



Certified Recommendation

Raleigh - Growth & Natural Resource Council Committee

Case Information: TC-7- 2017 Residential Infill Compatibility - Setbacks

Comprehensive Plan Guidance

<i>Applicable Policy Statements</i>	HP1.1 – Stewardship of Place; Foster neighborhood stewardship of place and landscape. HP2.5 – 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.
<i>Action Items</i>	HP2.7 – Applying Zoning Regulations and Planning Tools; Use historic district overlays, neighborhood conservation overlay districts and other zoning regulations and planning tools in response to neighborhood requests for protection and conservation. HP 3.4 – Context Sensitive Design; Using existing architectural and historical character within an area as a guide for new construction.

Summary of Text Change

<i>Summary</i>	To revamp the infill setback standards to ensure that the context of a block face is maintained and protected from the impacts of new and/or redevelopment by determining the setback on the median of adjacent lots. Also, by designating the sample size used in to determine the median setback.
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Summary of Impacts

<i>Impacts Identified</i>	None
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Public Meetings

<i>Submitted</i>	<i>Committee</i>	<i>City Council</i>
	Growth & Natural Resources	

Attachments

1. Draft Ordinance

Planning Commission Recommendation

<i>Recommendation</i>	Forward to City Council for Authorization
<i>Findings & Reasons</i>	
<i>Motion and Vote</i>	

This document is a true and accurate statement of the findings and recommendations of the Growth & Natural Resources Council Committee. Approval of this document incorporates all of the findings of the attached Staff Report.

_____	_____	_____	_____
Planning Director	Date	Planning Commission Chairperson	Date

Staff Coordinator: Gary Mitchell gary.mitchell@raleighnc.gov



Zoning Staff Report – TC-7-17

Residential Infill Compatibility – Setbacks

Request

<i>Section Reference</i>	Chapter 2.2.7 B 7 C; Residential Infill Compatibility Setbacks
<i>Basic Information</i>	To establish process to determine appropriate setbacks for new and redevelopment of residential lots to protect the neighborhood context
<i>GNR Recommendation Deadline</i>	

Comprehensive Plan Guidance

<i>Applicable Policies</i>	HP1.1 – Stewardship of Place; Foster neighborhood stewardship of place and landscape. HP2.5 – 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.
<i>Action Items</i>	HP2.7 – Applying Zoning Regulations and Planning Tools; Use historic district overlays, neighborhood conservation overlay districts and other zoning regulations and planning tools in response to neighborhood requests for protection and conservation. HP 3.4 – Context Sensitive Design; Using existing architectural and historical character within an area as a guide for new construction.

Contact Information

<i>Staff Coordinator</i>	Gary Mitchell gary.mitchell@raleighnc.gov
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History/Overview

The Growth and Natural Resources Council Committee has asked staff to examine the issue of development of new and redevelopment of existing residential lots in established neighborhoods in the City. The central issue is that when lots are construction upon often the setbacks of the particular zoning district are not consistent with the block face and/or existing neighborhood. Staff provided the Growth and Natural Resources a memo on this issue and presented some options in January 2017. The Committee provided feedback to staff based on their perceptions as well as comments from citizens in the audience. Staff has met with Development Services several times over the past 2 months and developed the ordinance language that is attached hereto.

Purpose and Need

To protect the integrity and context of existing residential developments in the City as re-development occurs on vacant and/or newly created lots.

Alternatives Considered

A variety of solutions were examined by staff which led to the development of the ordinance text as presented.

Scoping of Impacts

No negative impacts anticipated from adoption. The adoption will strengthen the City's efforts to protect and enhance neighborhood preservation and block face context.

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

None

Impacts Summary

None

Forward the Proposed Text Change to the City Council for Authorization

ORDINANCE NO. (2017)

TC-7-2017 Infill Issues - Setbacks

AN ORDINANCE TO AMEND CHAPTER 2 RESIDENTIAL INFILL COMPATIBILITY; C. STREET SETBACK OF PART 10A OF THE CODE OF RALEIGH – UNIFIELD DEVELOPMENT ORDINANCE (UDO) BY REPEAL AND REPLACEMENT OF THE FOLLOWING PROVISIONS THERETO

WHEREAS, the intent of the Unified Development Ordinance for the City of Raleigh was to create more predictable development;

WHEREAS, the existing Street Setback requirements (2.2.7.C) of the UDO for infill development has been problematic and;

WHEREAS, the City of Raleigh has determined it appropriate to enhance and streamline the setbacks for infill development;

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

Section 1. Section B Applicability & C Street Setbacks is hereby repealed entirety and replaced with the underlined text and diagram(s) as show below:

B. Applicability

~~1. The standards contained within this section apply to any building in an R-4, R-6 or R-10 district where all of the following are present:~~

~~a. The total site are is 5 acres or less~~

~~b. At least 50% of the side and rear property lines abut existing detached or attached building types, and;~~

~~c. The lot must have been recorded for at least 20 years. This time periods incudes, subsequent recombination or subdivisions of the original lot configuration or recordation.~~

~~2. These infill compatibility rules do not apply in General or Streetside Historic Overlay District or in Neighborhood Conservation Overlay District where height is regulated.~~

B. Applicability

1. The standards contained within this section apply to any building in an R-4, R-6 and R-10 district where all of the following are present:

a. The total site is is 5-acres or less;

b. The lot must have been recorded for at least 20 years. This time periods includes, subsequent recombination or subdivisions of the original lot configuration or recordation;

C. Where demolition of existing principal buildings are proposed or pre-existing undeveloped lots were not improved with principal buildings or new lots have been created as a result of a re-development proposal the front setback for new construction or re-development shall be determined by the neighborhood street context of the block face as outlined in Section C.

2. These infill compatibility rules do not apply in General or Streetside Historic Overlay District or in Neighborhood Conservation Overlay District where height is regulated.

C. Street Setback

- ~~1. The proposed building must be located within the range of setbacks, no closer than the smallest setback in the range and no further than the largest setback in the range, except where a Neighborhood Conservation Overlay District applies an alternative setback.~~
- ~~2. On an interior lot, the range of setbacks is measured on the basis of the 2 closest lots in either direction along the block face.~~
- ~~3. On a corner lot, the range of setbacks is measured on the basis of the 3 closest lots along the primary block face.~~
- ~~4. Where the calculation cannot be applied to at least 4 lots on an interior lot or 3 lots on a corner lot, the building must meet the district standards.~~

C. Neighborhood Street Context

1. The proposed residential building must be located at the median of the selected sample of setbacks abutting the subject lot within a variance of 10% except where a General or Street Side Historic Overlay District exists and/or a Neighborhood Conservation Overlay District (NCOD) specifies an alternate setback as provided in Section 5.4.3 of the Uniform Development Ordinance.
2. The median of setback is based on the three (3) closest lots with residential buildings thereon, abutting the subject lot in both directions along the block face. A total of 6 lots (see figure 1).

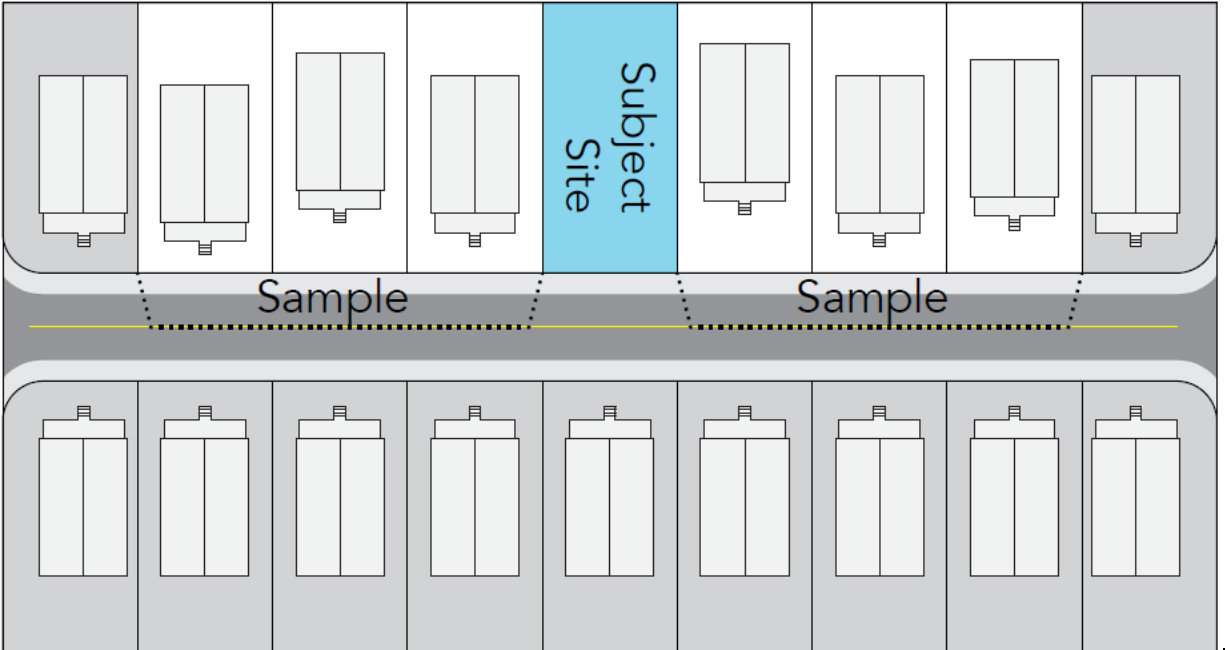


Figure 1

- 3. Vacant lot(s) within the selected sample or adjacent to the subject lot or that have been recently created as part of a re-development plan are to be skipped over and the sample size continues along the block face to the next improved lot(s) (see figure 2).

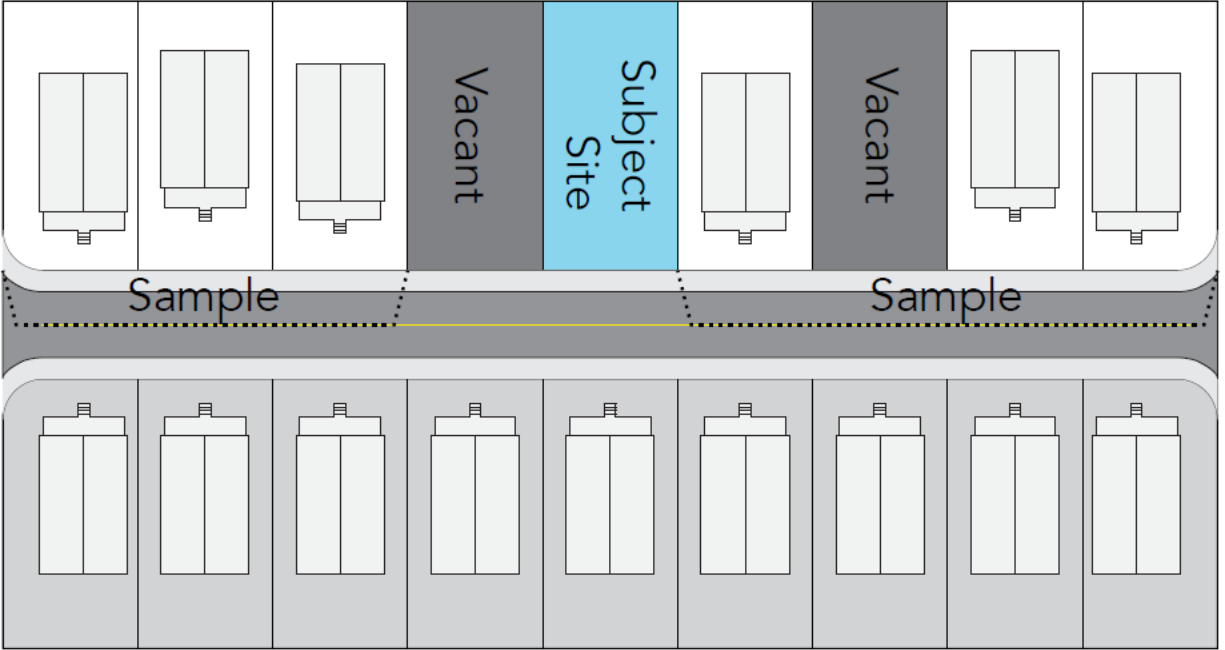


Figure 2

4. When there are four (4) or more vacant lots immediately adjacent to each other, in both directions from the subject lot, and these 4 vacant parcels are adjacent to the subject lot, the base zoning district rules shall apply.

5. For corner lots, the sample size continues across the local street (as specified in 8.4.4.4.B of the UDO) and continues along the block face, provided the first residential building has the same orientation. In instances where the first residential building across the local street has a different orientation, that lot is skipped, and the sample size continues to the next improved lot(s) (see figures 3 and 4).

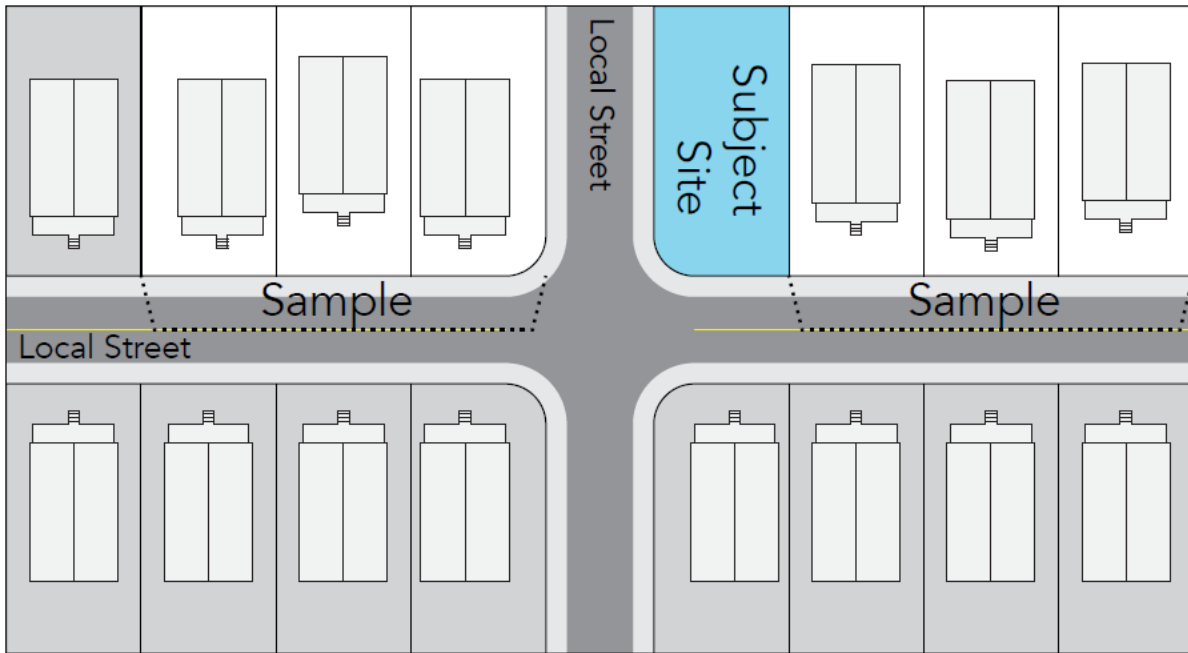


Figure 3

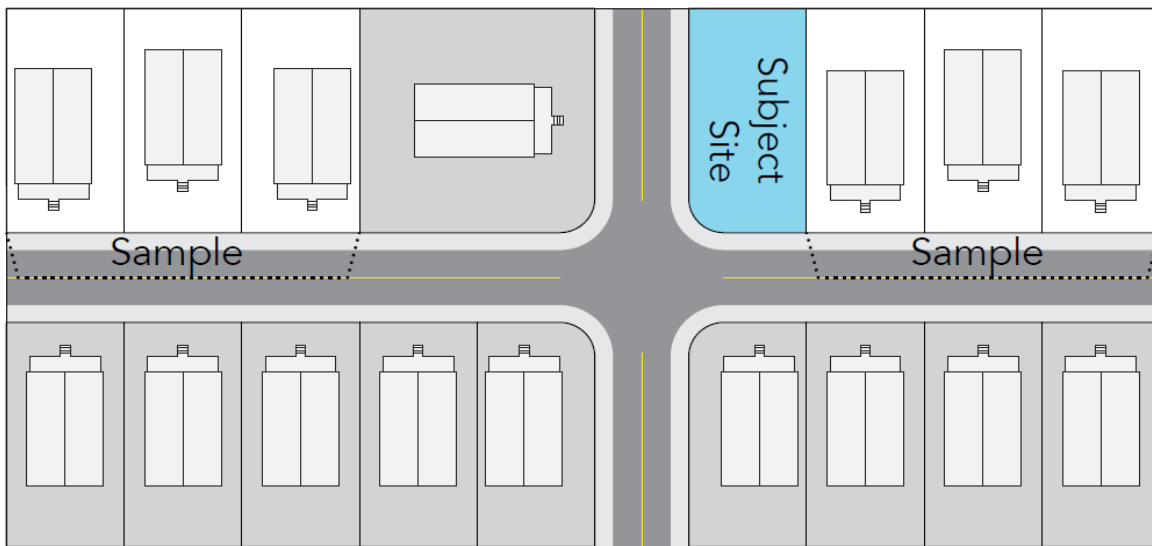


Figure 4

6. Where one of the adjacent streets is not a local street, the sample size is the 6 improved lots with residential buildings taken from the subject corner lot along the local street block face (see figure 5).

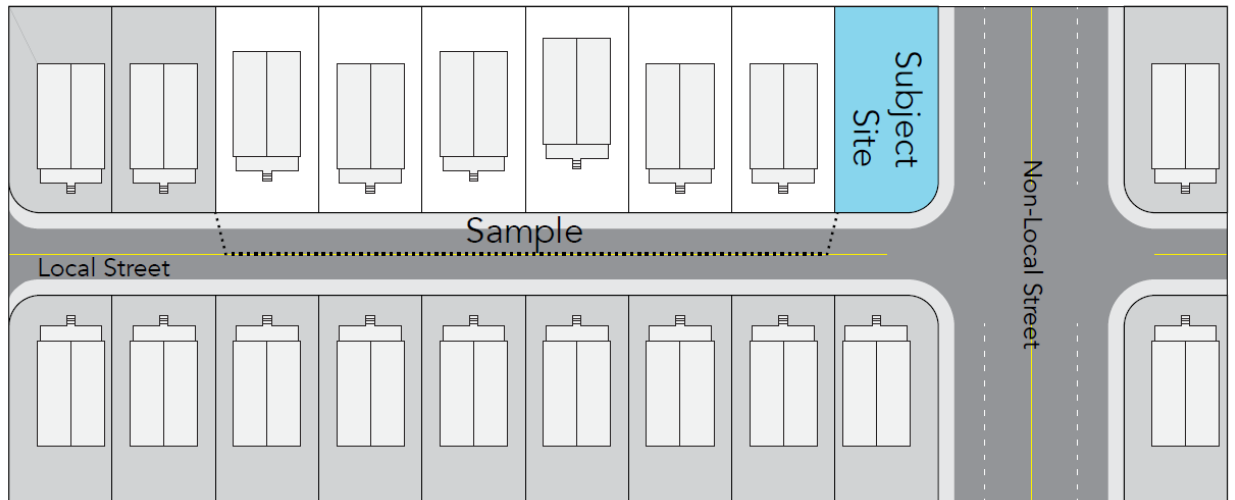


Figure 5

7. When build-to requirements conflict with the infill setback derived from the process described above, the infill setback standard controls and the build-to requirements are not applicable.
8. Sample size setbacks are measured from the outer foundation wall of pre-existing residential buildings within the sample size.

Section 2. All laws and clauses of laws in conflict herewith are repealed to the extent of such conflict. Notwithstanding any language in a zoning condition indicating administrative alternates are allowed, this ordinance hereby repeals such language.

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:

EFFECTIVE:

DISTRIBUTION:

Prepared by the Department of City Planning