



Certified Recommendation

Raleigh Planning Commission

CR#

Case Information: TC-5-16 / New Bern – Edenton NCOD: Townhouses

Comprehensive Plan Guidance

<i>Applicable Policy Statements</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>

Summary of Text Change

<i>Summary</i>	Amends the Part 10A Raleigh Unified Development Ordinance, in Neighborhood Conservation District to add provisions for fee-simple townhouse lots within portions of the existing New Bern – Edenton NCOD.
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Summary of Impacts

<i>Impacts Identified</i>	<p><u>Adoption of TC-9-16:</u></p> <ol style="list-style-type: none"> The adoption of the text change would allow 16’ wide fee-simple townhouse lots on sites within the NCOD zoned for Mixed-Use that are either located on
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	<p>Edenton Street, New Bern Avenue or between these two streets.</p> <ol style="list-style-type: none"> 2. Adoption of this text change would allow for fee-simple townhouse units to be connected to one another whereas the NCOD regulations currently require a 10' separation between buildings (each fee-simple townhouse unit is technically a separate building, albeit attached). 3. Adoption of this text change would allow for a new ownership type for townhouse building types within a portion of this overlay district, which would otherwise be allowed throughout the NCOD through a condominium ownership regime, or under common ownership as a townhouse-style apartment. <p><u>No Action:</u></p> <ol style="list-style-type: none"> 1. No fee-simple townhouse developments could be constructed because the code requires building separation, a fee-simple townhouse is technically an individual building that is attached to another fee-simple townhouse. Furthermore, the 30' minimum lot width is significantly wider than a typical townhouse unit.
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Public Meetings

<i>Submitted</i>	<i>Committee</i>	<i>Planning Commission</i>
10-20-15		

Attachments

1. Draft Ordinance

Planning Commission Recommendation

<i>Recommendation</i>	Approval
<i>Findings & Reasons</i>	
<i>Motion and Vote</i>	Motion: Second: Approval:

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.

 Planning Director

 Date

 Planning Commission Chairperson

 Date

Staff Coordinator:

Eric Hodge: eric.hodge@raleighnc.gov



Zoning Staff Report – TC-5-16

New Bern - Edenton NCOD: Townhouses

Request

<i>Section Reference</i>	Part 10A Unified Development Ordinance §5.4.3. Neighborhood Conservation District (-NCOD)
<i>Basic Information</i>	Amends the Part 10A Raleigh Unified Development Ordinance, in Neighborhood Conservation District to add neighborhood built environmental characteristics and regulations for the North Ridge South neighborhood.
<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

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History/Overview

In October 2015, a property owner in the New Bern-Edenton Neighborhood Conservation Overlay District (NCOD) submitted a petition to City Council requesting authorization of a text change to modify certain standards of the NCOD related to townhouse development. This request was approved by Council, authorizing the petitioner to submit a text change application. Specifically, the text change proposes to allow fee-simple townhouse development in a certain area of the NCOD – properties along the New Bern Avenue and Edenton Street corridor – by allowing reduced requirements for minimum lot size and minimum lot frontage. In response to this proposal, staff completed an analysis of the neighborhood built characteristics and regulations impacted by this text change – lot size and lot frontage. Upon completion of this analysis, staff presented the results at a neighborhood meeting held on April 28 to which all property owners within the NCOD were invited. In addition, staff presented information to the three Citizens Advisory Councils covered by the NCOD (Central, South Central, and North Central).

Staff's analysis demonstrates that the proposal is not consistent with the predominant built character of the NCOD. The predominant minimum lot size is around 4,000 square feet and the predominant lot frontage is approximately 46 feet. The text change would allow a minimum lot frontage of 16 feet for townhouse buildings, as well as no limitations on minimum lot size for townhouses. However, the current NCOD regulations do not altogether prohibit the townhouse building form; townhouses with a condominium ownership model (the building space is owned, but there are not separate lots for each townhouse) would be possible. Essentially, the text change would allow a different ownership model for a building form that is already allowed.

Purpose and Need

This text change would introduce a new form of townhouse ownership into the NCOD. There has been interest in providing fee-simple townhouse options to properties along the New Bern Avenue and Edenton Street corridors but the NCOD regulations currently prohibit that ownership type. The townhouse building type, however, is currently allowed with other ownership models (condominium regime and/or townhouse style apartment buildings).

Alternatives Considered

The proponent of this text change considered a rezoning to remove the NCOD from properties under their control, however because they were not on the edge of the NCOD boundary, they felt that was not the best solution because it would create holes within the boundary of the NCOD.

Scoping of Impacts

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

Development of fee-simple townhouses could lead to a decrease in the number of detached houses within the affected areas of the NCOD.

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

If the text change is not adopted, all townhouse building types would either be under condominium ownership regimes, which may have certain development and/or owner obstacles associated with them, or be under common control in an apartment type format.

Impacts Summary

Adoption of Proposed Text Change

The adoption of the text change would permit the fee-simple ownership of a townhouse unit within certain portions of the neighborhood. This housing type could be more attractive to developers and buyers and therefore decrease the amount of detached housing stock found within the neighborhood.

No action

Without this text change, the range of housing options available to home buyers within the NCOD would be restricted to detached houses, attached houses, condominiumized townhouses and condominiumized apartment building types. Fee-simple ownership of an individual townhouse unit would be prohibited.

**ORDINANCE NO. (2016)
TC-5-16**

AN ORDINANCE TO MODIFY CHAPTER 5 ARTICLE 5.4 IN THE CITY OF RALEIGH UNIFIED DEVELOPMENT ORDINANCE TO ALLOW FEE SIMPLE TOWNHOUSE DEVELOPMENT IN THE NEW BERN – EDENTON NEIGHBORHOOD.

WHEREAS, the City of Raleigh has determined it appropriate to develop various neighborhood conservation overlay districts to regulate and protect the character of specified neighborhoods;

WHEREAS, the City of Raleigh Unified Development Ordinance includes the New Bern – Edenton Neighborhood Conservation District as a character protection overlay district;

WHEREAS, the New Bern – Edenton Neighborhood Conservation District does not contain an allowance for a feasible fee-simple townhouse development;

WHEREAS, The City Council has determined that a townhouse development option with appropriate development standards can provide aesthetic, financial and land use benefits; the provision of more affordable dwelling units as compared to cost of single family detached housing or the cost of multifamily construction; and the accommodation of more density near the center city where infrastructure already exists and which is closer to transit routes;

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

Section 1. Sec. 5.4.3.F.9 of the Part 10A Raleigh Unified Development Ordinance is hereby amended by insertion of the following underlined provisions:

9. New Bern – Edenton Neighborhood

- a. Minimum lot size: 4,000 square feet.
- b. Minimum lot frontage: 30 feet.
- c. Front yard setback: Minimum of 10 feet, maximum of 25 feet.
- d. Side yard setback: Minimum of 0 feet when minimum building separation is met.
- e. Building separation: Minimum of 10 feet.
- f. Maximum building height: 35 feet.
- g. A Townhouse on a site zoned for a Mixed Use District that has frontage on either New Bern Avenue or Edenton Street or that is located between New Bern Avenue and Edenton Street must also meet the following:
 - i. Minimum site size: 4,000 square feet.
 - ii. Minimum site frontage: 30 feet.
 - iii. Minimum lot frontage of 16 feet.
 - iv. Front yard setback: Minimum of 10 feet, maximum of 25 feet.
 - v. Side yard setback: Minimum of 0 feet when minimum building separation is

- met.
vi. Building separation: minimum of 10 feet except interior townhouse side yards.
vii. Maximum building height: 35 feet.

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.

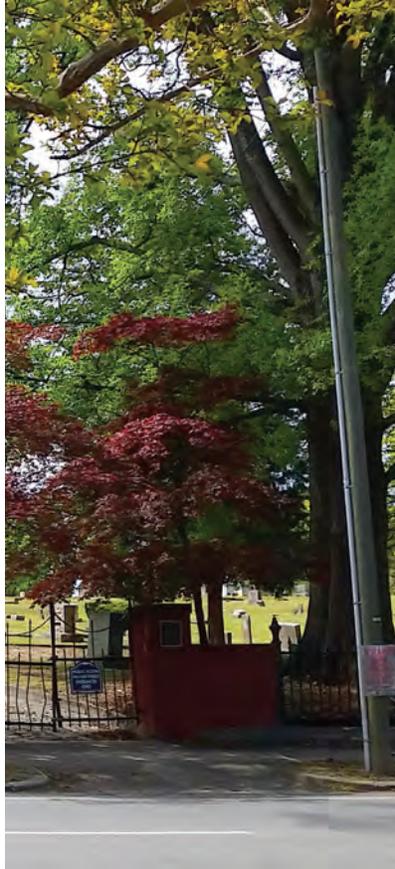
Section 8. This ordinance is effective 5 days after adoption.

ADOPTED:

EFFECTIVE:

DISTRIBUTION:

Prepared by the Department of City Planning



Built Environmental Characteristics and Regulations Report New Bern - Edenton



Background

In October 2015, a property owner in the New Bern - Edenton Neighborhood Conservation Overlay District (NCOD) submitted a petition to City Council requesting authorization of a text change to modify certain standards of the NCOD related to townhouse development. This request was approved by Council, authorizing the petitioner to submit a text change application.

The applicant filed a text change application which subsequently has been amended several times. The final request reads as follows (underlined text is new language proposed to be included in the Unified Development Ordinance; all other text is existing and not proposed to change).

Unified Development Ordinance

Sec. 5.4.3 Neighborhood Conservation District (NCOD)

F. Neighborhood Built Environmental Characteristics and Regulations

9. New Bern – Edenton Neighborhood

a. All building types other than townhouses.

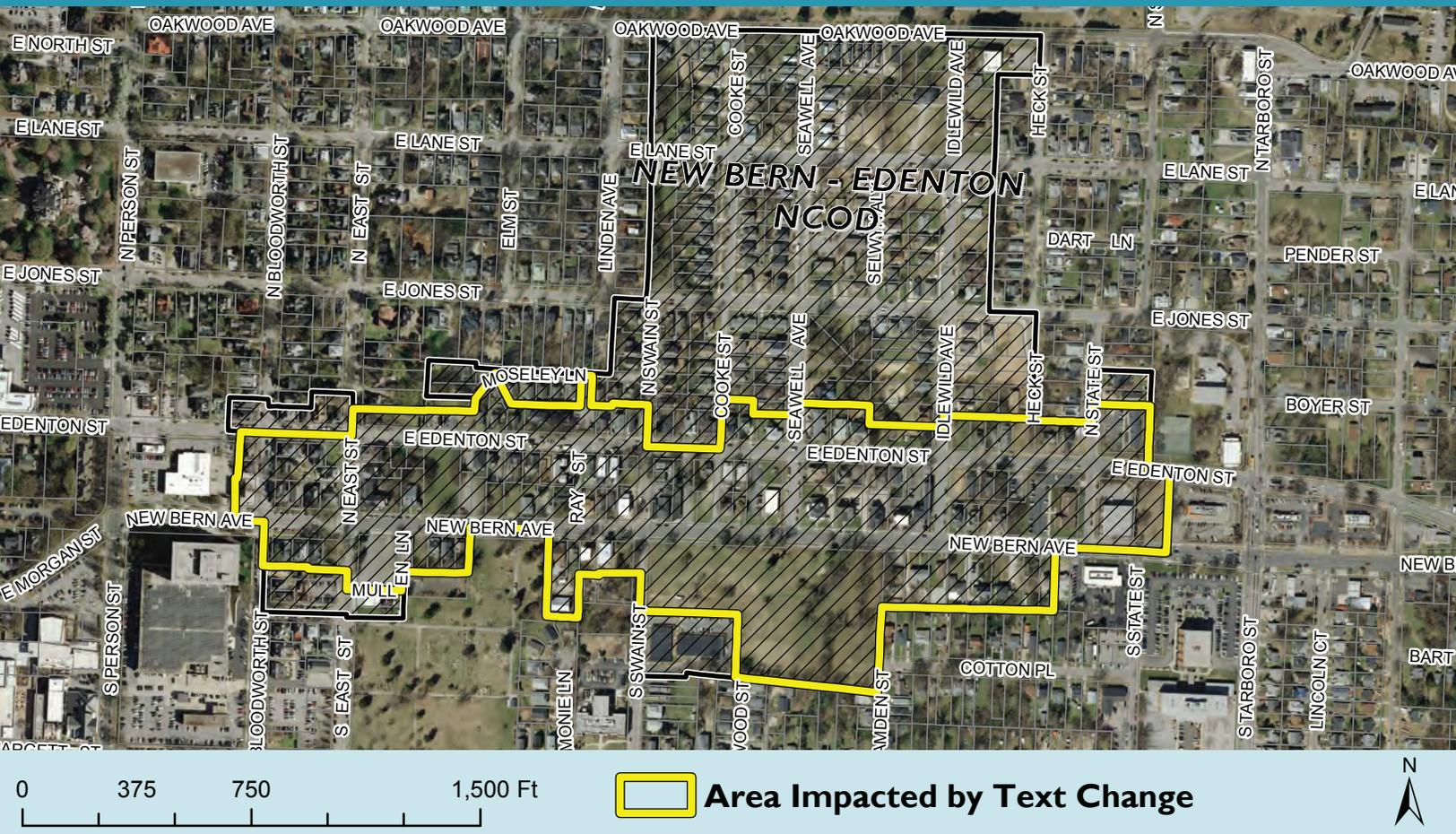
- i. Minimum lot size: 4,000 square feet.
- ii. Minimum lot frontage: 30 feet.
- iii. Front yard setback: minimum of 10 feet, maximum of 25 feet.
- iv. Side yard setback: minimum of 0 feet when the 10-foot minimum building separation is met.
- v. Building separation: minimum of 10 feet.
- vi. Maximum building height: 35 feet.

b. All townhouses.

- i. Minimum site size: 4,000 square feet.
- ii. Minimum site frontage: 30 feet.
- iii. Minimum lot frontage: 16 feet.
- iv. Front yard setback: minimum of 10 feet, maximum of 25 feet.
- v. Side yard setback: minimum of 0 feet when the 10-foot minimum building separation is met.
- vi. Building separation: minimum of 10 feet.
- vii. Maximum building height: 35 feet.
- viii. Townhouses are permitted on sites which are in Mixed Use zoning districts and have frontage on either New Bern Avenue or Edenton Street or are located between New Bern Avenue and Edenton Street.

Since the initial creation of an NCOD requires an inventory of the area's specific built environmental characteristics, staff updated this inventory based on the specific amendments proposed in the text change. This report presents results of the analysis.

Figure 1. New Bern - Edenton NCOD and area impacted by text change



Study Area Overview

The New Bern - Edenton neighborhood is located in central Raleigh, just east of downtown. There are two distinct subareas: the West Idlewild neighborhood which is primarily residential and bounded by Oakwood Avenue to the north, Heck Street to the east, Swain Street to the west, and the rear property lines of properties facing Edenton Street to the south, and; the historic New Bern - Edenton corridor which includes parcels with frontage on New Bern Avenue or Edenton Street, as well as cross streets in between the two. The NCOD area is made up of 311 properties, comprising approximately 82 acres. The subarea impacted by the proposed text change is made up of 124 properties, comprising approximately 42 acres. The northern portion of the NCOD, the West Idlewild neighborhood, consists primarily of detached houses and residential uses. The New Bern - Edenton corridor to the south has a mixture of detached houses, multi-family, and some commercial uses. Existing zoning reflects these current uses: the Idlewild neighborhood is zoned Residential-10 (R-10), and the New Bern - Edenton corridor is zoned with a variety of mixed-use districts (Residential Mixed Use, Office Mixed Use and Neighborhood Mixed Use) at three

stories and with a variety of urban frontages (Green, Detached, and Urban Limited), as well as some R-10 zoning. The Lane Street Mini Park (playground, basketball courts, and green space) is located at the corner of Lane and Idlewild. There are approximately 50 vacant properties in the NCOD, about 20 of these owned by the city; in the subarea impacted by the text change, there are 23 vacant properties, 3 of them owned by the city. Over the last several years, the Housing and Neighborhoods Department has facilitated the construction of new single-family detached housing in the area in partnership with St. Augustine's University Community Development Corporation. The department is still active in facilitating single-family housing in this area. Housing development and infrastructure improvement plans are also underway to the east of the NCOD in the College Park neighborhood. The latest effort – the proposed Neighborhood Revitalization Strategy Area (NRSA) – focuses on the former Washington Terrace Apartments and College Park. There is a small area of overlap between the NCOD and the NRSA at the southeastern corner of the NCOD along N. State Street, New Bern Avenue, and Edenton Street.

Analysis

For the initial creation of an NCOD, city code directs staff to assess properties within the study area for requested built characteristics. The code requires staff to identify the “specific built environmental characteristics and regulations that reflect the predominant representation of the lots within the neighborhood study area.” In this context, “predominant” is defined as the metric for each characteristic that can be met by more than 75 percent of lots in the study area.

For this particular text change, staff focused on analyzing the built characteristics and regulations that the applicant proposes to change: lot size (by omission of a standard for minimum lot size) and lot frontage (proposed minimum of 16 feet). Although the applicant has proposed adding regulations related to site size and site frontage, staff is unable to analyze this characteristic since these regulations apply only to townhouse development and there are currently no townhouses located in the NCOD.

Figure 2 summarizes the predominant values for the lot size and lot frontage characteristics and provides other relevant quantitative information for both the entire NCOD and the subarea affected by the text change. The existing NCOD regulates lot size and lot frontage in terms of minimum values (highlighted below). Stated simply, a minimum built characteristic is an exclusive regulation, which encompasses values at the upper-end of the range and excludes those near the bottom. In this case, the minimum value identifies the lot size and lot frontage held in common by just over 75 percent of properties that exhibit larger built characteristics (excluding properties in the bottom-quartile with the smallest built characteristics). In addition to these minimum predominant values, staff also provided analysis for the maximum predominant values i.e., the maximum lot size and lot frontage shared by just over 75 percent of the properties.

Figure 2. Built environmental characteristics summary

Characteristic	Predominant Character (> 75 percent) minimums	Predominant Character (> 75 percent) maximums	Range (min-max)	Average	Median
Lot size (entire NCOD)	4,160 sq. ft.	7,620 sq. ft.	1,752 sq. ft. – 275,949 sq. ft.	8,343 sq. ft.	5,355 sq. ft.
Lot size (text change subarea)	4,440 sq. ft.	8,680 sq. ft.	1,752 sq. ft. – 275,949 sq. ft.	10,159 sq. ft.	5,836 sq. ft.
Lot frontage (entire NCOD)	46 feet	66 feet	17 feet – 765 feet	64 feet	52 feet
Lot frontage (text change subarea)	46 feet	70 feet	17 feet – 765 feet	70 feet	54 feet

As expected, the analysis shows that the existing lot sizes in the neighborhood are close to the existing NCOD regulation (minimum of 4,000 sq. ft.). In terms of the area targeted in the text change, the predominant character lot size is very close to that of the entire NCOD, and is, in fact, slightly larger. The predominant character for lot frontages in both the entire NCOD area and the townhouse subarea is somewhat larger than the 30 foot minimum required under the existing NCOD regulations.

It is important to note that a building form that looks like a typical townhouse could be built today under the NCOD regulations. The key difference is the ownership structure; to meet the minimum lot size of 4,000 square feet and minimum lot frontage of 30 feet, the townhouses would be required to have a condominium ownership structure instead of fee simple ownership. Fee simple means that the property owner would have absolute ownership over both the building and the land underneath i.e., each townhouse would be on its own lot. Condominium ownership means that the property owner holds title only to the air space or building itself, not the land underneath.

Although the text change does not propose to change the height regulations for the NCOD, staff also analyzed this characteristic since height is measured differently under the Unified Development Ordinance (UDO) than by the previous Part 10 code. Before adoption of the UDO, height was measured to the mid-point of a pitched roof, whereas today height is measured to the top of the roof. In essence, this means that a 35 foot building measured under the old standards could be taller than a 35 foot

building under the UDO measurement standard. For the entire study area, the predominant maximum building height is approximately 29 feet. For the subarea affected by the text change, the predominant maximum building height is approximately 31 feet. The current NCOD regulations permit a maximum building height of 35 feet. It does not appear necessary to adjust this regulation based on the new UDO method of measurement since over 75 percent of the existing buildings meet this standard.

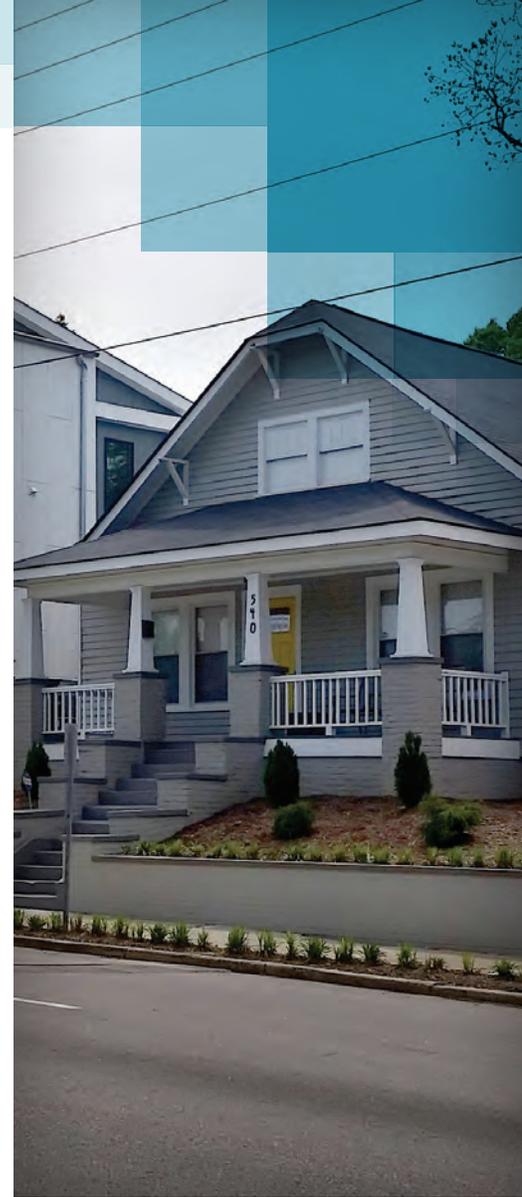
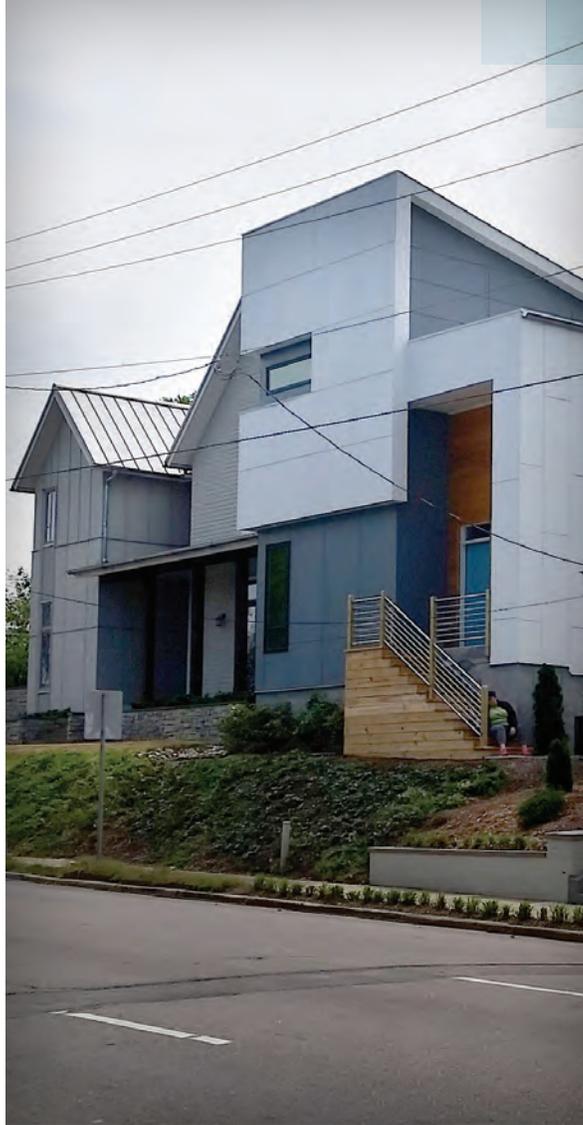
Figure 3. Comparison of existing NCOD standards, predominant built character, and proposed standards

Characteristic	Current NCOD Standard	Predominant Character (> 75 percent) Entire NCOD	Predominant Character (> 75 percent) Text Change Subarea	Proposed Text Change Applicable to Townhouses in Limited Area
Lot size (min)	4,000 sq. ft.	4,160 sq. ft.	4,440 sq. ft.	No minimum
Lot frontage (min)	30 feet	46 feet	46 feet	16 feet



Impacts

Staff's analysis reveals that the proposal is not consistent with the built character of the area. Specifically, the townhouse form does not exist in the NCOD today. However, the current NCOD regulations do not altogether prohibit the townhouse building form; townhouses with condominium ownership i.e., ownership of the building space itself but not absolute ownership of the land underneath, would be possible. Amending the NCOD regulations as proposed would essentially make it more feasible to build the kind of fee simple townhouses that are found in the wider Raleigh area today. Figure 3 compares the current NCOD regulations, the predominant built character figures, and the proposed regulations as part of the text change.



Next Steps

Staff will present the findings of this analysis in late April and early May to the three Citizens Advisory Councils (CAC) covered by this NCOD: North Central, South Central, and Central. Staff will also invite all property owners in the NCOD to a neighborhood meeting to present the results of the analysis on Thursday, April 28 at the Tarboro Road Community Center. Following this public outreach, staff will take the proposed text change to the Planning

Commission for their review and recommendation in May. Planning Commission may wish to refer this proposal to their Text Change Committee for a more detailed review. Once Planning Commission has completed its review, a recommendation will be forwarded to City Council. After holding a public hearing on the proposal, Council may then make a final decision on approval or denial.

For more information, please contact Vivian Ekstrom at vivian.ekstrom@raleighnc.gov or 919-996-2657.

