



# MEMORANDUM

**TO:** Mayor and Members of the City Council

**FROM:** Montre' Freeman, City Manager  
Reginald Goodson, Community Development Director

**DATE:** June 21, 2024

**RE:** Consideration - Hold a Public Hearing - TA 06-24, R-4 Zoning District

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## **BACKGROUND:**

TA 06-24 is a proposal by Community Development staff to update the Unified Development Ordinance, specifically Article XI Development Standards, Article IX, Table 9-3-1, Table of Permissible Uses to create a new zoning district, R-4, for tiny home dwellings.

Councilman Gibbs introduced staff to two contractors from Virginia who build affordable single-family dwellings out of shipping containers. These developers have built container homes in Virginia, Georgia, and have plans to build in Ghana and other areas in Africa. These tiny homes don't require large lots to build on; the homes can be built on 4,000 square-foot lots. The small lots help to make the homes affordable for citizens who cannot afford traditional homes that are being built in conventional subdivisions in the city for \$300,000 to \$500,000.

The following cities have regulations for Tiny Homes:

### **Raleigh**

- *Limited to 800 square-feet footprint and 1200 square-feet in gross floor area.*
- *Limited 26-feet/two stories in height.*
- *Can contain one or two dwellings units.*
- *Can be located on a flag lot. This applies to the R-4, R-6, and R-10 zoning districts.*
- *Can be located on an otherwise smaller lot than a typical detached house i.e. smaller lot width, depth, and area. This does not apply to the R-1 zoning district.*
- *Can be constructed as a Manufactured Home, but if so, limited to 600 square-feet in size.*
- *All projects are reviewed for compliance with the Raleigh development code and North Carolina state building code.*

### **Greensboro**

- *Tiny houses must be at least 120 square-feet, ensuring adequate living space.*

- *The minimum ceiling height required is seven-feet, promoting comfort and functionality.*
- *Tiny houses are prohibited in floodplains or wetlands, prioritizing environmental preservation.*
- *They must maintain a minimum distance of 10-feet from the property line, ensuring privacy and adhering to land use.*
- *Tiny houses must adhere to the North Carolina Residential Code and other relevant building codes. This includes meeting water, sewer, and electricity connection requirements and promoting functionality and safety.*
- *Tiny Houses must feature at least one bathroom and one bedroom, meeting basic living standards. Additionally, they must have a fire escape or sprinkler system, prioritizing occupant safety.*

### **Jackson County**

- *A tiny home typically has a floor area of 60 to 400 square-feet.*
- *Each county in North Carolina has a different minimum small home size. A livable room in Jackson County needs to have a gross space of at least 120 square-feet. A minimum of 150 square-feet and an extra 100 square-feet for each new resident are essential in Wilmington and Charlotte.*

### **ANALYSIS:**

The zoning district with the smallest minimum lot size for a single-family dwelling is the R-6 zoning district. The R-6 zoning district allows a single-family detached dwelling on a 6,000 square-foot lot. Tiny homes have a maximum size of 700 square-feet and can be built on a 4,000 square-foot lot. The smaller lot size allows for more homes on the two-acre development and allows the developer to build a more affordable home.

### **Text Amendment:**

**Amend Article II Interpretations and Definitions §2-4 to add IX §2-4.179 as follows:**

**2-4.166 Residential District or Residential Zoning District.** Residential District or Residential Zoning District. The following general and conditional zoning districts: **R-4, Residential**, R-6, Residential; R-8, Residential; R-10, Residential; R15, Residential; AD, Apartment; RMH; Residential Manufactured Home; and PUDPDR, Planned Unit Development-Residential.

**2-4.209 Tiny Home.** A small residential dwelling unit that meets the North Carolina State Building Code. The home must be attached to the ground on a foundation or a slab and include a kitchen, bath room, and a bedroom. The home may be stick-built on site, modular home, or shipping container home. The size of the dwelling will not exceed 700 square-feet.

**Amend Article IX, Zoning districts as follows:**

**9-1.1 Residential District**



## (A) R-4 Residential District

The R-4 Residential District is primarily intended to accommodate a variety of high-medium density single-family detached dwellings including tiny homes as defined by Article II, Section 2-4.209, modular homes, and shipping container homes. Maximum densities within the R-4 District include approximately 11 dwelling units per gross acre for single-family detached dwellings. Other uses permitted are accessory uses and structures, home occupation, satellite dish antenna, swimming pool, and a church or other place of worship.

### Amend 9-3-1 Elizabeth City Table of Permitted Uses, Article IX §9-3.1

	REF.		ZONING DISTRICTS															
E TYPE	SIC	R-4	R-6	R-8	R-10	R-15	AD	RMH	CB	GB	O&I	HB	NB	CMU	I-1	I-2	PDR	PDM
Residential																		
Single-Family Detached Dwelling		D																

### Amend 9-4-1 Table of Density and Dimensional Requirements Residential Districts

#### Districts

	R-4	R-6	R-8	R-10	R-15	AD	RMH
Minimum Lot Size (Sq. Ft.)							
Single-Family Dwelling	4,000	6,000	8,000	10,000	15,000	6,000	6,000
Manufactured Home Lot	--	--	--	--	--	--	43,560
Manufactured Home Park	--	--	--	--	--	--	43,560
Two-Family Dwelling Unit	6,000	9,000	12,000	--	--	9,000	9,000
1 <sup>st</sup> Multi-family Dwelling Unit	28,750	43,560	--	--	--	6,000	--
Each Additional Multi-Family Dwelling Unit.	2,300	3,500	--	--	--	2,000	--
Permissible Nonresidential Use	4,000	6,000	8,000	10,000	25,000	6,000	6,000
Minimum Lot Width (Ft.)							
Single-Family Dwelling	40	50	65	65	90	50	50
Two-Family Dwelling	60	75	100	--	--	75	75
Multi-Family Dwelling	80	100	--	--	--	100	100
Permissible Nonresidential Use	80	100	100	100	100	100	100
Minimum Building Setback (Ft.) ←							
Single-family and Two Dwelling:							
Front Property Line	25	25	25	25	35	25	25
Side Property Line	5	7	7	7	10	7	7
Rear Property Line↑	20	25	25	25	25	25	25
Corner Yard	15	15	15	15	15	15	15
Multi-family Dwelling:							
Front Property Line	25	30	--	--	--	30	30
Side Property Line	25	30	--	--	--	30	30
Rear Property Line↑	25	30	--	--	--	30	30
Corner Yard	25	30	--	--	--	30	30
Permissible Nonresidential Use:							
Front Property Line	25	30	30	30	40	30	30
Side Property Line	15	15	15	15	15	15	15

Rear Property Line↑	25	30	30	30	45	30	30
Corner Yard	15	15	15	15	15	15	15
Maximum Building Height							
All Permissible Uses	40	40	40	40	40	40	40
Maximum Lot Coverage	50%	--	--	--	--	30%	--

**Amend Article XI Development Standards for Individual Uses, to create Article XI §11-4.91 Tiny Home as follows:**

**11-4.91     Tiny Home**

**(A) Where Required:**

R-4

**(B) Minimum Lot Area**

The use shall provide the minimum lot area as delineated for single-family dwellings in Table 9-4-1.

**(C) Minimum Development Area**

The minimum development area for a townhouse development area shall be two acres.

**(D) Recreational Space Requirements**

Each tiny home development shall provide recreational space in accordance with the requirements of Section 10-7.16.

***PLANNING COMMISSION RECOMMENDATION:***

The Planning Commission met on June 4, 2024, and voted unanimously to recommend that the City Council approve this text amendment.

***AT THE CONCLUSION OF THE PUBLIC HEARING:***

***STAFF RECOMMENDATION:***

By motion, adopt the attached ordinance for TA 06-24, amending the Unified Development Ordinance as related to creation of an R-4 zoning district for tiny homes.



CITY OF ELIZABETH CITY  
PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT  
STAFF ANALYSIS

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**Public Hearing Date:**

June 24, 2024

**Case No:**

TA 06-24

**Request:**

TA 06-24 is a proposal by the Community Development Staff to update the Unified Development Ordinance, specifically Article XI Development Standards, Article IX, Table 9-3-1, Table of Permissible Uses to create a new zoning district, R-4, tiny home dwellings.

**Background:**

Councilman Gibbs introduced staff to two contractors from Virginia that build affordable single-family dwellings out of shipping containers. These developers have built container homes in Virginia, Georgia, and have plans to build in Ghana and other areas in Africa. These tiny homes don't require large lots to build on, the homes can be built on 4,000 square-foot lots. The small lots help to make the homes affordable for citizens that cannot afford traditional homes that are being built in conventional subdivisions in the city for \$300,000 to \$500,000.

The following cities have regulations for Tiny Homes:

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- *Can be constructed as a Manufactured Home, but if so, limited to 600 square-feet in size.*
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**Greensboro**

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- *Tiny houses are prohibited in floodplains or wetlands, prioritizing environmental preservation.*
- *They must maintain a minimum distance of 10-feet from the property line, ensuring privacy and adhering to land use.*
- *Tiny houses must adhere to the North Carolina Residential Code and other relevant building codes. This includes meeting water, sewer, and electricity connection requirements and promoting functionality and safety.*





CITY OF ELIZABETH CITY  
PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT  
STAFF ANALYSIS

- *Tiny Houses must feature at least one bathroom and one bedroom, meeting basic living standards. Additionally, they must have a fire escape or sprinkler system, prioritizing occupant safety.*

**Jackson County**

- *A tiny home typically has a floor area of 60 to 400 square-feet.*
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**Analysis:**

The zoning district with the smallest minimum lot size for a single-family dwelling is the R-6 zoning district. The R-6 zoning district allows a single-family detached dwelling on a 6,000 square-foot lot. Tiny homes have a maximum size of 700 square-feet and can be built on a 4,000 square-foot lot. The smaller lot size allows for more homes on the 2-acre development and allows the developer to build homes at affordable price.

**Text Amendment:**

**Amend Article II Interpretations and Definitions §2-4 to add IX §2-4.179 as follows:**

- 2-4.166 Residential District or Residential Zoning District.** Residential District or Residential Zoning District. The following general and conditional zoning districts: **R-4, Residential**, R-6, Residential; R-8, Residential; R-10, Residential; R15, Residential; AD, Apartment; RMH; Residential Manufactured Home; and PUDPDR, Planned Unit Development-Residential.
- 2-4.209 Tiny Home.** A small residential dwelling unit that meets the North Carolina State Building Code. The home must be attached to the ground on a foundation or a slab and include a kitchen, bath room, and a bedroom. The home may be stick-built on site, modular home, or shipping container home. The minimum size of the dwelling is 300 square feet and the maximum size is 700 square-feet.

**Amend Article IX, Zoning districts as follows:**

**9-1.1 Residential District**

**(A) R-4 Residential District**

The R-4 Residential District is primarily intended to accommodate a variety of high-medium density single-family detached dwellings including tiny homes as defined by Article II, Section 2-4.209, modular homes, and shipping container homes. Maximum densities within the R-4 District include approximately 11 dwelling units per gross acre for single-family detached dwellings. Other uses permitted are accessory uses and structures, home occupation, satellite dish antenna, swimming pool, and a church or other place of worship.



CITY OF ELIZABETH CITY  
PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT  
STAFF ANALYSIS

**Amend 9-3-1 Elizabeth City Table of Permitted Uses, Article IX §9-3.1**

	REF.		ZONING DISTRICTS															
SE TYPE	SIC	R-4	R-6	R-8	R-10	R-15	AD	RMH	CB	GB	O&I	HB	NB	CMU	I-1	I-2	PDR	PD
Residential Uses																		
Single-Family Detached Dwelling		D	Z															

**Amend 9-4-1 Table of Density and Dimensional Requirements  
Residential Districts**

	R-4	R-6	R-8	R-10	R-15	AD	RMH
Minimum Lot Size (Sq. Ft.)							
Single-Family Dwelling	4,000	6,000	8,000	10,000	15,000	6,000	6,000
Manufactured Home Lot	--	--	--	--	--	--	43,560
Manufactured Home Park	--	--	--	--	--	--	43,560
Two-Family Dwelling Unit	6,000	9,000	12,000	--	--	9,000	9,000
1 <sup>st</sup> Multi-family Dwelling Unit	21,780	43,560	--	--	--	6,000	--
Each Additional Multi-Family Dwelling Unit.	1,700	3,500	--	--	--	2,000	--
Permissible Nonresidential Use	4,000	6,000	8,000	10,000	25,000	6,000	6,000
Minimum Lot Width (Ft.)							
Single-Family Dwelling	40	50	65	65	90	50	50
Two-Family Dwelling	60	75	100	--	--	75	75
Multi-Family Dwelling	80	100	--	--	--	100	100
Permissible Nonresidential Use	80	100	100	100	100	100	100
Minimum Building Setback (Ft.) ←							
Single-family and Two Dwelling:							
Front Property Line	25	25	25	25	35	25	25
Side Property Line	5	7	7	7	10	7	7
Rear Property Line↑	20	25	25	25	25	25	25
Corner Yard	15	15	15	15	15	15	15
Multi-family Dwelling:							
Front Property Line	25	30	--	--	--	30	30
Side Property Line	25	30	--	--	--	30	30
Rear Property Line↑	25	30	--	--	--	30	30
Corner Yard	25	30	--	--	--	30	30
Permissible Nonresidential Use:							
Front Property Line	25	30	30	30	40	30	30
Side Property Line	15	15	15	15	15	15	15
Rear Property Line↑	25	30	30	30	45	30	30
Corner Yard	15	15	15	15	15	15	15
Maximum Building Height							
All Permissible Uses	40	40	40	40	40	40	40
Maximum Lot Coverage	50%	50%	--	--	--	30%	--
Minimum Lot Depth 75	100	150	--	--	--	--	--





CITY OF ELIZABETH CITY  
PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT  
STAFF ANALYSIS

**Amend Article XI Development Standards for Individual Uses, to create Article XI  
§11-4.91 Tiny Home as follows:**

**11-4.91 Tiny Home**

- (A) Where Required:**  
R-4, and R-6 districts.
- (B) Minimum Lot Area**  
The use shall provide the minimum lot area as delineated for single-family dwellings in Table 9-4-1.
- (C) Minimum Development Area**  
The minimum development area for a tiny house development shall be two acres.
- (D) Recreational Space Requirements**  
Each tiny home development shall provide recreational space in accordance with the requirements of Section 10-7.16.

**RECOMMENDATION:**

The Planning Commission met on June 4, 2024 and unanimously voted to recommend that the City Council approve this text amendment. Staff recommends approval too.





**ORDINANCE # 2024-06-03**  
**Approving Text Amendment 06-24**  
**To Amend the UDO**  
**Specifically Article II Interpretations and Definitions**  
**To Add IX 2-4.179**  
**Article IX, Zoning Districts**  
**Table 9-3-1 Table of Permissible Uses**  
**Table 9-4-1 Table of Density and Dimensional Requirements**  
**And Article XI Development Standards**

**WHEREAS**, interest has been expressed in amending the Unified Development Ordinance for the purpose of adding language to define and regulate a new zoning district, R-4, for the purpose of tiny home dwellings; and

**WHEREAS**, City staff researched other municipalities and believes it is important to amend the text to establish zoning regulations for these tiny homes as average sized homes have grown exorbitantly in price and are out of reach for many people; and

**WHEREAS**, the Planning Commission unanimously recommended the City Council approve the text amendment to the UDO during their June 4, 2024 discussion; and

**WHEREAS**, this text amendment serves to establish the R-4 Residential District, which will accommodate primarily modular or shipping container homes; and

**WHEREAS**, the City Council called for a public hearing on TA 06-24 on June 10, 2024, which was subsequently held after requisite advertisement on June 24<sup>th</sup>, 2024, and during which a quorum of the board was present; and

**WHEREAS**, the City Council of the City of Elizabeth City approved the action to record the following changes to the UDO:

**TA 06-24**  
**Text Amendment:**

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built on site, modular home, or shipping container home. The minimum size of the dwelling is 300 square feet and the maximum size is 700 square-feet.

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Minimum Building Setback (Ft.) ←							
Single-family and Two Dwelling:							
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Side Property Line	5	7	7	7	10	7	7
Rear Property Line↑	20	25	25	25	25	25	25
Corner Yard	15	15	15	15	15	15	15
Multi-family Dwelling:							
Front Property Line	25	30	--	--	--	30	30
Side Property Line	25	30	--	--	--	30	30
Rear Property Line↑	25	30	--	--	--	30	30
Corner Yard	25	30	--	--	--	30	30
Permissible Nonresidential Use:							
Front Property Line	25	30	30	30	40	30	30



Side Property Line	15	15	15	15	15	15	15
Rear Property Line†	25	30	30	30	45	30	30
Corner Yard	15	15	15	15	15	15	15
Maximum Building Height							
All Permissible Uses	40	40	40	40	40	40	40
Maximum Lot Coverage	50%	50%	--	--	--	30%	--
Minimum Lot Depth 75	100	150	--	--	--	--	--

**Amend Article XI Development Standards for Individual Uses, to create Article XI §11-4.91 Tiny Home as follows:**

**11-4.91 Tiny Home**

- (A) Where Required:**  
R-4, and R-6 districts.
- (B) Minimum Lot Area**  
The use shall provide the minimum lot area as delineated for single-family dwellings in Table 9-4-1.
- (C) Minimum Development Area**  
The minimum development area for a tiny house development shall be two acres.
- (D) Recreational Space Requirements**  
Each tiny home development shall provide recreational space in accordance with the requirements of Section 10-7.16.

**NOW THEREFORE, BE IT ORDAINED** that the City Council of the City of Elizabeth City does hereby amend the above text of the Unified Development Ordinance.

**ADOPTED,** this the 24<sup>th</sup> day of June 2024 to become effective upon the signing of this ordinance.

\_\_\_\_\_  
E. Kirk Rivers  
Mayor

*Attest:*

\_\_\_\_\_  
April Onley, NCCMC  
City Clerk