



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
<p>We request that the lot configuration shown on attached Exhibit A is acceptable under the applicable City Code. Although Chapter 8 of the UDO applies to all districts, its requirements about lot width in Section 8.3.3.D specifically tie to the requirements in UDO districts, in which the subject property is not located. Furthermore, Section 1.5.2.C which specifies how lot width is measured does not apply to legacy districts. Therefore, there is nothing in the Code which precludes the configuration shown, which has a significant width along the Lake Boone Trail frontage and significant width in the area in which buildings are proposed.</p> <p>Although Chapter 3 of Section 10 of the old Code has been repealed, since there are no lot width and depth standards for the R-15 district any old Code or UDO section, it is instructive to consider the lot width and depth standards and measurement requirements in old Code Section 10-3032(c) and in particular, illustration 1 of that Section, a copy of which is attached as Exhibit B. This illustration shows a lot having 20 feet of frontage on the public street but measures lot depth at the point where the minimum width is achieved. That guidance would permit the configuration shown in Exhibit A.</p>		UI-11-2014
<p>Site Address/PIN: 3500 Horton Street</p>		
<p>Date Submitted: July 16, 2014</p>	<p>Date Issued: July 30, 2014</p>	<p>Code Sections Affected: UDO Sec. 8.3</p>

STAFF ANALYSIS

The specific request relates to a property that is currently zoned R-15. Properties zoned R-15 are regulated in part by the UDO and the Part 10 zoning code. Chapters 8, 9 and 10 of the UDO apply to these "legacy" districts. Permitted uses and development standards are enumerated in the Part 10 zoning code. The adopting resolution for the UDO repealed certain sections of the Part 10 zoning code. One such repealed section was Chapter 3, the subdivision regulations. This chapter included the regulations for subdividing land, including standards for minimum lot width and size for newly created lots.

Both the Part 10 code and the UDO contain statements of intent related to subdivision. Each document contains language that states lots shall be arranged in such a way to promote orderly growth and permit conformance with the laws and regulations. Each respective Code contains standards for minimum lot size and width; however, as Chapter 3 of the Part 10 code was repealed, there is no connecting regulation for minimum lot width in the legacy districts.

STAFF INTERPRETATION

The UDO does not contain any minimum lot size standards that would apply to the R-15 zoning district. The lack of a minimum lot dimension does not absolve the developer of other code requirements, such as landscape buffer or tree conservation. Lot configuration must be designed so as not to preclude compliance with any other applicable code standard.

SIGNATORY

Travis R. Crane, Planning and Zoning Administrator