

## Sec. 5.4 Accessory Uses and Structures



Paragraphs:

- 5.4.1 Accessory Structures
- 5.4.2 Accessory Dwellings
- 5.4.3 Amateur Wireless Facility
- 5.4.4 Home Occupations
- 5.4.5 Storage of One or More Junk Vehicles
- 5.4.6 Manufactured Home Storage
- 5.4.7 On-Site Recycling Facilities and Drop-Off Sites
- 5.4.8 Satellite Dishes (Earth Stations)
- 5.4.9 Swimming Pools
- 5.4.10 Vehicle Repair
- 5.4.11 Vehicle Sales
- 5.4.12 Domestic Chickens (City Only)
- 5.4.13 Cluster Box Unit (CBU)
- 5.4.14 Solar Energy System

### 5.4.1 Accessory Structures



Accessory structures shall be subject to the following additional requirements:

- A. An accessory structure shall be clearly subordinate to the primary structure in aspects of size and purpose.
- 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:
    - a. Except in the RU and RC Districts, the accessory structure shall be set back at least five feet from the rear and side property lines.
    - b. Accessory structures in the RU and RC Districts shall be set back at least three feet from the side and rear property lines.
    - c. Accessory structures in the RR District can be located in front or to the side of the primary structure provided that:
      - (1) It is not located in the street or side yard; and
      - (2) It is on a lot at least two acres in size.
    - 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.
    - e. **Attached Accessory Structures**  
 Attached accessory structures are allowed, where a single structure maintains a shared common wall along a side or rear lot line that separates two lots.
      - (1) This allowance does not supersede any applicable building code requirements.

- (2) This allowance does not supersede placement requirements with respect to primary structures.
2. Accessory structures in Design districts shall be located to the rear of the rear building line of the primary structure(s) and shall be subject to the side and rear yard requirements of those districts.
  3. Accessory structures for all other development not indicated above shall be located to the side or rear of the primary structure, but not within side or rear yards. For developments with more than one primary structure, the primary structure located closest to the right-of-way shall be used to locate the accessory structure.
- C. Any accessory structures located less than five feet from the property line shall construct a wall meeting North Carolina Building Code standards for fire obstruction on that side of the structure facing the property line.
- D. The maximum height of an accessory structure in residential areas shall be 25 feet. Infill height requirements per Sec. 6.8, Infill Development for Residential Districts, shall not apply.
- E. Within Special Flood Hazard Areas and Future Conditions Flood Hazard Areas, an accessory structure shall not exceed 1,000 square feet in area and shall meet the following criteria:
1. Accessory structures shall not be used for human habitation (including working, sleeping, living, cooking or restroom areas);
  2. Accessory structures shall not be temperature-controlled;
  3. Accessory structures shall be designed to have low flood damage potential;
  4. Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;
  5. Accessory structures shall be firmly anchored in accordance with Section 8.4, Floodplain and Flood Damage Protection Standards;
  6. All service facilities such as electrical shall be installed in accordance with Section 8.4, Floodplain and Flood Damage Protection Standards; and
  7. An accessory structure with a footprint less than 150 square feet that satisfies the criteria outlined above does not require an elevation or floodproofing certificate. Elevation or floodproofing certifications are required for all other accessory structures in accordance with Section 8.4, Floodplain and Flood Damage Protection Standards.
- F. In addition to the requirements in paragraphs A, B, C, and E, accessory structures in Design districts shall comply with the following standards:
1. The height of the structure shall not exceed 35 feet and shall not exceed the primary structure in height; and
  2. The structure shall be compatible with the primary structure in style, materials, roof form, and details.

## 5.4.2

### Accessory Dwellings



Accessory dwellings shall be subject to the following additional requirements:

#### A. Special Flood Hazard Areas and Future Conditions Flood Hazard Areas

Accessory dwellings shall not be permitted in Special Flood Hazard Areas or Future Conditions Flood Hazard Areas.

#### B. General

1. An accessory dwelling unit shall be allowed as follows:
  - a. On a residential lot developed with one or two primary dwelling units. Only one accessory dwelling shall be allowed.
  - b. For certain civic uses as indicated in Sec. 5.2, Use Categories, provided that:
    - (1) No more than three units shall be allowed.
    - (2) The units can be located anywhere on the lot and shall comply with the minimum yard requirements applicable to primary structures.
    - (3) The maximum size of each unit shall be 800 square feet.
    - (4) No additional parking is required.
    - (5) No special use permit is required.
  - c. Density limits shall not apply to accessory dwelling units.

2. The accessory dwelling can be located within the primary structure (attached) or separate (detached) from the primary structure.

3. A nonconforming accessory structure can be renovated or reconstructed to an accessory dwelling.

**Commentary:** Depending upon the scope of the project, a special use permit pursuant to Sec. 14.4, Nonconforming Improvements and Structures, or a variance pursuant to Sec. 3.14, Variance, may be required.

4. The heated floor area of the accessory dwelling shall not exceed 800 square feet, except in the RR District, where the heated or air-conditioned floor area can be a maximum of 50% of the primary dwelling heated or air-conditioned floor area on lots of four acres or larger. However, in no instance shall the floor area of an accessory dwelling unit equal or exceed the floor area of the primary structure.

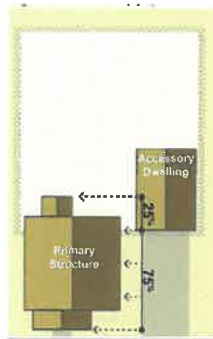
**Commentary:** Accessory dwelling units are required to meet all applicable building and housing codes.

5. Use of a travel trailer or recreational vehicle (RV) as an accessory dwelling shall be prohibited within a residential district or on property devoted to residential use, except that use of a travel trailer or RV during temporary visits of two weeks or less shall be allowed.

6. No parking is required for an accessory dwelling.

7. In addition to the accessory structure location requirements in paragraph 5.4.1B.1, an accessory structure containing an accessory dwelling unit can be located to the side of the primary structure, provided that:

- a. The structure shall not extend forward of the rear 25% of the primary structure; and
- b. The minimum side yard of the zoning district shall apply.



## 8. Height

- a. For detached accessory dwelling units, the maximum height for accessory structures shall apply.
- b. Accessory dwellings that are an addition to the primary structure shall conform to the applicable height limits for the primary structure.
- c. Height limits shall not be considered if the accessory dwelling is only a conversion of existing space within the primary structure.

## 5.4.3

### Amateur Wireless Facility



- A. Non-commercial, amateur, ham radio or citizen's band antenna supporting structures, antennas or antenna arrays with an overall height less than 50 feet in Residential districts or with an overall height less than 70 feet in all other zoning districts can be developed, if in accordance with the following additional requirements.
  1. Towers and support structures shall meet the setback requirements for accessory structures for the zoning district in which the proposed facility shall be located, or 100% of the tower height, whichever is greater.
  2. The applicant shall commit in writing that the facility will be erected in accordance with manufacturer's recommendations.
- B. Non-commercial, amateur, ham radio or citizen's band antenna supporting structures, with a height greater than as provided above shall be regulated in accordance with paragraph 5.3.3N, Wireless Communication Facilities for Transmitting and Receiving Electronic Signals.

Home occupations shall be allowed within any residential use subject to the following regulations:

**A. General**

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.

10. Tutoring or instructional services shall have no more than five students at one time.

**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. 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.
3. 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.
4. 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 10 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. No outside storage use or activity (except parking, required recreation areas for [day care homes](#), and for instructional services that require an outdoor facility such as a swimming pool for swim classes) shall be associated with the [home occupation](#).

#### D. Telecommuting

[Telecommuting](#) shall not be considered a [home occupation](#).

### 5.4.5

#### Storage of One or More Junk Vehicles



[Junk vehicles](#) shall be prohibited within a [residential district](#) or on a property devoted to residential use, except that junk vehicles owned by an occupant of the [dwelling](#) and stored within an enclosed [building](#) so that they are not visible from an [adjacent](#) property or a public [right-of-way](#) may be allowed. Within the Rural Tier, junk vehicles may also be screened with a permanent enclosure to meet this standard.

### 5.4.6

#### Manufactured Home Storage



Storage of a [manufactured home](#) shall be prohibited within a [residential district](#) or on property devoted to residential use, unless the manufactured home is lawfully permitted pursuant to Sec. [5.1](#), Use Table, or paragraph [5.5.2F](#), Manufactured Homes.

### 5.4.7

#### On-Site Recycling Facilities and Drop-Off Sites



**Commentary:** On-site recycling facilities and public [recycling drop-off sites](#) should not be confused with [recycling centers](#), which are much larger regional centers that process recyclables. Examples of on-site recycling facilities include cardboard or aluminum can recycling bins. Public recycling drop-off sites include facilities located in [church](#) or [school parking lots](#) where the public may deposit recyclables.

- A. Recycling facilities and [drop-off sites](#) shall be permitted as an [accessory use](#) in all nonresidential districts and [multifamily](#) residential property.
- B. The drop-off site shall be kept free of litter, residue and debris by the party responsible for the maintenance and management of the drop-off facility.
- C. [Recycling drop-off sites](#) shall be located at least 50 feet away from adjoining [residentially zoned](#) property.
- D. The drop-off site containers shall be durable, waterproof, covered and of uniform color. The name and phone number of the party responsible for maintenance shall be posted on the container.
- E. [City Only] Notwithstanding the other provisions of this section, unattended clothing donation containers are prohibited unless located at the operational site of a company or organization that collects used clothing for resale or donation as a primary business function. An unattended clothing container is any box, bin, dumpster, trailer or other receptacle that is intended for use as a collection point for donated clothing or other household materials at times when no employee or representative of the sponsoring company or organization is present to accept donations. Prohibited clothing donation containers that exist at the time this section is adopted shall be removed within 30 days of adoption.

### 5.4.8

#### Satellite Dishes (Earth Stations)



[Satellite dishes \(earth stations\)](#) that are less than one meter (39.37 inches) in diameter in [residential districts](#) and less than two meters in diameter in all other zoning districts shall be exempt from the standards of this section. Satellite dishes exceeding these dimensions shall be subject to the following additional requirements:

- A. A Minor Special Use Permit issued in accordance with Sec. [3.9](#), Special Use Permit, shall be required.
- B. If attached to a roof or [building](#), a letter certifying the roof's and building's structural stability shall be written and sealed by a licensed engineer, prior to any approval of a roof-mounted [satellite earth station](#).
- C. No commercial messages shall be placed on the dish.

## 5.4.9 Swimming Pools



**Commentary:** In-ground and above-ground pools are subject to any applicable public health and [building](#) code requirements.

When allowed, in-ground and above-ground swimming pools that have a water depth over 24 inches and have a surface area of at least 100 square feet shall be subject to the following additional requirements:

### A. Private Pools

Private swimming pools (as well as the decking and equipment associated with the pool) located on any residential [lots](#) with the exception of those described in paragraph B below, shall not be located between the street and the principal [structure](#) unless located to the rear of the primary structure, and shall not be closer than five feet to any property line.

### B. Outdoor Community Pools, Private Club Pools, or Townhouse, Multiplex and Apartment Pools

1. Except for roof-top pools, outdoor pools including decking shall be located at least 100 feet from any property line [adjacent](#) to a [single-family residential district](#) or use. For purposes of this paragraph, a district or use that is across a public [right-of-way](#) shall not be considered adjacent.
2. When the pool is [adjacent](#) to off-site residences, the playing of music detectable off-site on a public address system is prohibited. Informational announcements shall be permitted. This requirement shall not apply when a permit has been issued for a special event.
3. All outdoor pools shall be enclosed by a fence. The exterior walls of [buildings](#) can be incorporated as a portion of the fence to create a fully enclosed area around the pool.
  - a. All fence points of ingress/egress shall be equipped with self-closing and self-latching gates.
  - b. The fence shall be at least four feet in height with a maximum [opacity](#) of 50%.

## 5.4.10 Vehicle Repair



Up to two [vehicles](#) can be repaired simultaneously on a residential property if the vehicles are registered to an occupant of the residence.

## 5.4.11 Vehicle Sales



[Vehicle](#) sales shall be prohibited within a [residential district](#) or on property devoted to residential use, except that the sale of a private vehicle registered to the occupant of the residence shall be allowed. No more than one such vehicle shall be displayed at a time.

## 5.4.12 Domestic Chickens (City Only)



### A. Purpose

The purpose of this section is to authorize and provide standards for the keeping of domesticated [chickens](#). It is intended to enable residents to responsibly keep a small number of female chickens on a noncommercial basis while limiting the potential adverse impacts on the surrounding neighborhood.

### B. Definitions

"[Chicken](#)," "[Chicken Coop](#)," and "[Chicken Pen](#)" are defined in Sec. [17.3](#), Defined Terms.

### C. Number and Type of Chickens Allowed

The maximum number of [chickens](#) allowed is 10 per [lot](#), regardless of how many [dwelling units](#) are on the lot. Only female chickens are allowed. There is no restriction on chicken breeds.

### D. Personal Use Only

1. Eggs, chicks, adult [chickens](#), and processed chickens shall not be sold. Chicken manure and compost using chicken manure shall not be sold or otherwise distributed.

2. Produce on which [chicken](#) manure from the permitted chickens has been used as fertilizer, or on which compost made with such manure has been used, shall not be sold.

#### E. Chicken Enclosures

A [chicken coop](#) and [chicken pen](#) shall be provided. [Chickens](#) shall be secured in the chicken coop during non-daylight hours. During daylight hours chickens can be located in the chicken pen and can be located outside of the pen in a securely fenced [yard](#) or chicken tractor/portable pen if supervised by an adult [person](#).

#### F. Construction, Design, and Location for Coop and Pen

##### 1. Location

Notwithstanding the location requirements of paragraph [5.4.1, Accessory Structures](#), [chicken coops](#) shall be located at least 15 feet from any property line or public [right-of-way](#), and [chicken pens](#) shall be located at least five feet from any property line or right-of-way.

##### 2. Coop

- a. Except as required in paragraph [1](#), above, the [chicken coop](#) shall comply with the requirements of paragraph [5.4.1, Accessory Structures](#).
- b. The coop shall be enclosed with solid material on all sides and have a solid roof and door(s). An existing shed or garage can be used for a coop.

##### 3. Pen

- a. The [chicken pen](#) shall be constructed of wood or metal posts and wire fencing material.
- b. The pen shall be covered with wire, aviary netting, or solid roofing.

#### G. Maintenance

1. The [chicken coop](#), [chicken pen](#), and surrounding area shall be kept in a sanitary condition at all times.

**Commentary:** The [chicken coop](#) should provide adequate security, ventilation, and [shelter](#) from moisture and temperature extremes. [Chickens](#) should have access to feed and clean water at all times, and such feed and water shall be inaccessible to rodents, wild birds, and predators. Chickens should be provided adequate bedding in the chicken coop, and perches are encouraged.

2. All manure, uneaten feed, and other trash shall be removed in a timely manner and disposed of in a sanitary manner.
3. The requirements of Chapter [70](#), Utilities, Article [V](#), [Stormwater](#) Management and Pollution Control, shall apply. All necessary action to reduce the attraction of predators and rodents and the potential infestation of insects and parasites shall be performed.
4. Slaughter and other processing of [chickens](#) shall be conducted in accordance with Small Flock Management Resources guidance provided by the Poultry Science Division of the North Carolina Cooperative Extension/North Carolina State [University](#) College of Agriculture and Life Sciences. Slaughter shall not be visible from any [adjacent](#) property, public area, or [right-of-way](#). If a chicken dies from causes other than slaughter, it shall promptly be placed into a plastic bag, which shall be closed securely and disposed of with household waste.

#### H. Waste Storage and Use

1. No more than two cubic feet of [chicken](#) manure shall be stored, for use as unprocessed fertilizer. All other manure shall be disposed of or composted. All stored manure shall be completely contained in a waterproof container.
2. Any compost using [chicken](#) manure shall be produced in an enclosed backyard composter.

**Commentary:** Be aware that unprocessed [chicken](#) manure may contain pathogens that can be transmitted to produce on which it is used as fertilizer. A proper mix of materials and maintaining a temperature of at least 131 degrees Fahrenheit for at least three consecutive days is necessary to destroy pathogens in compost.

### 5.4.13 Cluster Box Unit (CBU)



#### A. General

1. If required by the United States Postal Service (USPS), [CBUs](#) for residential [developments](#) shall meet or exceed the standards of the USPS and meet the following additional requirements. In case of regulatory conflicts, any requirement of the USPS shall supersede regulations of this Ordinance.



2. In case of conflict with [accessory structure](#) requirements pursuant to paragraph [5.4.1](#), Accessory Structures, the requirements of this section shall apply.

**B. Location**

1. [CBUs](#) shall be located as follows:
  - a. Within a [primary building](#), such as an apartment [building](#), or an accessory facility serving the [development](#) such as a clubhouse;
  - b. Stand-alone within 25 feet of the parking area servicing such [buildings](#) or facilities; and/or
  - c. Located along [right-of-way](#) and common access drives at least 50 feet interior to the [development](#).
2. [CBUs](#) can be located in [open space](#) or in a common access [easement](#). The area of each CBU located in common open space shall count towards any required open space for the [development](#).

**C. Parking and Pedestrian Access**

1. The number of motor [vehicle parking spaces](#) shall be provided per location, which shall include at least one space meeting handicap accessibility requirements.

Number of Mailboxes per Location	Minimum Number of <a href="#">Parking Spaces</a>
50 or less	2
51 – 80	3
80 – 110	4
111 or more	4 plus 1 per each additional 25 mailboxes

2. No parking is required for [CBUs](#) located within a facility with parking or within 25 feet of a parking area serving another facility.
  - a. Such facilities include, but are not limited to, clubhouses, leasing [offices](#), and parking bays designated for visitor parking.
  - b. Such parking areas shall include a designated handicap accessible [parking space](#) in a location meeting USPS requirements.
3. **Pedestrian Access**
  - a. Walkways or sidewalks shall connect [CBUs](#) to parking areas and the overall walkway and sidewalk system of the [development](#).
  - b. All [CBUs](#) shall be accessed by walkways or sidewalks meeting handicap accessibility width and paving requirements.

## 5.4.14 Solar Energy System



A [solar energy system](#) shall be an allowed [accessory use](#) serving a [principal use](#) within any zoning district.

The Durham Unified Development Ordinance is current through legislation effective  
Durham County, October 1, 2023  
City of Durham, October 1, 2023

Disclaimer: The [Durham City-County Planning Department](#) is the official website of the Durham Unified Development Ordinance. Users should consult the Planning Department for the ordinance subsequent to the amendment of this page.

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