

**ORDINANCE NO. 2017 – 704 TC 394
TC-11-16**

**AN ORDINANCE TO AMEND SECTION 5.4.3.F. OF THE RALEIGH
UNIFIED DEVELOPMENT ORDINANCE TO AMEND MAXIMUM
BUILDING HEIGHTS IN THE OBERLIN VILLAGE AND SOUTH PARK
NEIGHBORHOOD CONSERVATION OVERLAY DISTRICTS.**

WHEREAS, the City of Raleigh has adopted Neighborhood Conservation Overlay Districts that are intended to preserve the built characteristics of a defined area;

WHEREAS, one such built characteristic is maximum building height within the district;

WHEREAS, the Oberlin Village and South Park Neighborhood Conservation Overlay Districts were adopted prior to the adoption date of the Part 10A Unified Development Ordinance and contain a height standard that regulates height beyond the base zoning standard;

WHEREAS, the Oberlin Village and South Park Neighborhood Conservation Overlay Districts contain specified maximum building height measurements listed in feet that were established using a former method of calculating building height to the mid-point of the roof form;

WHEREAS, Section 1.5.7.A. of the Unified Development Ordinance measures height to the top of the highest point of a pitched roof;

WHEREAS, the change in height measurement between the two zoning codes has an impact on the Oberlin Village and South Park Neighborhood Conservation Overlay Districts where height is regulated beyond the standards contained in the base zoning district;

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.

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

Section 1. Section 5.4.3.F.13. Oberlin Village Neighborhood, of the Raleigh Unified Development Ordinance, is hereby amended by insertion of the following underlined provisions and deleting the language shown with a strike-through:

- a. Minimum lot size: 5,000 square feet.
- b. Maximum lot size: 12,500 square feet.
- c. Minimum lot width: 50 feet.
- d. Front yard setback: Within 10% of the median front yard setback established by buildings on the same side of the block face of the proposed building.

- e. Building entrance: All buildings shall have a minimum of 1 entrance facing the public street.
- f. Maximum building height: ~~25 feet~~ 28.7 feet and 2 stories.

Section 2. Section 5.4.3.F.16. South Park Neighborhood, of the Raleigh Unified Development Ordinance, is hereby amended by insertion of the following underlined provisions and deleting the language shown with a strike-through:

- a. Minimum lot size: 3,000 square feet.
- b. Maximum lot size: 8,000 square feet.
- c. Minimum lot width: 40 feet.
- d. Maximum lot width: 80 feet.
- e. Front yard setback: Within 10% of the average front yard setback established by buildings on the same side of the block face of the proposed building, but not less than 8 feet or greater than 30 feet.
- f. Building entrance: The main building entrance shall face the street from which the building is addressed. No upper story entrance shall be visible from an adjacent public street right-of-way.
- g. Maximum building height: ~~25 feet~~ 28.7 feet.
- h. Off-street parking: Parking shall be located to the side or rear of the building. With the exception of single-unit living, no parking areas shall be located in front of any principal building. Single-unit living parking shall be regulated according to Article 7.1.

Section 3. All laws and clauses of laws in conflict herewith are repealed to the extent of such conflict.

Section 4. 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 5. This text change has been reviewed by the Raleigh City Planning Commission.

Section 6. This ordinance has been adopted following a duly advertised public hearing of the Raleigh City Council.

Section 7. This ordinance has been provided to the North Carolina Capital Commission as required by law.

Section 8. 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 9. This ordinance is effective 5 days after adoption.

ADOPTED: May 2, 2017
EFFECTIVE: May 7, 2017

DISTRIBUTION: Planning – Bowers, Crane, Mitchell, Hodge, Hardin, Anagnost
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Prepared by the Department of City Planning