



County of Lexington

Department of Community Development

County Administration Building – 4th Floor
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<https://lex-co.sc.gov/departments/community-development>

APPLICATION FOR A ZONING – HOME OCCUPATION PERMIT

Please **PRINT**

1. Name of home based business: _____ Type of business: _____

2. Address and TMS# of property where home based business is to be located:

TMS#: _____

3. Property owner's name, mailing address, phone and email:

Phone: () _____ Email: _____

4. Applicant's name, address, phone and email if different from property owner's:

Phone: () _____ Email: _____

5. Is the tract or parcel of land restricted by any recorded covenant that is contrary to, conflicts with, or prohibits the proposed activity? Yes No

(Applicant's Signature) _____ Date _____

6. Will the use of an accessory structure such as storage building, detached garage, etc. be used as part of the home occupation? Yes or No (Please Circle). If Yes, then how many square feet will it occupy? _____.

(OVER)

ZONING – HOME OCCUPATION REQUIREMENTS

Page 2 – Application for a Zoning - Home Occupation Permit

21.21 Home Occupations

Except as otherwise provided below (in items a. through h.), a home occupation is a business-type activity which is based and/or performed within a dwelling unit, or within an accessory structure to a residence. A home occupation would also include an activity that is being based from a dwelling unit or within an accessory structure, but not performed within the dwelling unit or within a residential accessory structure. The owner/operator of the home occupation must reside at the residence. Any single commercial type vehicle being used for the home occupation must meet the requirements of Section 21.21m, and will not count towards the actual square footage being used. However, a home occupation shall not be allowed for an activity with multiple commercial type vehicles that require screening. It shall not occupy more than 25 percent of the total floor area of such dwelling unit and in no event occupy more than 750 square feet of floor area. A home occupation shall not include the manufacture or repair of transportation related equipment; the temporary storage of wrecked, dismantled, unregistered, or other vehicles for sale; sexually oriented businesses; transient habitation activities (i.e., bed and breakfast); or animal impoundment activities (kennel) and shall be subject to the performance standards contained in this Ordinance as applicable. Home occupations shall require zoning permits in addition to those of their residential principal activities.

The following shall not be permitted as part of a home occupation unless an appropriate variance is granted by the Board of Zoning Appeals:

- a. Exterior displays, display of goods or chattels 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 in part as a home occupation;
- b. Use, in connection with the home occupation, 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;
- c. Storage of materials, goods, chattels, etc., outside of a principal or accessory building or other structure;
- d. External structural alterations not customary in residential buildings;
- e. Traffic generation substantially in excess of that which would normally be expected in a residential setting;
- f. Teaching of more than six pupils simultaneously; or
- g. Employment at the residence housing the home occupation of a person other than a resident of the dwelling unit.

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

- h. Regular care, supervision, or guidance of more than six individuals (pre-teenage children, senior citizens, or adults with disabilities), counting those who live at the site of the home occupation. No special exception may be granted for a home occupation day care of more than 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. No special exception may be granted for home occupation day care of both children and adults at the same location under this Ordinance.

However, home occupation day care is not subject to the 25 percent of the total floor area restriction, or the 750 square feet of floor area restriction imposed on other home occupations. Also, 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 pick up of each individual each day shall be considered within the limitations of item “e” above. The Board of Zoning Appeals’ deliberations shall include, but not limited to, the following items:

1. The size of the residence and the outside recreation area;
2. Parking and vehicular access to the residence and its ability to accommodate the drop-off and pick-up of the additional individuals;
3. The stated opinions of the surrounding property owners; and
4. If requested, the acceptability of having an employee (“caregiver” as defined by the South Carolina Department of Social Services) who is not a resident of the dwelling unit.