

ORDINANCE 2019 – 28 TC 426
TC-1(D)-18

**AN ORDINANCE TO AMEND MULTIPLE SECTIONS OF THE PART 10 RALEIGH
UNIFIED DEVELOPMENT ORDINANCE TO CORRECT REGULATIONS**

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 1.5.1.C. of the Part 10 Raleigh Unified Development Ordinance, Lot Width, is hereby amended by insertion of the following underlined language beneath the existing paragraph:

For townhouse lots that do not front on a public street, lot width is the distance between the side lot lines (generally running perpendicular to the parking lot or drive aisle) measured at the front property line along a straight line. A lot must meet the minimum lot width for the entire depth of the parcel except for cul-de-sac lots.

Section 2. Section 1.5.7.D.3. of the Part 10 Raleigh Unified Development Ordinance, Height Encroachments, is hereby amended by insertion of the following underlined language:

3. The following accessory structures may exceed the established height limits, except when located within an -AOD, provided they do not exceed the maximum building height by more than 12 feet, do not occupy more than 25% of the roof area and are set back at least 10 feet from the edge of the roof:
 - a. Amateur communications tower (See Sec. 6.7.3);
 - b. Cooling tower;
 - c. Elevator penthouse or bulkhead;
 - d. Greenhouse;

- e. Mechanical equipment;
- f. Skylights;
- g. Elevator or stairway access to roof; and
- h. Tank designed to hold liquids, except as otherwise permitted.

Section 3. Section 1.5.9.B.1 of the Part 10 Raleigh Unified Development Ordinance, Transparency, is hereby amended by insertion of the following underlined language and deletion of the following strikethrough language:

The minimum percentage of windows and doors that must cover a ground story facade is measured between 0 and 12 feet above the ~~adjacent sidewalk~~ surface of the finished ground floor for all above-grade portions of the facade. More than ~~A minimum of 50% of the required the transparency must be located between 3 and 8 feet of the building façade from the surface of the finished ground floor.~~

Section 4. Section 2.5.3. of the Part 10 Raleigh Unified Development Ordinance, Configuration of Open Space, is hereby amended by insertion of the following underlined language:

- G. Open space can be relocated in an approved development, provided the following standards are met:
 1. The amount of open space shall be equal to or greater than the amount shown on the approved plan.
 2. Open space adjacent to a recorded tree conservation area cannot be relocated to an area absent tree conservations area.
 3. Open space areas contained in the list of “primary open space” in Sec. 2.5.2.A cannot be relocated to a secondary or tertiary open space area as defined in Sec. 2.5.2.B. and C. Open space areas contained in the list of “secondary open space” in Sec. 2.5.2.B. cannot be relocated to “tertiary” open space as defined in Sec. 2.5.2.C.

Section 5. Section 3.3.1. of the Part 10 Raleigh Unified Development Ordinance, Height Requirements - Applicability, is hereby amended by insertion of the following underlined language and deletion of the following strikethrough language:

- A. Each Mixed Use District must include one of the following height designations. The designation establishes the maximum height in stories and feet for each mixed use district. For example, CX-7 has a maximum height limit of 7 stories ~~or~~ and 90 feet.

Section 6. Section 4.5.3.C. of the Part 10 Raleigh Unified Development Ordinance, Manufactured Home Space Standards - Setbacks, is hereby amended by insertion of the following underlined language and deletion of the following strikethrough language:

Manufactured Home

Each manufactured home shall comply with the following setbacks.

- a. Primary street and side street setback: 20 feet minimum.
- b. Interior side setback: 5 feet minimum.
- c. Rear setback: ~~20~~10 feet minimum.
- d. Building to building separation may be no less than 20 feet.

Section 7. Section 5.2.2.D. of the Part 10 Raleigh Unified Development Ordinance, Metro- Park Overlay District - Setbacks, is hereby amended by insertion of the following underlined language and deletion of the following strikethrough language:

1. Separation and Protective Yards

- a. The setbacks of the underlying zoning district shall apply with the exception that any portion of a ~~lot site that is two acres and larger~~ abutting a Metro-Park boundary requires a 32-foot wide primary tree conservation area along the entire length of the property boundary.
- b. No tree or land disturbing activity, animal pen, structure, fence, septic system, stormwater facility or vehicular surface area may be located within 32 feet of a Metro-Park boundary.

2. Natural Resource Buffer Yards

All sites two acres and larger with ~~All~~ watercourses that both drain into a Metro-Park and have concentrated flow from a drainage area of at least 5 acres must establish a primary tree conservation in accordance with *Sec. 9.2.3*.

Section 8. Section 6.7.3.F. of the Part 10 Raleigh Unified Development Ordinance, Reserved, is hereby amended by insertion of the following underlined language and deletion of the following strikethrough language:

F. ~~Reserved~~ Amateur Radio Antennae in Residential Districts

Amateur radio antennae are permitted in residential districts, provide the following standards are met.

1. A plot plan is required for any amateur radio antenna.
2. Except in the -AOD, the maximum height shall be 90 feet. In the -AOD, the maximum height shall be 40 feet.
3. An engineering study must be submitted with the plot plan. The study must contain information about the support structure, footings and guy wires.
4. An electrical permit is required.
5. The amateur radio antennae must meet all required setbacks for a principal structure within the zoning district.

6. The amateur radio antennae shall not be located any closer to the primary or side street than the wall plane of the principal structure closest to the street,
7. For amateur radio antenna mounted to the ground, the overall tower height shall be measured from the base of the tower where it meets the ground.
8. For amateur radio antenna mounted to a principal structure, the overall tower height shall be measured utilizing the average grade for the principal structure in accordance with Sec. 1.5.7. In no instance may an amateur radio antennae be attached to a tree.
9. If an amateur radio antennae has been abandoned by the property owner and is no longer used for communication, the tower shall be removed. The removal shall occur within 60 days of discontinuance of use.

Section 9. Section 7.1.2. of the Part 10 Raleigh Unified Development Ordinance, Parking Requirements by Use, In the “Outdoor Recreation” category, “Short -Term Bicycle Parking” is hereby amended by insertion of the following underlined language and deletion of the following strikethrough language:

~~1 space per 5,000 SF of site area, 1 space per field, minimum 4, and 1 space per court,~~
 minimum 4.

Section 10. Section 7.1.4.A. of the Part 10 Raleigh Unified Development Ordinance, Vehicle Parking Reductions – Proximity to Transit, is hereby amended by insertion of the following underlined language and deletion of the following strikethrough language:

A. Proximity to Transit

1. A ~~40~~25% reduction in the number of required parking spaces is allowed for uses with a main entrance within a walking distance of 1,320 feet of an operating transit stop or stops provided the stops are all within 1,320 feet walking distance of each other, with service from 6 AM to 8 PM where service intervals are no longer than 15 minutes during peak commute hours.

Section 11. Section 7.2.5.D of the Part 10 Raleigh Unified Development Ordinance, Mechanical Equipment, is hereby amended by insertion of the following underlined language and deletion of the following strikethrough language:

1. Exemptions

The following types of equipment are exempted from these screening requirements:

- a. ~~Free-standing or roof-mounted sustainable energy systems are exempt from these screening requirements;~~ and
- b. Mechanical equipment associated with a single-unit living, two-unit living or townhouse building type used for multi-unit living.

Section 12. Section 7.3.2 of the Part 10 Raleigh Unified Development Ordinance, Signs Allowed By District, is hereby amended by insertion of the following underlined language and deletion of the following strikethrough language:

In the “Special” column, add a new zoning district titled “MH”. Within this column, add a “P” in the row titled “Tract Identification Sign.”

Section 13. Section 8.3.3.A. of the Part 10 Raleigh Unified Development Ordinance, Lot Frontage, is hereby amended by insertion of the following underlined language:

A. Lot Frontage

~~Every lot shall have frontage on a public street, except those developments which were approved for private streets prior to the effective date of this UDO. Except as otherwise stated in this UDO, all lots must front on a street that has a pavement width of at least 20 feet.~~

Every lot shall have frontage on a public street, with the following exceptions:

1. Lots as part of development which was approved for private streets prior to the effective date of this UDO.
2. Individual lots within a Cottage Court that meet the requirements of Sec. 2.6.1.
3. A townhouse lot or townhouse building/structure may front on parking lots or drive aisles, provided that the entrance of each townhouse unit is located within 300 feet of the intersection of an access point and a dedicated public street.

Except as otherwise stated in this UDO, all lots must front on a street that has a pavement width of at least 20 feet.

Section 14. Section 8.3.5.A. of the Part 10 Raleigh Unified Development Ordinance, General Access Requirements, is hereby amended by deletion of the following strikethrough language:

A. General Access Requirements

1. All existing and proposed development must provide a ~~satisfactory~~ means of vehicular, pedestrian and bicycle ingress and egress to and from a street or an abutting site.

Section 15. Section 8.4.4.D of the Part 10 Raleigh Unified Development Ordinance, Multifamily Streets, is hereby amended by insertion of the following underlined language to be placed underneath the “General” information heading:

Building setbacks are measured from the right-of-way in Section “A”. This street can only be used in conjunction with townhouse and apartment building types.

Section 16. Section 8.5.1.C of the Part 10 Raleigh Unified Development Ordinance, Tree Planting, is hereby amended by insertion of the following underlined language and deletion of the following strikethrough language:

C. Letter of Acceptance

1. Sidewalks, streets and street trees must be installed prior to the issuance of a letter of final acceptance.
2. A conditional letter of acceptance may be issued in accordance with *Sec. 8.1.3.* where the ~~Development Services City Director~~ determines that landscaping in the public right-of-way cannot be installed due to inclement weather conditions, a surety in the amount of 125% of the value of the landscaping shall be provided to the City, in accordance with *Sec. 8.5.1.B.* The landscaping improvements shall be installed within 12 months of issuance of the conditional letter of acceptance.
3. Where determined appropriate by the ~~City Development Services Director~~, the sidewalk and street tree planting area may occur on private property ~~subject to an easement for public access.~~ A public access easement will be required for a sidewalk on private property.

Section 17. Section 9.1.4.B.4 of the Part 10 Raleigh Unified Development Ordinance, Secondary Tree Conservation Areas, is hereby amended by the insertion of the following underlined provisions:

1. As an alternative to *Sec. 9.1.4.B.1.a. and Sec. 9.1.4.B.1.b.* above, secondary tree conservation areas of undisturbed areas allowed elsewhere on the site provided that they are a minimum of 32 feet in all directions and that the square footage of the substituted areas is at least 4,000 square feet. No portion of Zone 1 of Neuse River Riparian Buffers as established in Title 15A of the North Carolina Administrative Code, Sub article 2B Section .0233, shall be designated an alternate undisturbed area.

Section 18. Section 9.1.4.D of the Part 10A Raleigh Unified Development Ordinance, General Conservation Area Requirements, is hereby amended by the insertion of the following underlined provisions and deleting the language shown with a strike-through:

1. Size

For primary tree conservation areas numbered 1 through 7 in section 9.1.4.A, the minimum dimension of a primary tree conservation area is 20 feet, measured in all directions. For primary tree conservation area number 8 in Section 9.1.4.A, the minimum dimension is 32 feet, measured in all directions.

Section 19. Section 9.1.4.E.1. of the Part 10 Raleigh Unified Development Ordinance, Tree Cover Required, is hereby amended by the insertion of the following underlined provisions and deleting the language shown with a strike-through:

1. Tree conservation areas proposed for –SHOD-1, -SHOD-2, Parkway Frontage, and undisturbed areas adjoining a ~~Major or Minor~~ Thoroughfare protective yard (*Sec. 9.1.4.A.1, Sec. 9.1.4.A.2. and Sec. 9.1.4.A.8.*) and their secondary priority areas (*Sec. 9.1.4.B.1.a. and Sec. 9.1.4.B.1.b.*) and their alternates, which consist of groups of trees and their critical root zones, must contain a basal area of at least 30 square feet per acre as measured in increments of 50 lineal feet.

Section 20. Section 12.2 of the Part 10 Raleigh Unified Development Ordinance, Definitions, is hereby amended to include the following defined terms, listed in alphabetical order:

Excessively trimmed

The pruning, cutting, or otherwise damaging the natural form of a tree when it meets one or more of the following:

- (1) Removes more than 25% of the crown system of a tree within a continuous five-year period.
- (2) Removes, cuts or covers more than 25% of the root system of a tree within a continuous five-year period.
- (3) Fails to conform to the pruning cuts methods set forth in the current edition of “Tree, Shrub, and Other Woody Plant Maintenance - Standard Practices” of the American National Standards Institute.
- (4) Is made for a purpose other than “hazard pruning,” or “utility pruning,” or “maintenance pruning,” as set forth in the current edition of “Tree, Shrub, and Other Woody Plant Maintenance - Standard Practices” of the American National Standards Institute.
- (5) Is crown reduction, heading, vista pruning, or pollarding as set forth in the current edition of “Tree, Shrub, and Other Woody Plant Maintenance – Standard Practices” of the American National Standards Institute.

Section 21. Section 12.2 of the Part 10 Raleigh Unified Development Ordinance, Definitions, is hereby amended by the insertion of the following underlined provisions and deleting the language shown with a strike-through:

~~Forestry~~ General Forest Management

A woodland area where all of the following occur:

1. The growing of trees;
2. The harvesting of timber, leaves or seeds;
3. The regeneration of trees by the replanting of trees at the rate of 1 inch caliper per every 100 square feet of tree disturbing activity area within 220 days of harvesting; and
4. The application of “best management practices,” including the NC Department of Environment, Health and Natural Resources, “Forest Practice Guidelines Related to Water Quality” – Title 15A North Carolina Administrative Code, subchapter 11, Sections 1.101 - .0209 and all successor documents.
5. A forest management plan is prepared or approved either by a professional forester registered in the State of North Carolina or by the ~~Division of~~ North Carolina Forest

~~Resources~~Service. Copies of the forest management plan shall be provided to the City upon request.

Section 22. All laws and clauses of laws in conflict herewith are repealed to the extent of such conflict.

Section 23. 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 24. This text change has been reviewed by the Raleigh City Planning Commission.

Section 25. This ordinance has been adopted following a duly advertised public hearing of the Raleigh City Council.

Section 26. This ordinance has been provided to the North Carolina Capital Planning Commission as required by law.

Section 27. 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 28. This ordinance is effective 5 days after adoption.

ADOPTED: November 19, 2019
EFFECTIVE: November 24, 2019
DISTRIBUTION: Management Team; Crane, McDonald; Hodge; Holmes

Prepared by the Department of City Planning