



Planning & Development

Zoning Division
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City of Raleigh Official Zoning Code Interpretation

Requested Interpretation		Case Number
<p>UDO 5.4.3, Section 12.f limits maximum building height within the Oberlin Village NCOD to "25 feet or 2 stories" (the "Subject Code Section").</p> <p>Specifically, whether the Subject Code Section, in tandem with UDO 1.5.7 establishing certain standards for governing the measurement of building heights, allows for residential building structures located within the Oberlin Village NCOD to be taller than 25' provided that they are limited to no more than "2 stories" in accordance with the Subject Code Section.</p>		UI-4-2014
Site Address/PIN: N/A		
Date Submitted: 8 May 2014	Date Issued: 15 May 2014	Code Sections Affected: 5.4.3.F.12 (Oberlin Village) 1.5.7.A (Building Height)

STAFF ANALYSIS

The applicant has requested an interpretation of the maximum height permitted within the Oberlin Village Neighborhood Conservation Overlay District. Section 5.4.3.F.12 of the Unified Development Ordinance establishes the regulations for this NCOD. Subsection f provides that maximum building height shall be "25 feet or 2 stories." The inclusion of the word "or" leads the reader to believe that either of the metrics can be applied – buildings either have a 25 foot height maximum or are constructed to a maximum of two stories.

Section 1.5.7 provides the regulations for calculating maximum height. The method for measuring height in the UDO is to the peak of the roof. The previous part 10 code measured height to the midpoint of the roof. It was likely this method of measurement that set the maximum building height in the Oberlin Village NCOD. Under the previous part 10 zoning code, this perceived issue was not present as height was measured in a different manner.

STAFF INTERPRETATION

Typically any conflicting regulations would be resolved in favor of the more stringent provision; see Section 1.1.7.B. However, the regulations in Section 5.4.3.F.12.f are not conflicting per se; they provide two options for the property owner. The presence of the word "or" allows the reader to choose either provision. If the text included the rejoinder "and" it would be clear that both metrics should be applied. As currently written, maximum height can either be 25 feet or two stories.

SIGNATORY

Travis R. Crane, Planning and Zoning Administrator