



# Planning & Development

Zoning Division  
 One Exchange Plaza, Suite 300  
 Raleigh, North Carolina 27601  
 Phone 919-996-2626

## City of Raleigh Official Zoning Code Interpretation

Requested Interpretation		Case Number
When filing a Cluster Unit Site and Subdivision Plan in a legacy R-15 zoning district under City Code Section 10-2101, (1) are the Perimeter Buffers required under 10-2101(b)(6)d when the subject property is developed for Group Housing and the abutting properties are developed with either a City of Raleigh greenway trail (Zoned R-6) or a Wake County public school (Zoned R-4)? (2) do the Open Space requirements imposed mirror those in the now repealed 10-3071(b)(5) since there are no Open Space standards in 10-2101 and standards in the UDO do not apply to legacy districts?		UI-6-2014
Site Address/PIN:		
Date Submitted: June 18, 2014	Date Issued: June 20, 2014	Code Sections Affected: 10-2101 & 10-3071

### STAFF ANALYSIS

When a cluster unit development abuts properties zoned either Residential-1, Residential-2 or Residential-4, perimeter protective yards must be established according to Part 10 Zoning Code Section 10-2101(b)(6)d. This section speaks to the requirement for perimeter protective yards when the cluster unit development abuts Rural Residential (R-1), Residential-2 or Residential-4. If the cluster unit development abuts one of those zoning districts, then subsection 1 and 2 provide the required treatment.

As the cluster unit development regulations of the Part 10 Zoning Code Section 10-2101 work in concert with and rely heavily on the standards in the repealed Part 10 Zoning Code Section 10-3071 through cross-reference, the cluster unit development standards in that repealed section would still have applicability to cluster unit developments approved in legacy zoning districts.

The cluster unit development type is described in chapter 2 and chapter 3 of the Part 10 zoning code. The adopting ordinance for the Unified Development Ordinance repealed chapter 3 of the Part 10 code. However, standards are still contained in chapter 2 of the Part 10 code that provide a framework for cluster unit developments.

### STAFF INTERPRETATION

- (1) If the subject property was developed as a Cluster Unit Development, any abutting property zoned Residential-1, Residential-2 or Residential-4, regardless of use, would require the subject property to provide a Perimeter protective yard area as specified in 10-2101(b)(6)d. The City of Raleigh Greenway that is zoned Residential-6 wouldn't trigger a Perimeter protective yard but a public school zoned Residential-4 would.
- (2) During the transition period from the Part 10 Zoning Code to the UDO, properties with legacy zoning districts can utilize the Cluster Unit Development options found in the Part 10 Zoning Code Section 10-2021 so long as the cluster unit development standards cross-referenced therein to the now repealed Part 10 Zoning Code Section 10-3071 are met.

### SIGNATORY

  
 Travis R. Crane, Planning and Zoning Administrator