



# Certified Recommendation

Raleigh Planning Commission

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## Case Information: TC-21-16 / Driveway and Parking Setbacks

### Comprehensive Plan Guidance

<p><i>Applicable Policy Statements</i></p>	<p><b>Policy LU 8.3 Conserving, Enhancing, and Revitalizing Neighborhoods</b> 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> 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> 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><b>Action HP 2.7 Applying Zoning Regulations and Planning Tools</b> 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 Sections 2.2.1, 2.3.2.and 2.4.2., Detached House, 2.2.2., 2.3.3. and 2.4.3., Attached House, 2.2.3., 2.3.4., and 2.4.4., Townhouse, 2.2.4., 2.3.5., and 2.4.5., Apartment, 8.3.5.C.1., All Driveways, and 8.3.5.C.2.e. Driveways for Residential Uses of the Part 10A Raleigh Unified Development Ordinance, to require 3.5’ setbacks for driveways and parking areas with some exceptions.</p>
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### Summary of Impacts

<p><i>Impacts Identified</i></p>	<p><u>Adoption of TC-21-16:</u> 1. The adoption of the text change would require</p>
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	<p>driveways and parking areas be setback from side and rear property lines by at least 3.5'.</p> <p>2. The adoption of this text change would allow driveways and parking areas to be constructed closer than 3.5' when there is either a shared driveway or a corresponding no-build easement established on the lot adjacent to the encroaching driveway/parking area.</p> <p><u>No Action:</u></p> <p>1. Driveways and parking areas for these building types could be constructed without any setbacks from property lines.</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 &amp; Reasons</i>	<p><b>WHEREAS</b>, the City of Raleigh recognizes the need to create a reasonable setback requirement for vehicular surface areas so as to provide room for vehicular overhang and the opening of vehicle doors without creating a situation of unintended trespass on an adjacent property;</p> <p><b>WHEREAS</b>, the City of Raleigh has found a 3.5' setback to adequately serve this purpose;</p>
<i>Motion and Vote</i>	<p>Motion: r</p> <p>Second:</p> <p>Approval:</p>

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.

\_\_\_\_\_ Date 2/14/17  
 Planning Director Planning Commission Chairperson

Staff Coordinator: Eric Hodge: [eric.hodge@raleighnc.gov](mailto:eric.hodge@raleighnc.gov)



# Zoning Staff Report – TC-21-16

## Driveway and Parking Setbacks

### Request

<i>Section Reference</i>	<b>Amends Sections 2.2.1, 2.3.2. and 2.4.2., Detached House, 2.2.2., 2.3.3. and 2.4.3., Attached House, 2.2.3., 2.3.4., and 2.4.4., Townhouse, 2.2.4., 2.3.5., and 2.4.5., Apartment, 8.3.5.C.1., All Driveways, and 8.3.5.C.2.e. Driveways for Residential Uses of the Part 10A Raleigh Unified Development Ordinance,</b>
<i>Basic Information</i>	Amends the Part 10A Raleigh Unified Development Ordinance to require 3.5' setbacks for driveways and parking areas with some exceptions.
<i>PC Recommendation Deadline</i>	

### Comprehensive Plan Guidance

<i>Applicable Policies</i>	<p><b>Policy LU 8.3 Conserving, Enhancing, and Revitalizing Neighborhoods</b> 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> 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> 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><b>Action HP 2.7 Applying Zoning Regulations and Planning Tools</b> 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: <a href="mailto:eric.hodge@raleighnc.gov">eric.hodge@raleighnc.gov</a> ; 919.996.2639
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## History/Overview

This text change was initiated by the Council's Growth and Natural Resources Committee in response to concerns raised by citizens who expressed concern that infill development was causing problems with stormwater runoff and unintended trespass because driveways/parking areas were being constructed with no setbacks from the adjacent property.

## 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

None

## 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:

Driveways and parking areas can be constructed right up to an adjacent property line without any required setback..

## Impacts Summary

### Adoption of Proposed Text Change

The adoption of the text change would require a 3.5' side and rear setback for driveways/parking areas in order to create a reasonable setback so as to provide room for vehicular overhang and the opening of vehicle doors without creating a situation of unintended trespass on an adjacent property. In some instances, it would also help with stormwater runoff issues between adjacent properties..

### No action

Driveways and parking areas could be constructed with no required setback up to the edge of side and rear property lines..

**Draft Driveway/Parking Setback Ordinance  
TC-21-16**

**AN ORDINANCE TO AMEND SECTIONS 2.2.1., 2.2.2., 2.2.3., 2.2.4., 2.3.2., 2.3.3., 2.3.4., 2.3.5., 2.4.2., 2.4.3., 2.4.4., 2.4.5., 8.3.5.C.1., AND 8.3.5.C.2.e. OF THE RALEIGH UNIFIED DEVELOPMENT ORDINANCE TO REQUIRE A 3.5' SIDE YARD AND REAR YARD SETBACK FOR DRIVEWAYS AND PARKING AREAS.**

**WHEREAS**, the City of Raleigh recognizes the need to create a reasonable setback requirement for vehicular surface areas so as to provide room for vehicular overhang and the opening of vehicle doors without creating a situation of unintended trespass on an adjacent property;

**WHEREAS**, the City of Raleigh has found a 3.5' setback to adequately serve this purpose;

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

**Section 1.** Sections 2.2.1., 2.3.2., and 2.4.2. of the Raleigh Unified Development Ordinance, Detached House, are hereby amended by inserting the following underlined text, in alphabetical order, on the tables in these sections noting the 3.5' setback is applicable to each of the corresponding zoning districts listed on the table therein:

**G.. Parking Setbacks**

G1 From side/rear lot line (min)                      3.5'

**Section 2.** Sections 2.2.2., 2.3.3., and 2.4.3. of the Raleigh Unified Development Ordinance, Attached House, are hereby amended by inserting the following underlined text, in alphabetical order, on the tables in these sections noting the 3.5' setback is applicable to each of the corresponding zoning districts listed on the table therein:

**G.. Parking Setbacks**

G1 From side/rear lot line (min)                      3.5'

**Section 3.** Sections 2.2.3., 2.3.4., and 2.4.4. of the Raleigh Unified Development Ordinance, Townhouse, are hereby amended by inserting the following underlined text, in alphabetical and numerical order, on the tables in these sections noting the 3.5' setback is applicable to each of the corresponding zoning districts listed on the table therein:

**D.. Parking Setbacks**

D5 From side/rear lot line of Development Periphery (min)                      3.5'

**Section 4.** Sections 2.2.4., 2.3.5., and 2.4.5. of the Raleigh Unified Development Ordinance, Apartment, are hereby amended by deleting the following language shown with a strike-through and inserting the following underlined text on the tables in these sections noting the 3.5' setback is applicable to each of the corresponding zoning districts listed on the table therein:

**C... Parking Setbacks**

C3 From side/rear lot line of Development Periphery (min)	<del>0'</del> or 3.5'
<del>C4 From rear lot line (min)</del>	3'

**Section 5.** Section 8.3.5.C.1. of the Raleigh Unified Development Ordinance, All Driveways, is hereby amended by inserting the following underlined text at the end of the section in the corresponding alphabetical order:

- d. Driveways must be located a minimum of 3.5 feet from the side and rear lot lines. However, a driveway may be located on the lot line closer than 3.5 feet if it is shared with an adjacent lot or a no-build easement is secured on the adjacent lot such that it guarantees a minimum separation of 7' from the encroaching driveway and any impervious surfaces or structures on the adjacent lot with the exception of fences and walls on either lot which need only respect a 3.5' separation from the encroaching driveway.

**Section 6.** Section 8.3.5.C.2.e. of the Raleigh Unified Development Ordinance, Driveways for Residential Uses, is hereby amended by inserting the following underlined text:

- e. Driveways must be located a minimum of 3.5 feet from the side and rear lot lines. However, a driveway may be located on the lot line closer than 3.5 feet if it is shared with an adjacent lot or a no-build easement is secured on the adjacent lot such that it guarantees a minimum separation of 7' from the encroaching driveway and any impervious surfaces or structures on the adjacent lot with the exception of fences and walls on either lot which need only respect a 3.5' separation from the encroaching driveway.

**Section 7.** 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 8.** 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 9.** This text change has been reviewed by the Raleigh City Planning Commission.

**Section 10.** This ordinance has been adopted following a duly advertised public hearing of the Raleigh City Council.

**Section 11.** This ordinance has been provided to the North Carolina Capital Commission as required by law.

**Section 12.** 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 13.** This ordinance is effective 5 days after adoption.

**ADOPTED:**

**EFFECTIVE:**

**DISTRIBUTION:**

*Prepared by the Department of City Planning*