

STATE OF SOUTH CAROLINA )

COUNTY OF LEXINGTON )

ORDINANCE 2020-01

TOWN OF SOUTH CONGAREE )

**AN ORDINANCE AMENDING SOUTH CONGAREE CODE OF ORDINANCES  
CHAPTER 158.142: HOME OCCUPATIONS AND MOVING TO CHAPTER 116; SO AS  
TO UPDATE THE ORDINANCE TITLE XI: BUSINESS REGULATIONS.**

**WHEREAS**, the Mayor and Town Council is authorized to establish ordinances for the general purposes of guiding development in accordance with existing and future needs and promoting public health, safety, morals, convenience, order, appearance, prosperity and general welfare and;

**NOW THEREFORE, BE IT ORDERED** by the town of South Congaree, South Carolina, in Council duly assembled and by the authority thereof, that:

**116: HOME OCCUPATIONS.**

**§ 116.100 STANDARDS.**

If any of the provisions of this chapter are inconsistent with the provisions of any other law presently existing or enacted in the future, the more restrictive requirement shall apply.

If any other provision of any other chapter of these ordinances is clearly in conflict with this chapter, this chapter shall apply.

Any other provisions determined by the Planning Commission, Architectural Review Board or the Zoning Board of Appeals to have a detrimental effect on the surrounding neighborhood and businesses.

If any section, sentence, clause or phrase of this ordinance should be held to be unconstitutional or unlawful by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

**§ 116.200 DEFINITION OF HOME OCCUPATION**

A "home occupation" is an accessory activity of a nonresidential nature which is performed within a living unit by an occupant of the living unit and which is customarily incidental to the residential use of the living unit. A home occupation may include, but is not limited to, the handicraft manufacture of products, the conduct of an art or profession, the offering of a service, or the conduct of a business, subject to the provisions of §158.086 R-1 Residential District (Single Family)

## § 116.300 REQUIREMENTS OF A HOME OCCUPATION

A home occupation shall be permitted in any residential district, provided:

- profession or trade is carried on wholly within the principal building;
- no more than 25% of the floor area of the principal building is used for conduct of the home occupation;
- no merchandise or articles on display for advertising purposes, nor are displayed in a way as to be visible from outside the dwelling;
- no merchandise or articles stored other than inside the principle building;
- produces no alteration or change in the character or exterior appearance of the premises or principal building from that of a dwelling;
- is compatible with a quiet residential environment;
- home occupation is conducted by no other person than members of the household residing on the premises;
- the occupation shall not be a nuisance or cause any undue disturbance in the neighborhood
- allows for no traffic to be generated by the home occupation in greater volume than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of the home occupation shall be met off the street and other than in a required front yard.
- home occupation cannot be used as storage for vehicles not in use by home occupant.
- prior to receiving a business license, a home occupation permit shall be completed;
- annual renewal of the home occupation permit shall coincide with business license renewal and shall consist of completing a home occupation permit and undergoing review by the zoning administrator.
- no home occupation activity being conducted in an approved accessory building
- shall not involve the retail sale of merchandise manufactured off the premises except for products related directly to the service performed.
- no sign shall be permitted except one non-illuminated nameplate not more than two square feet in area mounted flat against the wall of principal building in which the occupation is conducted.
- no major mechanical equipment shall be installed or used for domestic or professional purposes. No home occupation or equipment used in conjunction with a home occupation may cause unhealthy or unsightly conditions, odor, smoke, dust, glare, traffic hazard, vibration, excessive, disturbing or offense noise, electrical interference, or fluctuation in voltage that is perceptible beyond the lot line. No hazardous substances may be used or stored in conjunction with a home occupation;
- meets all applicable fire and building code requirements, as determined by the Building Official or his/her designee, prior to the commencement of operation and at all times thereafter.
- No activities associated with the home occupation will be allowed outside the structure in which the home occupation is permitted.
- Customers, Clients, and Patients shall visit the site of a home occupation only during the hours of 7:00 a.m. to 8:00 p.m., and
- Any other reasonable development and performance standards imposed by the Zoning Board of Appeals as a means of ensuring land use compatibility.

## § 116.400 PERMITTED USES OF A HOME OCCUPATION

The following home occupations shall be permitted. Other home occupations may be permitted by the Zoning Board of Appeals in accordance with the aforementioned requirements:

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Accountant and Bookkeeping	Photographer
Attorney	Professional Consultants
Barber	Secretarial Services
Beautician	Sewing & Tailoring
Child Care in Home	Tax Consultants
Dance Instructor	Tutoring
Dress Making	Typing
Insurance Agent	Music Teacher
Ironing	Interior Designer
Manufacturer's Representative	Architect
Notary Public	Artist

### **§ 116.500 HOME OCCUPATION EXCLUSIONS.**

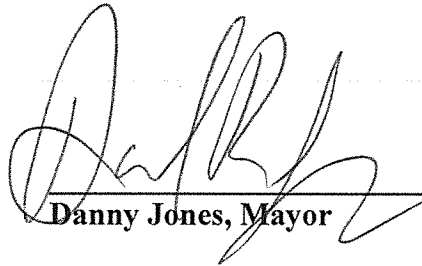
**The following activities shall not in any case qualify as home occupations:**

1. Vehicle/equipment repair, rental or sales. Any type of repair, rental, sales, or assembly of vehicles or equipment with internal combustion engines (such as autos, motorcycles, scooters, snowmobiles, outboard marine engines, lawn mowers, chain saws, and other small engines) or of commercial appliances (household appliances not included in this definition) or any other work related to automobiles and their parts is prohibited as a home occupation.
2. Restaurants. Restaurants and food service establishments are not allowed as home occupations.
3. Employee dispatch centers. Dispatch centers, where employees come to the site to be dispatched to other locations, are not allowed as home occupations.
4. Animal care, breeding for profit, breeding more than one litter per year for sale purposes, or boarding. Animal care or boarding facilities (including animal hospitals, kennels, stables, and all other types of animal boarding and care facilities) are not allowed as home occupations.
5. Medical clinics, laboratories, research centers, urgent/emergency care, convalescent care, hospitals, facilities providing surgical and procedural diagnostic services, inpatient care, and similar medical facilities.
6. Funeral home.
7. Tow Trucking Companies. No tow vehicles are allowed as a part of a home occupation.
8. Other uses determined by the Zoning Board of Appeals to have a detrimental effect on the surrounding neighborhood.

**§ 116.600 REQUIRES APPROVAL.**

No home occupation shall be permitted unless the Zoning Official certifies that it will conform to the home occupation regulations. The Zoning Official may fix a termination date upon a home occupation in order to affect a periodic review thereof.

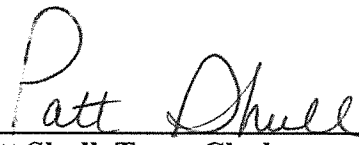
**1<sup>st</sup> Reading 12/10/2019**  
**Public Hearing 12/10/2019**  
**2<sup>nd</sup> Hearing 1/21.2020**



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**Danny Jones, Mayor**

**Attest:**



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**Patt Shull, Town Clerk**