

residential building permit will not be issued without the completed affidavit. The purpose of the Residential Use Affidavit is to allow accessory structures on properties that would normally be associated with activities of a residential nature. These structures are intended for personal use, not for commercial activities. Residential accessory structures must be located a minimum of ten (10) feet from the road right-of-way and three (3) feet from adjoining property lines. There is no zoning fee associated with a Residential Use Affidavit.

Residential accessory structures smaller than 500 square feet do not normally 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.

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 residential affidavit for my storage shed?

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

DEVELOPMENT REVIEW and PERMIT FEES

ZONING ORDINANCE

Zoning Permit: Residential and Accessory to Residential	\$53 per acre
..... (or portion)	
Home Occupation Permit.....	\$64
Zoning Waiver: Residential.....	\$27
Zoning Variance Request:	
Residential	\$107
Zoning Appeal.....	\$160
Special Exception Request.....	\$267
Zoning Text Amendment Request	\$321
Zoning Map Amendment Request	\$321 per every
..... 10 acres of contiguous parcels (portion thereof)	

Please note that the entire Development Review and Permit Fee Schedule is available on the Community Development web pages of the Lexington County web site.

IMPORTANT PHONE NUMBERS TO REMEMBER

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

3rd Floor

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

4th Floor

Building Inspections	(803) 785-8130
Floodplain Management	(803) 785-8121
Landscape Ordinance.....	(803) 785-8121
Subdivision Regulations (Plat Approval)	(803) 785-8121
Zoning	(803) 785-8121

5th Floor

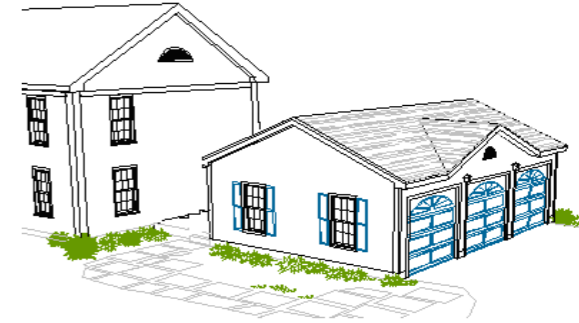
Office of the Fire Marshall..... (803) 785-8145

Lexington County Auxiliary Administration Building
605 West Main Street, Lexington, SC 29072

SCDHEC (Residential Septic Tank Permits) (803) 785-8113

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**

www.lex-co.com/Departments/CommunityDevelopment/Index.html

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 waivers 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 www.lex-co.com/Departments/CommunityDevelopment.html or hard copies can be obtained from the Zoning Office located on the 4th Floor of the County Administration Building.

RESIDENTIAL ACCESSORY WAIVER/RESIDENTIAL AFFIDAVIT

Residential Zoning Waiver

Residential zoning waivers may reduce residential accessory structures setbacks from adjoining property lines, but not from the road right-of-way, as defined by the Zoning Ordinance. A waiver is 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 residential zoning waiver must be prepared by the zoning staff and the property owner is responsible for getting the affected adjoining property owner(s) to sign the waiver. After the signatures are verified by the zoning staff, the waiver must be attached to a building permit within 90 days of authorization. If the waiver is not attached to a building permit within 90 days, then the waiver becomes null and void. A nominal fee is charged for a residential zoning waiver. A scaled site plan of the proposed building location is required before zoning staff can prepare a residential zoning waiver.

Residential Use Affidavit

Residential Use Affidavits are required for residential accessory structures larger than 500 square feet, which are to be used for purposes of a residential nature. The affidavit form must be completed by zoning staff and signed by the property owner. The completed affidavit form will then be attached to the file copy of the residential building permit for the accessory structure. A