

Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 17 (Unified Development Ordinance), Article 4, Use Regulations, Sec. 17-4.3, Accessory Uses and Structures

BE IT ORDAINED by the Mayor and Council this 2nd day of August, 2022, that the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 17 (Unified Development Ordinance), Article 4, Use Regulations, Sec. 17-4.3, Accessory Uses and Structures is amended to read as follows:

Sec. 17-4.3 Accessory Uses and Structures

(a) General

(1) Purpose and Intent

The purpose of this section is to authorize the establishment and continuation of accessory uses and structures, which are land uses and structures that are incidental and customarily subordinate to principal uses. This section is intended to allow a broad range of accessory uses and structures, so long as they comply with the standards set forth in this section to reduce potentially adverse impacts on surrounding lands.

(2) Organization of this Section

The table in Sec. 17-4.3(b), Accessory Use/Structure Table, identifies the zoning districts in which specific accessory uses and structures are allowed. Sec. 17- 4.3(c), General Standards for All Accessory Uses and Structures, sets out general standards applicable to all accessory uses and structures. Sec. 17-4.3(d), Standards for Specific Accessory Uses and Structures, sets out any special standards applicable to particular accessory uses and structures.

(b) Accessory Use/Structure Table

(1) Organization of Accessory Uses and Structures

The Accessory Use/Structure Table in this subsection lists accessory uses and structures alphabetically.

(2) Abbreviations in Use Table Cells

a. Permitted Uses and Structures

A “C” in a cell of the accessory use/structure table indicates that the use or structure is allowed as an accessory use or structure in the corresponding base zoning district on the condition that it complies with the use-specific standards as referenced in the final column of the table. Permitted accessory uses and structures are subject to all other applicable regulations of this Ordinance, including but not limited to those set forth in Article 3: Zoning Districts, Article 5: Development Standards, and Article 6: Land Development (Subdivision) Standards. References refer to 17-4.3(d), Standards for Specific Accessory Uses and Structures. These standards shall apply to a particular use or structure regardless of the base zoning district where it is proposed, unless otherwise specified.

b. Special Exception Uses and Structures

An “S” in a cell of the accessory use/structure table indicates that the use or structure is allowed in the corresponding base zoning district as an accessory use or structure only upon approval of a Special Exception Permit in accordance with Sec. 17-2.5(e), Special Exception Permit, and any use-specific standards referenced in the final column of the table. Accessory uses and structures subject to a Special Exception Permit are subject to all other applicable regulations of this Ordinance, including, but not limited to, those set forth in Article 3: Zoning Districts, Article 5: Development Standards, and Article 6: Land Development (Subdivision) Standards.

c. Prohibited Uses and Structures

A blank cell in an accessory use/structure table indicates that the use or structure is prohibited in the corresponding zoning district.

(3) Unlisted Uses

The Zoning Administrator shall evaluate potential accessory uses or structures that are not identified in Sec. 17-4.3(b), Accessory Use/Structure Table, on a case- by- case basis, as an Interpretation (see Sec. 17-2.5(w), Interpretation – Zoning). In making the interpretation, the Zoning Administrator shall consider the following:

- a. Accessory uses identified in Sec. 17-9.3(a), Principal Use Classification System;
- b. The definition of “accessory use” (see Sec. 17-9.4, Definitions), and the general accessory use standards established in Sec. 17-4.3(c), General Standards for All Accessory Uses and Structures;
- c. The additional regulations for specific accessory uses established in Sec. 17-4.3(d), Standards for Specific Accessory Uses and Structures;
- d. The purpose and intent of the zoning district in which the accessory use or structure is located (see Article 3: Zoning Districts);
- e. Any potential adverse impacts the accessory use or structure may have on other lands in the area, compared with other accessory uses permitted in the zoning district; and
- f. The compatibility of the accessory use or structure, including the structure in which it is housed, with other principal and accessory uses permitted in the zoning district

[illegible]

(c) General Standards for All Accessory Uses and Structures

All accessory uses and accessory structures shall:

- (1) Directly serve the principal use or structure;
- (2) Be customarily accessory and clearly incidental and subordinate to the principal use and structure;
- (3) Be subordinate in area, extent, and purpose to the principal use or structure;
- (4) Be owned or operated by the same person as the principal use or structure;
- (5) Be located on the same lot as the principal use or structure;
- (6) Together with the principal use or structure, not violate any standards of this Ordinance;
- (7) Not be erected closer than three feet to any side or rear property line;
- (8) Not be erected within five feet of any main building unless proposed structure open on all sides;
- (9) Not be erected within a required front yard;
- (10) Not be constructed or established prior to the time the principal use or structure is constructed or established; and
- (11) Not constitute a combination use, which is the combination of two principal uses (combination uses will not meet the above standards in terms of being subordinate or providing service to the principal use).

(d) Standards for Specific Accessory Uses and Structures

The standards set forth in this subsection for a specific accessory use or structure shall apply to the particular individual accessory use or structure, regardless of the zoning district in which it is located or the review procedure by which it is approved, unless otherwise specified in this Ordinance. This subsection is intended to set forth and consolidate the standards for all accessory uses or structures for which a reference to this subsection is provided in the “Standards for Specific Accessory Uses and Structures” column of the accessory use/structure table in Sec. 17-4.3(b), Accessory Use/Structure Table. These standards may be modified by other applicable standards or requirements in this Ordinance.

(1) Accessory Dwelling Unit

An accessory dwelling unit is allowed only as accessory to, and on the same lot as, a single-family detached dwelling unit, subject to the following standards:

- a. There shall be no more than one accessory dwelling unit on a lot.
- b. Either the principal dwelling unit or the accessory dwelling unit must be the permanent, full-time residence of the owner of the lot.
- c. An accessory dwelling unit may be within or attached to the principal structure (e.g., a downstairs or upstairs apartment), or exist within or as a detached structure (e.g., an apartment above a detached garage or a guesthouse).
 1. If attached, the accessory dwelling unit must be attached to the principal structure and have an operative interconnecting door with the principal structure.
 2. If detached:
 - (i) A distance of at least ten feet shall separate the accessory dwelling unit from the principal structure; and
 - (ii) The accessory dwelling unit must be located in the same base zoning district and the principal structure.
- d. A manufactured home or recreational vehicle, travel trailer, camper, or similar vehicle shall not be used as an accessory dwelling unit.
- e. The floor area of an accessory dwelling unit shall be no more than the lesser of 1,000 square feet or 50 percent of the floor area of the principal dwelling unit (excluding carports, garages, and unfinished basements).
- f. An accessory dwelling unit shall:
 1. Have the same street address and mailbox as the principal dwelling
 2. Not be subdivided or otherwise segregated in ownership from the principal single-family dwelling unit.

3. Use the same water, sanitary sewer, gas, and electric utilities as the principal dwelling.
 4. Use the same driveway as the principal dwelling, unless it is accessed from a right-of-way not used by the principal use (e.g., a rear alley or separate street access on a corner or through lot).
 5. Maintain the architectural design, style, appearance and character of the principal dwelling by incorporating design elements of the principal residence like compatible materials, similar façade treatment, colors, window style/treatment and roof design and pitch.
- g. Only one kitchen is allowed per accessory dwelling unit.
 - h. At least one off-street parking space shall be provided in addition to those required for the primary dwelling.
 - i. An accessory dwelling unit shall not be leased or rented for tenancies of less than 30 days.
 - j. Accessory dwelling units shall not count toward the maximum density standards.
 - k. Home occupations are not allowed in accessory dwelling units.

(2) Automated Teller Machine (ATM)

- a. An ATM designed for walk-up use and located in the exterior wall of a building or within a parking area shall be designed to avoid obstructions to pedestrian movement along sidewalks, through public use areas, or between parking areas and building entrances, or vehicular movement in front of buildings or through parking areas

(3) Community Garden

A community garden as an accessory use shall comply with the standards in Sec. 17-4.2(c)(4)a.1, Community Garden.

(4) Drive-through Facility

A drive-through facility shall comply with the following standards:

- a. Canopies or other features installed over a drive through window shall maintain common roof lines and materials with the principal structure.
- b. Vehicular access to drive-through windows or service areas shall be provided from an arterial or collector street.
- c. The driveway providing access to the drive-through facility shall be at least 25 feet from any other driveway.
- d. Internal traffic circulation patterns on the site shall not cause vehicles to impede vehicular movement external to the site or block access to any required parking spaces located on the site.

- e. Drive-through facilities shall not be located on the front façade of the building they serve.
- f. Drive-through facilities shall be designed so as not to obstruct the movement of pedestrians along sidewalks, through areas intended for public use, or between the building entrance and customer parking spaces.
- g. No portion of a drive-through facility shall be located within 50 feet of a Residential zoning district or a lot containing a residential use.

5. Family Child Care Home (as accessory to single-family dwelling)

A family child care home is permitted as an accessory use to a single-family dwelling, provided the family child care home shall:

- a. Not provide care for more than six children;
- b. Be licensed by the State as a Licensed Family Child Care Home;
- c. Comply with standards in Sec. 17-4.3(d)(6), Home Occupation;
- d. Designate an area adjacent to the family child care home and outside the public right-of-way for the loading and unloading of children using the facility, arranged so that children do not have to cross vehicular travel ways to enter and exit the day care facility;
- e. Include a fenced outdoor play area of not less than 500 square feet that is:
 - 1. Located to the side or rear of buildings;
 - 2. Completely enclosed by a fence that is at least four feet in height;

Requested by:

ACM Gentry

Approved by:

Cheresa B. Wilson
City Manager

Approved as to form:

[Signature]
City Attorney

Introduced: 7/26/2022

Final Reading: 8/2/2022

[Signature]
Mayor

ATTEST:

[Signature]
City Clerk