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ACCESSORY USE PERMIT APPLICATION

Home Occupation – Type II

(Please print clearly)

Applicant name: _____

Property Address: _____ Zip _____

Contact Numbers: Home _____ Work _____ Mobile _____

E-mail address: _____

(All correspondence will be emailed to this address unless otherwise requested.)

Residence Type: Single-family detached home Multi-family Townhouse
 Manufactured home Single-family attached (duplex) Multi-family Apartment

Total square feet of the residence: _____ square feet

Total square feet of the area that will be used for business: _____ square feet
(not to exceed 10% of the combined floor area of the structure or 500 square feet, whichever is less)

Name of Business: _____

Describe the type and nature of your business that will take place on the premises: _____

1. Total number of persons employed at the residence or are employed in the activity (including owner): _____
2. Total number of persons in question #1 who are **NOT** full-time residents in the dwelling: _____
3. Number of available parking spaces for residence: _____
(Do NOT include on-street parking and/or adjacent lots)
4. Estimated number of customers that will come to the residence per day: _____
a) how often? _____ b) how many at one time? _____ c) at what time of day? _____
5. Will there be any deliveries to the residence? ____ Yes ____ No
If yes, what time of day will they occur? _____ and by what method? (mail, package delivery, etc.) _____
6. Will the activity:
 - be visible from any adjacent street or property line of the address specified above? Yes No
 - use any form of on-site advertising on your vehicle? Yes No
 - use any form of on-site advertising on the premises? Yes No
 - generate noise, odor, fumes, smoke, or other abnormal characteristics? Yes No
 - use more than two vehicles and/or trailers that will be parked/stored on the property? Yes No
 - involve the sale of products or delivery of services at the address specified above? Yes No
 - include on-site assembly or manufacturing of products? Yes No
 - involve distribution or reception of materials or products? Yes No
 - involve storage of materials/products in a detached accessory building? Yes No

7. Please explain or describe any activity that was answered yes in item #6:

Requirements:

- * There shall be no devices on the property, or other signs of the home occupation, which are visible from outside the residence.
- * All vehicles used in connection with a home occupation shall be of a size, and located on the premises in such a manner so as to not disrupt the quiet nature and visual quality of the neighborhood, and there are no more than two vehicles per home occupation.
- * Compliance with attached Section 5.3.4(C), Home Occupation, from the Town of Cary Land Development Ordinance.

I hereby certify that I am making application for myself and that the statements given are true to the best of my knowledge. I understand that failure to address any item listed on this application shall result in the application being returned to me for revision and resubmission.

Signature of applicant

Date

Signature of property owner, if different from above

Date

*Please read the above application carefully and ensure all sections are completed. Incomplete applications will be returned within **3 days** from receipt. Non-response from applicant after **15 days** will cause the application to be considered **denied** and a new application fee shall be required for future re-submittals.*

This permit is valid only as long as the use meets the provisions for home occupations specified in the Zoning Ordinance and may be revoked any time the use does not meet the provisions of the Zoning Ordinance or other applicable ordinances. The permit is not transferable.

- Attachments: Cary Land Development Ordinance (http://www.amlegal.com/library/nc/cary_ldopdf.shtml)
 Chapter 5:
 - 5.3.2 General Standards and Limitations
 - 5.3.3. Accessory Uses Prohibited
 - 5.3.4(C) Home Occupations

5.3.2 General Standards and Limitations

(A) Compliance with Ordinance Requirements

All accessory uses and accessory structures shall conform to the applicable requirements of this Ordinance, including the use regulations of Chapter 5 and the dimensional standards of Chapter 6. The provisions of this section establish additional requirements and restrictions for particular accessory uses and structures.

(B) Approval of Accessory Uses and Structures

Unless otherwise specified in this Section, any accessory use or accessory structure shall be treated as a permitted use in the zoning district in which it is located. An accessory use or structure may be approved in conjunction with approval of the principal use or structure.

(C) Accessory Use Permit

Some accessory uses in this Section require the issuance of an Accessory Use Permit consistent with the requirements set forth in Section 3.5 of this Ordinance.

- (4)** Storage or parking of all boats, recreational vehicles, and utility or travel trailers allowed by this Section shall be located within side or rear yards.

5.3.3 Accessory Uses Prohibited

(A) Prohibited in All Zoning Districts

The following activities shall not be regarded as accessory to a principal use on any site and are prohibited in all zoning districts:

(2) Use of Motor Vehicle or Trailer for Sales, Service, Storage, or Other Business

The use of any motor vehicle, or trailer or shipping container, as a structure in which, out of which, or from which any goods are sold or stored, any services performed, or other businesses conducted. However, this subsection shall not prohibit the following:

- (a)** The retail sale of agricultural products, as allowed by Section 5.4.6(D) of this Ordinance; or
- (b)** Use of a motor vehicle, trailer, or shipping container in connection with an approved recycling operation; or
- (c)** Use of a trailer or shipping container in conjunction with construction authorized by a valid building permit; or
- (d)** Use of a trailer or shipping container for the temporary loading and unloading of goods not intended for retail sale, provided that no individual trailer or container is in place longer than 48 hours.

(B) Prohibited in Residential Zoning Districts

The following activities shall not be regarded as accessory to a residential principal use and are prohibited in residential districts:

(1) Automotive Repair

Automotive repair, including engine, body, or other repair or repainting of more than one vehicle at any one time; as well as automotive repair of any vehicle not owned by a person residing at that address, regardless of whether compensation was paid for the service.

(2) Parking of Business Vehicles

The storage or parking of a vehicle or trailer, for a period of one or more nights, if the vehicle or trailer is licensed or regularly used for business purposes, and is either:

- (a)** A vehicle for which a commercial driver's license is required by state law; or
- (b)** A vehicle or trailer having in excess of two axles; or
- (c)** Any trailer bearing commercial signage, logo, or carrying commercial or industrial equipment or materials; or
- (d)** A vehicle or trailer having a height in excess of 90 inches, which is stored or parked in any yard.

5.3.4 Accessory Uses and Structures: Accessory Uses and Structures Allowed

(C) Home Occupations

A home occupation shall be permitted as accessory to a principal dwelling unit in accordance with the following:

(1) General Requirements

The following standards apply to all home occupation uses:

(a) Employees and Residency

- (i) The principal person or persons providing the business or service resides in the dwelling on the premises.
- (ii) The home occupation employs no more than one (1) person who does not reside on the premises.

(b) Neighborhood Compatibility

- (i) The home occupation causes no change in the external appearance of the existing buildings and structures on the property.
- (ii) There shall be no commercial vehicles, and no more than two (2) noncommercial vehicles associated with the home occupation.
- (iii) There is sufficient off-street parking for patrons of the home occupation, with the number of off-street parking spaces required for the home occupation to be provided and maintained in addition to the space or spaces required for the dwelling itself pursuant to Section 7.8 of this Ordinance.
- (iv) No additional parking areas other than driveways shall be located in the required front setback.
- (v) There are no advertising devices on the property, or other signs of the home occupation, which are visible from outside the dwelling or accessory building. However, home occupation signs are allowed in the Town Center.
- (vi) The property contains no outdoor display or storage of goods or services that are associated with the home occupation.
- (vii) Wholesale or retail sales of goods do not occur on the premises.
- (viii) The home occupation does not create traffic or parking congestion, noise, vibration, odor, glare, fumes, or electrical or communications interference which can be detected by the normal senses off the premises, including visual or audible interference with radio or television reception.

(c) Compliance Regulations for Food Preparation

Prior to receiving an Accessory Use Permit for businesses associated with food preparation or catering, the applicant must show proof of compliance with all County environmental and health regulations and NC State Building Code regulations.

(2) Size and Area

(a) Type I Home Occupation

A Type I home occupation involves administrative support for the rendering of a service off-site in exchange for monetary fees or other remuneration, and complies with all of the following:

- (i) no customers or clients visit the home;
- (ii) no employees living outside the home are physically employed at the residence;
- (iii) no delivery of goods or materials to the home is required in connection with the business; and
- (iv) no material goods or products are produced, stored, or manufactured at the residence.

A Type I home occupation may occupy up to twenty (20) percent of the heated floor area of the residence, or five hundred (500) square feet, whichever is less.

(b) Type II Home Occupation

A Type II home occupation involves the rendering of service on-site, or administrative or other support for the rendering of a service off-site in exchange for monetary fees or other remuneration in a manner that complies with the general requirements specified in Section 5.3.4(C)(1), but does not qualify as a Type I Home Occupation.

A Type II home occupation may occupy up to ten (10) percent of the heated floor area of the residence, or five hundred (500) square feet, whichever is less.

(3) Applicability of Accessory Use Permit

Approval of an accessory use permit shall be required for all Type II home occupation uses.

(4) Applicability to Small and Large Day Care Homes

Requirements of this Section 5.3.4(O) do not apply to Large and Small Day Care Homes, which are regulated by Sections 5.3.4(L) and 5.3.4(M), respectively.

STAFF USE ONLY

This is to advise you that your request for an Accessory Use Permit is **approved / denied** subject to the following:

- All vehicles used in connection with the home occupation are of a size, and located on the premises in such a manner, so as to not disrupt the quiet nature and visual quality of the neighborhood. Commercial vehicles shall not be permitted.
- No more than two vehicles are allowed per home occupation. Advertising devices on all vehicles associated with the home occupation shall be removed when parked on-site or parked in an enclosed garage.
- The home occupation shall not employ more than one person who does not reside on the premises.
- The home occupation causes no change in the external appearance of the existing buildings and structures on the property.
- The property shall contain no outdoor display or storage of goods or services that are associated with the home occupation.
- Adequate parking must be provided for your employee or customers. No on-street parking is permitted at any time associated with this Accessory Use Permit.
- The home occupation shall not create traffic or parking congestion, noise, vibration, odor, glare, fumes or electrical or communication interferences which can be detected by normal senses off the premises.
- Retail or wholesale sales are strictly prohibited from occurring on the premises; however, goods can be special ordered and shipped from the home or picked up by (or delivered to) the customers. No retail or wholesale sales or display is permitted
- The home occupation is limited to 10% of the size of the heated square feet of the house or 500 square feet, whichever is less.
- Prior to receiving an Accessory Use Permit for businesses associated with food preparation or catering, the applicant must show proof of compliance with all County environmental and health regulations and NC State Building Code regulations (if required).
- A copy of this e-mail shall be kept on the premises where the home occupation occurs.
- Other _____

Staff Name

Staff Signature

Date