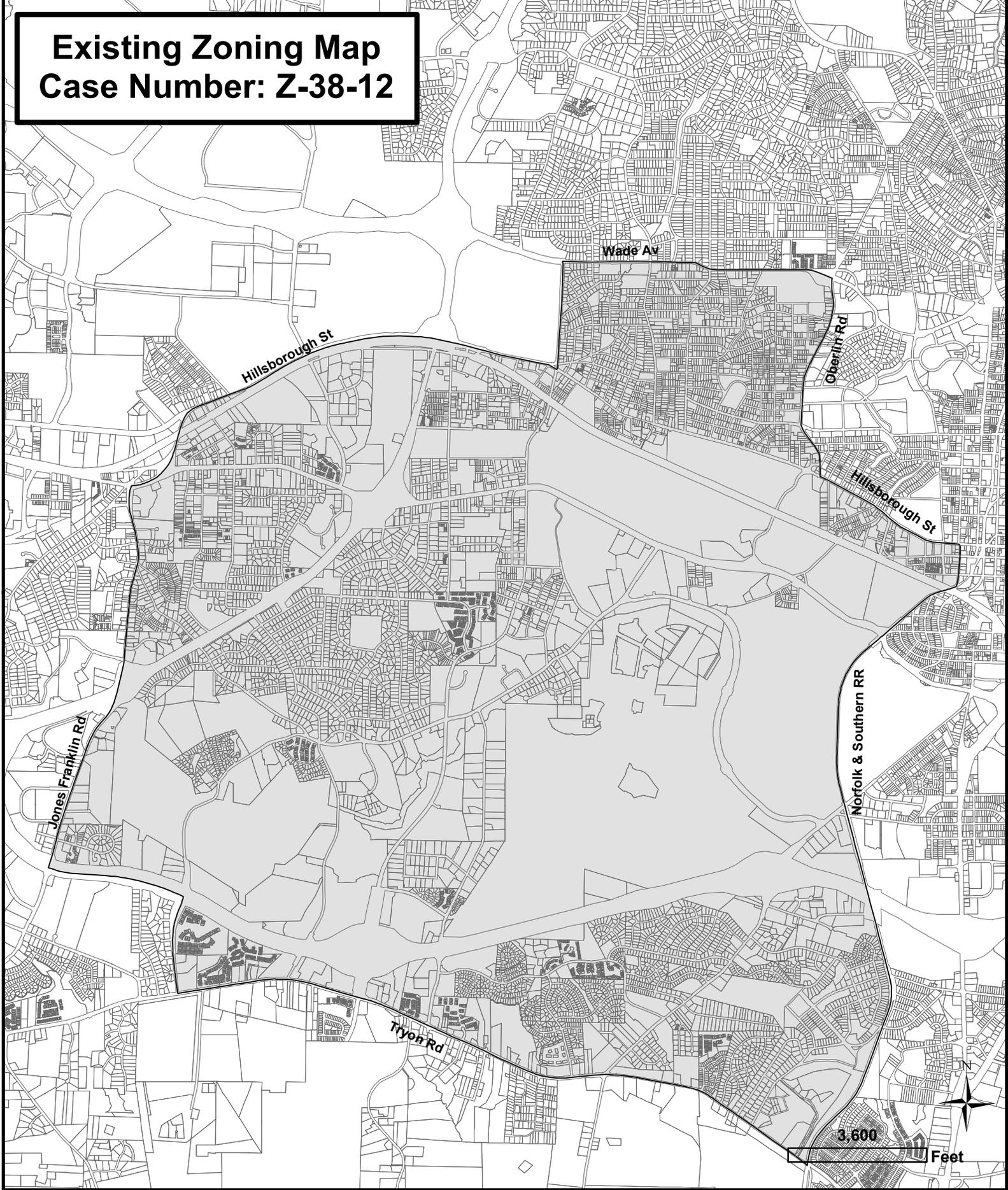


**Existing Zoning Map
Case Number: Z-38-12**

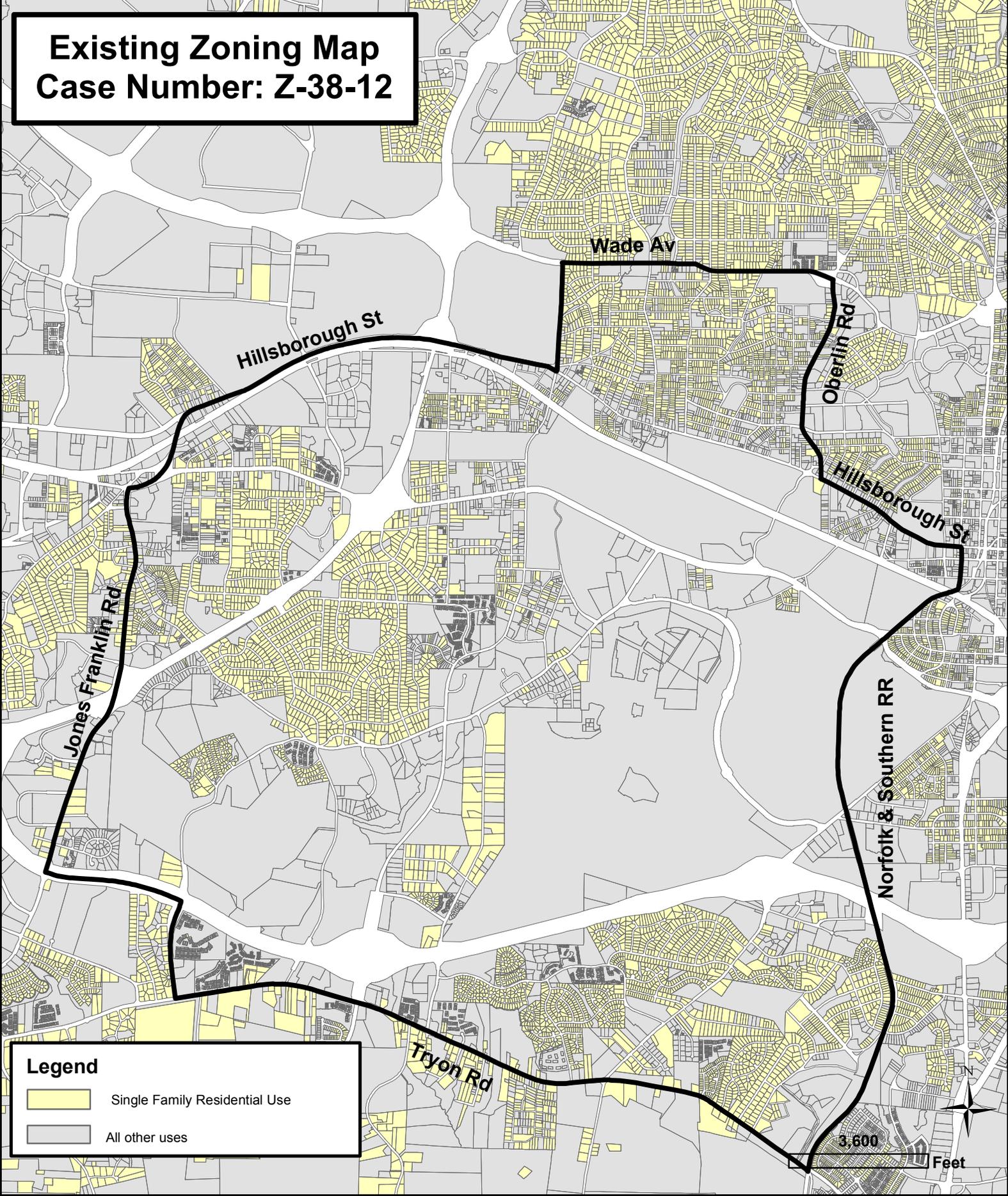


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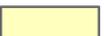
**8,231 acres to add Special Residential Parking
Overlay District**

City of Raleigh Public Hearing
September 4, 2012
(December 3, 2012)

**Existing Zoning Map
Case Number: Z-38-12**



Legend

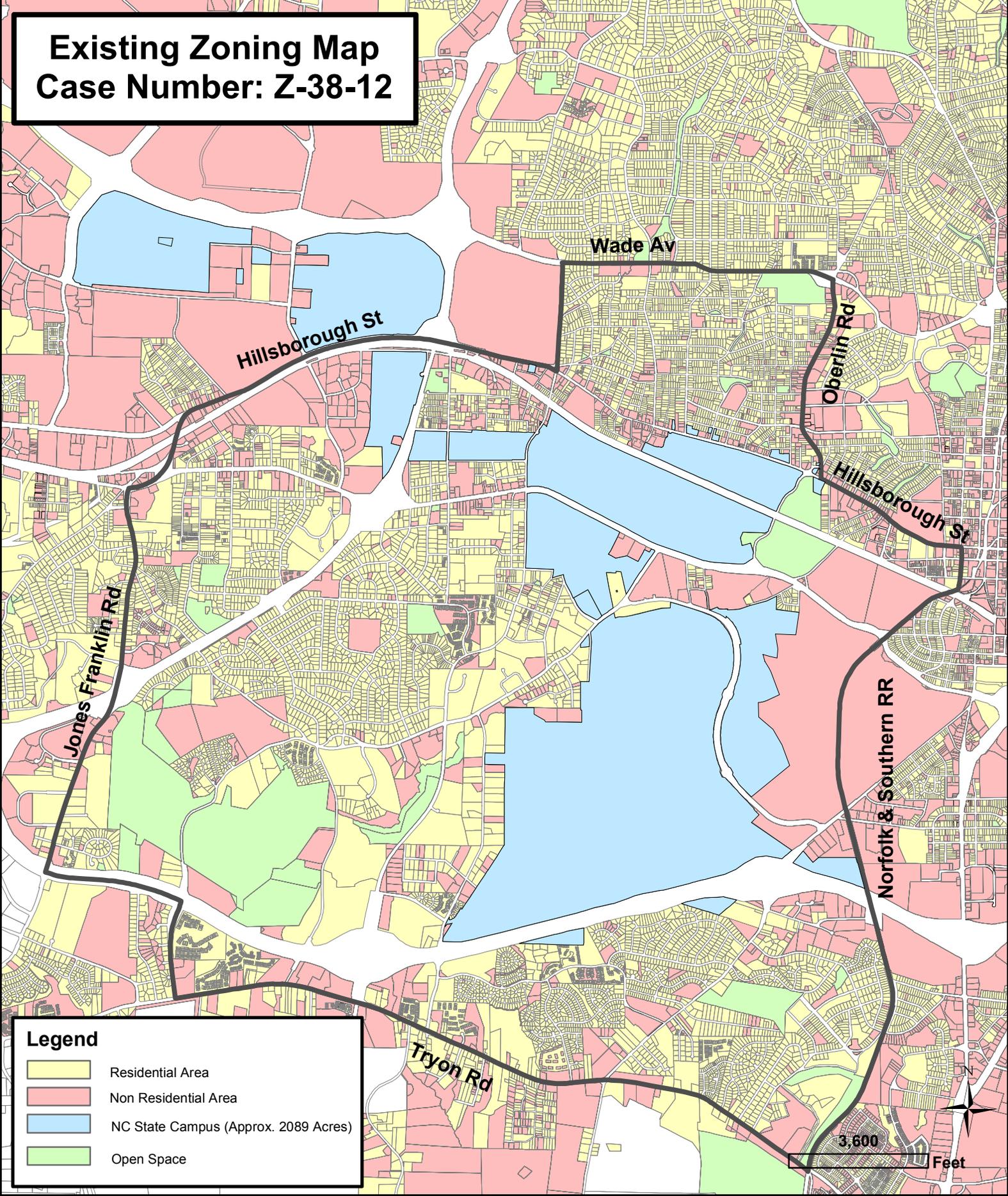
-  Single Family Residential Use
-  All other uses

Request:
**8,231 acres to add Special Residential Parking
Overlay District**

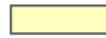
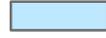
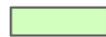
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September 4, 2012
(December 3, 2012)

Existing Zoning Map

Case Number: Z-38-12



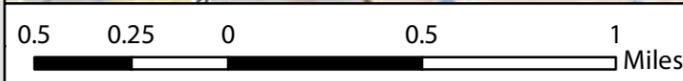
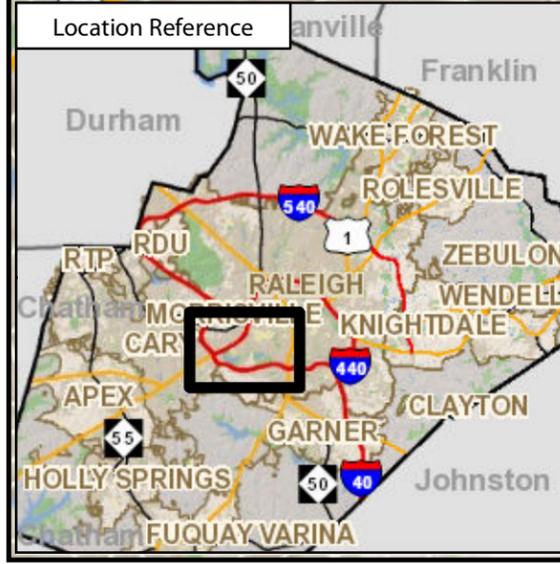
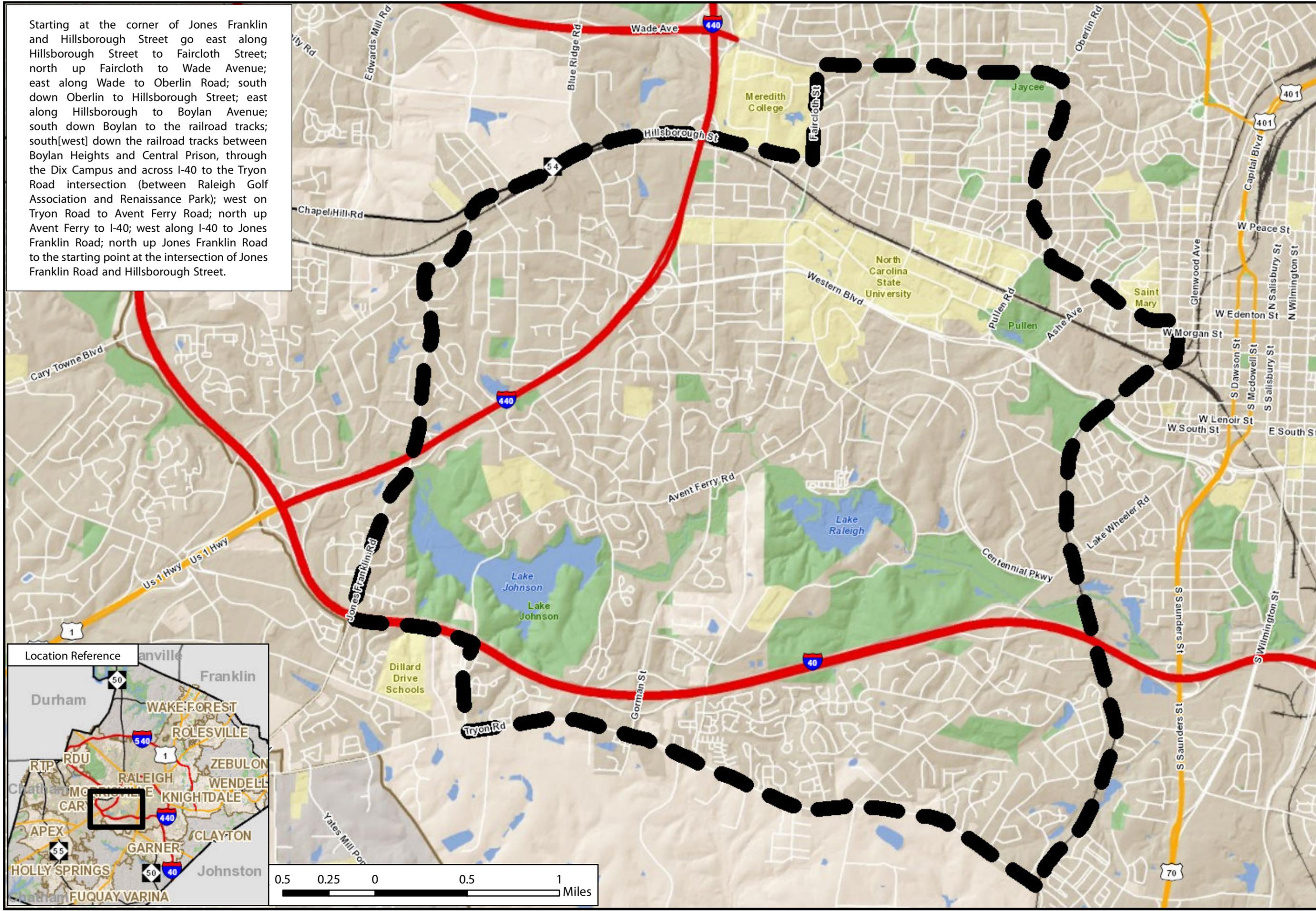
Legend

-  Residential Area
-  Non Residential Area
-  NC State Campus (Approx. 2089 Acres)
-  Open Space

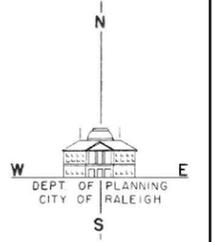
Request:
**8,231 acres to add Special Residential Parking
Overlay District**

City of Raleigh Public Hearing
September 4, 2012
(December 3, 2012)

Starting at the corner of Jones Franklin and Hillsborough Street go east along Hillsborough Street to Faircloth Street; north up Faircloth to Wade Avenue; east along Wade to Oberlin Road; south down Oberlin to Hillsborough Street; east along Hillsborough to Boylan Avenue; south down Boylan to the railroad tracks; south[west] down the railroad tracks between Boylan Heights and Central Prison, through the Dix Campus and across I-40 to the Tryon Road intersection (between Raleigh Golf Association and Renaissance Park); west on Tryon Road to Avent Ferry Road; north up Avent Ferry to I-40; west along I-40 to Jones Franklin Road; north up Jones Franklin Road to the starting point at the intersection of Jones Franklin Road and Hillsborough Street.



Proposed Special Residential Parking Overlay District



Map by Ray Aull
20 June 2012





Certified Recommendation

Raleigh Planning Commission

CR# 11488

Issues and Impacts

<i>Outstanding Issues</i>	<ul style="list-style-type: none"> • Potential impacts to on-street parking, stormwater runoff, tree conservation, and public utilities • Potential financial hardship imposed by required compliance 	<i>Suggested Conditions</i>	NA
<i>Impacts Identified</i>	<ul style="list-style-type: none"> • A potential increase in spillover of on-street parking • Potential increase in stormwater runoff, stream bank erosion, and flooding issues • Potential conflict between location of public utilities and driveways • Potential conflict with application of Tree Conservation ordinance for lots 2 acres or greater 	<i>Proposed Mitigation</i>	NA

Public Meetings

<i>Neighborhood Meeting</i>	<i>Public Hearing</i>	<i>Committee</i>	<i>Planning Commission</i>
NA	9/4/12	Date:	Date: 9/11/12

Valid Statutory Protest Petition

Attachments

1. Staff report
2. Existing Zoning/Location Map
3. Future Land Use

Planning Commission Recommendation

<i>Recommendation</i>	The Planning Commission finds that this request is consistent with the Comprehensive Plan and recommends, based on the findings and reasons stated below, that this request be approved. The Planning Commission also recommends that City Council revise TC-7-09 so that the overlay standards apply citywide.
<i>Findings & Reasons</i>	(1) That the request is consistent with the Comprehensive Plan. Several land use classifications are included within the proposed overlay district boundary. However, the rezoning proposal will not change the base zoning



Certified Recommendation

Raleigh Planning Commission

CR# 11488

Request

<i>Location</i>	General area bound by Hillsborough Street, Faircloth Road, Wade Avenue, Oberlin Road to the north; Boylan Avenue, Norfolk and Southern rail tracks to the east; Tryon Road, Avent Ferry, I-40 to the south; and Jones Franklin Road to the west
<i>Request</i>	Rezone properties with the Special Residential Parking Overlay District while retaining current base zoning districts
<i>Area of Request</i>	8,231 acres
<i>Property Owner</i>	Multiple Owners (See list attached with petition)
<i>PC Recommendation Deadline</i>	December 3, 2012

Subject Property

	<i>Current</i>	<i>Proposed</i>
<i>Zoning</i>	Multiple Zoning Districts	Multiple Zoning Districts (no change to existing zoning)
<i>Additional Overlay</i>	WPOD, SHOD-1, SHOD-2, PDD, PBOD, NCOD, DOD	Additional Special Residential Parking Overlay District; current overlays to remain
<i>Land Use</i>	Multiple uses	No change. Regulates front yard parking for single-family detached dwellings only.
<i>Residential Density</i>	Multiple densities permitted by the base zoning district	No change

Surrounding Area

	<i>North</i>	<i>South</i>	<i>East</i>	<i>West</i>
<i>Zoning</i>	Residential & Commercial	Residential & Commercial	Residential & Commercial	Residential & Commercial
<i>Future Land Use</i>	Mix of uses - No impact on land use	Mix of uses - No impact on land use	Mix of uses - No impact on land use	Mix of uses - No impact on land use
<i>Current Land Use</i>	Mix of uses	Mix of uses	Mix of uses	Mix of uses

Comprehensive Plan Guidance

<i>Future Land Use</i>	Multiple Land Use Designations (base land uses not impacted by the proposed overlay) <i>Institutional, Public Facilities, Public Parks and Open Space, Private Open Space, Office & Residential Mixed Use, Office/R&D, Low, Moderate, Medium, High Density Residential, Neighborhood and Community Mixed Use, Industrial</i>
<i>Area Plan</i>	Arena SAP, Avent West SAP, Cameron Park NP, Stanhope Village Plan, Wade Oberlin SAP
<i>Applicable Policies</i>	Policy LU 8.3 Conserving, Enhancing, and Revitalizing Neighborhoods

	Policy LU 8.5 Conservation of Single-Family Neighborhoods Policy LU 8.14 Student-Oriented Housing Policy T 6.1 Surface Parking Alternatives Policy T 6.9 Green Parking Facilities Policy EP 3.4 Low Impact Systems for Parking Policy EP 8.1 Light Pollution Policy PU 5.1 Sustainable Stormwater Management Policy UD 1.1 Protecting Neighborhood Identity Policy UD 3.9 Parking Lot Design Policy UD 4.10 Improving Pedestrian Safety Policy UD 5.4 Neighborhood Character and Identity Policy HP 2.5 Conserving Older Neighborhoods Policy HP 4.5 Support for Neighborhoods Policy AP-A 24 Reducing Surface Parking Impacts Policy AP-AW 1 Western-Avent Ferry Beautification Policy AP-CP 1 Cameron Park Historic Character Policy AP-SV 12 Stanhope Village On-Street Parking Policy AP-WO 3 Protecting Wade-Oberlin's Neighborhood Character
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Contact Information

<i>Staff</i>	Dhanya Sandeep, dhanya.sandeep@raleighnc.gov
<i>Applicant</i>	City of Raleigh
<i>Citizens Advisory Council Contacts</i>	<p>Wade: Luis Olivieri, luis.olivieri-robert@raleighnc.gov</p> <p>Southwest: Anthony McLeod, Anthony.mcleod@gmail.com Connie Crumpler, ccrumpler4@juno.com</p> <p>Hillsborough: Will Allen III, will@allenheuer.com Sue Adley-Warrick, adleywarrick.s@gmail.com</p> <p>West: Benson Kirkman, Benson.kirkman@att.net Jim Paumier, jopaumier@earthlink.net</p>

Case Overview

The proposed Special Residential Parking Overlay District encompasses approximately 8,231 acres surrounding the NC State University campus in Southwest Raleigh. The proposed overlay district area includes a mix of land use classifications including residential, commercial, open space and university/campus uses. The subject request will have no impact on the base zoning district classification, development standards, or land uses. However, it will impact only single family detached dwellings. Approximately 55% of the proposed overlay district acreage is comprised of single family detached homes. The NCSU owned properties (largely institutional), parks/open space, and commercial uses constitute the remaining area.

The proposed overlay standards will include additional regulations for front yard parking of single-family detached homes. Parking within the side or rear yard is not regulated. Existing driveway and parking areas which are on grass, dirt or gravel are required to comply with the following construction standards (or) be restricted to parking single-file directly in front of the driveway curb cut:

- Driveways and parking located within the front yard area shall be limited to the driveway plus an area to accommodate 2 additional parking spaces (380 square feet), or 40% of the front yard area, whichever is less. Requires immediate compliance upon the effective date of the adopted rezoning. Existing gravel, grass or other nonerodible surface parking shall be required to comply or be restricted to the single-file parking provision listed above. Existing asphalt, concrete, pavers, etc. surfaces which exceed this maximum may remain.
- Driveways and parking located within the front yard shall be constructed of nonerodible surfaces (asphalt, concrete, pavers, etc.) or 4" of gravel w/ permanent borders (man-made or natural). (NOTE: Exceptions apply to accommodate dwellings which gain access from a street w/ a speed limit in excess of 35mph.). Requires immediate compliance upon the effective date of the adopted rezoning.
- Requires vegetative screening for new parking spaces that face (headlights) the side property line. Screening shall be required along the side of the parking space parallel to the street to obscure the broad side of the vehicle.

The proposed overlay regulations are intended to enhance and preserve the overall neighborhood character and visual appeal.

Exhibit C & D Analysis

Staff examines consistency with the Comprehensive Plan, compatibility with the surrounding area, public benefits and detriments of the proposal, and summarizes any associated impacts of the proposal.

1. Consistency of the proposed rezoning with the Comprehensive Plan and any applicable City-adopted plan(s)

1.1 Future Land Use

The proposed overlay district area comprises of several land use designations including Institutional, Public Facilities, Public Parks and Open Space, Private Open Space, Office & Residential Mixed Use, Office/R&D, Low, Moderate, Medium, High Density Residential, Neighborhood and Community Mixed Use, and Industrial uses. However, the proposed overlay district will have no impact on current or future land uses or on base zoning regulations. The proposed overlay will place additional regulations on front yard parking specifically for single family detached homes. The request is consistent with the Future Land Use Map.

1.2 Policy Guidance

The following policy guidance is applicable with this request:

<p>Policy LU 8.3 Conserving, Enhancing, and Revitalizing Neighborhoods 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>Policy LU 8.5 Conservation of Single-Family Neighborhoods 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>
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The request is consistent with these policies. The proposed overlay district is primarily intended to preserve and protect the neighborhood character, quality, and visual appeal of several older established neighborhoods of Southwest Raleigh. The regulations also help restore the environment by requiring non-erodible surfaces for parking that helps in reducing erosion and increased run-off associated with parking on grassed, erodible surfaces as currently permitted.

Policy LU 8.14 Student-Oriented Housing

Encourage student-oriented housing, including fraternities, sororities, dormitories and rent-by-the-room, multi-bedroom apartments, to locate in the area immediately adjacent to colleges/universities, in transit-oriented development areas, or in downtown.

The request is inconsistent with this policy. While the proposed rezoning request does not directly regulate land use or types, it is intended to address the residential front yard parking issue. The issue of front yard parking evolved from the increasing number of vehicles being parked within residential front yards, and the negative impacts on neighborhood appearance and the environment. This was observed in residential communities surrounding universities with predominantly multi-tenant use properties and associated overflow parking. Thus, the regulations on front yard parking will likely curb the ability to rent out for auto-dependent multi-tenant student users.

Policy T 6.1 Surface Parking Alternatives

Reduce the amount of land devoted to parking through measures such as development of parking structures and underground parking, the application of shared parking for mixed-use developments, flexible ordinance requirements, maximum parking standards, and the implementation of Transportation Demand Management plans to reduce parking needs.

The request is consistent with this policy. The proposed application of the special residential parking overlay district will limit the amount of surface parking and provide alternative front parking standards specifications.

Policy T 6.9 Green Parking Facilities

Reduce stormwater runoff generated by parking facilities by promoting an increase in the use of tree planting and landscaping, green roofs for parking decks, and permeable materials for parking lots, driveways, and walkways.

Policy EP 3.4 Low Impact Systems for Parking

Well maintained pervious pavement or other low impact systems for parking areas should be encouraged throughout the City, especially in environmentally sensitive areas and floodplains, as appropriate.

Policy PU 5.1 Sustainable Stormwater Management

Reduce run-off velocity and improve water quality from existing and new development using sustainable infrastructure techniques that use soils and vegetation to capture, cleanse, and re-use stormwater runoff.

Policy UD 3.9 Parking Lot Design

Encourage efficient site design, shared parking between complementary uses, and reduced amounts of impervious surface in parking lot design.

The request is consistent with these policies. The proposed overlay regulations limit amount of impervious surface and require non erodible surfaces for parking with alternative vegetative landscaping around erodible surfaces. These standards not only encourage green parking facilities but also help reduce erosion and stormwater run-off.

Policy EP 8.1 Light Pollution

Reduce light pollution and promote dark skies by limiting the brightness of exterior fixtures and shielding adjacent uses from light sources, provided safety is not compromised. Minimize flood lighting and maximize low level illumination. Promote the use of efficient, full cut-off lighting fixtures wherever practical. Full cut-off fixtures emit no light above the horizontal plane.

The proposed overlay standards require vegetative screening of parking areas visible from the street. This provides for a certain level of protection from light impacts. The request is consistent with this policy.

Policy UD 1.1 Protecting Neighborhood Identity

Use Neighborhood Conservation Overlay Districts (NCOD), Historic Overlay Districts (HOD), or rezonings to retain the character of Raleigh's existing neighborhoods and strengthen the sense of visual order and stability.

Policy UD 5.4 Neighborhood Character and Identity

Strengthen the defining visual qualities of Raleigh's neighborhoods. This should be achieved in part by relating the scale of infill development, alterations, renovations, and additions to existing neighborhood context.

Policy HP 2.5 Conserving Older Neighborhoods

Develop plans and programs to conserve older neighborhoods that have a unique scale and identity, but are not yet protected by an overlay district.

Policy HP 4.5 Support for Neighborhoods

Support neighborhood efforts to pursue both federal and Raleigh historic designations, and to make use of zoning overlay districts.

The proposed parking overlay district would regulate parking within front yards of single family detached homes. The additional regulations will help mitigate the adverse impacts on neighborhood character and visual appeal caused by unregulated and overflow parking in residential areas. The request is consistent with these policies.

Policy UD 4.10 Improving Pedestrian Safety

Improve pedestrian safety by providing clear transitions between vehicular and pedestrian areas through landscaping and other streetscape improvements.

The request is inconsistent with this policy. The proposed overlay standards limit amount of impervious surface and require non erodible surfaces for parking with alternative vegetative landscaping around erodible surfaces. Erodeable parking area is required to be delineated clearly with landscaping or edging materials. However, the standards allow for single-file parking in front of the curb cut, thus encouraging unsafe egress and backing-out of vehicles which could potentially be unsafe for pedestrians.

1.1 Area Plan Guidance

Arena SAP Policy AP-A 24 Reducing Surface Parking Impacts

Every attempt should be made to make surface parking areas less dominant through plantings and buffers, and more efficient and better utilized to prevent the need for additional future parking. The large surface parking lots in the area should be designed to improve pedestrian access during events.

The request is consistent with this policy. The proposed overlay regulations limit amount of front yard parking area and require non erodible surfaces for parking with alternative vegetative landscaping around erodible surfaces. This helps reduce the negative impacts caused by increased surface parking area for residential uses.

Avent West SAP Policy AP-AW 1 Western-Avent Ferry Beautification

Improve and beautify the stretch of Western Boulevard and Avent Ferry Roads that border the Avent West neighborhood.

The proposed regulations limit the amount and placement of vehicular surface area in front of single family detached homes that helps in improving the overall visual appeal of neighborhoods and roadways. The request is consistent with this policy.

Cameron Park Plan Policy AP-CP 1 Cameron Park Historic Character

Enhance and preserve the historic character and scale of the Cameron Park neighborhood.

The proposed overlay regulations are primarily intended to preserve and protect the overall neighborhood character, quality, and visual appeal. The request is consistent with this policy.

Stanhope Village Plan Policy AP-SV 12 Stanhope Village On-Street Parking

Maximize the utilization of curb space for on-street parking in the Stanhope Village area.

The request is consistent with this policy. The proposed regulations limit the amount and placement of vehicular parking area for residential properties that will potentially encourage on-street parking in certain areas where the demand for parking is more than the parking area available.

Oberlin Village SAP Policy AP-WO 3 Protecting Wade-Oberlin's Neighborhood Character

The strengths of the Wade-Oberlin area (viable commercial uses in close proximity to various housing densities within a pedestrian-friendly street grid) should be enhanced by careful design of new structures and open spaces, with an emphasis on scale, pedestrian activity, and streetscapes that will harmoniously connect non-residential to residential areas.

The request is consistent with this policy. The overlay standards seek to regulate front yard parking so that the overall character of single family neighborhoods could be maintained.

2. Compatibility of the proposed rezoning with the property and surrounding area

The proposed overlay district encompasses a very large area of Southwest Raleigh which includes a mix of land use classifications including residential, commercial, open space and university/campus uses. The subject area consists of several zoning districts. Approximately 25% of the area is NC State Campus property that is mainly used for office and institutional uses, with Thoroughfare District around Centennial Campus. There are a number of overlay districts in the area including the Centennial Campus PDD and the Pedestrian Overlay District along Hillsborough Street. Special Highway Overlay District applies to properties located along Interstate 40 and portions of Tryon Road. The Trailwood neighborhood and Oberlin Village neighborhood have Neighborhood Conservation Overlays on them.

The subject request will have no impact on the base zoning district classification, land uses, or development standards. However, it will impose additional front yard parking regulations for single family detached dwellings. Approximately 55% (4860 lots) of the proposed overlay district acreage is comprised of single family detached homes that comprises of several older established neighborhoods such as Avent West, Athens Woods, Wynnewood Park, Cardinal Hills, Hunters Creek West, Kentwood, Fairway Ridge and many others. The NCSU owned properties (NCSU and Centennial Campus), parks/open space (Pullen Park, Lake Johnson, Lake Raleigh, Jaycee Park), and commercial uses constitute the remaining area. With the increase in student registration at NCSU, the influx of students and demand for housing has risen in the surrounding area. This often attributes to the increased need for additional parking regulations observed in this area. The proposed overlay standards apply to single family detached homes and are intended to protect and preserve the overall neighborhood quality and visual appeal. While the overlay district boundary encompasses institutional, commercial and open space uses, it will have no impact on these other uses. Thus, the proposed rezoning appears to be compatible with the surrounding area.

3. Public benefits of the proposed rezoning

The proposed rezoning will provide the following public benefits:

- Protect and preserve the character, quality, and visual appeal of neighborhoods
- Environmental benefits from reduced erosion and stormwater runoff
- Mitigate adverse visual impacts of parking with required vegetative screening
- Limit amount of vehicular surface area thereby curbing increase of impervious surface area and associated environmental impacts
- Potentially impact a decreased use of vehicle ownership and encourage dependency on transit ridership by indirectly limiting parking supply
- Encourage shared vehicle ridership by indirectly limiting parking supply

4. Detriments of the proposed rezoning

The proposed rezoning will potentially have the following detriments:

- Potentially transfer multi-tenant use of residential from single-family units to townhomes/duplex units
- There could be potential cumulative increase in impervious surface area over time and if all properties are brought in compliance with the ordinance
- Potential financial hardship - for some property owners, there could be cost for improvements required depending on the compliance alternatives that fits their home/lot configuration
- Potential pedestrian safety issues with backing out/egress from single-file parking areas
- Could result in potential overflow of parking on streets
- Complaint driven enforcement with limited staffing could be a problem
- Could impose hardship for neighborhoods where on-street parking is prohibited

5. The impact on public services, facilities, infrastructure, fire and safety, parks and recreation, etc.

5.1 Transportation

Traffic Study Determination: It is not anticipated that the proposed parking overlay district will have any impacts to traffic operations. Increases in on-street parking may occur in locations where front yard parking is eliminated however those changes can only be evaluated on a case-by-case basis.

Impact Identified: None

5.2 Transit

This will have little impact on transit ridership.

Impact Identified: This could cause increased violations of “No Parking Bus Zone” zones on the streets where CAT operates. Blocked stops make it difficult for passengers, especially those with mobility impairments, to embark and disembark.

5.3 Hydrology

<i>Floodplain</i>	Yes
<i>Drainage Basin</i>	multiple
<i>Stormwater Management</i>	Subject to Part 10, Chapter 9
<i>Overlay District</i>	none

Impact Identified: Because many residential properties within the area may be exempt from Stormwater Control (runoff control) requirements per Part 10, Chapter 9 of the city code, the requirement to add additional impervious under the proposed overlay district will result in additional stormwater runoff. Additional stormwater runoff can result in increased erosion and flooding issues within the overlay area.

5.4 Public Utilities

	<i>Maximum Demand (current)</i>	<i>Maximum Demand (proposed)</i>
<i>Water</i>	N/A	N/A
<i>Waste Water</i>	N/A	N/A

Impact Identified: Location of water meters and sanitary sewer service clean-outs with regards to the construction of driveways over/around the water meters and sanitary sewer service clean-outs, which is a Public Utilities Handbook prohibition.

5.5 Parks and Recreation

Impact Identified: None

5.6 Urban Forestry

10-2082.14 Sites and subdivisions 2 acres and larger are required to meet Tree Conservation Ordinance requirements.

Impact Identified:

A 2 acre or larger parcel is required to provide Tree Conservation Area. For such lots, if Tree Conservation Area or Natural Protective Yard exists along the front of a property there may be a conflict if trees are to be removed if a hard surface has to be installed for parking areas.

5.7 Wake County Public Schools

Impact Identified: None

5.8 Designated Historic Resources

Impact Identified: None

5.9 Community Development

Impact Identified: None

5.10 Impacts Summary

- This could cause increased violations of “No Parking Bus Zone” zones on the streets where CAT operates. Blocked stops make it difficult for passengers, especially those with mobility impairments, to embark and disembark.
- Because many residential properties within the area may be exempt from Stormwater Control (runoff control) requirements per Part 10, Chapter 9 of the city code, the requirement to add additional impervious under the proposed overlay district, will result in additional stormwater runoff. Additional stormwater runoff can result in increased stream bank erosion and flooding issues within the overlay area.
- Location of water meters and sanitary sewer service clean-outs with regards to the construction of driveways over/around the water meters and sanitary sewer service clean-outs, which is a Public Utilities Handbook prohibition.

- A 2 acre or larger parcel is required to provide Tree Conservation Area. For such lots, if Tree Conservation Area or Natural Protective Yard exists along the front of a property there may be a conflict if trees are to be removed if a hard surface has to be installed for parking areas.

5.11 Mitigation of Impacts

Because this request would apply a general use overlay district, mitigation through conditions cannot be considered.

6. Appearance Commission

This request is not subject to Appearance Commission review.

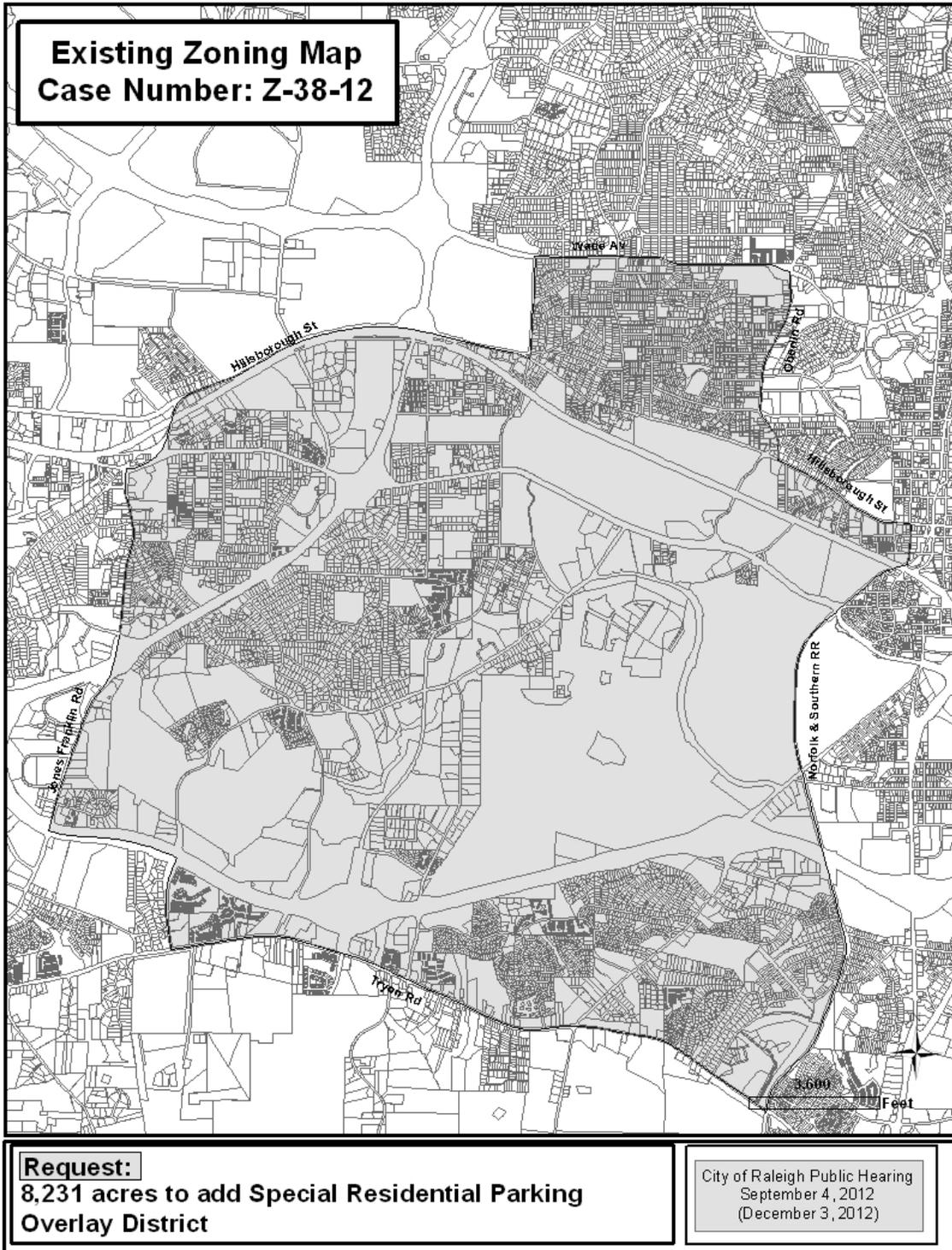
7. Conclusions

The proposed request to apply the Special Residential Overlay District imposes additional regulations to front yard parking of single family detached homes. The subject request will have no impact on the base zoning district classification, development standards, or land uses. The overlay regulations are intended to enhance and preserve the overall neighborhood character, quality, and visual appeal.

Outstanding Issues

- Potential impacts to on-street parking, stormwater runoff, tree conservation, and public utilities
- Potential financial hardship imposed by required compliance

Proposed Boundary Map





Petition to Amend the Official Zoning Map

Before the City Council of the City of Raleigh, North Carolina

The petitioner seeks to show the following:

1. That, for the purposes of promoting health, morals, or the general welfare, the zoning classification of the property described herein must be changed.
2. That the following circumstance(s) exist(s):
 - City Council has erred in establishing the current zoning classification of the property by disregarding one or a combination of the fundamental principles of zoning as set forth in the enabling legislation, North Carolina General Statutes Section 160A-381 and 160A-383.
 - Circumstances have so changed since the property was last zoned that its current zoning classification could not properly be applied to it now were it being zoned for the first time.
 - The property has not heretofore been subject to the zoning regulations of the City of Raleigh.
3. That the requested zoning change is or will be consistent with the Raleigh Comprehensive Plan.
4. That the fundamental purposes of zoning as set forth in the N.C. enabling legislation would be best served by changing the zoning classification of the property. Among the fundamental purposes of zoning are:
 - a. to lessen congestion in the streets;
 - b. to provide adequate light and air;
 - c. to prevent the overcrowding of land;
 - d. to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements;
 - e. to regulate in accordance with a comprehensive plan;
 - f. to avoid spot zoning; and
 - g. to regulate with reasonable consideration to the character of the district, the suitability of the land for particular uses, the conservation of the value of buildings within the district and the encouragement of the most appropriate use of the land throughout the City.

THEREFORE, petitioner requests that the Official Zoning map be amended to change the zoning classification of the property as proposed in this submittal, and for such other action as may be deemed appropriate. All property owners must sign below for conditional use requests.

ALL CONDITIONAL PAGES MUST BE SIGNED BY ALL PROPERTY OWNERS

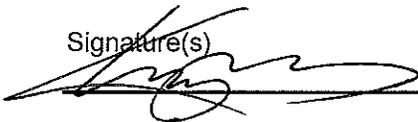
Signature(s) 	Print Name <u>Kenneth Bowers</u>	Date <u>7/6/12</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

EXHIBIT B. Request for Zoning Change

Please use this form only – form may be photocopied. Please type or print. See instructions in *Filing Addendum*

Contact Information

	Name(s)	Address	Telephone/Email
Petitioner(s)	City of Raleigh	PO Box 590 Raleigh, NC 27602	919-516-2626
(for conditional use requests, petitioners must own petitioned property)			
Property Owner(s)	Various Owners (See attached Exhibit A)		
Contact Person(s)	Travis Crane Senior Planner	City of Raleigh PO Box 590 Raleigh, NC 27602	919-516-2656

Property information

Property Description (Wake County PIN)	Various Wake County PINs
Nearest Major Intersection	In the general vicinity between Tryon, Jones Franklin, Hillsborough and Lake Wheeler Road
Area of Subject Property (in acres)	
Current Zoning Districts (include all overlay districts)	Multiple Zoning Districts
Requested Zoning Districts (include all overlay districts)	To include Special Residential Parking Overlay District

EXHIBIT D. Request for Zoning Change

Please use this form only – form may be photocopied. Please type or print. See instructions in *Filing Addendum*

Required items of discussion:

The Planning Department is instructed not to accept any application for amending the official zoning map without a statement prepared by the applicant analyzing the reasonableness of the rezoning request. This statement *shall* address the consistency of the proposed rezoning with the Comprehensive Plan and any other applicable *City*-adopted plan(s), the compatibility of the proposed rezoning with the *property* and surrounding area, and the benefits and detriments of the proposed rezoning for the landowner, the immediate neighbors and the surrounding community.

Recommended items of discussion (where applicable):

1. An error by the City Council in establishing the current zoning classification of the property.
2. How circumstances (land use and future development plans) have so changed since the property was last zoned that its current zoning classification could not properly be applied to it now were it being zoned for the first time.
3. The public need for additional land to be zoned to the classification requested.
4. The impact on public services, facilities, infrastructure, fire and safety, parks and recreation, topography, access to light and air, etc.

PETITIONER'S STATEMENT:

I. Consistency of the proposed map amendment with the Comprehensive Plan (www.raleighnc.gov).

A. Please state the recommended land use(s) for this property as shown on the Future Land Use Map and discuss the consistency of the proposed land uses:

The Future Land Use Map recommends a number of uses for this area. Due to the vast area that is included in this request, several classifications apply across the large number of subject properties. The request as proposed would not have an affect on current or future land uses. The proposed rezoning request seeks to apply an overlay district that would regulate parking standards within the subject area.

B. Please state whether the subject property is located within any Area Plan or other City Council-adopted plans and policies and discuss the policies applicable to future development within the plan(s) area.

A number of plans and policies fall within the boundary of this request. Portions of the Stanhope Area Plan, Arena Plan and Avent West Plan are included within this area. Several Comprehensive Plan policies would also apply. These policies include: Policy LU 2.6 Zoning and Infrastructure Impacts, Policy LU 8.3 Conserving, Enhancing and Revitalizing Neighborhoods, Policy LU 8.5 Conservation of Single Family Neighborhoods, Policy T 6.9 Green Parking Facilities, Policy EP 2.5 Protection of Water Features, Policy EP 3.4 Low Impact Systems for Parking, Policy EP 8.4 Noise and Light Impacts and Policy UD 1.1 Protecting Neighborhood Identity.

EXHIBIT D. Request for Zoning Change

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- C. Is the proposed map amendment consistent or inconsistent with the Comprehensive Plan and other City Council-adopted plans and policies? All references to Comprehensive Plan policies should include both the policy number (e.g. LU 4.5) and short title (e.g. “Connectivity”).**

The proposed rezoning request is consistent with the Comprehensive Plan. The following policies would apply to this proposal:

Policy LU 2.6 Zoning and Infrastructure Impacts – Carefully evaluate all amendments to the zoning map that significantly increase permitted density or floor area to ensure that impacts to infrastructure capacity resulting from the projected intensification of development are adequately mitigated or addressed.

The proposed overlay district is consistent with this policy. The request does not provide additional density provisions or allow for higher intensity uses. There will be no additional impacts on infrastructure associated with this request.

Policy LU 8.3 Conserving, Enhancing and Revitalizing Neighborhoods – 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.

The request is consistent with this policy. The application of the Special Residential Parking Overlay is intended to protect and preserve several established neighborhoods in Southwest Raleigh. The approval of this overlay district will not only preserve neighborhood character in these areas, but also help to restore the environment by reducing the erosion and increased runoff associated with parking on grassed, erodible surfaces.

Policy LU 8.5 Conservation of Single Family Neighborhoods – 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.

The proposed overlay is consistent with this policy. The application of the Special Residential Parking Overlay is intended to protect and preserve several established neighborhoods in Southwest Raleigh.

Policy T 6.9 Green Parking Facilities – Reduce stormwater runoff generated by parking facilities by promoting an increase in the use of tree planting and landscaping, green roofs for parking decks, and permeable materials for parking lots, driveways and walkways.

The proposed parking regulations associated with this request are consistent with this policy. Allowable parking surfaces include semi-permeable paving materials as well as gravel. The

EXHIBIT D. Request for Zoning Change

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proposal also includes provisions for increased landscaping in certain areas. The proposed overlay would help to reduce erosion, decrease runoff and allow for additional paving options.

Policy EP 2.5 Protection of Water Features – Lakes, ponds, rivers, streams, and wetlands should be protected and preserved. These water bodies provide valuable stormwater management and ecological, visual, and recreational benefits.

The proposed Special Residential Parking Overlay is consistent with this policy. The parking regulations that coincide with this Overlay District will reduce erosion and runoff in the subject area. In doing so, the streams and lakes in this area will benefit directly. In reducing the stormwater runoff to streams within the subject area, rivers, lakes and downstream hydrology outside of the subject area will also benefit.

Policy EP 3.4 Low Impact Systems for Parking – Well maintained pervious pavement or other low impact systems for parking areas should be encouraged throughout the City, especially in environmentally sensitive areas and floodplains, as appropriate.

The request is consistent with this policy. The proposed overlay allows semi-permeable paving materials as well as gravel for parking surfaces. Prohibiting parking on grassed, erodible surfaces will also reduce runoff and erosion.

Policy EP 8.4 Noise and Light Impacts – Mitigate potential noise and light pollution impacts from new development on adjoining residential properties.

The proposal is consistent with this policy. Regulations within the Special Residential Parking Overlay would require landscaped screening should parking area cause light impacts onto adjoining properties.

Policy UD 1.1 Protecting Neighborhood Identity – Use Neighborhood Conservation Overlay Districts (NCOD), Historic Overlay Districts (HOD), or rezoning to retain the character of Raleigh's existing neighborhoods and strengthen the sense of visual order and stability.

The proposed overlay is consistent with this policy. The application of the Special Residential Parking Overlay is intended to protect and preserve several established neighborhoods in Southwest Raleigh.

EXHIBIT D. Request for Zoning Change

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II. Compatibility of the proposed map amendment with the property and the surrounding area.

A. Description of land uses within the surrounding area (residential housing types, parks, institutional uses, commercial uses, large parking lots, thoroughfares and collector streets, transit facilities):

The proposed Special Residential Parking Overlay would encompass a very large area, and would include most of Southwest Raleigh. This area includes a broad spectrum of land uses. While there are large areas currently developed as residential, there are a number of large institutional uses, including North Carolina State University as well as Centennial Campus. There are also several parks and recreational facilities including Pullen Park, Lake Johnson, Lake Raleigh and numerous other smaller facilities. While there are a number of different land uses, the most prominent use in this area would be the University. There are several established neighborhoods within close proximity of the University that contain a mix of multi and single family residential uses.

B. Description of existing Zoning patterns (zoning districts including overlay districts) and existing built environment (densities, building heights, setbacks, tree cover, buffer yards):

While the subject area contains a number of different land uses, it also includes many zoning districts. The area includes large areas of residential zoning, as well as Office and Institutional zoning associated with the University, and Thoroughfare District around Centennial Campus. There are also a number of overlay districts within the subject area. A large Planned Development District is located at Centennial Campus with areas of Pedestrian Business Overlay along Hillsborough Street. There are Neighborhood Conservation Overlays effective for the Trailwood neighborhood, as well as the Oberlin Village area. Special highway Overlay Districts are located along Interstate 40 as well as portions of Tryon Road.

C. Explanation of how the proposed zoning map amendment is compatible with the suitability of the property for particular uses and the character of the surrounding area:

The Special Residential Parking Overlay would primarily apply to single family residential uses. The proposed regulations would have little effect on higher intensity land uses. The application of the requested overlay would be compatible with the established neighborhoods that contain the large majority of single family detached residential uses within the subject area. Regulating parking in these areas would help to preserve and protect the established character of these neighborhoods. The proposal would have very little impact on the surrounding area.

EXHIBIT D. Request for Zoning Change

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III. Benefits and detriments of the proposed map amendment.

A. For the landowner(s):

Landowners in the subject area will benefit from the request due to the consistency it will provide. The proposal will provide detailed regulations for parking in front of single family residences. This will help provide consistency in the established neighborhoods, and help to preserve the character as well. The proposed regulations would also be environmentally beneficial due to the decrease in stormwater runoff and erosion.

B. For the immediate neighbors:

Immediate neighbors will benefit from the consistency this request will provide to the established neighborhoods within the subject area. The regulations will provide guidelines for parking, and help to preserve neighborhood character. Immediate neighbors will benefit from the increased compatibility of the adjacent properties.

C. For the surrounding community:

The request as proposed would be environmentally beneficial to the surrounding community. The Special Residential Parking Overlay will decrease stormwater runoff and erosion.

IV. Does the rezoning of this property provide a significant benefit which is not available to the surrounding properties? Explain:

The requested rezoning does provide a significant benefit to the property owners within the subject area, the surrounding area and the overall community. However it does not provide a benefit that is not available to surrounding properties. This is due to the fact that the parking guidelines that are proposed would not be effective in surrounding areas. The subject area was delineated as such due to its need for increased regulations concerning front yard parking for single family detached development. Most surrounding properties would not benefit from the Special Residential Parking Overlay.

EXHIBIT D. Request for Zoning Change

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Explain why the characteristics of the subject property support the proposed map amendment as reasonable and in the public interest.

The proposed overlay is consistent with all applicable policies of the Comprehensive Plan. The increased need for student housing in this area has necessitated increased parking regulations, and the ideal solution is through the establishment of a Special Residential Parking Overlay. The request would also be environmentally beneficial to not only the property owners within the subject area, but to the entirety of Southwest Raleigh. The proposed Special Residential Parking Overlay will decrease erosion, reduce runoff, and will therefore lessen downstream stormwater impacts. The rezoning request is reasonable and in the public interest.

V. Recommended items of discussion (where applicable).

- a. **An error by the City Council in establishing the current zoning classification of the property.**

N/A

- b. **How circumstances (land use and future development plans) have so changed since the property was last zoned that its current zoning classification could not properly be applied to it now were it being zoned for the first time.**

As the local Universities have grown larger, the increase in student populations has raised demand for housing. Several large established single family neighborhoods are located within close proximity to the larger Universities and have therefore seen an influx of student housing. In many instances this has increased the need for additional parking regulations.

- c. **The public need for additional land to be zoned to the classification requested.**

N/A

- d. **The impact on public services, facilities, infrastructure, fire and safety, parks and recreation, topography, access to light and air, etc.**

N/A

- e. **How the rezoning advances the fundamental purposes of zoning as set forth in the N.C. enabling legislation.**

The proposed rezoning is consistent with the Comprehensive Plan, would preserve the existing character of the subject area, and provide significant environmental benefits. Due to these reasons, the proposed Special Residential Parking Overlay advances the fundamental purposes of zoning.

FILING ADDENDUM: Instructions for filing a petition to amend the official Zoning Map of the City of Raleigh, North Carolina

VI. Other arguments on behalf of the map amendment requested.

N/A



FREQUENTLY ASKED QUESTIONS FOR SPECIAL RESIDENTIAL PARKING OVERLAY DISTRICT

Why is the front yard parking regulations being changed for single family detached dwellings?

The front yard parking issue was first raised in 2004 by citizens concerned over the increasing number of vehicles being parked within residential front yards, and the negative impacts on neighborhood appearance and the environment. Several years of deliberation on these issues resulted in the adoption of regulations for the Special Residential Parking Overlay District by City Council in June of 2012. However, these newly adopted regulations will only become applicable to your single family detached dwelling if the City Council approves the rezoning of your property with this overlay district.

How do you define "front yard area"?

Front yard area is defined as the area of the lot located between the front line of the house and the front boundary of the lot, extending along the entire width of the lot.

Are these regulations required for all single family homes throughout the entire City, or only required within certain neighborhoods?

The new Special Residential Parking Overlay District proposed for this area would add additional requirements only applicable to those single family detached dwellings located within the designated overlay district area.

What are the current parking regulations for single family homes located within this area?

Single family homes are required to provide a minimum of one off-street parking space, with no more than 40 percent of the front yard area devoted to parking and driveways. Residents are permitted to utilize grass and other unimproved areas for parking. Parking within the side or rear yard is not regulated.

What are the changes being considered by the City Council for the single family homes located within this proposed overlay district?

- Existing driveway and parking areas which are on grass, dirt or gravel are required to comply with the following construction standards (or) be restricted to parking single-file directly in front of the driveway curb cut.
 - Driveways and parking located within the front yard area shall be limited to the driveway plus an area to accommodate 2 additional parking spaces (380 square feet), or 40% of the front yard area, whichever is less. Existing driveway and parking areas which are paved or constructed of non-erodible surfaces and exceed this maximum may remain.
 - Driveways and parking located within the front yard shall be constructed of nonerodible surfaces (asphalt, concrete, pavers, etc.) or 4" of gravel w/ permanent borders (man-made or natural). (NOTE: Exceptions to accommodate dwellings which gain access from a street with a speed limit in excess of 35mph.)
-

What materials can be used as a “clearly defined border”?

This can include such things as pavers, landscape timbers, concrete, shrubs, hedges or ground covers such as liriope. It has to be a material that clearly delineates the gravel parking area from the lawn and retards the migration of the gravel.

My existing front yard parking is paved, but exceeds the amount allowed by these regulations. Am I required to remove some of the paved area to bring the parking area into compliance?

No. All paved areas installed prior to 6/13/12 may remain.

I have a corner lot, how am I affected?

The regulations will only apply to the designated front yard area, and corner yard areas are not impacted.

May I continue to park on the grass in my side yard or rear yard?

Yes. These regulations only specify allowed parking located within the front yard of single family homes.

What if my elderly parent(s) is visiting for an extended period of time and I need additional parking?

Ideally, adequate on-street parking space would be available to accommodate the extra vehicle. In the event that on-street parking is not possible, the regulations allow for the property owner to apply for a temporary permit (issued once every three years) for a 3-month period to allow front yard parking on an erodible surface such as grass. This permit may be extended for additional 30 days periods.

What if I am currently parking on the front lawn and do not wish to construct the paved parking areas?

If you currently park on an unimproved surface, you are not required to install a driveway or parking pad. However, parking would be limited to single file only directly in front of the driveway curb cut. This will be permitted even if this driveway area is grass or dirt.

If I or my neighbor is in violation of the regulations, will the City tow the vehicle(s)?

No. The City will not tow vehicles that are in violation of the regulation. Upon receiving a complaint, a Zoning Enforcement Officer will visit the site and determine whether the City Code is being violated. If it is determined that a property owner or tenant is not in compliance, the City will contact the property owner to remedy the zoning violation.

Who are the staff resources who may be contacted for details on the proposed overlay district?

The following staff may be contacted to answer questions:

Greg Hallam, Planning Manager, 919-996-2636, greg.hallam@raleighnc.gov

Travis Crane, Senior Planner, 919-996-2656, travis.crane@raleighnc.gov

Dhanya Sandeep, Planner II, 919-996-2659, dhanya.sandeep@raleighnc.gov

Stan Wingo, Planner II, 919-996-2663, stan.wingo@raleighnc.gov

James Brantley, Planner II, 919-996-2651, james.brantley@raleighnc.gov

How can I access more information on this rezoning case?

Please go to the city’s website www.raleighnc.gov and type in “Z-38-12” in the search box to access more information. A summary sheet is also attached.

Special Residential Parking Overlay District Regulations

SUMMARY

- Driveways and parking located within the front yard of single family detached dwellings shall be constructed of nonerodible surfaces (asphalt, concrete, pavers, etc.) or 4" of gravel w/ permanent borders (man-made or natural); or, shall be restricted to single-file parking in front of the driveway curb cut (exceptions to accommodate dwellings which gain access from a street w/ a speed limit in excess of 35mph). Requires immediate compliance upon the effective date of the adopted rezoning.
- Driveways and parking shall be limited to the driveway plus an area to accommodate 2 additional parking spaces (380 square feet), or 40% of the front yard area, whichever is less. Requires immediate compliance upon the effective date of the adopted rezoning. Existing gravel, grass or other nonerodible surface parking shall be required to comply or be restricted to the single-file parking provision listed above. Existing asphalt, concrete, pavers, etc. surfaces which exceed this maximum may remain.
- Requires vegetative screening for new parking spaces that face (headlights) the side property line. Screening shall be required along the side of the parking space parallel to the street to obscure the broad side of the vehicle.

SPECIFIC ZONING CODE LANGUAGE (City Code §10-2065)

- a. Parking surfaces - Vehicular surface areas (*driveways and parking*) located within the front yard area of a single family detached dwelling constructed after the Special Residential Parking Overlay District is first applied to the property shall be constructed of permanent, nonerodible surface treatment, which may include porous and semi-porous monolithic or paver materials, masonry or concrete pavers, poured concrete and asphalt, or, constructed with a minimum depth of four (4) inches of crushed stone or crush and run. The borders of any vehicular surface area constructed of crushed stone or crush and run shall be delineated with anchored man-made or natural landscape edging materials such that the vehicular surface area is clearly defined and helps to contain the crushed stone or crush and run. Except for circular and semi-circular drives, vehicular surface areas located within the front yard area of a single family detached dwelling shall not be located in front of the dwelling's primary entrance.
- b. Arrangement, size and orientation of parking areas - Vehicular surface areas (*driveways and parking*) located within the front yard area of single family detached dwellings shall comply with one of the following:
 1. The linear depth of the front yard area multiplied by twelve (12) feet plus three hundred and eighty (380) square feet or forty (40) per cent of the front yard area, whichever is less;
 2. A circular or semi-circular driveway, not to exceed a width of twelve (12) feet, with no more than two (2) access points on the premises and an additional three hundred and eighty (380) square feet, or forty (40) per cent of the front yard area, whichever is less;
 3. The vehicular surface areas (*driveways and parking*) lawfully existed prior to the establishment of this overlay district and are constructed of permanent, nonerodible surface treatment.

4. Erodible vehicular surface areas may be used for off-street parking without retrofitting to the standards of this overlay district when all of the following conditions are met:
 - a. Erodible vehicular surface areas exist in front yard areas prior to the establishment of this overlay district and such vehicular areas do not comply with section a. and subsections 1. or 2. of section b. above. Notwithstanding the foregoing, a turn-around area no greater than eight (8) foot by eighteen (18) foot is allowed for any front yard vehicular surface area with access to a street with a posted speed limit of greater than thirty-five (35) mile per hour.
 - b. Parking shall be limited to single-file perpendicular to the street right-of-way in front of the existing curb-cut. The Zoning Enforcement Administrator is authorized to permit in writing angled parking for one (1) vehicle or side by side parking for two vehicles only when all of the following conditions are present.
 - i. Existing man-made structures on the lot prevent the establishing of a parking area of at least forty-four (44) feet in length measured from the property side of an existing sidewalk, or in the absence of a sidewalk to the face of the curb or edge of street pavement.
 - ii. The vehicular surface areas do not exceed the limits of subsection 1 of section b.4.a. above.
 - iii. Cars are angled with headlights toward the single family detached dwelling on the lot and do not extend ten (10) feet beyond the face of the adjoining car, which is parked perpendicular to the street.

No vehicle shall be parked or stored outside of the vehicular surface areas described above within the front yard area with the exception of temporary parking pursuant to subsection d. below and vehicles actively and continuously being unloaded, loaded, washed or repaired. For purposes of this provision, vehicle shall include, but not be limited to, passenger vehicle, truck, van, motorized recreation vehicle, motor vehicle as defined in Chapter 20 of the General Statutes, camper, golf cart, boat trailer, car trailer, or other similar vehicle.

- c. Landscaping requirements - When vehicular surface areas (*driveways and parking*) are constructed in the front yard area of a single family detached dwelling and a parking space is designed to be within forty-five degrees (45°) or less of the public street, a continuous berm or row of evergreen shrubs shall be provided within five (5) feet of the edge of the parking space on the side nearest the public street in order to screen the broad side of the parked vehicle from view of the public street. Berms shall have a minimum height of one and one-half (1 1/2) feet and a minimum crown width of two (2) feet and a side slope of no greater than two-to-one (2:1), and shall be planted and covered with live vegetation. Evergreen shrubs installed to satisfy the requirements of this subsection shall be a locally adapted species expected to reach a minimum height of thirty-six (36) inches and a minimum spread of thirty-six (36) inches within two (2) years of planting. All shrubs shall be a minimum twenty-four (24) inches tall when planted and shall be planted a maximum distance between shrubs of five (5) feet on center. Shrubs planted on berms may have a lesser mature height provided that the combined height of the berm and the plantings after two (2) years are at least thirty-six (36) inches high.
- d. Temporary parking - In addition, the property owner may apply for a zoning permit to allow temporary parking in the front yard area on grass or surfaces other than the aforementioned minimum surfacing requirements. This permit shall be issued to the property owner once in any three-year period per premise basis, shall not exceed an initial period of ninety (90) days and may be extended by the Planning Director, or his designee, for additional periods of thirty (30) days.

TC-7-09 Front Yard Parking (CPC Revised: 6/13/12)

Proposes to amend the Zoning Code to revise the regulations for driveways and parking located within the front yard of single family detached and duplex dwellings as follows:

New parking regulations to be applied City-wide:

- Driveways and Parking located within the front yard of single family detached dwellings shall be constructed of nonerodible surfaces (asphalt, concrete, pavers, etc.) or 4" of gravel w/ permanent borders (maximum of 40% of the front yard area).
- Driveways and Parking located within the front yard of duplex dwellings and manufactured homes shall be constructed of nonerodible surfaces (asphalt, concrete, pavers, etc.) (maximum of 40% of the front yard area).
- Property owners shall be required to obtain a Zoning Permit (\$76) for the construction of any new Driveway and Parking area.

New parking regulations that may be applied by an approved overlay zoning district:

- Driveways and Parking located within the front yard of single family detached dwellings shall be constructed of nonerodible surfaces (asphalt, concrete, pavers, etc.) or 4" of gravel w/ permanent borders; or, shall be restricted to single-file parking in front of the driveway curb cut (exceptions to accommodate dwellings which gain access from a street w/ a speed limit in excess of 35mph). Requires immediate compliance upon the effective date of the rezoning.
- Driveways and parking shall be limited to the driveway plus an area to accommodate 2 additional parking spaces (380 square feet), or 40% of the front yard area, whichever is less. Requires immediate compliance upon the effective date of the rezoning. Existing gravel, grass or other nonerodible surface parking shall be required to comply or be restricted to the single-file parking provision listed above. Existing asphalt, concrete, pavers, etc. surfaces which exceed this maximum may remain.
- Requires vegetative screening for new parking spaces that face the side property line. Screening shall be required along the side of the parking space parallel to the street.

AN ORDINANCE TO REVISE THE REGULATIONS GOVERNING THE MAXIMUM AMOUNT OF FRONT YARD AREA THAT MAY BE DEVOTED TO VEHICULAR SURFACE AREAS FOR SINGLE FAMILY DETACHED DWELLINGS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA that:

Section 1. Amend the Raleigh Code by including a new Section 10-2065 which shall read as follows:

“Sec. 10-2065.

Special Residential Parking Overlay District

(a) Approval.

If the use requires a *site plan*, as set forth in §10-2132.2, approval of a *site plan* is required by either the administrative staff, the Planning Commission, or the *City Council*; see §§10-2132.2(b) and (c). If the use requires a *plot plan*, as set forth in §10-2132.1, administrative approval is required. The required preliminary *site plan* is to be reviewed based on the procedures and standards contained in §10-2132(c) and (d).

(b) Permitted Uses.

Subject to the provisions of §10-2065, and other overlay districts, all general uses, conditional uses and special uses that are allowed in the underlying district by the **Schedule of Permitted Uses in Zoning Districts**, §10-2071, are allowed in the Special Residential Parking Overlay District.

(c) Prohibited Uses.

Except for improvements made pursuant to Part 10 chapter 3 of this Code, any use not explicitly allowed in the **Schedule of Permitted Land Uses in Zoning Districts** §10-2071 is prohibited in the Special Residential Parking Overlay District.

(d) Area, Density, Bulk, Yard, and Height Requirements.

(1) Area, density, and bulk.

- a. The required minimum *net lot area* for any *dwelling unit* and *equivalent dwelling unit* is that of the underlying zoning district.

b. The maximum residential density per net acre is that of the underlying zoning district.

All minimum *net lot areas* and residential densities shall be calculated in accordance with §10-2073(c) and are subject to the exceptions listed in §10-2073(d).

(2) Yard.

The minimum district yard setbacks of the underlying district shall apply. See §10-2075 for other *yard areas* required by this Code, method of calculating, exceptions and reductions to, *yard areas* and illustrations.

(3) Height.

The maximum height standards of the underlying district shall apply.

(e) Supplementary Regulations.

All uses and activities of this Overlay District are also subject to Article H, overlay zoning districts, conditional use zoning district, and supplementary regulations of Article E. Supplementary regulations include:

(1)	Signage	
	<i>on-premise signs</i>	see §10-2083
	<i>off-premise signs</i>	see §10-2084

(2) Off-street parking

a. Parking surfaces

Vehicular surface areas located within the *front yard area* of a *single family detached dwelling* constructed after the Special Residential Parking Overlay District is first applied to the property shall be constructed of permanent, nonerodible surface treatment, which may include porous and semi-porous monolithic or paver materials, masonry or concrete pavers, poured concrete and asphalt, or, constructed with a minimum depth of four (4) inches of crushed stone or crush and run. The borders of any *vehicular surface area* constructed of crushed stone or crush and run shall be delineated with anchored man-made or natural landscape edging materials such that the *vehicular surface area* is clearly defined and helps to contain the crushed stone or crush and run.

Except for circular and semi-circular drives, *vehicular surface areas* located within the *front yard area* of a *single family detached dwelling* shall not be located in front of the *dwelling's* primary entrance.”.

b. Arrangement, size and orientation of parking areas.

Vehicular surface areas located within the *front yard area* of *single family detached dwellings* shall comply with one of the following:

1. The linear depth of the *front yard area* multiplied by twelve (12) feet plus three hundred and eighty (380) square feet or forty (40) per cent of the *front yard area*, whichever is less;
2. A circular or semi-circular driveway, not to exceed a width of twelve (12) feet, with no more than two (2) *access points* on the *premises* and an additional three hundred and eighty (380) square feet, or forty (40) per cent of the *front yard area*, whichever is less;
3. The *vehicular surface areas* lawfully existed prior to the establishment of this overlay district and are constructed of permanent, nonerodible surface treatment.
4. Erodible *vehicular surface areas* may be used for off-street parking without retrofitting to the standards of this overlay district when all of the following conditions are met:
 - a. Erodible *vehicular surface areas* exist in *front yard areas* prior to the establishment of this overlay district and such *vehicular areas* do not comply with section (e)(2)a. and subsections 1. or 2. of section (e)(2)b. above. Notwithstanding the foregoing, a turn-around area no greater than eight (8) foot by eighteen (18) foot is allowed for any *front yard vehicular surface area* with access to a street with a posted speed limit of greater than thirty-five (35) mile per hour.
 - b. Parking shall be limited to single-file perpendicular to the *street* right-of-way in front of the existing curb-cut. The Zoning Enforcement Administrator is authorized to permit in writing angled parking for one (1) vehicle or side by side parking for two vehicles only when all of the following conditions are present.
 - i Existing man-made structures on the *lot* prevent the establishing of a parking area of at least forty-four (44) feet in length measured from the property side of an existing sidewalk, or in the absence of a sidewalk to the face of the curb or edge of *street* pavement.

- ii. The *vehicular surface areas* do not exceed the limits of subsection 1 of section (e)(2)b.4.a. above.
- iii. Cars are angled with headlights toward the *single family detached dwelling* on the *lot* and do not extend ten (10) feet beyond the face of the adjoining car, which is parked perpendicular to the *street*.

No vehicle *shall* be parked or stored outside of the *vehicular surface areas* described above within the *front yard* area with the exception of temporary parking pursuant to subsection d. below and vehicles actively and continuously being unloaded, loaded, washed or repaired. For purposes of this provision, vehicle shall include, but not be limited to, passenger vehicle, truck, van, motorized recreation vehicle, motor vehicle as defined in Chapter 20 of the General Statutes, camper, golf cart, boat trailer, car trailer, or other similar vehicle.

c. Landscaping requirements.

When *vehicular surface areas* are constructed in the *front yard area* of a *single family detached dwelling* and a parking space is designed to be within forty-five degrees (45°) or less of the public street, a continuous berm or row of evergreen shrubs *shall* be provided within five (5) feet of the edge of the parking space on the side nearest the public street in order to screen the broad side of the parked vehicle from view of the public street. Berms *shall* have a minimum height of one and one-half (1 1/2) feet and a minimum crown width of two (2) feet and a side slope of no greater than two-to-one (2:1), and *shall* be planted and covered with live vegetation. Evergreen shrubs installed to satisfy the requirements of this subsection *shall* be a locally adapted species expected to reach a minimum height of thirty-six (36) inches and a minimum spread of thirty-six (36) inches within two (2) years of planting. All shrubs *shall* be a minimum twenty-four (24) inches tall when planted and *shall* be planted a maximum distance between shrubs of five (5) feet on center. Shrubs planted on berms *may* have a lesser mature height provided that the combined height of the berm and the plantings after two (2) years are at least thirty-six (36) inches high.

d. Temporary parking.

In addition, the *property owner may* apply for a zoning permit to allow temporary parking in the *front yard area* on grass or surfaces other than the aforementioned minimum surfacing requirements. This permit *shall* be issued to the property owner once in any three-year period per *premise* basis, *shall* not exceed an initial period of ninety (90) days and *may* be extended by the Planning Director, or his designee, for additional periods of thirty (30) days.

Cross reference: Off-street parking spaces and driveways within front yard areas of multifamily dwelling developments, §10-2107(b)(2)b.”

(f) Locational Guidelines.

The general characteristics desired of the land placed in the Special Residential Parking Overlay District are the *following*:

1. At least seventy-five (75) per cent of the land within the district is developed with lots containing one (1) or more *buildings*.
2. The district contains at least fifteen (15) contiguous acres. Although the properties for the following uses may be allowed to be included within the boundaries of a Special Residential Parking Overlay District, such uses *shall* not be included within the calculation for establishing the minimum fifteen (15) acre requirement: *Recreational use - governmental, Recreational use restricted to membership - not for profit, Recreational outdoor use - commercial and Residential institutions.*”.

Section 2. Amend Section 10-2081(b)(1)a. to include a new second sentence which shall read as follows:

“All off-street parking and driveway areas located within *the front yard area* of any detached *single family dwelling* after application of this ordinance *shall* be constructed of permanent, non-erodible surface treatment, which may include porous and semi-porous monolithic or paver materials, masonry or concrete pavers, poured concrete and asphalt, or, constructed with a minimum depth of four (4) inches of crushed stone or crush and run. The borders of any *vehicular surface area* constructed or crushed stone or crush and run *shall* be delineated with anchored man-made or natural landscape edging materials such that the *vehicular surface area* is clearly defined and helps to contain the crushed stone or crush and run.

Section 3. Amend Section 10-2081(b)(1)b.4. relating to parking surfaces by deleting this exception in its entirety and substituting in lieu thereof the following:

- “4. Parking for areas for any ~~detached single family dwelling and duplex dwellings, manufactured homes in manufactured home parks, and single family dwellings~~ when the parking area is located within the *side or rear yard area*.

Section 4. Amend Section 10-2081(c), Exceptions and Modifications, to include a new subsection (8) which shall read as follows:

“(8) **Special Residential Parking Overlay District.**

Vehicular surface areas located within the *front yard area* of a *single family detached dwelling* within a designated Special Residential Parking Overlay District shall comply with the requirements of §10-2065(e).

Section 5. Amend Section 10-6032(j) to include the words “*vehicular surface areas* for any detached *single family dwelling* and *duplex dwellings* and *manufactured homes* in *manufactured home parks*,” to immediately follow the words “satellite dish,”.

Section 6. All laws and clauses of laws in conflict herewith are hereby repealed to the extent of said conflict.

Section 7. 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 the end the provisions of this ordinance are declared to be severable.

Section 8. This ordinance has been adopted following a duly advertised joint public hearing of the Raleigh City Council and the City Planning Commission following a recommendation of the Planning Commission.

Section 9. This ordinance has been provided to the North Carolina Capital Commission as required by law.

Section 10. This ordinance shall be enforced by law 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 G.S. 14-4(a) or similar limitations.

Section 11. This ordinance shall become effective thirty (30) days following its adoption.

**ADOPTED:
EFFECTIVE:
DISTRIBUTION:**