

Built Environmental Characteristics and Regulations Report New Bern - Edenton



Background

In October 2015, a property owner in the New Bern - Edenton Neighborhood Conservation Overlay District (NCOD) submitted a petition to City Council requesting authorization of a text change to modify certain standards of the NCOD related to townhouse development. This request was approved by Council, authorizing the petitioner to submit a text change application.

The applicant filed a text change application which subsequently has been amended several times. The final request reads as follows (underlined text is new language proposed to be included in the Unified Development Ordinance; all other text is existing and not proposed to change).

Unified Development Ordinance

Sec. 5.4.3 Neighborhood Conservation District (NCOD)

F. Neighborhood Built Environmental Characteristics and Regulations

9. New Bern – Edenton Neighborhood

a. All building types other than townhouses.

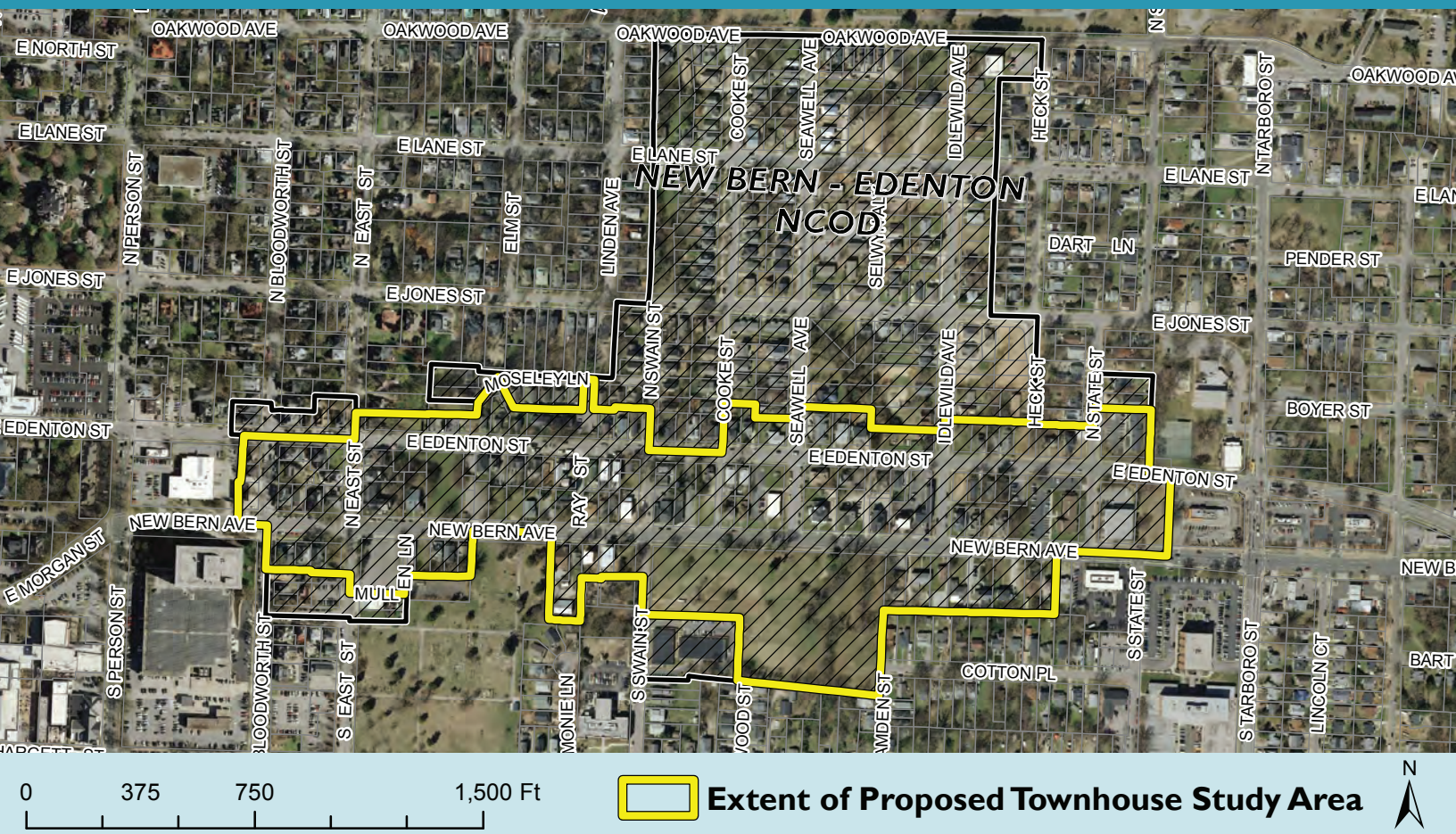
- i. Minimum lot size: 4,000 square feet.
- ii. Minimum lot frontage: 30 feet.
- iii. Front yard setback: minimum of 10 feet, maximum of 25 feet.
- iv. Side yard setback: minimum of 0 feet when the 10-foot minimum building separation is met.
- v. Building separation: minimum of 10 feet.
- vi. Maximum building height: 35 feet.

b. All townhouses.

- i. Minimum site size: 4,000 square feet.
- ii. Minimum site frontage: 30 feet.
- iii. Minimum lot frontage: 16 feet.
- iv. Front yard setback: minimum of 10 feet, maximum of 25 feet.
- v. Side yard setback: minimum of 0 feet when the 10-foot minimum building separation is met.
- vi. Building separation: minimum of 10 feet.
- vii. Maximum building height: 35 feet.
- viii. Townhouses are permitted on sites which are in Mixed Use zoning districts and have frontage on either New Bern Avenue or Edenton Street or are located between New Bern Avenue and Edenton Street.

Since the initial creation of an NCOD requires an inventory of the area's specific built environmental characteristics, staff updated this inventory based on the specific amendments proposed in the text change. This report presents results of the analysis.

Figure 1. New Bern - Edenton NCOD and area impacted by text change



Study Area Overview

The New Bern - Edenton neighborhood is located in central Raleigh, just east of downtown. There are two distinct subareas: the West Idlewild neighborhood which is primarily residential and bounded by Oakwood Avenue to the north, Heck Street to the east, Swain Street to the west, and the rear property lines of properties facing Edenton Street to the south, and; the historic New Bern - Edenton corridor which includes parcels with frontage on New Bern Avenue or Edenton Street, as well as cross streets in between the two. The NCOD area is made up of 311 properties, comprising approximately 82 acres. The subarea impacted by the proposed text change is made up of 124 properties, comprising approximately 42 acres. The northern portion of the NCOD, the West Idlewild neighborhood, consists primarily of detached houses and residential uses. The New Bern - Edenton corridor to the south has a mixture of detached houses, multi-family, and some commercial uses. Existing zoning reflects these current uses: the Idlewild neighborhood is zoned Residential-10 (R-10), and the New Bern - Edenton corridor is zoned with a variety of mixed-use districts (Residential Mixed Use, Office Mixed Use and Neighborhood Mixed Use) at three

stories and with a variety of urban frontages (Green, Detached, and Urban Limited), as well as some R-10 zoning. The Lane Street Mini Park (playground, basketball courts, and green space) is located at the corner of Lane and Idlewild. There are approximately 50 vacant properties in the NCOD, about 20 of these owned by the city; in the subarea impacted by the text change, there are 23 vacant properties, 3 of them owned by the city. Over the last several years, the Housing and Neighborhoods Department has facilitated the construction of new single-family detached housing in the area in partnership with St. Augustine's University Community Development Corporation. The department is still active in facilitating single-family housing in this area. Housing development and infrastructure improvement plans are also underway to the east of the NCOD in the College Park neighborhood. The latest effort – the proposed Neighborhood Revitalization Strategy Area (NRSA) – focuses on the former Washington Terrace Apartments and College Park. There is a small area of overlap between the NCOD and the NRSA at the southeastern corner of the NCOD along N. State Street, New Bern Avenue, and Edenton Street.

Analysis

For the initial creation of an NCOD, city code directs staff to assess properties within the study area for requested built characteristics. The code requires staff to identify the “specific built environmental characteristics and regulations that reflect the predominant representation of the lots within the neighborhood study area.” In this context, “predominant” is defined as the metric for each characteristic that can be met by more than 75 percent of lots in the study area.

For this particular text change, staff focused on analyzing the built characteristics and regulations that the applicant proposes to change: lot size (by omission of a standard for minimum lot size) and lot frontage (proposed minimum of 16 feet). Although the applicant has proposed adding regulations related to site size and site frontage, staff is unable to analyze this characteristic since these regulations apply only to townhouse development and there are currently no townhouses located in the NCOD.

Figure 2 summarizes the predominant values for the lot size and lot frontage characteristics and provides other relevant quantitative information for both the entire NCOD and the subarea affected by the text change. The existing NCOD regulates lot size and lot frontage in terms of minimum values (highlighted below). Stated simply, a minimum built characteristic is an exclusive regulation, which encompasses values at the upper-end of the range and excludes those near the bottom. In this case, the minimum value identifies the lot size and lot frontage held in common by just over 75 percent of properties that exhibit larger built characteristics (excluding properties in the bottom-quartile with the smallest built characteristics). In addition to these minimum predominant values, staff also provided analysis for the maximum predominant values i.e., the maximum lot size and lot frontage shared by just over 75 percent of the properties.

Figure 2. Built environmental characteristics summary

Characteristic	Predominant Character (> 75 percent) minimums	Predominant Character (> 75 percent) maximums	Range (min-max)	Average	Median
Lot size (entire NCOD)	4,160 sq. ft.	7,620 sq. ft.	1,752 sq. ft. – 275,949 sq. ft.	8,343 sq. ft.	5,355 sq. ft.
Lot size (townhouse subarea)	4,440 sq. ft.	8,680 sq. ft.	1,752 sq. ft. – 275,949 sq. ft.	10,159 sq. ft.	5,836 sq. ft.
Lot frontage (entire NCOD)	46 feet	66 feet	17 feet – 765 feet	64 feet	52 feet
Lot frontage (townhouse subarea)	46 feet	70 feet	17 feet – 765 feet	70 feet	54 feet

As expected, the analysis shows that the existing lot sizes in the neighborhood are close to the existing NCOD regulation (minimum of 4,000 sq. ft.). In terms of the area targeted in the text change, the predominant character lot size is very close to that of the entire NCOD, and is, in fact, slightly larger. The predominant character for lot frontages in both the entire NCOD area and the townhouse subarea is somewhat larger than the 30 foot minimum required under the existing NCOD regulations.

It is important to note that a building form that looks like a typical townhouse could be built today under the NCOD regulations. The key difference is the ownership structure; to meet the minimum lot size of 4,000 square feet and minimum lot frontage of 30 feet, the townhouses would be required to have a condominium ownership structure instead of fee simple ownership. Fee simple means that the property owner would have absolute ownership over both the building and the land underneath i.e., each townhouse would be on its own lot. Condominium ownership means that the property owner holds title only to the air space or building itself, not the land underneath.

Although the text change does not propose to change the height regulations for the NCOD, staff also analyzed this characteristic since height is measured differently under the Unified Development Ordinance (UDO) than by the previous Part 10 code. Before adoption of the UDO, height was measured to the mid-point of a pitched roof, whereas today height is measured to the top of the roof. In essence, this means that a 35 foot building measured under the old standards could be taller than a 35 foot

building under the UDO measurement standard. For the entire study area, the predominant maximum building height is approximately 29 feet. For the subarea affected by the text change, the predominant maximum building height is approximately 31 feet. The current NCOD regulations permit a maximum building height of 35 feet. It does not appear necessary to adjust this regulation based on the new UDO method of measurement since over 75 percent of the existing buildings meet this standard.

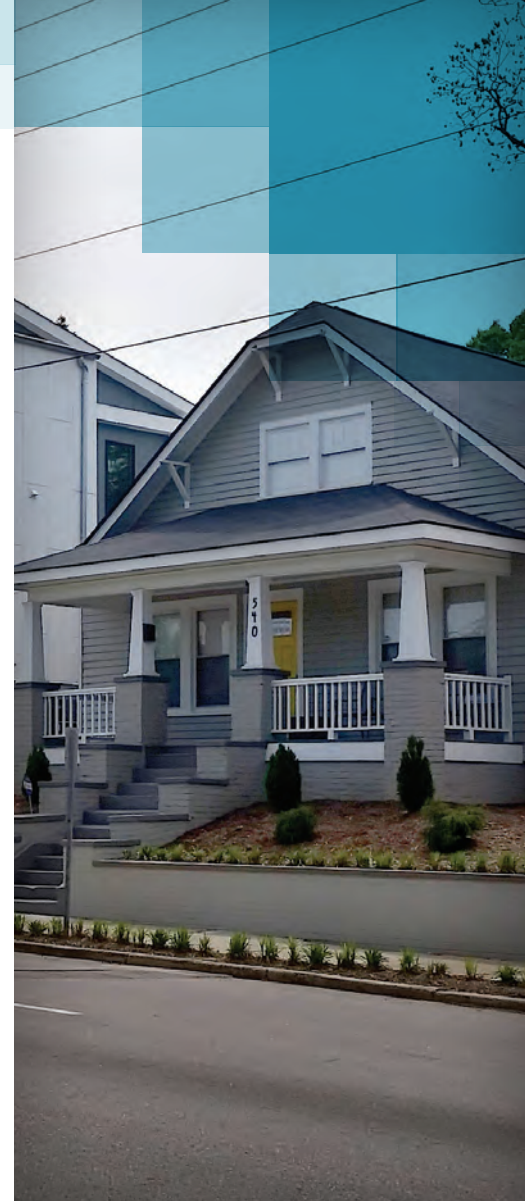
Figure 3. Comparison of existing NCOD standards, predominant built character, and proposed standards

Characteristic	Current NCOD Standard	Predominant Character (> 75 percent) Entire NCOD	Predominant Character (> 75 percent) Townhouse Subarea	Proposed Text Change Applicable to Townhouses in Limited Area
Lot size (min)	4,000 sq. ft.	4,160 sq. ft.	4,440 sq. ft.	No minimum
Lot frontage (min)	30 feet	46 feet	46 feet	16 feet



Impacts

Staff's analysis reveals that the proposal is not consistent with the built character of the area. Specifically, the townhouse form does not exist in the NCOD today. However, the current NCOD regulations do not altogether prohibit the townhouse building form; townhouses with condominium ownership i.e., ownership of the building space itself but not absolute ownership of the land underneath, would be possible. Amending the NCOD regulations as proposed would essentially make it more feasible to build the kind of fee simple townhouses that are found in the wider Raleigh area today. Figure 3 compares the current NCOD regulations, the predominant built character figures, and the proposed regulations as part of the text change.



Next Steps

Staff will present the findings of this analysis in late April and early May to the three Citizens Advisory Councils (CAC) covered by this NCOD: North Central, South Central, and Central. Staff will also invite all property owners in the NCOD to a neighborhood meeting to present the results of the analysis on Thursday, April 28 at the Tarboro Road Community Center. Following this public outreach, staff will take the proposed text change to the Planning

Commission for their review and recommendation in May. Planning Commission may wish to refer this proposal to their Text Change Committee for a more detailed review. Once Planning Commission has completed its review, a recommendation will be forwarded to City Council. After holding a public hearing on the proposal, Council may then make a final decision on approval or denial.

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