



Planning & Development

Zoning Division
 One Exchange Plaza, Suite 300
 Raleigh, North Carolina 27601
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City of Raleigh Official Zoning Code Interpretation

Requested Interpretation		Case Number
<p>A. Are the setbacks required under Section 2.2.7(C) determined at the time of subdivision or as a part of the building permit review?</p> <p>B. Does the existence of a vacant lot in the grouping of lots used to calculate the required setback under 2.2.7(C)(2) or (3) as a result of a recent subdivision or home demolition mean that no special setback is calculated and the district default setbacks apply ?</p> <p>C. Does the existence of a vacant lot adjacent to a developing lot exclude it from meeting the requirements of Section 2.2.7 because it does not meet the requirement that "...at least 50% of the side and rear property lines abut existing detached or attached building types"? What if one side and the rear property line abuts an existing detached building type but the other does not? Is the 50% requirement met?</p> <p>D. What is a "block face" and a "primary block face"?</p> <p>E. May a lot addressed from one street be utilized to calculate the setback for a lot addressed and accessed from another street?</p> <p>F. May a side yard or rear yard setback be included in a range of setbacks that will ultimately determine a front yard setback under Sections 2.2.7(C)(1) and (2)?</p>		UI-9-2014
Site Address/PIN:		
Date Submitted: June 26, 2014	Date Issued: July 23, 2014	Code Sections Affected: Sec. 2.2.7(C)

STAFF ANALYSIS
<p>A. A subdivision plat is an instrument to convey or alter real property interests. Development regulations, such as building setbacks, are contained within the Unified Development Ordinance. Setbacks are reviewed and approved during building permit review. As the code is always subject to future text changes and amendments, a notation of building setbacks on a subdivision plat may lead to erroneous information on the recorded document. Regulations can and do change over time, while a recorded plat stays in a suspended state until the property owner chooses to alter easement conveyance or alter property lines. Additionally, the built context changes over time as building activity occurs on neighboring parcels. The current context at the time of permitting is a more true and accurate measurement.</p> <p>B. Lots subject to the Infill Compatibility standards of Section 2.2.7 would need the requisite number of qualifying developed lots as described in subsection C. The range of setbacks for interior lots is established by the four closest lots (two in each direction). For corner lots, the range is calculated with three lots - only looking at the 3 lots on the same side of the intersection oriented towards the same primary block face. If one of the lots used in the evaluation were vacant, the calculation would fall short of the standard in Section 2.2.7.C.4.</p> <p>C. The measurement is calculated utilizing the total length of the property lines involved, excluding the the property line abutting the street, as the 100% measurement then applying the 50% calculation to the linear measurement and evaluating whether or not the lot meets the applicability standard.</p> <p>D. The definition of block in Article 12.2 of the Unified Development Ordinance is as follows: "An area of land enclosed by streets and occupied by or intended for buildings." The illustration in Section 2.2.7 lends itself to clarify that a block face ends when there is an intervening street. Interior lots are only part of a "primary block face". Corner lots typically would only have one primary block face, however Section 1.5.4.C notes that a lot may have more than one primary street. In a residential context, it would be unusual to have two primary streets. In section 2.2.7.C.2 the code does not state that the measurement is limited to a "primary" block face. Section 2.2.7.C.3 does differentiate corner lot calculations and note that it is measured on the basis of the neighboring properties' primary block face.</p> <p>E & F The orientation of the primary building on a lot to the primary street in question is used in the calculations of 2.2.7.C. That code section doesn't differentiate which setback is in question and just refers to the "range of setbacks". The overall streetscape of the primary street setback for the lot in question is still influenced by the side yard orientation of a corner lot if within the lots utilized for the calculations. When a corner lot is the subject lot in question, the code goes further to specify that only the primary block face is utilized in the calculation. Typically in a residential context, the orientation of the primary entrance to the dwelling determines the lot's primary street. The code writers realized that it would often be difficult if not impossible to satisfy the range of setbacks from two different streets if corner lots had been subject to the range along both streets therefore the added specificity. Again, for interior lots, the code is silent on which types of setbacks are used as it just notes the "proposed building must be located within the range of setbacks....".</p>

STAFF INTERPRETATION

- A. Building setbacks are determined as part of a building permit application.
- B. The existence of a vacant lot in the specified grouping of lots used to calculate the required setback under 2.2.7(C)(2) or (3) as a result of a recent subdivision or home demolition means that no special setback is calculated and the district default setbacks apply.
- C. The measurement of the lot periphery, excluding the property line abutting the street, would need to be calculated. At least 50% of that measurement must abut a lot with an existing detached or attached building type for any of the standards of Section 2.2.7 to apply.
- D. The measurement of the block face, in Section 2.2.7C, is determined on the basis of looking along the primary street in either direction unless there is an intervening street. Corner lots, if within two lots of a subject parcel, are still factored into "block face" even if they are oriented towards another street. However, it is their relation to the "primary" street in question that is utilized in the calculation to establish the range, even if it isn't the corner lot's primary street because it does have some bearing on the streetscape.
- E. Lot addresses and where a lot is accessed from are irrelevant to the calculations when the subject property is an interior lot. When the subject property is a corner lot, Section 2.2.7C3 directs us to look at only the lots along the primary block face whereas Section 2.2.7C2 notes we are only to look at the block face. Corner lots, even if oriented differently, have an impact on the overall context of their side street facing blockface and therefore should be taken into account given the Code's silence on specifying "primary" block face where interior lots are the subject property in question.
- F. Yes, primary building setbacks toward the primary street's blockface, regardless of whether or not they are side street setback or a rear setback are used for the street setback calculations of Section 2.2.7C for Interior lots if the lots are part of the group of lots used to make the determination.

SIGNATORY



Travis R. Crane, Planning and Zoning Administrator