

**ORDINANCE NO. (2023) 563 TC 481**

**TC-2-23**

**Transit Overlay District (-TOD) Revisions**

**AN ORDINANCE TO AMEND THE PART 10  
RALEIGH UNIFIED DEVELOPMENT ORDINANCE REGARDING  
THE TRANSIT OVERLAY DISTRICT**

**WHEREAS**, the Transit Overlay District is intended to promote development that supports transit ridership and promotes equitable transit benefits; and

**WHEREAS**, the existing regulations require revision and clarification to achieve this intent.

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

**Section 1.** Section 1.1.7.B. of the Part 10 Raleigh Unified Development Ordinance, Conflicting Provisions, is hereby amended by adding the language shown in underline and deleting the language shown in strikethrough:

B. Unless otherwise specifically stated herein, ~~Conflicts~~ and duplications among portions of this UDO shall be resolved in favor of the more stringent regulation.

**Section 2.** Section 1.4.1.D. of the Part 10 Raleigh Unified Development Ordinance, Building Type Descriptions, is hereby amended by adding the language shown in underline:

**D. Apartment**

A building constructed to accommodate 3 or more dwelling units that are vertically or horizontally integrated. A common kitchen is allowed. A limited set of non-residential uses may be allowed in ground floor corner units in a Mixed Use District. Non-residential uses may be allowed on the ground floor in the Transit Overlay District, however, in no instance shall non-residential principal uses in an apartment building, or buildings, exceed 10,000 square feet in gross floor area on any one lot.

**Section 3.** Section 2.2.7.B.3. of the Part 10 Raleigh Unified Development Ordinance, Residential Infill Compatibility - Applicability, is hereby amended by adding the language shown in underline:

3. These infill compatibility rules do not apply in the Transit Overlay District, Historic Districts, Street Side Historic Overlay Districts, or to Historic landmarks.

**Section 4.** Section 5.1.1.A. of the Part 10 Raleigh Unified Development Ordinance, District Intent Statements, is hereby amended by adding the language shown in underline and deleting the language shown in strikethrough:

**A. General Purpose**

1. The intent of the Overlay Districts is to apply regulations that achieve a specific purpose to a targeted area.
2. Except for uses explicitly permitted in the Transit Overlay District, ~~if~~ a use is prohibited in either an applicable Overlay District or the General Use District, then that use is prohibited, even though one of the districts allows the use. The enumeration of expressly prohibited uses shall not be deemed either exclusive or all-inclusive.
3. In the event of a conflict with the General Use District, the overlay standards shall apply.

**Section 5.** Section 5.5.1. of the Part 10 Raleigh Unified Development Ordinance, Transit Overlay District, is hereby amended by adding the language shown in underline, deleting the language shown in strikethrough and re-numbering and re-lettering accordingly:

**A. Base Standards Apply**

1. Unless specifically set forth in this section, the allowed uses, dimensional requirements, height limits and general development standards of the underlying zoning district apply.
2. Where the -TOD standards conflict with the standards of an -NCOD, the -TOD shall control.
3. Properties developed with city, county, or state parks or owned by the city, county, or state for the purpose of park development shall not be subject to the provisions of the -TOD.

**B. Prohibited Uses**

In addition to uses prohibited by the underlying district, ~~t~~The following uses are not allowed in a -TOD:

- ~~1. Single unit living;~~
- ~~2. Two unit living;~~
- ~~3.1. Cemetery;~~
- ~~4.2. Outdoor sports or entertainment facility (>250 seats);~~
- ~~5.3. Vehicle sales;~~
- ~~6.4. Vehicle repair (major);~~

- ~~7.~~ 5. Vehicle repair (commercial vehicle);
- ~~8.~~ 6. Car wash;
- ~~9.~~ 7. Drive-thru facility with the exception of pharmacies;
- ~~10.~~ 8. Vehicle Fuel Sales;
- ~~11.~~ 9. Self-Service Storage; and
- ~~12.~~ 10. Warehouse & Distribution.

**C. ~~Dimensional~~ Residential District Standards**

1. Where the TOD is applied to a Residential district, the following provisions apply:
  - ~~a. Dimensional standards for Conventional development for the Residential Districts, as defined in Article 2.2, shall not apply.~~
  - ~~b. a.~~ The dimensional standards of the Residential Mixed Use district as defined in Article 3.2 shall apply to all building types, however there shall be no minimum lot size for the Apartment building type. Maximum density shall be controlled by the RX dimensional standards rather than the lot area per unit standard from the underlying residential district.
  - ~~c. Height shall be limited to 4 stories and 60 feet.~~
  - ~~d. Height bonuses as defined in Sec. 5.5.1.G. shall not be allowed.~~
  - ~~e. b.~~ The Townhouse, and Apartment building types are permitted in all residential districts.
  - ~~f. There shall be no minimum lot size for the Apartment building type.~~
  - ~~g. Parking requirements shall be set by the TOD overlay.~~

**D. Residential District Additional Permitted Uses**

1. Multi-unit living is permitted in any residential base district.

**~~D.~~ E. Frontages**

1. Excluding structures used for single and two-unit living, fFrontage standards shall apply as follows (see Article 3.4 Frontage Requirements):
  - a. Where an Urban Frontage is included in the underlying district, the standards of the underlying frontage shall control.
  - b. Where the underlying district has Parkway frontage, Parking Limited frontage, Detached frontage, or no frontage, development shall meet the requirements of the Urban Limited frontage. Frontage requirements from the underlying zoning shall not apply.

2. For all frontage standards applied as set forth in part 1 above, a Main Street or Mixed Use streetscape shall be required (see Sec. 8.5.2 Streetscape Types).

**E. F. Parking**

Parking requirements for a -TOD are set forth in *Sec. 7.1.3.B*.

**F. G. Outdoor Storage**

Limited and general outdoor storage is not allowed (see *Article 7.5. Outdoor Display and Storage*).

**G. H. Height**

1. Except for structures used for single- or two-unit living, or the Open Lot building type, the minimum height of any principal building in the -TOD shall be 2 stories. This standard shall not apply to the Open Lot building type.
2. In residential districts principal buildings used for single- and two-unit living shall be limited to 3 stories and 40 feet in height. All other principal building types shall be limited to 4 stories and 60 feet in height.
- ~~2-3.~~ In mixed-use districts the height requirements defined in Article 3.3 may be modified as follows:
  - a. Height in stories may be increased by fifty percent (50%) when all of the following apply. When application of this section is calculated to allow a fraction of a story, the fraction shall be rounded up to the nearest whole number.
    - i. Additional stories enabled by this section are used for principal residential uses
    - ii. A number of units equal to at least twenty percent (20%) of the residential units established in newly allowed stories shall be affordable for households earning sixty percent (60%) of the Area Median Income or less for a period of no less than 30 years from the date of issuance of a certificate of occupancy. The rent and income limits will follow the Affordable Housing Standards determined annually by the City of Raleigh Housing & Neighborhoods Department. An Affordable Housing Deed Restriction in a form approved by the City shall be filed and recorded in the property's chain of title by the property owner in the Wake County Register of Deeds prior to the project receiving a certificate of occupancy. The property owner of development approved under this section shall provide an annual report to the City to demonstrate compliance with the requirements of this section. The report shall utilize a form prescribed by the City and shall be submitted in accordance with a schedule set by the City. Affordable units used to meet the requirements of this section shall be constructed concurrently with the project's market rate units.
  - b. Height in stories may be increased by thirty percent (30%) for principal structures that do not contain any residential uses. When application of this

section is calculated to allow a fraction of a story, the fraction shall be rounded up to the nearest whole number.

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**Section 6.** Section 6.4.2.C.2. of the Part 10 Raleigh Unified Development Ordinance, Health Club - Use Standards, is hereby amended by adding the language shown in underline and removing the language shown in strikethrough:

**2. Use Standards**

A health club in an RX- District is subject to the following:

- a. Must be located on the first floor of a corner unit in an apartment building type located at the intersection of 2 public streets.
- b. The health club use~~unit~~ cannot exceed 4,000 square feet in gross floor area; and
- c. Hours of operation can begin no earlier than 6 AM and end no later than 11 PM, including all deliveries.
- d. A health club use in an -TOD overlay is not subject to parts a, b, and c of this section; however, such a use must be within or attached to a multi-tenant building. The health club use cannot exceed 10,000 square feet in gross floor area.

**Section 7.** Section 6.4.3.B. of the Part 10 Raleigh Unified Development Ordinance, Medical Facility - Use Standards, is hereby amended by adding the language shown in underline and removing the language shown in strikethrough:

**B. Use Standards**

A medical facility in an RX- District is subject to the following:

- 1. Must be located on the first floor of a corner unit in an apartment building type located at the intersection of 2 public streets;
- 2. The medical facility use~~unit~~ cannot exceed 4,000 square feet in gross floor area;
- 3. Hours of operation can begin no earlier than 6 AM and end no later than 11 PM, including all deliveries; and
- 4. Drive-thru or drive-in facilities are not permitted.
- 5. A medical use in an -TOD overlay is not subject to parts 1 and 2 of this section; however, such a use must be within or attached to a multi-tenant building. The medical facility use cannot exceed 10,000 square feet in gross floor area.

**Section 8.** Section 6.4.4.B. of the Part 10 Raleigh Unified Development Ordinance, Office - Use Standards, is hereby amended by adding the language shown in underline and removing the language shown in strikethrough:

**B. Use Standards**

An office in an RX- District is subject to the following:

- 1. Must be located on the first floor of a corner unit in an apartment building type

- located at the intersection of 2 public streets;
- 2. The ~~office use unit~~ cannot exceed 4,000 square feet in gross floor area individually or cumulatively in combination with any other allowed Limited Commercial use per lot;
- 3. Hours of operation can begin no earlier than 6 AM and end no later than 11 PM, including all deliveries.
- 4. Drive-thru or drive-in facilities are not permitted.
- 5. An office use in an -TOD overlay is not subject to parts 1 and 2 of this section; however, such a use must be within or attached to a multi-tenant building. The office use cannot exceed 10,000 square feet in gross floor area individually or cumulatively in combination with any other allowed Limited Commercial use per lot.

**Section 9.** Section 6.4.9.D.2 of the Part 10 Raleigh Unified Development Ordinance, Beauty/Hair Salon - Use Standards, is hereby amended by adding the language shown in underline and removing the language shown in strikethrough:

**2. Use Standards**

A beauty/hair salon in an RX- District is subject to the following:

- a. Must be located on the first floor of a corner unit in an apartment building type located at the intersection of 2 public streets;
- b. The ~~beauty/hair salon use unit~~ cannot exceed 4,000 square feet in gross floor area individually or cumulatively in combination with any other allowed Limited Commercial use per lot; and
- c. Hours of operation can begin no earlier than 6 AM and end no later than 11 PM, including all deliveries.
- d. A beauty/hair salon in an -TOD overlay is not subject to parts a or b of this section; however, such a use must be within or attached to a multi-tenant building. The beauty/hair salon use cannot exceed 10,000 square feet in gross floor area individually or cumulatively in combination with any other allowed Limited Commercial use per lot.

**Section 10.** Section 6.4.9.E.2 of the Part 10 Raleigh Unified Development Ordinance, Copy Center - Use Standards, is hereby amended by adding the language shown in underline and removing the language shown in strikethrough:

**2. Use Standards**

A copy center in an RX- District is subject to the following:

- a. Must be located on the first floor of a corner unit in an apartment building type located at the intersection of 2 public streets;
- b. The ~~copy center use unit~~ cannot exceed 4,000 square feet in gross floor area individually or cumulatively in combination with any other allowed Limited Commercial use per lot; and
- c. Hours of operation can begin no earlier than 6 AM and end no later than 11 PM,

including all deliveries.

- d. A copy center in an -TOD overlay is not subject to parts a or b of this section; however, such a use must be within or attached to a multi-tenant building.

**Section 11.** Section 6.4.9.F.2 of the Part 10 Raleigh Unified Development Ordinance, Optometrist - Use Standards, is hereby amended by adding the language shown in underline and removing the language shown in strikethrough:

## 2. Use Standards

An optometrist in an RX- District is subject to the following:

- a. Must be located on the first floor of a corner unit in an apartment building type located at the intersection of 2 public streets;
- b. The optometrist use~~unit~~ cannot exceed 4,000 square feet in gross floor area individually or cumulatively in combination with any other allowed Limited Commercial use per lot; and
- c. Hours of operation can begin no earlier than 6 AM and end no later than 11 PM, including all deliveries.
- d. An optometrist in an -TOD overlay is not subject to parts a or b of this section; however, such a use must be within or attached to a multi-tenant building. The optometrist use cannot exceed 10,000 square feet in gross floor area individually or cumulatively in combination with any other allowed Limited Commercial use per lot.

**Section 12.** Section 6.4.9.G of the Part 10 Raleigh Unified Development Ordinance, Personal Service - Use Standards, is hereby amended by adding the language shown in underline and removing the language shown in strikethrough:

## G. Use Standards for All Other Personal Service Uses

1. A personal service use in an RX- District is subject to the following:
  - a. Must be located on the first floor of a corner unit in an apartment building type located at the intersection of 2 public streets.
  - b. The personal service use ~~unit~~ cannot exceed 4,000 square feet in gross floor area individually or cumulatively in combination with any other allowed Limited Commercial use per lot.
  - c. Hours of operation can begin no earlier than 6 AM and end no later than 11 PM, including all deliveries.
  - d. Drive-thru or drive-in facilities are not permitted.
  - e. Tattoo parlors, body piercing, taxidermists and wedding chapels are not permitted.
  - f. A personal service use in an -TOD overlay is not subject to parts a and b of this section; however, such a use must be within or attached to a multi-tenant building. The personal service unit cannot exceed 10,000 square

feet in gross floor area individually or cumulatively in combination with any other allowed Limited Commercial use per lot.

2. A personal service use in an OX- District is subject to the following:
  - a. Must be within or attached to a multi-tenant building, cannot be located in a standalone building.
  - b. The floor area of the personal service use cannot exceed 15% of the gross floor area of the entire building or 4,000 square feet, whichever is greater individually or cumulatively in combination with any other allowed Limited Commercial use per lot.
  - c. House of operation can begin no earlier than 6 AM and end no later than 11 PM, including all deliveries.
  - d. Drive-thru or drive-in facilities are not permitted.
  - e. Tattoo parlors, body piercing, taxidermists and wedding chapels are not permitted.
  - f. A personal service use in an -TOD overlay is not subject to part b of this section. The personal service unit cannot exceed 10,000 square feet in gross floor area individually or cumulatively in combination with any other allowed Limited Commercial use per lot.

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**Section 13.** Section 6.4.10.C.2. of the Part 10 Raleigh Unified Development Ordinance, Eating Establishment - Use Standards, is hereby amended by adding the language shown in underline and removing the language shown in strikethrough:

## **2. Use Standards**

- a. **An eating establishment in an RX- District is subject to the following:**
  - i. Must be located on the first floor of a corner unit in an apartment building type located at the intersection of 2 public streets.
  - ii. The eating establishment use unit cannot exceed 4,000 square feet in gross floor area individually or cumulatively in combination with any other allowed Limited Commercial use per lot.
  - iii. Hours of operation can begin no earlier than 6 AM and end no later than 11 PM, including all deliveries.
  - iv. Drive-thru or drive-in facilities are not permitted.
  - v. An eating establishment in an -TOD overlay is not subject to parts i and ii of this section; however, such a use must be within or attached to a multi-tenant building. The eating establishment unit cannot exceed 10,000 square feet in gross floor area individually or cumulatively in combination with any other allowed Limited Commercial use per lot.
  
- b. **An eating establishment use in an OX- District is subject to the following:**
  - i. Must be within or attached to a multi-tenant building, cannot be located



- in a standalone building.
- ii. The floor area of the eating establishment use cannot exceed 15% of the gross floor area of the entire building or 4,000 square feet, whichever is greater individually or cumulatively in combination with any other allowed Limited Commercial use per lot.
- iii. Hours of operation can begin no earlier than 6 AM and end no later than 11 PM, including all deliveries.
- iv. Drive-thru or drive-in facilities are not permitted.
- v. Must be located at least 150 feet from an abutting Residential District (measured in straight line from the nearest point of the building containing the eating establishment to the boundary line of the district boundary line).
- vi. An eating establishment use in an -TOD overlay is not subject to part ii of this section. The eating establishment unit cannot exceed 10,000 square feet in gross floor area individually or cumulatively in combination with any other allowed Limited Commercial use per lot.

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**Section 14.** Section 6.4.11.D. of the Part 10 Raleigh Unified Development Ordinance, Retail Sales - Use Standards, is hereby amended by adding the language shown in underline and removing the language shown in strikethrough:

**D. Use Standards**

1. A retail sales use in an RX- District is subject to the following:
  - a. Must be located on the first floor of a corner unit in an apartment building type located at the intersection of 2 public streets.
  - b. The retail sales use unit cannot exceed 4,000 square feet in gross floor area individually or cumulatively in combination with any other allowed Limited Commercial use per lot.
  - c. Hours of operation can begin no earlier than 6 AM and end no later than 11 PM, including all deliveries.
  - d. Drive-thru or drive-in facilities are not permitted.
  - e. Vehicle fuel sales, check cashing and payday loan facilities are not permitted.
  - f. A retail sales use in an -TOD overlay is not subject to parts a and b of this section; however, such a use must be within or attached to a multi-tenant building. The retail sales unit cannot exceed 10,000 square feet in gross floor area individually or cumulatively in combination with any other allowed Limited Commercial use per lot.
  
2. A retail sales use in an OX- District is subject to the following:
  - a. Must be within or attached to a multi-tenant building, cannot be located in a standalone building.
  - b. The floor area of the retail sales use cannot exceed 15% of the gross floor area of the entire building or 4,000 square feet, whichever is greater individually or

cumulatively in combination with any other allowed Limited Commercial use per lot.

- c. Hours of operation can begin no earlier than 6 AM and end no later than 11 PM, including all deliveries.
- d. Drive-thru or drive-in facilities are not permitted.
- e. Vehicle fuel sales, check cashing and payday loan facilities are not permitted.
- f. A retail sales use in an -TOD overlay is not subject to part b of this section. The retail sales unit cannot exceed 10,000 square feet in gross floor area individually or cumulatively in combination with any other allowed Limited Commercial use per lot.

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**Section 15.** This text change has been reviewed by the Raleigh Planning Commission.

**Section 16.** This ordinance has been adopted following a duly advertised legislative hearing of the Raleigh City Council.

**Section 17.** This ordinance has been provided to the North Carolina Capital Planning Commission as required by law.

**Section 18.** This ordinance shall be enforced as provided in N.C.G.S. 160A-175 or as provided in the Raleigh City Code.

**Section 19.** This ordinance is effective 30 days after adoption.

**ADOPTED:** October 3, 2023

**EFFECTIVE:** November 2, 2023

**DISTRIBUTION:** Planning & Development – Young, Bowers, Walter, Ray, Rametta,  
McDonald, Crane, Stegall  
City Attorney – McDonald, Kibler, Poole, York, Hargrove-Bailey  
Transcription Svcs – Taylor, Puccini