

**ORDINANCE NO. (2021)
TC-1-21 Outdoor Amenity Area in the DX-District**

AN ORDINANCE TO REVISE THE REGULATIONS FOR OUTDOOR AMENITY AREAS IN THE DOWNTOWN MIXED-USE ZONING DISTRICT

WHEREAS, the Unified Development Ordinance (“UDO”) currently prohibits required outdoor amenity areas from being covered in the DX- District; and

WHEREAS, the Unified Development Ordinance (“UDO”) currently does not make allowances for required sidewalk streetscape requirements located on private property to count towards required outdoor amenity area requirements; and

WHEREAS, the Unified Development Ordinance (“UDO”) currently prohibits certain types of developments from locating required outdoor amenity areas on upper levels of buildings; and

WHEREAS, the Unified Development Ordinance (“UDO”) currently restricts the use of Green Stormwater Infrastructure to a maximum of 10% of an outdoor amenity area; and

WHEREAS, the Unified Development Ordinance (“UDO”) currently requires outdoor amenity areas for most new developments regardless of the scale or type of development; and

WHEREAS, the City Council finds it in the public interest to modify the Unified Development Ordinance (“UDO”) outdoor amenity area requirements in order to produce better outcomes for the public realm, for individual sites, and for clarity in the review process;

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

Section 1. “Contents” of the Part 10 Raleigh Unified Development Ordinance, Chapter 1 Introductory Provisions, is hereby amended by adding the following language shown in the underlined and removing the language shown in strikethrough:

Sec. 1.5.3.~~Coverage~~ Outdoor Amenity Area

Section 2. Section 1.5.3. of the Part 10 Raleigh Unified Development Ordinance, Coverage, is hereby amended by adding the following language shown in the underlined and removing the language shown in strikethrough:

Sec. 1.5.3 ~~Coverage~~ Outdoor Amenity Area

A. Defined

~~Building coverage is the maximum area of a lot that is permitted to be covered by roofed buildings or structures. Building coverage does not include paved areas such as parking lots, driveways or pedestrian walkways.~~

B. A. Intent

1. Outdoor amenity areas are intended to provide usable on-site outdoor open space in both residential and non-residential developments for the healthy enjoyment of occupants, invitees and guests of the development.

~~2. In more intensely developed urban contexts, outdoor amenity areas are also intended to provide visual breaks.~~

C. B. General Requirements

1. Where outdoor amenity area is required, it must be provided on-site and must be available for use by, or as an amenity for, the occupants, invitees and guests of the development.

2. ~~All required outdoor amenity areas must be ADA accessible.~~ A minimum of 50% of the required outdoor amenity area must be usable to the pedestrian. All areas usable to the pedestrian must also be ADA accessible. Outdoor amenity areas required for existing buildings that do not have elevators, or do not otherwise require them, may be located on upper levels as allowed by Sec. 1.5.3.C.1.

3. Required outdoor amenity area may be met in 1 contiguous open area or in multiple open areas on the site lot; however, to receive credit, each area must be at least 10 feet in width and length.

4. Required outdoor amenity area may be located at or above grade.

5. Required outdoor amenity area cannot be parked or driven upon, except for emergency access and permitted temporary events.

6. ~~In all other districts except DX, r~~Required outdoor amenity area may be covered but cannot be enclosed however outdoor amenity areas covered by structures with a clear height no less than 8' and less than the proposed minimum ground story height must account for no more than 50% of the required area. Perforated structures, where the sum area of the openings is greater than 50% or more of the surface area of the structure, shall not be considered covered for the purposes of this restriction.

7. Stormwater detention wet ponds and dry ponds shall not be considered an outdoor amenity area. ~~GSI practices may be used to meet up to 10% of the requirement for the amenity area.~~ Green Stormwater Infrastructure (GSI) practices may be located within a required outdoor amenity area provided all other requirements of this subsection are met.

8. Tree Conservation areas shall not be considered an outdoor amenity area.

9. Sidewalk areas outside of the right-of way, even if used to satisfy streetscape requirements, shall also be eligible to count towards outdoor amenity area requirements provided all other requirements of this subsection are met.

10. Areas outside of the right-of-way required to be set aside for required street trees shall be eligible to count towards outdoor amenity area requirements provided all other requirements of this subsection are met.

11. Outdoor amenity areas meeting the requirements of Section 1.5.3. shall also be eligible to count towards required open space provided it also meets Article 2.5.

D. C. Additional Requirements for Urban Plazas

Amenity areas located within the DX- District or the NX-, CX- or OX- Districts with an urban frontage, and associated buildings in excess of 4 stories in height must meet all of the following:

~~1. Amenity areas associated with a general building, or mixed use building that is 50% or more non-residential in floor area must be located contiguous to the public sidewalk and be visually permeable from the public right of way. When a mixed use building is more than 50% residential by floor area, only half of the required amenity area must meet this standard. Outdoor amenity areas may be located on upper levels of a building and must be accessible by elevator if the building includes one. However, these elevated amenity areas can account for no more than 50% of the minimum required outdoor amenity area for the site.~~

~~2. Outdoor Amenity areas shall contain at least one of the following: benches, seats, tables, eating areas, plazas, courtyards, fountains, active recreation areas, or public art. ~~In addition, vegetated GSI practices may be located within the amenity area and may be used to meet up to 10% of the requirement for the amenity area. Stormwater detention wet ponds and dry ponds shall not be considered an outdoor amenity area.~~~~

~~3. Amenity areas installed in conjunction with an apartment or townhouse building type may contain any of the amenities listed above in subsection D.2, as well as courts, pools or fields used for active recreation.~~

~~43. All required outdoor amenity areas must provide one linear foot of seating for each 50 square feet of required ~~open space~~ outdoor amenity area and one two-inch caliper tree for every 1,000 square feet of required ~~open space~~ outdoor amenity area.~~

~~54. For all buildings greater than 7 stories in height, the minimum amount of required ~~open space~~ outdoor amenity area specified in chapter 3 shall be increased. An additional 50 square feet of outdoor amenity area is required for each building story above the seventh story. In no case shall the required outdoor amenity area exceed 12% of the gross site area.~~

D. Additional Exemptions/Reductions for Qualifying Projects in the DX-District

1. No outdoor amenity area is required for mixed-use buildings where non-residential gross square footage (GSF) does not exceed 10,000 SF and where there are no more than 16 residential units proposed.

2. No outdoor amenity area is required for residential-only buildings where there are no more than 16 dwelling units proposed.

3. The minimum amount of required amenity area may be reduced by 50% if either or both of the following scenarios apply:

a. A general building, or mixed-use building that is 50% or more non-residential in floor area that provides 100% of its outdoor amenity area contiguous with and openly accessible from the sidewalk.

b. When modular suspended pavement systems are provided for all new required tree plantings.

E. Design Alternate Findings

The Planning Commission or Appearance Commission performing the quasi-judicial duties of the Planning Commission (as designated by the City Council), after conducting a duly noticed quasi-judicial evidentiary hearing in accordance with Sec. 10.2.17., shall allow outdoor amenity areas that do not conform to the outdoor amenity area regulations set forth in Sections 1.5.3.B. and/or 1.5.3.C., if all of the following findings are satisfied:

1. The approved alternate meets the intent of the Outdoor Amenity Area regulations;
2. The approved alternate provides attractive, usable outdoor space that does not hinder pedestrian comfort or safety; and
3. The approved alternate uses landscaping, seating, GSI, or other features and is clearly accessible for users.

Section 2. Article 12.2. of the Part 10 Raleigh Unified Development Ordinance, Defined Terms, is hereby amended by adding the following language shown in underline:

Building Coverage

The maximum area of a lot that is permitted to be covered by roofed buildings or structures. Building coverage does not include paved areas such as parking lots, driveways or pedestrian walkways.

Section 3. This text change has been reviewed by the Raleigh Planning Commission.

Section 4. This ordinance has been adopted following a duly advertised legislative hearing of the Raleigh City Council.

Section 5. This ordinance has been provided to the North Carolina Capital Planning Commission as required by law.

Section 6. 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 7. This ordinance is effective 5 days after adoption.

ADOPTED:

EFFECTIVE:

DISTRIBUTION: Planning & Development – Young, Bowers, Crane, Waddell, Ray, Rametta,
Hosey, Bailey-Taylor
City Attorney – Tatum, Hofmann, York, Hargrove-Bailey
Department Heads
Transcription Svcs – Taylor