

**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, or within an enclosed accessory building or detached garage.

9.3-3 A home occupation and any storage of goods, materials, or products connected with a home occupation shall be allowed in an accessory building or detached garage.

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 any public street, private street, and access easement. In any

event, the property shall comply with the Cherokee County Property Maintenance Ordinance. Where provided, exterior storage area shall be limited to an area not to exceed 25% of the allowable floor area for a home occupation. Where a property is licensed for two (2) or more businesses, a maximum exterior storage area shall be limited to an area not to exceed 25% of the allowable floor area, in total, on the property.

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 increased noise, vibration, glare, fumes, odors or electrical interference created by the home occupation distracting from general appearance.

9.3-8 No process shall be used which is hazardous to public health, safety, morals or welfare.

9.3-9 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.

9.3-10 No more than two (2) vehicles shall be utilized in the business. In any event, no vehicle shall be allowed in violation of the Cherokee County Property Maintenance Ordinance. Where a property is licensed for two (2) or more businesses, a maximum of two (2) business vehicles shall be permitted, in total, on the property. All business vehicles must be parked off-street. (Ord. No. 2009-Z-006, 10-20-09)

9.3-11 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)

9.3-12 The home occupation shall be conducted from the property upon which the owner's / operator's principal domicile or permanent home is located. In no circumstance shall the residence and/or accessory building / detached garage be leased to others for use as a home occupation / business.

9.3-13 The number of part time or full time non-resident employees working on the premises shall not exceed two (2) employees, in total, on the property.

9.3-14 The home occupation shall utilize not more than 1,000 square feet of floor area for operation or storage purposes, including space within the primary residence and any accessory structure or detached garage. Of the 1,000 square feet of floor area, no more than 600 square feet may be used in any accessory structure or detached garage. Where a property is licensed for two (2) or more businesses, the square footage maximums in this section shall apply, in total, on the property.

9.3-15 Owners / Operators of all home occupations shall maintain a current occupational tax certificate. Failure to hold a current occupational tax certificate will invalidate the home occupation.

9.3-16 Owners / Operators of a home occupation shall permit a limited inspection of the premises by the director or other duly authorized agent of the Board of Commissioners or other agency having jurisdiction or responsibility for enforcing applicable laws, requirements and regulations at the time of application, or after the home occupation has commenced operation in

order to determine compliance with the requirements of this code. Failure to cooperate in providing such access may result in the immediate discontinuation of the home occupation. (Ord. No. 2017-O-004, 04-18-17; Ord. No. 2024-O-014, 10-15-2024)

#### **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 A Family Day Care Home is a Day Care Facility, as that term is defined in Article 4, which provides care for no more than six (6) children in a residential home. 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 a Family Day Care Home 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 Family Day Care Home shall be an allowed Home Occupation in the following declared zoning districts of Cherokee County, subject to the conditions and limitations hereinafter stated, to-wit:

- (a) A Family Day Care Home 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-60, R-40, R-30, R-20, R-15, and PUD provided that the parcel has a total acreage for said zoning classification.

(Ord. No. 2018-O-011, 10-16-2018)

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 and recreational services shall be permitted. Where permitted, outdoor instructional and recreational services shall not exceed six (6) people, excluding the employees.

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.

(Ord. No. 2024-O-014, 10-15-2024)

### **9.5 Prohibited Home Occupations.**

The following uses shall be prohibited, except as otherwise provided by state law:

9.5-1 Major appliance repair (NAICS Codes 8113 and 8114);

9.5-2 Automobile, truck or motorcycle repair; parts sales, upholstery or detailing; washing service (NAICS Code 8111);

9.5-3 Boarding House, time share condominium (NAICS Codes 721110 and 721310);

9.5-4 – 9.5-8 Reserved.

9.5-9 Private Clubs (NAICS Code 813410);

9.5-10 Restaurants and taverns (NAICS Codes 7224 and 7225);

9.5-11 Tow Truck services (NAICS Code 488410);

9.5-12 Veterinary uses (NAICS Code 541940);

9.5-13 Automobile and related vehicular sales lot (NAICS Codes 4411, 4412, 4539 and 4599);

9.5-14 Automobile, Motorcycle, Boat / watercraft, and/or Farm/ Construction Equipment Repair or service/maintenance, on premise (NAICS Codes 8111, 8113 and 8114);

9.5-15 Ambulance Service (NAICS Code 621910);

9.5-16 Amusement or Recreational activities (NAICS Codes 7139 and 7131);

9.5-17 Animal Hospital (NAICS Code 541940);

9.5-18 Pawn Shop (NAICS Codes 522298 and 522299);

9.5-19 Chemical storage and manufacturing (NAICS Codes 4246, 4247 and 31-33);

9.5-20 Manufacturing (NAICS Codes 31-33);

9.5-21 Repair Service (lawn mower, small engine, and appliance) (NAICS Codes 8113 and 8114);

9.5-22 Tire Sales and Storage (NAICS Code 441310 and 441330);

9.5-23 Tanning Salon (NAICS Code 812199);

9.5-24 Funeral Services (NAICS Code 812210);

9.5-25 Tattooing, Body or Ear piercing (NAICS Code 812199);

9.5-26 Massage Therapy, on-premises (NAICS Code 621399);

9.5-27 Special Event Facility (NAICS Code 531120)  
(Ord. No. 2017-O-004, 04-18-17)

Where the aforementioned prohibited uses are proposed to primarily provide off-site mobile business service, or the nature of the business is used primarily for office or administrative purposes only, the Zoning Manager may evaluate the use as permitted.

(Ord. No. 2024-O-014, 10-15-2024)

**9.6 Unspecified Home Occupations.** Any proposed home occupation that is not specifically listed as permitted or prohibited shall be evaluated by the Zoning Manager, 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 and Zoning Department on a form provided by the department. The Zoning Manager 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 and Zoning 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 and Zoning 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, it becomes null and void and said use shall be terminated. If the permit is revoked, the property owner shall not request approval for another Home Occupation License for the same property for a period of twelve (12) months. Should a property owner who was associated with a revoked permit become deceased or move to a new location, a new property owner may apply for a Home Occupation license within this twelve (12) month period for the same property.

9.7-5 Appeal. The decision of the Planning and Zoning 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 and Zoning Department in writing, accompanied by the prevailing renewal fee, one month prior to expiration of the permit. If the permit is not renewed, it becomes null and void and said use shall be terminated.

(Ord. No. 2024-O-014, 10-15-2024)

**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 Cherokee County and the application for a Home Occupation shall be updated.

9.8-2 Persons with demonstrated physical handicaps may be permitted special consideration by the Zoning Board of Appeals. 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.

(Ord. No. 2024-O-014, 10-15-2024)