

**ORDINANCE NO. 2016 – 619 TC 381  
TC-10-16**

**AN ORDINANCE TO AMEND SECTION 5.4.3.F.12.f. OF THE PART 10A RALEIGH UNIFIED DEVELOPMENT ORDINANCE TO AMEND THE MAXIMUM BUILDING HEIGHT REGULATIONS FOR THE OBERLIN VILLAGE NEIGHBORHOOD**

**WHEREAS**, the City of Raleigh has determined that the Oberlin Village Neighborhood height standards contain some unintended ambiguity that warrants an amendment to provide consistency with the way both height and the maximum number of stories are related elsewhere in the Part 10A Unified Development Ordinance; and

**WHEREAS**, the City of Raleigh has determined it appropriate to set a maximum height measurement for a two-story home located in the Oberlin Village neighborhood conservation overlay district to regulate and protect the character of the neighborhood as it relates to maximum building heights; and

**WHEREAS**, the City of Raleigh has determined it appropriate to protect and conserve the City’s existing single-family neighborhoods and ensure that their zoning reflects their established scale and built character; and

**WHEREAS**, the City of Raleigh has determined it appropriate to carefully manage the development of vacant land and the alteration of existing structures in and adjacent to single-family neighborhoods to protect character and maintain neighborhood scale.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH THAT:**

**Section 1.** Sec. 5.4.3.F.12.f. of the Part 10A Raleigh Unified Development Ordinance, Oberlin Village Neighborhood, is hereby amended is hereby amended by insertion of the following underlined provisions and deleting the language shown with a strike-through:

12. Oberlin Village Neighborhood

- a. Minimum lot size: 5,000 square feet.
- b. Maximum lot size: 12,500 square feet.
- c. Minimum lot width: 50 feet.
- d. Front yard setback: Within 10% of the median front yard setback established by buildings on the same side of the block face of the proposed building.
- e. Building entrance: All buildings shall have a minimum of 1 entrance facing the public street.
- f. Maximum building height 25 feet ~~or~~ and 2 stories.

**Section 2.** All laws and clauses of laws in conflict herewith are repealed to the extent of such conflict.

**Section 3.** 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 this end the provisions of this ordinance are declared to be severable.

**Section 4.** This text change has been reviewed by the Raleigh City Planning Commission.

**Section 5.** This ordinance has been adopted following a duly advertised public hearing of the Raleigh City Council.

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

**Section 7.** This ordinance shall be enforced 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 N.C.G.S. §14-4(a) or similar limitations.

**Section 8.** This ordinance is effective 5 days after adoption.

**ADOPTED:** July 5, 2016  
**EFFECTIVE:** July 10, 2016

**DISTRIBUTION:** Planning – Bowers, Crane, Hodge  
City Attorney – Botvinick, Hargrove-Bailey  
Department Heads  
Transcription Svcs – Taylor

*Prepared by the Department of City Planning*



# Certified Recommendation

Raleigh Planning Commission

CR# 11710

## Case Information: TC-10-16 / Oberlin Village NCOD – Building Height

### Comprehensive Plan Guidance

<p><i>Applicable Policy Statements</i></p>	<p><b>Policy LU 8.3 Conserving, Enhancing, and Revitalizing Neighborhoods</b>            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><b>Policy LU 8.5 Conservation of Single-Family Neighborhoods</b>            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> <p><b>Policy LU 8.12 Infill Compatibility</b>            Vacant lots and infill sites within existing neighborhoods should be developed consistently with the design elements of adjacent structures, including height, setbacks, and massing through the use of zoning tools including Neighborhood Conservation Overlay Districts.</p>
<p><i>Action Items</i></p>	<p><b>Action HP 2.7 Applying Zoning Regulations and Planning Tools</b>            Use Historic Overlay Districts, Neighborhood Conservation Overlay Districts, and other zoning regulations and planning tools in response to neighborhood requests for protection and conservation.</p>

### Summary of Text Change

<p><i>Summary</i></p>	<p>Amends Section 5.4.3.12.f. of the Part 10A Raleigh Unified Development Ordinance, Oberlin Village Neighborhood – Maximum Building Height, to clarify that 25’ is the maximum building height in the NCOD.</p>
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### Summary of Impacts

<p><i>Impacts Identified</i></p>	<p><u>Adoption of TC-10-16:</u></p> <ol style="list-style-type: none"> <li>1. The adoption of the text change would ensure the maximum building height in the NCOD preservation of the general quality and appearance of the Oberlin Village neighborhood.</li> </ol>
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	<p>2. The adoption of this text change would set a maximum height of 25' for all structures and limit them to no more than 2 stories.</p> <p><u>No Action:</u></p> <p>1. There would be not specific height measurement limit for a structure so long as it did not exceed 2 stories in height.</p>
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**Public Meetings**

<i>Submitted</i>	<i>Committee</i>		<i>Planning Commission</i>	
6-6-16			6-14-16	Approval

Attachments

1. Draft Ordinance

**Planning Commission Recommendation**

<i>Recommendation</i>	Approval
<i>Findings &amp; Reasons</i>	
<i>Motion and Vote</i>	<p>Motion: Fluhrer          Second: Jeffreys          Approval: Alcine, Braun, Fluhrer, Hicks, Jeffreys, Swink, Terando and Tomasulo</p>

This document is a true and accurate statement of the findings and recommendations of the Planning Commission. Approval of this document incorporates all of the findings of the attached Staff Report.

\_\_\_\_\_ Date \_\_\_\_\_ 6/14/16  
 Planning Director Date Planning Commission Chairperson Date  
 Staff Coordinator: Eric Hodge: [eric.hodge@raleighnc.gov](mailto:eric.hodge@raleighnc.gov)



## Zoning Staff Report – TC-10-16

### Oberlin Village NCOD – Building Height

#### Request

<i>Section Reference</i>	<b>Part 10A Unified Development Ordinance §5.4.3.F.12., Oberlin Village Neighborhood - NCOD</b>
<i>Basic Information</i>	Amends the Part 10A Raleigh Unified Development Ordinance to specify a maximum building height of 25' and two stories in the Oberlin Village NCOD.
<i>PC Recommendation Deadline</i>	

#### Comprehensive Plan Guidance

<i>Applicable Policies</i>	<p><b>Policy LU 8.3 Conserving, Enhancing, and Revitalizing Neighborhoods</b> 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><b>Policy LU 8.5 Conservation of Single-Family Neighborhoods</b> 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> <p><b>Policy LU 8.12 Infill Compatibility</b> Vacant lots and infill sites within existing neighborhoods should be developed consistently with the design elements of adjacent structures, including height, setbacks, and massing through the use of zoning tools including Neighborhood Conservation Overlay Districts.</p>
<i>Action Items</i>	<p><b>Action HP 2.7 Applying Zoning Regulations and Planning Tools</b> Use Historic Overlay Districts, Neighborhood Conservation Overlay Districts, and other zoning regulations and planning tools in response to neighborhood requests for protection and conservation.</p>

## Contact Information

<i>Staff Coordinator</i>	Eric Hodge: <a href="mailto:eric.hodge@raleighnc.gov">eric.hodge@raleighnc.gov</a> ; 919.996.2639
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## History/Overview

This text change was initiated by the City Council's Growth and Natural Resources Committee in response to a resident's concern over ambiguous wording in the Oberlin Village Neighborhood NCOD and with taller structures that have been built recently in the neighborhood.

## Purpose and Need

This text change would ensure that the 25' building height limit already noted within the built environmental characteristics for the Oberlin Village Neighborhood would also apply to two story structures. By changing the "or" to an "and" it would ensure that both components of the "Maximum building height" (maximum 25' measurement and no more than 2 stories) must be met, not just one of them..

## Alternatives Considered

None.

## Scoping of Impacts

Potential adverse impacts of the proposed text change have been identified as follows:

Adoption of the text change would prevent property owners from constructing 1 and 2 story buildings that are in excess of 25' in height. The ability to utilize attics for conditioned living space would be limited.

The adverse impacts of taking no action (retaining the existing regulations) have been identified as follows:

Taller buildings could be built and result in structures that are out of character with the massing of the structures that have long since populated the neighborhood. Houses could be built with usable 3<sup>rd</sup> floor attic spaces which effectively goes against the 2-story limitation envisioned by the NCOD regulations.

## Impacts Summary

### Adoption of Proposed Text Change

The adoption of the text change would set a clear maximum building height of 25' and 2 stories. New construction would be limited to these heights and there would be no ability to build a structure in excess of the 25' height measurement. Third floor conditioned attic spaces would be unlikely.

### No action

Buildings could be constructed to any height so long as they did not exceed 2 stories. Conditioned spaces that qualify as attics, but effectively operate as a third story conditioned space, would continue to be allowed.