

**ORDINANCE NO. (2021) 315 TC 461
TC-6-21 TINY HOUSES**

AN ORDINANCE TO FACILITATE THE CREATION OF “TINY HOUSES” WITHIN THE CITY OF RALEIGH

WHEREAS, small residential structures, or Tiny Houses, have increased in popularity and are recognized as a cost-effective housing option; and

WHEREAS, due to their size, it is reasonable to provide zoning code and building code flexibility to incentivize the construction of Tiny Houses; and

WHEREAS, the City Council finds it in the public interest to promote housing choice through available regulatory tools.

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

Section 1. Section 1.4.1. of the Part 10 Raleigh Unified Development Ordinance, Building Type Descriptions, is hereby amended by adding the language shown in underline:

I. Tiny House

A building no greater than 600 square feet in gross floor area constructed to accommodate 1 dwelling unit on a single lot. A series of tiny homes as part of a cottage court may be located on a single lot.

Section 2. Section 1.4.2. of the Part 10 Raleigh Unified Development Ordinance, Building Types Allowed by District, is hereby amended by adding a column titled Tiny House:

In the column titled “Tiny House”, in the rows titled “Residential-1 (R-1)”, “Residential-2 (R-2)”, “Residential-4 (R-4)”, “Residential-6 (R-6)”, “Residential-10 (R-10)”, “Residential Mixed Use (RX-)”, “Office Mixed Use (OX-)”, “Neighborhood Mixed Use (NX-)”, “Commercial Mixed Use (CX-)” and “Downtown Mixed Use (DX-)” insert “■”.

Section 3. Section 1.5.2.B. of the Part 10 Raleigh Unified Development Ordinance, Lot Area, is hereby amended by adding the language shown in underline:

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. For any lot developed with a Detached House or Tiny 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 density designation.

Section 4. Section 1.5.2.F.2.J. of the Part 10 Raleigh Unified Development Ordinance, Density, is hereby amended by adding the language shown in underline:

- J. Although minimum lot sizes may allow additional units, density, where applicable, serves as the maximum number of principal units per acre. For any lot developed with a Detached House or Tiny 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, minimum lot size, minimum lot area per dwelling unit, or minimum site area per dwelling unit designations.

Section 5. Section 1.5.5.D.1. of Part 10 Raleigh Unified Development Ordinance, Parking in the Front Setback, is hereby amended by adding the language shown in underline:

1. For a detached house, tiny house, or attached house located within a Residential District and used for residential purposes, combined parking and driveway area shall not constitute more than 40% of the area between the front building facade and the front property line. Any parking in the front setback must have sufficient depth so that parked cars do not encroach on the adjacent sidewalk.

Section 6. Section 2.1.1. of Part 10 Raleigh Unified Development Ordinance, District Intent Statements, is hereby amended by adding the language shown in underline:

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B. Residential-1 (R-1)

1. Subject to the density restriction of 1 unit per acre, R-1 allows single-unit living in a detached house, or tiny house, with a minimum lot size of 40,000 square feet.
2. Smaller minimum lot sizes are permitted as part of a compact development.
3. Additional building types, smaller lot sizes and increased density as part of a conservation development are allowed in exchange for preserving common open space.

C. Residential-2 (R-2)

1. R-2 allows single-unit living in a detached house, or tiny house, and two-unit living in an attached house with a minimum lot size of 20,000 square feet.
2. Decreased minimum lot sizes are permitted as part of a compact development.
3. Additional building types and smaller lot sizes as part of a conservation development or cottage court are allowed in exchange for preserving common

open space.

D. Residential-4 (R-4)

1. R-4 allows single-unit living in a detached house, or tiny house, and two-unit living in an attached house with a minimum lot size of 10,000 square feet.
2. Decreased minimum lot sizes and additional building types are permitted as part of a compact development.
3. Additional building types-and smaller lot sizes as part of a conservation development or cottage court are allowed in exchange for preserving ~~an~~ open space.
4. Dimensional standards, maximum density, allowed building types, and allowed uses maybe modified for the R-4 district within the TOD overlay to enable transit-oriented development.

E. Residential-6 (R-6)

1. R-6 allows single-unit living in a detached house, or tiny house, and two-unit living in an attached house or townhouse with a minimum lot size of 6,000 square feet. Multi-unit living is also allowed in a townhouse.
2. Smaller minimum lot sizes are permitted as part of a compact development.
3. Additional building types, and smaller lot sizes as part of a conservation development or cottage court are allowed in exchange for preserving common open space.
4. Dimensional standards, maximum density, allowed building types, and allowed uses may be modified for the R-6 district within the TOD overlay to enable transit-oriented development.

F. Residential-10 (R-10)

1. R-10 allows single-unit living in a detached house, or tiny house, and two-unit living in an attached house or townhouse with a minimum lot size of 4,000 square feet. Multi-unit living is also allowed in a townhouse or apartment. Smaller minimum lot sizes are permitted as part of a compact development.
2. Smaller lot sizes as part of a conservation development or cottage court are allowed in exchange for preserving common open space.
3. Smaller lot sizes as part of a conservation development or cottage court are allowed in exchange for preserving common open space.

4. Dimensional standards, maximum density, and allowed uses may be modified for the R- 10 district within the TOD overlay to enable transit-oriented development.

Section 7. Section 2.1.3. of Part 10 Raleigh Unified Development Ordinance, Additional Housing Patterns, is hereby amended by adding the following language shown in underline and removing the language shown in strike-through:

A. Cottage Court (See Sec. 2.6.1.)

A cottage court is a group of small detached houses, tiny houses, attached houses or townhouses (two-unit maximum per building) ~~entered around~~ sharing a common courtyard. The central courtyard enhances the character of the area through the provision of consolidated open space. A cottage court may be developed on individual lots or with a common form of ownership.

...

C. Accessory Dwelling (See Sec. 2.6.3.)g

The Accessory Dwelling housing pattern provides for the development of one accessory dwelling unit on a lot with an existing Detached House or Tiny 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 8. Article 2.2 of the Part 10 Raleigh Unified Development Ordinance, Conventional Development Option, is hereby amended by adding the following table and language:

Sec. 2.2.8. Tiny House	R-1	R-2	R-4	R-6	R-10
A. Lot Dimensions					
A1 Area (min)	40,000 sf	15,000 sf	7,500 sf	4,500 sf	3,000 sf
A2 Lot width (min)	100'	60'	50'	35'	25'
A3 Depth (min)	100'	75'	75'	60'	45'
A4 Density (max)	1 u/a	n/a	n/a	n/a	n/a
B. Principal Building Setbacks					
B1 From primary street (min)	20'	20'	20'	10'	10'
B2 From side street (min)	20'	20'	20'	10'	10'
B3 From side lot line (min)	10'	10'	10'	5'	5'
B4 From rear lot line (min)	30'	30'	30'	20'	20'
B5 Residential infill rules may apply (see Sec. 2.2.7.)	no	no	yes	yes	yes
C. Accessory Structure Setbacks See Section 6.7.2					

D. Height					
D1 Principal building (max)	26'2 stories	26'2 stories	26'2 stories	26'2 stories	26'2 stories
D2 Accessory structure (max)	25'	25'	25'	25'	25'
D3 Residential Infill rules may apply (see Sec. 2.2.7)	no	no	no	no	no
See Sec. 1.5.4.D "Building Setbacks" for specific building elements requirements.					

E. Additional Requirements for Manufactured Homes to Qualify as Tiny Houses

A Tiny House may be a Manufactured Home as defined in Article 12.2. if it meets all of the following:

1. The predominant roofline shall have a pitch of 5:12 or greater.
2. The eave projections of the roof must not be less than ten inches (excluding roof gutters) unless the roof pitch is 8:12 or greater.
3. The minimum height of the first-story exterior wall must be at least seven feet, six inches.
4. Materials used as exterior wall covering shall be of a non-reflective material.
5. Foundation skirting shall comply with the requirements set forth in Section 4.5.3.D.

Section 9. Section 2.6.1. of the Part 10 Raleigh Unified Development Ordinance, Cottage Court, is hereby amended by adding the language shown in underline and removing the language shown in strikethrough:

A. Cottage Court (See Sec. 2.6.1.)

A cottage court is a group of small detached houses, attached houses, ~~or~~ townhouses (two-unit maximum per building), or tiny houses entered around sharing a common courtyard. The ~~central~~ courtyard enhances the character of the area through the provision of consolidated open space. A cottage court may be developed on individual lots or with a common form of ownership.

B. Districts Allowed In

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

C. Building Types Allowed

Detached house, attached house, townhouse (two-unit maximum per building), tiny house

D. Site and Lot Dimensions

	R-2	R-4	R-6	R-10	RX-, OX-, NX-,CX-
D1 Net Site Area (min)	58,080 <u>53,200 sf</u>	29,040 <u>26,600 sf</u>	19,360 <u>16,000 sf</u>	13,000 sf	13,000 sf
D2 Site Width (min)	140'	140'	120'	90'	90'
D3 Site depth (min)	120'	120'	100'	90'	90'
D4 Site area per non-Tiny House dwelling unit over four (min)	14,520 <u>13,300 sf</u>	7,260 <u>6,650 sf</u>	4,840 <u>4,000 sf</u>	2,904 <u>2,650 sf</u>	2,400 sf
D5 Site area per Tiny House dwelling unit over four (min)	<u>10,000 sf</u>	<u>5,000 sf</u>	<u>3,000 sf</u>	<u>2,000 sf</u>	<u>1,800 sf</u>
D56 Dwelling units per site (max)	30	30	30	30	30
D67 Dwelling unit gross floor area (max) ¹	1,800 sf	1,800 sf	1,800 sf	1,800 sf	1,800 sf
D78 Detached accessory structure footprint (max) ²	450 sf	450 sf	450 sf	450 sf	450 sf
D89 Individual lot area (min)	No min.	No min.	No min.	No min.	No min.
D9 Minimum lot width directly abutting courtyard (E1)	5'	5'	5'	5'	5'

¹ A Tiny House may be no larger than 600 sf in gross floor area.

² A detached accessory structure must be less than the gross floor area of principal dwelling.

E. Internal Courtyard

	R-2	R-4	R-6	R-10	RX-, OX-, NX-,CX-
E1 Area (min)	4,000 sf	3,250 sf	2,600 sf	2,100 sf	1,600 sf
E2 Width as measured parallel to primary street for first 15' of site depth (min) ¹	60'	50'	40'	30'	20'
E3 Additional <u>Courtyard</u> area per <u>non-Tiny House</u> unit over four (min)	1,000 sf	850 sf	700 sf	550 sf	400 sf
E4 <u>Courtyard</u> area per <u>Tiny House</u> unit over four (min)	750 sf	425 sf	350 sf	225 sf	200 sf
E4 5 <u>Setback</u> from primary street (max)	0'	0'	0'	0'	0'
E5 Distance from any <u>individual lot</u> (max)	0'	0'	0'	0'	0'
E6 Distance from any <u>individual unit</u> (max)	30'	30'	30'	30'	30'

¹No portion of the minimum internal courtyard area (E1) may be less than 20 feet in width and length. For sites with less than 10 units a meandering courtyard may be split across no more than two distinct sections. For sites with less than 20 units a meandering courtyard may be split across no more than three distinct sections.

F. Principal Building/Structure Setbacks (Site)

	R-2	R-4	R-6	R-10	RX-, OX-, NX-,CX-
F1 From primary street (min)	20'	20'	10'	10'	10'
F2 From side street (min)	15'	15'	10'	10'	10'
F3 From side site line (min)	10'	10'	10'	10'	10'
F4 From rear site line (min)	20'	20'	20'	20'	20'
F5 From alley (min)	5'	5'	5'	5'	5'
F6 Building Separation (min)	6'	6'	6'	6'	6'

Residential infill rules (Sec. 2.2.7.) do not apply

F. Principal Building/Structure Setbacks (Lots)

F7 From internal cottage court lot line (min)	3'	3'	3'	3'	3'
F8 From shared internal townhouse lot line (min)	0'	0'	0'	0'	0'

G. Surface Parking Setbacks

	R-2	R-4	R-6	R-10	RX-, OX-, NX-,CX-
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G1 From primary street if not screened from primary street by C3 yard or principal structure (min)	90'	90'	90'	90'	90'
G2 From primary street if screened from primary street by C3 yard or principal structure (min)	50'	50'	50'	50'	50'
G3 From side street (min)	10'	10'	10'	10'	10'
G4 From side lot line (min)	5'	5'	5'	5'	5'
G5 From rear lot line (min)	5'	5'	5'	5'	5'
G6 From alley (min)	0'	0'	0'	0'	0'

Parking setbacks shall not apply to driveways serving individual dwelling units or shared between two dwelling units.

H. Height

	<u>R-2</u>	<u>R-4</u>	<u>R-6</u>	<u>R-10</u>	<u>RX-, OX-, NX-, CX-</u>
H1 <u>Non-Tiny House</u> building height (max)	30'	30'	30'	30'	30'
H2 <u>Tiny House</u> building height (max)	<u>26'</u>	<u>26'</u>	<u>26'</u>	<u>26'</u>	<u>26'</u>
H23 Accessory structure height (max)	17'	17'	17'	17'	17'

H3 Ground-Floor Elevation (min)- 20' or less from primary street (min)	2'	2'	2'	2'	2'
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Residential infill rules (Sec. 2.2.7.) do not apply

~~I. Allowable Building Elements~~

~~Porch, stoop~~

~~II. Courtyard Requirements and Restrictions~~

1. At least 60% of the courtyard must be one contiguous open space.
2. Courtyard may not be parked or driven upon.
3. One common building (detached house building type) not to exceed 3,000 square feet in gross floor area may be permitted in the courtyard under the following conditions:
 - The common building may not be used as a dwelling.
 - Uses within the common building must be accessory to the cottage court development.
 - The common building shall not count towards the maximum number of dwelling units per site (Sec. 2.6.1.D.6.)
 - Notwithstanding the forgoing, the common building must comply with all other requirements of Section 2.6.1.
4. Inclusive of the common building, up to 20% of the minimum internal courtyard area (Sec. 2.6.1.E.1.) may be covered, however only 10% of the minimum internal courtyard area (Sec. 2.6.1.E.1.) may be enclosed.
5. Stormwater detention wet ponds and dry ponds shall not count towards the minimum internal courtyard area (Sec. 2.6.1.E.1.) Green Stormwater Infrastructure (GSI) practices may be used to meet up to ±50% of the minimum internal courtyard area (Sec. 2.6.1.E.1.)
6. Tree Conservation Areas shall not be included as part of the minimum internal courtyard area (Sec. 2.6.1.E.1.)
7. Retaining walls within the courtyard may be no taller than 4' in height. Retaining walls that are 2' or less in height may be spaced as close as 10' apart. All other retaining walls must be spaced a minimum of 20' apart.
8. Pedestrian Access meeting the requirements of Section 8.3.5. shall be provided from each dwelling unit to the courtyard and any other common areas.

J. Additional Requirements for Manufactured Homes to Qualify as Tiny Houses

A Tiny House may be a Manufactured Home as defined Article 12.2. if it meets all of the following:

1. The predominant roofline shall have a pitch of 5:12 or greater.
2. The eave projections of the roof must not be less than ten inches (excluding roof gutters) unless the roof pitch is 8:12 or greater.

3. The minimum height of the first-story exterior wall must be at least seven feet, six inches.
4. Materials used as exterior wall covering shall be of a non-reflective material.
5. Foundation skirting shall comply with the requirements set forth in Section 4.5.3.D.

Section 10. Section 2.6.3.A. of the Part 10 Raleigh Unified Development Ordinance, Accessory Dwelling, is hereby amended by adding the language shown in underline:

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 or Tiny 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.

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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 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 except as specified in Sec. 2.6.3.D.6. below.
2. There shall be no more than one ADU on the same lot as a principal dwelling;
3. It shall be accessed by a lockable external entrance;
4. Ownership of an ADU shall not be transferred apart from its principal dwelling unit;
5. 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.
6. An Accessory Dwelling Unit may be a Manufactured Home as defined in Article 12.2 if it meets all of the following:
 - a. The predominant roofline shall have a pitch of 5:12 or greater.
 - b. The eave projections of the roof must not be less than ten inches (excluding roof gutters) unless the roof pitch is 8:12 or greater.
 - c. The minimum height of the first-story exterior wall must be at least seven feet, six inches.
 - d. Materials used as exterior wall covering shall be of a non-reflective material.
 - e. Foundation skirting shall comply with the requirements set forth in Section 4.5.3.D.

Section 11. Article 3.2 of the Part 10 Raleigh Unified Development Ordinance, Base Dimensional Standards, is hereby amended by adding the following table and language:

Sec. 3.2.9. Tiny House	RX-, OX-, NX-, CX-	DX-
A. Lot Dimensions		
A1 Area (min)	3,000 sf	n/a
A2 Width (min)	25'	n/a
B. Principal Building Setbacks		
B1 From primary street(min)	10'	5'
B2 From side street (min)	10'	5'
B3 From side lot line (min)	5'	3'
B4 From rear lot line (min)	20'	10'
C. Accessory Structure Setbacks		
C1 From primary street(min)	50'	30'
C2 From side street (min)	10'	5'
C3 From side lot line (min)	5'	3'
C4 From rear lot line (min)	5'	3'
C4 From alley	4' or 20' min	4' or 20' min
D. Height		
D1 Principal building(max)	26 ¹ / ₂ stories	26 ¹ / ₂ stories
D2 Accessory structure(max)	25'	25'
See <i>Sec. 1.5.4.D. "Building Setbacks"</i> for specific building element requirements.		

E. Additional Requirements for Manufactured Homes to Qualify as Tiny Houses

A Tiny House may be a Manufactured Home as defined in Article 12.2. if it meets all of the following:

1. The predominant roofline shall have a pitch of 5:12 or greater.
2. The eave projections of the roof must not be less than ten inches (excluding roof gutters) unless the roof pitch is 8:12 or greater.
3. The minimum height of the first-story exterior wall must be at least seven feet, six inches.
4. Materials used as exterior wall covering shall be of a non-reflective material.

5. Foundation skirting shall comply with the requirements set forth in Section 4.5.3.D.

Section 12. Section 3.3.1.B. of Part 10 Raleigh Unified Development Ordinance, Applicability, is hereby amended by adding the language shown in underline:

B. The height requirements apply to apartments, general buildings, mixed use buildings and civic buildings. Maximum heights for detached house, tiny house, attached house, townhouse and open lot are set forth in Article 3.2. Base Dimensional Standards.

Section 13. Section 3.4.3.B. of Part 10 Raleigh Unified Development Ordinance, Building Types Allowed, is hereby amended by adding the language shown in underline:

Detached house (see Sec. 3.2.1.) General building (see Sec. 3.2.5.)

Attached house (see Sec. 3.2.2.) Mixed use building (see Sec. 3.2.6.)

Townhouse (see Sec. 3.2.3.) Civic building (see Sec. 3.2.7.)

Apartment (see Sec. 3.2.4.) Open lot (see Sec. 3.2.8.)

Tiny House (see Sec. 3.2.9.)

Section 14. Section 3.4.4.B. of Part 10 Raleigh Unified Development Ordinance, Building Types Allowed, is hereby amended by adding the language shown in underline:

Detached house (see Sec. 3.2.1.) Apartment (see Sec. 3.2.4.)

Attached house (see Sec. 3.2.2.) Civic building (see Sec. 3.2.7.)

Townhouse (see Sec. 3.2.3.) Open lot (see Sec. 3.2.8.)

Tiny House (see Sec. 3.2.9.)

Section 15. Section 3.5.1. of Part 10 Raleigh Unified Development Ordinance, Applicability, is hereby amended by adding the language shown in underline:

A. The following neighborhood transition standards apply in the Mixed Use and Campus Districts when the following occurs:

1. The site immediately abuts a district boundary of an R-1, R-2, R-4 or R-6 district, except where the abutting property contains a civic use; or
2. The site immediately abuts a district boundary of an R-10 district where the abutting property is vacant or contains an existing detached house, tiny house or attached house used for residential purposes.

- B. Zone B does not apply to sites 50 feet or less in depth. In such cases, Zone C starts immediately adjacent to the Zone A protective yard.
- C. Neighborhood transitions do not apply to single-unit living, two-unit living or cottage court uses within detached house, tiny house attached house or townhouse building types where the proposed or existing building height is 50 feet or less.
- D. Zones B and C do not apply to detached house, tiny house attached house, townhouse or apartment building types in a mixed-use district where the proposed or existing building height is 50 feet or less, provided the proposed use is also permitted in RX- and adheres to any applicable RX- and underlying zoning district use standards.
- E. Zones B and C do not apply to detached house, tiny house, attached house, townhouse or apartment building types in the TOD, including for Residential districts where RX- standards are used (See Sec. 5.5.1)

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Section 16. Section 3.5.6.C. of Part 10 Raleigh Unified Development Ordinance, Restrictions, is hereby amended by adding the language shown in underline:

...

1. Content

This Historic Alley Transition Area may contain vegetative landscaping, walls, fences, gardens, paths, walkways, sidewalks, surface parking, parks, playgrounds, stormwater detention, outdoor dining areas associated with residential uses, accessory structures compliant with the limits set forth in Paragraph 3.5.4.B, service areas compliant with the limits set forth in Paragraph 3.5.4.C, detached houses, tiny houses, attached houses, townhouses, apartments, general buildings, mixed use buildings, and open lots.

2. Height

No portion of a detached house, tiny house, attached house, townhouse, apartment, general building, mixed use building, or other structure that lies within the Historic Alley Transition shall exceed the maximum building height applicable to the residential parcel across the alley from the mixed use parcel, as specified in the residential zoning district or applicable overlay district or otherwise. For this purpose only, height shall be measured from the elevation of the alley.

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Section 17. Section 3.5.6.C.5.d. of Part 10 Raleigh Unified Development Ordinance, Design Requirements, is hereby amended by adding the language shown in underline:

d. Private residential garage parking that satisfies the requirements of Section 1.5.12 is permitted along the alley as part of a detached house, tiny house, attached house, or townhouse within the Historic Alley Transition. Such parking must be concealed behind a garage door of not more than 12 foot width. Any standard contained in Section 1.5.12 that is applied must be consistent with G.S. 160D-702(b).

Section 18. Section 4.5.1. of the Part 10 Raleigh Unified Development Ordinance, Site Size, Residential Density and Land Use, is hereby amended by adding the language shown in underline, removing the language shown in strikethrough and re-lettering the section accordingly:

...

~~B.~~ A manufactured home development may not exceed a density of 6 units per acre.

~~C.~~ B. A manufactured home development may contain accessory uses under Article 6.7. Accessory Uses & Structures

~~D.~~ C. Single Unit Living

1. Single-unit living is permitted on pre-existing lots of land within the MH district provided such lots conform to the site and design characteristics for single-unit living in the R-6 Zoning District as specified in ~~Article~~ Sections 2.2.1 or 2.2.8. A Tiny House meeting the definition of Manufactured Home is exempt from the requirements set forth in Section 2.2.8.E.

Section 19. Section 4.5.2.C.1. of the Part 10 Raleigh Unified Development Ordinance, Minimum Acreage Required, is hereby amended by adding the language shown in underline:

1. Minimum Acreage Required

- a. The required minimum outdoor open space provided for a manufactured home development shall be the greater of either:
 - i. 10% of the land area of the development, excluding dedicated rights of-way unless density transfer is allowed from that right-of-way;
 - ii. 435.6 square feet per unit that is greater than 600 square feet in gross floor area, and 326.7 square feet per unit that is 600 square feet or less in gross floor area.

Section 20. Section 4.5.3.A. of the Part 10 Raleigh Unified Development Ordinance, Minimum Lot Size, is hereby amended by adding the language shown in underline:

A. Minimum Lot Size

The required minimum lot area is ~~7,2606,000~~ square feet per unit that is greater than 600 square feet in gross floor area, and 4,500 square feet per unit that is 600 square feet or less in gross floor area.

Section 21. Section 5.6.1. of the Part 10 Raleigh Unified Development Ordinance, Special Residential Parking Overlay District, is hereby amended by adding the language shown in underline:

...

B. Parking Surfaces

1. Vehicular surface areas located within the front yard area of a single unit living in a detached house or tiny house constructed after July 19, 2012 shall be constructed of permanent, nonerodable surface treatment, which may include porous and semi-porous monolithic or paver materials, masonry or concrete pavers, poured concrete and asphalt, or constructed with a minimum depth of 4 inches of crushed stone or crush and run.
2. The borders of any vehicular surface area constructed of crushed stone or crush and run shall be delineated with anchored man-made or natural landscape edging materials such that the vehicular surface area is clearly defined and helps to contain the crushed stone or crush and run.
3. Except for circular and semi-circular drives, vehicular surface areas located within the front yard area of a single-unit living in a detached house or tiny house shall not be located in front of the dwelling's primary entrance.

C. Arrangement, Size and Orientation of Parking Areas

Vehicular surface areas located within the front yard area of single-unit living in a detached house or tiny house shall comply with one of the following.

...

D. Landscaping Requirements

1. When vehicular surface areas are constructed in the front yard area of a single-unit living in a detached house or tiny house and a parking space is designed to be within 45 degrees or less of the public street, a continuous berm or row of evergreen shrubs shall be provided within 5 feet of the edge of the parking space on the side nearest the public street in order to screen the broad side of the parked vehicle from view of the public street.

Section 22. Section 6.1.5. of the Part 10 Raleigh Unified Development Ordinance, Prohibited Uses, is hereby amended by adding the language shown in underline:

Except for improvements made pursuant to Chapter 8. Subdivision & Site Plan Standards or use determinations made pursuant to Sec. 6.1.2., any use not explicitly allowed as a permitted use by right, a limited use or a special use in the zoning district by the Allowed Principal Uses Table, Sec. 6.1.4., is prohibited. The enumerations of prohibited uses below are expressly prohibited, but such enumeration shall not be deemed exclusive or all-inclusive. Prohibited uses include:

- A. Any use of prima fascia business, commercial, or industrial character not otherwise specifically allowed in an R-1, R-2, R-4, R-6, R-10, RX-, OP- or OX-district;
- B. Any use prohibited by an applicable conditional zoning district;

- C. Any use prohibited by an applicable overlay zoning district;
- D. Manufactured home or travel trailer except in a -MH district ~~or~~, where allowed in a PD district, or where constructed as a Tiny House or Accessory Dwelling Unit meeting all other requirements of this UDO;

...

Section 23. Section 6.2.1.E. of the Part 10 Raleigh Unified Development Ordinance, Cottage Court, is hereby amended by adding the language shown in underline and removing the language shown in strikethrough:

E. Cottage Court

1. Defined

A group of small detached houses, tiny houses, attached houses or townhouses (two-unit maximum per building) ~~entered around~~ sharing a common courtyard.

Section 24. Section 6.7.2. of the Part 10 Raleigh Unified Development Ordinance, Accessory Structures, is hereby amended by adding the language shown in underline:

...

- B. In Residential Districts, accessory structures associated with Detached, Tiny, 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.
- C. In Residential Districts, accessory structures associated with Detached, Tiny, 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.

...

Section 25. Section 6.8.2.D.b. of the Part 10 Raleigh Unified Development Ordinance, Use Standards, is hereby amended by adding the language shown in underline:

- b. Produce stands locating within a Residential District shall be required to locate on the property of a civic building or use (such as a place of worship or school), or within the common area of an apartment building or series of buildings containing a minimum of 100 dwelling units, or on property fronting a Major Street as designated on the Comprehensive Plan. In the event that the property fronting a Major Street is developed with a detached house or tiny house used for single-unit living, no parking associated with the produce stand may be located within the front yard area.

Section 26. Section 7.1.3.B.1.a. of the Part 10 Raleigh Unified Development Ordinance, “TOD Overlay District (-TOD)”, is hereby amended by adding the language shown in underline:

- a. No vehicle parking is required. No more than 2 on-site parking spaces per dwelling unit are allowed, with the exception of Detached House, Tiny House and Attached House buildings used for single-unit or two-unit living existing at the time the -TOD is applied.

Section 27. Section 8.3.2.A.1.ix. of Part 10 Raleigh Unified Development Ordinance, Applicability, is hereby amended by adding the language shown in underline:

- ix. The property to be developed or the adjacent property to which any new street or stub street would be continued contains one or more of the following land uses: historic landmark, cemetery, landfill, hospital, school (public or private (k-12)), college, community college, university, places of worship, police station, fire station, EMS station, prison or any residential use in an Attached, Tiny House, or Detached building type on lots no larger than 2 acres.

Section 28. Section 9.2.2.A.1.b.i. of the Part 10 Raleigh Unified Development Ordinance, Use Standards, is hereby amended by adding the language shown in underline:

- i. A grandfathered lot of any size, including grandfathered lots that are recombined with other grandfathered lots, used for any detached house or tiny house used for single-unit living or any attached house or two unit townhouse development used for two unit living, including accessory uses.

Section 29. Section 9.2.2.A.2.b.i. of the Part 10 Raleigh Unified Development Ordinance, Use Standard, is hereby amended by adding the language shown in underline:

- i. Any detached house or tiny house used for single-unit living or any attached house or two unit townhouse development used for two-unit living, including their accessory

uses, situated on a subdivided lot that was part of a subdivision of one acre or less in aggregate size, including subdivided lots that are recombined with other similar subdivided lots.

Section 30. Section 9.2.2.A.4. of the Part 10 Raleigh Unified Development Ordinance, Impervious Surfaces Limitations and Other Regulations, is hereby amended by adding the language shown in underline:

...

Notwithstanding the impervious surface limitations of this subsection, any lot with either an existing detached house or tiny house used for single-unit living or an existing attached house used for two-unit living shall be entitled to a one-time 400 square foot increase of impervious surface area without providing the additional stormwater control measures required by this subsection. This one-time exemption shall only be allowed if the qualifying structure (i) existed prior to the application of this ordinance, and (ii) the qualifying structure exists when the one-time exemption is applied to the property. However, the exemption once used shall remain with the property even if the qualifying structure is later demolished, voluntarily or involuntarily, from the property. This exemption, if not used, shall be inapplicable if the qualifying structure is voluntarily demolished from the property.

...

Section 31. Section 9.2.2.B.2.b.i. of the Part 10 Raleigh Unified Development Ordinance, Residential Development, is hereby amended by adding the language shown in underline:

- i. For any detached house or tiny house used for single-unit living or any attached house used for two-unit living, a one-time offset payment may be paid to the North Carolina Riparian Buffer Restoration Fund to reduce the nitrogen export load of up to 6 pounds per acre per year to 3.6 pounds per acre per year.

Section 32. Section 10.2.8.B.1.xiii. of Part 10 Raleigh Unified Development Ordinance, Tier One Site Plans, is hereby amended by adding the language shown in underline:

xiii. The construction of a detached, tiny house, or attached building type used for one or two unit living as defined in Section 6.2.1. including additions, reconstruction, or an accessory structure located on any vacant lot that was lawfully established.

Section 33. Section 10.3.5. of the Part 10 Raleigh Unified Development Ordinance, Nonconforming Lots of Record, is hereby amended by adding the following language shown in

underline:

A. Authority to use For Single-Unit or Two-Unit Living

In any district in which a single-unit living detached house or two-unit living attached house is allowed as a permitted use, notwithstanding the regulations imposed by any other provisions of this UDO, a single-unit living detached house, or tiny house, or two-unit living attached house which complies with the restrictions of *Sec. 10.3.5.B.* below may be erected on a nonconforming lot that:

1. Has less than the prescribed minimum lot area, depth, or width; and
2. Is shown by a recorded plan or deed to have been a lot of record owned separately and individually from adjoining tracts of land at a time when the creation of a lot or tract of such area, width, and depth at such location would not have been prohibited by any building type requirement, zoning or other ordinance.

B. Regulations for Single Unit Living or Two-Unit Living Use of Nonconforming Lots

A nonconforming lot authorized to be used pursuant to *Sec. 10.3.5.A.* above may be used for a single-unit living detached house or tiny house, or two-unit living attached house and permitted accessory uses and structures. Construction of the single-unit living detached house or tiny house, or two-unit living attached house shall comply with all the regulations, except lot area, depth, or width, applicable to the detached, tiny or attached house in the district in which the lot is located, unless a variance is granted pursuant to *Sec. 10.2.10.*

Section 34. Section 11.7.1.D. of the Part 10 Raleigh Unified Development Ordinance, Defined Terms, is hereby amended by adding the following language shown in underline and removing the language shown in strikethrough:

- D. ~~All manufactured homes shall be erected or placed on a foundation as indicated in the publication "State of North Carolina, Procedures and References Codes for Mobile Homes, Modular Dwelling Units and other Factory Built Structures" as published by the North Carolina Department of Insurance.~~ All manufactured homes shall be erected or installed in accordance with the Set-Up and Installation Standards adopted by the North Carolina Commissioner of Insurance. All manufactured homes shall be connected to the appropriate utilities as approved by the City of Raleigh.

Section 35. Article 12.2 of the Part 10 Raleigh Unified Development Ordinance, Defined Terms, is hereby amended by adding the following language shown in underline and removing the language shown in strikethrough:

Gross Floor Area

The sum in square feet of the gross horizontal area of all floors of a building measured from the exterior walls or from the centerline when 2 buildings or units abut. Gross floor area includes basement floor area when more than 50% of the basement height is above the established curb level or above the finished lot grade level where the curb level has not been established. Elevator shafts, stairwells, floor space used for mechanical equipment, attics, balconies and mezzanines, enclosed porches and floor area devoted to accessory uses are included in the calculation of gross floor area. However, the following shall not be included: any space devoted exclusively to on-site parking; outdoor loading, display, storage, utility service areas; and/or uninhabited enclosed space on tops of roofs; or attic space having head room of less than 7' 10". For the Tiny House building type only, attached garages and carports shall be included in the calculation of gross floor area.

...

Manufactured Home

A structure, as defined in N.C. Gen. Stat. § 143-145(7), transportable in one or more sections that is built on a permanent chassis and designed to be used as a dwelling, with or without permanent foundation. ~~The term includes mobile homes, park trailers, travel trailers and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property.~~

Section 36. This text change has been reviewed by the Raleigh Planning Commission.

Section 37. This ordinance has been adopted following a duly advertised legislative hearing of the Raleigh City Council.

Section 38. This ordinance has been provided to the North Carolina Capital Planning Commission as required by law.

Section 39. 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 40. This ordinance is effective 90 days after adoption.

Adopted: December 7, 2021

Effective: March 7, 2022

Distribution: Management Team; Rametta. Bowers; Crane; Holmes; Waddell; Puccini; Taylor; City Attorney