

obtain a building permit. Residential accessory structures smaller than 500 square feet do not normally require a building permit; however, if the structure is used in a non-residential nature, the activity must be permitted by the Zoning Office and the appropriate building permit must be issued by the Building Inspections and Safety Division. require building permits. However, if a structure and/or activity of a non-residential nature is proposed, the activity must be permitted under the appropriate land-use category by the Zoning Office and the appropriate building permit must be issued by the Building Inspections and Safety Division.

Personal use utility buildings that are not located on the same property as a primary residence require a personal use utility building affidavit. The affidavit form must be completed, signed by the property owner, and verified by zoning staff. The utility affidavit must be completed before a building permit may be issued and the completed affidavit will be attached to the file copy of the building permit. All personal use utility buildings require a building permit, regardless of size. Personal use utility buildings are intended to be for personal use and not for commercial-type activities.

Residential accessory and utility buildings must be located a minimum of ten (10) feet from the road right-of-way and three (3) feet from adjoining property lines.

FREQUENTLY ASKED QUESTIONS

Q: With a home occupation zoning permit, am I allowed to have outside employees come to my home for employment?

A: No. According to Section 21.22g of the Zoning Ordinance, no outside employees are allowed to be employed at the home occupation without a variance from the Board of Zoning Appeals.

Q: Am I allowed to post a sign outside of my home for my home occupation?

A: No. According to Section 21.22a of the Zoning Ordinance, no outside signs, outside display of goods or chattels, that indicate the dwelling unit or accessory structure is being used as a home occupation are allowed without a variance from the Board of Zoning Appeals.

Q: With a home occupation permit, am I allowed to have regular walk-in customers?

A: According to Section 21.22e of the Zoning Ordinance, regular walk-in customers are allowed as long as the traffic generation is not substantially in excess of that which would be normally expected in the residential setting.

Q: Why do I have to sign a personal use utility building affidavit for my storage shed?

A: The Zoning Office requires owner certification that the building will be solely for personal use, not non-residential (commercial) activities.

DEVELOPMENT REVIEW and PERMIT FEES

For a full schedule of Development Review and Permit fees for the Community Development Department, please see our Receptionist or go to <http://www.lex-co.sc.gov/departments/DeptAH/communitydevelopment/Pages/CDfees.aspx>.

Please note that fees are subject to change. If you have any questions, please contact the Community Development Department.

IMPORTANT PHONE NUMBERS TO REMEMBER

Lexington County Administration Building
212 South Lake Drive, Lexington SC 29072

Suite 302

Addressing (Planning/GIS) (803) 785-1454

Suite 401

Building Inspections & Safety Office (803) 785-8130
Floodplain Management (803) 785-8121
Landscape Office (803) 785-8121
Subdivision (Plat Approval) Office (803) 785-8121
Zoning Office (803) 785-8121

SC Department of Health and Environmental Control
Midland EQC Columbia—State Park Health Center
8500 Farrow Road, Building 12, Columbia, SC 29203

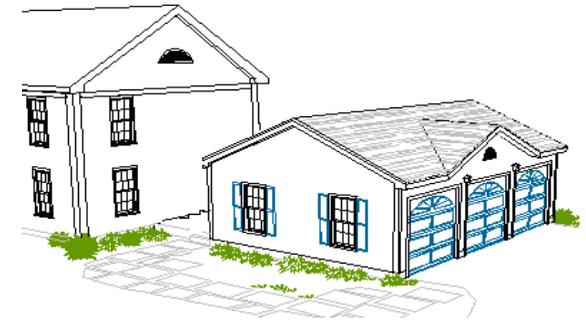
SCDHEC (Residential Septic Tank Permits) (803) 896-0620

Lexington County Fire Service Headquarters
436 Ballpark Road, Lexington, SC 29072

Office of the Fire Marshall (803) 785-8145

Lexington County Public Works/Engineering Building
440 Ballpark Road, Lexington, SC 29072

Stormwater Management/Land Disturbance (803) 785-8201
County Right-of-Way Encroachment (803) 785-8201



**HOME OCCUPATION
PERMITS
AND
RESIDENTIAL ACCESSORY
ACTIVITIES**

**COUNTY OF LEXINGTON
COMMUNITY DEVELOPMENT DEPARTMENT
212 South Lake Drive, Suite 401
Lexington, SC 29072**

**Phone: (803) 785-8121
Fax: (803) 785-5186**

HOME OCCUPATION

A home occupation is an accessory activity of a non-residential nature which is performed within a dwelling unit (house, etc.), or within an accessory structure of a residence. A home occupation:

- Cannot occupy more than 25% of total floor area of such dwelling unit and can in no event occupy more than 750 square feet of floor area.
- Shall not include the manufacture or repair of transportation-related equipment or animal impoundment activities (kennel).
- Is subject to the performance standards contained in the Zoning Ordinance as applicable.
- Requires a Zoning Permit in addition to that of their residential principal activity.

The following items are not permitted as part of a home occupation unless a variance is granted by the Board of Zoning Appeals:

- Exterior displays, display of goods visible from the outside, or exhibit on the premises by any method which would indicate from the exterior that the dwelling unit, or accessory structure, is being utilized in whole or part as a home occupation.
- The use of any mechanical, chemical, or electrical device which would pose a potential hazard to the residential setting and which may be considered to be an unusual piece of equipment in the residential environment.
- Storage of materials or goods outside of a principal or accessory building or other structure.
- External structural alterations not customary in residential buildings.
- Traffic generation substantially in excess of that which would normally be expected in a residential setting.
- Teaching more than six (6) pupils simultaneously.
- Employment at the residence housing the home occupation of a person other than a resident of the dwelling unit.

The following items are not permitted as part of a home occupation unless a special exception is granted by the Board of Zoning Appeals:

- Regular care, supervision, or guidance of more than 6 individuals (pre-teenage children, senior citizens, or adults with disabilities), counting those who live at the site of the home occupation. No special exception will be granted for home occupation day care of over 12 such individuals; nor may any special exception for a home occupation day

care extend beyond the operator or site originally granted the special exception.

- Home occupation day care is not subject to the 25% of total floor area restriction, or the 750 square feet of floor area restriction imposed on other home occupations.
 - Home occupation day care may be conducted outside on the premises using yard furnishings customary to the residential setting.
 - Additional traffic generation from one delivery and one pickup up of each individual each day shall be considered within the limitations of the increased traffic generation.
- The Board of Zoning Appeal's deliberations will include, but not be limited to, the following items:
 - The size of the residence and outside recreation area.
 - Parking and vehicular access to the residence and its ability to accommodate the drop-off and pick up of the additional individuals.
 - The stated opinions of the surrounding property owners.
 - If requested, the acceptability of having an employee who is not a resident of the dwelling unit.

RESIDENTIAL ACCESSORY ACTIVITY

A residential accessory activity is a secondary activity usually associated with and appropriate, minor, and secondary to the principal activity when located on the same lot and when meeting the further conditions set forth in Sections 21.21 and 21.22 of the Lexington County Zoning Ordinance. Accessory activities shall be controlled in the same manner as the associated principal activity unless an exception is defined within the Lexington County Zoning Ordinance.

Examples of Accessory Activities:

- Temporary one day sale of goods from a residential dwelling (yard sale) or other principal activity provided such sale does not occur more than four (4) times per year.
- Vehicles without a current license plate or vehicles under repair for longer than thirty (30) days, are an allowed accessory activity to a residential use only if fully screened from the road right-of-way and any surrounding properties. In case of a single vehicle on a property meeting this description, a cloth automotive cover may be used provided that it is designed and sold specifically for use as a car/truck cover. Tarpaulin may not be used as screening. For multiple cars, total screening must be provided as described in Article 2, Section 23.30, Screening.

Repetitive overnight parking of commercial-type vehicles shall be allowed as an accessory activity to a residential use only through compliance with the Section 21.21k of the Zoning Ordinance, or through appropriate buffering restrictions consent from protected property owners, or through a variance from the Board of Zoning Appeals. Vehicles not allowed as accessory to residential include: full size tour bus, tanker truck, any vehicle hauling hazardous materials, backhoe, motor grader, front-end loader, or other earth moving equipment. These vehicles must be permitted individually. This list does not include yard and garden equipment not used commercially.

The parking of any allowed vehicle shall not violate the vision clearance requirements of the Zoning Ordinance. There are also **NO** grandfathering provisions for any existing violations of these restrictions.

For more specific information on Accessory Activities, please review the Lexington County Zoning Ordinance. This can be found at <http://www.lex-co.sc.gov/departments/DeptAH/communitydevelopment/Pages/CDOrdinances.aspx> or hard copies can be obtained from the Zoning Office located on the 4th Floor of the County Administration Building for a fee.

BUFFERING RESTRICTIONS CONSENT

Buffering Restrictions Consent - Verification Form

Consent to reduce the maximum buffering restrictions may serve to reduce residential accessory structures setbacks from adjoining property lines, but not from the road right-of-way, as defined by the Zoning Ordinance. Consent to reduce buffering restrictions may be needed when an accessory building has been shown on a site plan to be closer than the allowed **three (3)** feet from the property line. (Please note: if the building setback is less than three (3) feet, then applicable building codes may be required for the structure.)

A Zoning Buffering Restrictions Consent - Verification Form must be prepared by the zoning staff and the property owner is responsible for getting the affected adjoining property owner's signature(s). After the signatures are verified by the zoning staff, the form must be attached to a building permit within 90 days of authorization. If it is not attached to a building permit within 90 days, then the form becomes null and void. A scaled site plan of the proposed building location is required before zoning staff can prepare a Buffering Restrictions Consent - Verification Form. There is a nominal fee charged for each Verification Form prepared by the zoning staff.

RESIDENTIAL ACCESSORY AND PERSONAL USE UTILITY BUILDINGS

Residential accessory buildings that are 500 square feet, or larger, and located on the same parcel as the principal residential use, are required to