

**ORDINANCE NO. 2016 – 629 TC 383
TC-12-16**

**AN ORDINANCE TO AMEND THE RALEIGH UNIFIED DEVELOPMENT
ORDINANCE TO EXPAND THE BUILD-TO RANGE FOR TOWNHOUSE AND
APARTMENT BUILDING TYPES SUCH THAT THE MAXIMUM PRIMARY
STREET BUILD-TO IS INCREASED TO 50 FEET**

WHEREAS, the City of Raleigh recognizes a need to increase flexibility in siting residential buildings in close proximity to high-traffic, auto-oriented major streets; and

WHEREAS, by increasing the maximum build-to range, this will provide a better ability to provide landscaping and buffers between residential units and busy streets thereby mitigating a number of potential impacts from the roadway, such as noise, light and safety, that might otherwise impact the residents in these building types.

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

Section 1. Sections 2.2.3.E1, 2.3.4.E1, 2.4.4.E1, and 3.2.3.E1 of the Raleigh Unified Development Ordinance, Townhouse – Primary street build-to (min/max), are hereby amended by deleting the following text shown with a strikethrough and inserting the following underlined text:

E1 Primary street build-to (min/max) 10'/~~30~~55'

Section 2. Sections 2.2.4.D1, 2.2.4.D3, 2.3.5.D1, 2.3.5.D3, 2.4.5.D1, 2.4.5.D3, 3.2.4.D1, and 3.2.4.D3 of the Raleigh Unified Development Ordinance, Apartment – Primary street build-to (min/max) and Side street build-to (min/max), are hereby amended by deleting the following text shown with a strikethrough and inserting the following underlined text:

D1 Primary street build-to (min/max) 10'/~~30~~55'

D3 Side street build-to (min/max) 10'/~~30~~55'

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 All laws and clauses of laws in conflict herewith are repealed to the extent of such conflict.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 five (5) days after adoption.

ADOPTED: September 6, 2016
EFFECTIVE: September 11, 2016

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

Prepared by the Department of City Planning



Certified Recommendation

Raleigh Planning Commission

CR# 11714

Case Information: TC-12-16 Townhouse and Apartment Building Types – Build-to

Comprehensive Plan Guidance

<p><i>Applicable Policy Statements</i></p>	<p>Policy UD 7.2: Promoting Quality Design – Promote quality urban design through the use of design standards, zoning regulations, promotional materials, design awards, programs, and competitions.</p> <p>Policy UD 7.3: Urban Design Guidelines – The Design Guidelines in Table UD-1 shall be used to review rezoning petitions and development applications for mixed-use developments; or rezoning petitions and development applications along Main Street and Transit emphasis corridors or in City Growth, TOD and Mixed-Use centers, including preliminary site plans and development plans, petitions for the application of the Pedestrian Business or Downtown Overlay Districts, Planned Development Districts, and Conditional Use zoning petitions. (4,6)</p> <p>Design Guideline 23: Street Design/Spatial Definition – Buildings should define the streets spatially. Proper spatial definition should be achieved with buildings or other architectural elements (including certain tree plantings) that make up the street edges aligned in a disciplined manner with an appropriate ration of height to width.</p> <p>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.</p>
<p><i>Action Items</i></p>	

Summary of Text Change

<p><i>Summary</i></p>	<p>Amends the Unified Development Ordinance to increase the maximum build-to range from a maximum of a 30’ building setback to a maximum of a 55’ building setback for the build-to requirement.</p>
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Summary of Impacts

<p><i>Impacts Identified</i></p>	<p>Adoption of TC-12-16:</p>
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	<ol style="list-style-type: none"> 1. The adoption of the text change would allow townhouses and apartment building to be set further back from the street right-of-way. 2. The adoption of the text change would allow for additional landscaping to be located between townhouses and apartment buildings and the street. <p><u>No Action:</u></p> <ol style="list-style-type: none"> 1. Townhouse and Apartment building types would be required to be within 30 feet of the street right-of-way.
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Public Meetings

<i>Submitted</i>	<i>Committee</i>	<i>Planning Commission</i>	
7-19-16		7-26-16	Approval

Attachments

1. Draft Ordinance

Planning Commission Recommendation

<i>Recommendation</i>	Approval
<i>Findings & Reasons</i>	
<i>Motion and Vote</i>	Motion: Terando Second: Tomasulo In favor: Braun, Fluhrer, Hicks, Jeffreys, Terando, Tomasulo and Schuster

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.

_____ 7/26/16
 Planning Director Date Planning Commission Chairperson Date
 Staff Coordinator: Eric Hodge: eric.hodge@raleighnc.gov



Zoning Staff Report – TC-12-16

Townhouse and Apartment Building Types – Build-to

Request

<p><i>Section Reference</i></p>	<p>Unified Development Ordinance §2.2.3.E1, 2.3.4.E1, 2.4.4.E1, and 3.2.3.E1, Townhouse - Primary street build-to, and §2.2.4.D1, 2.2.4.D3, 2.3.5.D1, 2.3.5.D3, 2.4.5.D1, 2.4.5.D3, 3.2.4.D1, and 3.2.4.D3 of the Raleigh Unified Development Ordinance, Apartment - Primary street build-to (min/max) and Side street build-to (min/max).</p>
<p><i>Basic Information</i></p>	<p>Amends the Unified Development Ordinance to increase the maximum build-to range from a maximum of a 30' building setback to a maximum of a 55' building setback for the build-to requirement.</p>
<p><i>PC Recommendation Deadline</i></p>	

Comprehensive Plan Guidance

<p><i>Applicable Policies</i></p>	<p>Policy UD 7.2: Promoting Quality Design – Promote quality urban design through the use of design standards, zoning regulations, promotional materials, design awards, programs, and competitions.</p> <p>Policy UD 7.3: Urban Design Guidelines – The Design Guidelines in Table UD-1 shall be used to review rezoning petitions and development applications for mixed-use developments; or rezoning petitions and development applications along Main Street and Transit emphasis corridors or in City Growth, TOD and Mixed-Use centers, including preliminary site plans and development plans, petitions for the application of the Pedestrian Business or Downtown Overlay Districts, Planned Development Districts, and Conditional Use zoning petitions. (4,6)</p> <p>Design Guideline 23: Street Design/Spatial Definition – Buildings should define the streets spatially. Proper spatial definition should be achieved with buildings or other architectural elements (including certain tree plantings) that make up the street edges aligned in a disciplined manner with an appropriate ration of height to width.</p> <p>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</p>
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	affordable housing.
<i>Action Items</i>	

Contact Information

<i>Staff Coordinator</i>	Eric Hodge: eric.hodge@raleighnc.gov ; 919.996.2639
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History/Overview

As a result of Strategic Planning Committee review, the Planning Commission recommended a series of revisions to the code including the need to increase the maximum setbacks allowed for Townhouses and Apartment building types to in order to accommodate more landscaping and more separation between the street and the residential dwellings. The City Council reviewed this recommendation during a Council Work Session on July 19, 2016 and subsequently authorized the text-change at their afternoon Council meeting on July 19, 2016.

Purpose and Need

With respect to the build-to requirements for Townhouses and Apartment Buildings, the Planning Commission recognizes that existing regulations require both building types to satisfy a build-to between 10 and 30 feet of the parcel boundary, irrespective of street type. This can result in these buildings types being built relatively close to high-traffic, auto-oriented major streets. The Planning Commission recommends expanding the range of build-to to 10 to 55 feet to increase flexibility in response to development context. This will provide a better ability to provide landscaping and buffers between residential units and busy streets.

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:

Townhouse and Apartment Buildings would be required to be no more than 30' from the street right of way. There could be noise issues with residential uses being so close to certain types of streets

Impacts Summary

Adoption of Proposed Text Change

The adoption of the text change would expand the maximum building setback associated with the build-to for townhouse and apartment building types by 20 feet and thereby allowing a 55' maximum building setback for the purposes of the "build-to" for these two building types. It would also allow for 50' wide tree conservation areas to be set aside along thoroughfares.

No action

Townhouse and apartment building types must be located no more than 30' back from the street right-of-way for purposes of satisfying the build-to requirements.