



Zoning/Planning

Charleston County Home Occupation Application Package

In order to assure the site can safely support the proposed activity, the Planning Department may require one or more of the following items prior to issuing a Zoning Permit for a Home Occupation (in addition to the required fee):

Applicant Information

- ◆ Home Occupation Affidavit
- ◆ Letter of Intent
- ◆ Restrictive Covenants Affidavit
- ◆ Copy of Article 6.5.11 – Home Occupations
- ◆ Photo ID for proof of residence

The intent of this Article is to provide regulations that guide the use of unincorporated properties for the purpose of conducting a commercial home occupation within a residence. This Article intends to create a balance of greater flexibility for home occupation uses, while protecting the surrounding community. The regulations of this Article shall apply in conjunction with any other standards contained within this Ordinance.



Joel H. Evans, AICP, PLA
Zoning & Planning Director

843.202.7200
Fax: 843.202.7222
Lonnie Hamilton III Public Services Building
4045 Bridge View Drive
North Charleston, SC 29405

Home Occupation

_____, I am a full time resident of the dwelling at

Name

Address of Home Occupation

Name of the business I will be operating from this address is:

Name of Home Occupation

I have read and understand the requirements and standards for a Home Occupation as stated in Section 6.5.9 of the *Charleston County Zoning and Land Development Regulations (ZLDR) Ordinance*. Additionally, I have been provided a copy of this section of the Ordinance.

Any violations of this section of the ZLDR Ordinance could result in revocation of the zoning permit.

Signature

Date



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RESTRICTIVE COVENANTS AFFIDAVIT

I, _____, have reviewed the restrictive covenants applicable to
PID # (Parcel Identification #) / TMS # (Tax Map #): _____,
located at (address) _____, and the proposed application is
not contrary to, does not conflict with, and is not prohibited by any of the restrictive
covenants, as specified in South Carolina Code of Laws, Section 6-29-1145.

(Signature)

(Date)

(Print Name)

Explanation:

Effective July 1, 2007, South Carolina Code of Laws Section 6-29-1145 requires local governments to inquire in the permit application, or in written instructions provided to the applicant, if a tract or parcel of land is restricted by a recorded covenant that is contrary to, conflicts with or prohibits an activity for which a permit is being sought. (Section 6-29-1145 is copied on the back of this page)

For Staff Use Only:

Received by _____ Date _____ Application Number _____

“Section [6-29-1145](#).

(A) In an application for a permit, the local planning agency must inquire in the application or by written instructions to an applicant whether the tract or parcel of land is restricted by any recorded covenant that is contrary to, conflicts with or prohibits the permitted activity.

(B) If a local planning agency has actual notice of a restrictive covenant on a tract or parcel of land that is contrary to, conflicts with, or prohibits the permitted activity;

(1) in the application for the permit;

(2) from materials or information submitted by the person or persons requesting the permit; or

(3) from any other source including, but not limited to, other property holders, the local planning agency must not issue the permit unless the local planning agency receives confirmation from the applicant that the restrictive covenant has been released for the tract or parcel of land by action of the appropriate authority or property holder or by court order.

(C) As used in this section:

(1) ‘actual notice’ is not constructive notice of documents filed in local offices concerning the property, and does not require the local planning agency to conduct searches in any records offices for filed restrictive covenants;

(2) ‘permit’ does not mean an authorization to build or place a structure on a tract or parcel of land; and

(3) ‘restrictive covenant’ does not mean a restriction concerning a type of structure that may be built or place don a tract or parcel of land.”

Sec. 6.5.11 Home Occupations

- A. General.** The regulations of this Section are intended to permit residents to engage in Home Occupations, while ensuring that Home Occupations will not be a detriment to the character and livability of the surrounding area. Home Occupations must remain subordinate to the principal residential use of the property and the viability of the residential use must be maintained. Zoning Permits shall be required for all Home Occupations.
- B. Where Allowed.** A Home Occupation that complies with the regulations of this Section shall be allowed as an Accessory Use to legally permitted Residential or Agricultural Principal Use.
- C. Allowed Uses.** The Home Occupation regulations of this Section establish performance standards rather than detailed lists of allowed Home Occupations. Uses that comply with all of the standards of this Section will be allowed as Home Occupations unless they are specifically prohibited.
- D. Prohibited Uses.** The following are prohibited as Home Occupations unless expressly authorized elsewhere in this Ordinance.
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, outboard marine engines, lawn mowers, chain saws, and other small engines) or of large appliances (such as washing machines, dryers, and refrigerators) or any other work related to automobiles and their parts is prohibited as a Home Occupation in the RR, S-3, R-4, MHS, UR, and MHP Zoning Districts, unless these types of repairs, rentals, or sales take place in an enclosed Structure and pose no noise or safety concerns.
 2. *Restaurants.* Restaurants and food service establishments, with the exception of Catering uses, 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 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 in the S-3, R-4, MHS, UR, and MHP Zoning Districts.
 5. *Medical Offices or Clinics.* Medical Offices and medical clinics are not allowed as Home Occupations in the R-4, MHS, UR, and MHP Zoning Districts. This includes doctors' Offices, dentists' Offices, psychologists' Offices, Hospitals, and all other medical care facilities. The prohibition shall not be interpreted as preventing medical practitioners from seeing patients in the practitioner's home on an emergency basis. Limited Prosthetic Manufacturing as defined in Chapter 12, *Definitions*, of this Ordinance shall be allowed.
 6. *Funeral Homes.* Funeral Services, including Funeral Homes, are not allowed as Home Occupations.
 7. *Barber Shops, Beauty Shops, and Nail Salons.* Hair, Nail, and Skin Care Services, including barber shops, beauty shops, nail salons, and similar personal services, with more than one chair, are not allowed as Home Occupations.
 8. *Dancing Schools.* Dancing schools are not allowed as Home Occupations.
 9. *Short-Term Rental Properties (STRP).* STRPs are not allowed as Home Occupations.
 10. *Special Trade Contractors (Offices/Storage).* Special Trade Contractors (Offices/Storage) are prohibited as Home Occupations.
 11. *Firearm Sales and Repair.* Firearm Sales and Repair are prohibited as Home Occupations.
- E. Employees.** A maximum of two full-time or two part-time employees, who are not full-time residents of the home where the Home Occupation is located, are allowed. The Home Occupation may have other employees who are not working at the residence, but work at other off-site locations, if applicable. For the purpose of this provision, the term "nonresident employee" includes an employee, business partner, co-owner, or other person affiliated with the Home Occupation, who does not live at the site, but who visits the site as a part of the Home Occupation.
- F. Resident Operator.** The operator of a Home Occupation shall be a full-time resident of the Dwelling Unit.
- G. Customers.** Customers may visit the site of a Home Occupation only during the hours of 8:00 a.m. to 8:00 p.m., with no more than an average of one customer or client per hour being allowed.
- H. Floor Area.** No more than 25 percent of the total Floor Area of the Dwelling Unit may be used to house a Home Occupation. Up to 1,000 square feet of a legally permitted Accessory Structure, such as a Garage, may be used for a Home Occupation.
- I. Outdoor Activities.** All activities and storage areas associated with Home Occupations must be conducted in completely enclosed Structures, with the exception of Crop Production.
- J. Exterior Appearance.** There shall be no visible evidence of the conduct of a Home Occupation when viewed from the Street or from an adjacent Lot. There shall be no change in the exterior appearance of the Dwelling Unit that houses a Home Occupation or the site upon which it is conducted that will make the Dwelling appear less residential in nature or function.

Zoning and Land Development Regulations

Examples of prohibited alterations include construction of Parking Lots, paving of required Setbacks, adding entrances to the Dwelling Unit, erecting signage, and adding commercial-like exterior lighting. The use of Snipe Signs is prohibited.

- K. **Operational Impacts.** No Home Occupation or equipment used in conjunction with a Home Occupation may cause odor; Vibration, noise, electrical interference, or fluctuation in voltage that is perceptible beyond the Lot Line of the Lot upon which the Home Occupation is conducted. No hazardous substances may be used or stored in conjunction with a Home Occupation.
- L. **Vehicles.** Not more than one pick-up truck, car, sports utility vehicle, or van used in conjunction with a Home Occupation may be parked at the site of the Home Occupation in any RR, S-3, R-4, MHS, UR, or MHP Zoning District. The Heavy Commercial Vehicle requirements of Section 6.5.15, *Storage and Parking of Heavy Commercial Vehicles in Residential Zoning Districts*, shall apply to Home Occupations.
- M. **Deliveries.** Deliveries and pick-ups of supplies or products associated with Home Occupations are only allowed between the hours of 8:00 a.m. and 8:00 p.m.
- N. **Sales.** No article, product, or service may be sold in connection with a Home Occupation, other than those produced on the premises or comprise 25 percent or less of the gross receipts, provided that online sales are allowed if there are no in-person or walk-in purchases.