



No. O2010-04

**AN ORDINANCE OF THE JACKSON COUNTY BOARD OF COMMISSIONERS
AMENDING THE U.S. 441 DEVELOPMENT ORDINANCE; CREATING A NEW §6.10
THEREOF TO AUTHORIZE HOME OCCUPATIONS; PROVIDING STANDARDS
FOR HOME OCCUPATIONS**

Adopted _____, 2010

WHEREAS, certain professional and business activities have traditionally been carried on in the home; and

WHEREAS, it is recognized that ,when properly limited and regulated, such activities can take place in a residential structure without changing the character of either the neighborhood or the structure; and

WHEREAS, the U.S. 441 Gateway Corridor Development District Council and the Jackson County Planning Board have recommended enactment of this Ordinance; and

WHEREAS, the Jackson County Board of Commissioners, after due notice, conducted a public hearing on the _____ day of _____, 2010, upon the question of enacting this Ordinance; and

WHEREAS, Jackson County has authority to enact this Ordinance pursuant to Article 18 of Chapter 153A of the North Carolina General Statutes; and

WHEREAS, the Jackson County Board of Commissioners finds that the Ordinance is neither consistent with, nor contrary to, the Jackson County Land Development Plan or the U.S. 441 Small Area Plan; and

WHEREAS, for reasons articulated in this preamble, the Jackson County Board of Commissioners finds that the Ordinance is reasonable and in the public interest.

NOW, THEREFORE, THE FOLLOWING IS HEREBY ORDAINED by the Jackson County Board of Commissioners:

Section One. Section 6.10 of the U.S. 441 Development Ordinance, entitled “Home Occupations”, is hereby created to read as follows:

Section 6.10 Home Occupations. Any person wanting to conduct a home occupation within their residence shall apply for a home occupation permit. A home occupation permit approved by the Planning Director or the Planning Council, as the case may be, must be received prior to beginning said occupation. Permits are not transferable. The home occupation permit is valid only as long as the use meets the provisions for home occupations specified herein and the permit may be revoked any time the use does not meet the requirements of this or other applicable ordinances.

6.10.1: *Neighborhood Home Occupations.* Customary home occupations are permitted in residential districts where such occupations are carried on in the residence and/or accessory buildings subject to the following limitations.

6.10.1.1: Such occupations shall be engaged in only by residents of the premises and not more than three additional on-site employees who may be non-residents. The total number of resident and non-resident employees working on-site shall not exceed four. The use shall be clearly incidental and subordinate to its use for residential purposes by its occupants.

6.10.1.2: No more than 25% percent of the heated living space shall be used for home occupations. Basements and garages, either attached or detached, may also be used for home occupations and shall not count toward the 25% limit specified herein.

6.10.1.3: No outdoor display of goods or materials shall be allowed on the property.

6.10.1.4: One non-illuminated sign is allowed which shall not exceed four square feet in area.

6.10.1.5: No equipment or process shall be used in such home occupation, which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or which causes fluctuation in line voltage off the premises.

6.10.1.6: Accessory buildings may be used for home occupations provided the building area is not larger than 1,000 square feet. If multiple buildings are used, the total combined square footage shall not exceed 1,000 square feet.

6.10.1.7: No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street.

The customary home occupations referred to in this subsection may include the merchandising and the sale of goods and products at retail, and the manufacture and assembly of goods and products.

Occupations that have no non-resident employees, no signs, no on-site retail sales, or no visits from the general public do not require a home occupation permit.

6.10.2: *Rural Home Occupations.* Rural home occupations are those, which by their nature are not compatible on small lots near other residences, and may require an outdoor storage area for goods and materials associated with the business.

6.10.2.1: Rural home occupations may be allowed on parcels, which are no smaller than three acres in size.

6.10.2.2: Such occupations shall be engaged in only by residents of the premises and not more than three additional on-site employees who may be non-residents. The total number of resident and non-resident employees working on-site shall not exceed four. The use shall be subordinate to its use for residential purposes by its occupants.

6.10.2.3: No more than 25% percent of the heated living space shall be used for home occupations. Basements and garages, either attached or detached, may also be used for home occupations and shall not count toward the 25% limit specified herein.

6.10.2.4: One non-illuminated sign is allowed which shall not exceed four square feet in area.

6.10.2.5: No equipment or process shall be used in such home occupation, which creates noise, vibration, glare, fumes, odors, or electrical interference that is a nuisance off the lot. All operations must conform to the Jackson County Noise Regulations contained in Article III, Chapter 10, of the Jackson County Code of Ordinances. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or which causes fluctuation in line voltage off the premises.

6.10.2.6: Accessory buildings may be used for home occupations provided the building is not larger than 2,500 square feet gross floor area. If multiple buildings are used, the total combined square footage shall not exceed 2,500 square feet gross floor area.

6.10.2.7: Commercial driveway permits may be required to assure traffic hazards are minimized. The driveway shall be located and improved such that it provides all weather access and does not interfere with other traffic using said drive. Any need for parking generated by the conduct of such home occupation shall be met off the street.

6.10.2.8: Buildings, material storage and operations used for home occupations shall be setback from side and rear property lines a minimum of 50 feet except for noise generating operations, as determined by staff, in which case the setbacks shall be a minimum of 100 feet. The front setback shall be a minimum of 40 feet and shall be measured from the property line or the edge of the road right-of-way, which ever is greater.

6.10.2.9: To lessen the impact on adjacent properties, visual screening shall be installed to provide at a minimum a 15-foot-wide opaque buffer. This may include but not be limited to a 6-foot-high opaque fence and/or the planting of vegetation that at a minimum provides a continuous all season opaque screen at least 6 feet in height

within 4 years of planting. Planting shall be a minimum of 3-gallon shrubbery or 10-gallon trees.

6.10.2.10: All required permits from Jackson County, the North Carolina Department of Transportation or other local and state agencies must be obtained prior to the issuance of the home occupation permit.

6.10.3: *Conditional Use Permits for Home Occupations.* Home occupations for which the number of non-resident and the number of total employees will exceed the standards contained in Sections 6.10.1 or 6.10.2, above, may be authorized by means of a conditional use permit issued pursuant to Section 2.4 of this Ordinance. In any event, the number of non-resident employees shall not exceed six (6) and the number of total employees shall not exceed eight (8).

Section Two. If any article, section, subsection, clause, phrase, or portion of this Ordinance is for any reason found invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

Section Three. The enactment of this ordinance shall in no way affect the running of any amortization provisions or enforcement actions, or otherwise cure any existing land use violations.

Section Four. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

Section Five. This ordinance shall be in full force and effect from and after the date of its adoption.

Section Six. The Jackson County Board of Commissioners hereby adopts and enacts the preceding articles and sections of this Ordinance.

Adopted this the ____ day of _____, 2010.

Brian Thomas McMahan, Chairman
Jackson County Commissioners

ATTEST:

Evelyn Baker
Clerk to Board of Commissioners