

Gastonia

- **SECTION 5.9 - HOME OCCUPATION/ACCESSORY USE PERMIT**

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- **5.9.1 - PURPOSE**

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A home occupation or accessory use permit shall be required to ensure that a proposed home occupation or accessory use is developed in accordance with all applicable provisions of this Ordinance. Lists of permissible customary and home occupations are found in [Section 9.1](#) and [9.2](#).

- **5.9.2 - APPLICATION PROCEDURES**

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A.

An application for an accessory use or home occupation shall be filed with the Administrator on a form so prescribed by the City. The form shall be complete and accompanied by a fee, in accordance with the most recently adopted fee schedule approved by the governing board, in order to be reviewed by the Administrator.

B.

The Administrator shall endeavor to review the permit in an expeditious manner and will notify the applicant in writing if a decision on the permit cannot be rendered within twenty-one (21) days.

C.

Failure to adhere to an approved permit shall be deemed a violation of this Ordinance.

(Ord. No. 10-585, § 2, 8-17-10)

- **Chapter 9 - GENERAL PROVISIONS**

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- **SECTION 9.1 - CUSTOMARY HOME OCCUPATIONS**

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The following regulations shall apply to all "customary home occupations" irrespective of the underlying general zoning district.

A.

Customary home occupations may be established in any principal dwelling unit. Customary home occupations shall be incidental to a residential unit and shall not be considered a substitute to traditional retail establishments that rely on a substantial amount of walk-in traffic. Customary home occupation requirements shown herein shall apply in addition to all other applicable requirements of this Ordinance for the district in which such principal dwelling unit is located.

B.

The home occupation shall be clearly incidental and subordinate to the residential use of the dwelling and shall not change the exterior residential character of the dwelling.

C.

No outside storage of materials or equipment shall be allowed in connection with the customary home occupation except as noted in this paragraph. Said requirement shall not be applicable to swimming instructions given in an outdoor swimming pool. For lawn and garden services, storage of equipment must be obscured from view from the public street and adjoining properties via a blind fence or by storing equipment in an accessory structure (no home occupation activity shall occur in such accessory structure).

D.

Use of the dwelling for the home occupation shall be limited to either twenty-five (25) percent of the gross floor area of the principal structure or seven hundred fifty (750) square feet, whichever is smaller.

E.

The operator of the customary home occupation must reside on the same lot as where the customary home occupation takes place. Only residents of the dwelling may engage in the customary home occupation with the following exception: one nonresident, engaging in work ancillary to the customary home occupation (e.g., a receptionist), may report to work at the dwelling. Otherwise, no other nonresidents shall be allowed to report to work at the dwelling to engage in the same or nearly the same customary home occupation.

F.

No products, goods, materials, or equipment associated with the customary home occupation shall be visible from any adjoining street or properties. All such products, goods, materials or equipment shall be stored within the residential dwelling unit or in an accessory structure per sub-section D above. On-premise sales of products are limited to those made or reconditioned on the premises and those that are necessary to the service being provided.

G.

No external alterations inconsistent with the residential use of the dwelling shall be permitted.

H.

Only vehicles used primarily as passenger vehicles (i.e., passenger automobiles, passenger vans and passenger pickup trucks) shall be permitted in connection with the conduct of the customary home occupation. No more than two (2) vehicles shall be used in conjunction with the customary home occupation. Parking in association with the customary home occupation shall only take place in the driveway or garage.

I.

Chemical, mechanical, or electrical equipment or any other activity associated with the customary home occupation that creates odors, light emission, noises, or interference in radio or television reception detectable outside the dwelling (with the exception of swimming pool lessons) shall be prohibited.

J.

Hours of operation shall be anywhere from 7:00 a.m. to 9:00 p.m. only.

K.

Instruction in music, dancing, and similar subjects shall be limited to a maximum of two (2) students at a time (including the number of persons waiting on the property to receive such instruction).

L.

Signs for customary home occupations shall be as followed:

1.

The sign shall be a ground sign or placed flush against the wall of the principal dwelling unit;

2.

The sign shall have a maximum area of four (4) square feet;

3.

No more than one sign per customary home occupation shall be allowed;

4.

The sign shall not be illuminated.

5.

If freestanding, the sign shall be a suspended sign.

M.

In no instance may an automobile repair shop, automobile body shop, fortuneteller, animal grooming establishment, tanning and nail salon, pest control service, small engine repair and services, retail sales operations, wholesale sales operation with on-site delivery and storage of goods, or a retail florist be conducted as a customary home occupation.

N.

Home occupations shall be limited to or be similar to the following uses: artist's fine arts studio; handmade artisan crafts such as pottery, jewelry, and quilting; barber/beauty shop, building specialty trades and contractor's office, cleaning and maintenance service office, computer and data processing service office, consultant's office, detective's office, doctor's and lawyers office limited to two (2) patients or clients at one time; dressmaking, sewing, tailoring and drapery maker; engineer, architect, drafter or surveyor office; floral service with no on-premise sales; food catering and preparation service for off-site consumption; furniture upholstery and interior antique restoration and repair; home electronics repair; instruction in the fine arts; insurance agent, interior decorator; Internet and mail order business with no on-site delivery, storage, or shipping of goods; locksmith; lawn and garden services; martial arts instructor; massage therapist; message and errand service; real estate agent; stock or security brokers; swimming pool service; tax preparation service; telephone answering service; offices for building contractors and building specialty trades; and writer or journalist.

O.

The Administrator shall have the authority to allow a customary home occupation that is not listed above, provided the Administrator determines that the use will be harmonious with all existing and potential nearby residential uses and meets all of the performance criteria associated with customary home occupations listed herein.