

ORDINANCE NO. (2022) 440 TC 475

REVISED

TC-3-22 OMNIBUS LIST 2022

**AN 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 1.4.2. of the Part 10 Raleigh Unified Development Ordinance, Building types Allowed by District – Key, is replaced in its entirety with the following table (see attached):

Section 2. Section 1.5.3.B.2. of the Part 10 Raleigh Unified Development Ordinance, Outdoor Amenity Area General Requirements, is hereby amended by adding the language shown in underline and deleting the language shown in strikethrough:

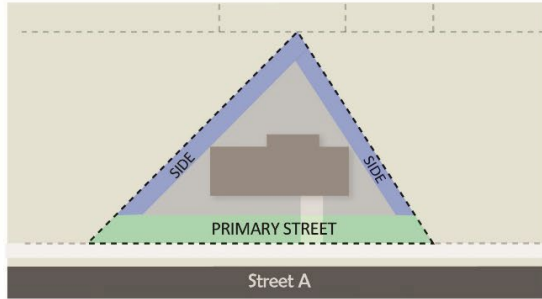
“...All areas usable to pedestrians must also be ADA accessible ~~Outdoor amenity areas required for existing buildings that do not have elevators or do not otherwise require them, may be located on upper levels~~ , however, this requirement shall not apply to outdoor amenity areas on the upper stories of existing buildings, allowed by Sec. 1.5.3.C.1., that do not have ADA compliant elevators or an accessible route to said amenity areas as allowed by Sec. 1.5.3.C.1.

Section 3. Section 1.5.3.C.1. of the Part 10 Raleigh Unified Development Ordinance, Additional Requirements for Urban Plazas, is hereby amended by adding the language shown in underline and deleting the language shown in strikethrough:

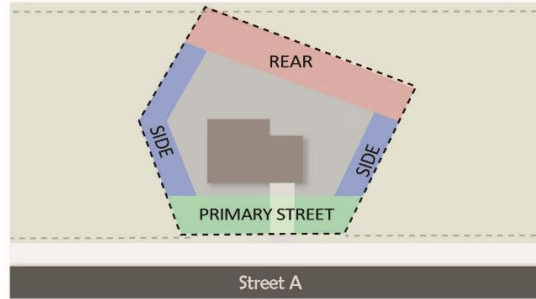
1. Outdoor amenity areas may be located on upper levels of a building ~~and must be accessible by elevator if the building includes one.~~ H, however, these elevated amenity areas can account for no more than 50% of the minimum required outdoor amenity area for the site.

Section 4. Section 1.5.4.B.4. of the Part 10 Raleigh Unified Development Ordinance, Measurement of Setbacks, is hereby amended by adding the following language and graphics:

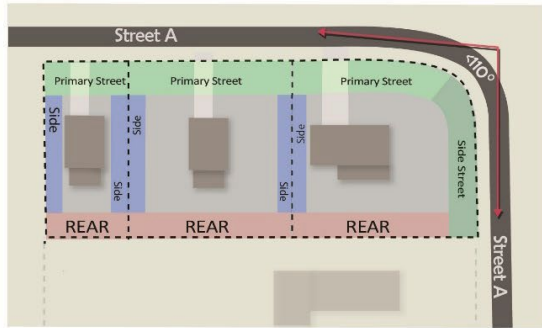
4. For the irregular shaped lots described below, setbacks shall be assessed as follows:



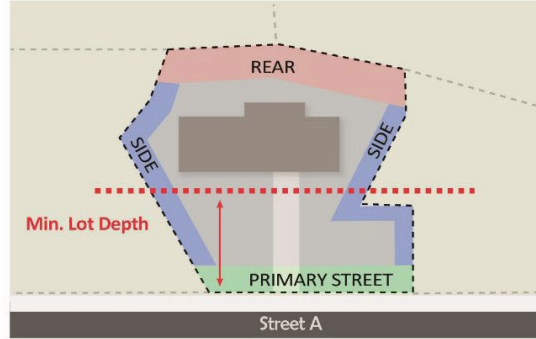
a. In instances where a lot has no definable rear property line (e.g. triangular shaped lot), there is no rear setback.



b. On irregularly shaped lots, the rear lot line is opposite or approximately opposite to the front lot line. The side lot lines are perpendicular or approximately perpendicular to the front lot line.



c. In instances where a lot has a curved frontage so that any two adjacent 100-foot chords thereof form an angle of 110 degrees or less, as measured along the centerline of the street, the lot shall be determined to be a corner lot.



d. On irregularly shaped lots, lot lines parallel or opposite the primary street will be considered to be side lot lines when the lot line is closer to the primary street than the minimum depth.

Section 5. Section 1.5.4.D.1.j of the Part 10 Raleigh Unified Development Ordinance, Setback Encroachments, is hereby amended by adding the language shown in underline and deleting the language shown in strikethrough:

j. If a variance is not required, a building feature may encroach into the right-of-way, provided a license for the use of the right-of-way is obtained from the City, authority having jurisdiction. ~~which is terminable at will by the City. A City license is terminable at will by the City.~~

Section 6. Section 1.5.6.C.3. of the Part 10 Raleigh Unified Development Ordinance, Setback Encroachments, is hereby amended by adding the language shown in underline and deleting the language shown in strikethrough:

...

~~When any of the items listed below are generally parallel to the right of way and reduce the build-to range to less than 10', the range shall be measured from the edge of the impediment for that portion of the property, rather than the right of way line. Any area located entirely between the impediment and the right-of-way shall also be discounted. If the resulting build-to range is 10' or greater, then build-to shall still be measured from the right of way line. For example, a lot subject to a 0'/20' build-to range with a 15' parallel easement shall measure build-to from the back edge of the easement for that portion of the property.~~

When any of the items listed below are generally parallel to the right-of-way, located within the build-to range, and reduce the build-to range to less than 5', then the build-to range shall be reduced by 50% and measured from the edge of the impediment. For example, a lot with a 17' parallel easement and initial build-to range of 0'/20' shall be considered to have a new build-to range of 17'/27'.

[list of impediments]

Section 7. Section 2.2.7.C.4. of the Part 10 Raleigh Unified Development Ordinance, Street Setback (Minimum and Maximum), is hereby amended by deleting the language shown in strikethrough and adding the language shown in underline:

~~4. Riparian Buffers, Floodways, areas of steep slope (defined as slopes in excess of 25%), pre-established Tree Conservation Areas, City of Raleigh easements, drainage easements, slope easements, voluntary tree conservation in compliance with Art. 9.1 for trees with a DBH of 10 inches or greater and protective yards (and associated setbacks) are considered impediments to compliance with the primary street setback range. Where an applicant can demonstrate that an impediment located within the primary street setback prevents compliance with the primary street setback, the comparative setback sample shall be considered the edge of the impediment. The setback range may be adjusted pursuant to Section 1.5.6.C.3.~~

Section 8. Section 3.4.4.C.1. of the Part 10 Raleigh Unified Development Ordinance, Additional Building Setbacks, is hereby amended by adding the language shown in underline and deleting the language shown in strikethrough:

~~C1 Average front setback applies (see Sec. 2.2.7.C.)~~ Street Setback (Minimum and Maximum) applies (see Sec. 2.2.7.)

Section 9. Sections 3.4.2.C. of the Part 10 Raleigh Unified Development Ordinance, Pre-existing Conditions, is hereby amended by adding the language shown in underline:

...

2. Lots and sites subject to build-to requirements that contain pre-existing buildings and maintain pre-existing buildings and which add additions to existing buildings that singularly or collectively comprise no more than 25% of the gross floor area existing at the time the build-to requirements became applicable to the property, or 1,000 square feet, whichever is greater, are allowed to expand the building anywhere within their minimum setbacks, without deference to the build-to requirements. All other frontage requirements, if any, shall apply.

3. Lots and sites subject to build-to requirements that contain pre-existing buildings and maintain pre-existing buildings and which either add additions to existing buildings in excess of those allowed by item number 2. above or construct any new additional buildings on the lot shall conform to the following build to requirements. All other frontage requirements, if any, shall apply.

...

Section 10. Section 3.4.3.G. of the Part 10 Raleigh Unified Development Ordinance, Parkway – Streetscape Requirement, is hereby amended by adding the language shown in underline and removing language shown in strikethrough:

Sidewalk & tree lawn see Sec. ~~8.5.2.G.~~ 8.5.9.G.

Section 11. Section 3.4.4.D.1. of the Part 10 Raleigh Unified Development Ordinance, Detached – Additional Parking Limitations, is hereby amended by adding the language shown in underline:

1. No on-site parking or vehicular surface area permitted between the building and the street, with the exception of driveways serving single or two-unit living.

Section 12. Section 3.4.4.H. of the Part 10 Raleigh Unified Development Ordinance, Detached – Streetscape Requirement, is hereby amended by adding the following language shown in underline and removing language shown in strikethrough, as follows:

Residential see Sec. ~~8.5.2.D.~~ 8.5.9.D

Section 13. Section 3.4.5.G. of the Part 10 Raleigh Unified Development Ordinance, Parking Limited – Streetscape Requirement, is hereby amended by adding the language shown in underline and removing language shown in strikethrough:

Main Street; or see Sec. ~~8.5.2.A.~~ 8.5.9.A.

Mixed Use; or see Sec. ~~8.5.2.B.~~ 8.5.9.B.

Commercial; or see Sec. ~~8.5.2.C.~~ 8.5.9.C.

Multi-way; or see Sec. ~~8.5.2.E.~~ 8.5.9.E.

Parking. see Sec. ~~8.5.2.F.~~ 8.5.9.F.

Section 14. Section 3.4.6. of the Part 10 Raleigh Unified Development Ordinance, Green is hereby amended by adding the language shown in underline and removing language shown in strikethrough:

A. Intended for areas where it is desirable to locate buildings close to the street, but where parking between the building and street is not permitted. Requires a landscaped area between the building and the street right-of-way. Amenity area may be located between the landscaped area and the building.

...

F. ~~Landscape Yard Encroachments~~ Landscape Area

~~F1. Driveways (see Sec. 8.3.5.)~~ The landscape area must be landscaped in accordance with Type C3 street protective yard standards (see Sec. 7.2.4.B.).
~~However, in no instance shall a 3.5' wall be substituted for shrubs.~~

~~F2 Ground Signs (see Article 7.3. Signs)~~

~~F3 Pedestrian access way~~

G. ~~Streetscape Requirement~~ Landscape Yard Encroachments

~~G1. Commercial (see Sec. 8.5.2.C.)~~ Driveways (see Sec. 8.3.5.)

~~G2. Ground Signs (see Article 7.3. Signs)~~

~~G3. Pedestrian access way~~

H. Streetscape Requirement

H1. Commercial (see Sec. 8.5.9.C.)

Section 15. Section 3.4.7.F. of the Part 10 Raleigh Unified Development Ordinance, Urban Limited – Streetscape Requirement, is hereby amended by adding the following language shown in underline and removing language shown in strikethrough:

Main Street; or see Sec. ~~8.5.2.A.~~ 8.5.9.A.

Mixed Use see Sec. ~~8.5.2.B.~~ 8.5.9.B.

Section 16. Section 3.4.8.F. of the Part 10 Raleigh Unified Development Ordinance, Urban General – Streetscape Requirement, is hereby amended by adding the language shown in underline and removing language shown in strikethrough:

Main Street; or see Sec. ~~8.5.2.A.~~ 8.5.9.A.

Mixed Use see Sec. ~~8.5.2.B.~~ 8.5.9.B.

Section 17. Section 3.4.9.F. of the Part 10 Raleigh Unified Development Ordinance, Shopfront – Streetscape Requirement, is hereby amended by adding the language shown in underline and removing language shown in strikethrough:

Main Street see Sec. ~~8.5.2.A.~~ 8.5.9.B.

Section 18. Section 3.5.1.A. of the Part 10 Raleigh Unified Development Ordinance, Applicability, is hereby amended by adding the language shown in underline and removing the language shown in strikethrough:

- A. The following neighborhood transition standards apply in the Mixed Use and Campus Districts when the following occurs:
1. The site immediately abuts a district boundary of an R-1, R-2, R-4, ~~or R-6, or R-10~~ district; where the abutting property is vacant or contains an existing detached house, tiny house, or attached house ~~except where the abutting property contains a civic use;~~ or
 2. ~~The site immediately abuts a district boundary of an R-10 district where the abutting property is vacant or contains an existing detached house, tiny house or attached house used for residential purposes.~~
 2. The site immediately abuts a district boundary of a Planned Development (PD-) district where the abutting property is vacant or contains a detached house, tiny house, or attached house and any of the following apply:
 - i. Has a residential reference district; or
 - ii. Does not permit general and mixed-use buildings; or
 - iii. Does not permit commercial and industrial uses.

Section 19. Section 3.5.5.C. of the Part 10 Raleigh Unified Development Ordinance, Wall Articulation, is hereby amended by adding the language shown in underline and deleting the language shown in strikethrough:

The rear facade of the building that faces the residential property as described in Sec. 3.5.1.A. is subject to a maximum blank wall area of 30 feet as calculated in Sec. 1.5.10. The blank wall area provisions are not subject to an ~~Administrative~~Design Alternate.

Section 20. Section 3.5.6. C.5.c. of the Part 10 Raleigh Unified Development Ordinance, Design Requirements, is hereby amended by adding the language shown in underline and deleting the language shown in strikethrough:

The alley-facing facade is subject to a maximum blank wall area of 30 feet as calculated in Sec. 1.5.10. The blank wall area provisions are not subject to an ~~Administrative~~Design Alternate.

Section 21. Section 4.2.1.C., of the Part 10 Raleigh Unified Development Ordinance, Conservation Management – General Provisions, is hereby amended by adding the language shown in underline and deleting the language shown in strikethrough:

C. All CM-zoned primary tree conservation areas shall have tree cover by either preserving existing trees with a basal area of at least 30 square feet per acre as determined by increments of 50 feet in length, or if such trees are not present, shall be planted with shade trees in accordance with Sec. ~~9-1-10-9.1.9.A.6.~~

Section 22. Section 4.7.4.A. of the Part 10 Raleigh Unified Development Ordinance, Planned Development (PD)- Application Requirements, is hereby amended by adding the following underlined language to the end of the section:

18. Residential Buffer Plan.

Section 23. Section 5.4.3.E.5. of the Part 10 Raleigh Unified Development Ordinance, Development Standards-Setbacks, is hereby amended by adding the language shown in underline:

5. Setbacks; Where the NCOD prescribes a particular setback range, said range may be adjusted pursuant to Section 1.5.6.C.3. Where the NCOD requires a comparative setback sample and differences in right-of-way widths exist between the subject property and comparative sample properties, the comparative setbacks shall be measured and applied from the centerline of the primary street rather than the property line along the primary street.

Section 24. Section 6.1.4, Allowed Principal Use Table, ‘Community Garden’ row, is amended by replacing ‘S’ for ‘L’ within the R-2, R-4, and R-6 columns. Add row ‘Community Garden (on-site sales) and place ‘L’ within the R-1, R-10, RX-, OP-, OX-, NX-, CX-, DX- and IX-

columns, 'S' within the R-2, R-4, R-6 columns. 'Urban Farm' row is amended by replacing '—' for 'S' within the R-1, R-2, R-4, R-6, and R-10 columns.

Section 25. Section 6.4.2.B.1, of the Part 10 Raleigh Unified Development Ordinance, Adult Establishment - defined, is hereby amended by adding the language shown in underline and removing language shown in strikethrough:

B. Adult Establishment

1. Defined

Adult cabarets, adult media centers, sadomasochism centers, and any place contained in N.C. Gen. Stat. ~~§14-202-10(b)~~ §14-202.10(2), excluding masseurs.

Section 26. Section 6.4.6.E.2.a. of the Part 10 Raleigh Unified Development Ordinance, Short Term Rental – Use Standards, is hereby amended by adding the language shown in underline and deleting the language shown in strikethrough:

a. Every short-term rental operator shall first apply for and procure a miscellaneous zoning permit from the City. ~~Zoning permits must be renewed annually.~~

Section 27. Section 6.3.3.C.2.d.ii.b., of the Part 10 Raleigh Unified Development Ordinance, Telecommunication Tower (less than 250 feet), is hereby amended by adding the language shown in underline and removing language shown in strikethrough:

...

b) The Board of Adjustment may grant a further reduction to the setbacks for the removal of an existing tower and replacement with a new tower with more telecommunications users, ~~in accordance with Sec. 6.3.3.D.~~ If shown that the lesser setback will reduce the number of towers in the area. In all cases, the Board of Adjustment shall also show that the lesser setback will not be injurious to property or improvements in the affected area. In no case shall the setback be reduced to less than 50% of the tower height.

...

Section 28. Section 6.6.1.B. of the Part 10 Raleigh Unified Development Ordinance, Use Standards – Community Garden, is hereby amended by adding the language shown in the underline and removing the language shown in strikethrough:

...

2. Use Standards

a. A community garden shall be primarily used for growing and harvesting food crops and ornamental crops, for consumption or donation or for sale on or off-site.

b. On-site sales shall be permitted in R-1, R-10, Mixed Use and Special Districts subject to the following conditions:

- i. ~~Sales shall be limited to agricultural produce. In addition, 25% of the on-site sales area may be devoted to the sales of homemade food goods such as baked goods, jams and relishes.~~ Sales shall be limited to agricultural produce not exceeding a maximum of 2,000 square feet per lot (not including areas devoted to driveways and off-street parking). In addition to the sales of agricultural produce, 25% of the produce stand area may be devoted to the sales of home made food goods such as baked goods, jams and relishes.
- ii. ~~The total sales area shall be limited to no more than 600 square feet for lots less than 10,000 square feet in size, 900 square feet for lots 10,000 square feet to 40,000 square feet in size and 1,200 square feet for lots greater than 40,000 square feet in lot size. Tents, stands, signs or other related structures shall provide a minimum 10-foot setback from all property lines and public rights-of-way and shall not be located within sight distance triangles~~
- iii. ~~Tents, stands, signs, and other structures associated with the on-site use shall maintain a minimum setback of 10 feet from all property lines. Areas devoted to off-street vehicular parking shall be oriented to provide for safe pedestrian and vehicular circulation and arranged so that vehicular ingress and egress to the parking areas is by forward motion of the vehicle.~~
- iv. ~~Notwithstanding the prohibitions, limitations and restrictions of Art. 7.3 Signs, signage for the on-site sales shall be limited to one additional A-frame sign of no more than 6 square feet in area and no higher than 5 feet and may be displayed during business hours but must be removed daily when the business is closed. Signage shall not be illuminated. Signage shall be limited to 1 unlit announcement sign not to exceed 12 square feet in area and be no higher than 3½ feet above the ground elevation.~~
- v. ~~All activities shall be discontinued by 8:00 PM when located in a Residential District.~~
- vi. ~~Waste collection facilities shall be provided on the property and may be portable in nature. Such facilities shall be constructed and maintained to minimize visual impact and not create odor, fumes, loose debris and animal, rodent or insect infestation. Screening shall consist of landscaping or a wall or fence compatible with the principal building, if applicable, in terms of texture, quality, material and color.~~

- vii. A zoning permit showing consistency with these conditions shall be required prior to establishments of the on-site sales use and any changes thereto.
 - viii. No required landscape planting areas shall be utilized in association with the on-site sales activity and no unauthorized encroachments on public rights-of-way shall be permitted.
 - ix. In no instance shall on-site sales be established on a site containing a Produce Stand as defined in Section 6.8.2.D.
- c. ~~On-site sales may be permitted in the mixed use and special districts provided the standards of Section 6.8.2.D. for Produce Stands in non residential districts are met. A zoning permit showing consistency with these conditions shall be required prior to establishment of the on-site sales use and any changes thereto.~~ On-site sales in R-2, R-4 and R-6 shall require the issuance of a Special Use Permit in accordance with Section 10.2.9. In addition to the showings required by Sec. 10.2.9.E.1. through 8., all of the standards set forth in Section 6.6.1.B.2.b. must be met.

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Section 29. Section 6.7.3.G.5. of the Part 10 Raleigh Unified Development Ordinance, Recreational Use Related to a Residential Development, is hereby amended by deleting that section shown in strikethrough below and renumbering the following sections therein accordingly:

- 5. ~~Any pool with any linear dimension greater 65 feet or with any area in excess of 4,000 square feet must be approved as special use permit in accordance with Sec. 10.2.9.~~

Section 30. Section 7.2.4.B.1.b. of the Part 10 Raleigh Unified Development Ordinance, Street Protective Yard, is hereby amended by adding the language shown in underline and deleting the language shown in strikethrough:

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- b. ~~Where an IH District is across the street from any other district other than an IH District,~~ For any property zoned IH, a Type C1 or C2 street protective yard must be installed along all property lines abutting a public right-of-way.

Section 31. Section 7.2.8.B. of the Part 10 Raleigh Unified Development Ordinance, Wall and Fence General Standards, is hereby amended by adding the language shown in underline and deleting the language shown in strikethrough:

- 1. Fences and walls must be constructed of high quality materials including 1 or a combination of the following: decorative blocks; brick; stone; cast-stone; architectural block; split-faced

block; stucco over standard concrete masonry blocks; glass block; wood; wrought iron; composite fencing; wire; PVC vinyl; aluminum; or metal. ~~or other material approved by the Development Services Director.~~

Section 32. Section 8.1.3.A. of the Part 10 Raleigh Unified Development Ordinance, Construction Surety, is hereby amended by adding the language shown in underline:

Sec. 8.1.3. Construction Surety

- A. If all development-related improvements and installations are not completed and accepted by the City prior to a request to record all or a part of any subdivision or issuance of a building permit for any site plan, whichever first occurs, a security instrument shall be posted, in lieu of completion of the work, in an amount of 125% of the estimated construction cost of the development related improvements which remain incomplete and with surety and conditions satisfactory to the City, providing for and securing to the City the actual construction and installation of improvements. Projects undertaken by the City of Raleigh are exempted from this requirement to provide construction sureties.

Section 33. Section 8.3.5. of the Part 10 Raleigh Unified Development Ordinance, Site Access, is hereby amended by adding the language shown in underline:

2. Driveways for Residential Uses

Residential driveway spacing standards are only applicable to driveways serving a maximum of two dwelling units. All other development types are subject to Nonresidential standards. Unless modified by a zoning condition contained in an adopted conditional zoning ordinance or a design alternate authorized in this UDO, the regulations in subsection C.2 shall apply.

...

Section 34. Section 8.3.5.C.3. of the Part 10 Raleigh Unified Development Ordinance, Driveways for Mixed Use and Nonresidential Uses, is hereby amended by adding the language shown in underline and deleting the language shown in strikethrough:

3. Driveways for Mixed Use and Nonresidential Uses

...

g. Service and loading driveways integrated into a building or parking structure are exempt from the driveway spacing requirements. Parking structure driveways for passenger vehicle ingress/egress are subject to spacing requirements consistent with Raleigh Street Design Manual -Chapter 3, shown on each street cross-section.

Section 35. Section 8.11.1.B.1. of the Part 10 Raleigh Unified Development Ordinance, Transit Infrastructure - Applicability, is hereby amended by adding the language shown in underline:

1. Where a Tier 2 or Tier 3 plan is proposed on lots with frontage on an existing near term planned or long-term planned transit route the requirements of this Article shall apply.

Section 36. Section 8.11.2.B. of the Part 10 Raleigh Unified Development Ordinance, Transit Infrastructure – Requirement Thresholds, is hereby amended by adding the language shown in underline:

- B. A new transit stop shall not be required if an existing transit stop is within a walking distance of 1,320 feet and located on the same side of the street with the same facilities that a new transit stop would be required to provide. This exemption shall not be allowed for Tier 2 or Tier 3 site plans that serve a hospital, senior housing, life care community or congregate care facility.

Section 37. Section 9.1.4.B.2. of the Part 10 Raleigh Unified Development Ordinance, Secondary Tree Conservation Areas, is hereby amended by deleting the language shown in strikethrough:

2. Secondary tree conservation areas described in Sec. 9.1.4.B.1.a. and Sec. 9.1.4.B.1.b. above and their alternates must be at least 32 feet in all directions and be a minimum of 4,000 square feet in area, ~~excluding external boundaries.~~

Section 38. Section 9.1.6.B.2.b. of the Part 10 Raleigh Unified Development Ordinance, Permitting Tree Disturbing Activities, is hereby amended by adding the language shown in underline and deleting the language shown in strikethrough:

- b. For each 200 square feet of tree disturbed land area, a 2-inch caliper shade tree is either planted between the principal building and the roadway or is planted in approved alternate areas of the site.

Section 39. Section 9.1.6.B.2.d. of the Part 10 Raleigh Unified Development Ordinance, Permitting Tree Disturbing Activities, is hereby amended by adding the language shown in underline and deleting the language shown in strikethrough:

- d. All substituted natural areas and newly planted areas must be designated as tree conservation areas on plats with metes and bounds descriptions recorded with the ~~Wake~~local County Register of Deeds.

Section 40. Section 9.1.9.A.6. of the Part 10 Raleigh Unified Development Ordinance, Watershed Protection Overlay Districts, is hereby amended by adding the language shown in underline:

6. The minimum size and planting rate of new tree plantings used to fulfill this requirement shall be either 1 bare-root seedling at least 14 inches tall planted per 100 square feet (10 feet by 10 feet centers) or one 2-inch caliper shade tree planted per 200 square feet.

Section 41. Section 10.2.4.E. of the Part 10 Raleigh Unified Development Ordinance, Rezoning, Approval Process is hereby amended by adding the language shown in underline and deleting the language shown in strikethrough:

1. Planning Director Action

...

2. Planning Commission Action

- a. The Planning Commission, or one of its committees shall hold a legislative hearing on the application. The legislative hearing shall be noticed in accordance with the provisions of Sec. 10.2.1.C.

...

- c. No changes to the conditions shall be considered and deliberated on by the Planning Commission unless ~~a signed copy of the conditions has been submitted at least 10 calendar days prior to the date of Planning Commission meeting at which the final vote is taken~~ the following limitations are met:

- i. Unsigned conditions must be submitted to City Planning at least 10 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 business 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.

...

3. Legislative Hearing by City Council

- a. Following the recommendation of the Planning Commission or expiration of the applicable Planning Commission review period without a recommendation, the City Council shall conduct a legislative hearing. City Council shall act to schedule the hearing within 60 days of receiving the request from the Planning Commission, and notice shall be given in accordance with Sec. 10.1.8.
- b. Changes to the conditions may be made following City Council's receipt of the Planning Commission recommendation ~~and~~ subject to the following limitations:

- i. Unsigned conditions with the changes must be submitted to City Planning at least 10 calendar days before City Council acts to schedule the matter for public hearing;
- ii. The unsigned conditions must be, provided such revised conditions are signed by all of the property owners of the land proposed property sought to be rezoned, to a conditional district and are and submitted to City Planning at least 2 two business days before the date the City Council acts to schedule the matter for 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.

...

5. City Council Action

- 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, provided that any change to any zoning condition is submitted to City Planning at least 10 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 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 42. Section 10.2.5.E.7.c. of the Part 10 Raleigh Unified Development Ordinance, Sunsetting of a Preliminary Subdivision Plan, is hereby amended by deleting the language shown in strikethrough and adding the language shown in underline:

c. If all the requirements of Sec. ~~10.2.5.E.8.b.~~ 10.2.5.E.7.b. above are met, the ~~Development Services Planning~~ Director shall permit only one 3-year extension calculated from the date the request for extension is approved by the Development Services Director.

Section 43. Section 10.2.8.A.4. of the Part 10 Raleigh Unified Development Ordinance, Site Plan Review - Applicability is hereby amended by adding the language shown in underline and deleting the language shown in strikethrough:

Establishment of a new use on a vacant property is a ~~Tier three site plan~~ Tier Three Site Plan except for 10.2.8.B.1.a.~~iii~~, iv, v, vi, viii, ~~xii and xiii~~, and xv, and 10.2.8.B.2.a.~~iii~~ and v.

Section 44. Section 10.2.8.B.1.a. of the Part 10 Raleigh Unified Development Ordinance, Tier One Site Plans, is hereby amended by adding the language shown in underline and deleting the language shown in strikethrough:

xv. The establishment of a community garden.

Section 45. Section 10.2.8.B.3.c. of the Part 10 Raleigh Unified Development Ordinance, Tier **Three** Site Plans, is hereby amended by adding the language shown in underline and deleting the language shown in strikethrough:

Establishment of a new use on a vacant property is a ~~Tier three site plan~~ Tier Three Site Plan except for 10.2.8.B.1.a.iv, v, vi, viii, ~~ix~~, ~~xiii~~, ~~and xiv~~, and xv, and 10.2.8.B.2.a.iii and v.

Section 46. Section **10.2.8.D.1.a.** of the Part 10 Raleigh Unified Development Ordinance, Site Review, is hereby amended by adding the language shown in underline and deleting the language shown in strikethrough:

- i. Site Review Application; ~~and~~
- ii. Site Review Checklist; and
- iii. ~~Administrative~~ Design alternate requests (see Sec. 10.2.17.); ~~and~~
- iv. ~~Administrative design adjustments (see Sec. 10.2.18.~~

Section 47. Section 10.2.17. Design Alternate, is hereby amended by adding the language shown in underline:

D. Approval Process

...

~~2. Within 45 days of receipt of the completed application the applicable Department Director or their designee shall refer the request to the next scheduled Appearance Commission meeting.~~

~~3.2.~~ Following the submission of a completed application, the Planning Commission or Appearance Commission, performing the quasi-judicial duties of the Planning Commission (as designated by the City Council), shall hold a quasi-judicial evidentiary hearing on the ~~proposed amendment~~ design alternate request that shall be noticed in accordance with the provisions of Sec. 10.2.1.C.

4. ~~3.~~ The Planning Commission or Appearance Commission, performing the quasi-judicial duties of the Planning Commission (as designated by the City Council) may approve, approve with conditions, or deny a design alternate request. Each design alternate decision shall be based on the competent, material, and substantial evidence in the record establishing compliance with the standard applicable to the design alternate request. The standards required for the approval of design alternates from the UDO shall review the request, giving consideration to the intent statements and findings listed for each alternate requested as the same are set forth in the following sections:

...

E. Showings for the Raleigh Street Design Manual

The Planning Commission or Appearance Commission performing the quasi judicial duties of the Planning Commission (as designated by the City Council) shall conduct a duly noticed, quasi-judicial ~~public~~ evidentiary hearing and approve a design alternate from the provisions of the Raleigh Street Design Manual upon a showing of all of the findings set forth below:

...

Section 48. Section 10.4.2.E.2. of the Part 10 Raleigh Unified Development Ordinance, Enforcement - Civil Penalties for Continuing Violations, is hereby amended by adding the language shown in underline and deleting the language shown in strikethrough:

2. If after the allotted time period for corrective measures has expired and ~~after the hearing of any appeal, if any, by the Board of Adjustment~~ corrective action has not been completed, a civil penalty shall be assessed in the amount of \$500 per day of continuing violation. Each day's continuing violation shall be a separate and distinct violation or offense.

Section 49. Chapter 12, Definitions, is hereby amended by adding the language shown in underline:

Corner Lot

A lot that has frontage along two or more intersecting streets. Where a street curves so that any two adjacent 100-foot chords thereof form an angle of 110 degrees or less, measured along the centerline of the street, such curve shall be construed as an intersecting street.

Loading Areas

An off-street area, space, dock, door, or berth used for the loading or unloading of cargo, products or materials to or from vehicles. This does not include loading areas used by the general public in association with retail sales or a similar use.

Service Areas

An area used for trash collection, trash compaction, recycling collection or other similar functions.

Section 50. All laws and clauses of laws in conflict herewith are repealed to the extent of such conflict.

Section 51. 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 52. This text change has been reviewed by the Raleigh Planning Commission.

Section 53. This ordinance has been adopted following a duly advertised legislative hearing of the Raleigh City Council.

Section 54. This ordinance has been provided to the North Carolina Capital Planning Commission as required by law.

Section 55. This ordinance shall be enforced as provided in N.C.G.S. 160A-175 or as provided in the Raleigh City Code.

Section 56. This ordinance is effective 30 days after adoption.

ADOPTED: November 15, 2022

EFFECTIVE: December 15, 2022

DISTRIBUTION: Planning & Development – Young, Bowers, Crane, Waddell, Ray, Rametta,
Lobo, Stegall, McDonald, Sheppard
City Attorney – Tatum, Hofmann, York, Hargrove-Bailey
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