

ORDINANCE NO. 2018-905-TC-411

TC-2-2018 ACCESSORY STRUCTURES

AN ORDINANCE TO AMEND REGULATIONS RELATED TO ACCESSORY STRUCTURES FOR PROPERTIES DEVELOPED WITH DETACHED AND ATTACHED HOUSES IN THE RESIDENTIAL DISTRICTS OF THE PART 10 CODE OF RALEIGH – UNIFIED DEVELOPMENT ORDINANCE

WHEREAS, the Unified Development Ordinance for the City of Raleigh is intended to preserve the rights of property owners while promoting orderly development;

WHEREAS, smaller structures have historically been developed alongside and in support of residential structures;

WHEREAS, the presence of accessory structures can be a contributor to orderly and compatible development;

WHEREAS, accessory structures should be regulated in such a way as to ensure that the rights of property owners are balanced with those of neighboring property owners;

WHEREAS, the size and location of an accessory structure on one property can be detrimental to the quality of life for owners or occupants of a neighboring property and;

WHEREAS, the City Council does not wish to provide for the Board of Adjustment to consider and grant variances to the Accessory Structure Regulations set forth herein.

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

Section 1. Section 1.5.12.D.3. of the Raleigh Unified Development Ordinance, Detached, is hereby amended to remove any language with strikethrough and insert any language shown with the underlined text.:

3. Detached

Garage is placed ~~entirely to the rear of the house~~ no closer to the primary street or the side street than the principal structure's closest wall plane to the street.

Section 2. Section 2.2.1.C. of the Raleigh Unified Development Ordinance, Accessory Structure Setbacks, is hereby amended by inserting the following underlined language and deleting all subsections C1 through C4:

C. Accessory Structure Setbacks: See Section 6.7.2.

Section 3. Section 2.2.2.C. of the Raleigh Unified Development Ordinance, Accessory Structure Setbacks, is hereby amended by inserting the following underlined language and deleting all subsections C1 through C4:

C. Accessory Structure Setbacks: See Section 6.7.2.

Section 4. Section 2.3.2.C. of the Raleigh Unified Development Ordinance, Accessory Structure Setbacks, is hereby amended by inserting the following underlined language and deleting all subsections C1 through C4:

C. Accessory Structure Setbacks: See Section 6.7.2.

Section 5. Section 2.3.3.C. of the Raleigh Unified Development Ordinance, Accessory Structure Setbacks, is hereby amended by inserting the following underlined language and deleting all subsections C1 through C4:

C. Accessory Structure Setbacks: See Section 6.7.2.

Section 6. Section 2.4.2.C. of the Raleigh Unified Development Ordinance, Accessory Structure Setbacks, is hereby amended by inserting the following underlined language and deleting all subsections C1 through C4:

C. Accessory Structure Setbacks: See Section 6.7.2.

Section 7. Section 2.4.3.C. of the Raleigh Unified Development Ordinance, Accessory Structure Setbacks, is hereby amended by inserting the following underlined language and deleting all subsections C1 through C4:

C. Accessory Structure Setbacks: See Section 6.7.2.

Section 8. Section 6.7.2. of the Raleigh Unified Development Ordinance, Accessory Structures, is hereby amended to remove any language with strikethrough and insert any language shown below with underlined text.:

Sec. 6.7.2. Accessory Structures

A. Setback and height requirements for all accessory structures are established for each building type and are set forth in the district chapter (*Chapter 2. Residential Districts, Chapter 3. Mixed Use Districts, and Chapter 4. Special Districts*) unless otherwise regulated specifically herein.

- B. No accessory structure may be located closer than ~~10~~ 6 feet to any other building or structure on the same lot. Two or more structures joined by a breezeway shall be considered attached and part of the same principal structure except when the breezeway meets the following:
1. Is no more than 6 feet in width, including roof overhangs;
 2. Is no more than 16 feet in height or the height of the principal structure, whichever is less;
 3. Meets the accessory structure setbacks;
 4. Is open on the sides except for structural support columns;
 5. Is located no closer to the primary or side street than the wall plane of the principal structure closest to the street; and
 6. Has no walkway on the roof.
- C. In Residential Districts, accessory structures associated with Detached or Attached Houses shall comply with the following:
1. Accessory structures with gross floor area of 150 square feet or less and height of 10 feet or less shall have a minimum setback of 5 feet from side and rear property lines;
 2. The Accessory structure shall not be located any closer to the primary or side street than the wall plane of the principal structure closest to the street;
 3. Accessory structures shall have a minimum setback of 4 feet from an alley;
 4. The vehicular opening of a garage on an alley shall have a setback of either 4 feet or 20 feet or more from the alley;
 5. Notwithstanding anything herein, accessory structures shall be lower in height than the principal building;
 6. No deck or balcony shall be permitted above the finished floor elevation of the ground floor;
 7. Vertical encroachments are not permitted; and
 8. Encroachments into setbacks are not permitted.
- D. In Residential Districts, accessory structures associated with Detached or Attached Houses shall conform to the standards shown in tables 1 and 2 below. Breezeway connections permitted under Sec. 6.7.2.B. shall not count towards the floor area or footprint calculations of this section.

<u>D.1 Floor Area and Footprint Standards for Accessory Structures in Residential Districts</u>			
	<u>The smallest area within a row shall control. Area maximums apply to all accessory structures on a lot combined.</u>		
<u>Lot size</u>	<u>Combined Floor Area (max.)</u>	<u>Combined footprint (max.)</u>	<u>Combined footprint (max.)</u>
<u>Less than 10,000 sf</u>	<u>600 sf</u>	<u>50% of rear yard area</u>	<u>75% of principal building footprint</u>
<u>10,000 sf to 40,000 sf</u>	<u>900 sf</u>	<u>50% of rear yard area</u>	<u>75% of principal building footprint</u>
<u>Greater than 40,000 sf</u>	<u>1,200 sf</u>	<u>50% of rear yard area</u>	<u>75% of principal building footprint</u>

<u>D.2 Height and Setback Standards for Accessory Structures in Residential Districts</u>			
	<u>One-story</u>	<u>One and a half story</u>	<u>Two-story</u>
<u>Max. height (ft)</u>	<u>16</u>	<u>20.5</u>	<u>25</u>
<u>Max. height (stories)</u>	<u>1</u>	<u>1</u>	<u>2</u>
<u>Attics</u>	<u>Not permitted</u>	<u>Permitted</u>	<u>Not permitted</u>
<u>Side/Rear Setback (ft)</u>	<u>10</u>	<u>15</u>	<u>20</u>
<u>Max. wall height (ft.)</u>	<u>12</u>	<u>12</u>	<u>N/A</u>

E. The provisions of this Section may not be varied by the Board of Adjustment pursuant to the terms of Section 10.2.10 or otherwise.

Section 9. Article 12.2 of the Raleigh Unified Development Ordinance, Defined Terms, is hereby amended to remove any language with strikethrough and insert any language shown with the underlined text.:

Accessory Structure ~~or Use~~

Unless otherwise specifically regulated elsewhere herein, a ~~Any~~ structure with height greater than 4 feet that is ~~or use~~ subordinate in both purpose and size that is incidental to and customarily associated with any principal structure ~~or principal use~~ that is located on the same lot and detached from the principal structure.

Accessory Use

Any use subordinate in both purpose and size that is incidental to and customarily associated with any principal use that is located on the same lot.

Section 10. All laws and clauses of laws in conflict herewith are repealed to the extent of such conflict. Notwithstanding any language in a zoning condition indicating administrative alternates are allowed, this ordinance hereby repeals such language.

Section 11. 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.

Section 12. This text change has been reviewed by the Raleigh City Planning Commission.

Section 13. This ordinance has been adopted following a duly advertised public hearing of the Raleigh City Council.

Section 14. This ordinance has been provided to the North Carolina Capital Commission as required by law.

Section 15. 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 16. This ordinance is effective January 1, 2019.

ADOPTED: December 4, 2018

EFFECTIVE: January 1, 2019

**DISTRIBUTION: Attorney – Hargrove, Seymour
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Prepared by the Department of City Planning