

**ORDINANCE NO. (XXX-2022)**

**TC-20-21 MISSING MIDDLE 2.0 - MORE HOMES, MORE CHOICES**

**AN ORDINANCE TO INCREASE HOUSING OPTIONS BY EXPANDING THE ALLOWABLE BUILDING TYPES, ADJUSTING MINIMUM LOT AND SITE DIMENSIONAL STANDARDS ACROSS RESIDENTIAL ZONING DISTRICTS ALLOWING HIGHER DENSITY DEVELOPMENT NEAR HIGH-FREQUENCY TRANSIT**

**WHEREAS**, the Unified Development Ordinance currently restricts the 3+ unit Townhouse building type to the R-6 and R-10 residential zoning districts; and

**WHEREAS**, the Unified Development Ordinance currently restricts the Apartment building type to the R-6 and R-10 residential zoning districts; and

**WHEREAS**, the Unified Development Ordinance currently restricts the various building types to varying lot width requirements uniformly across the City absent a zoning overlay district; and

**WHEREAS**, the Unified Development Ordinance currently regulates lot size and dimensional standards that are not reflective of the smaller land areas needed to support many smaller dwelling options; and

**WHEREAS**, the Unified Development Ordinance currently restricts townhouse building type lots from having Accessory Dwelling Units and it limits lots developed with either detached house, tiny house or attached house building types to only one Accessory Dwelling Unit per lot, even if proximate to high-frequency transit; and

**WHEREAS**, because missing middle housing types are an important means of reaching the city's goal of reducing carbon emissions and other air pollutants. This occurs in two ways. First, because missing middle units share walls or ceilings with other units, they are substantially more energy-efficient than detached houses. According to the Department of Energy, a unit in a two-to-four-unit apartment uses half the energy of a detached house, and a townhouse uses about two-thirds of that amount. Secondly, when these residences are allowed in places that are close to jobs and shopping they produce shorter car trips and more walking and transit trips than the average home in the region. This means carbon output from transportation, a major source of emissions, is substantially reduced; and

**WHEREAS**, the Unified Development Ordinance currently regulates Residential Infill Compatibility requirements in such a way that may not be conducive to constructing higher-density infill missing-middle housing options near high-frequency transit areas; and

**WHEREAS**, the City Council finds it in the public interest to promote housing choice, address housing affordability, and increase residential density in areas planned for high-frequency transit.

**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 deleting the language shown in strikethrough and adding the language shown in underline:

**I. Tiny House**

A building with a building footprint no greater than 800 square feet and no greater than ~~600~~ 1200 square feet gross floor area constructed to accommodate 1 or 2 principal dwelling units 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 editing the table as detailed below and deleting the language shown in strikethrough and adding the language shown in underline:

For the row titled “Residential-2 (R-2)” in the column titled “Townhouse” replace “□” with “□(1)”. For the row titled “Residential-4 (R-4)” in the column titled “Townhouse” replace “□(1)” with “□(2)” in the column titled “Apartment” replace “--(1)” with “--(2)”. For the row titled “Residential-6 (R-6)” in the column titled “Townhouse” replace “■(1)” with “■”; in the column titled “Apartment” replace “□(1)” with “□(3)”

□ = Building type may be aAllowed as Part of an Approved Compact, Conservation or Cottage Court Development. Refer to Chapters 2 and 3 for more information.

(1) In R-2, townhouse developments are restricted to a maximum of two dwelling units, however, 3+ dwelling unit townhouse developments, and apartments, are allowed in the -TOD overlay.

~~(1)-(2)~~ In R-4, townhouse developments are restricted to a maximum of two dwelling units, however ~~and R-6~~, 3+ dwelling unit townhouses developments, and apartments, are allowed as ~~part of an approved development~~ in the -TOD overlay or as part of a Frequent Transit Development.

(3) In R-6, apartments are allowed in the -TOD overlay or as part of a Frequent Transit Development.

**Section 3.** Section 1.5.2.B. of the Part 10 Raleigh Unified Development Ordinance, Lot Area, is hereby amended by deleting the language shown in strikethrough and 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 or Tiny 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. of the Part 10 Raleigh Unified Development Ordinance, Density, is hereby amended by adding the language shown in underline:

1. 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 or Tiny 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. For any lot developed with a Detached House or a Tiny House or an Attached House in a Frequent Transit Area, two accessory dwelling units are permitted per lot, regardless of underlying density, minimum lot size, minimum lot area per dwelling unit, or minimum site are per dwelling unit designations. For any lot developed with a Townhouse, one accessory dwelling unit is permitted per townhouse lot regardless of underlying density, minimum lot size, minimum lot area per dwelling unit, or minimum site are per dwelling unit designations.

**Section 5.** Section 2.1.1. of the Part 10 Raleigh Unified Development Ordinance, District Intent Statements, is hereby amended by insertion of the following underlined text:

**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, and two-unit living in a 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 or tiny 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 or tiny 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. ~~Shape~~ 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-4 district within the TOD overlay or Frequent Transit Areas identified in the City's Comprehensive Plan 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 tiny house 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 or Frequent Transit Areas identified in the City's Comprehensive Plan to enable transit oriented development.

#### **F. Residential-10 (R-10)**

5. R-10 allows single-unit living in a detached house, or tiny house and two-unit living in an attached house or tiny house with a minimum lot size of 4,000 square feet. Multi-unit living is also allowed in a townhouse.
6. Smaller minimum lot sizes are permitted as part of a compact development.
7. 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.

8. Dimensional standards, maximum density, allowed building types, and allowed uses may be modified for the R-6 district within the TOD overlay or Frequent Transit Areas identified in the City's Comprehensive Plan to enable transit oriented development.

**Section 6.** Section 2.1.2. of the Part 10 Raleigh Unified Development Ordinance, Housing Options, is hereby amended by insertion of the following text at the end of the section:

**D. Frequent Transit Development Option**

1. A Frequent Transit Area as designated in the City's Comprehensive Plan encourages density and growth in areas served by high-frequency transit, defined as bus or other transit service where the time between vehicles will be 15 minutes or less during peak service periods. The Frequent Transit Development Option permits higher-density development than the underlying zoning might otherwise allow.
2. The Frequent Transit Development Option encourages transit-oriented development by allowing for smaller lot dimensions and site area per dwelling unit standards.

**Section 7.** Section 2.1.3.C. of the Part 10 Raleigh Unified Development Ordinance, Additional Housing Patterns, is hereby amended by insertion of the following underlined text:

**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 or Tiny House as an accessory use to a principal use of Single-unit Living or on a lot with an existing Attached House or Tiny House as an accessory use to a principal use of Two-unit Living.

**Section 8.** Section 2.1.3. of the Part 10 Raleigh Unified Development Ordinance, Additional Housing Patterns, is hereby amended by insertion of the following text at the end of the section:

**D. Flag Lot**

A Flag Lot is an irregularly shaped property with a narrow portion of land fronting on a street where no buildings are permitted that provides access to a larger portion of the lot where buildings are permitted. The creation of a flag lot typically results in an adjacent residual lot with greater frontage along the same street. Flag lots promote efficient use of land for residences. In exchange for some alternative minimum dimensional standards, only Tiny Houses are permitted on flag lots. ADUs are not permitted on flag lots.

**Section 9.** Section 2.2.3., Townhouse, is hereby amended by adding a columns for R-2 and R-4 as well as adding the language as shown underlined and removing language shown in strikethrough, as follows:

<b>Sec. 2.2.3. Townhouse<sup>i</sup></b>				
	<b><u>R-2<sup>ii</sup></u></b>	<b><u>R-4<sup>ii</sup></u></b>	<b><u>R-6</u></b>	<b><u>R-10</u></b>
<b>A. Site Dimensions</b>				
A1 Net site area/unit (min)	<u>10,000 sf</u>	<u>5,000 sf</u>	4,500 sf	3,000 sf
A2 Width (min)	<u>80'</u>	<u>65'</u>	<del>60'</del> <u>50'</u>	45'
A3 Outdoor amenity area(min)	<u>n/a</u>	<u>n/a</u>	10%	10%
<b>B. Lot Dimensions</b>				
B1 Area (min)	<u>n/a</u>	<u>n/a</u>	n/a	n/a
B2 Width (min)	<u>16'</u>	<u>16'</u>	16'	16'
<b>C. Principal Building/Structure Setbacks</b>				
C1 From primary street (min)	<u>20'</u>	<u>20'</u>	10'	10'
C2 From side street (min)	<u>20'</u>	<u>20'</u>	10'	10'
C3 From side site boundaryline (min)	<u>10'</u>	<u>10'</u>	10'	6'
C4 From rear site boundaryline (min) <sup>iii</sup>	<u>30'</u>	<u>30'</u>	20'	20'
C5 From alley (min) <sup>iiiv</sup>	<u>4' or 20' min</u>	<u>4' or 20' min</u>	4' or 20' min	4' or 20' min
C6 Internal building separation(min)	<u>10'</u>	<u>10'</u>	10'	10'
C7 Residential infill rules may apply (see <i>Sec. 2.2.7.</i> )	<u>yes</u>	<u>yes</u>	yes	yes
<b>D. Parking Setbacks<sup>iv</sup></b>				
D1 From primary street (min)	<u>20'</u>	<u>20'</u>	20'	20'
D2 From side street (min)	<u>10'</u>	<u>10'</u>	10'	10'
D3 From side lot line (min)	<u>0'</u>	<u>0'</u>	0'	0'
D4 From rear lot line (min)	<u>3'</u>	<u>3'</u>	3'	3'
D5 From alley, garage only(min)	<u>4'</u>	<u>4'</u>	4'	4'
D6 Residential infill rules may apply (see <i>Sec. 2.2.7.</i> )	<u>yes</u>	<u>yes</u>	yes	yes
<b>E. Height</b>				
E1 Principal building (max)	<u>40'/3 stories</u>	<u>40'/3 stories</u>	45'/3 stories	45'/3 stories
E2 Accessory structure	<u>25'</u>	<u>25'</u>	25'	25'

(max)				
E3 Residential Infill rules may apply (See Sec. 2.2.7.)	<u>yes</u>	<u>yes</u>	yes	yes

<sup>i</sup> A townhouse development containing only two dwelling units shall be regulated by the standards of Sec. 2.2.2., Attached House, however: (a) a minimum site area per unit of one-half the area required by Sec. 2.2.2.A1. is required; (b) Sec. 2.2.3.B. shall still control provided a minimum site width equal to the dimensions specified by Sec. 2.2.2.A2. is met; and (c) Sec. 2.2.2.B3. shall only apply to the non-party wall side lot line.

<sup>ii</sup> In R-2 and R-4 districts, a townhouse development can only contain a maximum of two dwelling units.

<sup>iii</sup> A permanently recorded open lot or common area lot of at least 20 feet in width may be used to satisfy Sec.2.2.3.C.4.

<sup>iiii</sup> Garages (or a portion thereof) must either be located 4 feet from the travel lane of an alley or rear access drive or be a minimum of 20 feet from the alley or rear access drive. Where parking spaces are located between the garage and the alley or rear access drive, the garage must be located at least 20 feet from the travel lane of an alley or rear access drive.

<sup>iv</sup> Parking setbacks shall not apply to driveways serving individual dwelling units or shared between two dwelling units.

**Section 10.** Section 2.2.4.A.2, Apartment – Lot Dimensions, is hereby amended by adding the following language as shown underlined and removing language shown in strikethrough, as follows:

<b>Sec. 2.2.4. Apartment</b>	
	<b>R-10</b>
<b>A. Lot Dimensions</b>	
A2 Lot width (min)	80' <u>45'</u>

**Section 11.** Section 2.2.8. of the Part 10 Raleigh Unified Development Ordinance, Conventional Development Option – Tiny House, is hereby amended by adding the following language as shown underlined and removing the language shown in strikethrough, as follows:

<b>Sec. 2.2.8. Tiny House</b>					
	<b>R-1</b>	<b>R-2</b>	<b>R-4</b>	<b>R-6</b>	<b>R-10</b>
<b>A. Lot Dimensions</b>					
A1 Area (min)	40,000 sf	15,000 sf	7,500 sf	<del>4,500</del> <u>3,000</u> sf	<del>3,000</del> <u>2,000</u> sf
A2 Lot width (min)	100'	60'	50'	35'	25'
A3 Depth (min)	100'	75'	75'	<del>60'</del>	45'

				<u>50'</u>	
A4 Density (max)	1	n/a	n/a	n/a	n/a
<b>B. Principal Building Setbacks</b>					
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'	<del>20'</del> <u>10'</u>	<del>20'</del> <u>10'</u>
B5 Residential infill rules may apply (see Sec. 2.2.7.)	no	no	yes <sup>1</sup>	yes <sup>1</sup>	yes <sup>1</sup>
<b>C. Accessory Structure Setbacks See Section 6.7.2</b>					
<b>D. Height</b>					
D1 Principal building (max)	26' <sup>2</sup> / <sub>stories</sub>	26' <sup>2</sup> / <sub>stories</sub>	26' <sup>2</sup> / <sub>stories</sub>	26' <sup>2</sup> / <sub>stories</sub>	26' <sup>2</sup> / <sub>stories</sub>
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.					

<sup>1</sup>The property owner may elect to either adhere to the primary street setback range set forth in Section 2.2.7, if applicable, or follow only the applicable zoning district's minimum primary street setback regulation.

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

**Section 12.** Section 2.3.4.A. Compact-Townhouse – Site Dimensions, is hereby amended by adding the following language shown underlined and removing language shown in strikethrough, as follows:

<b>Sec. 2.3.4. Townhouse<sup>i</sup></b>			
	<b>R-4</b>	<b>R-6</b>	<b>R-10</b>



<b>A. Site Dimensions</b>			
A1 Net site area/unit (min)	6,000 sf	3,500 sf	2,500 sf
A2 Width (min)	<del>70'65'</del>	<del>52'50'</del>	45'
A3 Outdoor amenity area (min) <sup>ii</sup>	5%	5%	5%

**Section 13.** Section 2.3.5.A., Compact - Apartment – Lot Dimensions, is hereby amended by adding the following language shown underlined and removing language shown in strikethrough, as follows:

<b>Sec. 2.3.5. Apartment</b>	
	<b>R-10</b>
<b>A. Lot Dimensions</b>	
A2 Lot width (min)	<u>80' 45'</u>

**Section 14.** Section 2.4.4.A., Conservation-Townhouse – Site Dimensions, is hereby amended by adding the following language shown underlined and removing language shown in strikethrough, as follows:

<b>Sec. 2.4.4. Townhouse<sup>i</sup></b>				
	<b>R-2</b>	<b>R-4</b>	<b>R-6</b>	<b>R-10</b>
<b>A. Site Dimensions</b>				
A1 Net site area/unit (min)	7,500 sf	4,500 sf	3,000 sf	2,250 sf
A2 Width (min)	<del>78'65'</del>	<del>70'50'</del>	<del>52'45'</del>	<del>40'30'</del>

**Section 15.** Section 2.4.5.A., Conservation-Apartment-Site Dimensions, is hereby amended by adding the following language shown underlined and removing language shown in strikethrough, as follows:

<b>Sec. 2.4.5. Apartment</b>		
	<b>R-6</b>	<b>R-10</b>
<b>A. Lot Dimensions</b>		
A1 Area (min)	8,000 sf	6,000 sf
A2 Width (min)	<u>80'45'</u>	<u>80'30'</u>
A3 Lot area per unit (min)	2,000 sf	1,500 sf

**Section 16.** Section 2.6.1. of the Part 10 Raleigh Unified Development Ordinance, Cottage

Court, is hereby amended by adding the language shown in underline removing the language shown in strikethrough:

...

**B. Districts Allowed In**

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

...

**D. Site and Lot Dimensions**

	<b>R-2</b>	<b>R-4</b>	<b>R-6</b>	<b>R-10</b>	<del><b>RX, OX, NX, CX</b></del>
D1 Net Site Area (min)	53,200 sf	26,600 sf	16,000 sf	13,000 sf	<del>13,000 sf</del>
D2 Site Width (min)	140'	140'	120'	90'	<del>90'</del>
D3 Site depth (min)	120'	120'	100'	90'	<del>90'</del>
D4 Site area per non-Tiny House dwelling unit over four (min)	13,300 sf	6,650 sf	4,000 sf	2,650 sf	<del>2,400 sf</del>
D5 Site area per Tiny House dwelling unit over four (min)	10,000 sf	5,000 sf	3,000 sf	2,000 sf	<del>1,800 sf</del>
D6 Dwelling units per site (max)	30	30	30	30	<del>30</del>
D7 Dwelling unit gross floor area (max) <sup>1</sup>	1,800 sf	1,800 sf	1,800 sf	1,800 sf	<del>1,800 sf</del>
D8 Detached accessory structure footprint	450 sf	450 sf	450 sf	450 sf	<del>450 sf</del>

(max) <sup>2</sup>					
D9 Individual lot area (min)	No min.	No min.	No min.	No min.	<del>No min.</del>

<sup>1</sup> A Tiny House may be no larger than 800 sf in building footprint and no more than 1200 ~~600~~ sf in gross floor area.

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

### E. Internal Courtyard

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

### F. Principal Building/Structure Setbacks (Site)

	<b>R-2</b>	<b>R-4</b>	<b>R-6</b>	<b>R-10</b>	<b><del>RX, OX, NX, CX</del></b>
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**

	<b>R-2</b>	<b>R-4</b>	<b>R-6</b>	<b>R-10</b>	<del><b>RX, OX, NX, CX</b></del>
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'	<del>50'</del>
G3 From side street (min)	10'	10'	10'	10'	<del>10'</del>
G4 From side lot line (min)	5'	5'	5'	5'	<del>5'</del>
G5 From rear lot line (min)	5'	5'	5'	5'	<del>5'</del>
G6 From alley (min)	0'	0'	0'	0'	<del>0'</del>

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

**H. Height**

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

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

...

**Section 17.** Section 2.6.3.A., Accessory Dwelling – Purpose and Objectives, is hereby amended by adding the following language as shown underlined and removing the language shown in strikethrough:

### Sec. 2.6.3. Accessory Dwelling

#### A. Purpose and Objectives

The Accessory Dwelling housing pattern provides for the development of ~~one~~ an accessory dwelling unit or units 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, Townhouse or Tiny House as an accessory use to a principal use of Two-unit Living, or on a lot developed with an existing Townhouse as an accessory use to a principal use of Multi-unit Living.

**Section 18.** Section 2.6.3.D.2., Accessory Dwelling Regulations, is hereby amended by adding the following language shown underlined:

2. There shall be no more than one ADU on the same lot as a principal dwelling unless it is located in a Frequent Transit Area as shown on the City's Comprehensive Plan which would then allow for up to two ADUs on the same lot as a principal dwelling. However, in the Frequent Transit Area, only one ADU can be attached to the principal dwelling. In the case of a townhouse development only one ADU is permitted per townhouse lot whether within a Frequent Transit Area or not.

**Section 19.** Section 2.6.3.D., Accessory Dwelling Regulations, is hereby amended by adding the following underlined language:

#### 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.
  - f. The Manufactured Home is no greater than 600 square feet in gross floor area.
7. Unless attached thereto by a common wall, an ADU must be separated by at least 6' from any other building on the lot.
  8. All ADU entrances must be externally accessible by pedestrians from either the driveway, street and/or alley from which the lot takes access.
  9. ADUs are not permitted on Flag Lots

**Section 20.** Section 2.6.3.F., Accessory Dwelling – Districts Allowed In, is hereby amended by removing the language shown in strikethrough:

**F. Districts Allowed In**

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

**Section 21.** Section 2.6.3.H. Accessory Dwelling – Detached ADU Setbacks, is hereby amended by adding the language shown in underline and removing the language shown in strikethrough:

	> 40,000 sf	20,000 to 39,999 sf	10,000 to 19,999 sf	6,000 to 9,999 sf	4,000 to 5,999 sf
<b>G. Lot Specifications</b>					
Gross Floor Area (max)	1,000	800	800	800	800
<b>H. Detached ADU Setbacks</b>					
H1 From primary street (min)	Must be located <del>behind rear wall of house</del> <u>at or behind the front wall of the house.</u>				
H2 From side street (min)	<del>15'</del> <u>20'</u>	<del>15'</del> <u>20'</u>	<del>15'</del> <u>20'</u>	10'	10'
H3 From side lot line (min) <sup>1</sup>	10'	5'	5'	5'	5'
H4 From rear lot line (min) <sup>2</sup>	10'	5'	5'	5'	5'
H5 From alley (min)	<del>2'</del> <u>4'</u> without parking / 20' with parking	<del>2'</del> <u>4'</u> without parking / 20' with parking	<del>2'</del> <u>4'</u> without parking / 20' with parking	<del>2'</del> <u>4'</u> without parking / 20' with parking	<del>2'</del> <u>4'</u> without parking / 20' with parking

<sup>1</sup> For townhouse lots, H3 shall only apply to the side site boundary.

<sup>2</sup> For townhouse lots, H4 shall only apply to the rear site boundary.

**Section 22.** Article 2.6., Additional Housing Patterns, is hereby amended by adding the following sections to the end of the Article:

**Section 2.6.4. Flag Lots**

<b>A. Districts Allowed</b>		
<b>A.1 Zoning Districts</b>	R-4, R-6, R-10	
<b>B. Building Types Allowed</b>		
B1 Flag Lot	Tiny House	
B2 Residual Lot	Determined by base zoning district	
<b>C. Flag Lot Dimensions</b>	Non-Frequent Transit Areas	Frequent Transit Areas
C1 Lot Width (min)	10'	10'
C2 Lot Depth (min)	R-4: 70' R-6: 50' R-10: 40'	R-4: 70' R-6: 50' R-10: 40'
C3 Lot Area (min)	3,500 SF	2,500 SF
<b>D. Flag Lot Principal Building Setbacks</b>	Non-Frequent Transit Areas	Frequent Transit Areas
D1 From Primary Street (min)	R-4: 20' R-6: 10' R-10: 10'	R-4: 20' R-6: 10' R-10: 10'
D2 From Side Street (min)	R-4: 20' R-6: 10' R-10: 10'	R-4: 20' R-6: 10' R-10: 10'
D3 From Side Lot Line (min)	5'	5'
D4 Residual Lot Boundary Line (min)	5'	5'
D5 From Rear Lot Line (min)	10'	10'
D6 Setback - From Alley (min)	4' or 20' min	4' or 20' min



D7 Residential Infill Rules may apply (See Sec. 2.2.7)	no	no	
<b>E. Flag Lot Driveway</b>	Non-Frequent Transit Areas	Frequent Transit Areas	
E1 Driveway Treatment	Only Ribbon style or Permeable Surface.	Only Ribbon style or Permeable Surface.	
E2 Driveway Spacing	See <i>Sec. 8.3.5.C.2.</i>	See <i>Sec. 8.3.5.C.2.</i>	
E3 Driveways and Cross Access	<i>See Article 9.5 of the Raleigh Street Design Manual</i>	<i>See Article 9.5 of the Raleigh Street Design Manual</i>	
E4 Residential Infill Rules may apply (See Sec. 2.2.7)	Yes, however driveway spacing only applicable adjacent to lots external to the flag lot subdivision.	Yes, however driveway spacing only applicable adjacent to lots external to the flag lot subdivision.	
<b>F. Residual Lot Dimensions (min)</b>	<b>R-4</b>	<b>R-6</b>	<b>R-10</b>
F1 Lot Width (min)	48'	33'	25'
F2 Lot Depth (min)	70'	50'	40'
<b>G. Residual Lot Setbacks (min)</b>	<b>R-4</b>	<b>R-6</b>	<b>R-10</b>
G1 Rear setback to Flag Lot (min). However, standard District Rear Yard Setbacks (min) for the Principal Structure must be maintained to all rear yard properties external to the flag lot subdivision/recombination.	5'	5'	5'
G2 Side setback to Flag Lot Pole (min) <sup>1</sup>	5'	5'	5'

G3 Residential Infill Rules may apply (See Sec. 2.2.7)	Yes	yes	yes
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Unless provided for above, refer to applicable building type regulations set forth in Articles 2.2

<sup>1</sup> G2 may be less than 5’ if a no-build easement is recorded on the adjacent Flag Lot Pole. The width of the setback on the residual lot plus the width of the no-build easement must be a minimum of 10’.

**Section 23.** Insert an entirely new Article labeled as Article 2.7, Frequent Transit Development Option into the Part 10 Raleigh Unified Development Ordinance as shown below:

The Frequent Transit Development Option allows for additional housing in locations near current and planned frequent transit service. A Frequent Transit Area refers to areas slated for bus or other transit service where the time between vehicles will be 15 minutes or less during peak service periods and must be mapped in the City’s Comprehensive plan as such. Where a regulation in this section conflicts with a regulation of a Neighborhood Conservation Overlay District (NCOD), the NCOD regulation shall control.

	<b>R-4</b>	<b>R-6</b>	<b>R-10</b>
<b>Sec. 2.7.1. Frequent Transit Development Option</b>			
<b>A. Building Types</b>			
A1 Applicable Building Types	Tiny House, Detached House, Attached House, Townhouse, Apartment	Detached House, Attached House, Townhouse, Apartment	Detached House, Attached House, Townhouse, Apartment
<b>B. Lot Dimensions</b>			
B1 Area (min)	6,500 sf	4,000 sf	2,500 sf
B2 Lot width (min)	65'	50'	45'
B3 Depth (min)	100'	80'	60'
B4 Density (max)	n/a	n/a	n/a
B5 Outdoor Amenity Area (min) for Townhouse (3+ units) and Apartment	10%	10%	10%
<b>C. Lot Area Required per Unit<sup>1</sup></b>			
C1 Single-unit living (min)	6,500 sf	4,000 sf	2,500 sf

C2 Two-unit living (min)	2,500 sf	1,500 sf	1,000 sf
C3 Multi-unit living (min)	2,000 sf	1,200 sf	800 sf
<b>D. Principal Building Setbacks</b>			
D1 From primary street (min)	10'	10'	10'
D2 From side street (min)	10'	10'	10'
D3 From side lot line (min) <sup>2</sup>	5'	5'	5'
D4 From rear lot line (min) <sup>3</sup>	25'	15'	15'
D5 From Alley (min) <sup>4</sup>	4' or 20'	4' or 20'	4' or 20'
D6 Residential infill rules may apply (see <i>Sec. 2.2.7.</i> ) <sup>5</sup>	yes	yes	yes
<b>E. Height</b>			
E1 Detached/Attached Principal Building (max)	40'/3 stories	40'/3 stories	40'/3 stories
E2 Townhouse/Apartment Principal Building (max)	45'/3 stories	45'/3 stories	45'/3 stories
E3 Tiny House (max)	26'/2 stories	26'/2 stories	26'/2 stories
E4 Accessory Structure (max)	25'	25'	25'
E5 Residential Infill rules may apply (see <i>Sec. 2.2.7</i> )	No	No	No
<b>F. Parking Setbacks<sup>6</sup></b>			
F1 From Primary Street (min)	10'	10'	10'
F2 From Side Street (min)	10'	10'	10'
F3 From Side Lot Line (min)	0'	0'	0'
F4 From Rear Lot Line (min)	3'	3'	3'
F5 From Alley (min)	4' or 20' min	4' or 20' min	4' or 20' min
F6 Residential Infill rules may apply (see <i>Sec. 2.2.7</i> )	No	No	No
<b>G. Additional Requirements</b>			
G1 ADU Regulations	There shall be no more than one ADU on the same lot as a principal building unless it is located in a Frequent Transit Area as shown on the City's Comprehensive Plan which would then allow for up to two ADUs on the same lot as a principal dwelling, including attached ADUs. However, in a Frequent Transit Area, only one ADU can be attached or internal to the principal building. In the case of a townhome development only one ADU is permitted per principal dwelling. See <i>Sec. 2.6.3</i> for additional regulations.		
G2	This development option cannot be used in concert with Compact or Conservation Development option.		
G3	Lots utilizing this option shall have at least a portion of each lot within the mapped Frequent Transit Area in		

	order to take advantage of any regulations listed herein.
G4 <sup>7</sup>	A development site utilizing this option in a residential zoning district shall contain no more than twelve (12) residential units; however, a development site may contain additional residential units provided a number of units equal to at least twenty percent (20%) of the residential units over twelve (12) established within the development site shall be affordable for households earning sixty percent (60%) of the Area Median Income or less for a period of no less than 30 years from the date of issuance of a certificate of occupancy.

See Sec. 1.5.4.D "*Building Setbacks*" for specific building elements requirements.

<sup>1</sup> For Townhouse buildings, this standard shall apply to site area and not lot area.

<sup>2</sup> For Townhouse buildings, C3 shall only apply to the side site boundary.

<sup>3</sup> For Townhouse buildings, C4 shall only apply to the rear site boundary. A permanently recorded open lot or common area lot of at least 20 feet in width may be used to satisfy Sec. 2.5.1.C.4.

<sup>4</sup> Garages (or a portion thereof) must either be located 4 feet from the travel lane of an alley or rear access drive or be a minimum of 20 feet from the alley or rear access drive. Where parking spaces are located between the garage and the alley or rear access drive, the garage must be located at least 20 feet from the travel lane of an alley or rear access drive.

<sup>5</sup> The property owner may elect to either adhere to the primary street setback range set forth in Section 2.2.7, if applicable, or follow only the applicable zoning district's minimum primary street setback regulation.

<sup>6</sup> Parking setbacks shall not apply to driveways serving individual dwelling units or shared between two dwelling units.

<sup>7</sup> The rent and income limits will follow the Affordable Housing Standards determined annually by the City of Raleigh Housing & Neighborhoods Department. An Affordable Housing Deed Restriction in a form approved by the City shall be filed and recorded in the property's chain of title by the property owner in the Wake County Register of Deeds prior to the project receiving a certificate of occupancy. The property owner of development approved under this section shall provide an annual report to the City to demonstrate compliance with the requirements of this section. The report shall utilize a form prescribed by the City and shall be submitted in accordance with a schedule set by the City. Affordable units used to meet the requirements of this section shall be constructed concurrently with the project's market rate units.

**Section 24.** Article 3.2.9. of the Part 10 Raleigh Unified Development Ordinance, Base Dimensional Standards – Tiny House, is hereby amended by adding the following language shown underlined and removing the language shown in strikethrough:

<b>Sec. 3.2.9. Tiny House</b>		
	<b>RX-, OX-, NX-, CX-</b>	<b>DX-</b>
<b>A. Lot Dimensions</b>		
A1 Area (min)	3,000 <del>2,000</del> sf	n/a
A2 Width (min)	25'	n/a
<b>B. Principal-Building Setbacks</b>		
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)	<del>20'</del> 10'	10'
<u>B5 From alley</u>	<u>4' or 20' min</u>	<u>4' or 20' min</u>
<b><del>C. Accessory-Structure Setbacks</del></b>		
<del>C1 From primary-street(min)</del>	<del>50'</del>	<del>30'</del>
<del>C2 From side street-(min)</del>	<del>10'</del>	<del>5'</del>
<del>C3 From side lot line-(min)</del>	<del>5'</del>	<del>3'</del>
<del>C4 From rear lot line-(min)</del>	<del>5'</del>	<del>3'</del>
<del>C4 From alley</del>	<del>4' or 20' min</del>	<del>4' or 20' min</del>
<b><del>DC. Height</del></b>		
<del>DC1 Principal building(max)</del>	<del>26<sup>1</sup>/<sub>2</sub> stories</del>	<del>26<sup>1</sup>/<sub>2</sub> stories</del>
<del>DC2 Accessory structure(max)</del>	<del>25'</del>	<del>25'</del>
See Sec. 1.5.4.D. "Building Setbacks" for specific building element requirements.		

**Section 25.** Insert the following footnote "1" referenced to Section 3.4.4.G1, Detached Frontage – Height Limitations, at the bottom of Section 3.4.4.:

<sup>1</sup>Height limitations not applicable to buildings utilizing the Frequent Transit Development Option Height Bonus.

**Section 26.** Insert an entirely new Article labeled as Article 3.6, Additional Housing Patterns, as shown below and renumber the subsequent Articles in Chapter 3 accordingly in numerical order:

**Article 3.6. Additional Housing Patterns**

**Sec 3.6.1. Cottage Court**

**A. Cottage Court**

A cottage court is a group of small detached houses, attached houses, townhouses (two-unit maximum per building), or tiny houses sharing a common courtyard. The 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**

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**

	<b>RX-, OX-,NX-,CX-</b>
D1 Net Site Area (min)	13,000 sf
D2 Site Width (min)	90'
D3 Site depth (min)	90'
D4 Site area per non-Tiny House_ dwelling unit_ over four (min)	2,400 sf

D5 Site area per Tiny House dwelling unit over four (min)	1,800 sf
D6 Dwelling units per site (max)	30
D7 Dwelling unit gross floor area (max) <sup>1</sup>	1,800 sf
D8 Detached accessory structure footprint (max) <sup>2</sup>	450 sf
D9 Individual lot area (min)	No min.

<sup>1</sup> A Tiny House may be no larger than 800 sf in building footprint and no more than 1200 sf in gross floor area.

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

### E. Internal Courtyard

	<b>RX-, OX- ,NX-,CX-</b>
E1 Area (min)	1,600 sf
E2 Width as measured parallel to primary street for first 15' of site depth (min) <sup>1</sup>	20'
E3 Courtyard area per non- Tiny House unit over four (min)	400 sf

E4 Courtyard area per Tiny House unit over four (min)	200 sf
E5 Setback from primary street (max)	0'

**F. Principal Building/Structure Setbacks (Site)**

	<b>RX-, OX-, NX-, CX-</b>
F1 From primary street (min)	10'
F2 From side street (min)	10'
F3 From side site line (min)	10'
F4 From rear site line (min)	20'
F5 From alley (min)	5'
F6 Building Separation (min)	6'

**F. Principal Building/Structure Setbacks (Lots)**

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

**G. Surface Parking Setbacks**



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

## H. Height

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

## **I. 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:
  - a. The common building may not be used as a dwelling.
  - b. Uses within the common building must be accessory to the cottage court development.
  - c. The common building shall not count towards the maximum number of dwelling units per site (*Sec. 3.6.1.D.6.*)
  - d. Notwithstanding the forgoing, the common building must comply with all other requirements of Section 3.6.1.
4. Inclusive of the common building, up to 20% of the minimum internal courtyard area (*Sec. 3.6.1.E.1.*) may be covered, however only 10% of the minimum internal courtyard area (*Sec. 3.6.1.E.1.*) may be enclosed.
5. Stormwater detention wet ponds and dry ponds shall not count towards the minimum internal courtyard area (*Sec. 3.6.1.E.1.*) Green Stormwater Infrastructure (GSI) practices may be used to meet up to 50% of the minimum internal courtyard area (*Sec. 3.6.1.E.1.*)
6. Tree Conservation Areas shall not be included as part of the minimum internal courtyard area (*Sec. 3.6.1.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.
6. The Manufactured Home is no greater than 600 square feet in gross floor area.

### **Sec. 3.6.2. Accessory Dwelling**

#### **A. Purpose and Objectives**

The Accessory Dwelling housing pattern provides for the development of accessory

dwelling units on a lot as an accessory use to a principal use.

### **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 another principal use. Accessory Dwelling Units may be detached, attached, or internal to the principal use. 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 use 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 use; 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. 3.2.6.D.6. below;
2. There shall be no more than one ADU on the same lot as a principal use unless it is located in a Frequent Transit Area as shown on the City's Comprehensive Plan which would then allow for up to two ADUs on the same lot as a principal use. However in the Frequent Transit Area, only one ADU can be attached to the principal building. In the case of a townhouse development only one ADU is permitted per townhouse;
3. It shall be accessed by a lockable external entrance;
4. Ownership of an ADU shall not be transferred apart from its principal building;
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.
  - f. The Manufactured Home is no greater than 600 square feet in gross floor area.
7. Unless attached thereto by a common wall, an ADU must be separated by at least 6' from any other building on the lot.
  8. All ADU entrances must be externally accessible by pedestrians from either the driveway, street and/or alley from which the lot takes access.

**E. Description**

An Accessory Dwelling Unit (ADU) is a self-contained dwelling unit that is located on the same lot as a principal building that meets the regulations identified in Section 3.3.2 An ADU may be located above a garage. ADUs may be detached, attached, or internal to the principal building. Only residential uses are permitted in ADUs.

**F. Districts Allowed In**

RX-, OX-, NX-, CX-, DX-

Gross Floor Area (max)	800
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>1</sup>	5'
H4 From rear lot line (min) <sup>2</sup>	5'
H5 From alley (min)	4' without parking / 20' with parking
I1 Overall height (max)	26'

<sup>1</sup> For townhouse lots, H3 shall only apply to the side site boundary.

<sup>2</sup> For townhouse lots, H4 shall only apply to the rear site boundary.

**Section 27.** Insert a new Article labeled as “Article 3.7, Frequent Transit Development Option, in the Part 10 Raleigh Unified Development Ordinance:

**Article 3.7 Frequent Transit Development Option**

1. The Frequent Transit Development Option allows for additional housing and employment space in locations near current and planned frequent transit service. A Frequent Transit Area refers to areas slated for bus or other transit service where the time between buses will be 15 minutes or less during peak service periods and must be mapped in the City’s Comprehensive plan as such.
2. The option allows for an additional two stories of height, up to a maximum of five stories, for apartment and mixed use building types. It allows only one additional story of height, up to a maximum of four stories, for general buildings. This additional height applies in Frequent Transit Areas, but not BRT Areas.
3. The option also includes requirements to improve walkability. Any building that incorporates the additional height must adhere to the Urban Limited frontage unless otherwise mapped with the Urban General, Shopfront, Green or Green Plus frontage which then controls. Any building that incorporates the height bonus may not incorporate a drive-thru.

<b>Section 3.7.1. Frequent Transit Development Option</b>	<b>RX-, OX-, NX-, CX-, IX-,</b>
<b>1. Building Types</b>	
A1 Applicable Building Types	Detached House, Attached House, Townhouse, Apartment, Mixed Use Building, and General Building types
<b>B. Lot Dimensions</b>	
B1 Area (min)	2,000 sf
B2 Lot width (min)	45'
B3 Depth (min)	60'
B4 Density (max)	n/a
B5 Outdoor Amenity Area (min) (Does not apply to Tiny House, Detached House, or Attached House)	10%
<b>C. Principal Building Setbacks</b>	
C1 From primary street (min)	10'
C2 From side street (min)	10'
C3 From side lot line (min) <sup>1</sup>	0' or 5'
C4 From rear lot line (min) <sup>2</sup>	15'
C5 From Alley (min) *	4' or 20'
<b>D. Height</b>	
D1 Detached/Attached Principal Building (max)	40'/3 stories

D2 Townhouse/Apartment Principal Building (max)	Set by District
D3 Tiny House (max)	26'2 stories
D4 Accessory Structure (max)	25'
D5 Height Bonus for properties zoned for 3-stories <sup>4</sup>	<p>The Apartment and Mixed-Use building types containing residential uses may be a maximum of five stories not to exceed 80' in height. For developments containing residential uses, a number of units equal to at least twenty percent (20%) of the residential units established in newly allowed stories as the result of this height bonus shall be affordable for households earning sixty percent (60%) of the Area Median Income or less for a period of no less than 30 years from the date of issuance of a certificate of occupancy. The General Building type may be a maximum of four stories not to exceed 68' in height.</p> <p>The height bonus shall not apply to areas zoned –TOD or in a BRT Area as mapped in the Comprehensive Plan. When a property is also zoned with the - Detached frontage, the height bonus shall control.</p>
D6 Frontage and Drive-Thrus	<p>Any building that uses the Height Bonus in D5 above must also adhere to the Urban Limited frontage unless otherwise mapped with the Urban General, Shopfront, Green or Green Plus frontage which then controls. Drive-thrus are not permitted on a site when the D5 height bonus is used. A 5 story building utilizing the height bonus herein shall also conform to the requirements for urban plazas set forth in Section 1.5.3.C.</p>
<b>E. Parking Setbacks<sup>3</sup></b>	
E1 From Primary Street (min)	10'
E2 From Side Street (min)	10'
E3 From Side Lot Line (min)	0'
E4 From Rear Lot Line (min)	3'
E5 From Alley (min) <sup>5</sup>	4' or 20' min
<b>F. Floor Heights</b>	
	As prescribed by the Building Type in

	Chapter 3
<b>G. Transparency</b>	
	As prescribed by the Building Type in Chapter 3
<b>F. Additional Requirements</b>	
F1 ADU Regulations	There shall be no more than one ADU on the same lot as a principal building unless it is located in a Frequent Transit Area as shown on the City's Comprehensive Plan which would then allow for up to two ADUs on the same lot as a principal dwelling, including attached or internal ADUs. However in a Frequent Transit Area, only one ADU can be attached to the principal building. In the case of a townhome development only one ADU is permitted per principal dwelling.
F2	This development option cannot be used in concert with Compact or Conservation Development option
F3	Lots utilizing this option shall have at least a portion of each lot within the mapped Frequent Transit Area in order to take advantage of any regulations listed herein.

See Sec. 1.5.4.D "Building Setbacks" for specific building elements requirements.

<sup>1</sup> For Townhouse buildings, C3 shall only apply to the side site boundary.

<sup>2</sup> For Townhouse buildings, C4 shall only apply to the rear site boundary. A permanently recorded open lot or common area lot of at least 20 feet in width may be used to satisfy Sec. 2.5.1.C.4.

<sup>3</sup> Parking setbacks shall not apply to driveways serving individual dwelling units or shared between two dwelling units.

<sup>4</sup> The rent and income limits will follow the Affordable Housing Standards determined annually by the City of Raleigh Housing & Neighborhoods Department. An Affordable Housing Deed Restriction in a form approved by the City shall be filed and recorded in the property's chain of title by the property owner in the Wake County Register of Deeds prior to the project receiving a certificate of occupancy. The property owner of development approved under this section shall provide an annual report to the City to demonstrate compliance with the requirements of this section. The report shall utilize a form prescribed by the City and shall be submitted in accordance with a schedule set by the City. Affordable units used to meet the requirements of this section shall be constructed concurrently with the project's market rate units.

<sup>5</sup> Garages (or a portion thereof) must either be located 4 feet from the travel lane of an alley or rear access drive or be a minimum of 20 feet from the alley or rear access drive. Where parking spaces are located

between the garage and the alley or rear access drive, the garage must be located at least 20 feet from the travel lane of an alley or rear access drive.

**Section 28.** Section 6.1.4. Allowed Principal Use Table, is hereby amended by adding “Frequent Transit Development Option” as a new “specific use” in the “Use Category” column and noting it as a “Limited Use” by inserting it as a row underneath the Residential “Compact Development Option” row in the table and noting it with an “L” in the following Zoning Districts: R-4, R-6, R-10, RX-, OX-, NX-, CX-, IX- and cross reference it in the rightmost column of the table, “Definitions/Use Standards” to Sec. 6.1.2.K. In the row titled “Two-unit Living” in the column titled “R-1”, replace the “-“ with a “L”.

**Section 29.** Section 6.2.1. of the Part 10 Raleigh Unified Development Ordinance, Household Living, is hereby amended by removing the language shown in strikethrough and adding the language shown in underline:

**B. Two-Unit Living**

**1. Defined**

Two dwelling units in a single-principal structure

**2. Use Standards**

In the R-1 district, two-unit living is only permitted in association with the Tiny House building type.

...

**D. Multi-Unit Living**

**1. Defined**

Three or more dwelling units in a single principal structure. Multiple principal buildings are allowed on the same lot.

**2. Use Standards**

- a. In a Residential District where multi-unit living is allowed as a limited use, it is allowed only in a compact ~~or~~, conservation, or frequent transit development (see Article 2.3. Compact Development, ~~and~~ Article 2.4. Conservation Development, or Sections 2.7.1 Frequent Transit Development).
- b. In an IX- District where multi-unit living is allowed as a limited use, it is allowed only in the upper stories of a building. A lobby or other entrance is allowed on the ground floor.

...

**K. Frequent Transit Development Option**



**1. Defined**

A development where higher density and relaxed district standards may be utilized if the subject property is located within a Frequent Transit Area as designated in the City’s Comprehensive Plan encouraging higher density development as a way to focus density and growth towards areas with more intensive transit networks.

**2. Use Standards**

- a. This option may only be applied to properties shown within a Frequent Transit Area as designated in the City’s Comprehensive Plan.
- b. The development must meet the standards of either Sections 2.7.1. or 3.7.1., as applicable.

**Section 30.** Section 8.3.5.C.2. of the Part 10 Raleigh Unified Development Ordinance, Driveways for Residential Use, is hereby amended by adding the following language shown in underline:

Unless modified by a zoning condition contained in an adopted conditional zoning ordinance or a design alternate authorized in this UDO, the regulations in subsection C.2 shall apply.

- a. When an improved alley with a width of at least 20 feet is provided, all vehicular access shall take place from the alley. Access may be taken from the side street on corner lots.
- b. Except for townhouse lots, tiny house lots and flag lots (including their residual lots), all lots 40 feet or less in width platted after the effective date of this UDO are required to take vehicular access from an alley or a driveway shared with another lot.
- c. No residential lot may have more than 2 driveways on the same street. Multiple driveways that service 1 lot may be no closer than 40 feet to each other.
- d. Non-alley loaded driveways may intersect a street no closer than 20 feet from the intersection of 2 street rights-of-way.
- e. Parking and driveway areas shall not constitute more than 40% of the area between the front building line and the front property line with the exception of lots used for Tiny Houses (including Flag Lots).
- f. A driveway serving a tiny house lot or flag lot (including their residual lots) shall either be shared with another lot or meet the minimum spacing requirements as specified in the Raleigh Street Design Manual.

**Section 31.** Section 9.2.2.A.1.b.i. of the Part 10 Raleigh Unified Development Ordinance, Active Stormwater Control Measures - Exemptions - Grandfathered Lots, 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, tiny house or two unit townhouse development used for two unit living, including accessory uses.

**Section 32.** Section 9.2.2.A.2.b.i. of the Part 10 Raleigh Unified Development Ordinance, Active Stormwater Control Measures - Exemptions - Subdivided Lots, 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, tiny 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 33.** Section 9.2.2.A.4. of the Part 10 Raleigh Unified Development Ordinance, Active Stormwater Control Measures - Exemptions – Impervious Surfaces Limitations and Other Regulations, is hereby amended by deleting the language shown in strikethrough:

...

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 34.** 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, or tiny house or two unit townhouse development 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 35.** 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 or tiny 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 or tiny house and permitted accessory uses and structures. Construction of the single-unit living detached house or tiny house, or two-unit living attached house or tiny 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 36.** Chapter 12 of the Part 10 Raleigh Unified Development Ordinance, Definitions, is hereby amended by adding the following definition:

#### **Ribbon Driveway**

Also called “strip driveway,” a driveway that consists of two parallel strips of permanent non-erodible material (see *Sec. 7.1.9*) with groundcover or similar pervious material in between. One of the strips may be no more than 2’ wide while the other may be up to 4’ wide to accommodate pedestrian access and a 3’ wide median shall be maintained in either scenario.

**Section 37.** This text change has been reviewed by the Raleigh Planning Commission.

**Section 38.** This ordinance has been adopted following a duly advertised legislative hearing of the Raleigh City Council.

**Section 39.** This ordinance has been provided to the North Carolina Capital Planning Commission as required by law.

**Section 40.** 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 41.** This ordinance is effective 90 days after adoption.

**Adopted:**

**Effective:**

**Distribution: Young, Bowers, Crane, Walter; Waddell, Rametta, McDonald, Hodge, York, Puccini,  
Taylor, Sheppard  
City Attorney DL**