

Petition No. 2006-122

Petitioner: Charlotte-Mecklenburg Planning Commission

Revision 8-16-06, 9-1-06, 9-12-06, 9-20-06, 10-2-06

**AN ORDINANCE AMENDING APPENDIX A
OF THE CITY CODE –ZONING ORDINANCE**

ORDINANCE NO.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

Section 1. Appendix A, "Zoning" of the Code of the City of Charlotte is hereby amended as follows:

A. CHAPTER 12: DEVELOPMENT STANDARDS OF GENERAL APPLICABILITY

1. PART 4: Accessory Uses and Structures

- a. Modify Section 12.408, "Customary home occupations" by providing cross-references to Chapter 13 (Signs) and Section 12.218, "Commercial vehicle parking in residential areas"; clarifying what type of products may be stored in the residence; adding to the list of noxious machinery impacts, and providing examples of acceptable types of customary home occupations. The revised section shall read as follows:

Section 12.408. Customary home occupations.

Applicability and Exceptions: The following uses are not considered to be customary home occupations, and are exempt from this section:

- (i) Home offices with incidental storage (Example is telecommuting from home)
(ii) Residents whose job location is elsewhere, can bring work-related vehicles home, however, the commercial vehicles regulations of Section 12.218 shall apply.

A customary home occupation shall be permitted as an accessory to any dwelling unit in accordance with the following requirements:

- (1) The home occupation must be clearly incidental to the residential use of the dwelling and must not change the essential residential character of the dwelling.
- (2) Use of the dwelling for all customary home occupations ~~this purpose~~ must be limited to 25 percent of ~~one floor~~ the total floor area of the principal building, or 500 square feet, whichever is less. ~~excluding floor area dedicated to storage~~

of product. Areas used for storage of materials shall be included in determining the percentage of the structure devoted to the customary home occupation. If a portion of a room is being used, the entire room will be measured, not just the portion. Home occupation permits issued prior to the effective date of this section shall be grandfathered. However, any subsequent home occupation permit issued at the same address must be in conformance with these standards.

- (3) No accessory building or outside storage may be used in connection with the home occupation.
- (4) No chemical, mechanical, ~~or~~ electrical, construction, or landscaping equipment and materials that is not normally a part of domestic or household equipment may be used or stored primarily for commercial purposes, with two exceptions:
 - (a) Medical, dental, and office equipment used for professional purposes may be used.
 - (b) A single trailer with a cargo area/work platform shall not exceed a length of 14' (not including step bumpers less than 18: in length) , attached to a vehicle (~~with or without equipment on it~~), used in the customary home occupation may be stored on the premise overnight, but no construction equipment can be stored on the trailer.
- (5) Machinery that causes noises, vibration, glare, fumes, odors, dust, detectable at the property line is prohibited. Machinery that causes electrical ~~or other~~ interference with ~~in~~ radio or television reception is also prohibited.
- (6) No internal or external alterations inconsistent with the residential use of the building will be permitted. There shall be no evidence on the exterior of the premises or visible from the exterior of the premises that the property is used in any way other than for a dwelling.
- (7) Only residents of the dwelling may be engaged in the home occupation.
- (8) No display of products ~~may~~ shall be visible from the street ~~and only articles made on the premises may be sold on the premises.~~

- (9) The number of vehicles used by clients, ~~patrons,~~ or business related visitors to any home occupation shall be limited to ~~three~~ two at any given time.
- (10) Vehicles used in connection with the conduct of the customary home occupation shall comply with the requirements of Section 12.218, “Commercial vehicle parking in residential areas”.
- (11) No detached signs or wall signs shall be permitted for the customary home occupation. ~~Signs are permitted subject to the regulations in Chapter 13.~~
- (12) Clients or business related visitors shall be by appointment only.
- (13) Hours of operation for deliveries, clients, and operation of mechanical or electrical equipment shall be limited to 7:00 am to 8:00 pm.

Permitted customary home occupations include, but are not limited to: home based businesses such as offices for professionals such as architects, brokers, counselors, clergy, dentists, doctors, cartographers, engineers, insurance agents, lawyers, real estate agents, accountants, editors, publishers, journalists, psychologists, contract management, graphic design, landscape design, surveyors, cleaning services, alterations, certified massage therapists, retail sales of goods by appointment only, manufacturer’s representatives, travel agents, telecommuting, gift baskets, instructional services (such as teaching music, dance, art, tutoring), home craft businesses (such as artists, quilters, sculptors, musicians, dressmakers, milliners, weavers, lapidary, jewelry making, photographers), and other similar uses.

Home baked goods with no products sold directly from the house, and subject other applicable regulations including Building Code and Mecklenburg County Health Department regulations.

Prohibited customary home occupations include, but are not limited to: caterers, food vendors, equipment and vehicle repair shops, appliance repair shops, small mechanical repair shops, barber shops, beauty shops, kennels, commercial bakeries, veterinarian clinics, funeral homes, cabinetry making, welding, trucking, adult oriented businesses, warehousing, on-site vehicular sales, and other similar uses.

Section 2. That this ordinance shall become effective upon its adoption.

Approved as to form:

City Attorney

I, _____, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the _____ day of ____ 2006, the reference having been made in Minute Book _____, and recorded in full in Ordinance Book _____, Page(s)_____.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this ____ day of _____, 2006.