

6/15/12

ORDINANCE NO. (2012) 82 TC 353
TC-7-09

AN ORDINANCE TO REVISE THE REGULATIONS GOVERNING THE MAXIMUM
AMOUNT OF FRONT YARD AREA THAT MAY BE DEVOTED TO VEHICULAR
SURFACE AREAS FOR SINGLE FAMILY DETACHED DWELLINGS

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

Section 1. Amend the Raleigh Code by including a new Section 10-2065 which shall read as follows:

“Sec. 10-2065.

Special Residential Parking 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. The required preliminary *site plan* is to be reviewed based on the procedures and standards contained in §§10-2132(c) and (d).

(b) Permitted Uses.

Subject to the provisions of §10-2065, 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 Special Residential Parking Overlay District.

(c) Prohibited Uses.

Except for improvements made pursuant to Part 10 chapter 3 of this Code, any use not explicitly allowed in the **Schedule of Permitted Land Uses in Zoning Districts** §10-2071 is prohibited in the Special Residential Parking Overlay District.

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

(1) Area, density, and bulk.

a. The required minimum *net lot area* for any *dwelling unit* and *equivalent dwelling unit* is that of the underlying zoning district.

- b. The maximum residential density per net acre is that of the underlying zoning district.

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.

The minimum district yard setbacks of the underlying district *shall* apply. See §10-2075 for other *yard areas* required by this *Code*, method of calculating, exceptions and reductions to, *yard areas* and illustrations.

(3) Height.

The maximum height standards of the underlying district *shall* apply.

(e) Supplementary Regulations.

All uses and activities of this Overlay District are also subject to Article H, overlay zoning districts, conditional use zoning district, and supplementary regulations of Article E. Supplementary regulations include:

(1)	Signage	
	<i>on-premise signs</i>	see §10-2083
	<i>off-premise signs</i>	see §10-2084

(2) Off-street parking

- a. Parking surfaces

Vehicular surface areas located within the *front yard area* of a *single family detached dwelling* constructed after the Special Residential Parking Overlay District is first applied to the property *shall* be constructed of permanent, nonerodible surface treatment, which *may* include porous and semi-porous monolithic or paver materials, masonry or concrete pavers, poured concrete and asphalt, or, constructed with a minimum depth of four (4) inches of crushed stone or crush and run. The borders of any *vehicular surface area* constructed of crushed stone or crush and run *shall* be delineated with anchored man-made or natural landscape edging materials such that the *vehicular surface area* is clearly defined and helps to contain the crushed stone or crush and run.

Except for circular and semi-circular drives, *vehicular surface areas* located within the *front yard area* of a *single family detached dwelling* shall not be located in front of the *dwelling's* primary entrance.”.

b. Arrangement, size and orientation of parking areas.

Vehicular surface areas located within the *front yard area* of *single family detached dwellings* shall comply with one of the following:

1. The linear depth of the *front yard area* multiplied by twelve (12) feet plus three hundred and eighty (380) square feet or forty (40) per cent of the *front yard area*, whichever is less;
2. A circular or semi-circular driveway, not to exceed a width of twelve (12) feet, with no more than two (2) *access points* on the *premises* and an additional three hundred and eighty (380) square feet, or forty (40) per cent of the *front yard area*, whichever is less;
3. The *vehicular surface areas* lawfully existed prior to the establishment of this overlay district and are constructed of permanent, nonerodible surface treatment.
4. Erodible *vehicular surface areas* may be used for off-street parking without retrofitting to the standards of this overlay district when all of the following conditions are met:
 - a. Erodible *vehicular surface areas* exist in *front yard areas* prior to the establishment of this overlay district and such *vehicular areas* do not comply with section (e)(2)a. and subsections 1. or 2. of section (e)(2)b. above. Notwithstanding the foregoing, a turn-around area no greater than eight (8) foot by eighteen (18) foot is allowed for any *front yard vehicular surface area* with access to a street with a posted speed limit of greater than thirty-five (35) mile per hour.
 - b. Parking shall be limited to single-file perpendicular to the *street* right-of-way in front of the existing curb-cut. The Zoning Enforcement Administrator is authorized to permit in writing angled parking for one (1) vehicle or side by side parking for two vehicles only when all of the following conditions are present.
 - i Existing man-made structures on the *lot* prevent the establishing of a parking area of at least forty-four (44) feet in length measured from the property side of an existing sidewalk, or in the absence of a sidewalk to the face of the curb or edge of *street* pavement.
 - ii. The *vehicular surface areas* do not exceed the limits of subsection 1 of section (e)(2)b.4.a. above.

- iii. Cars are angled with headlights toward the *single family detached dwelling* on the *lot* and do not extend ten (10) feet beyond the face of the adjoining car, which is parked perpendicular to the *street*.

No vehicle *shall* be parked or stored outside of the *vehicular surface areas* described above within the *front yard* area with the exception of temporary parking pursuant to subsection d. below and vehicles actively and continuously being unloaded, loaded, washed or repaired. For purposes of this provision, vehicle shall include, but not be limited to, passenger vehicle, truck, van, motorized recreation vehicle, motor vehicle as defined in Chapter 20 of the General Statutes, camper, golf cart, boat trailer, car trailer, or other similar vehicle.

- c. Landscaping requirements.

When *vehicular surface areas* are constructed in the *front yard* area of a *single family detached dwelling* and a parking space is designed to be within forty-five degrees (45°) or less of the public street, a continuous berm or row of evergreen shrubs *shall* be provided within five (5) feet of the edge of the parking space on the side nearest the public street in order to screen the broad side of the parked vehicle from view of the public street. Berms *shall* have a minimum height of one and one-half (1 1/2) feet and a minimum crown width of two (2) feet and a side slope of no greater than two-to-one (2:1), and *shall* be planted and covered with live vegetation. Evergreen shrubs installed to satisfy the requirements of this subsection *shall* be a locally adapted species expected to reach a minimum height of thirty-six (36) inches and a minimum spread of thirty-six (36) inches within two (2) years of planting. All shrubs *shall* be a minimum twenty-four (24) inches tall when planted and *shall* be planted a maximum distance between shrubs of five (5) feet on center. Shrubs planted on berms *may* have a lesser mature height provided that the combined height of the berm and the plantings after two (2) years are at least thirty-six (36) inches high.

- d. Temporary parking.

In addition, the *property owner may* apply for a zoning permit to allow temporary parking in the *front yard* area on grass or surfaces other than the aforementioned minimum surfacing requirements. This permit *shall* be issued to the property owner once in any three-year period per *premise* basis, *shall* not exceed an initial period of ninety (90) days and *may* be extended by the Planning Director, or his designee, for additional periods of thirty (30) days.

Cross reference: Off-street parking spaces and driveways within front yard areas of multifamily dwelling developments, §10-2107(b)(2)b.”

(f) Locational Guidelines.

The general characteristics desired of the land placed in the Special Residential Parking Overlay District are the following:

1. At least seventy-five (75) per cent of the land within the district is developed with lots containing one (1) or more *buildings*.
2. The district contains at least fifteen (15) contiguous acres. Although the properties for the following uses may be allowed to be included within the boundaries of a Special Residential Parking 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.

Section 2. Amend Section 10-2081(b)(1)a. to include a new second sentence which shall read as follows:

“All off-street parking and driveway areas located within *the front yard area* of any detached *single family dwelling* after application of this ordinance *shall* be constructed of permanent, non-erodible surface treatment, which may include porous and semi-porous monolithic or paver materials, masonry or concrete pavers, poured concrete and asphalt, or, constructed with a minimum depth of four (4) inches of crushed stone or crush and run. The borders of any *vehicular surface area* constructed or crushed stone or crush and run *shall* be delineated with anchored man-made or natural landscape edging materials such that the *vehicular surface area* is clearly defined and helps to contain the crushed stone or crush and run.

Section 3. Amend Section 10-2081(b)(1)b.4. relating to parking surfaces by deleting this exception in its entirety and substituting in lieu thereof the following:

- “4. Parking for areas for any detached *single family dwelling* and *duplex dwellings, manufactured homes in manufactured home parks, and single family dwellings* when the parking area is located within the *side or rear yard area*.

Section 4. Amend Section 10-2081(c), Exceptions and Modifications, to include a new subsection (8) which shall read as follows:

“(8) Special Residential Parking Overlay District.

Vehicular surface areas located within the *front yard area* of a *single family detached dwelling* within a designated Special Residential Parking Overlay District *shall* be comply with the requirements of §10-2065(e).

Section 5. Amend Section 10-6032(j) to include the words “*vehicular surface areas* for any detached *single family dwelling* and *duplex dwellings* and *manufactured homes in manufactured home parks,*” to immediate follow the words “satellite dish,”.

Section 6. All laws and clauses of laws in conflict herewith are hereby repealed to the extent of said conflict.

Section 7. 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 8. 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 9. This ordinance has been provided to the North Carolina Capital Commission as required by law.

Section 10. This ordinance shall be enforced by law 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 G.S. 14-4(a) or similar limitations.

Section 11. This ordinance shall become effective thirty (30) days following its adoption.

ADOPTED: June 19, 2012

EFFECTIVE: July 19, 2012

DISTRIBUTION: Planning – Silver, Bowers, Hallam, Crane, Brandon
Inspections – Fulcher, Glover
Department Heads
City Attorney – Hargrove
Transcription Svcs – Taylor