

**ORDINANCE NO. 2019 – 978 TC 420
TC-1(C)-18**

**AN ORDINANCE TO AMEND MULTIPLE SECTIONS OF THE PART 10 RALEIGH
UNIFIED DEVELOPMENT ORDINANCE TO MODIFY CERTAIN PROCESSES AND
REVIEW PROCEDURES**

WHEREAS, the Unified Development Ordinance is a regulatory document and in order to properly regulate development, the document should be clear and understandable;

WHEREAS, errors and inconsistencies in the document can undermine the consistency and application of the regulations;

WHEREAS, after application of certain standards, staff has identified areas of need to improve and correct the errors; and

WHEREAS, staff has identified a need to enhance or clarify certain processes contained within the document;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH THAT:

Section 1. Section 1.5.4.D.2 of the Part 10 Raleigh Unified Development Ordinance, Mechanical Equipment and Utility Lines, is hereby amended by insertion of the following underlined language and deletion of the following strikethrough language:

- a. Mechanical equipment associated with residential uses, such as HVAC units and security lighting, may extend into a required rear or side setback, provided that such extension is at least 3 feet from the vertical plane of any lot line. Permanently installed generators associated with residential uses must meet setbacks for the primary structure in the district. No plot plan is required for these generators: however, a zoning permit is required.
- b. Solar panels or wind turbines may extend into a required rear or side setback, provided that such extension is at least 3 feet from the vertical plane of any lot line.
- c. Rainwater collection or harvesting systems may extend into a required rear or side setback, provided that such extension is at least 3 feet from the vertical plane of any lot line.
- d. Utility lines located underground and minor structures accessory to utility lines (such as hydrants, manholes and transformers and other cabinet structures) may extend into a required rear or side setback.

Section 2. Section 7.3.12.C.3 of the Part 10 Raleigh Unified Development Ordinance, A-Frame Signs - Location, is hereby amended by insertion of the following underlined language and deletion of the following strikethrough language:

C3	ROW Encroachment	Allowed with <u>minor encroachment</u> Council approval
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Section 3. Article 9.2. of the Part 10 Raleigh Unified Development Ordinance, Stormwater Management, is hereby amended by insertion of the following underlined language at the end of the article:

Sec. 9.2.6. Variances and Appeals

A. Any variance request or appeal of an administrative decision of a regulation contained within this Article must be presented at a quasi-judicial public hearing before the City Council. All procedural requirements of Section 10.2.10 and 10.2.11 shall apply.

Section 4. Article 9.3. of the Part 10 Raleigh Unified Development Ordinance, Floodprone Area Regulations, is hereby amended by insertion of the following underlined language at the end of that section:

Sec. 9.3.10. Variances and Appeals

A. Any variance request or appeal of an administrative decision of a regulation contained within this Article must be presented at a quasi-judicial public hearing before the City Council. All procedural requirements of Section 10.2.10 and 10.2.11 shall apply.

Section 5. Article 9.4. of the Part 10 Raleigh Unified Development Ordinance, Erosion and Sedimentation Control, is hereby amended by insertion of the following underlined language at the end of that section:

Sec. 9.4.13. Variances and Appeals

B. Any variance request or appeal of an administrative decision of a regulation contained within this Article must be presented at a quasi-judicial public hearing before the City Council. All procedural requirements of Section 10.2.10 and 10.2.11 shall apply.

Section 6. Article 9.5. of the Part 10 Raleigh Unified Development Ordinance, Watershed Protection Areas, is hereby amended by insertion of the following underlined language at the end of that section:

Sec. 9.5.6. Variances and Appeals

C. Any variance request or appeal of an administrative decision of a regulation contained within this Article must be presented at a quasi-judicial public hearing before the City Council. All procedural requirements of Section 10.2.10 and 10.2.11 shall apply.

Section 7. Section 10.1.1.B. of the Part 10 Raleigh Unified Development Ordinance, City Council - Specific Approval Authority, is hereby amended by insertion of the following underlined language at the end of the section:

8. Variances to Article 9.2 Stormwater Management, Article 9.3 Floodprone Area Regulations, Article 9.4 Sedimentation and Erosion Controls or Article 9.5 Watershed Protection Areas.

9. Appeals of Administrative Decisions involving Article 9.2 Stormwater Management, Article 9.3 Floodprone Area Regulations, Article 9.4 Sedimentation and Erosion Controls or Article 9.5 Watershed Protection Areas.

Section 8. Section 10.1.8 of the Part 10 Raleigh Unified Development Ordinance, Summary of Review Authority, table is hereby amended as follows:

1. In the “Subdivisions in an -MPOD (other than single-unit living)” row, Site Posted column, add a “Y” and in the Published column add a “Y”.
2. In the “Subdivisions in a -HOD-G or -HOD-S or properties with Historic Landmarks” row, Site Posted column, add a “Y” and in the Published column add a “Y”.
3. Delete the entire “Subdivision Waiver” row.
4. Add another footnote beneath the table labeled “(8)” that states “Wherever a variance or appeal of administrative decision involves Article 9.2 Stormwater Management, Article 9.3 Floodprone Area Regulations, Article 9.4 Sedimentation and Erosion Controls or Article 9.5 Watershed Protection Areas, the decision shall be made by the City Council in a Quasi-Judicial Public Hearing.”
5. Wherever there is an “A-QH” in the Board of Adjustment column, add a footnote reference “(8)” beside it.
6. In the “Variance” row where there is a “D-QH” in the Board of Adjustment column, add a footnote reference “(8)” beside it.

Section 9. Section 10.2.2.D.1.a of the Part 10 Raleigh Unified Development Ordinance, Planning Director Action, is hereby amended by insertion of the following underlined language and deletion of the following strikethrough language:

1. Planning Director Action

- a. The Planning Director shall review the application for a Comprehensive Plan amendment in accordance with Planning Director Review in Sec. 10.2.2.E. and provide a report and recommendation to the Planning Commission of a completed application. ~~no later than Planning Commission's next public meeting.~~

Section 10. Section 10.2.5.E.3.a of the Part 10 Raleigh Unified Development Ordinance, Development Services Department Action, is hereby amended by insertion of the following underlined language and deletion of the following strikethrough language:

3. Development Services Department Action

- a. Development Services has the authority to approve preliminary subdivision plans without review by either the City Council or the Board of Adjustment except in the following situations in accordance with Sec. 10.1.8.:
 - i. The preliminary subdivision plan is within a Historic Overlay District or of a designated Historic Landmark;
 - ii. The preliminary subdivision plan is located in a -MPOD, other than single-unit living lots; or
 - iii. A Variance Request is filed.

Section 11. Section 10.2.5.F of the Part 10 Raleigh Unified Development Ordinance, Final Subdivision Plat Approval Process, is hereby amended by insertion of the following underlined language and deletion of the following strikethrough language:

- c. The subdivider shall present to the county register of deeds office where the property is located the appropriate number of signed mylar copies of the final plat, as specified on the Recorded Map application and Recorded Map checklist. ~~3 signed copies of the final plat, 1 copy for the register of deeds, a copy for the subdivider and a copy for the City.~~

Section 12. All laws and clauses of laws in conflict herewith are repealed to the extent of such conflict.

Section 13. 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 this end the provisions of this ordinance are declared to be severable.

Section 14. This text change has been reviewed by the Raleigh City Planning Commission.

Section 15. This ordinance has been adopted following a duly advertised public hearing of the Raleigh City Council.

Section 16. This ordinance has been provided to the North Carolina Capital Planning Commission as required by law.

Section 17. This ordinance shall be enforced 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 N.C.G.S. §14-4(a) or similar limitations.

Section 18. This ordinance is effective 5 days after adoption.

ADOPTED: July 2, 2019

EFFECTIVE: July 7, 2019

**DISTRIBUTION: Management Team DL
Bowers, Crane, Walter, Hodge, Hosey, Hargrove, Puccini, Taylor, Pearce, Seymour,**

Prepared by the Department of City Planning