

ORDINANCE NO. 17-11-43

AN ORDINANCE TO AMEND AND CLARIFY SECTION 11.9.1, HOME OCCUPATION, ADOPTED IN ORDINANCE NUMBER 01-8-35 ON AUGUST 27, 2001 AS PART OF THE BERKELEY COUNTY ZONING AND DEVELOPMENT STANDARDS ORDINANCE.

WHEREAS, Berkeley County Council adopted a Zoning and Development Standards Ordinance, on August 27, 2001, pursuant to Title 6, Chapter 29, of the Code of Laws of South Carolina, 1976, as amended; and

WHEREAS, Berkeley County Council adopted such regulations for the purpose of promoting the public health, safety, convenience, order, appearance, prosperity, and general welfare of the County; and

WHEREAS, Berkeley County Council has determined that amendment to Section 11.9.1, Home Occupation, is now necessary to ensure that adequate provisions are in place to support entrepreneurialism in a manner that seeks to protect public health, safety, and wellbeing.

NOW THEREFORE, BE IT ORDAINED, that Section 11.9.1, Home Occupation, originally adopted in Ordinance No. 01-8-35, is hereby deleted in its entirety and replaced with the following:

11.9. - Residential uses.

11.9.1. Home occupation.

- A. *Accessory use.* Home occupations that comply with the regulations shall be allowed as an accessory use to any allowed residential or agricultural principal use.
- B. *Prohibited uses.*
 - 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.

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Catherine R. Lindham
Clerk to Council
County Council Berkeley County SC


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.
 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. Other uses determined by the zoning administrator to have a detrimental effect on the surrounding neighborhood.
- C. *Employees.* No person who is not a resident on the premises shall be employed specifically in connection with the activity, except that not more than one assistant may be employed by the following home occupations: lawyer, realtor, salesman, and other similar professional occupations.
 - D. *Customers, Clients, and Patients.* Customers, Clients, and Patients shall visit the site of a home occupation only during the hours of 6:00 a.m. to 6:00 p.m., and public access to the Home Occupation shall be provided by a separate exterior entrance that is not visible from the street right-of-way or from an adjacent lot.
 - E. *Floor area.* The total square footage of the home occupation shall not exceed 25 percent of the total floor area of the principal dwelling.
 - F. *Outdoor activities.* No activities associated with the home occupation will be allowed outside the structure in which the home occupation is permitted.
 - G. *Exterior appearance.* There shall be no visible evidence of the conduct of a home occupation when viewed from the street right-of-way or from an adjacent lot. Prohibited alterations include, but are not limited to, construction of parking lots, paving of required setbacks, or use of commercial lighting.
 - H. *Operational impacts.* 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 odor, vibration, excessive noise as defined in Section 38.1 - *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.
 - I. *Deliveries.* No more than four deliveries or pickups of supplies or products associated with home occupations are allowed per week and shall be made only during the hours of 8:00 a.m. to 6:00 p.m.
 - J. *Sales.* No article, product, or service may be sold in connection with a home occupation, other than those produced on the premises.
 - K. *Traffic.* The Home Occupation shall not generate greater volumes of traffic than would normally be expected in a residential district. The total vehicle trips generated by the Home Occupation shall not exceed 10 total trips per day (50% entering/50% exiting) during the typical weekday and weekend.

- L. *Parking.* All parking associated with a Home Occupation shall be provided off-street.
- M. *Building Code.* The portion of the principal or accessory structure that is utilized for the home occupation shall meet all applicable fire and building code requirements, as determined by the Chief Building Official or his/her designee, prior to the commencement of operations and at all times thereafter.
- N. *All Other Regulations.* The portion of the principal or accessory structure that is utilized for the home occupation shall meet all applicable tax, health department requirements, and zoning permit requirements prior to the commencement of operations and at all times thereafter.
- O. Any other reasonable development and performance standards imposed by the Zoning Administrator as a means of ensuring land use compatibility.

ADOPTED this 27th day of November, 2017.


BERKELEY COUNTY, SOUTH CAROLINA

(SEAL)



William W. Peagler, III, Chairman
Berkeley County Council


ATTEST:



Catherine R. Windham
Clerk to Berkeley County Council


First Reading: September 25, 2017
Second Reading: October 23, 2017
Public Hearing: November 27, 2017
Third Reading: November 27, 2017


17-11-43


MEMBERS OF COUNTY COUNCIL



C. KEVIN COX Voting YES



DENNIS L. FISH Voting YES

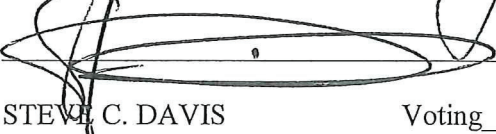

JOSHUA S. WHITLEY Voting _____


JACK H. SCHURLKNIGHT Voting YES


KENNETH E. GUNN, JR. Voting YES


CALDWELL PINCKNEY, JR. Voting YES


JOE T. NEWELL Voting YES


STEVE C. DAVIS Voting YES