Neighborhood Conservation in the Unified Development Ordinance

Ken Bowers, AICP
Planning Director
Overview

• Zoning authority in North Carolina
• Residential zoning districts
• Infill development standards
• Neighborhood Conservation Overlay Districts
• Historic Overlay Districts
History of Zoning

• 1916 New York City Zoning Resolution
• 1923 Standard State Enabling Act (U.S. Chamber of Commerce)
• 1926 U.S. Supreme Court upholds zoning in Euclid v. Ambler
• 1930 all states have adopted some form of the enabling act
Purposes of Zoning

• Traditional
  – Health, safety, welfare
  – Light, air, open space
  – Congestion, overcrowding
  – Appropriate use of land

• Nouveau
  – Aesthetics
  – Community character
  – Economic development
  – Growth management
Zoning regulations shall be designed to promote the public health, safety, and general welfare. To that end, the regulations may address, among other things, the following public purposes: to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to lessen congestion in the streets; to secure safety from fire, panic, and dangers; and to facilitate the efficient and adequate provision of transportation, water, sewerage, schools, parks, and other public requirements. The regulations shall be made with reasonable consideration, among other things, as to the character of the district and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout such city.
Prohibited Residential Regulations

- Exterior building color
- Type or style of exterior cladding material
- Style or materials of roof structures or porches
- Exterior nonstructural architectural ornamentation
- Location or architectural styling of windows and doors, including garage doors
- The number and types of rooms
- The interior layout of rooms.
# Permitted uses in R Zones

<table>
<thead>
<tr>
<th></th>
<th>Detached</th>
<th>Attached</th>
<th>Townhouse</th>
<th>Apartment</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>R-1</strong></td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>R-2</strong></td>
<td>✓</td>
<td>C</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>R-4</strong></td>
<td>✓</td>
<td>C</td>
<td>C</td>
<td></td>
</tr>
<tr>
<td><strong>R-6</strong></td>
<td>✓</td>
<td>✓</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td><strong>R-10</strong></td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
</tbody>
</table>

✓ = Principle permitted use  
C = Conservation Subdivision Only
## Bulk standards in R Zones

<table>
<thead>
<tr>
<th></th>
<th>R-4</th>
<th>R-6</th>
<th>R-10</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Lot area</strong></td>
<td>10,000</td>
<td>6,000</td>
<td>4,000</td>
</tr>
<tr>
<td><strong>Lot width</strong></td>
<td>65</td>
<td>50</td>
<td>40</td>
</tr>
<tr>
<td><strong>Principal Building Setbacks</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Front</td>
<td>20</td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td>Side</td>
<td>10</td>
<td>5 - 15</td>
<td>5 - 10</td>
</tr>
<tr>
<td>Rear</td>
<td>30</td>
<td>20</td>
<td>20</td>
</tr>
<tr>
<td><strong>Accessory Structure Setbacks</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Front</td>
<td>50</td>
<td>50</td>
<td>50</td>
</tr>
<tr>
<td>Side</td>
<td>20</td>
<td>5</td>
<td>20</td>
</tr>
<tr>
<td>Rear</td>
<td>5</td>
<td>5</td>
<td>5</td>
</tr>
<tr>
<td><strong>Structure Height</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Principal</td>
<td>45'/3 stories</td>
<td>45'/3 stories</td>
<td>45'/3 stories</td>
</tr>
<tr>
<td>Accessory</td>
<td>25'</td>
<td>25'</td>
<td>25'</td>
</tr>
</tbody>
</table>
Residential Infill Compatibility

• Applies in R-4, R-6 or R-10 district where:
  – The total site area is 5 acres or less;
  – At least 50% of the side and rear property lines abut existing detached or attached building types
  – The lot must have been recorded for at least 20 years, including subsequent recombinations or subdivisions of the original lot.
Contextual Setbacks
Side Wall Height

- 22’ or average of adjoining sidewalls
- Exceptions for side-gabled roofs and dormers
- Additional height with additional setback
Side Wall Length

- Articulation is required for side walls on additions or new construction that are 22 feet or taller and located within 15 feet of the side lot line.
Neighborhood Conservation Overlay Districts (NCODs)

1. Required minimum net area
2. Maximum residential density
3. Setbacks
4. Height
5. Vehicular surface areas.
Sample NCOD: Laurel Hills

<table>
<thead>
<tr>
<th></th>
<th>R-4</th>
<th>NCOD</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum lot size (square feet)</td>
<td>10,000</td>
<td>21,780</td>
</tr>
<tr>
<td>Minimum lot frontage (feet)</td>
<td>20</td>
<td>45</td>
</tr>
<tr>
<td>Minimum lot width (interior/corner)</td>
<td>65/80</td>
<td>100</td>
</tr>
<tr>
<td>Front yard setback (feet)</td>
<td>20</td>
<td>50</td>
</tr>
<tr>
<td>Maximum building height (feet)</td>
<td>40</td>
<td>35</td>
</tr>
</tbody>
</table>
NCOD Process

1. Petition City Council
2. Neighborhood study
3. UDO Text Change petition
4. Rezoning petition
   1. 15 contiguous acres, 75% developed
   2. Signed by majority of property owners
Historic Overlay Zoning

- Certificate of Appropriateness (COA) review for new construction, additions, alternations, demolition, and moves
- Building height & placement can vary from base zoning
- Demolition of an historic structure can be delayed up to one year
Eligibility & Boundaries

• Based on an investigation and report describing the significance of the buildings, structures, features, sites or surroundings and a description of the boundaries of the district

• Review by the Historic Development Commission, NC Department of Cultural Resources, and Planning Commission (optional)
HOD process

- Investigation & report of historic significance
- RHDC recommends boundaries
- Application is typically city-initiated
- Remaining process is similar to any other city-initiated rezoning
Thanks!
Neighborhood Conservation District (NCOD)

PNC Neighborhood Character Discussion
June 6, 2016

Bynum Walter, AICP
Senior Planner
Agenda

• What is an NCOD?

• Creating a new NCOD
What is an NCOD?

• Neighborhood Conservation District

• Overlay zoning district

• Regulation in addition to base zoning
  ▫ Every property has zoning
  ▫ Zoning regulates things like lot size, building setbacks, building height, and permitted uses
What is an NCOD?

- Specific development standards for an identified neighborhood
- Intended to preserve the built character of an area
- 17 NCODs in current code + 1 being considered
What can an NCOD regulate?

- Measurable features
- Lot size, width, frontage
- Maximum residential density
- Setbacks – front, back, and side; varies for midblock or corner lots
- Height
- Vehicular surface area
What can’t an NCOD regulate?

- Qualitative features
- Tree preservation and landscaping
- Building style or character
- Materials
NCOD Requirements

Minimum qualifications:

• At least 15 acres in area
• At least 75% of lots are already developed
How to Create an NCOD

3-Part Process

1. Built Environmental Characteristics Study

2. Text Change - Define the NCOD and add to city code

3. Rezone – apply to property
Part 1: Study

- Built Environmental Characteristics Study
  
  - Requested by Citizens Petition – studies measurable features of neighborhood
  
  - What features are common today? What is the predominant character?
  
  - Results presented to neighborhood meeting of affected property owners, then City Council
Part 2: Text Change

- Authorized by City Council
- Proposed language reviewed by Planning Commission and City Council
- Decision process includes Public Hearing
Part 3: Rezoning

- Rezoning application signed by more than 50% of affected property owners
- Requires neighborhood meeting with affected property owners
- Reviewed by Planning Commission and City Council
- Decision process includes Public Hearing
Thanks!

Read more in UDO Sec. 5.4.3. Neighborhood Conservation District (-NCOD)

Learn about NCOD in process, visit www.RaleighNC.gov, search for North Ridge South NCOD

bynum.walter@raleighnc.gov
919-996-2178
Historic Overlay Districts (HOD-G and HOD-S)

PNC Neighborhood Character Discussion
June 6, 2016

Tania Georgiou Tully
Preservation Planner
Agenda

• What is an HOD?
• Two types of HOD
• Creating a new HOD
What is an HOD?

- Intended to preserve and protect the built character of an area with special significance in history, prehistory, archaeology, architecture, culture

- Historic Overlay District

- General development standards (*Design Guidelines for Raleigh Historic Districts*) for all districts with Special Character Essays for the specific neighborhoods
What can an HOD regulate?

- Exterior changes including:
  - Building form
  - Roof shape
  - Design elements
  - Setbacks
  - Height
  - Materials
  - Demolition
  - Tree removal
  - Color (except HOD-S)
  - And more
What can’t an HOD regulate?

- Use
- Lot size
How is an HOD regulated?

• Certificate of Appropriateness (COA) Process

• Two levels of review
  ▫ Major Work (evidentiary hearing)
  ▫ Minor Work (administrative approval)

• Design Review
Two types of HOD

- **General Historic Overlay District**
  - All exterior changes require a COA
  - Oakwood, Boylan Heights, Prince Hall, Blount Street, Moore Square, Capitol Square

- **Streetside Historic Overlay District**
  - Exterior changes proposed that are visible from the street (as defined in UDO) required COA
  - Glenwood-Brooklyn
Streetside HOD

- What is considered visible from the street?
  - The yard up to the front wall of the house;
  - First 25% of the depth of the lot for vacant lots;
  - First 50% of the depth of the house;
  - Additions that are taller or wider than the existing house;
  - New house on a vacant lot;
  - Accessory building in side yards.
HOD Requirements

Special significance in terms of:

- history, prehistory, archaeology, architecture, culture

Possess integrity of:

- design, setting, materials, feeling and association
How to Create an HOD

1. Required investigation and report describing the significance

2. Report review by RHDC & SHPO

3. Rezone – apply to property
Investigation and Report

- Neighborhood or City Council initiated
- Prepared by an architectural historian
- Results presented to Raleigh Historic Development Commission
RHDC Vote & Referral

- Raleigh Historic Development Commission vote
  - If found to meet the criteria for designation, demolitions are subject to a possible 180-day delay

- Referred to City Council

- City Council refers to State Historic Preservation Office (SHPO)

- SHPO provides comments within 30-days
Rezoning

- Rezoning application with report and investigation and SHPO comments
- Requires neighborhood meeting with affected property owners
- Reviewed by Planning Commission and City Council
- Decision process includes Public Hearing (No required percentage property owner buy-in. City Council discretion.)
Thanks!

Read more in UDO Sec. 5.4.1. General Historic Overlay District (-HOD-G) and 5.4.2 Streetside Historic Overlay District (-HOD-S)

To learn more about overlays, visit www.RaleighNC.gov and search for “Character Preservation.”

tania.tully@raleighnc.gov
919-996-2674