

**ORDINANCE NO. 2017 – 679 TC 391
TC-5-17**

AN ORDINANCE TO AMEND SECTION 5.4.3.F.2.a.v. OF RALEIGH CITY CODE PART 10, RALEIGH UNIFIED DEVELOPMENT ORDINANCE, TO AMEND THE MAXIMUM BUILDING HEIGHT REGULATIONS FOR THE CAMERON PARK NEIGHBORHOOD CONSERVATION OVERLAY DISTRICT (NCOD) SO THAT THE THE MAXIMUM HEIGHTS FOR THE CORE AREA ARE INCREASED BY EIGHT (8) FEET IN RESPONSE TO THE CHANGE IN MEASUREMENT METHODOLOGY INTRODUCED BY THE UNIFIED DEVELOPMENT ORDINANCE

WHEREAS, the City of Raleigh has determined that the Cameron Park Neighborhood height standards contain heights that were developed under different measurement techniques that were only taken at the mid-point of a roof; and

WHEREAS, the City of Raleigh has determined that under the current measurement techniques set forth in the Unified Development Ordinance, the regulations no longer allow houses to be built to the heights that were anticipated by residents within the Neighborhood Conservation Overlay when the NCOD Neighborhood Built Environmental Characteristics and Regulations for this area were originally adopted; and

WHEREAS, the City of Raleigh has determined it appropriate to set a maximum height measurement that reflects the predominant representation of the lots in the neighborhood (predominant meaning greater than 75%); and protect the character of the neighborhood as it relates to maximum building heights; and

WHEREAS, the City of Raleigh has determined it appropriate to protect and conserve the City's existing single-family neighborhoods and ensure that their zoning reflects their established scale and built character; and

WHEREAS, the City of Raleigh has determined it appropriate to carefully manage the development of vacant land and the alteration of existing structures in and adjacent to single-family neighborhoods to protect character and maintain neighborhood scale.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH THAT:

Section 1. Sec. 5.4.3.F.2.a.v. of Part 10 of the Raleigh City Code, Raleigh Unified Development Ordinance, Cameron Park Neighborhood, is hereby amended is hereby amended by insertion of the following underlined provisions and deleting the language shown with a strike-through:

2. Cameron Park Neighborhood

a. Core Area

- i. Maximum lot size: 21,779 square feet.
- ii. Front yard setback: Within 10% of the average front yard setback of houses on the same block face. No portion of any garage or carport shall protrude beyond the primary facade of the principal structure. Covered porches shall be considered part of the primary facade. For corner lots with driveway access from the secondary side, attached garage entrances must be set back at least 10 feet from the secondary side building elevation. A secondary side elevation is the alternative side of a corner lot house that faces a roadway, but does not include a primary entrance to the house.
- iii. Side yard setback: Within 5 feet of the average side yard setback and corner side yard setback of other properties on the block face, but no less than 5 feet.
- iv. Setback for accessory structures: Side and rear yard setbacks for accessory structures, including those greater than 150 square feet shall be a minimum of 3 feet.
- v. Maximum building height: ~~30~~ 38 feet with the exception of those lots fronting on Park Drive between Oberlin Road and Forest Road (except the lots fronting the south side of Park Drive, between Oberlin Road and Groveland Avenue), all lots fronting on West Johnson Street and on the south side of Peace Street, and the 3 lots fronting the south side and the 4 lots fronting the north side of Park Drive immediately west of St. Mary's Street (Wake County Registry: DB 08350, PG 1823; DB 02660, PG O-E-; DB 11659, PG 1800; DB 02425, PG 0670; DB 12811, PG 0908; DB 07129, PG 0713; DB 09060, PG 1175), which shall be limited to a maximum building height of ~~26~~ 34 feet.
- vi. Building placement and building entrance: The orientation of the building and entry level of the main entrance to the building shall be located in a manner that is the same as the majority of the buildings on the block face.
- vii. Vehicular surface areas: New driveways onto public streets shall not be allowed for lots adjacent to alleys. Within that portion of the front yard area (as measured perpendicular to the right-of-way), between the principal building and the public street, new vehicular surface area shall not be permitted except where there are no adjacent alleys and when driveways are constructed alongside the house in the shortest practical distance from the right-of-way to the rear of the building. Parking areas and any other vehicular surface area installed prior to the August 3, 2010 shall not be deemed a zoning nonconformity. No vehicular entrance to a garage attached to the principal structure shall face the front yard. Maximum

driveway width shall be limited to 12 feet for single driveways and 20 feet for shared driveways.

b. Transition Area B

- i. Maximum building height: 40 feet when located within 75 feet of an adjacent Core Area lot.

Section 2. All laws and clauses of laws in conflict herewith are repealed to the extent of such conflict.

Section 3. If this ordinance or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given separate effect and to this end the provisions of this ordinance are declared to be severable.

Section 4. This text change has been reviewed by the Raleigh City Planning Commission.

Section 5. This ordinance has been adopted following a duly advertised public hearing of the Raleigh City Council.

Section 6. This ordinance has been provided to the North Carolina Capital Commission as required by law.

Section 7. 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 8. This ordinance is effective 5 days after adoption.

ADOPTED: March 7, 2017

EFFECTIVE: March 12, 2017

DISTRIBUTION: Planning – Bowers, Crane, Hodge, Mitchell, Anagnost
City Attorney – Seymour, Hargrove-Bailey
Management Team
Transcription Services – Taylor

Prepared by the Department of City Planning



Certified Recommendation

Raleigh Planning Commission

CR# 11757

Case Information: TC-5-17 / Cameron Park NCOD – Building Height

Comprehensive Plan Guidance

<p><i>Applicable Policy Statements</i></p>	<p>Policy LU 8.3 Conserving, Enhancing, and Revitalizing Neighborhoods Recognize the importance of balancing the need to increase the housing supply and expand neighborhood commerce with the parallel need to protect neighborhood character, preserve historic resources, and restore the environment.</p> <p>Policy LU 8.5 Conservation of Single-Family Neighborhoods Protect and conserve the City’s single-family neighborhoods and ensure that their zoning reflects their established low density character. Carefully manage the development of vacant land and the alteration of existing structures in and adjacent to single-family neighborhoods to protect low density character, preserve open space, and maintain neighborhood scale.</p> <p>Policy LU 8.12 Infill Compatibility Vacant lots and infill sites within existing neighborhoods should be developed consistently with the design elements of adjacent structures, including height, setbacks, and massing through the use of zoning tools including Neighborhood Conservation Overlay Districts.</p>
<p><i>Action Items</i></p>	<p>Action HP 2.7 Applying Zoning Regulations and Planning Tools Use Historic Overlay Districts, Neighborhood Conservation Overlay Districts, and other zoning regulations and planning tools in response to neighborhood requests for protection and conservation.</p>

Summary of Text Change

<p><i>Summary</i></p>	<p>Amends Section 5.4.3.F.2.a.v. of the Part 10A Raleigh Unified Development Ordinance, Cameron Park Neighborhood Core Area–Maximum Building Height, to increase the maximum building height by 8 feet to reflect a change in how the City measures building height.</p>
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Summary of Impacts

<p><i>Impacts Identified</i></p>	<p><u>Adoption of TC-5-17:</u></p> <ol style="list-style-type: none"> 1. The adoption of the text change would increase the maximum building heights allowed in the core area of the Cameron Park NCOD by 8 feet.
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	<p>2. The adoption of this text change would set a maximum height of 38' for the majority of the core area and 34' for the specific lots noted therein.</p> <p><u>No Action:</u></p> <p>1. The maximum building heights allowed under the pre-UDO measurement technique could not be achieved if the specific height measurements are not increased.</p>
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Public Meetings

<i>Submitted</i>	<i>Committee</i>	<i>Planning Commission</i>	
		2-14-17	Approval

Attachments

1. Draft Ordinance

Planning Commission Recommendation

<i>Recommendation</i>	Approval
<i>Findings & Reasons</i>	
<i>Motion and Vote</i>	Motion: Terando Second: Fluhrer Approval: Alcine, Braun, Fluhrer, Hicks, Jeffreys, Lyle, Queen, Swink and Terando

This document is a true and accurate statement of the findings and recommendations of the Planning Commission. Approval of this document incorporates all of the findings of the attached Staff Report.

			2/14/17
Planning Director	Date	Planning Commission Chairperson	Date
Staff Coordinator:	Eric Hodge: eric.hodge@raleighnc.gov		



Zoning Staff Report – TC-5-17

Cameron Park NCOD – Building Height

Request

<i>Section Reference</i>	Part 10A Unified Development Ordinance §5.4.3.F2.a.v., Cameron Park Neighborhood – NCOD: Maximum Building Height
<i>Basic Information</i>	Amends the Part 10A Raleigh Unified Development Ordinance to specify a maximum building height of 38' and 34' for buildings in those specified core areas of the original Cameron Park NCOD.
<i>PC Recommendation Deadline</i>	

Comprehensive Plan Guidance

<i>Applicable Policies</i>	<p>Policy LU 8.3 Conserving, Enhancing, and Revitalizing Neighborhoods Recognize the importance of balancing the need to increase the housing supply and expand neighborhood commerce with the parallel need to protect neighborhood character, preserve historic resources, and restore the environment.</p> <p>Policy LU 8.5 Conservation of Single-Family Neighborhoods Protect and conserve the City's single-family neighborhoods and ensure that their zoning reflects their established low density character. Carefully manage the development of vacant land and the alteration of existing structures in and adjacent to single-family neighborhoods to protect low density character, preserve open space, and maintain neighborhood scale.</p> <p>Policy LU 8.12 Infill Compatibility Vacant lots and infill sites within existing neighborhoods should be developed consistently with the design elements of adjacent structures, including height, setbacks, and massing through the use of zoning tools including Neighborhood Conservation Overlay Districts.</p>
<i>Action Items</i>	<p>Action HP 2.7 Applying Zoning Regulations and Planning Tools Use Historic Overlay Districts, Neighborhood Conservation Overlay Districts, and other zoning regulations and planning tools in response to neighborhood requests for protection and conservation.</p>

Contact Information

<i>Staff Coordinator</i>	Eric Hodge: eric.hodge@raleighnc.gov ; 919.996.2639
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History/Overview

This text change was initiated by the City Council in response to concerns raised by the Cameron Park Neighborhood Association who expressed concern that the height measurement technique set forth in the Unified Development Ordinance would no longer allow buildings to be constructed to heights that were permissible under the former Part10 Zoning Code

Purpose and Need

The Cameron Park NCOD has specific height maximums listed in feet that were derived, agreed upon and adopted when the building height measurement technique was to the mid-point of the roof. The UDO utilizes a building height maximum that is more intuitive: to the peak of the roof. This change in methodologies, without changing the numbers found within the pre-existing Cameron Park NCOD, has resulted in an indirect shortening of the building heights that would have previously been allowed pre-UDO.

Alternatives Considered

Failed TC-10-16: Would have amended the Part 10A Raleigh Unified Development Ordinance to specify maximum building height in 14 specific older NCODs is measured to the mid-point of the roof rather than the roof peak.

Scoping of Impacts

Potential adverse impacts of the proposed text change have been identified as follows:

None

The adverse impacts of taking no action (retaining the existing regulations) have been identified as follows:

Buildings in the Cameron Park NCOD would not be able to be built to the heights that they could have been before the UDO was applicable to the property. Maximum building heights would be reduced by ½ of the roof height from what would have been allowed previously.

Impacts Summary

Adoption of Proposed Text Change

The adoption of the text change would restore the maximum building heights that were previously allowed under the former Part 10 Zoning Code methodology that was in place when the actual height numbers, in terms of feet, were derived, agreed upon and adopted thereby restoring the original outcome of the original NCOD Built Environmental Characteristics and regulations of the Cameron Park NCOD.

No action

Buildings in the Cameron Park NCOD wouldn't be able to be constructed to the agreed upon heights that were allowed pre-UDO. As a result, new structures would be shorter than what was previously allowed before the application of the UDO.