure sharing at least one common wall with the principal dwelling.
3. Interior accessory dwelling unit (ADU): A dwelling unit located entirely within the principal dwelling.

3.46.3 Districts Where Permitted

A. Accessory dwelling units (ADUs) are permitted in all Residential (R) districts and all Agricultural-Residential (AR) districts in which detached single-family dwellings are permitted.

B. An accessory dwelling unit (ADU) is considered an accessory residential use and shall not increase the allowable density of the zoning district.

3.46.4 Standards for accessory dwelling units (ADUs) in AR Districts

A. Maximum Livable Floor Area.
The accessory dwelling units (ADUs) shall not exceed 75 percent of the livable floor area of the principal dwelling or 1,200 square feet, whichever is less.

B. Height.
The maximum height of a detached accessory dwelling unit (ADU) in AR districts shall be thirty-five (35) feet.

C. Setbacks.
Detached accessory dwelling units (ADUs) shall comply with all required setbacks for accessory structures in the applicable AR district. Where greater setbacks apply due to buffers, easements, conservation requirements, or overlays, the greater requirement shall control. Attached accessory dwelling units (ADUs) shall comply with all setback requirements applicable to the principal structure.

D. Minimum Lot Size.
The lot shall meet the minimum lot area requirement of the underlying AR zoning district.

3.46.5 Standards for accessory dwelling units (ADUs) in R Districts

A. Maximum Livable Floor Area.
The accessory dwelling unit (ADU) shall not exceed 75 percent of the livable floor area of the principal dwelling or 1,000 square feet, whichever is less.

B. Height.
The maximum height of a detached accessory dwelling unit (ADU) in R districts shall be twenty-five (25) feet.

C. Setbacks.
Detached accessory dwelling units (ADUs) shall comply with all required setbacks for accessory structures in the applicable R district. Where greater setbacks apply due to buffers, easements, conservation requirements, or overlays, the greater requirement shall control. Attached accessory dwelling units (ADUs) shall comply with all setback requirements applicable to the principal structure.

D. Minimum Lot Size.

The lot shall meet the minimum lot area requirement of the underlying R zoning district

3.46.6 Infrastructure Requirements

A. Water and Sewer.

1. Accessory dwelling units (ADUs) may share utility connections with the principal dwelling or establish separate connections if permitted by the utility provider.
2. Where a septic system is used, the Effingham County Health Department must certify that the system is adequate for the combined load of both units.
3. Accessory dwelling units (ADUs) shall maintain a minimum setback of five (5) feet from the drain field and ten (10) feet from the septic tank, unless greater distances are required by the Effingham County Health Department or state regulations.

B. Driveway Access.
No additional driveway curb cuts are permitted. Access to the accessory dwelling unit (ADU) shall be provided through the existing driveway serving the principal dwelling.

C. Addressing and Emergency Access.
Accessory dwelling units (ADUs) shall comply with County addressing requirements and maintain clear, unobstructed emergency access.

3.46.7 Parking Requirements

A. No additional off-street parking space shall be provided for the accessory dwelling unit (ADU), in addition to required parking for the principal dwelling. Parking must be on the same lot as the principal dwelling.

B. Stabilized or gravel parking is permitted in AR districts.

3.46.8 Design and Compatibility

A. Exterior materials, roof pitch, and general architectural character of a detached accessory dwelling unit (ADU) shall be compatible with the principal dwelling or with customary rural building types in the County.

B. An accessory dwelling unit (ADU) shall maintain a residential appearance. Recreational vehicles, campers, trailers, shipping containers, or temporary structures shall not be used as ADUs unless fully converted to meet building code standards for habitable dwellings.

C. Detached accessory dwelling units (ADUs) shall maintain a minimum separation of ten (10) feet from all other structures, or greater where required by the building or fire code.

3.46.9 Environmental and Siting Requirements

A. Accessory dwelling units (ADUs) shall not be located within required stream buffers, wetlands, flood hazard areas, drainage easements, utility easements, or protected tree zones.

B. All land-disturbing activity associated with accessory dwelling unit (ADU) construction shall comply with County erosion and sedimentation control regulations.

3.46.10 Conversion of Existing Structures

A. Existing accessory structures may be converted to accessory dwelling units (ADUs) if:

1. The structure is brought into full compliance with current building code requirements for habitable space;
2. The accessory dwelling unit (ADU) meets the size and livable space standards established in this Section;
3. The conversion does not increase any nonconformity;
4. Adequate water, sewer, or septic capacity is verified.

3.46.11 Occupancy and Use

A. Accessory dwelling units (ADUs) may be used for long-term residential occupancy.

B. Short-term rental of an accessory dwelling unit (ADU) shall comply with all applicable County regulations.

C. Accessory dwelling units (ADUs) shall not be used as independent commercial operations unless expressly permitted elsewhere in this ordinance.

3.46.12 Permitting

A. Establishment of an accessory dwelling unit (ADU) requires issuance of an Administrative Zoning Permit and all applicable building permits.

B. A complete application shall include:

1. A site plan demonstrating compliance with setbacks, access, utilities, and environmental requirements;
2. Floor plans identifying livable areas;
3. Building elevations;
4. Documentation of wastewater or septic capacity;
5. Any additional information required by the Zoning Administrator.

C. An accessory dwelling unit (ADU) shall be approved upon demonstration that all standards of this Section are met.

3.46.13 Enforcement

A. Violations of this Section shall be subject to the enforcement procedures of this ordinance.

B. The County may revoke permits for noncompliance with the standards of this Section.