

Article 9 – Home Occupations

9.1 Intent.

Home Occupations shall be defined under Article 4. The purpose of this Article is to:

9.1-1 Maintain the residential character, look and feel of residential areas from the adverse impacts of activities associated with home occupations. (Ord. No. 2008-Z-002, 09-16-08)

9.1-2 Permit residents of the community a broad choice in the use of their homes as a place of livelihood and the production of supplementing of personal and family income.

9.1-3 Establish criteria and development standards for home occupations conducted in dwelling units and accessory structures in residential zones.

9.2 Performance Criteria.

Permitted uses of home occupation shall be allowed if such uses are:

9.2-1 Incidental to the use of the premises as a residence.

9.2-2 Compatible with residential use.

9.2-3 Limited in extent.

9.2-4 Not detracting from the residential character of the neighborhood.

9.3 Development Standards.

For all home occupations, except as otherwise provided for child day care, the following requirements shall be applied:

9.3-1 Retail sales shall be prohibited on the premises except for products or goods produced or fabricated on the premises as a result of the home occupation. Said items may only be those produced on the premises or incidental supplies necessary for and consumed in the conduct of the home occupation. Samples, however, may be kept on the premises but neither sold nor distributed from the residence. Said retail sales shall not be defined to include the exhibition of a sample and the subsequent order and delivery of goods.

9.3-2 Except for permitted outdoor instructional services, the home occupation shall be conducted only within the enclosed living area of the home which may include the basement.

9.3-3 No home occupation nor any storage of goods, materials, or products connected with a home occupation shall be allowed in accessory buildings or detached garages.

9.3-4 No alteration of the residential appearance of the premises shall occur.

9.3-5 There shall be no display or storage of products, materials, equipment, or machinery where they may be visible from the exterior of the residence.

9.3-6 The conduct of the home occupation shall not increase the normal flow of traffic or on-street or off-street parking.

9.3-7 There shall be no interior or exterior business signs advertising the home occupation.

9.3-8 There shall be no increased noise, vibration, glare, fumes, odors or electrical interference created by the home occupation distracting from general appearance.

9.3-9 No process shall be used which is hazardous to public health, safety, morals or welfare.

9.3-10 In no case shall a customary home occupation be opened to the public at times earlier than 8:00 a.m. nor later than 10:00 p.m.

9.3-11 No more than two (2) vehicles shall be utilized in the business and no commercial vehicles whatsoever shall be stored or parked on the property. Any vehicles utilized in the business must be parked in a carport, garage, or driveway. The size of vehicle used in the business shall not be larger than a pick-up truck, panel truck or van or have a carrying capacity of more than 1-1/2 tons. Notwithstanding the forgoing provisions of this section, no vehicles used in the collection, carrying, storage, or transport of garbage, waste, trash, or recycled material may be parked or stored on the property. (Ord. No. 2008-Z-002, 09-16-08)

9.3-12 Adequate off-street parking in a manner consistent with the residential nature of the property shall be provided for the allowed use. (Ord. No. 2008-Z-002, 09-16-08)

9.4 Permitted Home Occupations.

The following uses shall be permitted provided that they shall meet the development standards as provided in Section 9.3 and are operated so as not to create a nuisance.

9.4-1 Upon proof presented to the Zoning Administrator of Cherokee County that the owner of any parcel of land located in Cherokee County, desiring to maintain In-Home Day Care for Children has complied with and met all State Regulations as required by the appropriate department of the State of Georgia having authority over the same, further showing that said compliance and approval is current, then maintenance of an In-Home Day Care for Children shall be an allowed use in the following declared zoning districts of Cherokee County, subject to the conditions and limitations hereinafter stated, to-wit:

- (a) An In-Home Day Care for Children up to and including a total of six (6) children, for which the possessor of the home receives compensation, shall be allowed as a permitted use in zoning classifications AG, R-80, R-40, R-30, R-20 and R-15, provided that the parcel has a total acreage for said zoning classification.
- (b) An In-Home Day Care for Children, from seven (7) to twelve (12) children, for which the possessor of the home receives compensation, shall be allowed as a permitted use in zoning classifications AG, where said parcel located within the AG classification contains

five (5) acres or more. The Zoning Administrator of Cherokee County shall require proof that said parcel meets the acreage requirements for this provisions.

- (c) An In-Home Day Care for Children facility may be maintained for seven (7) to twelve (12) children, for which the possessor of the home receives compensation, in zoning classifications R-80 and R-40, only upon securing approval by the Board of Commissioners upon a showing that the maintenance of said facilities shall not interfere with the residential character of the neighborhood, shall not constitute a nuisance to surrounding property owners and shall not place a burden upon the public utilities serving said parcel or upon the streets and roads servicing said parcel.

Under no event shall the permitted uses under this Ordinance be deemed to circumvent any of the regulations of the State of Georgia, nor be deemed to allow a use by any individual who has not first been approved by the appropriate department having authority over the same for the State of Georgia.

In no event shall the uses as permitted under this Ordinance require Cherokee County, its departments or employees to be responsible for enforcement of any requirements placed on an individual by the State of Georgia, or to have any responsibility to anyone, where someone is maintaining a facility as would otherwise be allowed under this Ordinance without first meeting all State of Georgia requirements and regulations.

9.4-2 Home crafts, such as model making, rug weaving and lapidary work.

9.4-3 Instructional or tutoring services within and enclosed building.

9.4-4 Outdoor instructional services for swimming. Outdoor instructional services for tennis. Other outdoor instructional services shall be permitted with the approval by the Planning Commission.

9.4-5 Office facility of a salesman, sales representative or manufacturer's representative provided there is no manufacturing, production or storage on the premises provided.

9.4-6 Office facility of an architect, broker, engineer, insurance agent, land surveyor, lawyer, real estate agent, computer programmer, dentist, physician and other similar professions for consultation.

9.4-7 Painting, sculpturing, composing and writing.

9.4-8 Telephone answering service and office service to include typing, bookkeeping, transcribing and data entry.

9.4-9 Operation of any wholesale or retail business, which is conducted entirely by mail, and does not involve the sale, shipment or delivery of merchandise on the premises.

9.4-10 Barber shop and beauty salon.

9.5 Prohibited Home Occupations.

The following uses shall be prohibited:

9.5-1 Major appliance repair.

9.5-2 Automobile, truck or motorcycle repair; parts sales, upholstery or detailing; washing service.

9.5-3 Boarding House, time share condominium.

9.5-4 – 9.5-8 Reserved.

9.5-9 Private Clubs.

9.5-10 Restaurants and taverns.

9.5-11 Tow Truck services.

9.5-12 Veterinary uses.

9.6 Unspecified Home Occupations. Any proposed home occupation that is not specifically listed as permitted or prohibited shall be evaluated by the Zoning Administrator, subject to approval based on criteria as provided in Section 9.3.

9.7 Permit Application Procedure.

9.7-1 Application. Application for a Home Occupation Permit shall be made to the Cherokee County Planning Department on a form provided by the department. The Zoning Administrator will make a decision and notify the applicant in writing within fifteen (15) calendar days of the date the application is received.

9.7-2 Scope. In cases where the Planning Department considers the application not within the scope of the home occupation criteria, the application will be denied.

9.7-3 Time Limit. All home occupation permits shall be valid for a period of one year from initial date of approval.

9.7-4 Voiding of permit. The Planning Department may void any home occupation permit for noncompliance with the criteria set forth in this article. Revocation may take place at any time prior to expiration date of the permit. If the permit is revoked or is not renewed, it becomes null and void and said use shall be terminated.

9.7-5 Appeal. The decision of the Planning Department concerning approval or revocation shall be final unless a written appeal is filed with the Zoning Board of Appeals within ten (10) calendar days of the decision. An appeal may only be filed by the applicant or persons residing within three hundred (300) feet of the subject property.

9.7-6 Renewal. Home occupation permits shall be renewed annually provided there has not been any violation of the provisions of this Article. Requests for renewal shall be submitted to the Planning Department in writing, accompanied by the prevailing renewal fee, one month prior to expiration of the permit.

9.8 Other Provisions.

9.8-1 Should a permittee die or move to a new location, the existing permit shall be automatically terminated, except that, in the case of death, should a surviving spouse or child residing at the same address desire to continue the home occupation, written notice to that effect shall be given to the Zoning Administrator, and the Commissioner shall authorize continuation of that permit without further hearing.

9.8-2 Persons with demonstrated physical handicaps may be permitted special consideration by the Planning Commission. The applicant may request waiver of a portion or all of one or more of the requirements as provided in Section 9.3. This special request shall be considered by the Zoning Board of Appeals at a public hearing, after notice to property owners within three hundred (300) feet of the subject property. The Zoning Board of Appeals may only grant waivers on the basis of applicant's physical inability to function within said requirements.