

ORDINANCE NO. (2024) 693 TC 487

**TC-2A-24
Omnibus List 2024**

**AN ORDINANCE TO AMEND THE
RALEIGH UNIFIED DEVELOPMENT ORDINANCE TO AMEND THE PART 10
RALEIGH UNIFIED DEVELOPMENT ORDINANCE**

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

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

WHEREAS, after application of certain standards, staff has identified areas for improvement; and

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

WHEREAS, it is in the public interest to make minor modifications to improve the usability the code and accomplish stated policy objectives.

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

Section 1. Section 1.5.4.C. of the Part 10 Raleigh Unified Development Ordinance, Multiple Street Frontage Lots, is hereby amended by adding the language shown in underline, deleting the language shown in strikethrough:

C. Multiple Street Frontage Lots

For the purposes of determining setbacks, build-to lines, and other regulations, a multiple street frontage site or lot other than an Open Lot must designate at least 1 primary street prior to development, not to include additions. A lot may have more than one primary street.

The following rules determine a primary street:

1. A lot developed with the Apartment, General, Mixed-Use, or Civic building types, or Cottage Court Housing Pattern shall designate its primary street using the criteria shown in (a) through (g) below.

If one street meets any of criteria (a) through (d), it will be designated primary. If two streets meet any of criteria (a) through (d), both will be designated primary.

If three or four streets meet any of criteria (a) through (d), the two streets that meet more of (a) through (d) will be designated as primary; if they meet the same number, then the applicant may choose the two streets.

Where the criteria refer to a street, the relevant portion of the street is the portion adjacent to or within the site or lot.

If no street meets criteria (a) through (d), then the street that that satisfies more of criteria (e) through (g) will be designated as primary. If the criteria do not apply or do not produce a clear result, then any street may be designated as primary by the applicant.

- a. The street with transit service;
 - b. The street designated as a Main Street or Urban Thoroughfare on the Urban Form Map;
 - c. Any street designated as a Retail Street in the Downtown section of the Comprehensive Plan.
 - d. The street designated as a Mixed-use Street on the Raleigh Street Plan Map;
 - e. The street designated as a Major Street on the Raleigh Street Plan Map;
 - f. The street with on-street parking;
 - g. The street with the higher classification on the Raleigh Street Plan Map;
2. A block face predominately developed with the Townhouse building type shall designate as its primary street either a Local Street or Mixed-use Street, if available. If the site fronts on more than one street meeting these criteria or if they do not apply, then the selection of primary street shall be based on the criteria for Apartment, General, Mixed-Use, or Civic buildings. Any street designated as primary must form the face of a block or extend fully through the property.
 3. For ~~an~~ Tiny, Attached or Detached building types, a corner lot shall designate its primary street as being opposite the rear yard of any adjoining lot. If the corner lot abuts only the side yard of adjoining lots or abuts another corner lot, then the primary street shall be located along the narrowest street frontage. If the two street frontages are within 10 percent of each other in length, either street may be designated as primary. In no case will a Major Street be designated as the primary street.
 4. A limited-access highway shall never serve as the primary street.
 5. A dead-end or cul-de-sac street can only be identified as primary for residential lots.
 6. A private street cannot be primary unless the lot has no public street frontage.
 7. In the event an adopted plan designates primary streets, the adopted plan shall control.

8. If none of the criteria produce a result, the applicant may designate the primary street.

Section 2. Section 1.5.4.F. of the Part 10 Raleigh Unified Development Ordinance, Building Setbacks, is hereby amended by adding the language shown in underline:

F. Legacy Cluster Subdivisions

Legacy cluster subdivisions shall adhere to the setbacks set forth in Article 2.4 Conservation Development Option for the relevant building type.

Section 3. Section 2.2.7.E. of the Part 10 Raleigh Unified Development Ordinance, Side Wall Length, is hereby amended by adding the language shown in underline and removing the language shown in strikethrough:

E. Side Wall Length

~~Articulation is required for~~ Side walls on additions or new construction that meet all criteria a. through c. below are required to include a projection or recession of at least 4 feet in depth and 10 feet in length:

1. More than 25 feet in height; and
2. More than 50 feet in length; and
3. Located within 15 feet of a side lot line.

~~are 22 feet or taller and located within 15 feet of the side lot line. No wall may extend for more than 50 feet without a projection or recession of at least 4 feet in depth and 10 feet in length.~~

Section 4. Section 2.6.3.D.7. of the Part 10 Raleigh Unified Development Ordinance, Accessory Dwelling Unit Regulations, is hereby amended by adding the language shown in underline and removing the language shown in strikethrough:

7. Unless horizontally or vertically integrated into another building, ~~attached thereto by a common wall~~ an ADU must be separated by at least 6' from any other building on the lot.

Section 5. Footnote 1 in Section 2.6.3. of the Part 10 Raleigh Unified Development Ordinance, Accessory Dwelling, is hereby amended by adding the language shown in underline:

1. Gross floor area shall include all conditioned space. Attached unconditioned space shall be included in the calculation of accessory structure floor area. If two ADUs are located on one lot, each ADU shall be permitted a maximum gross floor area as described in Section 2.6.3.G.

Section 6. Section 3.2.5 of the Part 10 Raleigh Unified Development Ordinance, General Building, is hereby amended by adding the language shown in underline:

E1 Ground story height, floor to floor (min)¹ | 11' | 13' | 11'

...

¹ The minimum ground story height only applies to properties zoned for 7 stories or greater and with an urban frontage.

Section 7. Section 3.2.6 of the Part 10 Raleigh Unified Development Ordinance, Mixed Use Building, is hereby amended by adding the language shown in underline:

E1 Ground story height, floor to floor (min)¹ | 13' | 15'

...

¹ The minimum floor-to-floor ground story height only applies to properties zoned for 7 stories or greater and with an urban frontage.

Section 8. Section 3.4.6.C. of the Part 10 Raleigh Unified Development Ordinance, Green – Build-to, is hereby amended by adding the language shown in underline:

C. Build-to

C1 Primary street build-to (min/max) 20'/50'

C2 Building width in primary build-to (min) 50%

C3 Side street build-to (min/max) 20'/50'

C4 Building width in side build-to (min) 35%

C5 These build-to requirements do not apply to Open lots. However, parking and other principal uses not located within a building, excluding Parks, Open Space, and Greenways, shall not be located within these build-to ranges.

Section 9. Section 3.4.7.C. of the Part 10 Raleigh Unified Development Ordinance, Urban Limited – Build-to, is hereby amended by adding the language shown in underline:

C. Build-to

C1 Primary street build-to (min/max) 0'/20'

C2 Building width in primary build-to (min) 50%

C3 Side street build-to (min/max) 0'/20'

C4 Building width in side build-to (min) 25%

C5 These build-to requirements do not apply to Open lots. However, parking and other principal uses not located within a building, excluding Parks, Open Space, and Greenways, shall not be located within these build-to ranges.

Section 10. Section 3.4.8.C. of the Part 10 Raleigh Unified Development Ordinance, Urban General – Build-to, is hereby amended by adding the language shown in underline:

C. Build-to

C1 Primary street build-to (min/max) 0'/20'

C2 Building width in primary build-to (min) 70%

C3 Side street build-to (min/max) 0'/20'

C4 Building width in side build-to (min) 35%

C5 These build-to requirements do not apply to Open lots. However, parking and other principal uses not located within a building, excluding Parks, Open Space, and Greenways, shall not be located within these build-to ranges.

Section 11. Section 3.4.9.C. of the Part 10 Raleigh Unified Development Ordinance, Shopfront – Build-to, is hereby amended by adding the language shown in underline:

C. Build-to

C1 Primary street build-to (min/max) 0'/15'

C2 Building width in primary build-to (min) 80%

C3 Side street build-to (min/max) 0'/15'

C4 Building width in side build-to (min) 40%

C5 These build-to requirements do not apply to Open lots. However, parking and other principal uses not located within a building, excluding Parks, Open Space, and Greenways, shall not be located within these build-to ranges.

Section 12. Section 3.4.9 of the Part 10 Raleigh Unified Development Ordinance, Shopfront, is hereby amended by adding the language shown in underline and removing the language shown in strikethrough:

...

F. Streetscape Requirement

Main Street see Sec. 8.5.9.~~BA~~.

Section 13. Section 3.4.10.C. of the Part 10 Raleigh Unified Development Ordinance, Green Plus – Build-to, is hereby amended by adding the language shown in underline:

C. Build-to

C1 Primary street build-to (min/max) 30’/50’

C2 Building width in primary build-to (min 50%

C3 Side street build-to (min/max) 20’/50’

C4 Building width in side build-to (min) 35%

C5 These build-to requirements do not apply to Open lots. However, parking and other principal uses not located within a building, excluding Parks, Open Space, and Greenways, shall not be located within these build-to ranges.

Section 14. Section 3.4.10.B. of the Part 10 Raleigh Unified Development Ordinance, Green Plus (-GP) - Building Types Allowed, is hereby amended by adding the language shown in underline:

Detached House (see Sec. 3.2.1.)

Attached House (see Sec.3.2.2.)

Tiny House (3.2.9.)

...

Section 15. Section 3.6.2.D.1.b. the Part 10 Raleigh Unified Development Ordinance, Accessory Dwelling Unit Regulations, is hereby amended by adding the language shown in underline and removing the language shown in strikethrough:

- b. Shall be affixed to or constructed on a permanent foundation and not be a manufactured home or moveable structure except as specified in Sec. ~~3.2.6.D.6~~3.6.2.D.6 below;

Section 16. Section 3.6.2.D.7. of the Part 10 Raleigh Unified Development Ordinance, Accessory Dwelling Unit Regulations, is hereby amended by adding the language shown in underline and removing the language shown in strikethrough:

7. Unless horizontally or vertically integrated into another building, ~~attached thereto by a common wall~~ an ADU must be separated by at least 6’ from any other building on the lot.

Section 17. Section 3.6.2.E. the Part 10 Raleigh Unified Development Ordinance, ADU Description, is hereby amended by adding the language shown in underline and removing the language shown in strikethrough:

- E. An Accessory Dwelling Unit (ADU) is a self-contained dwelling unit that is located on the same lot as a principal building that meets the regulations identified in Section ~~3.3.23.6.2~~. An ADU may be located above a garage. ADUs may be detached, attached, or internal to the principal building. Only residential uses are permitted in ADUs.

Section 18. Footnote 1 in Section 3.6.2. of the Part 10 Raleigh Unified Development Ordinance, Accessory Dwelling, is hereby amended by adding the language shown in underline:

- 1. Gross floor area shall include all conditioned space. Attached unconditioned space shall be included in the calculation of accessory structure floor area. If two ADUs are located on one lot, each ADU shall be permitted a maximum gross floor area as described in Section 3.6.2.G.

Section 19. Section 3.7.1.F. the Part 10 Raleigh Unified Development Ordinance, Additional Requirements, is hereby amended by adding the language shown in underline and removing the language shown in strikethrough:

FH. Additional Requirements	
<u>FH1</u> ADU Regulations	There shall be no more than one ADU on the same lot as a principal building unless it is located in a Frequent Transit Area as shown on the City’s Comprehensive Plan which would then allow for up to two ADUs on the same lot as a principal dwelling, including attached or internal ADUs. However in a Frequent Transit Area, only one ADU can be attached to the principal building. In the case of a townhome development only one ADU is permitted per principal dwelling.
<u>FH2</u>	This development option cannot be used in concert with Compact or Conservation Development option
<u>FH3</u>	Lots utilizing this option shall have at least a portion of each lot within the mapped Frequent Transit Area in order to take advantage of any regulations listed herein.

Section 20. Section 4.6.1.A. of the Part 10 Raleigh Unified Development Ordinance, Campus Areas – Single Entity, is hereby amended by removing the language shown in strikethrough:

- 1. Each CMP District must be under the control of a single entity, including a property owner association and have a significant governmental interest or be a hospital, college or university.
- 2. Each CMP District must either have a minimum site area of 5 acres or one or more contiguous city blocks.

3. ~~In the event that a portion of the property zoned CMP is sold fee simple absolute to a third party who is not governmental or a hospital, college or university (therefore becoming non-compliant with this Article), the non-compliant property must be rezoned. The third party property owner shall submit a petition to rezone the property not owned by a governmental interest or a hospital, college or university within 6 months of the sale of the property.~~

Section 21. Section 5.2.2.G.3.d. of the Part 10 Raleigh Unified Development Ordinance, Existing Structures, Uses and Impervious Surfaces, is hereby amended by removing the language shown in strikethrough and adding the language shown in underline:

- d. Except where pre-existing structures, septic systems, wells, stormwater facilities, and vehicular surface drives and vehicular spaces that do not exceed the maximum allowed in table 7.1.2.C prevent the planting of trees, tree conservation areas are established in accordance with Sections ~~5.2.2.C.1.a. and 5.2.2.C.2.~~ 5.2.2.D.1.a. and 5.2.2.D.2.

Section 22. Section 6.1.2.B. of the Part 10 Raleigh Unified Development Ordinance, Uses Not Specifically Listed, is hereby amended by deleting the section entirely and re-lettering the subsequent section:

~~B. Uses Not Specifically Listed~~

~~A use not specifically listed is prohibited unless the Zoning Administrator determines the use to be part of a use category as described in Sec. 6.1.1.A.~~

Section 23. RESERVED

Section 24. Section 6.1.5. of the Part 10 Raleigh Unified Development Ordinance, Prohibited Uses, is hereby amended by deleting the section in its entirety:

~~**Sec. 6.1.5. Prohibited Uses**~~

~~Except for improvements made pursuant to Chapter 8. Subdivision & Site Plan Standards or use determinations made pursuant to Sec. 6.1.2., any use not explicitly allowed as a permitted use by right, a limited use or a special use in the zoning district by the Allowed Principal Uses Table, Sec. 6.1.4., is prohibited. The enumerations of prohibited uses below are expressly prohibited, but such enumeration shall not be deemed exclusive or all-inclusive. Prohibited uses include:~~

- ~~A. Any use of prima fascia business, commercial, or industrial character not otherwise specifically allowed in an R-1, R-2, R-4, R-6, R-10, RX, OP or OX district;~~
- ~~B. Any use prohibited by an applicable conditional zoning district;~~
- ~~C. Any use prohibited by an applicable overlay zoning district;~~
- ~~D. Manufactured home or travel trailer except in a MH district, where allowed in a PD district, or where constructed as a Tiny House or Accessory Dwelling Unit~~

~~meeting all other requirements of this UDO;~~
~~E. Open dump;~~
~~F. School administrative personnel offices located outside a school in a Residential District;~~
~~G. A sign not explicitly allowed in the zoning district by the table of Signs Allowed by Districts, Sec. 7.3.2. or signs erected in violation of Article 7.3. Signs; and~~
~~H. Storage of 2 or more unlicensed, uninspected, wrecked, crushed, dismantled, or partially dismantled automotive vehicles except as temporarily allowed in towing yards for vehicles.~~

Section 25. Section 6.4.2.B.2.c. of the Part 10 Raleigh Unified Development Ordinance, Indoor Recreation – Adult Establishment, is hereby amended by removing the language shown in strikethrough and adding the language shown in underline:

- c. An adult establishment cannot be located within 2,000 feet of a preexisting place of worship, public or private school, day-care facility, or any R-, RX-, OP, OX-, NX-, MHR-MP, or CMP district (determined by a straight line from property line to property line or district boundary line). Adult establishments, because of their very nature, are recognized as having serious objectionable operational characteristics, particularly when they are located near a Residential District or certain other districts which permit residential uses. Special regulation of these establishments is necessary to ensure that these adverse effects will not contribute to a downgrading or blighting of surrounding Residential Districts or certain other districts which permit residential uses, unless otherwise, determined by Sec. 6.4.2.B.2.d. below.

Section 26. RESERVED

Section 27. Section 6.4.9.E of the Part 10 Raleigh Unified Development Ordinance, Copy Center, is hereby amended by adding the language shown in underline:

...

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 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. The Copy Center 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 28. Section 6.8.2. the Part 10 Raleigh Unified Development Ordinance, Temporary Uses, is hereby amended by adding the language shown in underline and removing the language shown in strikethrough:

E. Residential Development Sales Office or Model Home

1. The use of the office shall be for the initial sale or lease of properties or buildings within the residential development.
2. There shall be no signage for a residential development sales office or model home on the premises in a Residential District except for 1 unlit ground announcement sign not to exceed 6 square feet in area, and 3½ feet in height that is located on the sales office or model home lot.
3. For a developing residential subdivision, any phase containing a residential development sales office or model home shall ~~contain a minimum of 5 acres and~~ be intended for a minimum of 10 ~~residential properties~~ dwelling units.
4. In no event will the sales office or model home be continued when all of the properties of the development phase or building are sold or leased, excluding the sales office lot or model home lot within a subdivision.
5. No sales office or model home shall be used for any other retail purpose.
6. For a developing residential subdivision, the building must be located on an approved lot intended to be occupied by a dwelling unit, except for facilities located in recreational buildings. For all residential developments, the building must be located to comply with applicable district dimensional standards.
7. The building used for the sales office is either constructed and intended for ultimate residential use as part of the residential development or a temporary modular office unit. If a temporary modular office unit is constructed, the following additional conditions shall be met:
 - a. The modular office unit must be placed on a proper foundation, as recommended by the manufacturer.
 - b. Skirting and natural planting shrubs shall be installed around all sides of the modular office unit in accordance with the following:
 - i. Skirting shall consist of any weatherproof material providing a visual barrier between the underside of the modular office unit and the stand; and
 - ii. All natural shrubs shall be evergreen, a minimum of 36 inches tall, and planted 5 foot on center, but no one side shall have less than 2 plants.
 - c. At the end of the maximum time period allowed for this use, the property owner shall remove the temporary modular office unit, the foundation and all other physical structures such that natural plant materials shall solely occupy the lot until such time that a permanent use allowed within the district is established.
 - d. Temporary on-site parking may be provided in conjunction with the sales office or model home subject to the following provisions:
 - a. Parking shall not be held to the requirements of Article 7.1 except for Sections 7.1.6. and 7.1.9.
 - b. Parking shall be removed upon expiration of the Temporary Use Permit.

F. Construction Trailer

1. The use of the trailer shall be for the management of construction activity on the site.
2. A construction trailer shall only be permitted on a site with an active building and/or site permit. The trailer shall be removed within 30 days following the issuance of a final Certificate of Occupancy.
3. Temporary on-site parking may be provided in conjunction with the construction trailer subject to the following provisions:
 - a. Parking shall not be held to the requirements of Article 7.1.
 - b. Parking shall be removed within 30 days following the issuance of a final Certificate of Occupancy.
4. The unit must be placed on a proper foundation, as recommended by the manufacturer. Skirting shall be installed around all sides of the unit. Skirting shall consist of any weatherproof material providing a visual barrier between the underside of the modular office unit and the stand.
5. At the end of the maximum time period allowed for this use, the property owner shall remove the unit, the foundation and all other physical structures such that natural plant materials shall solely occupy the lot until such time that a permanent use allowed within the district is established.

Section 29. Section 7.2.4.D. of the Part 10 Raleigh Unified Development Ordinance, Encroachments, is hereby amended by adding the language shown in underline:

6. Transit Infrastructure

Transit infrastructure provided pursuant to UDO Article 8.11 shall be allowed to encroach within a protective yard.

Section 30. Section 7.2.7.C.1 of the Part 10 Raleigh Unified Development Ordinance, Plant Material - General Provisions, is hereby amended by adding the language shown in underline:

...

- e. No North Carolina invasive species as identified by the North Carolina State University Extension Plant Toolbox database or any successor database or list shall be planted to satisfy any landscaping or screening requirement, nor shall any existing invasive species be used to satisfy any such requirement.

Section 31. Section 7.2.8.C.1. of the Part 10 Raleigh Unified Development Ordinance, Fences and Walls Adjacent to Thoroughfares, is hereby amended by adding the language shown in underline:

C. Fences and Walls Adjacent to Thoroughfares

1. A fence or wall located within 20 feet of a Thoroughfare right-of-way shall either be:

- a. less than 42 inches in height: or
- b. situated at least 15 feet from the edge of the right-of-way and be screened with evergreen planting materials, so that no more than one-fourth of the fence or wall surface area will be visible from the Thoroughfare within 3 years of erection of the fence or wall.

Section 32. Section 7.3.2. of the Part 10 Raleigh Unified Development Ordinance, Signs Allowed by District, is hereby amended deleting the column titled “R-MP” and all of its contents.

Section 33. Section 7.3.2. of the Part 10 Raleigh Unified Development Ordinance, Signs Allowed by District, is hereby amended by adding a column for Green Plus (-GP) within the Frontage category that replicates the same permitted sign types that are allowed in the Green (-GR) frontage as shown in the chart below:

Sec. 7.3.2. Signs Allowed by District

Signs are allowed by district as set forth in the table below.

	RESIDENTIAL					MIXED USE (NO FRONTAGE)								SPECIAL						FRONTAGE								Definition/ Standards
	R-1	R-2	R-4	R-6	R-10	RX-	OP-	OX-	NX-	CK-	DX-	IX-	CM	AP	IH	R-MP	CMP	MH	-PW	-DE	-PL	-GR	-UL	-UG	-SH			
BUILDING SIGNS																												
Wall Sign	--	--	--	--	--	P	P	P	P	P	P	P	--	--	P	--	P	--	P	P	P	P	P	P	P	P	P	Sec. 7.3.4.
Projecting Sign	--	--	--	--	--	P	P	P	P	P	P	P	--	--	--	--	P	--	P	P	P	P	P	P	P	P	P	Sec. 7.3.5.
Awning, Gallery, Marquee Sign	--	--	--	--	--	P	P	P	P	P	P	P	--	--	--	--	P	--	P	P	P	P	P	P	P	P	P	Sec. 7.3.6.
Window Sign	--	--	--	--	--	P	P	P	P	P	P	P	--	--	P	--	P	--	P	P	P	P	P	P	P	P	P	Sec. 7.3.7.
GROUND SIGNS																												
Low Profile	--	--	--	--	--	--	P	P	P	P	--	P	--	--	P	--	P	--	P	P	P	P	--	--	--	--	--	Sec. 7.3.8.
Medium Profile	--	--	--	--	--	--	--	--	P	P	--	P	--	--	P	--	P	--	P	--	--	--	--	--	--	--	--	Sec. 7.3.9.
High Profile	--	--	--	--	--	--	--	--	P	P	--	P	--	--	P	--	P	--	P	--	--	--	--	--	--	--	--	Sec. 7.3.10.
Tract Identification Sign	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	--	--	--	--	--	Sec. 7.3.11.
A-Frame Sign	--	--	--	--	--	P	P	P	P	P	P	P	--	--	--	--	P	--	--	--	P	P	P	P	P	P	P	Sec. 7.3.12.
ADVERTISING SIGNS																												
Off-Premise Sign	--	--	--	--	--	--	--	--	--	--	--	P	--	--	P	--	--	--	--	--	--	--	--	--	--	--	--	Sec. 7.3.14.
Vehicular Sign	--	--	--	--	--	--	P	P	P	P	P	P	P	--	P	--	--	--	--	--	--	--	--	--	--	--	--	

Key: P = Sign Permitted -- = Sign Not Permitted

Section 34. Section 7.3.13. of the Part 10 Raleigh Unified Development Ordinance, Special Sign Types, is hereby amended by adding the language shown in underline:

O. Parking Structure Signs

A changeable copy sign intended to display information regarding the parking structure which may include space availability and pricing information management.

1. Either one wall sign or one projecting sign is permitted for each face of the parking structure:
 - a. Wall signs shall follow the regulations set forth in Sec. 7.3.4., however in no instance shall a wall sign exceed 40 square feet in area.
 - b. Projecting signs shall follow the regulations set forth in Sec. 7.3.5., however in no instance shall a projecting sign exceed 40 square feet in area.
2. One ground sign is also permitted for each face of the parking structure and shall follow the regulations set forth in Sec. 7.3.8 (A., B. & D.) or 7.3.9. (A., B. & D.).

3. The chosen sign type must otherwise be permitted in the applicable base zoning district and frontage (if applicable).
4. Parking structure signs are not subject to Sec.7.3.13.C.
5. For any one parking structure, the combined sign area for all parking structure signs shall be limited to 200 square feet.

P. Signs Required by the Code of Ordinances of the City of Raleigh

Any sign required by the Code of Ordinances of the City of Raleigh shall be permitted in accordance with the regulations therein.

Section 35. Section 7.3.16.B. of the Part 10 Raleigh Unified Development Ordinance, Maximum Signage, is hereby amended by adding the language shown in underline and removing the language shown in strikethrough:

4. The maximum allowable signage limitation does not apply to parking information signs, Landmark signs, product and information signs, unit numbering identification signs under 10 inches, temporary signs, ~~and~~ window signs permitted pursuant to Sec. 7.3.7., and any sign required by the Code of Ordinances of the City of Raleigh.

Section 36. Section 8.1.3.D. of the Part 10 Raleigh Unified Development Ordinance, Construction Surety, is hereby amended by removing the language shown in strikethrough:

- D. Where the Development Services 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 30 days of the start of the next October 1 to April 30 planting period.

Section 37. Section 8.3.2.B.3 of the Part 10 Raleigh Unified Development Ordinance, Block Measurement, is hereby amended by adding the language shown in underline and deleting the language shown in strikethrough:

...

3. The maximum block perimeter shall be permitted to extend by 50% where the block includes a pedestrian passage (see Sec. 8.4.8 8.5.8.) or an alley (Sec. 8.4.7 8.5.7.) that connects the two streets on opposing block faces including pedestrian passages and alleys that connect dead-end streets.
4. A block shall be permitted to be broken by a civic building or open lot, provided the lot is at least 50 feet wide and deep and provides a pedestrian passage meeting the requirements of Sec. 8.4.8 8.5.8. that directly connects the two streets on each block face.

Section 38. Section 8.4.1.D.2. of the Part 10 Raleigh Unified Development Ordinance, Streetscape Tree Planting, is hereby amended by adding the language shown in underline:

2. Where overhead electric utilities exist, one understory tree shall be planted every 20 feet on center, on average. Required understory trees may be installed within GSI practices. Up to 20% of required understory trees may be offset by installing vegetated GSI practices, such as stormwater planter boxes. A maintenance plan must be approved for the GSI practice according to Sec. 9.2.2.D.

Section 39. Section 9.5.1.B.5 of the Part 10 Raleigh Unified Development Ordinance, Impervious Surface Coverage, is hereby amended by adding the language shown in underline and deleting the language shown in strikethrough:

...

5. Redevelopment is permitted when the activity does not result in a net increase of impervious surface and provides equal or greater stormwater control than the previous development and substitutions of impervious surfaces is done in accordance with Sec. 10.3.~~5.A.4.E.~~

Section 40. Section 9.5.2.B.5 of the Part 10 Raleigh Unified Development Ordinance, Impervious Surface Coverage, is hereby amended by adding the language shown in underline and deleting the language shown in strikethrough:

5. Substitutions of impervious surfaces done in accordance with Sec. 10.3.~~5.A.4.E.~~

Section 41. Section 9.5.2.D.1.a.ii of the Part 10 Raleigh Unified Development Ordinance, Applicability, is hereby amended by adding the language shown in underline and deleting the language shown in strikethrough:

...

- ii. Substitutions of impervious surface done in accordance with Sec. 10.3. 5.A.4.E. are allowed provided there is no net increase in impervious surface and equal or greater stormwater control is provided.

Section 42. Section 9.5.3.B.5 of the Part 10 Raleigh Unified Development Ordinance, Impervious Surface Coverage, is hereby amended by adding the language shown in underline and deleting the language shown in strikethrough:

...

5. Substitutions of impervious surfaces done in accordance with Sec. 10.3.~~5.A.4.E.~~ are allowed.

Section 43. Section 9.5.3.D.1.a.ii of the Part 10 Raleigh Unified Development Ordinance, Applicability, is hereby amended by adding the language shown in underline and deleting the language shown in strikethrough:

...

- ii. Substitutions of impervious surface done in accordance with Sec. 10.3.5.A.4.E. are allowed provided there is no net increase in impervious surface and equal or greater stormwater control is provided.

Section 44. Section 10.1.3.A.2. of the Part 10 Raleigh Unified Development Ordinance, Composition, is hereby amended by adding the language shown in underline and removing the language shown in strikethrough:

a. The Board of Adjustment shall consist of 5 regular members and 3 alternate members. Four of the regular members and 2 of the alternate members shall reside within the corporate limits of the City. They shall be appointed by the City Council for terms of 23 years.

b. One of the regular members and one of the alternate members shall reside outside the corporate limits of the City but within the limits of the extraterritorial jurisdiction of the City. They shall be appointed by the Chairman and Board of Commissioners of Wake County. If there is an insufficient number of qualified residents of the extraterritorial area to meet membership requirements, the Chairman and Board of Commissioners of Wake County may appoint as many other residents of the county as necessary to make up the requisite number.

Section 45. Section 10.2.4.E.2. of the Part 10 Raleigh Unified Development Ordinance, Planning Commission Action, is hereby amended by adding the language shown in underline and removing the language shown in strikethrough:

...

- c. No changes to the conditions shall be considered and deliberated on by the Planning Commission unless the following limitations are met:
 - i. Unsigned conditions must be submitted to City Planning at least 1018 calendar days before the date of the next meeting at which the Planning Commission discussion of the application is scheduled;
 - ii. The unsigned conditions must be signed by all owners of the property sought to be rezoned and submitted to City Planning at least two-business8 calendar days before the date of the next meeting at which the Planning Commission discussion of the application is scheduled; and
 - iii. The signed conditions cannot modify the unsigned conditions except to respond to staff comments or to make non-substantive or clerical corrections.

...

g. In no case shall changes to the conditions be accepted following an action by the Planning Commission and prior to the Planning Commission's written recommendation being received by the City Council, other than non-substantive, technical revisions to the

text of the conditions, in which case such revised conditions must be signed by all of the property owners of the land proposed to be rezoned to a conditional district and must be submitted to City Planning at least ~~2-business~~8 calendar days before the date the City Council schedules the matter for public hearing.

Section 46. Section 10.2.4.E.3.b. of the Part 10 Raleigh Unified Development Ordinance, Legislative Hearing by City Council, is hereby amended by adding the language shown in underline and removing the language shown in strikethrough:

...

- b. Should the applicant wish to revise the zoning conditions to be less restrictive or to revise the request to a less restrictive zoning district, changes ~~Changes~~ to the conditions may be made following City Council's receipt of the Planning Commission recommendation, but before the City Council acts to schedule the public hearing, subject to the following limitations:
 - i. Unsigned conditions with the changes must be submitted to City Planning at least ~~1018~~ calendar days before City Council acts to schedule the matter for public hearing;
 - ii. The unsigned conditions must be property sought to be rezoned and submitted to City Planning at least ~~two-business~~8 calendar days before the date the City Council acts to schedule the public hearing; and
 - iii. The signed conditions cannot modify the unsigned conditions except to respond to staff comments or to make non-substantive or clerical corrections.

- c. Changes to the conditions may be made following City Council's scheduling the public hearing subject to the following limitations:
 - i. Unsigned conditions with the changes must be submitted to City Planning at least 18 calendar days before the date of the public hearing;
 - ii. The signed conditions must be property sought to be rezoned and submitted to City Planning at least 8 calendar days before the date of the public hearing; and
 - iii. The signed conditions cannot modify the unsigned conditions except to respond to staff comments or to make non-substantive or clerical corrections.

Section 47. Section 10.2.4.E.5. of the Part 10 Raleigh Unified Development Ordinance, City Council Action, is hereby amended by adding the language shown in underline and removing the language shown in strikethrough:

- a. Revisions may be made to proposed conditions in conditional rezoning and TCZ cases during the legislative hearing or within 30 days following the date on which the hearing is closed subject to the following limitations:
 - i. Unsigned conditions with the changes must be submitted to City Planning at least ~~1018~~ calendar days before the date of the next meeting at which the City Council discussion of the application is scheduled;
 - ii. The unsigned conditions must be signed by all owners of the property sought to be rezoned and submitted to City Planning at least ~~two-business~~8 calendar days before the date of the next meeting at which the City Council discussion of the

- application is scheduled; and
- iii. The signed conditions cannot modify the unsigned conditions except to respond to staff comments or to make non-substantive or clerical corrections.

Section 48. Section 10.2.8.B.2.a.i of the Part 10 Raleigh Unified Development Ordinance, Tier Two Site Plans, is hereby amended by adding the language shown in underline:

...

- i. The construction, reconstruction, addition, repair, alteration, demolition, or replacement of any building (excluding any structure exclusively used for one or two-unit living), structure, or parking facility where the increase in square footage is more than 4,000 square feet but less than 10,000 square feet or more than 10%, but less than 25% of the existing square footage, whichever is greater.

Section 49. Section 10.2.9.H. of the Part 10 Raleigh Unified Development Ordinance, Special Use Permit - Expiration, is hereby amended by adding the language shown in underline, deleting the language shown in strikethrough:

H. Expiration

1. A special use permit shall expire after ~~1 year~~ 24 months from the date of approval of the written decision by the Board of Adjustment unless work authorized by the special use permit has substantially commenced ~~a completed building permit application is submitted or a zoning permit is submitted when no building permit is required, including payment of all fees has been filed by the applicant and accepted by the City.~~
2. ~~Any appeal of the issuance of the special use permit to Superior Court shall freeze the running of this 1 year period from commencement of the legal challenge until the end of all appeals. Once the use is constructed, the special use permit runs with the land and does not expire except:~~
 - a. ~~When the Board of Adjustment conditioned the special use permit to a limited defined time period;~~
 - b. ~~When the special use permit is revoked in accordance with Sec. 10.2.1.D.1.; or~~
 - e. ~~When the special use is changed to another use for more than 30 days, other than that for which the special use permit was issued or the special use is discontinued or ceased for a continuous period of 365 days or more without the re-approval of the Board of Adjustment. Without the re-approval of the Board of Adjustment, the special use permit is null and void and continuation of the special use is a violation of this UDO~~

Section 50. Section 10.2.10.F. of the Part 10 Raleigh Unified Development Ordinance, Expiration of Variance, is hereby amended by adding the language shown in underline, deleting the language shown in strikethrough:

F. Expiration of Variance

A variance shall expire after ~~12~~24 months from the date of approval of the written decision by the Board of Adjustment unless: (i) work authorized by the variance has substantially commenced a completed building permit application, including payment of all fees has been filed by the applicant and accepted by the City; or (ii) the use and/or structure to which the variance applies were previously in existence prior to the requested variance. For uncompleted projects which were timely commenced pursuant to this Section, a variance expires if the development work is thereafter intentionally and voluntarily discontinued for a period of not less than 24 consecutive months. This 24-month discontinuance period may be automatically tolled in the event of litigation, in accordance with 160D-108(d). Any appeal of the issuance of the variance to Superior Court shall freeze the running of this 12-month period from commencement of the legal challenge until the end of all appeals. Once the use is constructed or established, the variance runs with the land and does not expire except:

- ~~1. When the Board of Adjustment conditioned the variance to a limited defined time period; or~~
- ~~2. When the variance is revoked in accordance with Sec. 10.2.1.D.1.~~

Section 51. Section 10.2.17.D.3. of the Part 10 Raleigh Unified Development Ordinance, Design Alternate - Approval Process, is hereby amended by adding a new subsection “a.” as shown in underline below and re-lettering the list accordingly:

a. Sec. 1.5.3.E. (Amenity Area)

Section 52. Section 10.4.2.E.3. of the Part 10 Raleigh Unified Development Ordinance, Civil Penalties for Continuing Violations, is hereby amended by adding the language shown in underline and deleting the language shown in strikethrough:

3. Written notices shall be delivered ~~may be served~~ by personal delivery, service or by registered or certified mail ~~electronic delivery, or first-class mail.~~ Written notices may also be posted on the property. ~~return receipt requested. When service is made by registered or certified mail, a copy of the notice may also be sent by first class mail.~~ Service by first class mail shall be deemed sufficient if:
 - a. ~~The registered or certified mail is unclaimed or refused, but the first class mail is not returned by the post office within 10 days after the mailing; and~~
 - b. ~~The City has reasonable grounds to believe that the address used for the first class mailing is an address that will actually reach the person to be served.~~

...

Section 53. Section 10.4.3.A. the Part 10 Raleigh Unified Development Ordinance, Administrative Fee, is hereby amended by removing the language shown in strikethrough:

A. Showings for Granting Special Use Permit for Nonconformities

- ~~1. Before a request for the special use permit is granted, the Board of Adjustment must show that all of the following are met:~~
 - a. ~~The applicable standards of this section have been met;~~
 - b. ~~All of the showings of Sec. 10.2.9.E. have been met; and~~

- ~~c. The requested repair, reconstruction, expansion, change of use to a different nonconforming use or relocation will not be injurious to property or improvements in the affected area.~~
- ~~2. In acting upon a petition for a special use permit, the Board cannot order the discontinuance or termination of the nonconformity.~~
- ~~3. If a special use petition is denied, the continuation of the nonconformity and the activities allowed in Sec. 10.3.2. and Sec. 10.3.3. without a special use permit is still allowed unless otherwise prohibited by law. This policy is adopted to encourage the owners of nonconformities to apply for special use permits to improve and bring into conformance to the extent possible their property.~~

Section 54. Article 12.2. of the Part 10 Raleigh Unified Development Ordinance, Defined Terms, is hereby amended by adding the language shown in underline and removing the language shown in strikethrough and reordering the definitions in “M” so that they fall in alphabetical order:

Building Footprint

The enclosed horizontal area of a building within and including the perimeter of all exterior walls. This shall not include unenclosed building features such as porches, decks, and stoops.

...

Maintained Footcandles

Illuminance of lighting fixtures adjusted for a maintenance factor accounting for dirt build-up and lamp output depreciation. The maintenance factor used in the design process to account for this depreciation cannot be lower than 0.72 for high-pressure sodium and 0.64 for metal halide and mercury vapor.

Major Access Corridor

A street or highway designed to move large volumes of through traffic from one area to another and usually built and maintained with Federal assistance. These corridors usually have separated grades and minimal traffic signals. The following are major access corridors: I-40, I-440, U.S. 264/I-87, U.S. 1, U.S. 70, U.S. 64 and U.S. 401, Wade Avenue between I-440 and I-40 and I-540.

Manufactured Home

A structure, as defined in N.C. Gen. Stat. § 143-145(7), transportable in one or more sections that is built on a permanent chassis and designed to be used as a dwelling, with or without permanent foundation.

Manufactured Home Park

A lot which contains or is intended to contain manufactured home spaces for lease or unit ownership (condominium) pursuant to N.C. Gen. Stat. Chapter 47C.

Manufactured Home Space

A plot of land within a manufactured home park designed for the accommodation of a single manufactured home.

Manufactured Home Stands or Pads

That portion of the manufactured home space designed for occupancy by a manufactured home.

~~Major Access Corridor~~

~~A street or highway designed to move large volumes of through traffic from 1 area to another and usually built and maintained with Federal assistance. These corridors usually have separated grades and a minimum of traffic signals. The following are major access corridors: I 40, I 440, 64 By-pass, U.S. 1, U.S. 70, U.S. 64 and U.S. 401, Wade Avenue between I 440 and I 40 and Northern Wake Expressway.~~

~~Maintained Footcandles~~

~~Illuminance of lighting fixtures adjusted for a maintenance factor accounting for dirt build-up and lamp output depreciation. The maintenance factor used in the design process to account for this depreciation cannot be lower than 0.72 for high-pressure sodium and 0.64 for metal halide and mercury vapor.~~

...

Special District

The following general use and conditional zoning districts: Conservation Management (CM), Agricultural Productive (AP), Heavy Industrial (IH), Manufactured Housing (MH), Planned Development (PD), Home Park (R-MP) and Campus (CMP).

Thoroughfare

~~A street delineated as a major thoroughfare or a minor thoroughfare on the Comprehensive Plan or a major access corridor. Major thoroughfares include: (1) principal arterials, which are either gateways, freeways or expressways; (2) secondary arterials; (3) other major thoroughfares; or (4) any Major Street identified in Article 8.4.~~

A street identified on the Street Plan in the City's Comprehensive Plan as either a Major Street or Limited Access Highway.

Section 55. 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 56. This text change has been reviewed by the Raleigh Planning Commission.

Section 57. This ordinance has been adopted following a duly advertised legislative hearing of the Raleigh City Council.

Section 58. This ordinance has been provided to the North Carolina Capital Planning

Commission as required by law.

Section 59. This ordinance shall be enforced as provided in N.C.G.S. 160A-175 or as provided in the Raleigh City Code.

Section 60. This ordinance is effective 60 days after adoption.

ADOPTED: November 19, 2024

EFFECTIVE: January 18, 2025

DISTRIBUTION: Planning & Development – Young, Bowers, Crane, Ray, Rametta,
McDonald
City Attorney – McDonald, Hill, York, Hargrove-Bailey
Department Heads
Transcription Services – Taylor, Puccini