

**ORDINANCE NO. 2019 – 917 TC 412  
TC-3-17**

**AN ORDINANCE TO AMEND THE PART 10  
RALEIGH UNIFIED DEVELOPMENT ORDINANCE TO ADD AN ACCESSORY  
DWELLING UNIT OVERLAY DISTRICT (-ADUOD) 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:

-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 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 Unit Overlay District (-ADUOD), one accessory dwelling unit 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 Unit Overlay District (-ADUOD), one accessory dwelling unit 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 Unit**

A self-contained dwelling unit that is located on the same lot as a principal dwelling but is used independent and subordinate of the principal dwelling. Accessory Dwelling Units 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 to the principal dwelling, but shall not be permitted within the attached building type.

**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 (-ADUOD):

**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 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 underlined regulations:

**Article 5.7 Accessory Dwelling Unit Overlay**

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

**A. Purpose and Objectives**

The -ADUOD provides for the development of accessory dwelling units on properties in neighborhoods that have elected to apply the overlay district to the underlying zoning district. Accessory dwelling units shall not be permitted within an existing NCOD without prior approval of an -ADUOD through the rezoning process as stated in Section 10.2.4.

**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 self-contained dwelling unit that is located on the same lot as a principal dwelling but is used independent and subordinate of 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 to the principal dwelling. 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 –ADUOD applications unless the application is requesting that either a minimum of 10 contiguous acres be zoned –ADUOD or that an existing –ADUOD be extended. If allowed in the underlying zoning district, all uses in the civic use category may be excluded when determining the 10 acre requirement;

**E. Accessory Dwelling Unit Regulations**

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

1. It shall be located on the same lot as a principal dwelling and, when detached, shall be constructed on a permanent foundation and not be a 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 with no limitation on minors;
4. It shall be separated from the principal dwelling or the primary living areas of the principal dwelling;
5. In addition to all other regulations within this Section, an ADU, when attached, shall:
  - a. Be no more than ¼ of the gross floor area of the total principal dwelling; and
  - b. Shall be permitted when the lot area of the combined principal dwelling and the attached ADU meet the minimum lot area for a detached single family dwelling within the underlying zoning district.
6. It shall be accessed by a separate external entrance;
7. It shall not be sold apart from the principal dwelling unit;
8. It shall not be used for overnight lodging;
9. It shall not be used as a live-work unit;
10. Landscaping should be provided for any detached ADU that has a length that is 2½ times its allowable width. Any such landscaping shall be consistent with the standards set forth in the underlying zoning district;
11. Exterior lighting shall meet the standards of the UDO;

- 12. It shall meet all relevant standards and requirements for accessory uses and structures as provided in Article 6.7. Accessory Uses & Structures;
- 13. It shall comply with all applicable building and development standards for dwelling units in the zoning district in which the accessory dwelling unit will be located. An accessory dwelling unit shall also comply with all applicable standards for the principal dwelling;
- 14. 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 7.** Section 10.2.4.E. of the Part 10 Raleigh Unified Development Ordinance, Rezoning. Application Requirements., is hereby amended by insertion of the following underlined provision:

**7. Additional Requirements for -ADUOD Applications**

- a. After the required pre-submittal neighborhood meeting, the applicant shall poll all property owners within the area to be rezoned. The purpose of the polling is to determine support within the proposed overlay district. This balloting system shall not be a barrier to application, nor shall it be a means to prevent submittal of a rezoning petition.
- b. The applicant shall provide stamped, addressed envelopes to the City and the City shall mail a ballot to each property located within the proposed overlay district. The property owners shall have an opportunity to complete the ballot, to be returned within thirty (30) days to City Planning where they will be tallied. These ballots will also have an authorization code to allow an online version of the ballot to be cast. After the poll has closed, staff will present the results of the poll to the City Council. Upon receipt of the information, the City Council shall have the option of authorizing a city-initiated rezoning. Conversely, the City Council can ask that the rezoning petition be filed by the property owners.
- c. Property owners will be identified using current tax administration records.
- d. A single property having multiple buildings but a single owner (such as apartments) will receive one ballot. A single property with multiple buildings having multiple owners (such as condominiums) will receive one ballot per unit. A single property having multiple owners will receive one ballot.
- e. The poll shall be deemed complete after the expiration of the polling period described in subsection b above. The following benchmarks shall be used in the City Council’s decision to authorize a city-initiated rezoning:

Total Number of Ballots Returned	25% returned of those mailed
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Total Number of Ballots in Support	Majority (50+1%) of those returned
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**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.

**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 90 days after adoption.

**Adopted on first reading: FEBRUARY 5, 2019**  
**Adopted on second reading: FEBRUARY 19, 2019**  
**EFFECTIVE: MAY 20, 2019**

**DISTRIBUTION:** Planning – Bowers, Crane, Holland, Hodge  
City Attorney – Tatum Currin, Hargrove-Bailey  
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*Prepared by the Department of City Planning*