

## **Minor Home Occupation**

A Minor Home Occupation is an accessory business use of a residentially-zoned property. The business must be clearly incidental and subordinate to the residential use of the property and must not result in negative impacts on the neighborhood. The on-premises sale and delivery of goods, which are not produced on the premises is prohibited, except in the case of the delivery and sale of goods incidental to the provision of a service.

Typical examples of uses which may conform to the Home Occupation provisions include:

- Accounting
- Legal services
- Computer services
- Photographic studios
- Crafts
- Sewing/tailoring

Activities explicitly prohibited as a Home Occupation by Orange County include:

- Automotive repair
- Automotive service
- Automotive detailing
- Body shop
- Hauling

This list is not intended to include all uses which may be unsuitable as a Home Occupation. Home Occupation applications for other uses may be denied if the Standards of Evaluation listed in Orange County's Unified Development Ordinance (UDO) Section 5.5.3 are not fully met.

Notes:

1. A copy of relevant County regulations governing the development of a home occupation are attached for your use/edification.
2. This document and covers applications for Minor Home Occupations as outlined in Section 5.5.3 of the UDO. Major Home Occupations require a Class B Special Use Permit application and process.
3. Home Occupation(s) must also comply with applicable State of North Carolina Building Code provisions, most notably square footage limitations on 'dedicated' floor area for commercial uses within a residential dwelling unit. As part of the application's review, the Orange County Inspections Department will be asked to comment on the proposed floorplan. This review might necessitate the submittal and approval of a Building Inspections Application package. For additional information on possible building compliance issues, please contact an Inspector at (919) 245-2600.

- (2) An attached private garage, or carport, not exceeding 12 feet in height, may occupy a portion of the required side open space, provided that this does not result in a required side open space of less than 7% of the lot width, nor a total, when combined with the required side open space of the lot immediately adjacent, of less than eight feet.
- (3) Mobile homes as accessory structures to residential uses are prohibited.

### 5.5.2 Efficiency Apartment

---

#### (A) General Standards of Evaluation

- (1) There shall be no more than one efficiency apartment, whether detached or attached, on any lot.
- (2) The efficiency unit shall contain no more than 800 square feet of gross floor area.
- (3) The residential lot shall meet the minimum lot size requirements of the zoning district in which it is located.
- (4) The efficiency unit shall comply with the N.C. Residential Building Code including minimum light/ventilation and room sizes.
- (5) The efficiency unit shall be accessory to the principal dwelling unit and may be attached or detached.
- (6) The efficiency unit shall be served by an approved water supply and sanitary facilities.
- (7) The efficiency unit shall remain in the same ownership as the primary residence.

### 5.5.3 Home Occupations

---

#### (A) General Standards

##### (1) Submittal Requirements–

In addition to the completed application form, applicants for a minor or major home occupation shall submit the following to the Planning Department:

- (a) Minor Home Occupations
  - (i) A plot plan of the property on which the home occupation is to be located. The plot plan shall show:
    - a. The location of the residence and/or accessory building in which the home occupation is to be located in relation to existing property lines and adjacent homes;
    - b. The location, number, and means of access to required off street parking areas; and
    - c. The location and type of required landscaping and/or screening.
  - (ii) A floor plan of the residence and/or accessory building in which the home occupation is to be located showing the location, size, and use of each room or area within the residence and/or accessory building.
- (b) Major Home Occupations
  - (i) A site plan of the property on which the home occupation is to be located. The site plan shall show:

- a. The location of the residence and/or accessory building in which the home occupation is to be located in relation to existing property lines and adjacent homes;
  - b. The location, number, and means of access to required off street parking areas; and
  - c. The location and type of required landscaping and/or screening.
- (ii) A floor plan of the residence and/or accessory building in which the home occupation is to be located showing the location, size, and use of each room or area within the residence and/or accessory building.

**(2) Standards of Evaluation -**

(a) All Home Occupations

- (i) No home occupation may be operated in a residence except as permitted under this Ordinance and only after a Home Occupation Permit has been issued in accordance with the provisions of Section 2.22 of this Ordinance.
- (ii) Home based business operations that conduct only online retail sales and do not include nonresident employees located onsite, signage, or onsite students, customers, and/or clients do not require a home occupation permit.
- (iii) Uses Not Permitted
  - a. Except for the office component of the business operation, the following activities are explicitly prohibited as home occupations:
    - i. Automotive repair,
    - ii. Automotive service,
    - iii. Automotive detailing,
    - iv. Body shop, and
    - v. Hauling.
  - b. The above list is not intended to include all uses which may be unsuitable as a home occupation. Home Occupation applications for other uses may be denied if the Standards of Evaluation listed herein are not fully met.
- (iv) No equipment or process shall be employed that will cause noise, vibration, glare, odor or electrical interference detectable to the normal senses at the lot lines in the case of detached dwelling units or outside the dwelling unit, in the case of attached dwelling units.
- (v) The on-premises sale and/or delivery of goods which are not produced or modified in a manner that adds value to the product on the premises is prohibited, except in the case of the delivery and sale of goods incidental to the provision of a service. No goods, products, or commodities purchased and secured for the main purpose of onsite resale shall be permitted.
- (vi) All events conducted in connection with the home occupation and exceed the number of permitted daily students, customers, and/or clients contained within Sections 5.5.3(A)(2)(b)(i)d and

5.5.3(A)(2)(c)(i)g must adhere to Section 5.4.3, Special Events.

(b) Minor Home Occupations

(i) General Operations

The following requirements apply to minor home occupations in all residential districts:

- a. The owner or operator of the home occupation must live in a residence located on the same zoning lot as the home occupation. Minor home occupations shall not exceed three nonresident employees onsite at any one time.
- b. In all residential districts no more than 35% of the floor area of the dwelling unit or 750 square feet, whichever is less, may be used for the home occupation.
- c. Up to three students, customers, and/or clients shall be permitted onsite at any one time, not to exceed a total of six students, customers, and/or clients per day.

(ii) Limitations on Traffic Generation

- a. Traffic generated by employees, students, customers, and/or clients shall not exceed more than twenty trips per day. All deliveries must be made by vehicles of a size normally used for household deliveries.
- b. Parking generated by the home occupation shall be met off the street and not in a required yard area.
- c. There shall be no use of a vehicle with a gross vehicle weight in excess of 14,000 pounds used in connection with the home occupation.

(iii) Use of Accessory Structures

- a. An accessory building containing up to 1,500 square feet may be utilized in the residential zoning districts, detailed in Section 3.3, provided that the structure is built with materials not incompatible with a residential accessory structure.
- b. The accessory structure must be screened from view of the road and adjacent property by a densely planted evergreen hedge of shrubs or trees. In lieu of an evergreen hedge, a six foot stockade fence and deciduous vegetation planted along the outside of the fence may be used for screening purposes. Screening will not be required when:
  - i. The accessory structure is located 40 feet or more from all property lines; or
  - ii. Existing vegetation provides suitable screening of the accessory structure from all adjacent properties.
- c. New structures built for the purpose of conducting a home occupation shall not exceed 1,500 square feet in area.
- d. An existing accessory structure which is larger than 1,500 square feet may be used for the home occupation

provided that no more than 1,500 square feet is used for the home occupation and the area is physically separated by walls or other barriers. In order to qualify as an existing accessory structure for the purpose of conducting a home occupation, the structure must have been constructed to meet building code requirements applicable to a residential accessory structure, and must have been in existence for at least 36 months.

(iv) Use of Outdoor Storage

- a. Up to 500 square feet of outdoor storage area may be permitted only in the RB, AR and R-1 zoning districts provided that it:
  - i. Is clearly defined on the site plan and on the ground.
  - ii. Is located at least 40 feet from any lot line or road right-of-way; and
  - iii. Is totally screened from the view from the road and from adjacent property in the same manner as is required for accessory buildings.

(c) Major Home Occupations

(i) General Operations

The following requirements apply to major home occupations:

- a. Major home occupations shall be permitted only in the AR and R-1 zoning districts.
- b. All major home occupations shall be located on parcels at least five acres in size.
- c. The owner or operator of the home occupation must live in a residence located on the same zoning lot as the home occupation. Up to six permanent and/or temporary nonresident employees may be permitted onsite at any one time with the exact number established in the Special Use Permit.
- d. The total amount of square footage permitted for a residential dwelling unit used in conjunction with a major home occupation, which exceeds standards referenced in Section 5.5.3.A.2(b)(i)b, shall be determined with the approved Special Use Permit, but in no case shall the total exceed 50% of the floor area of the dwelling unit.
- e. Up to eight students, customers, and/or clients shall be permitted onsite at any one time, not to exceed a total of fifteen students, customers, and/or clients per day.

(ii) Limitations on Traffic Generation

- a. Traffic generated by employees, students, customers, and/or clients shall not exceed more than fifty trips per day. All deliveries must be made by vehicles of a size normally used for household deliveries.
- b. All major home occupations shall conform to the standards of Section 5.5.3(A)(2)(b)(ii)c.

- c. Parking generated by the home occupation shall be met off the street and set back at least 40 feet from all property lines.
  - d. Major home occupations located on public roadways may be required to submit a driveway permit prior to approval.
  - e. Major home occupations located on shared private roadways shall be required to submit a private road maintenance agreement prior to approval.
- (iii) Use of Accessory Structures
- a. An accessory building containing up to 2,500 square feet may be utilized, with the approval of a major home occupation, on tracts totaling five to ten acres in size. An accessory building containing up to 3,000 square feet may be utilized, with the approval of a major home occupation, on tracts greater than ten acres in size.
  - b. All accessory structures shall be built with materials not incompatible with a residential accessory structure.
  - c. Setback standards for all accessory structures shall be determined with the approved Special Use Permit and in no case be less than 40 feet from all property lines.
  - d. The accessory structure must be screened from view of the road and adjacent property by a densely planted evergreen hedge of shrubs or trees. In lieu of an evergreen hedge, a six foot stockade fence and deciduous vegetation planted on the outside of the fence may be used for screening purposes. Screening will not be required when:
    - i. The accessory structure is located 80 feet or more from all property lines; or
    - ii. Existing vegetation provides suitable screening of the accessory structure from all adjacent properties.
  - e. New accessory structures built for the purpose of conducting a home occupation shall not exceed square footage allowances referenced in Section 5.5.3.A(2)(e)(iii)a.
  - f. An existing accessory structure which is larger than the permitted size referenced in Section 5.5.3.A(2)(e)(iii)a may be used for the home occupation provided that no more than the permitted amount of square feet is used for the home occupation and the area is physically separated by walls or other barriers. In order to qualify as an existing accessory structure for the purpose of conducting a home occupation, the structure must have been constructed to meet building code requirements applicable to a residential accessory structure, and must have been in existence for at least 36 months.
- (iv) Use of Outdoor Storage Space

- a. Up to 500 square feet of outdoor storage area may be permitted in conjunction with major home occupations provided that it is:
  - i. Clearly defined on the site plan and on the ground.
  - ii. Setback standards for outdoor storage space shall be determined with the approved Special Use Permit and in no case be less than 40 feet from all property lines; and
  - iii. Totally screened from the view from the road and from adjacent property in the same manner required for accessory buildings.

#### 5.5.4 Mobile Home Parks

##### (A) Standards for MHP-CZ

###### (1) Permitted Uses and Structures

In addition to Mobile Homes, as defined by this Ordinance, the following accessory structures and uses shall be permitted:

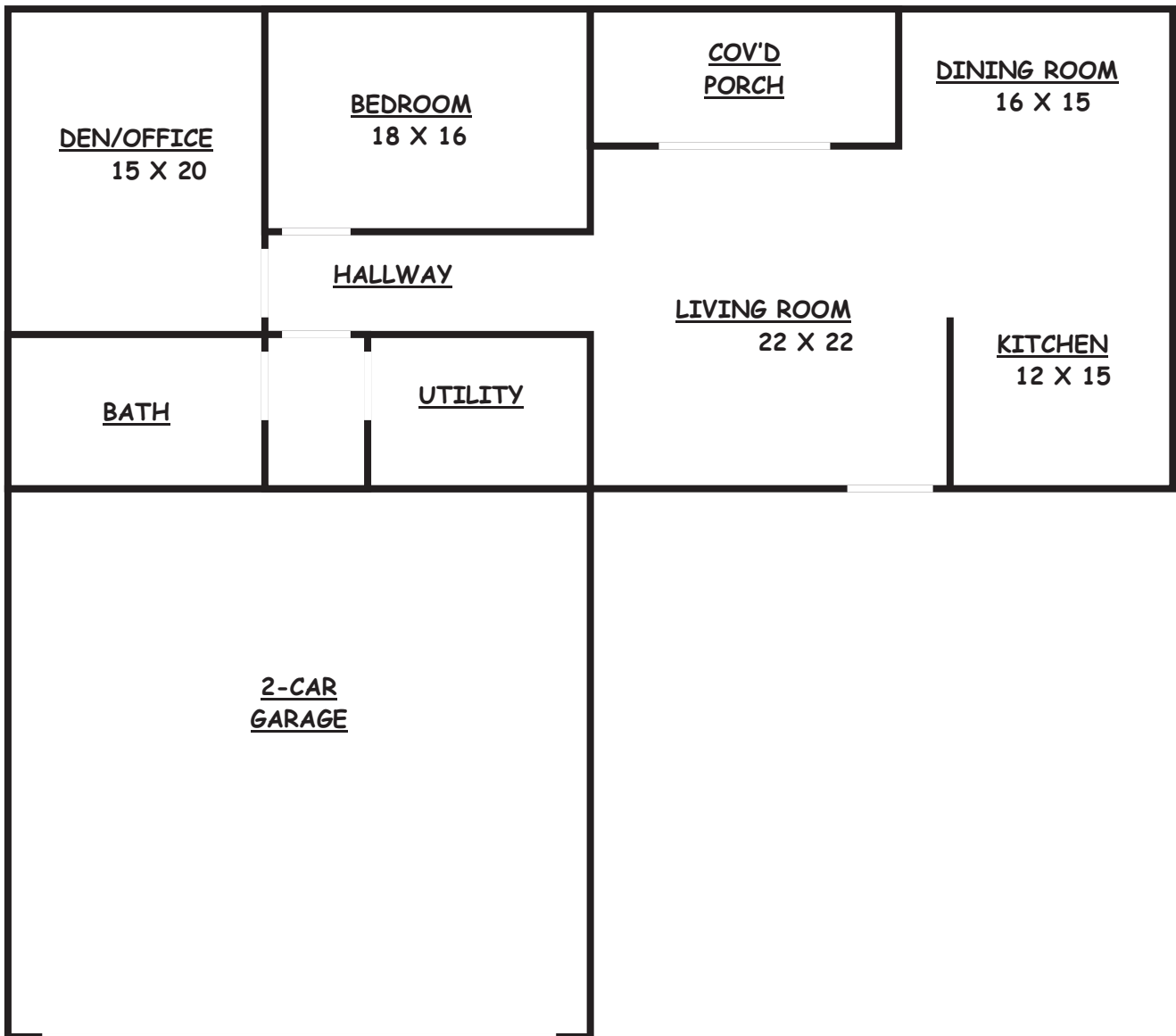
- (a) Caretaker's or manager's home or office.
- (b) Service buildings and areas necessary to provide washing and drying machines for domestic laundry, sanitation, rest rooms, storage, vending machines, and other similar services provided by the facility for the use and convenience of the mobile home park tenants.
- (c) Recreation buildings/facilities and areas serving only the mobile home park in which they are located.
- (d) Customary accessory buildings and facilities necessary for operation of the mobile home park in which they are located.
- (e) Storage buildings for individual mobile home spaces and intended for the exclusive use of the occupants of the mobile home space.
- (f) Fenced, communal storage areas provided by the park operator for boats, campers, and other accessory vehicles belonging to park residents.
- (g) Sales of mobile homes already located on approved and established mobile home stand spaces.

###### (2) Mobile Home Stand Space Requirements

- (a) A mobile home park shall be divided into mobile home spaces, each having an area of at least 5,000 square feet and a minimum width of at least 50 feet. However, the Orange County Health Department may increase the minimum area requirements for the park and/or individual stand spaces where necessary to be consistent with groundwater resources and/or the limitations of providing sewage disposal systems for the proposed mobile home park.
- (b) Only one mobile home and its customary accessory buildings may be erected on any mobile home stand space at one time.

###### (3) Mobile Home Stand Requirements

**SAMPLE FLOOR PLAN**  
**FOR HOME OCCUPATION**  
**WITHIN RESIDENCE**



**FLOOR PLAN**

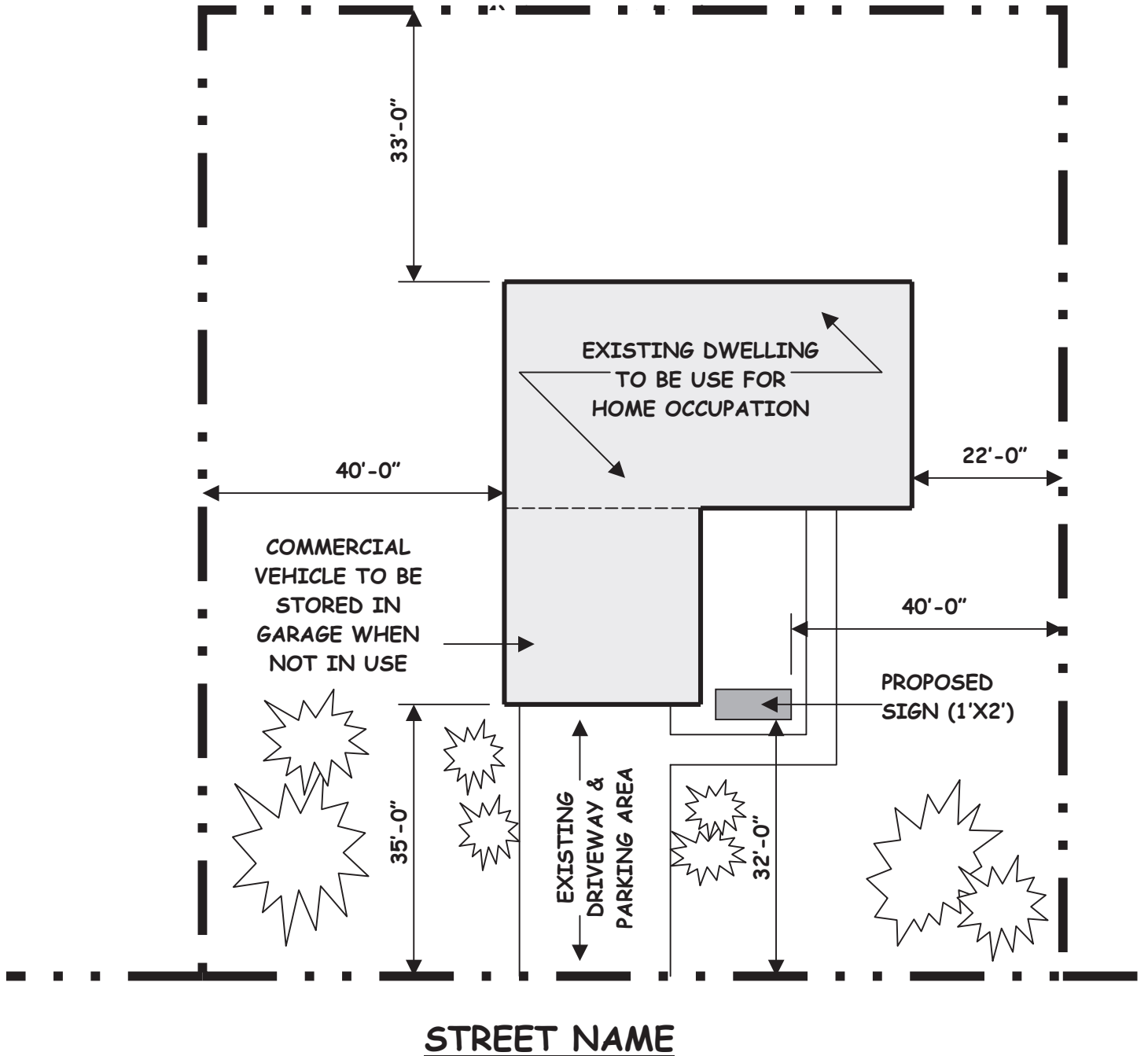
**$\frac{1}{4}'' = 1'-0''$**



# SAMPLE SITE PLAN

Site Plan, drawn to scale, to include the following:

- 1) Residence
- 2) Accessory buildings
- 3) Outdoor storage area



SITE PLAN

1" = 100'