



# Planning & Development

Zoning Division  
 One Exchange Plaza, Suite 300  
 Raleigh, North Carolina 27601  
 Phone 919-996-2626

## City of Raleigh Official Zoning Code Interpretation

| Requested Interpretation  |                           | Case Number   |
|---|---------------------------|---|
| Please confirm the following statements:<br>1. Sections 9.1.4.B.4 and 9.1.4.B.5 offer alternatives to meeting the requirements set forth in Sec. 9.1.4.B.1 only in instances when the requirements set forth in Sec. 9.1.4.B.1 can be met, but the developer opts to use an alternative.<br>2. If the priorities in Sec. 9.1.4.A. and Sec. 9.1.4.B cannot be met, Sections 9.1.4.B.4 and 9.1.4.B.5 do not become mandatory. Those sections remain discretionary at the option of the developer. |                           | UI-1-2015   |
| Site Address/PIN: N/A   |                           |   |
| Date Submitted: 19 February 2015  | Date Issued: 5 March 2015 | Code Sections Affected: 9.1.4.B.4 and 9.1.4.B.5 of Part 10A Raleigh Unified Development Ordinance |

### STAFF ANALYSIS

Section 9.1 of the UDO contains regulations for tree conservation areas. The ordinance contains a hierarchy of tree conservation areas, organized as either a "primary" area or a "secondary" area. The primary tree save areas must be exhausted before the secondary areas may be considered. The amount of site area dedicated to tree conservation depends on the particular zoning district. Sections 9.1.4.B.4 and 5 contain alternate considerations for secondary tree conservation areas. Alternate location secondary tree conservation areas are an option only if a site has qualifying tree conservation areas (those priority areas enumerated as secondary tree conservation and subject to the specifications of the ordinance) that are not being saved. The alternate secondary tree conservation areas are allowed to provide site design flexibility and have to be provided in an amount of secondary tree conservation that would have been required if an alternate wasn't utilized. Alternate secondary tree conservation areas are applied at the developer's option.

### STAFF INTERPRETATION

- Statement one is true with clarification of the applicant's language, "...can be met..." "Can be met" means that trees exist in the locations set forth in 9.1.4.B.1., and, meet the other code requirements pertaining to dimensions, size, excluded areas, and tree cover requirements in sections 9.1.4.B.2., 9.1.4.B.3., 9.1.4.C., 9.1.4.D., and 9.1.4.E.). "Can be met..." does not mean that the developer's desired site design is developed in a way that accommodates required secondary tree conservation areas.
- Statement two is true with clarification of the applicant's language "...cannot be met..." "Cannot be met" means that trees either do not exist in the locations set forth in 9.1.4.B.1., or trees do exist in those locations but do not meet the other code requirements pertaining to dimensions, size, excluded areas, and tree cover requirements (9.1.4.B.2., 9.1.4.B.3., 9.1.4.C., 9.1.4.D., 9.1.4.E). "Cannot be met" is not determined by a developer's desired site design that would eliminate required tree conservation area.

### SIGNATORY

Travis R. Crane, Planning and Zoning Administrator