

**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 Code Section 10-2081(b)(1)b., Exceptions, by deleting subsection 4. in its entirety and substituting in lieu thereof the following:

- “4. Parking for *single-family detached and duplex dwellings*, not including *manufactured homes in manufactured home parks*, **and single family detached dwellings located on property zoned A.P., R.R. or R-2** shall not be required to meet the parking surfaces requirement stated in §10-2081(b)(1). However, *vehicular surface areas* located within the *front yard area of single family detached dwellings* **on property zoned R-4, Sp. R-6, R-6, R-10, R-15, R-20, Sp. R-30 or R-30** shall comply with the following.

*Vehicular surface areas* located within the *front yard area* of a *single family detached dwelling* constructed after May 1, 2010 shall be constructed of permanent, nonerodible surface treatment, **which may include porous and semi-porous materials, limited to masonry, concrete or 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 man-made or natural landscape materials such that the *vehicular surface area* is clearly defined and helps to contain the crushed stone or crush and run.

With the exception of *single-family detached dwellings* located in planned residential developments constructed in accordance with Article F or *Master Plans*, *vehicular surface areas* located within the *front yard area of single family detached dwellings* **on property zoned R-4, Sp. R-6, R-6, R-10, R-15, R-20, Sp. R-30 or R-30** shall comply with one of the following:

- (i.) The linear depth of the *front yard area* multiplied by twelve (12) feet plus **three hundred and thirty (330) four hundred and twenty-five (425)** square feet or forty (40) per cent of the *front yard area*, whichever is **less greater**.

- (ii.) 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 thirty (330)~~ **four hundred and twenty-five (425)** square feet, or forty (40) per cent of the *front yard area*, whichever is **less greater**.
- (iii.) A combination of the allowable driveway dimensions for subsections i. and ii. above, being the linear depth of the *front yard area* multiplied by twelve (12) feet and a circular or semi-circular driveway, not to exceed a width of twelve (12) feet, and an additional ~~three hundred and thirty (330)~~ **four hundred and twenty-five (425)** square feet, or forty (40) per cent of the *front yard area*, whichever is **less greater**.
- (iv.) The *vehicular surface areas* lawfully existed prior to May 1, 2010 and are constructed of permanent, nonerodible surface treatment.
- (v.) The *vehicular surface areas* existed prior to May 1, 2010 and were not constructed of permanent, nonerodible surface treatment and fails to comply with this subsection *shall* be limited to parking single-file perpendicular to the *street* right-of-way in front of the existing curb-cut.

**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 on a one time per premise basis, shall not exceed an initial period of ninety (90) days and may be extended by the Inspections Director, or his designee, for an additional 90-day period.**

All *vehicular surface areas* located within the *front yard area* of *single family detached dwellings* which do not comply with §10-2081(b)(1)b.4 *shall* be discontinued and removed or made conforming by May 1, 2011. All such *vehicular surface areas* in violation of §10-2081(b)(1)b.4. due to an extension of areas in which this section is applicable *shall* be discontinued and removed or made conforming within one (1) year after the date of such extension.”

**Section 2.** Amend Code Section 10-2081(b)(1)b., Exceptions, subsection 5., by adding before the period the following language “and §10-2081(b)(1)(b)4. and §10-2081(b)(4)” Said amended sentence shall read as follows:

- “5. In historic overlay districts and for *historic landmarks*, parking *shall* be provided in accordance with §10-2052(e)(4) and §10-2081(b)(1)(b)4. and §10-2081(b)(4).”

**Section 3.** Amend Section 10-2081(b)(2) by adding a new subsection c. which shall read as follows:

“c. Except for 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.”.

**Section 4.** Amend Code Section 10-2081(b) by deleting subsection (4) in its entirety and substituting in lieu thereof the following:

**“(4) Landscape requirements.**

The applicable landscape regulations of §10-2082 et seq. shall be met for any off-street parking.

When *vehicular surface areas* are located in the *front yard area* of a *single family detached dwelling* on property zoned R-4, Sp. R-6, R-6, R-10, R-15, R-20, Sp. R-30 or R-30 and parking is designed to be within forty-five degrees (45°) of perpendicular to the side yard *lot* line which lies adjacent to any *lot* developed at an average density of less than six (6) units per acre, a continuous berm or row of evergreen shrubs shall be provided adjacent to the *vehicular surface area* edge within forty-five degrees (45°) of parallel to the side yard *lot* line and to the *street* right-of-way. In lieu of planting the row of evergreen shrubs adjacent to the *vehicular surface area* edge, a row of evergreen shrubs may be planted along the side yard *lot* line. 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.

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

**Section 5.** Amend Section 10-6032(j) to include the words “*vehicular surface areas* within the *front yard area*, as defined in Section 10-2002, of *single family detached dwellings* located on property zoned R-4, Sp. R-6, R-6, R-10, R-15, R-20, Sp. R-30 or R-30 with the exception of *single-family detached dwellings* located in planned residential developments constructed in accordance with Part 10, Chapter 2, Article F or *Master Plans*,” to immediate follow the words “satellite dish,”.

**(j) Zoning permit.**

No *person shall* commence or proceed with the installation, extension, alteration, replacement or repair of an *accessory structure*, swimming pool, satellite dish, *vehicular surface areas* within the *front yard area*, as defined in Section 10-2002, of *single family detached dwellings* **located on property zoned R-4, Sp. R-6, R-6, R-10, R-15, R-20, Sp. R-30 or R-30** with the exception of *single-family detached dwellings* located in planned residential developments constructed in accordance with Part 10, Chapter 2, Article F or *Master Plans*, addition of impervious surfaces in reservoir watershed protection areas and in urban water supply watershed protection areas, parking lot, Code-required landscaping, or any other activity regulated by Part 10 of this Code, without a *written* permit from the Department of Inspections; except no permit *shall* be required for ordinary maintenance nor for any accessory *building* having an area less than one hundred fifty (150) square feet and a roof span no greater than twelve (12) feet erected on a *single-family* lot.

**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 May 1, 2010.

**ADOPTED:**

**EFFECTIVE:** May 1, 2010

**DISTRIBUTION:**