

ORDINANCE NO. (2024) 639 TC 479

TC-3-23

Clean Transportation Ordinance

**AN ORDINANCE TO AMEND THE PART 10
RALEIGH UNIFIED DEVELOPMENT ORDINANCE REGARDING
ELECTRIC VEHICLE PARKING, DRIVE THRUS, AND PEDESTRIAN
CONNECTIVITY**

WHEREAS, Raleigh’s Community Climate Action Plan (CCAP) is a path toward reducing greenhouse gas emissions while also addressing health, equity, and resilience; and

WHEREAS, the CCAP includes actions that involve supporting the transition to electric vehicles, reducing vehicle miles traveled, and making it safer and easier to make trips without a vehicle; and

WHEREAS, electric vehicle ownership and usage depends heavily on the availability of charging, particularly where people live; and

WHEREAS, drive-thrus can provide convenience but have a negative effect on walkability in downtowns and other walkable areas; and

WHEREAS, creating a more connected pedestrian network provides more options for mobility;

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

Section 1. Section 5.5.1.B. of the Part 10 Raleigh Unified Development Ordinance, Transit Overlay District – Prohibited Uses, is hereby amended by adding the language shown in underline:

...

11. Drive-in facility

Section 2. Sections 6.4.3.B.4., 6.4.4.B.4., 6.4.9.G.1.d., 6.4.9.G.2.d., 6.4.10.C.2.a.iv., 6.4.10.C.2.b.iv., 6.4.11.D.1.d., 6.4.11.D.2.d., 6.7.3.E.14., and 6.7.3.I.6. of the Part 10 Raleigh Unified Development Ordinance are hereby deleted and renumbered/re-lettered accordingly. *Note: this deletes individual references to drive-thrus and drive-ins associated with specific use standards. These references are replaced by language added to Section 6.7.3.*

Section 3. Section 6.1.4. of the Part 10 Raleigh Unified Development Ordinance, Allowed Principal Use Table, is hereby amended by adding the language shown in underline and removing the language in strikethrough to the existing use category of Vehicle Fuel Sales (Including Gasoline and Diesel Fuel):

Vehicle Fuel Sales (Including Gasoline, ~~and Diesel, Fuel~~ and EV Charging)

Section 4. Section 6.4.11 of the Part 10 Raleigh Unified Development Ordinance, Retail Sales, is hereby amended by removing the language in strikethrough in all references:

Vehicle Fuel Sales (~~Including Gasoline and Diesel Fuel~~)

Section 5. Section 6.7.3. of the Part 10 Raleigh Unified Development Ordinance, Additional Standards for Specific Accessory Uses, is hereby amended by adding the language shown in underline:

...

J. Drive-Thru

A facility, whether attended or unattended, designed for the provision of products and/or services to persons remaining in their vehicles that are queued in a designated service lane.

1. Drive-thrus, with the exception of pharmacies, are prohibited in the DX-, RX-, and OX-districts, and any district with an Urban Frontage.
2. All drive-thrus existing in the DX-, RX-, and OX- districts, or any district with an Urban Frontage, prior to XX, XX, XXXX, shall be subject to the following provisions:
 - a. Replacement, repair, and renovation of drive-thrus may be made provided the replacement, repair, or renovation conforms to all provisions of this UDO except 6.7.3.J.1. Replacement, repair, or renovation allowed under this section shall be like for like. This item is applicable to both voluntary and involuntary demolition of drive-thrus which leads to replacement, repair, or renovation.
 - b. Drive-thrus made non-conforming may be re-established provided the drive-thru conforms to all provisions of this UDO and provided the use is discontinued, vacated, or abandoned for a period of fewer than 730 consecutive days. This section is applicable to both voluntary and involuntary cessation of use.
 - c. Drive-thrus shall not be extended, expanded, enlarged or increased in intensity, unless a special use permit is issued by the Board of Adjustment for such extension or expansion.

K. Drive-In

A facility where patrons can be accommodated remaining in a parked vehicle. Drive-ins typically incorporate canopies, installed electronic ordering systems, designated space numbers and other

elements to facilitate service to the vehicle. This does not include designated drive-up/pick-up spaces within a standard parking facility.

1. Drive-ins are prohibited in the DX-, RX-, and OX- districts, and any district with an Urban Frontage.
2. All drive-ins existing in the DX-, RX-, and OX- districts, or any district with an Urban Frontage, prior to [insert effective date of this ordinance], shall be subject to the following provisions:
 - a. Replacement, repair, and renovation of drive-ins may be made provided the replacement, repair, or renovation conforms to all provisions of this UDO except 6.7.3.K.1. Replacement, repair, or renovation allowed under this section shall be like for like. This item is applicable to both voluntary and involuntary demolition of drive-ins which leads to replacement, repair, or renovation.
 - b. Drive-ins made non-conforming may be re-established provided the drive-thru conforms to all provisions of this UDO and provided the use is discontinued, vacated, or abandoned for a period of fewer than 730 consecutive days. This section is applicable to both voluntary and involuntary cessation of use.
 - c. Drive-ins shall not be extended, expanded, enlarged or increased in intensity, unless a special use permit is issued by the Board of Adjustment for such extension or expansion.

Section 6. Section 7.1.2.C of the Part 10 Raleigh Unified Development Ordinance, Parking Requirements by Use, is hereby amended by adding a new column titled “Electric Vehicle (EV) Capable Spaces (min)” as described below.

	Electric Vehicle (EV) Capable Spaces (min)
Multi-unit living: Townhouse	None
Multi-unit living: 0 - 1 bedroom Multi-unit living: 2 bedrooms Multi-unit living: 3 bedrooms Multi-unit living: 4 bedrooms Multi-unit living: 5+ bedrooms	20% of total spaces OR 15% of total spaces, a minimum of two of which must have EV chargers installed. No EV infrastructure is required for projects with fewer than 10 spaces. No EV infrastructure is required or in Apartment buildings when each dwelling unit is horizontally integrated and separated vertically by a party wall.
Dormitory, fraternity, sorority	20% of total spaces OR 15% of total spaces, a minimum of two of which must have EV chargers installed. No EV infrastructure is required for projects with fewer than 10 spaces.

Overnight lodging, except as listed below	20% of total spaces OR 15% of total spaces, a minimum of two of which must have EV chargers installed. No EV infrastructure is required for projects with fewer than 10 spaces.
Parking	20% of total spaces OR 15% of total spaces, a minimum of two of which must have EV chargers installed. No EV infrastructure is required for projects with fewer than 10 spaces.
Retail Sales, except as listed below	
Vehicle Fuel Sales	20% of total spaces OR 15% of total spaces, a minimum of two of which must have EV chargers installed. No EV infrastructure is required for projects with fewer than 10 spaces.
All other categories	None

Section 7. Section 8.3.2.A.1.b. of the Part 10 Raleigh Unified Development Ordinance, Block Perimeters – Applicability, is hereby amended by adding the language shown in underline:

...

x. If any of the following exceptions are used for an exemption to block perimeter standards for new street connectivity, a pedestrian passage meeting the specifications of Sec. 8.5.8 must be incorporated as shown below: i; ii, iii, iv, v, vi.a, vi.d, vii, viii, ix for the following uses: historic landmark, hospital, school (public or private (K-12)), college, community college, university, places of worship.

- a) The passage must be in a location that would meet block perimeter standards if it were a full street connection.
- b) If the passage extends through a Secondary Tree Conservation Area, the dimensions shall be reduced to 5’ of paved surface within a 10’ easement.
- c) If the continuation of the pedestrian passage on the adjacent property would be obstructed by either of the following, compliance is not required: Primary Tree Conservation Area; Existing improvements where the value of such improvements is more than twice the land value of the parcel on which the improvements are located.

Section 8. Section 8.3.4. of the Part 10 Raleigh Unified Development Ordinance, Subdivision Access, is hereby amended by adding the language shown in underline:

...

D. Greenway Connections

Subdivisions containing or adjacent to a property containing existing greenway trails must provide at least one pedestrian access connection from the internal pedestrian network, vehicle parking area, or driveway to the existing greenway trail, except in situations listed in subsection 4 below.

1. Pedestrian access connections are required based on the length that the subdivision parallels the greenway:
 - a. 1'-1,320': One connection
 - b. 1,320'-2,640': Two connections, plus one additional connection for each additional 1,320'
2. Pedestrian access connections shall conform to City of Raleigh greenway standard design details. The pedestrian access surface shall be constructed of concrete, asphalt or other fixed, firm and nonslip material as approved by the Development Services Director. Connections must be ADA compliant unless impractical due to the existence of slopes in excess of 25% within 10 feet of the property line.
3. If the greenway trail is not on the subject property, an access stub to the property on which the greenway trail is located shall be provided if requested by the City of Raleigh.
4. No connections are required in the following cases:
 - a. In the R-1, R-2, Heavy Industrial, and Agriculture Productive zoning districts.
 - b. For any subdivision smaller than two acres.
 - c. A subdivision in a Residential (R-) district where there are fewer than four lots per acre.
 - d. If the connection would require crossing a USGS blue line stream.

Section 9. Section 8.3.5. of the Part 10 Raleigh Unified Development Ordinance, Site Access, is hereby amended by the adding the language shown in underline:

A. General Access Requirements

1. All existing and proposed development must provide vehicular, pedestrian and bicycle ingress and egress to and from a street or an abutting site.
2. All on-site parking areas must have vehicular access from a street, an alley, a drive aisle or a cross-access easement.
3. All on-site parking areas must be designed to allow vehicles to enter and exit the parking area in a forward motion, unless otherwise approved by the Development Services Director. An improved alley may be used as maneuvering space for access to on-site parking areas.
4. The requirements of Sec. 8.3.4.C. shall apply to site plans submitted in accordance with Sec. 10.2.8.

...

E. Greenway Connections

Sites containing or adjacent to a property containing existing greenway trails must provide at least one pedestrian access connection from the internal pedestrian network, vehicle parking area, or driveway to the existing greenway trail, except in situations listed in subsection 5 below.

1. Pedestrian access connections are required based on the length that the site parallels the greenway:
 - a. 1'-1,320': One connection
 - b. 1,320'-2,640': Two connections, plus one additional connection for each additional 1,320'
2. Pedestrian access connections shall conform to City of Raleigh greenway standard design details. The pedestrian access surface shall be constructed of concrete, asphalt or other fixed, firm and nonslip material as approved by the Development Services Director. Connections must be ADA compliant unless impractical due to the existence of slopes in excess of 25% within 10 feet of the property line.
3. If the greenway trail is not on the subject property, an access stub to the property on which the greenway trail is located shall be provided if requested by the City of Raleigh.
4. The area used for the pedestrian access connection may count toward Outdoor Amenity Area requirements, if any.
5. No connections are required in the following cases:
 - a. In the R-1, R-2, Heavy Industrial, and Agriculture Productive zoning districts.
 - b. For a site in a Residential (R-) district that is smaller than two acres or where density is below four units per acre.
 - c. For a site in district other than a Residential (R-) district that is smaller than a half acre or where the primary use is in the Industrial use category.
 - d. If the connection would require crossing a USGS blueline stream.

Section 10. Section 8.4.1.B. of the Part 10 Raleigh Unified Development Ordinance, Applicability, is hereby amended by adding language shown in underline and removing the language shown in strikethrough:

B. Applicability

1. Any new development activity and any addition or repair subject to the requirements of Sec. 10.2.5. and Sec. 10.2.8. must meet street type and streetscape standards of this Article 8.4 ~~and~~ , Article 8.5, and the Raleigh Street Plan Map for streets abutting the subject property. When a development plan proposes the construction of a new street or expansion of an existing street the requirements of this Article apply.
2. Sidewalks, streets, and street trees must be installed and constructed in accordance with this Article and the Raleigh Street Plan Map. The streetscape types identified in Article

8.5 shall be applied based on the zoning and frontage type applied to the property.

Section 11. Section 10.2.4.D.2.c. of the Part 10 Raleigh Unified Development Ordinance, Additional Requirements for Conditional Rezoning and TCZ Applications, is hereby amended by the adding the language shown in underline:

- c. The City Council may accept zoning conditions that alter the maximum block standards in Sec. 8.3.2., the stub streets standards in Sec. 8.3.4.C. and the driveway standard for Residential Uses, Mixed Use and Nonresidential Uses in Sec. 8.3.5.C.2. and 3.
 - i. If this provision is used in a zoning condition, a pedestrian passage meeting the standards of 8.5.8.b must be provided in the future site plan or subdivision that maintains the same connectivity that the block perimeter standard would have required. A pedestrian passage is not required if it would be obstructed by any of the following: i. existing improvements where the value of such improvements is more than twice the land value of the parcel on which the improvements are located; railroad, controlled access highway, steep slopes in excess of 25% within 10 feet of the property line, or watercourse that has one (1) square mile of drainage area or more.
 - ii. No such zoning conditions shall be accepted for applications within the -TOD unless the means of providing for safe, efficient, and convenient vehicular, bicycle and pedestrian circulation are demonstrated in a site plan, rendering or other image included with the conditional rezoning application per Sec. 10.2.4.D.2.g. Such zoning conditions may be approved by the City Council when the offered zoning conditions provide for safe, efficient, and convenient vehicular and pedestrian access within developments and between adjacent developments and do not adversely affect traffic congestion. When these zoning conditions are included, the application shall be accompanied by additional information addressing how safe, efficient, and convenient vehicular and pedestrian access within developments and between adjacent developments is being achieved.

Section 12. Section 4.7.2. of the Part 10 Raleigh Unified Development Ordinance, Planned Development – Modification of Standards is hereby amended by adding the language shown in underline:

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- H. If modifications to the maximum block standards in Sec. 8.3.2 are proposed, a pedestrian passage meeting the standards of 8.5.8.b must be provided in the future site plan or subdivision that maintains the same connectivity that the block perimeter standard would have required.

A pedestrian passage is not required if it would be obstructed by any of the following: i. existing improvements where the value of such improvements is more than twice the land value of the parcel on which the improvements are located; railroad, controlled access highway, steep slopes in excess of 25% within 10 feet of the property line, or watercourse that has one (1) square mile of drainage area or more.

Section 13. Article 12.2. of the Part 10 Raleigh Unified Development Ordinance, Defined Terms, is hereby amended by adding the language shown in underline:

Electric Vehicle (EV) Capable Space

A vehicle parking space served by infrastructure that can accommodate future EV chargers. It is connected by a continuous electrical conduit or raceway to an electrical panel or panel room with sufficient space to accommodate future charging and wiring.

Section 15. 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 16. This text change has been reviewed by the Raleigh Planning Commission.

Section 17. This ordinance has been adopted following a duly advertised legislative hearing of the Raleigh City Council.

Section 18. This ordinance has been provided to the North Carolina Capital Planning Commission as required by law.

Section 19. This ordinance shall be enforced as provided in N.C.G.S. 160A-175 or as provided in the Raleigh City Code.

Section 20. This ordinance is effective 30 days after adoption.

ADOPTED: June 4, 2024

EFFECTIVE: July 4, 2024

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