

**ORDINANCE NO. (2008) 428 TC 313
TC-4-08**

**AN ORDINANCE TO REVISE THE PROCESS FOR ESTABLISHING A
NEIGHBORHOOD CONSERVATION OVERLAY DISTRICT AND TO INCORPORATE
INTO THE CITY'S ZONING CODE THE PREVIOUSLY APPROVED STANDARDS
FOR ALL EXISTING NEIGHBORHOOD CONSERVATION OVERLAY DISTRICTS**

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

Section 1. Amend City of Raleigh Code Section 10-2002(b), DEFINITIONS, by deleting in its entirety the definition for "Built environmental characteristics" and substituting in lieu thereof the following:

"Built environmental characteristics and regulations. *Built environmental characteristics and regulations may include: lot frontage and lot size; density per net acre; building entrances; building height; building placement on the lot, including building setbacks from the streets and property lines, and distances between buildings; vehicular surface area placement on the lot; greenway dimension and trail construction; and public street construction including right-of-way widths, street design and sidewalks."*

Section 2. Amend Section 10-2054 by deleting it in its entirety and substituting in lieu thereof the following:

"Sec. 10-2054. NEIGHBORHOOD CONSERVATION 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.

(b) Permitted Uses.

Subject to the provisions of §10-2054 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 Neighborhood Conservation Overlay District. In addition, any *built environmental characteristics and regulations* contained in §10-2054(g) for the specific adopted Neighborhood Conservation Overlay District zoning, which *may* be more stringent or less stringent than those of the underlying zoning district, *shall* control notwithstanding any contrary regulation of the underlying districts.

(c) Prohibited Uses.

Except for improvements made pursuant to Part 10 chapter 3 of this Code, any use not explicitly allowed by both the underlying district, by the Schedule of Permitted Land Uses in Zoning Districts §10-2071 and subsection (b) above is prohibited. If a use is prohibited in either an overlay district or the underlying district, that use is prohibited even if one (1) of these districts allows the use. The enumeration of expressly prohibited uses *shall* not be deemed exclusive or all-inclusive. Prohibited uses include:

- All uses prohibited in the underlying zoning district
- *Built environmental characteristics and regulations* not in conformance with the provisions contained in §10-2054(g) for the specific neighborhood unless approved by the Board of Adjustment in accordance with §10-2146.3(a)(7).

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

(1) Area, density, and bulk.

- a. Subject to any other applicable overlay district, the required minimum net area for any *dwelling unit* and *equivalent dwelling unit* shall be that contained in §10-2054(g) for the specific adopted Neighborhood Conservation Overlay District zoning. If the minimum *net lot area* in the underlying district conflicts with the minimum *net lot area* regulation contained in §10-2054(g) for the specific adopted Neighborhood Conservation Overlay District zoning, the §10-2054(g) regulation shall control. Whenever the regulations in §10-2054(g) for the specific adopted Neighborhood Conservation Overlay District zoning fails to contain a minimum *net lot area*, those of the underlying zoning district shall be applied to *lots*.
- b. Subject to any other applicable overlay district, the maximum residential density per net acre shall be that contained in §10-2054(g) for the specific adopted Neighborhood Conservation Overlay District zoning. If the maximum density in the underlying district conflicts with that contained in §10-2054(g) for the specific adopted Neighborhood Conservation Overlay District zoning, regulations contained in §10-2054(g) for the specific adopted Neighborhood Conservation Overlay District zoning shall control. Whenever the regulations in §10-2054(g) for the specific adopted Neighborhood Conservation Overlay District zoning fails to contain a density or minimum *net lot area* standard, those of the underlying zoning district shall be applied to the *property*.

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.

Subject to any other applicable overlay district, the minimum district yard setbacks shall be those contained in §10-2054(g) for the specific adopted

Neighborhood Conservation Overlay District zoning. If the district yard setbacks of the underlying district conflicts with any yard setback regulation contained in §10-2054(g) for the specific adopted Neighborhood Conservation Overlay District zoning, the §10-2054(g) regulation *shall* control. Whenever the regulations in §10-2054(g) for the specific adopted Neighborhood Conservation Overlay District zoning fails to contain yard setbacks, those of the underlying zoning district *shall* be applied to the *property*.

See §10-2075 for other *yard areas* required by this Code, method of calculating, exceptions and reductions to *yard areas*, and illustrations.

(3) Height.

Subject to any other applicable overlay district, *buildings* and structures *may* be constructed to any height contained in §10-2054(g) for the specific adopted Neighborhood Conservation Overlay District zoning. If the height regulations of the underlying district conflict with the height regulations contained in §10-2054(g) for the specific adopted Neighborhood Conservation Overlay District zoning, the §10-2054(g) regulation *shall* control. Whenever the regulations in §10-2054(g) for the specific adopted Neighborhood Conservation Overlay District zoning fails to contain height limitations, those of the underlying zoning district *shall* be applied to the *property*.

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:

- | | | |
|-----|--------------------------|--------------|
| (1) | Off-street parking | see §10-2081 |
| (2) | Landscaping | see §10-2082 |
| (3) | Signage | |
| | <i>on-premise signs</i> | see §10-2083 |
| | <i>off-premise signs</i> | see §10-2084 |

(4) *Built Environmental Characteristics and Regulations.*

No *building*, structure, *street*, right-of-way, or greenway *shall* be constructed, moved, altered, changed, or increased in size within a Neighborhood Conservation Overlay District except in conformity with the regulations contained in §10-2054(g) for the specific adopted Neighborhood Conservation Overlay District zoning. The regulations contained in §10-2054(g) for the specific adopted Neighborhood

Conservation Overlay District zoning *may* contain standards which are more stringent or less stringent than the underlying district; in the event of any conflict, the regulations contained in §10-2054(g) for the specific adopted Neighborhood Conservation Overlay District zoning *shall* control.

(5) Existing *lots* and structures.

All *lots* and structures existing at the time that the Neighborhood Conservation 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 like 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 Neighborhood Conservation Overlay District contained in §10-2054(g) for the specific adopted Neighborhood Conservation Overlay District zoning 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.

(f) Adoption of *built environmental characteristics and regulations* and the designation of a Neighborhood Conservation Overlay District.

(1) Locational guidelines.

The general characteristics desired of land placed in the Neighborhood Conservation Overlay District are the following:

- a. It is located in an area in which development began at least twenty-five (25) years prior to application of the Neighborhood Conservation Overlay District.
- b. At least seventy-five (75) per cent of the land within the area is developed.
- c. The area contains at least fifteen (15) contiguous acres unless either it is an extension of any existing Neighborhood Conservation Overlay District, or the Department of City Planning is authorized by *City Council* to amend the **Official Zoning Map** to the Neighborhood Conservation Overlay District. Although the properties for the following uses *may* be allowed to be included within the boundaries of a Neighborhood Conservation 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.*
- d. The area possesses unifying distinctive elements of *built environmental characteristics and regulations* that create an identifiable setting, character and association.

Cross reference: Petition to Zone Property Neighborhood Conservation Overlay District, §10-2165(d)(3).

- (2) Preparation and adoption of *built environmental characteristics and regulations*.

No application to zone or rezone property to a Neighborhood Conservation Overlay District *shall* be accepted by the Department of City Planning until the *City Council* has adopted specific neighborhood *built environmental characteristics and regulations* into §10-2054(g) in accordance with the following process.

- a. Submittal of a petition to the City Clerk requesting *City Council* consideration for a neighborhood *built environmental characteristics and regulations* analysis. The petition *shall* define the study area, provide evidence to support that the area complies with the locational guidelines stated in subsection (f)(1)a., b. and c. above, identify the specific *built environmental characteristics and regulations* to be analyzed, and be signed by a minimum of three (3) persons owning different *lots* within the study area. Prior to the petition being scheduled for the City Council meeting, the Department of City Planning *shall* be granted a two (2) week period to review the adequacy of the petition and prepare a compliance report with §10-2054(f) which will accompany the City Council's receipt of the petition.
- b. Following *City Council's* review of the petition, the *City Council* *shall* determine whether to direct the Department of City Planning to complete the neighborhood *built environmental characteristics and regulations* analysis.
- c. In accordance with *City Council's* directive, the Department of City Planning *shall* complete an analysis of the specific *built environmental characteristics and regulations* for the neighborhood study area and identify the specific *built environmental characteristics and regulations* that reflect the predominant [greater than seventy-five (75) percent] representation of the *lots* within the neighborhood study area. Upon completion of the analysis, the Department of City Planning *shall* by first class mail notify all persons owning *property* within the study area the results of the analysis and the date, time and location of a meeting to be held for the neighborhood. Said notice shall be mailed between fourteen (14) and twenty-one (21) days prior to the date of the scheduled neighborhood meeting. Following the neighborhood meeting, the neighborhood *built environmental characteristics and regulations* analysis and summary of the neighborhood meeting *shall* be presented to the *City Council*.

- d. Upon receiving the neighborhood *built environmental characteristics and regulations* analysis, the *City Council shall* review the results of the analysis and determine whether to authorize a public hearing to propose any specific neighborhood *built environmental characteristics and regulations* into City Code §10-2054(g). If the City Council proposes that specific *built environmental characteristics and regulations* for the neighborhood study area be considered for inclusion into §10-2054(g), a text change public hearing in accordance with §10-2165(h) *shall* be held.
- e. If the *City Council* adopts a text change incorporating specific neighborhood *built environmental characteristics and regulations* into §10-2054(g), an application to zone or rezone *property* within the designated neighborhood study area to a Neighborhood Conservation Overlay District, in order to make the adopted *built environmental characteristics and regulations* applicable, *may* be accepted by the Department of City Planning within a four (4) year period following the adoption of said regulations. Following the adoption of the initial Neighborhood Conservation Overlay District zoning, the Department of City Planning may accept an application to expand the specific Neighborhood Conservation Overlay District zoning and applicable *built environmental characteristics and regulations* for *properties* either located within the original neighborhood study area or contiguous thereto.
- f. Following the original adoption of specific neighborhood *built environmental characteristics and regulations* into §10-2054(g), any subsequent text change proposal to revise the specific neighborhood *built environmental characteristics and regulations* in §10-2054(g), having first been authorized by *City Council*, *shall* require the applicant to notify by first class mail all persons owning property (mailing addresses as shown on the County tax abstract at the time of the City Council's authorization of the public hearing) within the original neighborhood study area. The notification shall identify the proposed changes and inform the property owners of the date, time and location of the scheduled public hearing. Within a period of no more than twenty-five (25) days nor less than fifteen (15) days prior to the date of the scheduled public hearing, the applicant shall deliver a copy of the letter and the sealed, addressed, stamped envelopes to the Department of City Planning.

(3) Designation of a Neighborhood Conservation Overlay Zoning District.

Within four (4) years following the *City Council* adoption of specific neighborhood *built environmental characteristics and regulations* into §10-2054(g), the Department of City Planning *may*, in accordance with §10-2165(d)(3), accept an application to zone or rezone property to a Neighborhood Conservation Overlay District. In accordance with §10-

2131 and §10-3006, following the *City's* official acceptance of an application to zone or rezone property to a Neighborhood Conservation Overlay District, no construction permit *shall* be issued nor subdivision or recombination be approved by the *City* during the pendency of the application to amend the **Official Zoning Map** unless the proposed construction or the proposed subdivision or recombination meets all of the provisions of the existing zoning district(s), and also the adopted neighborhood *built environmental characteristics and regulations* contained in §10-2054(g) for the proposed overlay district.

Cross reference: *Lot* size in Neighborhood Conservation Overlay District, §10-3032(b).

(g) Neighborhood *Built Environmental Characteristics and Regulations*.

Following the adoption of both neighborhood *built environmental characteristics and regulations* by the *City Council* and the approval of a Neighborhood Conservation Overlay District in accordance with §10-2054(f) for *properties* located within the specifically designated neighborhood listed below, the following neighborhood *built environmental characteristics and regulations* for properties located within the applicable neighborhood *shall* control notwithstanding any contrary regulation of the underlying districts.

(1) Avent West Neighborhood [Not applicable unless an Official NCOD Zoning Map Amendment is submitted by July 1, 2012 and subsequently approved]

Minimum lot size: 14,526 square feet (0.33 acre)

Maximum lot size: 21,779 square feet (0.49 acre)

Minimum lot width: Within ten percent (10%) of the median *lot* width on the *block face*, but not less than forty (40) feet.

Lot arrangement: *Lot* lines *shall* be angled from the *street* in a similar manner to the angle that is typical of the surrounding peripheral *lots* and consisting of no more than five (5) sides. *Lots shall* not be configured in such a way that *building* envelopes for houses are placed one behind the other when viewed from the *street*.

Front yard setback: Within ten percent (10%) of the median *front yard* setbacks on the opposite *block face* and the *block face* containing the subject property, but not less than thirty (30) feet.

Side yard setbacks: A minimum of twenty (20) feet from the adjacent property line where possible but otherwise within ten percent (10%) of the median *side yard* and *corner side yard* setbacks on the opposite *block face* and the *block face* containing the subject property, but not less than ten (10) feet.

Maximum building height: Thirty (30) feet from natural grade to one-half (1/2) of the roof pitch or no greater than one story (12') taller than the shortest adjacent house.

Building entrance: The main entry of a house is to face the *street* of its address with the exception of corner *lots*

Vehicular surface areas: Parking in *front yards* and *corner side yards* is to be restricted to paved parking within driveway areas, garages and carports only. Individual *lots shall* be limited to a single curb cut and driveways *shall*

be a maximum of ten (10) feet in width at the curb and within the required *front yard* setback and a maximum of eighteen (18) feet in width on all other portions of the property. In no instance *may* more than twenty-five percent (25%) of the front house width be paved for parking, driveway or garage use. For *multifamily dwellings*, parking lots are to be paved and located to the rear or side of the primary structure or structures as viewed from a public *street*. If located on the side of the structure or structures, parking lots *may* not abut a public *street* for more than forty percent (40%) of the primary *frontage* of the property.

(2) Brookhaven Neighborhood (Zoning Case Z-28-93)

South District (Z-28-93, south of Millbrook Road)

Minimum lot size: 20,000 square feet (0.45 acre)

Lot width at the building setback line: Minimum of one hundred (100) feet

Front yard setback: Minimum of fifty (50) feet

Maximum building height: Two and one-half (2 ½) stories

North District (Z-28-93, north of Millbrook Road)

Minimum lot size: 14,000 square feet (0.32 acre)

Maximum building height: Two and one-half (2 ½) stories

(3) Cameron Park Neighborhood (See below for applicability of individual Areas)

Core Area (Zoning Case Z-62-05)

Maximum lot size: 21,779 (0.49 acre)

Front yard setback: Within ten percent (10%) of the average *front yard* setback of houses on the same *block face*.

Side yard setback: Within five (5) feet of the average *side yard* setback and *corner side yard* setback of other properties on the *block face*, but no less than five (5) feet.

Setback for accessory structure: *Side* and *rear yard* setbacks for *accessory structures*, including those greater than one hundred and fifty (150) square feet *shall* be a minimum of three (3) feet.

Maximum building height: If a new two story house or additional story on a one story house is taller than 30 feet, it *shall* be no more than 20% taller than the average residential *building* height on the *block face*.

Building placement and building entrance: The orientation of the *building* and entry level of the main entrance to the *building shall* be located in a manner that is the same as the majority of the *buildings* on the *block face*.

Vehicular surface areas: New driveways onto *streets shall* not be allowed for *lots* that have access onto an alley.

Transition Area A [Not applicable unless an Official NCOD Zoning Map Amendment is submitted by July 1, 2012 and subsequently approved]

Front yard setback: Minimum of twenty (20) feet.

Maximum building height: Forty (40) feet when located within seventy-five (75) of an adjacent Core Area lot. No building shall be permitted to cast any shadow measured at a 32-degree angle due north (approximate noon winter solstice sun angle), beyond the minimum required setback line of any adjacent residential use.

Vehicular surface areas: No parking shall be permitted within the front yard area.

Transition Area B (Zoning Case Z-62-05)

Maximum building height: Forty (40) feet when located within seventy-five (75) of an adjacent Core Area lot.

(4) **Five Points East Neighborhood** (See below for applicability of individual Areas)

Core Area (Zoning Case Z-50-04)

Maximum lot size: 13,067 square feet (0.3 acre)

Front yard setback: Within ten percent (10%) of the average front yard setback of houses on the same block face as the new construction

Maximum building height: Two (2) stories, thirty-five (35) feet. Buildings may exceed thirty-five (35) when the average height of houses on the same block face as the new construction exceeds thirty-five (35) feet, and then the allowed height shall be within ten percent (10%) of the average height of houses in the same block face as the new construction.

Transition Area A [Not applicable unless an Official NCOD Zoning Map Amendment is submitted by July 1, 2012 and subsequently approved]

Front yard setback: Within 20% of the average front yard setback of buildings on the same and opposite block faces as the new construction.

Maximum building height: Two (2) stories, thirty-five (35) feet. Buildings may exceed thirty-five (35) feet when the average height of houses on the same block face as the new construction exceeds thirty-five (35) feet, and then the allowed height shall be within twenty percent (20%) of the average height of houses in the same block face as the new construction.

Vehicular surface areas: Vehicular surface areas for nonresidential and multifamily structures, even if located on a separate lot, shall be located behind the principle building, and/or may be located at the side of a building if: 1) It does not extend in front of the building facade line; 2) For any lot with street frontage in excess of 100 feet, the linear frontage of vehicular surface area facing the street, on the side of the building, does not exceed twenty-five percent (25%) of the linear street frontage of the lot. Ramp type driveways shall be used to maintain a continuous sidewalk along the block face.

(5) **Foxcroft Neighborhood** (Zoning Case Z-46-02)

Minimum lot size: 108,900 square feet (2.5 acres)

Minimum lot width: Two hundred (200) feet as measured at the required front yard setback.

Front yard setback: Minimum of fifty (50) feet.

Side yard setback: Minimum of forty (40) feet.
Rear yard setback: Minimum of forty (40) feet.
Setbacks for accessory structures: *Side and rear yard setbacks for accessory structures shall be a minimum of twenty (20) feet.*
Maximum building height: Forty (40) feet for the *principal building* and twenty-five (25) feet for *accessory structures*.

(6) **Glen Forest Neighborhood** (Zoning Case Z-2-95)

Minimum lot size: 17,424 square feet (0.4 acre)
Minimum lot frontage: One hundred (100) feet.
Maximum building height: Thirty-five (35) feet.

(7) **King Charles Neighborhood** (See below for applicability of individual Areas)

South District (Zoning Case Z-73-04 - south of New Bern Avenue, south of Bertie Drive and Albemarle Avenue, frontage lots on north side of Bertie Drive and Albemarle Avenue east of Locke Lane)

Minimum lot size: 33,541 square feet (0.77 acre)
Minimum lot width: One hundred forty-four (144) feet
Front yard setback: Minimum of seventy-six (76) feet
Maximum building height: Two (2) stories

North / Central District (Not applicable unless an Official NCOD Zoning Map Amendment is submitted by July 1, 2012 and subsequently approved ; other parcels north of Bertie Drive and Albemarle Avenue)

Minimum lot size: 12,632 square feet (0.29 acre)
Minimum lot width: Eighty-four (84) feet
Front yard setback: Minimum of thirty-nine (39) feet
Maximum building height: Two (2) stories

(8) **Laurel Hills Neighborhood** (Zoning Case Z-1-98)

Minimum lot size: 21,780 square feet (0.5 acre)
Minimum lot frontage: Forty-five (45) feet
Minimum lot width: One hundred (100) feet as measured eighty (80) feet from the front property line.
Front yard setback: Minimum of fifty (50) feet.
Maximum building height: Thirty-five (35) feet

(9) **Mordecai Neighborhood** (Zoning Case Z-61-05, Z-73-94)

Conservation District 1 (Z-61-05, Z-73-94); west of Wake Forest Road and north of Cedar Street, except for part of the north side of Courtland Drive – see Mordecai Plan boundaries)

Minimum lot size: 7,260 square feet (0.16 acre)
Maximum lot size: 14,520 square feet (0.33 acre)
Minimum lot width: Fifty (50) feet
Maximum lot width: One hundred (100) feet
Front yard setback: Minimum of thirty-five (35) feet

Maximum *building* height: Thirty-five (35) feet

Conservation District 2 (Z-61-05, Z-73-94); east of Wake Forest Road, south of Cedar Street and portions of Courtland Drive – see Mordecai Plan boundaries)

Minimum *lot* size: 7,260 square feet (0.16 acre)

Maximum *lot* size: 14,520 square feet (0.33 acre)

Minimum *lot* width: Fifty (50) feet

Maximum *lot* width: One hundred (100) feet

Front yard setback: Minimum of fifteen (15) feet; maximum of twenty-five (25) feet.

Maximum *building* height: Thirty-five (35) feet

(10) New Bern – Edenton Neighborhood (Zoning Case Z-33-92)

Minimum *lot* size: 4,000 square feet (0.09 acre)

Minimum *lot* frontage: Thirty (30) feet

Front yard setback: Minimum of ten (10) feet, maximum of twenty-five (25) feet.

Side yard setback: Minimum of zero (0) feet when minimum *building* separation is met.

Building separation: Minimum of ten (10) feet.

Maximum *building* height: Thirty-five (35) feet.

(11) North Boylan Neighborhood (Zoning Case Z-63-98)

Front Yard Setback: Within ten percent (10%) of the average *front yard* setbacks established by *buildings* on the same side of the *block face* as the proposed *building*, but not less than five (5) feet or greater than twenty-five (25) feet.

Building placement and building entrance: *Buildings* and their primary entrances *shall* be oriented towards a public *street*. Additional entrances *may* be oriented towards the block interior so long as a direct pedestrian connection is provided to the public *street*.

Maximum *building* height: Twenty-four (24) feet with a maximum of forty (40) feet when the *building* includes a minimum roof pitch of 5:12 and the facade is detailed with a minimum four (4) foot offset at least every twenty-five (25) linear feet of *building* wall and a minimum ten (10) foot offset at least every fifty (50) linear feet of *building* wall.

Vehicular surface areas: *Vehicular surface areas*, even if located on a separate *lot*, *shall* be located behind the *principle building*. A *vehicular surface area* *may* be located at the side of a *building* if: 1) It does not extend in front of the *building* facade line; 2) For any *lot* with *street frontage* in excess of one hundred (100) feet, the linear *frontage* of *vehicular surface area* facing the *street* does not exceed twenty-five percent (25%) of the linear *street frontage* of the *lot*. Ramp type driveways *shall* be used to maintain a continuous sidewalk along the *block face*.

(12) Oakwood Park Neighborhood (Zoning Case Z-79-00)

Minimum lot size (residential): 6,000 square feet (0.13 acre)
Minimum lot width (residential): Fifty-five (55) feet
Maximum lot width (residential): Eighty (80) feet

(13) Oberlin Village Neighborhood (Zoning Case Z-83-95)

Minimum lot size: 5,000 square feet (0.11 acre)
Maximum lot size: 12,500 square feet (0.28 acre)
Minimum lot width: Fifty (50) feet
Front yard setback: Within ten percent (10%) of the median *front yard* setback established by *buildings* on the same side of the *block face* of the proposed *building*.
Building entrance: All *buildings* shall have a minimum of one entrance facing the public *street*.
Maximum building height: Twenty-five (25) feet or two (2) stories.

(14) Roylene Acres Neighborhood (Zoning Case Z-34-92)

Minimum lot size: 20,000 square feet (0.45 acre)
Minimum lot frontage: One hundred (100) feet
Front yard setback: Minimum of fifty (50) feet
Maximum building height: Thirty (30) feet and no greater than two and one-half (2 ½) stories

(15) Runnymede Road Neighborhood (Zoning Case Z-60-90)

Minimum lot size: 17,424 (0.4 acre)
Minimum lot frontage: One hundred (100) feet
Front yard setback: Minimum of thirty (30) feet
Maximum building height: Twenty-four (24) feet as measured at the thirty (30) foot *front yard* setback line. *Building* height may be increased one (1) foot of height for each one (1) foot of increase in the *front yard* setback beyond thirty (30) feet.

(16) South Park Neighborhood (Zoning Case Z-30-07, Z-63-98)

Minimum lot size: 3,000 square feet (0.06 acre)
Maximum lot size: 8,000 square feet (0.18 acre)
Minimum lot width: Forty (40) feet
Maximum lot width: Eighty (80) feet
Front Yard Setback: Within ten percent (10%) of the average *front yard* setback established by *buildings* on the same side of the *block face* of the proposed *building*, but not less than eight (8) feet or greater than thirty (30) feet.
Building entrance: The main *building* entrance shall face the *street* from which the *building* is addressed. No upper story entrance shall be visible from an adjacent public *street* right-of-way.
Maximum building height: Twenty-five (25) feet
Off-Street Parking: Parking shall be located to the side and/ or rear of the *building*. With the exception of *single-family* detached *dwellings*, no parking

areas *shall* be located in front of any *principle building*. *Single-family detached dwelling* parking *shall* be regulated according to the City of Raleigh Code.

(17) Trailwood Neighborhood (Zoning Case Z-40-99)

Minimum lot size: 20,000 square feet (0.45 acre)

Minimum lot frontage: One hundred (100) feet

Front yard setback: Minimum of sixty (60) feet

Side yard setback: Minimum of twenty (20) feet within the front one hundred (100 feet) of the *lot*; otherwise, minimum of ten (10) feet.

Maximum building height: Two and one-half (2 ½) stories and thirty (30) feet from finished grade of the main entry floor.

(18) West Idlewild Neighborhood (Zoning Case Z-33-92)

Minimum lot size: 4,000 square feet (0.09 acre)

Minimum lot frontage: Thirty (30) feet

Front yard setback: Minimum of ten (10) feet; maximum of twenty-five (25) feet.

Side yard setback: Minimum of zero (0) feet when minimum *building* separation is met.

Building separation: Minimum of ten (10) feet.

Maximum building height: Thirty-five (35) feet.”.

Section 3. Amend Section 10-2073(d) by deleting subsection (2) in its entirety and substituting in lieu thereof the following:

“(d) Exceptions to Minimum *Net Lot Area* and Residential Density.

- (2) Neighborhood Conservation Overlay Zoning District - Possible exception to residential density, and minimum *net lot area*. No *building* may be constructed, moved, altered, changed, or increased in size except in conformance with governing neighborhood *built environmental characteristics and regulations* as prescribed by §10-2054(g).”.

Section 4. Amend Section 10-2165(d) by deleting subsection (3) in its entirety and substituting in lieu thereof the following:

“(3) Neighborhood Conservation Overlay District.

- a. Locational guidelines.

Except for applications filed by the *City* or otherwise authorized by the City Council, the Department of City Planning is instructed not to accept applications for zoning or rezoning property to a Neighborhood Conservation Overlay District unless the application meets all the following:

1. Is requesting that either at least a minimum of fifteen (15) contiguous acres be zoned Neighborhood Conservation Overlay District or that an existing Neighborhood Conservation Overlay District be extended. Although the properties for the following uses *may* be allowed to be included within the boundaries of a Neighborhood Conservation 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.
2. Is signed by a majority of the property owners within the area sought to be zoned Neighborhood Conservation Overlay District.
3. Is applied to property which is at least a minimum of seventy-five (75) per cent is developed.
4. It is located in an area in which the *City Council* has adopted into §10-2054(g) specific neighborhood *built environmental characteristics and regulations*.

Cross reference: Locational guidelines for designating a Neighborhood Conservation Overlay District §10-2054(f)(1).

- b. Preparation and adoption of *built environmental characteristics and regulations*.

No application to zone or rezone property to a Neighborhood Conservation Overlay District *shall* be accepted by the Department of City Planning until the *City Council* has adopted specific neighborhood *built environmental characteristics and regulations* into §10-2054(g) in accordance with §10-2054(f)(2).

- c. Designation of a Neighborhood Conservation Overlay Zoning District.

Within four (4) years following the *City Council* adoption of specific neighborhood *built environmental characteristics and regulations* into §10-2054(g), the Department of City Planning *may*, in accordance with subsection (d)(3) above, accept an application to zone or rezone property to a Neighborhood Conservation Overlay District. In accordance with §10-2131 and §10-3006, following the *City's* official acceptance of an application to zone or rezone property to a Neighborhood Conservation Overlay District, no construction permit *shall* be issued nor subdivision or recombination be approved by the *City* during the pendency of the application to amend the **Official Zoning Map** unless the proposed construction or the proposed subdivision or recombination meets all of the provisions of the existing zoning district(s), and also the adopted neighborhood *built environmental characteristics and regulations* contained in §10-2054(g) for the proposed overlay district.”.

Section 5. Amend Section 10-3032(b), **Lot arrangement**, by deleting the third sentence in its entirety and substituting in lieu thereof the following:

“The *lot* arrangement *shall* be in accordance with the general plans adopted by the *City Council*, including the *Comprehensive Plan* and redevelopment plans.”.

Section 6. Amend Section 10-3032(d), Infill lots and infill projects, subsection (4), by deleting the words “, Neighborhood Plans” from the first sentence.

Section 7. All laws and clauses of laws in conflict herewith are hereby repealed to the extent of said conflict.

Section 8. 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 9. 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 10. This ordinance has been provided to the North Carolina Capital Commission as required by law.

Section 11. 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 12. This ordinance shall become effective upon its adoption.

ADOPTED: July 1, 2008

EFFECTIVE: July 1, 2008

DISTRIBUTION: Planning – Silver, Hallam, Wingo, Sumpter, Brandon
Transcription Svcs – Taylor