



# Certified Recommendation

Raleigh Planning Commission

CR#

## Case Information: TC-3-17 Accessory Dwelling Overlay District

### Comprehensive Plan Guidance

<p><i>Applicable Policy Statements</i></p>	<p><b>Policy LU 2.2 - Compact Development</b> New development and redevelopment should use a more compact land use pattern to support the efficient provision of public services, improve the performance of transportation networks, preserve open space, and reduce the negative impacts of low intensity and non-contiguous development.</p> <p><b>Policy LU 5.1 - Reinforcing the Urban Pattern</b> New development should be visually integrated with adjacent buildings, and more generally with the surrounding area. Quality design and site planning is required so that new development opportunities within the existing urban fabric of Raleigh are implemented without adverse impacts on local character and appearance.</p> <p><b>Policy LU 8.5 - Conservation of Single-Family Neighborhoods</b> Protect and conserve the City's single-family neighborhoods and ensure that their zoning reflects their established low density character. Carefully manage the development of vacant land and the alteration of existing structures in and adjacent to single-family neighborhoods to protect low density character, preserve open space, and maintain neighborhood scale.</p> <p><b>Policy H 1.8 - Zoning for Housing</b> Ensure that zoning policy continues to provide ample opportunity for developers to build a variety of housing types, ranging from single-family to dense multi-family. Keeping the market well supplied with housing will moderate the costs of owning and renting, lessening affordability problems, and lowering the level of subsidy necessary to produce affordable housing.</p> <p><b>Policy H 2.5 - Removing Housing Barriers</b> Address regulatory and policy barriers to affordable housing development while still maintaining Raleigh's high-quality development standards.</p> <p><b>Policy H 2.8 - Accessory Dwelling Units</b> Promote the construction of accessory dwelling units above garages, or "granny flats," and cottage/small lot ordinances, to provide affordable and workforce housing options and help accommodate future citywide residential demand.</p> <p><b>Policy H 4.2 - Aging in Place</b> Promote universal design and lifecycle housing to facilitate the ability of homeowners and neighborhood residents to age in place in their homes and neighborhoods.</p> <p><b>Policy H 4.3 - Housing for the Disabled</b> Support development of accessible housing for residents with disabilities, particularly near transit stations and corridors.</p>
--	--



# Certified Recommendation

Raleigh Planning Commission

CR#

	<p><b>Policy PU 1.1 - Linking Growth and Infrastructure</b> Focus growth in areas adequately served by existing or planned utility infrastructure.</p> <p><b>Policy UD 5.1 - Contextual Design</b> Proposed development within established neighborhoods should create or enhance a distinctive character that relates well to the surrounding area.</p> <p><b>Policy UD 5.4 - Neighborhood Character and Identity</b> Strengthen the defining visual qualities of Raleigh's neighborhoods. This should be achieved in part by relating the scale of infill development, alterations, renovations, and additions to existing neighborhood context.</p>
<i>Action Items</i>	

## Summary of Text Change

<i>Summary</i>	Proposes new <b>UDO Article 5.6 Accessory Dwelling Overlay District</b> to allow construction of a free-standing, accessory residential structure on the same lot as a principal building.
----------------	--

## Summary of Impacts

<i>Impacts Identified</i>	<u>Adoption of TC-3-17; Creates a new zoning overlay district, in which construction of an accessory residential structure would be permitted on the same lot as a principal building, subject to certain regulations. The maximum of one accessory structure per lot would be permitted could result in a cumulative increase in gross density within the overlay area, potentially with an increase in parking demand; restrictions of unit scale and occupancy, though, would limit impacts of form and use.</u>
---------------------------	---

## Public Meetings

<i>Submitted</i>	<i>Committee</i>		<i>Planning Commission</i>	
12/6/16	Text Change Committee	3/21/2017; 4/18/17		

### Attachments

1. Draft Ordinance
- 2.

## Planning Commission Recommendation

<i>Recommendation</i>	
<i>Findings &amp; Reasons</i>	
<i>Motion and Vote</i>	

This document is a true and accurate statement of the findings and recommendations of the Planning Commission. Approval of this document incorporates all of the findings of the attached Staff Report.

\_\_\_\_\_  
Planning Director

\_\_\_\_\_  
Date

\_\_\_\_\_  
Planning Commission Chairperson

\_\_\_\_\_  
Date

Staff Coordinator:

Eric Hodge, AICP: [eric.hodge@raleighnc.gov](mailto:eric.hodge@raleighnc.gov)



# Zoning Staff Report – TC-3-17

## Accessory Dwelling Overlay District

### Request

<i>Section Reference</i>	TC-3-17 Accessory Dwelling Overlay District
<i>Basic Information</i>	Amends the UDO to create a zoning overlay district, in which construction of a single, detached accessory residence would be permitted on the same lot as the principal building.
<i>PC Recommendation Deadline</i>	February 14, 2017 April 9, 2017 <b>June 26, 2016</b>

### Comprehensive Plan Guidance

<i>Applicable Policies</i>	Not applicable
<i>Action Items</i>	Not applicable

### Contact Information

<i>Staff Coordinator</i>	Eric Hodge, AICP <a href="mailto:eric.hodge@raleighnc.gov">eric.hodge@raleighnc.gov</a> ; 919.996.2339
--------------------------	--

### History/Overview

This text change was initiated by the City Council as a result of a Petition of Citizens, filed by representatives of the Mordecai neighborhood. During consideration of the Unified Development Ordinance in 2011-2013, the City discussed approval of “Backyard Cottage” as a new Housing Type. In the end, however, the accessory dwelling form was not included in the adopted UDO. Public interest in such housing, however, has remained, driven by interest in opportunities to provide for aged, disabled, or young adult family members to live in a separate but on-site dwelling, for new rental income, and, overall, to increase the diversity and affordability of housing options in the City. Staff has reviewed the existing code and the previously-proposed “Backyard Cottage” ordinance, and, in conjunction with new public dialogue and a formal survey, composed this text amendment. The amendment would create a zoning overlay district, in which construction of a single, detached accessory residence would be permitted on the same lot as the principal building. The overlay would be applicable citywide, within zoning districts that would permit ADUs (R-1, R-2, R-4, R-6, R-10, RX-, OX-, NX-, CX-).

The proposal was discussed at three successive Text Change Committee meetings (March-May). The Committee suggested the following revisions, all of which have been incorporated into the proposal presented to the Planning Commission on June 13:

- Remove the minimum lot depth requirement
- Increase the minimum side and rear lot line setbacks for two-story ADUs to 10 feet from 5 feet
- Provide a stipulation that the maximum height and size (square footage) of any ADU shall not exceed that of the principal dwelling
- Provide regulations prohibiting the placement of balconies, patios, decks, porches and stoops to facades facing streets or adjacent residential parcels
- Provide regulations stating that ground floor patios shall not face adjacent residential properties

## **Purpose and Need**

This text provides opportunity to diversify and expand housing options within the City, while limiting aspects of built form to complement existing development patterns and uses. Application of the overlay would be on an “opt-in” basis; i.e., subject to approval of specified overlay zoning boundaries in which the specified use would be permitted. The proposal is designed to merge the interests of citizens, the City, and our Comprehensive Plan goals into an inclusive collaborative approach to achieve the aspirations of all stakeholders.

## **Alternatives Considered**

None.

## **Scoping of Impacts**

### **Potential adverse impacts of the proposed text change have been identified as follows:**

Possible increase in gross residential density within the overlay area (although within structures of lesser scale than principal buildings), and, in association, potentially increased demand for parking.

### **The adverse impacts of taking no action (retaining the existing regulations) have been identified as follows:**

Residential options would remain unchanged from those permitted at present.

## **Impacts Summary**

### **Adoption of Proposed Text Change**

The adoption of this text will enhance the diversity and potentially increase the affordability of housing in those areas of the City in which the overlay would be adopted through rezoning.

### **No action**

Residential options would be the same as existing; i.e., construction of accessory units would remain prohibited.

**ORDINANCE NO.  
TC-3-17**

**AN ORDINANCE TO AMEND THE PART 10  
RALEIGH UNIFIED DEVELOPMENT ORDINANCE TO ADD AN ACCESSORY  
DWELLING OVERLAY OVERLAY DISTRICT (-ADOD) AND AN ACCOMPANYING  
SET OF REGULATIONS FOR ACCESSORY DWELLING UNITS**

**WHEREAS**, the City of Raleigh has determined it appropriate to carefully manage the development of Accessory Dwelling Units to expand housing options while protecting and enhancing neighborhood character and scale.

**WHEREAS**, the City of Raleigh has determined it appropriate to develop an overlay district to allow development of Accessory Dwelling Units on a voluntary, neighborhood-specific basis.

**WHEREAS**, the City of Raleigh has determined it appropriate to allow Accessory Dwelling Units within an overlay district in order to provide additional affordable housing inventory.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH THAT:**

**Section 1.** Section 1.3.3. of the Part 10 Raleigh Unified Development Ordinance, Overlay Districts, is hereby amended by insertion of the following underlined provisions in the appropriate alphabetical order of Overlay Districts:

-ADOD Accessory Dwelling Overlay District

**Section 2.** Section 1.5.2.B. of the Part 10 Raleigh Unified Development Ordinance, Lot Area, is hereby amended by insertion of the following underlined provisions:

**B. Lot Area**

Lot area is the area included within the rear, side and front lot lines. It does not include existing or proposed right-of-way, whether dedicated or not dedicated to public use. District density applies, and may require larger lots than those required for an individual building type. Within the Accessory Dwelling Overlay District (-ADOD), one accessory dwelling is permitted per lot, regardless of underlying density designation.

**Section 3.** Section 1.5.3.F.2. of the Part 10 Raleigh Unified Development Ordinance, Density, is hereby amended by insertion of the following underlined provisions:

Although minimum lot sizes may allow additional units, density serves as the maximum number of principal units per acre. Within the Accessory Dwelling

Overlay District (-ADOD), one accessory dwelling is permitted per lot, regardless of underlying density designation.

**Section 4.** Section 12.2. of the Part 10 Raleigh Unified Development Ordinance, Defined Terms, is hereby amended by insertion of the following underlined provisions in the appropriate alphabetical order:

**Accessory Dwelling**

A small self-contained dwelling unit that is located on the same lot as a principal dwelling but is physically separated from the principal dwelling. Accessory Dwellings typically include a living room, sleeping area, kitchen, and bathroom, and have a lockable entrance door. An Accessory Dwelling may be located above a garage.

**Section 5.** Section 5.1.1. of the Part 10 Raleigh Unified Development Ordinance, District Intent Statements, is hereby amended by insertion of the following underlined provisions at the end of the section as a new section “G. Accessory Dwelling Unit Overlay District (-ADOD):

**G. Accessory Dwelling Unit Overlay**

**1. Accessory Dwelling Unit Overlay District (-ADOD)**

- a. The -ADOD permits accessory dwelling units (ADUs).
- b. The permitting of Accessory Dwelling Units promotes efficient land use, improves market affordability, and responds to demand for expanded housing options.
- c. Through the regulation of minimum lot dimension requirements; maximum occupancy; and building standards, including maximum living area, building setbacks and building height, -ADOD promotes development of accessory dwelling units within a well-regulated framework.

**Section 6.** Amend the Part 10 Raleigh Unified Development Ordinance by inserting a new article entitled “Article 5.7. Accessory Dwelling Unit Overlay District” in the appropriate alphabetical order, by insertion of all of the following regulations:

**Article 5.7 Accessory Dwelling Unit Overlay**

**Section 5.7.1 Accessory Dwelling Unit Overlay District (-ADOD)**

**A. Purpose and Objectives**

The -ADOD is established to provide for the development of accessory dwelling units on properties in neighborhoods that have elected to have the overlay district applied to the underlying zoning district.

**B. Base Standards Apply**

Except as specifically set forth in this section, the allowed uses, the dimensional requirements, height limits and general development standards of the underlying zoning

district apply.

**C. Use**

A small self-contained dwelling unit that is located on the same lot as a principal dwelling but is physically separated from the principal dwelling. Accessory Dwellings typically include a living room, sleeping area, kitchen, and bathroom, and have a lockable entrance door. An Accessory Dwelling may be located above a garage. Only residential uses are permitted in Accessory Dwelling Units.

**D. Locational Guidelines**

Except for applications filed by the City or otherwise authorized by the City Council, Department of City Planning is instructed not to accept –ADOD applications unless the application meets all the following:

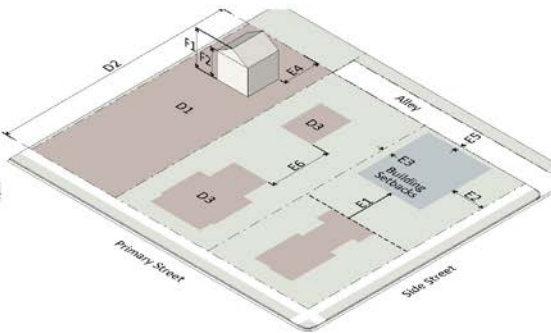
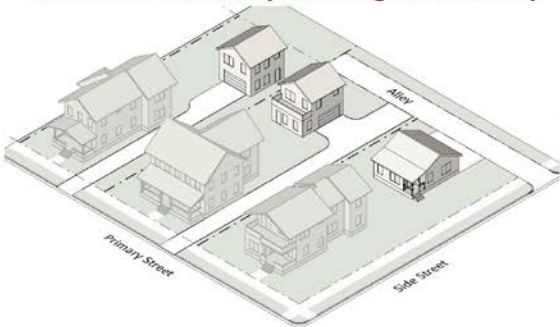
1. Is requesting that either a minimum of 15 contiguous acres be zoned –ADOD or that an existing –ADOD be extended. If allowed in the underlying zoning district, all uses in the civic use category can be excluded when determining the 15 acre requirement;
2. Is signed by a majority of the property owners within the area proposed to be rezoned –ADOD.

**E. Accessory Dwelling Unit Regulations**

Following the approval of an –ADOD in accordance with this section for properties located within the specifically designated neighborhoods listed below, the following development regulations for accessory dwelling units shall apply:



**Article 5.7 Accessory Dwelling Unit Overlay**



**A. Description**

An Accessory Dwelling Unit (ADU) is a small self-contained dwelling unit, located on the same lot as a detached house but is physically separated from the main house. Accessory Dwelling Units must be constructed in accordance with North Carolina Building Code and City of Raleigh Minimum Housing Code.

**B. Districts Allowed In**

R-1, R-2, R-4, R-6, R-10, RX-, OX-, NX-, CX-

**C. Building Types**

An Accessory Dwelling Unit is allowed on a lot associated with a detached house provided the lot is at least 4,000 square feet in size.

\*Not to exceed that of the principal dwelling.  
 ^ 5' for single story; 10' for two stories  
 ~ Side lot line setbacks must be greater than or equal to those of the underlying zoning district.

LOT SIZE >40,000 sf 20,000 to 39,999 sf 10,000 to 19,999 sf 6,000 to 9,999 sf 4,000 to 5,999 sf

**D. Lot Specifications**

D1 Area (min)	40,000 sf	20,000 sf	10,000 sf	6,000 sf	4,000 sf
D2 Dwellings units per lot (max)	2	2	2	2	2
D3 Living area (max)*	800 sf	800 sf	700 sf	550 sf	450 sf
D4 Occupancy (max persons)	2	2	2	2	2

**E. Building Setbacks**

E1 From primary street (min)	Must be located to the rear of the house				
E2 From side street (min)	15'	15'	15'	10'	10'
E3 From side lot line (min)^~	10'	5'/10'	5'/10'	5'/10'	5'/10'
E4 From rear lot line (min)^	10'	5'/10'	5'/10'	5'/10'	5'/10'
E5 From alley (min)	2' or 20'	2' or 20'	2' or 20'	2' or 20'	2' or 20'
E6 Building separation (min)	10'	10'	10'	10'	10'

**F. Height**

F1 Overall height (max)*	25'	25'	25'	25'	25'
F2 Wall plate height (max)	15'	15'	15'	15'	15'

**G. Vehicular Access**

From alley or street; or via on-street parking when no on-site parking is provided. No additional parking is required for ADUs.

**H. Balconies/Patios/Decks/Porches/Stoops**

- H1 Prohibited on facades/rooftop areas facing streets or adjacent residential parcels
- H2 Ground floor patios shall not face adjacent residential properties

**Section 7.** Section 1.4.1A of the Part 10 Raleigh Unified Development Ordinance, Detached House, is hereby amended by insertion of the following underlined provisions:

**Detached House**

A building constructed to accommodate 1 dwelling unit on a single lot. A series of detached houses as part of a cottage court may be located on a single lot. An additional detached Accessory Dwelling Unit may be located in conjunction with a primary Detached House on a single lot where the Accessory Dwelling Unit Overlay District (-ADOD) has been applied. In a Mixed Use District, a detached house may be used for nonresidential purposes.

**Section 8.** All laws and clauses of laws in conflict herewith are repealed to the extent of such conflict.

**Section 9.** If this ordinance or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given separate effect and to this end the provisions of this ordinance are declared to be severable.

**Ordinance No.**  
**Adopted:**  
**Effective:**

**Section 10.** This text change has been reviewed by the Raleigh City Planning Commission.

**Section 11.** This ordinance has been adopted following a duly advertised public hearing of the Raleigh City Council.

**Section 12.** This ordinance has been provided to the North Carolina Capital Commission as required by law.

**Section 13.** This ordinance shall be enforced as provided in N.C.G.S. 160A-175 or as provided in the Raleigh City Code. All criminal sanctions shall be the maximum allowed by law notwithstanding the fifty dollar limit in N.C.G.S. §14-4(a) or similar limitations.

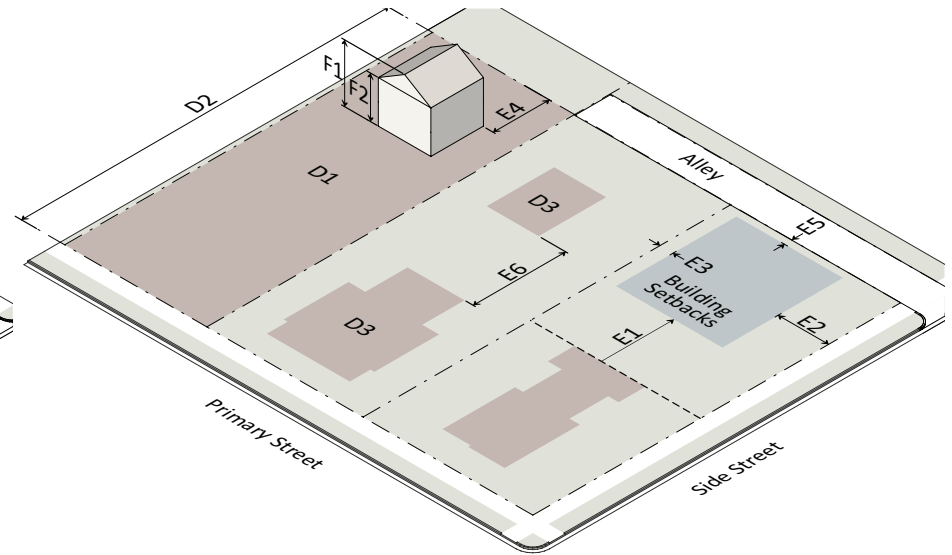
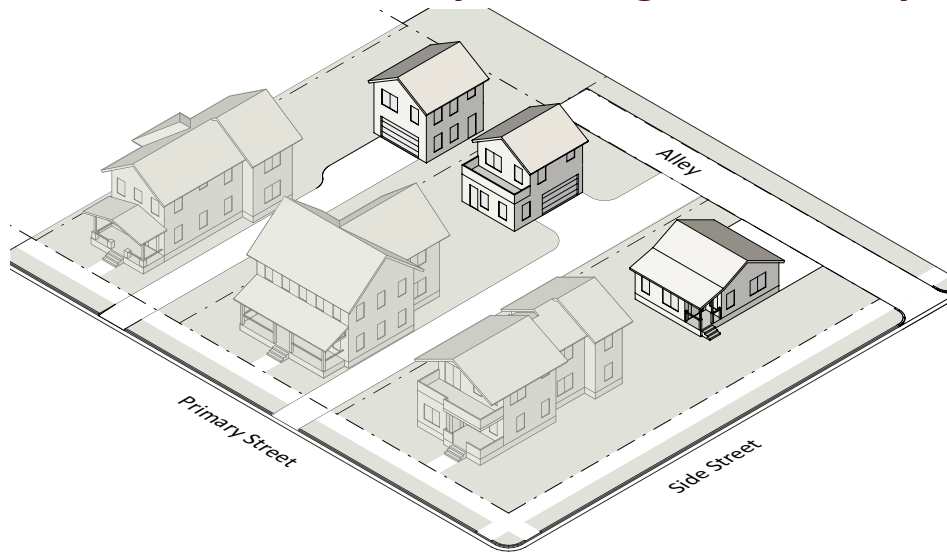
**Section 14.** This ordinance is effective 5 days after adoption.

**ADOPTED:**  
**EFFECTIVE:**

**DISTRIBUTION:** Planning – Bowers, Crane, Hodge  
City Attorney – McCormick, Hargrove-Bailey  
Department Heads  
Transcription Svcs – Taylor

*Prepared by the Department of City Planning*

# Article 5.7 Accessory Dwelling Unit Overlay



## A. Description

An Accessory Dwelling Unit (ADU) is a small self-contained dwelling unit located on the same lot as a detached house but is physically separated from the main house. Accessory Dwelling Units must be constructed in accordance with North Carolina Building Code and City of Raleigh Minimum Housing Code.

## B. Districts Allowed In

R-1, R-2, R-4, R-6, R-10, RX-, OX-, NX-, CX-

## C. Building Types

An Accessory Dwelling Unit is allowed on a lot associated with a detached house provided the lot is at least 4,000 square feet in size.

\*Not to exceed that of the principal dwelling.  
 ^ 5' for single story; 10' for two stories  
 ~ Side lot line setbacks must be greater than or equal to those of the underlying zoning district.

20,000 to 10,000 to 6,000 to 4,000 to  
 LOT SIZE >40,000 sf 39,999 sf 19,999 sf 9,999 sf 5,999 sf

## D. Lot Specifications

D1	Area (min)	40,000 sf	20,000 sf	10,000 sf	6,000 sf	4,000 sf
D2	Dwellings units per lot (max)	2	2	2	2	2
D3	Living area (max)*	800 sf	800 sf	700 sf	550 sf	450 sf
D4	Occupancy (max persons)	2	2	2	2	2

## E. Building Setbacks

E1	From primary street (min)	Must be located to the rear of the house				
E2	From side street (min)	15'	15'	15'	10'	10'
E3	From side lot line (min)^~	10'	5'/10'	5'/10'	5'/10'	5'/10'
E4	From rear lot line (min)^	10'	5'/10'	5'/10'	5'/10'	5'/10'
E5	From alley (min)	2' or 20'	2' or 20'	2' or 20'	2' or 20'	2' or 20'
E6	Building separation (min)	10'	10'	10'	10'	10'

## F. Height

F1	Overall height (max)*	25'	25'	25'	25'	25'
F2	Wall plate height (max)	15'	15'	15'	15'	15'

## G. Vehicular Access

From alley or street; or via on-street parking when no on-site parking is provided. No additional parking is required for ADUs.

## H. Balconies/Patios/Decks/Porches/Stoops

H1	Prohibited on facades/rooftop areas facing streets or adjacent residential parcels
H2	Ground floor patios shall not face adjacent residential properties