



City of Durham

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Frequently Asked Questions About Accessory Uses

City of Durham regulations regarding decks, covered patios, sheds, play structures, and other residential accessory uses are:

Question: Where am I *not* allowed to place an accessory use or temporary structure?

1. No accessory use shall be placed, constructed, or maintained within a required front- or side yard setback in any zoning district except as allowed by an adjustment or variance or as the City may approve in a Planned Residential Development or a development in the BPO district. (Land Use Code section 2.17.1)
2. No temporary structures, including but not limited to portable canopies, shall be allowed as accessory uses anywhere within the front or side setbacks in any residential district. (Land Use Code section 3.1.6.1)

- The minimum (**front**) setback from the edge of the street right of way shall be 20 feet in all residential districts. (Land Use Code section 3.1.3)
- The minimum setback in all residential districts shall be 10 feet from the **side** property line. (Land Use Code section 3.1.3)
- See Diagram illustrating Durham's setbacks.



Question: What are the regulations regarding the rear setback of my property?

1. The minimum setback from the rear property line shall be 20 feet for detached dwelling units and 15 feet for attached units. Detached residential structures on flag lots shall be set back at least 10 feet from all property lines. (Land Use Code section 3.1.3)
2. An accessory use such as a storage shed may be allowed within 5 feet of a rear lot line in a residential district without an adjustment or variance if also allowed by the Oregon Residential Specialty Code as currently adopted by the City. (Land Use Code section 2.17.2)
3. Accessory uses may be placed in the rear setback in the Single Dwelling Residential district to the extent allowed by the Oregon Residential Specialty Code. (Land Use Code Section 3.1.6.2)
 - a. Accessory structures cannot be closer than 3 feet from the property line without a building permit. (Oregon Residential Specialty Code Section R105.2 #20)
 - b. Accessory structures up to 200 square feet and 15 feet in height can be located closer than 3 feet to the property line IF the wall(s) parallel to the

property line(s) is built to a 1-hour fire resistance standard. Typically this is achieved by cladding the wall with a sheet rock material that meets the fire standard. Projections, including the roof, cannot extend over the lot line. No windows or openings in the wall parallel to the property line are allowed. A building permit is required. (Oregon Residential Specialty Code Section R302.1)

- c. Accessory buildings located within 2 feet of a property line cannot have roof projections exceeding 4 inches. (Oregon Residential Specialty Code Section R302.1)

Question: What about fences?

1. Fences up to 6 feet high are allowed in setbacks as long as they do not obstruct vision clearance from a driveway or at intersections. (Land Use Code section 3.1.7)
2. Fences up to 6 feet high do not require building permits. (Oregon Residential Specialty Code Section R105.2)

Question: When do I need a building permit for an accessory use?

1. Detached accessory structures (non-habitable) that are 200 square feet or larger, 15 feet high or taller, or more than 1 story require a building permit. (Oregon Residential Specialty Code Section R105.2)
2. Porches and decks under 30 inches above grade do NOT require a building permit regardless of size unless it has a covered porch where the covered portion of the porch is closer than three feet from a property line. Decks that are raised higher than 30 inches above grade require a building permit. Guard rails are required on raised decks. (Oregon Residential Specialty Code Section R105.2)
3. Structures that are attached to the house require a building permit except for:
 - a. Patio and porch covers less than 200 square feet and supported by an exterior building wall do not need a building permit. (Oregon Residential Specialty Code Section R105.2)
 - b. Window awnings supported by an exterior wall which do not project more than 54 inches from the exterior wall and do not require additional support do NOT require a building permit. (Oregon Residential Specialty Code Section R105.2)
 - c. Porches and decks as listed in number 2 directly above.
4. Pre-engineered, commercial play structures that are under 200 square feet that include a second story do NOT require a building permit. (Oregon Residential Specialty Code Section R105.2)
5. All electrical lighting or outlets must meet electrical code. All plumbing fixtures must meet plumbing code. Permits are required for installation of these fixtures.