

**ORDINANCE NO. (2019) 935 TC 414
TC-5A-18**

AN ORDINANCE TO MODIFY REGULATIONS FOR FRONTAGES, INCLUDING THE RELATIONSHIP OF TREE CONSERVATION AND BUILD-TO AREA; THE DETERMINATION OF THE PRIMARY STREET FOR MULTIPLE FRONTAGE LOTS; AND MINIMUM SETBACK FOR THE PARKING LIMITED FRONTAGE

WHEREAS, the Unified Development Ordinance seeks to improve the relationship between buildings and the street through the means of frontages; and

WHEREAS, regulations related to tree conservation areas, primary street determination for corner lots, and the Parking Limited frontage all affect the building-street relationship; and

WHEREAS, the existing criteria for determining the primary street frontage of a corner lot does not always produce predictable results based on broader policy; and

WHEREAS, build-to areas established by a building type are the result of a less area-specific process than those established by a zoning frontage and therefore should not supersede tree conservation areas along corridors; and

WHEREAS, the Parking Limited frontage is intended for areas where some degree of walkability is desired but where some amount of parking is likely to be placed between the building and the street; and

WHEREAS, the Parking Limited frontage currently allows a front setback of 0', which can lead to an inconsistent frontage between adjacent properties;

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

Section 1. Section 1.5.4.A Setback Types is hereby amended by inserting the following underlined text and deleting the text shown with a strike-through:

A. Setback Types

There are 4 types of setback – primary street setback, side street setback, side setback and rear setback. Through lots, except reverse-frontage lots, are considered to have 2 primary street setbacks. Reverse-frontage lots will designate the street from which access from adjacent lots is taken as primary. If that fails to produce a clear result, the applicant may designate either street as primary.

Section 2. Section 1.5.4.C Multiple Street Frontage Lots is hereby amended by inserting the following underlined text and deleting the text shown with a strike-through:

C. Multiple Street Frontage Lots

For the purposes of determining setbacks, build-to lines, and other regulations, a multiple street frontage site or lot other than an Open Lot must designate at least 1 primary street prior to development, not to include additions. A lot may have more than 1 primary street. The Planning and Development Officer will determine which street or streets are the primary streets based on:

1. The street with the highest street classification;
2. The established orientation of the block;
3. The street abutting the longest face of the block;
4. The street parallel to an alley within the block; and
5. The street that the lot takes its address from.

The following rules determine a primary street:

1. A lot developed with the Apartment, General, Mixed-Use or Civic building types shall designate its primary street using the criteria shown in (a) through (g) below.

If one street meets any of criteria (a) through (d), it will be designated primary. If two streets meet any of criteria (a) through (d), both will be designated primary.

If three or four streets meet any of criteria (a) through (d), the two streets that meet more of (a) through (d) will be designated as primary; if they meet the same number, then the applicant may choose the two streets.

If no street meets criteria (a) through (d), then the street that that satisfies more of criteria (e) through (g) will be designated as primary. If the criteria do not apply or do not produce a clear result, then any street may be designated as primary by the applicant.

When the criteria refer to a street, the relevant portion of the street is the portion adjacent to or within the site or lot.

- a. The street with transit service;
- b. The street designated as a Main Street or Urban Thoroughfare on the Urban Form Map;
- c. Any street designated as a Retail Street in the Downtown section of the Comprehensive Plan.
- d. The street designated as a Mixed-use Street on the Raleigh Street Plan Map;
- e. The street designated as a Major Street on the Raleigh Street Plan Map;
- f. The street with on-street parking;
- g. The street with the higher classification on the Raleigh Street Plan Map;
2. A block face predominately developed with the Townhouse building type shall designate as its primary street either a Local Street or Mixed-use Street, if available. If the site fronts on more than one street meeting these criteria or if they do not apply, then the selection of primary street shall be based on the criteria for

- Apartment, General, Mixed-Use, or Civic buildings. Any street designated as primary must form the face of a block or extend fully through the property.
3. For an Attached or Detached building, a corner lot shall designate its primary street as being opposite the rear yard of any adjoining lot. If the corner lot abuts only the side yard of adjoining lots or abuts another corner lot, then the primary street shall be located along the narrowest street frontage. If the two street frontages are within 10 percent of each other in length, either street may be designated as primary. In no case will a Major Street be designated as the primary street.
 4. A limited-access highway shall never serve as the primary street.
 5. A dead-end or cul-de-sac street can only be identified as primary for residential lots.
 6. A private street cannot be primary unless the lot has no public street frontage.
 7. In the event an adopted plan designates primary streets, the adopted plan shall control.
 8. If none of the criteria produce a result, the applicant may designate the primary street.

Section 3. Section 1.5.6.A Defined is hereby amended by inserting the following underlined text and deleting the text shown with a strike-through:

A. Defined

1. The build-to is the area on the lot where a certain percentage of lot width must be occupied with principal building façade, measured as a minimum and maximum setback range from the edge of the proposed or existing right-of-way, whichever is greater.
2. The required percentage specifies the amount of the lot width that must be occupied by front building façade ~~that must be located in~~ within the build-to range, measured based on the width of the building divided by the width of the site or lot.
3. There are 2 types of build-to – primary street build-to and side street build-to. Through lots are considered to have at least 1 primary street build-to. The designation of the primary street build-to shall follow the rules of 1.5.4.C. No build-to is required on the non-primary street frontage of a through lot.

Section 4. Article 12.2. Defined terms is hereby amended by inserting the following underlined text, deleting the text shown with a strike-through, and inserting two new terms in the correct alphabetical order:

Corner lot: ~~A lot of that has least 2 intersecting sides that abut for their full length a street.~~ A lot that has frontage along two or more intersecting streets.

Reverse-frontage lot: A residential lot with more than one frontage, where access from the lot or adjacent lots is taken from a street with a lower classification on the Raleigh

Street Plan Map, and rear yards are located adjacent to a street with a higher classification on the Raleigh Street Plan Map.

Through lot: A lot with more than one frontage, not located on a corner.

Section 5. Section 2.2.3. Townhouse is hereby amended by inserting the following underline text and deleting the text shown with a strike-through:

E. Build-to (~~Site~~ Blockface)

Section 6. Section 3.2.3. Townhouse is hereby amended by inserting the following underline text and deleting the text shown with a strike-through:

E. Build-to (~~Site~~ Blockface)

Section 7. Section 9.1.3.A.2 is hereby amended by inserting the following underlined text:

2. Any eligible tree conservation priority in conflict with a build-to requirement established by a zoning frontage is not required to be protected. Unless a zoning frontage exists, there is no maximum setback for the Townhouse and Apartment building types when a tree conservation area occupies the build-to area.

Section 8. Section 3.4.5 Parking Limited is hereby amended by inserting the following underlined text and deleting the text shown with a strike-through:

C1 Primary street build-to (min/max) ~~0~~²Minimum setback based on base dimensional standards for the specific building type/100'

Section 10. This text change has been reviewed by the Raleigh City Planning Commission.

Section 11. This ordinance has been adopted following a duly advertised public hearing of the Raleigh City Council.

Section 12. This ordinance has been provided to the North Carolina Capital Commission as required by law.

Section 13. 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 14. This ordinance is effective 90 days after adoption.

Adopted: April 2, 2019

Effective: July 1, 2019

Distribution: City Planning
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Prepared by the Department of City Planning