



ATTACHMENT 5:

SMALL HOUSE/SMALL LOT TYPE: PROPOSED CONCEPT AND BACKGROUND INFORMATION

What is meant by small house versus tiny house?

While not currently defined in the Unified Development Ordinance (UDO), the Planning Department is proposing introducing a new housing type and lot type that would define a small house as one with a maximum of 800 SF and is less than 25 feet in height. This is contrast to the “tiny house” movement, which recently has a definition added to the International Residential Code, which defines a tiny house as “A dwelling that is 400 square feet or less in floor area excluding lofts.”

What is the smallest house that can legally be built?

The UDO currently does not have a definition for a tiny house or address minimum dwelling unit size. Rather, the NC Residential Building Code/Durham City Code of Ordinances (Article VI) requires minimum habitable space dimensions.

City/County Building Inspections estimated the smallest efficient studio-like design that could legally be built is between 200-300 SF. The smallest house to date permitted in Durham is approximately 480 SF.

Local examples

Chapel Hill – Pee Wee Homes Duplex



Durham – Habitat for Humanity Tiny House –
102 N Guthrie Street



Summary of Existing Zoning Regulations

- Currently there no special exceptions or accommodations for lot dimensions of small houses.
- A (one) small house could be built today:
 - On an already platted lot (or subdivided lot) that meets the dimensional standards of the zoning district and/or infill standards; or

- On a non-conforming lot that was platted prior to 2006 and is at least 35 ft. in width and on a publicly maintained street (14.3.2).
- A neighborhood (cluster) of small houses could be built today through:
 - **PDR Zoning.** PDR districts do not require a minimum lot size, only that building separation standards (10 ft.) are met and that setback standards are met. Recent changes to the UDO have eliminated the minimum overall project area in the Urban Tier, meaning that this option can be used more broadly; however, a re-zoning with a development plan is still required. Stormwater requirements would likely come into play.
 - **Apartment/Condo.** Multifamily would need to be a permitted use within the zoning district, but the UDO does not specify the “Apartment” housing type as being attached or detached; just that there are three or more units on a single parcel. These could be either for-sale condominiums or rental apartments. The commercial building code and stormwater requirements would likely come into play.

Considerations

- This offers people options who don't want to go through the process of building an ADU or of being a landlord to subdivide and sell a portion of their property. This option could help existing homeowners who are on the verge of being priced out, but who want to stay in their houses/neighborhoods a chance to realize some of the equity their property.
- This proposal may also offer less expensive home ownership opportunities, understanding the term “less expensive” may be relative.
- For deep lots, the Small house/Small lot option to be similar to an accessory dwelling unit, but with a different ownership pattern.
- For wide lots, the focus is maintaining street frontage context, while recognizing that a large lot is not necessary for homes under a certain size.
- As with other options, provisions allowing for more rooftops will have impacts upon other development aspects, such as stormwater and tree canopy.

Summary of Proposed Concept

- Consider housing type/lot dimensions specific to a “small house”. Considerations could be different for deep lots vs. wide lots. Considerations may also need to account for existing small houses.
- Consider flag lot standards.
- Consider allowing ‘by-right’ versus a process that could include rezoning or a special use permit.