



DURHAM CITY-COUNTY INSPECTIONS DEPARTMENT

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Section 16.3 Accessory Structure

Location: _____

The signing of this statement is to affirm that I, _____, hereby agree and understand Section 16.3, 5.4.4 B 4, and 5.4.4 C 3, of the Durham, NC Unified Development Ordinance, pertaining to Accessory Use and Home Occupation, in a _____ Zone _____.

I also hereby agree to conform to all applicable laws of the City/County of Durham and the State of North Carolina.

Signature

Date

Section 16.3 Accessory Structure

Accessory Use or Structure: A use or structure that exists on the same lot with the principal use or structure and is subordinate in size and purpose to the principle use.

Article 5 | Use Regulations Sec. 5.4 Accessory Uses and Structures

5.4.4 Home Occupations

Home occupations shall be subject to the following regulations:

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 may 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 may 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 may 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 may 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.

5. The home occupation may 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.
6. 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 may 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.
3. No outside storage use or activity (except parking and, for day care homes, required recreation areas) shall be associated with the home occupation.