

**Sec. 44-615. Home occupation.**

*Purpose: A home occupation may be located in any residential district, recognizing that certain residential and nonresidential uses can co-exist in the same structure. It is further recognized that home occupations will not adversely impact adjacent residential uses, provided certain standards are in place. By its very nature, the home occupation is a “low” intensive use occupying a minority area of the principal structure and in general centers around an in home office environment. The services provided by the home occupation may be on or off site. The home occupation is intended to be a small non-invasive business. When the business grows beyond the point of meeting the regulations below, the business will have to upgrade to a cottage business or move to a more appropriate commercial or industrial location.*

The NAICS document (current addition) is made a part of the UDO and will be utilized in helping staff make interpretations of permitted home occupations when not specifically listed under this Section. If the planning director determines that the use may be incompatible with the spirit and intent of this Ordinance, the director may refer to the BOA for an interpretation. Compliance must be in accordance with the standards listed in this Section.

- (a) Home occupations are permitted in all residential districts, provided that they meet the requirements of Subsections (b) and (c) below. Certain categories may be allowed including but not limited to:
  - (1) Computer programming;
  - (2) Catering, cooking and baking;
  - (3) Direct marketing enterprises;
  - (4) Dressmaking, sewing and tailoring;
  - (5) Hair salons – may include nail salon and tanning bed(s) only as accessory uses;
  - (6) Home crafts, such as weaving, jewelry making, or potting;
  - (7) Management of companies and enterprises;
  - (8) Painting and sculpting;
  - (9) Professional services (excluding health care professionals and massage therapists); technical services;
  - (10) Real estate, rental or leasing;
  - (11) Specialty trade offices, where services are provided off site;
  - (12) Telephone answering service; and
  - (13) Tutoring or instruction of no more than 4 students at a time.
  
- (b) No home occupation shall be permitted that:
  - (1) Changes the outside appearance of the dwelling unit or is visible from a street.
  - (2) Generates traffic, parking, sewage or water use in excess of that which is normal for a residential property.

- (3) Creates a hazard to persons or property or is a nuisance. (Nuisance is defined as anything harmful or offensive to the community or a member of it and for which a legal remedy exists. Nuisances include excessive traffic, noise, odor, dust.)
- (c) The following standards shall apply:
- (1) A maximum of 25% of the aggregate total of the usable floor area of the principal dwelling unit may be devoted to the home occupation. Accessory structures may not be used for business purposes.
  - (2) One non-illuminated sign is permitted, with a surface area not to exceed 4 square feet. The height, including the supporting structure shall not exceed 4 feet.
  - (3) Only one person shall work on the site of the home occupation, other than those residing on the property.

**Sec. 44-665. Cottage Business.**

*Purpose: The County promotes economic development and supports the entrepreneurial spirit and valuable role that small businesses play. A cottage business may be located in any residential district, recognizing that certain residential and nonresidential uses can co-exist on the same site or adjacent to each other. It is further recognized that cottage businesses will not adversely impact adjacent residential uses, provided certain standards are in place. By its very nature, the cottage business is a “moderate” intensive use occupying the principal structure and/or an accessory structure or on an adjacent property. The services provided by the cottage business may be on or off site. The cottage business is intended to be a non-invasive business and should not compromise the health, safety, welfare, the quiet enjoyment of surrounding properties or contribute to diminishing property values. When the business grows beyond the point of meeting the regulations below, the business will have to move to a more appropriate commercial or industrial location.*

The NAICS document (current addition) is made a part of the UDO and will be utilized in helping staff make interpretations of permitted cottage businesses used when not specifically listed under this Section. If the planning director determines that the use may be incompatible with the spirit and intent of this Ordinance, the director may refer to the BOA for an interpretation. Compliance must be in accordance with the special use general and supplemental standards.

- (a) Cottage businesses are permitted in all residential districts, provided that they meet the requirements of Subsection (b) below. Certain categories may be allowed including but not limited to:
- (1) All uses allowed as a home occupation;
  - (2) Commercial machinery repair and maintenance;
  - (3) Contractors—specialty trades, such as:
    - drywall contractors;

- electrical contractors;
  - masonry contractors;
  - painting contractors;
  - plumbing contractors;
  - residential, commercial and industrial building construction contractors;
  - roofing contractors;
- (4) Electronic equipment repair and maintenance;
  - (5) Employment services;
  - (6) Household goods repair and maintenance;
  - (7) Janitorial, housekeeping, and lawn care services;
  - (8) Printing and related support activities;
  - (9) Retail (small-scale), such as a florist, craft sales;
  - (10) Taxidermy;
  - (11) Travel agencies; and
  - (12) Upholstery, cabinet and woodworking shops.
- (b) The following specific standards shall be used in deciding an application for approval of a cottage business:
- (1) The cottage business must not alter the residential character of the parcel/neighborhood.
  - (2) The use shall not generate more than 50 average daily trips (ADT) per day as determined by the current Institute of Transportation Engineers (ITE) Trip Generation manual.
  - (3) The business must be operated by the landowner living on the site or on an adjacent parcel.
  - (4) Such use may be carried out in an accessory building on the same lot or on a lot adjacent to the principal dwelling owned and occupied by the same person. A manufactured home may be considered a principal dwelling only if it is categorized as real estate by the Catawba County tax office, as opposed to personal property.
  - (5) A manufactured home cannot be used as a detached cottage business.
  - (6) The parcel occupied by the cottage business must be a minimum lot size of 1 acre.
  - (7) Only one cottage business is permitted per lot.
  - (8) No more than 2 persons shall work on the site of the cottage business, other than those residing on the property.
  - (9) New structures constructed for a business use established after the adoption of this ordinance (February 6, 2007) must meet front, rear, and

side principal setbacks based on the zoning district in which the use is located. A previously established business use located within an existing structure must meet the setbacks for an accessory structure.

- (10) The site shall have at least 150 feet fronting along a dedicated 45 foot ROW.
- (11) The area of the site, where the business use is conducted, must be screened from public view on all sides (including along the road frontage) and from the view of less intense residential properties. The screening must be installed in order to create a solid visual separation from surrounding residential properties using fencing and/or vegetation consisting of conifer or broadleaf evergreen. Screening and buffering requirements can be altered by the Board of adjustment at the time the special use permit is issued. Also, additional screening and buffering may be required at a later date if the business intensifies, in order to protect the health, safety and general welfare of the new residents of the surrounding area, subject to an amendment to the original special use permit.
- (12) The detached business accessory structure shall be located in the side or rear yard if located on the same lot as the primary dwelling.
- (13) The area devoted for the business use cannot occupy more than 50% of the square footage of the principal dwelling structure associated with the business, which is located on the business parcel or on the adjacent parcel.
- (14) All equipment shall be stored in an enclosed building.
- (15) Raw materials, machinery, equipment or future job units waiting for assembly or repair shall be stored within the structure.
- (16) Outside storage is prohibited.
- (17) One non-illuminated sign is permitted, with a surface area not to exceed 4 square feet. The height, including the supporting structure shall not exceed 4 feet.
- (18) Off-street parking shall be provided for all employees, with an additional maximum of 5 spaces for clients. The surface must at a minimum consist of crushed stone, or grass-crete.
- (19) Off street parking for the business use in an accessory structure shall be located in the side or rear of the dwelling unit. Off street parking for the business use on an adjacent parcel may be located in the front, side or rear of the business structure.
- (20) The perimeter of the parking area shall be landscaped in accordance with Sec. 44-523(d).
- (21) Parking for a maximum of one primary business vehicle in public view may be permitted in the driveway. Parking of other associated business vehicles shall be located in the rear yard outside of public view.

- (22) No vehicle, with the primary purpose of advertising may be displayed in the front yard of the business.
- (23) The use shall comply with all applicable federal, state and local regulations including applicable building codes.
- (24) Cottage businesses are not permitted in approved subdivisions of more than 3 lots.
- (25) The special use permit must be recorded at the Register of Deeds.