BACKYARD COTTAGES IN RALEIGH

BEFORE

Historically backyard cottages existed in Raleigh as accessory dwellings until they were outlawed in the early 1970's. Examples remain around Raleigh as non-conforming properties.

1970s

THE QUESTION OF OWNER OCCUPANCY

Graham Court Assoc. v. Town of Chapel Hill

NC Court of Appeals rules that munincipalities do not have the authority to regulate the manner of ownership.

"the only issue before this Court is whether the power to control the uses of property through zoning extends to control of the manner in which the property is owned."

"If a use is permitted, as here, it is beyond the power of the municipality to regulate the **manner of ownership** of the legal estate."

1981

City of Wilmington v. Hill

NC Court of Appeals reaffirms previous ruling that, according to NC General Statutes, cities can regulate use but not the manner of ownership.

"If a use is permitted, as here, it is beyond the power of the municipality to regulate the **manner of ownership** of the legal estate."

"North Carolina General Statutes, section 160A-381(a) grants the city the power to 'regulate and restrict the . . . **use** of buildings, structures and land."

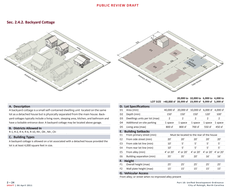
"impermissibly regulates the ownership rather than the use of defendant's property."

2008

THE DEBATE COMES TO RALEIGH

Raleigh Comprehensive Planning Committee releases a draft Unifed Development Ordinance, UDO, for public review

Contained within the proposal is a new set of regulations that would permit construction of Backyard Cottages in residential districts.



2011

Followed by Public Reactions

Some of which were negative...

"Will decrease greenspace and intensify noise and traffic."

"We do not need overcrowding with ill-built add-ons."

"It will turn neighborhoods into college rental zones."

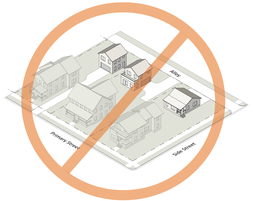
But some were also positive

"Creates opportunities to live close to family, friends, jobs and schools."

"Would allow people to age in-place."

"Provides flexibility in housing options."

Subsequently the provisions for backyard cottages in the UDO were eliminated, but with the understanding they could be revisited



2013

SOLUTIONS FOR RALEIGH

	CONCERNS	SOLUTIONS
OCCUPANCY	• Overcrowding • Non-owner occupancy	Restrict the number of unrelated indiduals on a lot to the current allowable total of 4, regardless of having a backyard cottage
APPEARANCE	• Substandard building construction • Unsightly property additions • Oversized secondary buildings • Overdensification of single family property	Regulate size and setbacks, and require that backyard cottage be consistant in appearance with the main dwelling
PRIVACY	• Unknown renters • Loss of backyard privacy	Setback restrictions and guidlines for windows and door placement to reduce views into neighboring lots and preserve existing lot conditions
PARKING	• Overcrowded streets • Increased street parking • Excessive front yard parking	Require an additional parking spot for each ADU to reduce any impact on street parking. Evidence from other cities suggest that ADUs have a negligible impact on vehicle density

Maximum Unrelated Occupants per Lot

Similar in Appearance to Main Dwelling

Restricted Size

Restricting Openings Away from Rear Lots

Portland, Oregon: Estimated Total Number of Vehicles in Single Family Residence Neighborhoods