



Ratification
Number 2022-026

A N O R D I N A N C E

TO AMEND ARTICLE 2 (LAND USE REGULATIONS), PART 4 (ACCESSORY USES) OF CHAPTER 54 OF THE CODE OF THE CITY OF CHARLESTON (ZONING ORDINANCE) TO CLARIFY CERTAIN ALLOWED OUTDOOR ACTIVITIES UNDER HOME OCCUPATIONS

BE IT ORDAINED BY THE MAYOR AND COUNCILMEMBERS OF CHARLESTON, IN CITY COUNCIL ASSEMBLED:

Section 1. Part 4 (Accessory Uses) of Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) is hereby amended by adding the text shown below with a double-underline and deleting text shown below with a ~~strike-through~~:

Sec. 54-211. Home occupations.

a. A home occupation may be established ~~in a dwelling unit~~ on a property in any zoning district, as an accessory use to the principal residential use, if the intended home occupation meets the conditions listed below. The business owner must complete and sign a "Home Occupation Application." The completed application shall constitute zoning approval.

1. The home occupation shall be a use that is customarily conducted ~~within a dwelling~~ by the resident of record, is incidental and subordinate to the principal residential use, and does not constitute a nuisance or adversely affect the use and development of adjoining properties in the neighborhood. Home occupations shall include, in general, but not be limited to, personal services such as furnished by an artist, musician, seamstress or instructor. Also, a home occupation may be a business that maintains an office within a dwelling, but conducts business activity at another location away from the dwelling. This includes, but is not limited to, building contractor, lawn care service, painter, pressure washing, interior design, cleaning service, or newspaper delivery. A home occupation shall not include such occupations as adult uses, motor vehicle repairs, motor vehicle rental, motor vehicle sales, tattooing, tea rooms, tourist homes, bed and breakfasts short term rentals, rooming or boarding houses, animal kennels or hospitals, physicians, dentists or other offices for diagnosis, prevention, alleviation, or cure of disease or disability, retail businesses, or occupations which have vehicles, other than vehicles as described below, parked or stored at the dwelling.

2. The home occupation shall be clearly incidental to the principal residential use of the property and shall not change the essential residential character of the property.

3. Outdoor activities. All activities and storage areas associated with home occupations must be conducted in completely enclosed buildings, with the exception of swimming instructions.

4. Use of the dwelling for this purpose shall be limited to thirty-three percent (33%) of the existing principal building and up to 650 square feet of an enclosed accessory building.

5. No outside storage shall be used in connection with the home occupation.
6. No electrical, mechanical, or chemical equipment that is not normally a part of domestic or household equipment shall be permitted. There shall be created no dangerous, injurious, noxious or otherwise objectionable fire, explosive or other hazard; noise or vibration; smoke, dust, odor or other form of air pollution; heat, cold or dampness; electromagnetic or other disturbance; glare; liquid or solid refuse or other waste; or other objectionable substance, condition or element.
7. There shall be no exterior display, no exterior storage of materials, no exterior sign, except as permitted by the applicable district regulations, and no other exterior indication of the home occupation or internal or external alterations inconsistent with the residential use or character of the dwelling.
8. Such occupation shall be carried on by a resident, members of his family living on the premises, and no more than one full-time or part-time nonresident employee who works at the residence used for the home occupation. 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 section, 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 may work at the site as a part of the home occupation.
9. Display of products shall not be visible from the street and only articles made on the premises may be sold on the premises.
10. Instruction in music, dancing, swimming, art and similar instruction shall be limited to two students at a time, with the expectation that pick-up and drop-off times are arranged in a manner that minimizes impact to the neighborhood.
11. A barber shop or beauty shop with not more than one (1) chair shall be permitted as a home occupation if the other requirements of this Section are met.
12. Passenger vehicles only shall be permitted in connection with the conduct of the home occupation. Passenger vehicles include motorcycles, automobiles, pickup trucks and vans. No truck cabs, or other large trucks or semi-truck trailers shall be allowed.
13. No traffic shall be generated by such home occupation in greater volume than would normally be expected in the neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard.
14. Nothing in this section shall allow zoning approval for a home occupation which creates or causes to be created noises, noxious odors, or conditions injurious to the health, safety, morals, or welfare of the community. The Board of Zoning Appeals-Zoning shall review all appeals to decisions of the Zoning Administrator. Such zoning approval shall be revoked upon a finding that any home occupation established under this Chapter fails at any time to meet the requirements prescribed herein.

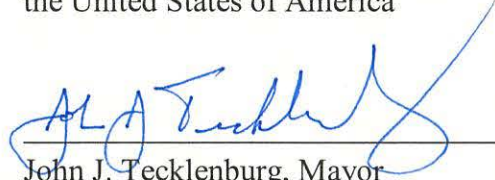
In granting the zoning approval for a home occupation, the Zoning Administrator may impose such reasonable and additional stipulations, conditions or safeguards, as deemed necessary to fulfill the purposes and intent of this Chapter.

- b. Expiration. The Zoning Permit for a home occupation shall expire under the following conditions:
 1. Whenever the applicant ceases to occupy the premises for which the home occupation was issued. No subsequent occupant of such premises shall engage in any home occupation until a new permit has been issued through proper application.
 2. Whenever the applicant fails to exercise the use permitted for any period of twelve (12) consecutive months.
 3. Whenever in the judgment of the Zoning Administrator the home occupation exceeds the limitations of this Chapter or the restrictions stated on the zoning approval, a notice which revokes the Home Occupation zoning approval shall be mailed by certified mail to the licensee stating the date the permit is to be voided. The licensee

may request a hearing before the Board of Zoning Appeals-Zoning for a reinstatement of the Home Occupation zoning approval.


Section 2. This Ordinance shall become effective upon ratification.

Ratified in City Council this 22nd day of
February in the Year of Our Lord, 2022,
and in the 246th Year of the Independence of
the United States of America



John J. Tecklenburg, Mayor

ATTEST:



Jennifer Cook
Clerk of Council

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