

July 7, 2020 Public Hearing

ORDINANCE NO. 2020 – XX TC XX TC-16-19

AN ORDINANCE TO AMEND THE PART 10 RALEIGH UNIFIED DEVELOPMENT ORDINANCE TO ALLOW ACCESSORY DWELLING UNITS ON LOTS WITH EXISTING DETACHED OR ATTACHED HOUSES

WHEREAS, the City of Raleigh has determined it appropriate to 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 remove the Accessory Dwelling Unit Overlay District that currently regulates Accessory Dwelling Units;

WHEREAS, the City of Raleigh has determined it appropriate to allow Accessory Dwelling Units on the same lot as a detached or attached house 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 deletion of the following struck-through text in the list of Overlay Districts:

~~-ADUOD Accessory Dwelling Unit 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 text and deletion of the following struck-through text:

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 Unit Overlay District (ADUOD), one~~ For any lot developed with a Detached House used for Single-unit Living or an Attached House used for Two-unit Living; however, one accessory dwelling unit is permitted per lot, regardless of underlying district 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 text and deletion of the following struck-through text:

Although minimum lot sizes may allow additional units, density serves as the maximum number of principal units per acre. ~~Within the Accessory Dwelling Unit Overlay District (ADUOD)~~ For any lot developed with a Detached House used for Single-unit Living or an Attached House used for Two-unit Living, one accessory dwelling unit is permitted per lot, regardless of underlying density designation.

Section 4. Section 2.1.3. of the Part 10 Raleigh Unified Development Ordinance, Additional Housing Patterns, is hereby amended by insertion of the following underlined text following Sec. 2.1.3.B.:

C. Accessory Dwelling (See Sec. 2.6.3.)

The Accessory Dwelling housing pattern provides for the development of one accessory dwelling unit on a lot with an existing Detached House as an accessory use to a principal use of Single-unit Living or on a lot with an existing Attached House as an accessory use to a principal use of Two-unit Living.

Section 5. Article 2.6. of the Part 10 Raleigh Unified Development Ordinance, Additional Housing Patterns, is hereby amended by insertion of a new section after Section 2.6.2, to be numbered 2.6.3, entitled Accessory Dwelling, and to read as follows:

Sec. 2.6.3 Accessory Dwelling

A. Purpose and Objectives

The Accessory Dwelling housing pattern provides for the development of one accessory dwelling unit on a lot with an existing Detached House as an accessory use to a principal use of Single-unit Living or on a lot with an existing Attached House as an accessory use to a principal use of Two-unit Living.

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.

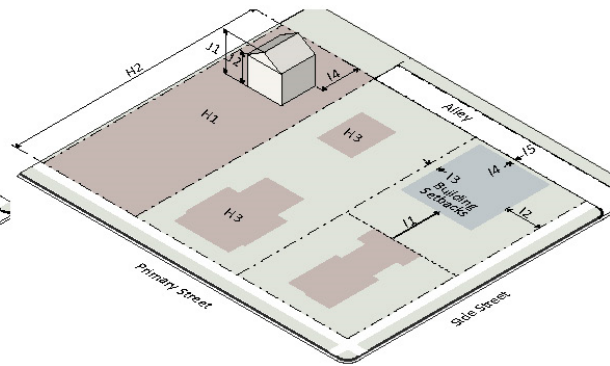
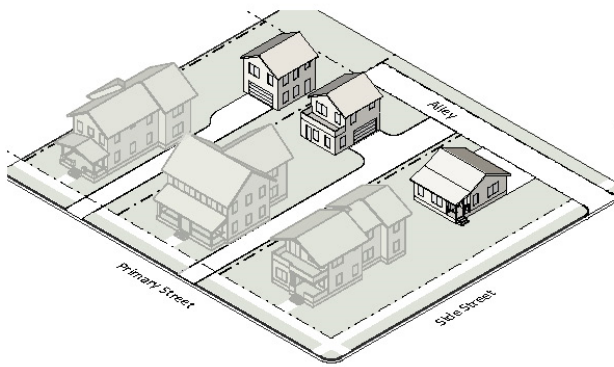
C. Definition

An Accessory Dwelling Unit (ADU) is a self-contained dwelling unit that is located on the same lot as a principal dwelling that meets the regulations identified in Section 2.6.3.D. An Accessory Dwelling Unit may be located above a garage. Accessory Dwelling Units may be detached, attached, or internal to the principal dwelling. Only residential uses are permitted in Accessory Dwelling Units.

D. Accessory Dwelling Unit Regulations

In accordance with this section, an accessory dwelling unit shall conform with the following development regulations:

1. An ADU shall be located on the same lot as a principal dwelling and meet both one of the following:
 - a. The gross floor area of the accessory dwelling shall be less than the gross floor area of the total principal dwelling; and
 - b. Shall be affixed to or constructed on a permanent foundation and not be a manufactured home or moveable structure;
2. There shall be no more than one ADU on the same lot as a principal dwelling;
3. It shall be occupied by no more than two adults plus minors;
4. It shall be accessed by a lockable external entrance;
5. Ownership of an ADU shall not be transferred apart from its principal dwelling unit;
6. It shall not be used for overnight lodging;
7. It shall not be used as a live-work unit;
8. It shall meet all relevant standards and requirements of the UDO, provided however accessory dwelling units shall not be subject to Article 6.7 Accessory Uses and Structures and Sec. 7.1.2.C Parking Requirements by Use.



E. Description

An accessory dwelling is a small, self-contained dwelling unit located on the same lot as a detached or attached house and is accessed separately from the principal house. 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. Accessory Dwelling Units may be detached, attached, or internal to the principal dwelling. Only residential uses are permitted in Accessory Dwelling Units.

F. Districts Allowed In

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

G. Applicable Lots

An accessory dwelling is allowed on a lot associated with a detached house provided the lot meets the dimensional standards of the zoning district.

20,000 to 40,000 sf 10,000 to 20,000 sf 6,000 to 10,000 sf 4,000 to 6,000 sf

H. Lot Specifications

H1 Area (min)	40,000 sf	20,000 sf	10,000 sf	6,000 sf	4,000 sf
H2 Depth (min)	150'	150'	150'	120'	100'
H3 Dwellings units per lot (max)	2	2	2	2	2
H4 Living area* (max)	800 sf	800 sf	700 sf	550 sf	450 sf

I. Building Setbacks

I1 From primary street (min)	Must be located behind the rear wall of the house				
I2 From side street (min)	15'	15'	15'	10'	10'
I3 From side lot line (min)	10'	5'	5'	5'	5'
I4 From rear lot line (min)	10'	5'	5'	5'	5'
I5 From alley (min)	2' or 20'	2' or 20'	2' or 20'	2' or 20'	2' or 20'

J. Height

J1 Overall height (max)	25'	25'	25'	25'	25'
-------------------------	-----	-----	-----	-----	-----

*Living area is conditioned space used for Single-unit Living and separate from the principal Single-unit Living or Two-unit Living use on the lot. It does not include unconditioned areas used for storage, parking, or accessory uses other than Single-unit Living.

Revise Table and Graphics as follows: Revise E to be consistent with revised definition in 2.6.3.D., add “DX” to F, remove G, H1, H2 and H3, revise H4 to read “Gross floor area (max)” and permit a maximum of 800 sq. ft. for all lot sizes, revise I to read “Detached ADU Setbacks”, revise I5 to require a 2-foot setback without parking and 20 feet with parking, and revise J. Height to allow a maximum height of 26 feet for all lot sizes.

Section 6. Section 5.1.1. of the Part 10 Raleigh Unified Development Ordinance, District Intent Statements, is hereby amended by deletion of the following struck-through text:

G. Accessory Dwelling Unit Overlay

1. ~~Accessory Dwelling Unit Overlay District (ADUOD)~~

- ~~a. The ADUOD 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 square footage, building setbacks and building height, among other standards and requirements as provided in Article 6.7. Accessory Uses & Structures. ADUOD promotes development of accessory dwelling units within a well-regulated framework.~~

Section 7. Amend the Part 10 Raleigh Unified Development Ordinance by repealing the entirety of Article 5.7. Accessory Dwelling Unit Overlay District.

Section 8. Table 7.1.2.C. of the Part 10 Raleigh Unified Development Ordinance, Parking Requirements by Use, is hereby amended by the insertion of the following underlined text and deletion of the following struck-through text:

~~Accessory apartment, backyard cottage~~Accessory dwelling unit

Section 9. Section 10.2.7. of the Part 10 Raleigh Unified Development Ordinance, Plot Plan Review, is hereby amended by insertion of the following section after Section 10.2.7.A.2.h.

- i. Construction of an accessory dwelling unit or conversion of an existing accessory structure to an accessory dwelling unit

Section 10. Article 12.2 of the Part 10 Raleigh Unified Development Ordinance, Defined Terms, is hereby amended by insertion of the following underlined text and deletion of the following struck-through text:

Accessory Dwelling Unit

~~A self-contained dwelling unit that is located on the same lot as a principal dwelling but is used independent of and subordinate of to the principal dwelling. Accessory Dwelling Units typically include a living room, sleeping area, kitchen, and bathroom, and have a lockable entrance door. An Accessory Dwelling Unit may be located above a garage. Accessory Dwelling Units may be detached or attached detached, attached, or internal to the principal dwelling, but shall not be permitted within the attached building type.~~

An Accessory Dwelling Unit (ADU) is a self-contained dwelling unit that is located on the same lot as a principal dwelling that meets the regulations identified in Section 2.6.3.D. An Accessory Dwelling Unit may be located above a garage. Accessory Dwelling Units may be detached, attached, or internal to the principal dwelling. Only residential uses are permitted in Accessory Dwelling Units.

Section 11. All laws and clauses of laws in conflict herewith are repealed to the extent of such conflict.

Section 12. 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 13. This text change has been reviewed by the Raleigh City Planning Commission.

Section 14. This ordinance has been adopted following a duly advertised public hearing of the Raleigh City Council.

Section 15. This ordinance has been provided to the North Carolina Capital Commission as required by law.

Section 16. 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 17. This ordinance is effective 15 days after adoption.

Adopted on first reading:

Adopted on second reading:

EFFECTIVE:

DISTRIBUTION: Planning & Development – Bowers, Crane, Holland, Hodge, Rametta
City Attorney – Tatum Currin, Hargrove-Bailey
Department Heads
Transcription Svcs – Taylor

Prepared by the Department of Planning & Development