ORDINANCE (2002) 203 TC 218
TC-5-02

AN ORDINANCE TO INCORPORATE DEFINITIONS AND REGULATIONS RELATED TO TREE PRESERVATION, THE SCREENING OF MECHANICAL EQUIPMENT AND INCREASED LANDSCAPE BUFFERING ADJACENT TO RESIDENTIAL FOR BUSINESSES UTILIZING AUDIO COMMUNICATION DEVICES.

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

Section 1. Amend Section 10-2002(b) to add the following new definitions:

“Active tree preservation. Arboricultural practices designed to ensure survival of existing trees within a protective yard, including both protective measures (in accordance with §10-2082.5) and maintenance procedures including but not limited to: watering, fertilizing, and pruning of trees, beginning at the issuance of the grading permit and continuing for a minimum of one year following construction, with frequency based on a plan approved by the City Urban Forester.

Mechanical equipment. Outdoor machines and devices, including HVAC units, fans, vents, generators, and elevator motors, integral to the regular operation of climate control, electrical, and similar building systems.

Residential character. Displaying an appearance typical of dwelling units, with respect to building height, building mass, building materials, roof form and pitch, and fenestration pattern, and may include landscaping, parking, and related site features. Design elements should relate to the respective characteristics of the closest residential district containing dwelling units. This definition shall apply to other similar terms and expressions including, but not limited to, residential appearance, residential style, traditional residential construction, residential design and residential nature.”

Section 2. Amend Section 10-2082.8 by deleting subparagraph “(a)” in its entirety and substituting in lieu thereof the following:

“(a) Screening.

All loading areas and display areas with a minimum dimension of fifteen (15) feet or more, and utility service areas not screened by an intervening building, established after the application of this section* and all expansions of preexisting areas which are required by 10-2082.10(b) shall be screened from view from all public street rights-of-way and adjacent properties for their entire length except for necessary access.
Section 3. Amend Section 10-2082.9(e)(1) by relettering subparagraph “q” as subparagraph “r.” and adding a new subparagraph “q” which shall read as follows:

“q. Uses with any drive-in service incorporating electronic audio communication which are located adjacent to any residential district, or a lot line of any lot containing any dwelling, congregate care or congregate living structure, or both.”.

Section 4. Amend Section 10-2082.9(e)(2)a. by deleting the words “uses with any drive-in service, automated teller machines, or both”.

Section 5. Amend Section 10-2082.9(e)(2) by relettering subparagraph “i” as subparagraph “j.” and adding a new subparagraph “i” which shall read as follows:

“i. Uses with any drive-in service, automated teller machines, or both not incorporating electronic audio communication or if incorporating electronic audio communication not otherwise listed as a high impact use.”

Section 6. Amend Part 10 Chapter 2 of the City Code to include the following new Sections:

“Sec. 10-2092.
SCREENING OF MECHANICAL EQUIPMENT

(a) Ground Units.

All mechanical equipment located on the ground that is used to serve any commercial, office, institutional, recreational, agricultural, industrial, or multi-family residential building, installed after the application of this regulation*, shall be positioned, screened, or both so that the mechanical equipment is not visible from any public street right-of-way and any adjacent property. Screening enclosures shall be the same or compatible, in terms of color, texture, quality, and material as the principal building, and the screening shall form a continuous enclosure around the mechanical equipment at least one foot taller than the tallest equipment enclosed.

(b) Rooftop Units.

All mechanical equipment located on the roof of any commercial, office, institutional, recreational, agricultural, industrial, or multi-family residential building, installed after the application of this regulation*, shall be positioned, screened, or both so that the rooftop mechanical equipment is not visible from any public street right-of-way and any adjacent property. Screening enclosures shall be the same as or compatible with, in terms of color, texture, quality, and material, the principal building, and the screening shall form a
continuous enclosure around the mechanical equipment at least one foot taller than the
tallest equipment enclosed.

(c) Elevator Penthouses.

All elevator penthouses located on the roof of any commercial, office, institutional,
recreational, agricultural, industrial, or multi-family residential building, installed after the
application of this regulation*, shall be the same as or compatible with, in terms of color,
texture, quality, and material, the principal building.

* Editor’s note: This provision first became applicable on June 1, 2002; Ord. No. (2002)
203 TC 218, TC-5-02.

Section 7. All laws and clauses of laws in conflict herewith are hereby repealed to the extent
of said conflict.

Section 8. 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 9. 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 10. This ordinance has been provided to the North Carolina Capital Commission as
required by law.

Section 11. This ordinance shall be enforced by law as provided in G.S.N.C. 160A-75 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 12. Sections two and three of this ordinance have been filed with the Wake and
Durham County Register of Deeds as required by law.

Section 13. This ordinance shall become effective the first day of the next month following its
adoption.

Adopted: 05/07/02
Effective: 06/01/02
May 7, 2002

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