

**AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE REGARDING
ACCESSORY STRUCTURES AND HOME OCCUPATIONS (TC1500005)**

WHEREAS, the Durham Board of County Commissioners wishes to amend certain provisions in the *Unified Development Ordinance* (UDO) regarding accessory structures and home occupations; and

WHEREAS, it is the objective of the Durham Board of County Commissioners to have the *Unified Development Ordinance* promote regulatory efficiency and consistency and the health, safety, and general welfare of the community;

NOW, THEREFORE, be it ordained that Article 5, Use Regulations, of the *Unified Development Ordinance* is amended to make the following changes set forth in the strikethroughs and underlining below:

PART 1

Sec. 5.4 Accessory Uses and Structures

5.4.1 Accessory Structures

B. Accessory structures shall be located as follows:

1. Accessory structures associated with a single-family or duplex structure shall be located to the rear of the rear building line of the primary structure, with the following limitations and exceptions:

d. An accessory structure in the RS-20 District in the Suburban or Rural Tier can be located to the side of the primary structure provided that:

(1) It is not located in the side yard; and

(2) It is on a lot at least two acres in size.

5.4.4 Home Occupations

A. General~~ly~~

The following requirements shall apply to all home occupations:

1. No display of goods, products or services shall be visible off site.
2. Only handmade items, foodstuffs, and crafts made on the premises can be offered directly for sale. No goods, products or commodities bought or secured for the express purpose of resale shall be sold at retail or wholesale on the premises. Catalog and electronic business orders may be received for goods, products or commodities bought or secured for the express purpose of resale at retail and wholesale when the products are received and shipped from the premises to fulfill catalog or electronic business orders.
3. Traffic and parking associated with the use shall not be detrimental to the neighborhood or create congestion on the street where the home occupation is located.
4. Vehicles used primarily as passenger vehicles shall be permitted in connection with the home occupation. Only one commercially licensed vehicle shall be allowed, except in the RS-20 and RR districts, where up to two heavy equipment vehicles can be permitted. All heavy equipment vehicles associated with a home occupation permit shall be screened from view from adjoining properties and the public right of way.

5. No equipment or process shall be used in connection with the home occupation that creates noise, vibration, glare, fumes, odors, or electrical interference that is detectable off-site.
6. No hazardous materials can be manufactured, stored, processed or disposed of on the premises.
7. The home occupation shall be clearly incidental to the primary use as a residence. The total square footage devoted to the home occupation shall not exceed 30% of the floor area of the livable portion of the dwelling.
8. An accessory structure or an accessory dwelling can be used for all or a portion of the floor area of the home occupation but the combined total square footage devoted to the home occupation shall not exceed the limits described in paragraph A.7 above.
9. Internal alterations or construction modifications not customary in dwellings and exterior modifications to the dwelling to accommodate the home occupation shall be prohibited except to meet the accessibility requirements of the Americans with Disabilities Act.
Commentary: Use of an accessory structure for a home occupation may require modification of the structure to meet the habitable space requirements of the Building Code. If outside employees are associated with the home occupation, modifications to an accessory structure or accessory dwelling may also be required to comply with the Americans with Disabilities Act.

B. Rural Home Occupations

The following requirements shall apply to all home occupations located on properties zoned Residential Rural District (RR) containing at least 10 contiguous acres in addition to the provisions of paragraph A. above:

1. In addition to persons residing on the premises, up to three nonresident employees can be engaged in the home occupation.
- ~~2. The home occupation shall be clearly incidental to the primary use as a residence. The total square footage devoted to the home occupation shall not exceed 30% of the floor area of the livable portion of the dwelling.~~
- ~~3. If located within the primary residence, internal alterations or construction modifications not customary in dwellings shall be prohibited, except to meet the accessibility requirements of the Americans with Disabilities Act.~~
4. ~~An accessory structure or an accessory dwelling can be used for all or a portion of the floor area of the home occupation but the combined total square footage devoted to the home occupation shall not exceed the limits described in paragraph B.2 above.~~ If a home occupation is located within an accessory structure or dwelling, the accessory structure or dwelling shall not be located closer to the front property line than the closest side of the primary dwelling to the front property line; nor closer to the side property line than the closest side of the dwelling to the side property line or 100 feet, whichever is a lesser distance, and not closer than 75 feet to the rear property line.
~~Commentary: Use of an accessory structure for a home occupation will require modification of the structure to meet the habitable space requirements of the Building Code. If outside employees are associated with the home occupation, modifications to~~

~~an accessory structure or accessory dwelling may also be required to comply with the Americans with Disabilities Act.~~

~~53.~~ The home occupation can include outdoor uses or activities. Any areas used for outdoor activities shall be at least 250 feet from any property line and shall also be closer to the principal dwelling on the site than to any dwelling on an adjoining site.

~~64.~~ Any home occupations utilizing these provisions shall be required to cease operations if the parcel size is reduced to less than 10 acres.

C. Other Home Occupations

In all districts other than RR, or in RR-zoned properties less than ten acres, the following standards apply in addition to the standards of paragraph A. above:

1. Only persons residing on the premises and up to one nonresident employee can be engaged in the home occupation.

~~2. The home occupation shall be clearly incidental to the primary use as a residence. The total square footage devoted to the home occupation shall not exceed 30% of the floor area of the livable portion of the dwelling. Internal alterations or construction modifications not customary in dwellings and exterior modifications to the dwelling to accommodate the home occupation shall be prohibited except to meet the accessibility requirements of the Americans with Disabilities Act.~~

~~32.~~ No outside storage use or activity (except parking and, for day care homes, required recreation areas) shall be associated with the home occupation.

PART 2

That the Unified Development Ordinance shall be renumbered as necessary to accommodate these changes and clarifications.

PART 3

That this amendment of the Unified Development Ordinance shall become effective upon adoption.