

**ORDINANCE NO. (2022) 422 TC 473**

**TC-18-21 ACCESSORY STRUCTURES**

**AN ORDINANCE AN ORDINANCE TO AMEND THE PART 10  
RALEIGH UNIFIED DEVELOPMENT ORDINANCE TO MODIFY ACCESSORY  
STRUCTURE, ACCESSORY DWELLING UNIT AND SETBACK ENCROACHMENT  
REGULATIONS**

**WHEREAS**, the Unified Development Ordinance regulates setbacks for Accessory Structures and Accessory Dwelling Units; and

**WHEREAS**, the Unified Development Ordinance also permits certain encroachments into these required setbacks; and

**WHEREAS**, it is in the public interest for these setback regulations and allowed encroachments should be consolidated and unified to the extent possible to allow for the reasonable development of property.

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

**Section 1.** Section 1.5.4.D. of the Part 10 Raleigh Unified Development Ordinance, Setback Encroachments, is hereby amended by adding the language shown in underline and deleting the language shown in strikethrough:

**D. Setback Encroachments**

All buildings and structures must be located at or behind required setbacks, except as listed below. Underground structures covered by the ground may encroach into a required setback.

**1. Building Features (attached to a structure)**

a. ~~Porches (raised structures attached to a building forming a covered entrance) may extend up to 9 feet, including the steps, into a required setback, provided that such extension is at least 3 feet from the vertical plane of any lot line.~~

a.b. Stoops (small raised platforms that serve as entrances to buildings) may extend up to 6 feet into a required setback, provided that the landing is at least 3 feet from the vertical plane of any lot line. Stoops may be covered but cannot be fully enclosed. Porches, decks, patios, terraces, and stoops greater than 1 foot in height may extend 12 feet into a required side or rear setback, provided that such extension is at least 3 feet from the vertical plane of any side or rear property line. In addition, these structures may extend 9 feet into a primary or side street setback, provided that such extension is at least 3 feet from the vertical plane of any street property line.

Patios, terraces and decks that are 1 foot in height or less may be constructed a minimum of 0 feet from the vertical plane of any side or rear property line and 3 feet from the vertical plane of any street property line.

- e. b. Balconies (platforms projecting from the wall of a building with a railing along its outer edge, often accessible from a door or window) may extend up to 6 feet into a required setback, provided that the landing is at least 3 feet from the vertical plane of any lot line. Balconies can be covered but cannot be fully enclosed.
- d. c. Galleries (covered passages extending along the outside wall of a building supported by arches or columns that are open on 1 side), must have a clear depth from the support columns to the building's façade of at least 8 feet and a clear height above the sidewalk of at least 10 feet. A gallery may extend into a required street setback. A gallery may not extend into a required side setback.
- e. d. Chimneys or flues may extend up to 4 feet, provided that such extension is at least 3 feet from the vertical plane of any lot line.
- f. e. Building eaves, roof overhangs, awnings and light shelves may extend up to 5 feet, provided that such extension is at least 3 feet from the vertical plane of any lot line.
- g. f. Bay windows, oriels, vestibules and similar features that are less than 10 feet wide may extend up to 4 feet, provided that such extension is at least 3 feet from the vertical plane of any lot line.
- h. g. Unenclosed fire escapes or stairways may extend up to 4 feet into a required side or rear setback, provided that such extension is at least 5 feet from the vertical plane of any lot line.
- ~~i. h. Unenclosed patios, decks or terraces may extend up to 4 feet into a required side setback, or up to 8 feet into a required rear setback, provided that such extension is at least 5 feet from the vertical plane of any lot line.~~
- j. h. Cornices, belt courses, sills, buttresses or other similar architectural features may project up to 1½ feet.
- k. i. Handicap ramps may project to the extent necessary to perform their proper function.
- l. j. If a variance is not required, a building feature may encroach into the right-of-way, provided a license for the use of the right-of-way is obtained from the City, which is terminable at will by the City.

...

**Section 2.** Section 1.5.4.D. of the Part 10 Raleigh Unified Development Ordinance, Setback Encroachments, is hereby amended by adding the language shown in underline:

...

**3. Minor Structures and Improvements**

Notwithstanding the other requirements of this UDO, standalone structures or improvements that are 4 feet in height or less may be a minimum of 3 feet from any property line. Standalone patios, terraces and decks that are 1 foot in height or less may be constructed a minimum of 0 feet from the vertical plane of any side or rear property line and 3 feet from the vertical plane of any street property line. Pools and other water features may encroach into a required setback subject to any other building code requirements and/or limitations.

...

**Section 3.** Section 2.6.1. of the Part 10 Raleigh Unified Development Ordinance, Cottage Court, is hereby amended by deleting the language shown in strikethrough:

...

**H. Height**

|   | <b>R-2</b> | <b>R-4</b> | <b>R-6</b> | <b>R-10</b> |
|---|------------|------------|------------|-------------|
| H1 Non-Tiny House building height (max)           | 30'        | 30'        | 30'        | 30'         |
| H2 Tiny House building height (max)               | 26'        | 26'        | 26'        | 26'         |
| <del>H3</del><br>Accessory structure height (max) | 17'        | 17'        | 17'        | 17'         |

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

...

**Section 4.** Section 2.6.3. of the Part 10 Raleigh Unified Development Ordinance, Accessory Dwelling, is hereby amended by adding the language shown in underline and deleting the language shown in strikethrough:

...

**D. Accessory Dwelling Unit Regulations**

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 Sections 6.7.1. and 6.7.2. with the exception of 6.7.2.B. and Sec. 7.1.2.C Parking Requirements by Use.

...

10. Encroachments into setbacks are permitted pursuant to Section 1.5.4.D.

11. Vertical encroachments are permitted pursuant to Sections 1.5.7.D.2. and 1.5.7.D.3.g.

...

|  |   |  |  |   |  |
|--|---|--|--|---|--|
| <b><u>Lot Area</u></b>                       | > <u>Greater than 40,000 sf</u>                           | <del>20,000 to 39,999 sf</del>                   | 10,000 <u>sf</u> to <u>19,999</u> <u>40,000 sf</u> | <del>4,000 to 9,999 sf</del> <u>Less than 10,000 sf</u> | <del>4,000 to 5,999 sf</del>                     |
| <b><u>G. Lot Building Specifications</u></b> |   |  |  |   |  |
| G1 Gross Floor Area <sup>1</sup> (max)       | 1,000   | <del>800</del>                                   | 800  | 800   | <del>800</del>                                   |
| <b><u>H. Detached ADU Setbacks</u></b>       |   |  |  |   |  |
| H1 From primary street (min)                 | Must be located at or behind the front wall of the house. |  |  |   |  |
| H2 From side street (min)                    | 15'   | <del>15'</del>                                   | 15'  | 10'   | <del>10'</del>                                   |
| H3 From side lot line (min) <sup>12</sup>    | 10'   | <del>5'</del>                                    | 5'   | 5'  | <del>5'</del>                                    |
| H4 From rear lot line (min) <sup>23</sup>    | 10'   | <del>5'</del>                                    | 5'   | 5'  | <del>5'</del>                                    |
| H5 From alley (min)                          | 4' without parking / 20' with parking                     | <del>4' without parking / 20' with parking</del> | 4' without parking / 20' with parking              | 4' without parking / 20' with parking                   | <del>4' without parking / 20' with parking</del> |

<sup>1</sup>Gross floor area shall include all conditioned space. Attached unconditioned space shall be included in the calculation of accessory structure floor area.

<sup>12</sup> For townhouse lots, H3 shall only apply to the side site boundary.

<sup>23</sup> For townhouse lots, H4 shall only apply to the rear site boundary.

**Section 5.** Section 3.2.9.E. of the Part 10 Raleigh Unified Development Ordinance is hereby amended by adding the language shown in underline:

6. The Manufactured Home is no greater than 600 square feet in gross floor area.

**Section 6.** Section 3.6.1. of the Part 10 Raleigh Unified Development Ordinance, Cottage Court, is hereby amended by adding the language shown in underline and deleting the language shown in strikethrough:

...

**H. Height**

|   | <b><u>RX-, OX-, NX-, CX-</u></b> |
|---|----------------------------------|
| H1 Non-Tiny House building height (max) | 30'                              |
| H2 Tiny House building height (max)     | 26'                              |
| H3 Accessory structure height (max)     | <del>17'</del> <u>26'</u>        |

...

**Section 7.** Section 3.6.2.D. of the Part 10 Raleigh Unified Development Ordinance, Accessory Dwelling Unit Regulations, is hereby amended by adding the language shown in underline:

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 Sections 6.7.1. and 6.7.2. with the exception of 6.7.2.B. and Sec. 7.1.2.C Parking Requirements by Use.~~

...

9. Encroachments into setbacks are permitted pursuant to Section 1.5.4.D.
10. Vertical encroachments are permitted pursuant to Sections 1.5.7.D.2. and 1.5.7.D.3.g.

...

**Section 8.** Section 3.6.2. of the Part 10 Raleigh Unified Development Ordinance, Accessory Dwelling, is hereby amended by adding the language shown in underline:

...

| <b><u>G. Building Specifications</u></b>  |   |
|---|---|
| G1 Gross Floor Area (max) <sup>1</sup>    | 800   |
| <b><u>H. Detached ADU</u></b>             |   |
| <b><u>Setbacks</u></b>                    |   |
| H1 From primary street (min)              | Must be located at or behind the front wall of the principal building |
| H2 From side street (min)                 | 10'   |
| H3 From side lot line (min) <sup>42</sup> | 5'  |
| H4 From rear lot line (min) <sup>23</sup> | 5'  |
| H5 From alley (min)                       | 4' without parking / 20' with parking                                 |
| <b><u>I. Height</u></b>                   |   |
| I1 Overall height (max)                   | 26'   |

<sup>1</sup>Gross floor area shall include all conditioned space. Attached unconditioned space shall be included in the calculation of accessory structure floor area.

<sup>42</sup> For townhouse lots, H3 shall only apply to the side site boundary.

<sup>23</sup> For townhouse lots, H4 shall only apply to the rear site boundary.

**Section 9.** Section 6.7.1.A.3. of the Part 10 Raleigh Unified Development Ordinance, Accessory Uses and Structures - General, is hereby amended by adding the language shown in underline:

...

3. Are subordinate in area, extent and purpose to the principal building or use served. Notwithstanding this requirement, an accessory structure may be taller than a principal building where otherwise allowed by this ordinance;

...

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

...

B. No accessory structure may be located closer than 6 feet to any other building or structure on the same lot. Two or more structures joined by a breezeway shall be considered ~~detached~~ attached and part of the same principal structure if the breezeway meets all of the following: ~~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~~ at least one side except for structural support columns. The other side may utilize mesh, latticework, or a similar treatment;
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.

If the breezeway does not meet 6.7.2.B.1. through 6. the two structures shall be considered attached and part of the same principal structure.

C. 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. Playsets, as defined in Article 12.2, Defined Terms, shall not be deemed structures for the purposes of Section 10.2.8.A. A zoning permit is not required for these structures, however, notwithstanding any other requirements of this section, only the following standards shall apply:
  - A. Maximum height shall not exceed 15’;
  - B. Playsets may not encroach into any primary or side street setback; and
  - C. Any roofed-over portion shall not exceed 100 square feet.
3. ~~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;~~
4. 3. Accessory structures shall have a minimum setback of 4 feet from an alley;
5. 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;
6. ~~Notwithstanding anything herein, accessory structures shall be lower in height than the principal building;~~
7. ~~No deck or balcony shall be permitted above the finished floor elevation of the ground floor;~~ 5. Encroachments into setbacks are permitted pursuant to Section 1.5.4.D.1.
8. 6. Vertical encroachments are ~~not~~ permitted pursuant to Sections 1.5.7.D.2. and 1.5.7.D.3.g.; and

9. ~~Encroachments into setbacks are not permitted.~~

D. 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.

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

| <b>D.2 Height and Setback Standards for Accessory Structures in Residential Districts</b> |               |                      |               |
|---|---------------|----------------------|---------------|
|   | One-story     | One and a half story | Two-story     |
| Max height (ft)   | 16            | 20.5                 | 25            |
| Max height (stories)  | 4             | 4                    | 2             |
| Attics  | Not permitted | Permitted            | Not Permitted |
| Side/Rear Setback (ft)  | 10            | 15                   | 20            |
| Max. wall height (ft)   | 12            | 12                   | N/A           |

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~~

| <b>E. Floor Area Standards for Accessory Structures in Residential Districts</b>                                   |                     |                        |                      |                    |
|--|---------------------|------------------------|----------------------|--------------------|
| Lot Size   | Greater than 40,000 | 10,000 sf to 40,000 sf | 4,000 sf to 9,999 sf | Less than 4,000 sf |
| The largest area within a column shall control. Area maximums apply to all accessory structures on a lot combined. |                     |                        |                      |                    |
| E1 Combined Floor Area (max.)  | 1,200 sf            | 1,000 sf               | 800 sf               | 600 sf             |



|                                      |  |  |  |  |
|--------------------------------------|--|--|--|--|
| <u>E2 Combined Floor Area (max.)</u> | <u>50% of the principal structure floor area</u> | <u>50% of the principal structure floor area</u> | <u>50% of the principal structure floor area</u> | <u>50% of the principal structure floor area</u> |
|--------------------------------------|--|--|--|--|

| <b>F. Setback Standards for Accessory Structures in Residential Districts</b> |   |  |  |  |
|---|---|--|--|--|
| <u>Lot Size</u>   | <u>Greater than 40,000</u>                                | <u>10,000 sf to 40,000 sf</u>                | <u>4,000 sf to 9,999 sf</u>                  | <u>Less than 4,000 sf</u>                    |
| <u>F1 From primary street (min.)</u>  | Must be located at or behind the front wall of the house. |  |  |  |
| <u>F2 From side street (min.)</u>   | <u>15'</u>  | <u>15'</u>                                   | <u>10'</u>                                   | <u>10'</u>                                   |
| <u>F3 From side lot line (min.)</u>   | <u>10'</u>  | <u>5'</u>                                    | <u>5'</u>                                    | <u>5'</u>                                    |
| <u>F4 From rear lot line (min.)</u>   | <u>10'</u>  | <u>5'</u>                                    | <u>5'</u>                                    | <u>5'</u>                                    |
| <u>F5 From alley (min.)</u>   | <u>4' without parking / 20' with parking</u>              | <u>4' without parking / 20' with parking</u> | <u>4' without parking / 20' with parking</u> | <u>4' without parking / 20' with parking</u> |

| <b>G. Height Standards for Accessory Structures in Residential Districts</b> |            |            |            |            |
|--|------------|------------|------------|------------|
| <u>G1 Overall Height (max.)</u>  | <u>26'</u> | <u>26'</u> | <u>26'</u> | <u>26'</u> |

**Section 11.** Section 10.2.8.B.1.a.x. of the Part 10 Raleigh Unified Development Ordinance is hereby amended by adding the language shown in underline and deleting the language shown in strikethrough:

The construction of a gazebo, carport, home swimming pool, deck, patio, terrace, stoop, porch, or other improvements listed under ~~Article Section 1.5.4.D.1. or 1.5.4.D.2.~~

**Section 12.** Chapter 12 of the Part 10 Raleigh Unified Development Ordinance, Definitions, is hereby amended by adding the language shown in underline and deleting 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, internal 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.~~

...

### **Porch**

A raised structure attached to a building forming a covered entrance. To qualify as a porch, 50% or more of each exterior wall of the porch must be open. For the purposes of this requirement, mesh screens and latticework shall be considered open.

**Section 13.** Sections 2.2.1.D.2, 2.3.2.D.2., 2.4.2.D.2., of the Part 10 Raleigh Unified Development Ordinance are hereby amended by deleting Height - Accessory Structure (Max) for the Detached House building type and renumbering the sections accordingly.

**Section 14.** Sections 2.2.2.D.2, 2.3.3.D.2., 2.4.3.D.2., of the Part 10 Raleigh Unified Development Ordinance are hereby amended by deleting Height - Accessory Structure (Max) for the Attached House building type and renumbering the sections accordingly.

**Section 15.** Sections 2.2.3.E.2, 2.3.4.E.2., 2.4.4.E.2., 3.2.3.E.2., of the Part 10 Raleigh Unified Development Ordinance are hereby amended by increasing Height - Accessory Structure (Max) for the Townhouse building type from 25' to 26'.

**Section 16.** Sections 2.2.4.D.2, 2.3.5.D.2., 2.4.5.D.2., 3.2.4.D.2., of the Part 10 Raleigh Unified Development Ordinance are hereby amended by increasing Height - Accessory Structure (Max) for the Apartment building type from 25' to 26'.

**Section 17.** Sections 2.2.5.D.2, 2.3.6.D.2., 2.4.6.D.2., 3.2.7.D.2., of the Part 10 Raleigh Unified Development Ordinance are hereby amended by increasing Height - Accessory Structure (Max) for the Civic building type from 25' to 26'.

**Section 18.** Sections 2.7.1.E.4. and 3.7.1.D.4. of the Part 10 Raleigh Unified Development Ordinance is hereby amended by increasing Height - Accessory Structure (Max) for all building types within the Frequent Transit Development Option from 25' to 26'.

**Section 19.** Sections 2.2.8.D.2. and 3.2.9.D.2. of the Part 10 Raleigh Unified Development Ordinance are hereby amended by deleting Height - Accessory Structure (Max) for the Tiny House building type and renumbering the sections accordingly.

**Section 20.** Section 3.2.5.D.2. of the Part 10 Raleigh Unified Development Ordinance is hereby amended by increasing Height - Accessory Structure (Max) for the General building types from 25' to 26'

**Section 21.** Section 3.2.6.D.2. of the Part 10 Raleigh Unified Development Ordinance is hereby amended by increasing Height - Accessory Structure (Max) for the Mixed Use building types from 25' to 26'.

**Section 22.** All laws and clauses of laws in conflict herewith are repealed to the extent of such conflict.

**Section 23.** 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 24.** This text change has been reviewed by the Raleigh Planning Commission.

**Section 25.** This ordinance has been adopted following a duly advertised legislative hearing of the Raleigh City Council.

**Section 26.** This ordinance has been provided to the North Carolina Capital Planning Commission as required by law.

**Section 27.** This ordinance shall be enforced as provided in N.C.G.S. 160A-175 or as provided in the Raleigh City Code.

**Section 28.** This ordinance is effective 60 days after adoption.

**ADOPTED:** September 20, 2022

**EFFECTIVE:** November 19, 2022

**DISTRIBUTION:** Planning & Development – Young, Bowers, Crane, Waddell, Ray,  
Rametta, Lobo, Stegall, McDonald, Sheppard  
City Attorney – Tatum, Hofmann, York, Hargrove-Bailey  
Department Heads  
Transcription Svcs – Taylor

*Prepared by the Department of Planning and Development*