



RALEIGH PLANNING COMMISSION CERTIFIED RECOMMENDATION

CR#

CASE INFORMATION: TC-7-19 INFILL SUBDIVISIONS & RECOMBINATIONS

COMPREHENSIVE PLAN GUIDANCE

Applicable Policy Statements	
	<p>Policy LU 2.1 Placemaking</p> <p>Development within Raleigh’s jurisdiction should strive to create places, streets, and spaces that in aggregate meet the needs of people at all stages of life, are visually attractive, safe, accessible, functional, inclusive, have their own distinctive identity, and maintain or improve local character.</p>
	<p>Policy LU 2.2 Compact Development</p> <p>New development and redevelopment should use a more compact land use pattern to support the efficient provision of public services, improve the performance of transportation networks, preserve open space, and reduce the negative impacts of low intensity and non-contiguous development.</p>
	<p>Policy LU 4.7 Capitalizing on Transit Access</p> <p>Sites within a half-mile of planned and proposed fixed guideway transit stations should be developed with intense residential and mixed-uses to take full advantage of and support the City and region’s investment in transit infrastructure.</p>
	<p>Policy LU 5.1 Reinforcing the Urban Pattern</p> <p>New development should be visually integrated with adjacent buildings, and more generally with the surrounding area. Quality design and site planning is required so that new development opportunities within the existing urban fabric of Raleigh are implemented without adverse impacts on local character and appearance.</p>

Policy LU 5.6 Buffering Requirements

New development adjacent to areas of lower intensity should provide effective physical buffers to avoid adverse effects. Buffers may include larger setbacks, landscaped or forested strips, transition zones, fencing, screening, height and/or density step downs, and other architectural and site planning measures that avoid potential conflicts.

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.

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.

Policy LU 8.6 Teardowns

Discourage the replacement of quality homes in good physical condition with new homes that are substantially larger, taller, and bulkier than the prevailing building stock.

Policy LU 8.10 Infill Development

Encourage infill development on vacant land within the City, particularly in areas where there are vacant lots that create "gaps" in the urban fabric and detract from the character of a commercial or residential street. Such development should complement the established character of the area and should not create sharp changes in the physical development pattern.

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.

Policy T 1.5 Context Sensitive Road Design

“Context Sensitive” approaches shall be used for new roadways or widening of existing roads to minimize impacts to historic business districts and neighborhoods and sensitive natural areas (particularly in watershed protection, conservation management and metro park protection areas).

Policy H 1.5 Scattered Site Infill

Support small, scattered-site rental developments on infill lots where appropriate and where design respects the neighborhood scale and context.

Policy H 1.8 Zoning for Housing

Ensure that zoning policy continues to provide ample opportunity for developers to build a variety of housing types, ranging from single-family to dense multi-family. Keeping the market well supplied with housing will moderate the costs of owning and renting, lessening affordability problems, and lowering the level of subsidy necessary to produce affordable housing.

Policy UD 1.1 Protecting Neighborhood Identity

Use Neighborhood Conservation Overlay Districts (NCOD), Historic Overlay Districts (HOD), or rezonings to retain the character of Raleigh's existing neighborhoods and strengthen the sense of visual order and stability.

Policy UD 5.1 Contextual Design

Proposed development within established neighborhoods should create or enhance a distinctive character that relates well to the surrounding area.

	<p>Policy HP 1.1 Stewardship of Place</p> <p>Foster stewardship of neighborhood, place, and landscape as the City grows and develops.</p> <p>Policy HP 2.4 Protecting Historic Neighborhoods</p> <p>Protect the scale and character of the City’s historic neighborhoods while still allowing compatible and context-sensitive infill development to occur.</p> <p>Policy HP 2.5 Conserving Older Neighborhoods</p> <p>Develop plans and programs to conserve older neighborhoods that have a unique scale and identity, but are not yet protected by an overlay district.</p>
<p>Action Items</p>	<p>Action HP 2.7 Applying Zoning Regulations and Planning Tools</p> <p>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

This text change proposes a regulatory framework for addressing the subdivision of lots in existing residential neighborhoods to better ensure that any new lots are relatively similar in terms of size and dimension with the lots in the neighborhood around them thereby further enhancing the compatibility of new infill development. The text change also relaxes the dedication and streetscape improvements normally required with subdivisions so that resulting infill subdivision streetscapes are more in keeping with the surrounding neighborhood context. However, the text change still accommodates space for future sidewalk improvements along the street should they not be existing at the time of subdivision. The text change also clarifies that changes that require Certificates of Appropriateness from the Raleigh Historic Development Commission are not subject to the residential infill compatibility standards of Section 2.2.7 of the Unified Development Ordinance because the Commission already conducts a context-based analysis as part of their review.

SUMMARY OF IMPACTS

Adoption of TC-7-19:

1. The adoption of the text change would likely reduce the number of Neighborhood Conservation Overlay Districts (-NCODs) that are requested by the citizens as most of the recent -NCODs have been prompted by subdivisions/recombinations in older neighborhoods where the residents felt they were out of character and scale with those in the area.
2. The adoption of the text change will reduce the number of new residential building lots created within older neighborhoods that were developed 20 or more years ago where there is an established character and lot pattern that may still allow for further subdivision and new development.
3. The new development regulations could negatively impact the potential economic benefit that property owners could realize from subdividing existing lots.
4. The adoption of the text change will impact lots subject to Residential Infill Compatibility requirements set forth in Section 2.2.7 of the UDO but will not impact lots in Neighborhood Conservation Overlay Districts where minimum lot sizes or dimensions are regulated, properties within 1,320 of higher frequency transit service or properties zoned Residential-10.
5. The adoption of the text change will make it clear that projects subject to Certificates of Appropriateness requirements from the Raleigh Historic Development Commission are not subject to the residential infill compatibility standards and associated neighborhood notice requirements.

No Action:

1. Subdivision of lots and redevelopment in accordance with the existing zoning could continue to occur, resulting in a different lot character than how a neighborhood has developed to date.
2. Additional building lots could be subdivided and new infill housing embedded into existing residential neighborhoods.
3. The base zoning's density, lot size and dimensional requirements would control further subdivision/recombination of lots.
4. The code isn't entirely clear that projects subject to review by the Raleigh Historic Development Commission are not subject to the infill compatibility standards of the UDO. This text change would make that clear and certain.

PUBLIC MEETINGS

Submitted	Committee	Planning Commission
08-20-19	Text Change: 8-20-29	

PLANNING COMMISSION RECOMMENDATION

Reasonableness and Public Interest	The proposal is consistent with Comprehensive Plan Policies LU 2.1 Placemaking, LU 4.7 Capitalizing on Transit Access, LU 5.1 Reinforcing the Urban Pattern, LU 8.3 Conserving, Enhancing, and Revitalizing Neighborhoods; LU 8.5 Conservation of Single-Family Neighborhoods; LU 8.6 Teardowns, LU 8.10 Infill Development, LU 8.12 Infill Compatibility; Policy T 1.5 Context Sensitive Road Design; H 1.5 Scattered Site Infill, UD 5.1 Contextual Design, HP 1.1 Stewardship of Place, HP 2.4 Protecting Historic Neighborhoods, HP 2.5 Conserving Older Neighborhoods and Action HP 2.7 Applying Zoning Regulations and Planning Tools.
Recommendation	Approval
Motion and Vote	Motion: Second: Approval:

ATTACHMENTS

1. Staff report
2. Draft Ordinance

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 and Comprehensive Plan Amendment Analysis.

Planning Director

Planning Commission Chair

Date

Staff Coordinator: Eric Hodge, AICP: (919) 996-2639; Eric.Hodge@raleighnc.gov



ZONING STAFF REPORT – TC-7-19 INFILL SUBDIVISIONS & RECOMBINATIONS

TC-7-19 INFILL SUBDIVISIONS & RECOMBINATIONS

Section Reference	Part 10 of the Unified Development Ordinance §2.2.7 Residential Infill Compatibility
Basic Information	Amends Part 10 of the Raleigh Unified Development Ordinance’s Residential Infill Compatibility regulations so that they address subdivisions and recombinations of lots rather than solely focusing on the size and placement of new dwellings. This text change would also clarify that site plans and plot plans that are subject to review by the Raleigh Historic Development Commission are not subject to the infill compatibility standards of the UDO.
<i>Planning Commission Recommendation Deadline</i>	November 12, 2019

COMPREHENSIVE PLAN GUIDANCE

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<p>Action Items</p>	<p>Action HP 2.7 Applying Zoning Regulations and Planning Tools</p> <p>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

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OVERVIEW

At the October 3, 2017 City Council meeting there was a public hearing conducted regarding the North Hills Neighborhood Conservation Overlay District (NCOD) text change. It was noted that the neighborhood had elected to only include provisions in the code for this NCOD that addressed the further subdivision and recombination of lots in the neighborhood to reduce what the proponents viewed as conflicts between new construction and existing development. During the Council's deliberation on the North Hills NCOD, the Council had a discussion on the issue of subdividing lots in an infill setting and whether there might be another way to address this concern other than through an NCOD. As part of that discussion the Council authorized staff to work on a text change aimed at the consideration of alternatives to NCOD's for the purposes of considering surrounding lot context as it relates to the subdivision or recombination of lots in an infill setting. In doing so, neighborhood compatibility could possibly be considered outside of an NCOD when staff reviews subdivision/recombinations for code compliance in any neighborhood over 20 years in age much like the Residential Infill Compatibility regulations the Unified Development Ordinance already does for the purposes of primary street setbacks applied to new construction.

The Residential Infill Compatibility rules under Section 2.2.7. of the UDO do not currently address the act of subdivision or recombination of lots. Therefore, the neighborhood context, outside of any NCOD regulations that would apply to a property, is not evaluated when staff considers a subdivision/recombination for administrative approval.

The Council expressed a desire to utilize a context-based methodology for subdivision/recombination evaluation and unanimously authorized such a text change on October 3, 2017 for inclusion with pending "TC-7-17 Infill Setbacks" before subsequently redirecting the topic to the Growth and Natural Resources Committee for further consideration and direction. The Committee met over the course of several months beginning in the Fall of 2018 and in the late Spring of 2019 the Council referred this item to the Planning Commission. Staff began internal vetting of the ordinance amongst affected departments and made some edits to improve the language of the proposal. Also, internal questions have been raised regarding whether or not projects in Historic Overlay Districts are subject to infill compatibility standards. As such staff modified the draft ordinance Council saw previously to make it clear that projects requiring review for Certificates of Appropriateness by the Historic Development Commission are not governed by the infill compatibility standards as has been the practice since the City first incorporated infill compatibility standards into the Unified Development Ordinance.

PURPOSE AND NEED

As it is not uncommon for a neighborhood to have been developed at a lower density than the base district would otherwise allow, there are oftentimes existing lots in older neighborhoods that can be subdivided/recombined in such a manner that may not be in keeping with the more generous lot sizes/configurations of those around them but that do conform to the zoning district designation. Corner lots are oftentimes capable of further subdivision as they are typically oversized and the geometry of the lot in connection with its frontage on two streets makes their subdivision compliant with the base zoning regulations of the Unified Development Ordinance (UDO).

These types of subdivisions can be seen as incompatible by neighbors and, as in the instance of the North Hills Neighborhood, often spur the creation of an NCOD for the area. Over the last few years there has been renewed interest in NCOD's by neighborhoods experiencing the further subdivision of residential lots in their area including: North Ridge South, North Hills, North Ridge West, and most recently Willow Run South. Other neighborhoods have been inquiring with staff

and City Council about NCODs as well, including Cameron Village, and their motivation usually includes a central concern about subdivisions/recombinations they view as incompatible with their neighborhood character.

The draft ordinance also provides exemptions from these infill subdivision/recombination regulations for the following so it isn't universally applied across all residential zoning districts:

- a. Proximity to Transit: Where the property is within 1,320 feet of an operating transit stop with service from 6AM to 8PM where service intervals are no longer than 15 minutes during peak commute hours.
- b. Neighborhood Conservation Overlay Districts that regulate lot minimum lot size.
- c. R-10 Zoning because the R-10 district is typically mapped over more urban neighborhoods, lots sizes are already typically smaller and apartments and townhouses are permitted which are already a bit different in character by their very nature than a detached or attached house.
- d. R-1 and R-2 Zoning districts as these districts are already exempted from residential infill compatibility requirements and the ordinance doesn't propose to modify that.

Additionally, the ordinance relaxes standardized right-of-way dedications and associated streetscape improvements for subdivisions that are considered infill. This allows the existing streetscape context to remain so that it is consistent with that of the adjacent properties. However, if no sidewalks exist on the street, the proposed ordinance does secure the additional right-of-way necessary to accommodate future sidewalk construction should the City initiate a sidewalk retrofit for the street.

Lastly, there have also been questions by staff and applicants as to whether projects that require Certificates of Appropriateness (COA) from the Raleigh Historic Development Commission still require conformance with the infill compatibility standards. Because the code authorizes the Commission to modify setbacks and building height already, the code already exempts the projects subject to their review from infill compatibility standards. However, because it was not readily apparent to all readers, there is a desire to state that explicitly in the UDO and make it clear that no additional neighborhood notice requirements would be needed as the COA process already requires mailed and posted notice detailing the proposed work.

ALTERNATIVES CONSIDERED

Neighborhood Conservation Overlay Districts

The Unified Development Ordinance allows for the subdivision or recombination of lots in residential zoning districts based on the corresponding base zoning district in which the lot is located unless there is an applicable overlay district that dictates otherwise. The Unified Development Ordinance allows for a Neighborhood Conservation Overlay District to further regulate beyond the base zoning district (Typically R-1 through R-10) based on regulations custom-crafted for the neighborhood based on a study of the built environmental characteristics that exist in the area. Under the UDO, the NCOD is the only regulatory tool that currently looks to neighborhood context as it relates to evaluating subdivisions and recombinations versus that of the base zoning district. Built environmental characteristic regulations in an NCOD may include any or all of the following items:

1. Required minimum net area for any dwelling unit;
2. Minimum lot size. This also sets a maximum residential density for a dwelling unit within a detached house building type;
3. Maximum lot size;

4. Maximum residential density;
5. Setbacks;
6. Height;
7. Vehicular surface areas;
8. Lot width (minimum and/or maximum);
9. Building entrances (where permitted by State Law);
10. Building placement on the lot; and
11. Distances between buildings.

The creation of a Neighborhood Conservation Overlay District (NCOD) is how the UDO currently addresses this issue if a neighborhood undertakes the process to initiate an individual NCOD in opposition to further subdivision of residential lots. However, that process takes time and additional work on the part of the residents, city staff, the Planning Commission and the City Council to implement and is usually only initiated after some redevelopment has occurred that the neighborhood deems incompatible.

Former Part 10 Development Code

The former Part 10 Development Code that existed before the adoption of the UDO contained “infill lots and infill projects” regulations beginning in 1997. Those regulations subjected certain types of subdivisions and developments to Planning Commission review and approval and made them ineligible for staff approval. To be subject to these infill rules all of the following had to be met:

1. The total area subject to the recombination or subdivision is five acres or less; and will result in the formation of at least one lot that at the time of the recombination or subdivision does not contain a dwelling, as defined in Part 10 chapter 2.
2. The property is in a residential zoning district.
3. At least 66% of the “periphery” including public right-of-way of the proposed area subject to the recombination or subdivision abuts existing residential building lots containing a single-family detached dwelling or a structure which was originally constructed as a single-family detached dwelling. “Periphery” for the purposes of this subsection includes properties both immediately abutting and across a public minor residential street, residential street, residential collector street, or collector street from the proposed recombination or subdivision.
4. The proposed recombination or subdivision contains any lot which is 80% or less than the median lot size of the surrounding peripheral developed residential lots determined by paragraph (3) above, or the proposed recombination or subdivision contains one or more lots whose public street frontage is 80% or less of the median public street frontage of the surrounding peripheral developed residential lots as determined in subparagraph (3) above.

Properties subject to the former Part 10 Development Code’s “infill lots and infill projects” rules were reviewed by the Planning Commission and in order to have been approved must have been found to “not create sharp changes from the physical development pattern of residential lots located on the “periphery” of the infill development with respect to dwelling height, setback, placement and size.” Furthermore, to be approved the project had to “contain adequate measures to protect other properties, including public corridors from adverse effects expected from the development or recombination, including stormwater, traffic, and incompatible characteristics such as the amount and placement of structures and vehicular surface areas, and the orientation of uses and entranceways.” The Planning Commission could also impose conditions of approval on the project that went beyond just the lot configuration to ensure compatibility with these findings. The review of all development plans under the UDO are administrative so this methodology of discretionary Planning Commission review, as originally crafted under the former

code would not be consistent with a system based on administrative approval procedures under the UDO.

Rezoning

Another approach to ensuring lots remain consistent with those in a residential neighborhood could be to have the City initiate a zoning map amendment to change to the base zoning districts in residential areas to a lower density zoning district that better aligns with a neighborhood's development pattern. This effort that would require extensive time and work efforts to amend the zoning map and may render many properties non-conforming and as such is not recommended.

SCOPING IMPACTS

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

Adoption of the text change would prevent some property owners from realizing the potential economic benefits of subdividing their property. It would also reduce the ability to add additional lots into existing neighborhoods. It will not impact lots in Neighborhood Conservation Overlay Districts where minimum lot sizes or dimensions are regulated, properties within 1,320 of higher frequency transit service or properties zoned Residential-10.

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

Subdivision of existing lots in older neighborhoods without Neighborhood Conservation Overlay Districts regulating lot size would be permissible based on the base zoning even though it may not be consistent with the developed character and lot pattern of the area. Property owners and residents in an area that are seeing incompatible subdivisions/recombinations that wish to stop them from continuing will have to initiate a year or so long process to have a Neighborhood Conservation Overlay District created for their neighborhood and during that time, the types of subdivisions or recombinations that are concerning to them can continue. In the past, once a set of built environmental characteristics had been adopted into the UDO, they were in effect once a zoning case had been filed. Subsequent changes to State law and the UDO have delayed to effectiveness of the new -NCOD regulations until the rezoning has actually occurred, thereby deferring the effective date by several additional months.

IMPACTS SUMMARY

Adoption of Proposed Text Change

The adoption of the text change would prevent further subdivision of existing R-4 and R-6 lots within older neighborhoods unless they are at least 66% of the size of the median lot size, width and depth of those in the vicinity to help ensure that redevelopment of lot patterns would be similar in character to the surrounding area, even though it may be 2/3 the size of the median for the immediate area. Furthermore, rights-of-way adjacent to infill subdivisions would remain more in keeping with the existing neighborhood streetscape.

The adoption of the text change would clarify to readers of the code that projects requiring Certificates of Appropriateness from the Raleigh Historic Development Commission are not subject to the infill compatibility standards or their associated notice requirements.

No Action

Subdivision of lots under the existing zoning regulations could occur, regardless if they are not in keeping with the lot characteristics of those around them. Additional right-of-way and streetscape improvements called for in the Unified Development Ordinance would be required for infill subdivisions and could result in inconsistent streetscape widths and designs that are not aligned with neighboring properties.

Some readers of the Unified Development Ordinance may be uncertain as to whether or not a project requiring a Certificate of Appropriateness from the Raleigh Historic Development Commission are subject to the infill compatibility standards of Section 2.2.7. of the UDO and associated infill notice requirements.

DRAFT ORDINANCE TC-7-19

INFILL SUBDIVISIONS AND RECOMBINATIONS

AN ORDINANCE TO AMEND THE RESIDENTIAL INFILL COMPATIBILITY REGULATIONS OF SECTION 2.2.7. OF THE PART 10 CODE OF RALEIGH -UNIFIED DEVELOPMENT ORDINANCE SO THAT ANY SUBDIVISION OR RECOMBINATION OF LOTS SUBJECT TO THE “INFILL RULES” ARE CONTEXTUALLY COMPATIBLE WITH THE LOTS IN THE IMMEDIATE NEIGHBORHOOD.

WHEREAS, the intent of the Unified Development Ordinance for the City of Raleigh was to create more predictable development;

WHEREAS, residential infill development has been addressed in the Unified Development Ordinance yet there are no regulations assuring that the lot size, lot shape and lot pattern continues to reflect the character of the existing lot pattern of the neighborhood;

WHEREAS, concerns have been expressed by residents in numerous neighborhoods about the further subdivision and redevelopment of lots in older Residential-4 and Residential-6 zoned neighborhoods where the lots are currently oversized beyond the base zoning requirements and are generally of a lower density than the zoning would otherwise allow;

WHEREAS, the existing regulations have not produced the desired results and residential infill development has posed challenges in the existing built environment;

WHEREAS, creating these regulations will ensure that the lot pattern and character remains more consistent with the character of the existing neighborhood;

WHEREAS, these alterations will better align with the original intent Residential Infill Compatibility regulations of the UDO; and

WHEREAS, these alterations will clarify that Residential Infill Compatibility regulations do not apply in General or Streetside Historic Overlay District.

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

Section 1. Section 2.2.1.A. of the Part 10 Raleigh Unified Development Ordinance, Detached House – Lot Dimensions, is hereby amended by adding the following underlined text to the end Section. A of the table and lettering/numbering accordingly and placing a “no” in the R-1, R-2 and R-10 columns and a “yes” in the R-4 and R-6 columns:

Residential infill rules may apply (see Sec. 2.2.7.)

Section 2. Section 2.2.2.A. of the Part 10 Raleigh Unified Development Ordinance, Attached House – Lot Dimensions, is hereby amended by adding the following underlined text to the end of Section A. of the table and lettering/numbering accordingly and placing a “no” in the R-1, R-2 and R-10 columns and a “yes” in the R-4 and R-6 columns:

Residential infill rules may apply (see Sec. 2.2.7.)

Section 3. Section 2.2.3.A. of the Part 10 Raleigh Unified Development Ordinance, Townhouse – Site Dimensions, is hereby amended by adding the following underlined text to the end of Section A. of the table and lettering/numbering accordingly and placing a “no” in the R-1, R-2 and R-10 columns and a “yes” in the R-4 and R-6 columns:

Residential infill rules may apply (see Sec. 2.2.7.)

Section 4. Section 2.2.4.A. of the Part 10 Raleigh Unified Development Ordinance, Apartment – Lot Dimensions, is hereby amended by adding the following underlined text to the end of Section A. of the table and lettering/numbering accordingly and placing a “no” in the R-1, R-2 and R-10 columns and a “yes” in the R-4 and R-6 columns:

Residential infill rules may apply (see Sec. 2.2.7.)

Section 5. Section 2.2.5.A. of the Part 10 Raleigh Unified Development Ordinance, Civic Building – Lot Dimensions, is hereby amended by adding the following underlined text to the end of Section A. of the table and lettering/numbering accordingly and placing a “no” in the R-1, R-2 and R-10 columns and a “yes” in the R-4 and R-6 columns:

Residential infill rules may apply (see Sec. 2.2.7.)

Section 6. Section 2.2.7.B. of the Part 10 Raleigh Unified Development Ordinance, Residential Infill Compatibility - Applicability, is hereby amended by adding the following underlined text at the end of the section:

3. These infill compatibility rules do not apply to site plans or plot plans when the proposed changes require a Certificate of Appropriateness.

Section 7. Section 2.2.7. of the Part 10 Raleigh Unified Development Ordinance, Residential Infill Compatibility, is hereby amended by adding the following underlined text at the end of the section:

G. Subdivisions and Recombinations of Lots

1. Lot Standards and Comparative Lot Sample Methodology

Any subdivision or recombination of a lot or lots subject to these residential infill compatibility standards shall not be further subdivided or recombined unless all of the resulting lots associated with the subdivision or recombination conform to the provisions outlined below or are specifically exempted under Section 2.2.7.G.2.

All resulting lot sizes, lot widths and lot depths shall meet or exceed sixty-six percent (66%) of: (1) the median lot size; (2) the median lot width; and (3) the median lot depth of the comparative sample described herein. The comparative lot sample shall include the three closest residentially zoned lots in both directions along the same side of the primary street as the subject lot and all residentially zoned lots that are located directly across the primary street from this lot range selection in part or whole. If one encounters a non-residentially zoned lot or non-Local Street (as defined in Section 8.4.4) in any one direction, the sampling of lots in that direction shall terminate. Furthermore, the comparative lot sample shall not include any lots located across a non-Local Street. If a minimum comparative sample totaling at least three lots cannot be established, then these residential infill compatibility subdivision and recombination rules shall not apply.

2. Exemptions

Subdivisions and recombinations that meet any of the following scenarios are hereby exempted from the subdivision and recombination Residential Infill Compatibility lot standards noted in section 2.2.7.G.1. above:

- a. All of the lots involved with the subdivision or recombination are within a Neighborhood Conservation Overlay District (-NCOD) where the -NCOD regulates minimum lot size, minimum lot width or minimum lot depth.
- b. All of the lots involved with the subdivision or recombination are either equal to or larger in size, width and depth than they were prior to the recombination or otherwise each lot conforms to the requirements 2.2.7.G.1.a. Nothing herein shall permit subdivisions or recombinations of property zoned -NCOD that violate a maximum lot size specified by the -NCOD or the base zoning district.
- c. Any portion of the property subject to subdivision or recombination is within a walking distance of 1,320 feet of an operating transit stop with service from 6AM to 8PM where service intervals are no longer than 15 minutes during peak commute hours.
- d. All portions of the property involved in the subdivision or recombination are zoned R-10.
- e. When a lot involved in the subdivision or recombination only fronts on the bulb of a cul-de-sac it shall not be subject to the comparative median lot width requirements set forth herein.

3. Dedications and Public Improvements

In order to reflect the existing character and context of the existing streetscape, infill subdivisions governed by this section shall treat right-of-way dedications and public improvements differently where they involve Local Streets, as designated in Section 8.4.2. of this UDO. These Local Street dedications/improvements shall be limited to only requiring the dedication of additional right-of-way along a Local Street that is necessary to accommodate 9 ½ feet of right-of-way beyond the back of curb. The 9 ½ feet of right-of-way beyond the back of the curb is needed when a Local Street is adjacent to an infill subdivision for the following:

- a. Installation of a 3½ foot wide planting strip behind the curb where necessary street trees shall be planted;
- b. Installation of a 5 foot wide sidewalk behind the 3½ foot planting strip if a sidewalk is not already provided on at least one side of the Local Street for the full lot frontage associated with the Local Street adjacent to the infill subdivision as well as a 1 foot maintenance strip behind the sidewalk; and
- c. Where curb and gutter do not currently exist, staff will evaluate the need for additional street width in accordance with the Raleigh Street Design Manual and may require the dedication of supplemental right-of-way and street improvements to be added to the 9½ foot right-of-way dedication.

4. Variances

The provisions of this Section may not be varied by the Board of Adjustment pursuant to the terms of Section 10.2.10 or otherwise.

Section 8. All laws and clauses of laws in conflict herewith are repealed to the extent of such conflict. Notwithstanding any language in a zoning condition indicating administrative alternates are allowed, this ordinance hereby repeals such language.

Section 9. 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 10. This text change has been reviewed by the Raleigh City Planning Commission.

Section 11. This ordinance has been adopted following a duly advertised public hearing of the Raleigh City Council.

Section 12. This ordinance has been provided to the North Carolina Capital Commission as required by law.

Section 13. 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 14. This ordinance is effective in 90 days.

ADOPTED:

EFFECTIVE:

DISTRIBUTION:

Prepared by the Department of City Planning