



# Certified Recommendation

Raleigh Planning Commission

CR#

## Case Information: TC-9-16 / North Ridge South Neighborhood Built Environmental Characteristics and Regulations

### Comprehensive Plan Guidance

|  |   |
|--|---|
| <p><i>Applicable Policy Statements</i></p> | <p><b>Policy LU 8.3 Conserving, Enhancing, and Revitalizing Neighborhoods</b><br/>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><b>Policy LU 8.5 Conservation of Single-Family Neighborhoods</b><br/>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><b>Policy LU 8.12 Infill Compatibility</b><br/>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><b>Policy HP 2.5 Conserving Older Neighborhoods</b><br/>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><i>Action Items</i></p>                 | <p><b>Action HP 2.7 Applying Zoning Regulations and Planning Tools</b><br/>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 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.</p> |
|-----------------------|---|

## Summary of Impacts

|                           |   |
|---------------------------|---|
| <i>Impacts Identified</i> | <p><u>Adoption of TC-9-16:</u></p> <ol style="list-style-type: none"> <li>1. The adoption of the text change would ensure the preservation of the general quality and appearance of the North Ridge South neighborhood.</li> <li>2. Adoption of the built environmental characteristics and regulations would reduce conflict between new construction and existing development and encourage compatible infill development.</li> <li>3. The new development regulations could negatively impact the potential economic benefit that property owners could realize from subdividing existing lots.</li> </ol> <p><u>No Action:</u></p> <ol style="list-style-type: none"> <li>1. The existing Residential-6 base zoning district regulations would remain in place.</li> <li>2. Subdivision of lots and redevelopment in accordance with the existing zoning could continue to occur, resulting in a different built character for the neighborhood.</li> </ol> |
|---------------------------|---|

## Public Meetings

| <i>Submitted</i> | <i>Committee</i> | <i>Planning Commission</i> |
|------------------|------------------|----------------------------|
| 12-1-15          |                  |                            |

### Attachments

1. Draft Ordinance

## Planning Commission Recommendation

|                               |                                 |
|-------------------------------|---------------------------------|
| <i>Recommendation</i>         | Approval                        |
| <i>Findings &amp; Reasons</i> |                                 |
| <i>Motion and Vote</i>        | Motion:<br>Second:<br>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](mailto:eric.hodge@raleighnc.gov)



## Zoning Staff Report – TC-9-16

### North Ridge South Neighborhood Built Environmental Characteristics and Regulations

#### Request

|                                   |  |
|-----------------------------------|--|
| <i>Section Reference</i>          | <b>Part 10A Unified Development Ordinance §5.4.3. Neighborhood Conservation District (-NCOD)</b>   |
| <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><b>Policy LU 8.3 Conserving, Enhancing, and Revitalizing Neighborhoods</b><br/>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><b>Policy LU 8.5 Conservation of Single-Family Neighborhoods</b><br/>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><b>Policy LU 8.12 Infill Compatibility</b><br/>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><b>Policy HP 2.5 Conserving Older Neighborhoods</b><br/>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> |
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|  |  |
|--|--|
|  | Use Historic Overlay Districts, Neighborhood Conservation Overlay Districts, and other zoning regulations and planning tools in response to neighborhood requests for protection and conservation. |
|--|--|

## Contact Information

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|--------------------------|---|
| <i>Staff Coordinator</i> | Eric Hodge: <a href="mailto:eric.hodge@raleighnc.gov">eric.hodge@raleighnc.gov</a> ; 919.996.2639 |
|--------------------------|---|

## History/Overview

This text change was initiated by residents and property owners of the North Ridge South neighborhood as part of a citizens' petition to City Council in December 2015. The petition formally requested consideration for a neighborhood built environmental characteristics and regulations analysis. This analysis is the first step in the potential creation of a Neighborhood Conservation Overlay District (NCOD). As stated in the citizens' petition, the intent behind the request is to maintain the current built character of the area and prevent subdivision of existing lots. The area is currently zoned Residential-6 (6 dwelling units per acre), but is built out in a less dense manner (between 2 and 4 units per acre). Several larger lots in the neighborhood have recently been subdivided and redeveloped with new houses.

Staff completed the built environmental characteristics and regulations analysis to determine the predominant character for the specific items requested by the petitioners: lot size, lot frontage, front yard setback, and vehicular surface area. After presenting the results of this analysis to the neighborhood, staff presented the report and the neighborhood meeting discussion to City Council at their meeting on May 3. Council subsequently authorized this text change.

## Purpose and Need

This text change would preserve the current built character of the North Ridge South neighborhood by requiring minimum lot sizes, minimum lot frontages, minimum front yard setbacks, and maximum vehicular surface area that would be consistent with existing properties.

## Alternatives Considered

A change to the base zoning district – from Residential-6 to Residential-4 or Residential-2 – was considered as a potential alternative. While both of these base zoning districts would match up better with the current build-out of the neighborhood, the R-4 zoning would still potentially allow subdivision of some of the larger lots (approximately 14) in the area. The Residential-2 district would render about 50 properties non-conforming with the minimum lot size and density requirements. In addition, both of these zoning districts permit significantly smaller front yard setbacks (20') than what would be required based on the built character of the neighborhood (approximately 44').

## Scoping of Impacts

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

Adoption of the text change would prevent property owners from realizing the potential economic benefits of subdividing their property.

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

Not adopting built environmental characteristics and regulations for the North Ridge South neighborhood means that subdivision of existing lots in accordance with the existing R-6 zoning could continue to occur. Property owners and residents in the area have expressed concerns with lot subdivision and the potential impact to neighborhood character.

## **Impacts Summary**

### **Adoption of Proposed Text Change**

The adoption of the text change would effectively prevent subdivision of existing lots and ensure that new construction and redevelopment would be similar in character to the surrounding area.

### **No action**

Subdivision of lots under the existing R-6 regulations could continue to occur. While the R-6 zoning only allows slightly more dense single family residential development than the current build-out of the area, property owners and residents have expressed concerns with the negative impact subdivision of lots and redevelopment under the R-6 regulations could have on neighborhood character.

**ORDINANCE NO. 2016 – 618 TC 380  
TC-9-16**

**AN ORDINANCE TO AMEND SECTION 5.4.3.F. OF THE PART 10A  
RALEIGH UNIFIED DEVELOPMENT ORDINANCE TO ADD A SET OF  
NEIGHBORHOOD BUILT ENVIRONMENTAL CHARACTERISTICS AND  
REGULATIONS FOR THE NORTH RIDGE SOUTH NEIGHBORHOOD**

**WHEREAS**, the City of Raleigh has determined that all of the requirements of Section 5.4.3. of the Part 10A Unified Development Ordinance have been met to allow for the adoption of a specific set of neighborhood built environmental characteristics and regulations for North Ridge South;

**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 has determined it appropriate to protect and conserve the City's existing single-family neighborhoods and ensure that their zoning reflects their established low density character;

**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 low density character, preserve open space, 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. of the Part 10A Raleigh Unified Development Ordinance, Neighborhood Built Environmental Characteristics and Regulations, is hereby amended by insertion of the following underlined provisions in the appropriate alphabetical order of neighborhoods and subsequently renumbering the subsequent neighborhood subsections accordingly:

11. North Ridge South Neighborhood

- a. Minimum lot size: 17,900 square feet.
- b. Minimum lot frontage: 100 feet.
- c. Front yard setback: Minimum of 40 feet.
- d. Side street setback: Minimum of 30 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:** July 5, 2016  
**EFFECTIVE:** July 10, 2016

**DISTRIBUTION:** Planning – Bowers, Crane, Hodge  
City Attorney – Botvinick, Hargrove-Bailey  
Department Heads  
Transcription Svcs – Taylor

*Prepared by the Department of City Planning*



# Built Environmental Characteristics and Regulations Report

## North Ridge South



### Background

In early December, residents of the North Ridge South neighborhood in North Raleigh submitted a petition to City Council requesting consideration for a neighborhood built environmental characteristics and regulations analysis. This analysis is the first step in the potential creation of a Neighborhood Conservation Overlay District (NCOD). NCODs are zoning overlays that preserve and enhance the general quality and appearance of neighborhoods by regulating built environmental characteristics such as lot size, setbacks, residential density, building height, and vehicular surface area. NCODs generally apply more restrictive standards than base zoning districts. As stated in the citizens' petition, the intent behind the request is to maintain the current built character of the area and prevent subdivision of existing lots.

Per City Council's direction, Planning staff has completed an analysis of the particular built characteristics requested by the North Ridge South residents: lot size, lot frontage or lot width, front yard setback, and vehicular surface area. The petition also requested analysis of lot width at the building setback line, but this characteristic was removed from the analysis—with consent from the author of the petition—since the city's zoning code already requires that minimum lot widths extend for the entire depth of a parcel. This report presents results of the analysis.

## Study Area Overview

The North Ridge South neighborhood is located in north Raleigh just south of the North Ridge Country Club. Nearby major streets include Falls of Neuse Road to the west, Rainwater Road to the east, and Spring Forest Road to the south. 132 properties, comprising nearly 80 contiguous acres, are included in the study area. These properties front on the following streets: Briar Patch Lane, Hedgelawn Way, Pony Run Road, Greystone Drive, Scotridge Court, Fairburn Court, Spring Run Circle, Woodhaven Court, and Horsepen Place (see Figure 1). The only use in the study area is single family residential, and the average lot size is close to half an acre. The majority of houses were constructed between 1971 and 1977. There is one vacant property (6817 Greystone Drive), and there are several properties with buildings either under construction or recently constructed (1201 and 1203 Hedgelawn Way and 6843 Greystone Drive). The zoning for all properties is Residential-6 (R-6) which allows up to 6 dwelling units per acre. R-6 also permits smaller lot sizes and lot widths compared to the current build-out of the neighborhood.

Although not required at this step in the process, the area does demonstrate initial compliance with the locational guidelines for areas to be rezoned to an NCOD:

- Minimum 15 contiguous acres: the requested study area is approximately 80 contiguous acres.
- Rezoning application must be signed by a majority of property owners: though this is required only at the rezoning stage, the citizens petition included signatures of support from over 100 property owners in the study area.
- At least 75% of the lots must be developed: there is only one vacant lot in the study area.
- Located in an area in which City Council has adopted specific neighborhood built environmental characteristics and regulations into Section 5.4.3.D of the UDO: though this guideline only applies at the rezoning stage, the residents have initiated the process of adopting specific built environmental characteristics and regulations into the UDO.

Figure 1. North Ridge South NCOD study area



## Analysis

City code directs staff to assess properties within the study area for each of the built characteristics requested by residents. Specifically, the code asks 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% of lots in the study area.

Using Geographic Information System (GIS) mapping tools, staff calculated the specific built characteristics—lot size, lot frontage, front yard setbacks, and vehicular surface area—that were requested by residents. Figure 2 summarizes the predominant values for these built characteristics and provides other relevant quantifiable information. For three of the characteristics—lot size, lot frontage, and front yard setback—the residents specifically requested analysis in terms of minimum values.

Stated simply, a minimum built characteristic can be thought of as 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, lot frontage, and front yard setback held in common by just over 75% 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, lot frontage, and front yard setback shared by just over 75% of the properties. For vehicular surface area, the residents requested analysis showing the maximum amount of vehicular surface area shared by just over 75% of the properties. The figures below highlighted in a darker color demonstrate predominant characteristics specifically requested by the petitioners.

Figure 2. Built environmental characteristics summary

| Characteristic         | Predominant Character (> 75 Percent) minimums | Predominant Character (> 75 Percent) maximums | Range (min-max)            | Average        | Median         |
|------------------------|---|---|----------------------------|----------------|----------------|
| Lot size               | 17,900 sq. ft.                                | 23,450 sq. ft.                                | 12,685 sf – 33,772 sq. ft. | 21,675 sq. ft. | 21,165 sq. ft. |
| Lot frontage           | 100 feet                                      | 125 feet                                      | 40 feet – 195 feet         | 114 feet       | 120 feet       |
| Front yard setback     | 44 feet                                       | 66 feet                                       | 19 feet – 89 feet          | 55 feet        | 54 feet        |
| Vehicular surface area | n/a   | 1,743 sq. ft.                                 | 559 sf – 4,044 sq. ft.     | 1,494 sq. ft.  | 1,304 sq. ft.  |



Planning Communication R-041116

Although there is a fairly wide range of values for these characteristics, the fact that the minimum and maximum values—as well as the average and median figures—are close together shows that there is a relatively uniform development pattern in the area today.

## Impacts

The predominant built character of this area differs from the minimum standards that currently apply under the R-6 zoning district (see Figure 3). Minimum lot size, lot frontage, and front yard setback standards are significantly smaller under the R-6 zoning. If new standards based on the predominant built character of the area were applied to this area through rezoning, the resulting NCOD would effectively prohibit the subdivision of existing lots currently allowed under the smaller minimum R-6 standards.

For the most part, the North Ridge South neighborhood is built out somewhere between the standards for a Residential-2 (R-2) district and a Residential-4 (R-4) district. Property owners may also wish to explore changing the base district zoning to better reflect the built character of the area. There are, however, drawbacks to rezoning to either of these districts instead of pursuing an NCOD. Residential-4 standards would still permit subdivision of some larger existing lots in the area. Residential-2 standards would render 51 properties non-conforming in terms of

minimum lot size. In addition, both of these districts allow significantly smaller front yard setbacks (20') than what would be required based on the built character (approximately 44').

In addition to restricting the opportunity to create smaller lots, an NCOD would impact changes to existing buildings and properties. Any additions, changes, expansions, or alterations to existing structures and impervious surfaces would have to comply with the overlay district regulations, or the property owner would have to apply for a special use permit with limitations on the amount of expansion. For example, a property owner seeking to expand vehicular surface area over the potential maximum standard of 1,743 square feet would have to obtain a special use permit through the city's Board of Adjustment. This non-compliant expansion would be limited in amount to no more than 25% of the total gross area of the vehicular surface area at the time the NCOD was first applied to the property.

Figure 3. Comparison of existing zoning standards and predominant built character

| Characteristic               | Current Standard (R-6 District)      | Predominant Character (> 75 Percent) |
|------------------------------|--------------------------------------|--------------------------------------|
| Lot size (min)               | 6,000 sq. ft.                        | 17,900 sq. ft.                       |
| Lot frontage (min)           | 50 feet (interior); 65 feet (corner) | 100 feet                             |
| Front yard setback (min)     | 10 feet                              | 44 feet                              |
| Vehicular surface area (max) | n/a*                                 | 1,743 sq. ft.                        |

\* Parking and driveway areas cannot take up more than 40% of the area between the front building line and the front property line (UDO Section 8.3.5.C.2).

## Next Steps

A neighborhood meeting will be held on March 9 to discuss the results of this analysis. All property owners within the study area have been invited to attend. Following this meeting, city staff will present the results of the analysis and the neighborhood meeting discussion to City Council. Council will then decide whether to hold a public hearing to consider a text change to the UDO to incorporate these

neighborhood built environmental characteristics and regulations. If the text change is approved, property owners will then be able to petition for a rezoning to apply the built environmental characteristics and regulations to the North Ridge South area through an overlay district. A majority of property owners are required to sign the rezoning petition that would apply the NCOD.

