

# **TC-5-09 Parkway Corridor Overlay District**

**A proposal to amend the Zoning Code to create a new overlay district as recommended by the 2030 Comprehensive Plan.** The Parkway Corridor Overlay District proposes to protect and preserve designated Parkway Corridor thoroughfares' scenic beauty. Regulations address building and parking setbacks, shade and understory tree plantings, and fence construction. Together with the tree conservation ordinance, these provisions help to maintain the attractiveness of these roadway corridors through the preservation and enhancement of the City's piedmont-woodlands natural environment.

## **Proposed Regulations:**

**Permitted Uses:** All uses permitted by the underlying zoning district.

**Tree Conservation:** Wooded Lots >2 acres = Compliance with the Tree Conservation Ordinance

**Street Yard Width adjacent to the Parkway Corridor:** Minimum of 25 feet (no buildings, parking or vehicular surface areas other than a driveway running perpendicular to the thoroughfare).

### **Tree Plantings required within Parkway Corridor Street Yard:**

- Shade Trees = 6" tree caliper per 50 linear feet
- Understory Trees = 2 trees per 50 linear feet

**Fence/Wall Construction:** All fences and walls located less than twenty-five (25) feet from a Parkway Corridor thoroughfare shall be forty-two (42) inches or less in height.

**Adoption of these overlay district regulations will only become applicable if an overlay district zoning petition is subsequently filed and approved by the City Council.**

5/18/10

**ORDINANCE NO. (2010) TC**

**TC-5-09**

**AN ORDINANCE FOR ESTABLISHING STANDARDS AND REGULATIONS FOR THE PARKWAY CORRIDOR OVERLAY DISTRICT**

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

**Section 1.** Amend City of Raleigh Code Section 10-2011(b)(3) to include a new subsection "n." which shall read as follows:

**"n. Parkway Corridor Overlay District.**

This corridor designation is characterized by thoroughfares that are rural to suburban in character and intended to be framed by landscaping rather than buildings. These designated thoroughfares employ standard cross-sections set forth in the Streets, Sidewalks and Driveway Access Handbook and should incorporate the use of landscaped medians.

The Parkway Corridor Overlay District serves to protect and preserve the corridors' scenic beauty. Regulations address building and parking setbacks, shade and understory tree plantings, and fence construction. Together with the tree conservation ordinance, these provisions help to maintain the attractiveness of these roadway corridors through the preservation and enhancement of the City's piedmont-woodlands natural environment."

**Section 2.** Amend the City of Raleigh Code to include a new Section 10-2063 which shall read as follows:

**"Sec. 10-2063. PARKWAY CORRIDOR 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 *City Council*, or the Planning Commission; see §10-2132.2(b), (c) and (e). If the use requires a *plot plan*, as set forth in §10-2132.1, administrative approval is required.

**(b) Permitted Uses.**

Subject to the provisions of §10-2063 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 Parkway Corridor Overlay District.

**(c) Prohibited Uses.**

Except for improvements made pursuant to Part 10 chapter 3 of this Code, any use not explicitly allowed by either the underlying district, by the Schedule of Permitted Land Uses in Zoning Districts §10-2071 and subsection (b) above is prohibited

**(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.**

*Buildings* and structures, unless otherwise regulated by an overlay district, *shall* comply with the minimum *yard area* setback allowed by the underlying zoning district. The minimum district yard setbacks for this Overlay District are as listed below. If there is a conflict between the yard widths required by this Overlay District and those established by the underlying district or another overlay district, the greater widths *shall* control.

TABLE INSET:

<i>front yard and corner lot side yard, and rear yard that adjoins a thoroughfare designated as a Parkway Corridor by the Raleigh Comprehensive Plan</i>	<i>25 feet protective yard and landscaped in accordance with subsection (e)(2) below</i>
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See §10-2075 for other *yard areas* required by this Code, method of calculating, exceptions and reductions to *yard areas*, and illustrations.

**(3) Height.**

*Buildings* and structures, unless otherwise regulated by this Code, *may* be constructed to any height allowed by the underlying zoning district.

See §10-2075 for method of height calculation, exceptions, and illustrations.

**(e) Supplementary Regulations.**

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

TABLE INSET:

<b>(1)</b>	<b>Off-street parking</b>	<b>see §10-2081</b>
<b>(2)</b>	<b>Landscaping</b>	<b>see §10-2082</b>

a. Planting requirements.

The minimum Overlay District planting requirements are as listed below. If there is a conflict between the planting requirements required by this Overlay District and those established by the underlying district or other overlay districts, the greater requirements *shall* control.

Unless approved as an alternate method of compliance per §10-2082.4, or established tree conservation areas in accordance with §10-2082.14 are provided, all twenty-five-foot *street protective yards* required in subsection (d)(2) above for each fifty (50) linear feet, or fraction thereof, adjoining the *thoroughfare shall* contain all of the *following* vegetation:

1. *Shade trees.*

Within *street protective yards* located in any *Resource Management District*, each natural *shade tree*, either existing or planted, utilized to comply with the landscaping requirements of this Code *shall* be at least fourteen (14) feet in height and 10.9375 inches in circumference (three-and-one-half-inch caliper), measured at one-half (1/2) foot above grade. In all other zoning districts, *shade trees*, either existing or planted, required in *street protective yards shall* be at least eight (8) feet in height and *shall* total eighteen and three-quarter (18 3/4) inches in circumference (six (6) inches in caliper), measured at one-half (1/2) foot above grade; provided that, no *shade tree* less than six and one-quarter (6 1/4) inches in circumference (two (2) inches in caliper) *shall* qualify for meeting the eighteen and three-quarter (18 3/4) inches circumference (six (6) inches in caliper) sum.

Each *street protective yard shall* contain at least one (1) natural tree for every fifty (50) linear feet of *street protective yard* or fraction thereof, as measured from the corners of the *property* and *shall* be located so that at least one (1) natural tree is within every seventy-five (75) linear feet of *street protective yard* or fraction thereof. Along *street protective yards* for *display areas*, the spacing of trees *shall* be one (1) natural tree every one hundred fifty (150) linear feet of the *street protective yard* or fraction thereof. Trees *shall* be planted at least ten (10) feet from any tree on the public right-of-way.

All required trees *shall* be a locally adapted species with an expected mature height of thirty-five (35) feet or greater and an expected mature crown spread of at least thirty (30) feet or greater unless subject to an overhead power line in which case the mature height *may* be less.

Any existing stand of vegetation which meets the applicable standards of §10-2082.5(f) will satisfy the planting requirements so long as it is protected in accordance with the provisions of this Code. In no case *shall* credits for any preserved tree eliminate the *shade tree* spacing requirements above.

2. Understory trees.

Each *street protective yard shall* contain at least two (2) understory trees for every fifty (50) linear feet of *street protective yard*. Such trees *shall* be a locally adapted species with an expected mature height of fifteen (15) feet or greater and an expected mature crown spread of at least fifteen (15) feet or greater as determined by the latest edition of "**American Standards of Nursery Stock**" set forth by the American Association of Nurserymen. Each understory tree *shall* be a minimum height of six (6) feet tall at planting. Trees *shall* be planted at least ten (10) feet from any other tree and no further than fifty (50) feet from any other tree.

3. General.

The *yard area* required in this subsection a. *shall* in all other respects conform to the landscape standards of §10-2082.5(c). No yard space *shall* remain denuded or exposed with bare soil. The location of required landscaping *shall* not obstruct the views of motorists using any *street*, private driveway, or the approach to any *street* intersection so as to constitute a traffic hazard, a condition dangerous to the public safety, or violate the guidelines set forth in §10-2086.

4. Landscaping requirements for expansions or change of use for existing facilities.

(i) Landscaping for existing facilities.

The planting requirements of §10-2063(e)(2)a. *shall* not apply to a preexisting *lot* developed with any *buildings*, structures and/or *vehicular surface area* at the time this Overlay District becomes applicable to the *property* except as provided in subsections (ii) through (iv) below.

(ii) General requirements for new and expanded facilities.

Any new and expanded *loading*, *utility service*, and *display area*, *building*, structure, surface area of the use, or *vehicular surface area* (excluding driveways located perpendicular to the Parkway Corridor *street thoroughfare*) *shall* not locate in any *protective yard* including

Parkway Corridor *street protective yards*. The landscaping required for these facilities *shall* comply with §10-2082, et seq.

(iii) Expansions and additions.

A *street protective yard* at least ten (10) feet wide and containing forty (40) per cent of all the plantings of subsection a. above *shall* be provided on the *property* if the *floor area gross*, surface area, *vehicular surface area*, or any combination thereof singularly, collectively, or cumulatively is increased by twenty-five (25) per cent of the area existing at the time this Overlay District first became applicable to the *property*. For each additional per cent of expansion greater than twenty-five (25) per cent, an additional factor of six-tenths (0.6) foot of yard width and two and four-tenths (2.4) per cent of additional planting material of the Parkway Corridor *street protective yard shall* be added to the initial requirements until one hundred (100) per cent of the yard and planting requirements are met.

**Cross reference:** Work sheet following §10-2082.10 (c)(3).

(iv) Change of use.

Whenever any change in the type of land use results in a change in the type of building code occupancy, as set forth in the North Carolina State Building Code, a *street protective yard* in accordance with §10-2082.10(c)(1) *shall* be installed. This *street protective yard shall* be landscaped to the same extent as set forth in §10-2082.6(b)(1)--(5), irrespective of the location of *vehicular surfaces*.

5. Establishment and protection of tree conservation areas.

Prior to the approval of any subdivision plan or *site plan* two (2) acres or greater in size, the developer *shall* establish tree conservation areas in accordance with §10-2082.14.

TABLE INSET:

(3)	<b>Signage</b>	<b>see §10-2083</b>
	<b><i>on-premise signs</i></b>	<b>see §10-2084</b>
(4)	<b>Fences and Walls</b>	<b>see §10-2085</b>
(5)	<b>Lighting</b>	<b>see §10-2089(b)</b>

All outdoor lighting *shall* be shielded in such a manner that no glare from the light can be seen from the *thoroughfares* located in the Overlay District.

(f) Existing structures.

All structures existing at the time that the Parkway Corridor Overlay District is first applied to the *property shall* not be deemed a zoning nonconformity solely because of this Overlay District. For example, replacement of existing structures with similar structures that otherwise conform to the requirements of the underlying district are allowed. All additions, changes, expansions, and alterations to such existing structures must comply with the regulations of the Parkway Corridor Overlay District contained herein unless the Board of Adjustment in accordance with §10-2146.3(a)(7) approves the addition, change, expansion or alteration, as if the existing structure were made nonconforming by the Overlay District.

**(g) Locational guidelines.**

The general characteristics desired of land placed in the Parkway Corridor Overlay District are one or more of the following:

- a. It should be generally located along Parkway Corridor *thoroughfares* as designated in the City's Comprehensive Plan.
- b. It should be generally located adjacent to *thoroughfares* that are rural to suburban in character and more appropriate to be framed by landscaping rather than buildings.
- c. It should be generally located where it is desirable to maintain the attractiveness of roadway corridors through the preservation and enhancement of the City's piedmont-woodlands natural environment.

In general, the Parkway Corridor Overlay District is located on either side of an existing or proposed residential *thoroughfare* and should begin at the outer edge of the existing or proposed right-of-way and extend parallel to the edge of the existing or proposed right-of-way for a depth of one hundred (100) feet.

**Section 3.** Amend Section 10-2075(b), **SCHEDULE OF ZONING DISTRICT YARD SETBACKS**, within the **OVERLAY ZONING DISTRICTS** section, to include this new overlay district in alphabetic order to read as follows:

"Parkway Corridor      The yard setbacks in the underlying district *shall* apply, except the yard setback for the designated Parkway Corridor *street* right-of-way which *shall* be a minimum twenty-five (25) foot *street protective yard*."

**Section 4.** Amend Section 10-2146.3(a)(7) to add the words "**Parkway Corridor Overlay District**," at the beginning of the heading caption.

Furthermore, amend Section 10-2146.3(a)(7), first paragraph, to add the words "Parkway Corridor Overlay District, immediately following the words "with the regulations of".

**Section 5.** All laws and clauses of laws in conflict herewith are hereby repealed to the extent of said conflict.

**Section 6.** 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 7.** 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 8.** This ordinance has been provided to the North Carolina Capital Commission as required by law.

**Section 9.** This ordinance shall be enforced by law as provided in G.S.N.C. 160A-75 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 10.** The ordinance shall become effective five (5) days following its adoption.

**ADOPTED:**

**EFFECTIVE:**

**DISTRIBUTION:**