

# Official Zoning Code Interpretation



Department of City Planning | 1 Exchange Plaza, Suite 300 | Raleigh, NC 27601 | 919-996-2626

Requested Interpretation		Case Number
<p>Is student housing allowed as an accessory use to a private school (K-12) in an R-1 zoning district? The applicant for this interpretation is a private school (K-12) operating at 10224 Baileywick Road (PIN 0788974000) and would like to purchase an adjacent property at 10306 Baileywick Road (PIN 0788960106) to be used as student housing for a small number of students and residential supervisors. The applicant would recombine the lot into the school property so as to locate the student housing on the same lot as the school, were the interpretation to be favorable and the project come to fruition.</p>		UI-2-2016
<p><b>Site Address/PIN:</b> 10224 Baileywick Road (PIN 0788974000) &amp; 10306 Baileywick Road (PIN 0788960106)</p>		
<p><b>Date Submitted:</b> Feb. 2, 2016</p>	<p><b>Date Issued:</b> Feb. 22, 2016</p>	<p><b>Code Sections Affected:</b> Article 6.1, Sec. 6.2.2.D., Sec. 6.3.1.D., Article 6.7</p>

## STAFF ANALYSIS

The Allowed Principle Use Table found in Sec.6.1.4. of the City of Raleigh’s Unified Development Ordinance (UDO), notes that “School, public or private (K-12) are Limited Uses in the R-1 Zoning District. Under Sec. 6.7.1 of the UDO, accessory uses are permitted in conjunction with allowed principal uses, when the Zoning Enforcement Administrator (also known as the Planning and Zoning Administrator) finds that the accessory use meets the following criteria:

1. Are clearly incidental to and customarily found in connection with an allowed principal building or use;
2. Are subordinate to and serving an allowed principal building or use;
3. Are subordinate in area, extent and purpose to the principal building or use served;
4. Contribute to the comfort, convenience or needs of occupants, business or industry in the principal building or use served; and
5. Are located on the same lot as the principal building or use served.

Each of these five findings must be affirmed in determining whether or not a use is accessory to the primary use. The intention of these regulations is to realize that certain, ancillary uses exist in conjunction with a primary use. More importantly, these ancillary uses are intended to create little to no additional impact on the surrounding area.

Student housing to serve a limited portion of the K-12 population, while not typically present in the public school setting, can be a component of the private school setting. The proposed residence hall should be incidental in size and scope with the allowed principal use of the site as a school. The student housing would be provided for the comfort and convenience to the students of the school. Lastly, the proposed student housing lot must be located on the school property therefore, the proposed use would qualify as an accessory use/structure to the principal use on the site, a private school (K-12).

The Use Regulations found in the UDO, specifically Sec.6.2.2.D., defines “Dormitory, Fraternity, Sorority” as “A social organization of students providing group living accommodations for a college or university”. As the proposed student housing in question is for primary and secondary education levels, and not post-secondary/collegiate level education, it is not a dormitory as referred to in the use regulations found in Chapter 6 of the UDO.

## STAFF INTERPRETATION

Staff believes that as described, the student housing used in conjunction with the private school (K-12) located in a R-1 zoning district would be considered a permitted accessory use and allowed on the site at 10306 Baileywick Road (PIN 0788960106). The residence hall meets the five criteria, provided that the school lot is recombined with the lot at 10224 Baileywick Road (PIN 0788974000).

## SIGNATORY

Travis R. Crane, Planning and Zoning Administrator