

**Draft TC-3-26
Omnibus List 2026
ORDINANCE NO. (XXX-2024)**

**AN ORDINANCE TO AMEND THE
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., Building Types Allowed by District, of the Part 10 Raleigh Unified Development Ordinance is hereby amended by deleting the solid boxes from within the Residential-2 and Residential-4 rows beneath the Mixed Use Building column and replacing them with a “- -” to denote that building type is not allowed therein and by deleting the “- -” from within the Green Plus Frontage row beneath the Townhouse column and replacing it with a solid box to denote the use is allowed therein.

Section 2. Section 1.5.5, Parking Setbacks, of the Part 10 Unified Development Ordinance is hereby amended by adding the language shown in underline and deleting the language shown in strikethrough:

...

D. Parking in the Front Setback

1. For a detached house, tiny house, or attached house located within a Residential District and used for residential purposes, combined parking and driveway area shall not constitute more than 40% of the area between the front building facade and the front property line, excluding any unenclosed building features.

Section 3. Section 1.5.6.C.4., Build-to - General Requirements, of the Part 10 Raleigh Unified Development Ordinance is hereby amended by adding the language shown in underline and deleting the language shown in strikethrough:

...

4. ~~The required build-to percentage may be reduced by 30% when the area that would have been otherwise occupied by building facade is substituted with an outdoor amenity area meeting the requirements of Sec. 1.5.3. For example, a 70% primary street build-to could be reduced to a 49% primary street build-to under this provision.~~

Up to 30% of the required build-to percentage may be satisfied by outdoor amenity area meeting the requirements of Sec. 1.5.3. For example, if 100LF of building façade is required in the build-to range, up to 30LF (30% of 100LF) may be provided as outdoor amenity area in lieu of building façade.

Section 4. Section 1.5.9.B., Transparency – General Requirement, of the Part 10 Raleigh Unified Development Ordinance is hereby amended by adding the language shown in underline and removing the language shown in strikethrough:

B. General Requirements

1. The minimum percentage of transparency that must cover a ground story facade is measured between grade to 10 feet above grade, excluding loading docks, service bays, mechanical areas, emergency exits, vehicular doors, and other functional areas that are not reasonably treated as storefront facade.~~0 and 12 feet above the surface of the finished ground floor for all above-grade portions of the facade. A minimum of 50% of the required transparency must be located between 3 and 8 feet from the surface of the finished ground floor.~~
2. The minimum percentage of transparency that must cover an upper story facade is measured from top of the finished floor to the top of the finished floor above. When there is no floor above, upper story transparency is measured from the top of the finished floor to the top of the wall plate.
3. In a mixed use building, or general building where an Urban Frontage is applied, a minimum of 60% of the street-facing, street-level window pane surface area must allow views into the ground story use for a depth of at least 8 feet. Windows shall not be made opaque by non-operable window treatments (except curtains, blinds or shades within the conditioned space).
4. Glass shall be considered transparent where it has a transparency higher than 70%~~80%~~ and external reflectance of less than 30%~~15%~~. Glass on upper stories may have any level of transparency and external reflectance.
5. ~~Vehicular doors integrated into a police, fire, or EMS station shall count towards the structure's transparency requirement.~~

6. For portions a building used primarily for non-storefront purposes, the minimum percentage of transparency that must cover a ground story facade is twenty percent (20%). For portions a building used for storefront purposes, the minimum percentage of transparency that must cover a ground story facade is thirty five percent (35%). For purposes of this section, uses are classified as storefront or non-storefront uses as identified in the following table:

<u>Storefront uses</u>	<u>Non-storefront uses</u>
• <u>The following Commercial uses per Article 6.4:</u> ○ <u>Indoor Recreation</u> ○ <u>Amusement center, game arcade, children’s amusement center</u> ○ <u>Billiard hall, pool hall</u> ○ <u>Bingo parlor</u> ○ <u>Bowling alley</u> ○ <u>Convention center, arena</u> ○ <u>Dance, martial arts, music studio or classroom,</u> ○ <u>Health club</u> ○ <u>Sports academy</u> ○ <u>Miniature golf facility</u> ○ <u>Motor track</u> ○ <u>Movie theater or other indoor theater</u> ○ <u>Skating rink</u> ○ <u>Outdoor Recreation</u> ○ <u>Drive-in theater</u> ○ <u>Camp, campground, travel trailer park, recreational vehicle park</u> ○ <u>Extreme sports facility such as paintball, BMX or skateboarding</u> ○ <u>Golf course</u> ○ <u>Outdoor commercial activity such as batting cage, golf driving range, amusement park, miniature golf facility, water park</u> ○ <u>Outdoor theater</u> ○ <u>Outdoor sports or entertainment facility</u> ○ <u>Riding stable</u> ○ <u>Shooting range</u> ○ <u>Racetrack, Sports academy for active recreational or competitive sports,</u> ○ <u>Stadium, arena</u> ○ <u>Outdoor sports or entertainment facility (<250 seats)</u>	• <u>Residential uses per Article 6.2.</u> • <u>Public & Institutional uses per Article 6.3</u> • <u>The following Commercial uses per Article 6.4:</u> ○ <u>Daycare home</u> ○ <u>Daycare center</u> ○ <u>Adult establishment</u> ○ <u>Medical</u> ○ <u>Office</u> ○ <u>Bed and Breakfast</u> ○ <u>Hospitality House</u> ○ <u>Short-term Rental</u> ○ <u>Parking/Parking Facility</u> ○ <u>Airfield, landing strip</u> ○ <u>Heliport</u> ○ <u>Taxi dispatch center, limousine service</u> ○ <u>Animal care</u> ○ <u>Catering establishment</u> ○ <u>Funeral home, funeral parlor, mortuary, undertaking establishment, crematorium, pet crematorium, Taxidermist</u> • <u>The following Industrial uses per Article 6.5:</u> ○ <u>Heavy Industrial</u> ○ <u>Light industrial</u> ○ <u>Light Manufacturing</u> ○ <u>Research & Development</u> ○ <u>Self-Service Storage</u> ○ <u>Vehicle repair (major)</u> ○ <u>Vehicle repair (commercial vehicle)</u> ○ <u>Warehouse & Distribution</u> ○ <u>Waste-Related Service</u> ○ <u>Wholesale Trade</u> • <u>Open uses per Article 6.6</u> • <u>Storage or back-of-house operations</u>

○ <u>Outdoor sports or entertainment facility (>250 seats)</u> ○ <u>Hotel, Motel, Inn</u> ○ <u>Hostel</u> ○ <u>Airport</u> ○ <u>Bus passenger terminal, multi-modal facility</u> ○ <u>Railroad station</u> ○ <u>Beauty/hair salon</u> ○ <u>Cleaning establishment, dry-cleaning or laundry drop-off facility, laundromat, washeteria</u> ○ <u>Copy center</u> ○ <u>Locksmith</u> ○ <u>Optometrist</u> ○ <u>Palmist, psychic, medium, fortune telling</u> ○ <u>Post office</u> ○ <u>Repair of appliance, bicycle, canvas product, clock, computer, jewelry, musical instrument, office equipment, radio, shoe, television or watch</u> ○ <u>Tailor, milliner, upholsterer</u> ○ <u>Tattoo parlor, body piercing</u> ○ <u>Wedding chapel</u> ○ <u>Bar, nightclub, tavern, lounge</u> ○ <u>Eating establishment</u> ○ <u>Retail sales</u> ○ <u>Shopping center</u> ○ <u>Vehicle sales/rental</u> ● <u>The following Industrial uses per Article 6.5:</u> ○ <u>Brewery, winery, distillery, cidery</u> ○ <u>Car wash</u> ○ <u>Vehicle repair (minor)</u>	
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7. The transparency requirements shall not apply to portions of a building facade that are located behind another building on the same lot, where the intervening building screens the facade from the public right-of-way.

Section 5. Article 3.2., Base Dimensional Standards, of the Part 10 Raleigh Unified Development Ordinance is hereby amended by deleting the existing language and adding the language ‘see UDO. Sec. 1.5.9.B’ for each column in every row entitled ‘Ground Story (min)’

under 'Transparency' for each table located in UDO Sec. 3.2.1, 3.2.2, 3.2.3, 3.2.4, 3.2.5, and 3.2.6

Section 6. Section 7.1.1., Parking - Applicability, of the Part 10 Raleigh Unified Development Ordinance is hereby amended by deleting the language shown in strikethrough and adding the language shown in underline:

...

A. ~~Additions~~Expansions and Replacements

1. A building or site may be renovated or repaired without providing additional parking, provided there is no increase in gross floor area or improved site area.
- ~~2. When a building, use or site is increased in gross floor area or improved site area by up to 25% cumulatively, any new bicycle parking that is required for the additional floor or site area or additional vehicular parking that is provided in the absence of any requirement shall comply with all of the related parking standards of this UDO.~~
- ~~3. When the gross floor area or improved site area is increased by more than 25% cumulatively, both the existing use and the additional floor or site area must conform to the bicycle parking requirements of Sec. 7.1.2.C.~~
- ~~4. When the gross floor area or improved site area is increased by more than 25% cumulatively, both the existing bicycle and vehicle parking and the new bicycle parking required for the additional floor or site area or vehicle parking that is provided in the absence of any requirement must conform to all related parking standards of this UDO.~~
- ~~5. Any additions to a vehicle parking area must meet all requirements of this UDO.~~
- ~~6. No provisions of this section shall mean that existing vehicle parking must be removed to meet maximum parking requirements.~~
2. Any addition to or modification of an existing vehicular and bicycle parking area must comply with the applicable requirements of this UDO.
3. Any new bicycle parking required in association with additional floor area, site area, or additional vehicular parking shall comply with all applicable parking standards of this UDO when:
 - i. A building, use, or site is increased in gross floor area or improved site area by up to 25% cumulatively, or by up to 4,000 square feet, whichever is greater; or,
 - ii. A building, or portion of a building, is demolished and replaced, and the replacement building or site includes an amount of gross floor area or

improved site area up to 4,000 square feet or, 25% of the gross floor area or improved site area of the pre-demolition building, whichever is greater.

4. When a building, use, or site is increased in gross floor area or improved site area by more than 25% cumulatively, or 4,000 square feet, whichever is greater:
 - i. Both the existing use and the additional floor or site area must conform to the bicycle parking requirements of Sec. 7.1.2.C.
 - ii. Any vehicle parking that is provided in the absence of any requirement must conform to all related parking standards of this UDO.
 - iii. Notwithstanding Sec. 7.1.1.C.2, where an existing parking area does not conform to the tree planting requirements of Sec. 7.1.7, a landscaped island meeting the standards of UDO Sec. 7.1.7.D must be provided for every 15 parking spaces of the existing parking area. At least 1 shade tree must be planted in each existing parking area with 15 spaces or less.
5. When a building, or portion of a building, is demolished and replaced, and the replacement building or site area includes an amount of gross floor area or improved site area that is 4,000 square feet or 25% of the gross floor area or improved site area, whichever is greater, of the pre-demolition building :
 - i. Both the existing use and the additional floor or site area must conform to the bicycle parking requirements of Sec. 7.1.2.C.
 - ii. Any vehicle parking that is provided in the absence of any requirement must conform to all related parking standards of this UDO.
 - iii. Notwithstanding Sec. 7.1.1.C.2, where an existing parking area does not conform to the tree planting requirements of Sec. 7.1.7, a landscaped island meeting the standards of UDO Sec. 7.1.7.D must be provided for every 15 parking spaces of the existing parking area. At least 1 shade tree must be planted in each existing parking area with 15 spaces or less.
6. Notwithstanding Sec. 7.1.1.C.3 and 7.1.1.C.4, an addition of more than 50 vehicle parking spaces, or an expansion of an existing parking surface or facility by more than 50%, whichever is greater, requires the entire existing vehicle parking area to be renovated or otherwise brought into compliance with current parking lot standards, including parking lot landscaping requirements.
7. No provisions of this section shall mean that existing vehicle parking must be removed to meet maximum parking requirements.

Section 7. Section 7.1.1.D, Parking - Applicability, of the Part 10 Raleigh Unified Development Ordinance is hereby amended by adding the language shown in underline:

...

D. Change in Use

1. A change in use based on the parking table of Sec. 7.1.2.C. must comply with the parking requirements. Where existing parking spaces exceed the maximum, no existing spaces must be removed and no other mitigation will be required to comply with maximum parking requirements.
2. A change in use located within the DX- district that is 10,000 square feet or less in gross floor area is exempt from the bicycle parking requirements of Sec. 7.1.2.C.

Section 8. Section 7.1.8.A., Vehicle Loading Areas, of the Part 10 Raleigh Unified Development Ordinance is hereby amended by deleting the language shown in strikethrough and adding the language shown in underline:

A. ~~Loading Not Required~~ Intent

~~If determined by the Development Services Director, adequate~~ Adequate space must be made available on-site for the unloading and loading of goods, materials, items or stock for delivery and shipping.

Section 9. Section 7.2.2., Landscaping and Screening - Applicability, of the Part 10 Raleigh Unified Development Ordinance is hereby amended by deleting the language shown in strikethrough and adding the language shown in underline:

A. General

No permit for the construction, reconstruction, extension, repair or alteration of any building, structure or use of land and no building or land or any part of any building or land, may be occupied or used until landscaping has been provided in accordance with the requirements of this UDO.

B. Additions and Expansions

1. A building or site may be renovated or repaired without providing additional landscaping, provided there is no increase in gross floor area or improved site area.
2. When an existing building or site is increased in gross floor area or improved site area or any combination thereof by more than 25% cumulatively or 4,000 square feet, whichever is greater, protective yard requirements pursuant to UDO Sec. 7.2.4. shall be provided for the entirety of the site. ~~landscaping is required for the additional floor or site area only.~~
3. Areas of an existing building or site that remain unchanged by an addition or expansion are not required to provide additional landscaping or screening pursuant to Sec. 7.2.5 or 7.2.6.

- ~~4. When the gross floor area or improved site area is increased by more than 25%, both the existing use and the additional floor or site area must conform to the landscaping requirements of this UDO.~~

Section 10. Section 7.2.4.E.15., Protective Yards – Vehicle Sales Use Category except in IH-District., Transparency - Intent, of the Part 10 Raleigh Unified Development Ordinance is hereby amended by adding the language shown in underline:

15. Vehicle Sales Use Category except in IH- District

- a. A Type A1 or A2 transitional protective yard (see Sec. 7.2.4.A.) must be established along all property lines abutting a residential use unless all vehicles are housed within an enclosed building at all times.
- b. All vehicular display area with frontage on any portion of a street right-of-way (not including an alley) must be screened along the street edge by a Type C3 street protective yard under Sec. 7.2.4.B unless all vehicles are housed within an enclosed building at all times.

Section 11. Section 7.2.6.A., Stormwater Retention Ponds & Detention Basins - Intent, of the Part 10 Raleigh Unified Development Ordinance is hereby amended by adding the language shown in underline:

A. Applicability

All stormwater retention ponds and detention basins permitted, constructed or modified to a cumulative extent greater than 50% of their original size shall be screened for their entire length as set forth in Sec. 7.2.6.C. When amenity features are provided as set forth in Sec. 7.2.6.B. no screening of the stormwater control facility is required. Screening shall not be required in locations where it would compromise safety, obstruct required access, interfere with emergency flow paths, adversely affect embankment stability, conflict with required maintenance or access zones, or otherwise interfere with the design, operation, maintenance, or performance of the stormwater control measure.

Section 12. Section 8.1.1., Subdivision and Site Plan Standards – Applicability, of the Part 10 Raleigh Unified Development Ordinance is hereby amended by adding the language shown in underline and deleting the language shown in strikethrough:

...

- D. Variances to this Chapter are heard by the Board of Adjustment pursuant to Sec. 10.2.10. Pursuant to Sec. ~~10.2.18~~17, design alternates where specifically authorized are heard by either the Planning Commission or Design Review Commission performing the quasi-judicial duties of the Planning Commission (as designated by the City Council).

Section 13. Section 8.1.4., Warranty, of the Part 10 Raleigh Unified Development Ordinance is hereby amended by deleting the language shown in strikethrough:

- A. All development-related improvements must have a warranty guaranteeing the work against defects for a period of 1 year from the date of warranty period commencement for the respective infrastructure system.
- B. The warranty shall list the City as a beneficiary.
- ~~C. A warranty surety shall be provided in an amount of 15% of the estimated value of the warranted development related improvements. The surety shall expire 6 months after the expiration of the warranty period.~~

Section 14. Section 8.4.1., General Provisions – Intent, of the Part 10 Raleigh Unified Development Ordinance is hereby amended by adding the language shown in underline and deleting the language shown in strikethrough:

...

- 2. Design ~~adjustments~~ alternates approved by the Planning Commission pursuant to Sec. 10.2.187 may be appropriate when the applicant can prove the showings identified in Sec. 10.2.187 in a quasi-judicial public hearing.

Section 15. Section 10.1.7., Planning Director and Development Services Director, of the Part 10 Raleigh Unified Development Ordinance is hereby amended by adding the language shown in underline and deleting the language shown in strikethrough:

Sec. 10.1.7. Planning ~~Director and Development Services Director~~

A. ~~Delegation of Authority~~

1. Planning Director

- a. The Planning Director shall carry out the powers and duties to administer and enforce development regulations under North Carolina law, including but not limited to Article 4 of Chapter 160D of the North Carolina General Statutes without limitation, or any successor statute to Article 4 of Chapter 160D, shall carry out the powers and duties of the Director of Planning as set forth by the Charter of the City of Raleigh, and shall administer this UDO. ~~serves as the administrator of this UDO unless otherwise stated.~~
- b. The Planning Director may designate any staff member as their designee in any function assigned by North Carolina law or by local law, including, but not limited to, this UDO to the Department of City Planning Planning and Development; the Planning Director remains responsible for any action taken by their designee.
- c. The Planning Director is the administrative director of the Department of City Planning Planning and Development and has the authority to supervise all activities and decisions of the Department of City Planning Planning and Development.

~~2. Development Services Director~~

- ~~a. The Development Services Director may designate any staff member as their designee in any function assigned by this UDO to the Development Services Department; the Development Services Director remains responsible for any action taken by their designee.~~
- ~~b. The Development Services Director is the administrative director of the Development Services Department and has the authority to supervise all activities and decisions of the Development Services Department.~~

B. General Authority

1. Planning Director authority includes, but is not limited, to the following.

- a. Administration and coordination of the City's Planning program, including liaison information and technical assistance to citizens, community groups, commissions and supervisions of planning studies and reports;
- b. Administration of the technical maintenance of this UDO;
- c. Assembling of data, preparation of maps, maintenance of a complete information system;
- d. Assistance in implementation of plans, studies and coordination of efforts dealing with environment, open space, urban design and historic preservation;
- e. Neighborhood studies and coordination with regard to housing and neighborhood planning;
- f. Assistance to other departments; and
- g. Urban design.

~~2. Development Services Director~~

- ~~a. h. Administration of land use controls through the review of development plans and permit review;~~
- ~~b. i. Assistance to other departments; and~~
- ~~c. j. Receive development plans, permit review, schedule inspection and issue permits.~~

C. Specific Review Authority

1. Planning Director is responsible for review and recommendation unless otherwise noted regarding:

- a. Annexation petitions;
- b. Comprehensive Plan amendments;
- c. Text amendments;
- d. Rezoning (review only);
- e. Special Use Permits (review only);
- f. Variances (review only);
- g. Historic Landmark designations (review only),
- h. Major certificates of appropriateness (review only), and
- i. Design Alternates (review only).

~~2. Development Services Director is responsible for review unless otherwise noted regarding:~~

- ~~a. j. City Council approved subdivisions (review only);~~
- ~~b. k. Subdivision waivers (review only);~~

D. Specific Approval Authority

Subject to any right of appeal, the Planning Director ~~or Development Services Director~~ is responsible for final action regarding:

1. Planning Director

a. Minor certificate of appropriateness;

~~b. [Reserved]~~

~~2. Development Services Director~~

~~a.~~ b. Preliminary subdivision plans except for subdivision approvals, other than single unit living in the Metro-Park Overlay, subdivision approvals in any Historic District Overlay District or for a designated Historic Landmark or when a subdivision waiver is requested;

~~b.~~ c. Final subdivision plats;

~~c.~~ d. Zoning permit;

~~d.~~ e. Site plans; and

~~e.~~ f. Temporary use permits.

Section 16. Section 10.1.8, Summary of Review Authority, of the Part 10 Raleigh Unified Development Ordinance is hereby amended by inserting ‘Y’ within the column titled ‘Published’ within the row titled ‘Development Agreements’

Section 17. Section 10.1.8, Summary of Review Authority, of the Part 10 Raleigh Unified Development Ordinance is hereby amended by inserting the following row titled ‘Adoption of a New Comprehensive Plan’ in the table of Review Authority:

ADMINISTRATION			REVIEW BODIES					PUBLIC NOTICE				
Approval Process	X-ref	City Official	Historic Development Commission	Design Review Commission	Board of Adjustment	Planning Commission	City Council	Neighborhood Meeting	Web	Site Posted	Mailed	Published
Adoption of a New Comprehensive Plan		<u>RR</u>				<u>RR</u>	<u>D-PH</u>		<u>Y</u>			<u>Y</u>

Section 18. Section 10.2.5.E.2.b., Subdivision Review – Development Services Department Action, of the Part 10 Raleigh Unified Development Ordinance is hereby amended by deleting the language shown in strikethrough and re-lettering the following two sections in alphabetical order:

- ~~b.~~ After an application has been determined complete, Development Services shall give notice of pending review in accordance with Sec. 10.1.8. If subsequent to the filing of a completed application, a waiver from the Board of Adjustment is requested, Development Services shall give notice of the requested waiver in accordance with Sec. 10.1.8.

Section 19. Section 10.2.5.E.3., Subdivision Review - Action Following Development Services Department Decision, of the Part 10 Raleigh Unified Development Ordinance is hereby amended by adding the language shown in underline and deleting the language shown in strikethrough:

3. Action Following Development Services Department Decision
 - a. Following the date of the final action, notice of a decision on an administratively reviewed preliminary subdivision plan shall be provided as set forth in Sec. 10.2.1.C.6.
 - b. Upon approval of a preliminary subdivision, or the next business day, mailed notice shall be provided pursuant to Sec. 10.2.1.C.1
 - ~~b.c.~~ Within 30 days after the date of the decision on a preliminary subdivision plan, an appeal of Development Services' action may be filed with the Board of Adjustment as set forth in Sec. 10.2.11.

Section 20. Section 10.2.8.B.1.viii., Site Plan Review – Tier 1 Site Plans, of the Part 10 Raleigh Unified Development Ordinance is hereby amended by adding the language shown in underline:

- viii. The construction of an accessory structure on a detached, attached, or tiny house lot in a residential district in accordance with Article 6.7.

Section 21. Section 10.2.8.D.1.d., Site Plan Review – Site Review, of the Part 10 Raleigh Unified Development Ordinance is hereby amended by adding the language shown in underline and deleting the language shown in strikethrough:

- d. Upon approval of a ~~Beginning the day of issuance of~~ a zoning permit or site permit, ~~by the property owner~~ or the next working business day, mailed notice shall be ~~required~~ provided pursuant to Sec. 10.2.1.C.1. and a sign shall be posted by the property owner on the property for 30 consecutive days pursuant to Sec. 10.2.1.C.4. for the following administrative approvals:

Section 22. Section 10.2.9.H.1., Special Use Permit – Expiration, of the Part 10 Raleigh Unified Development Ordinance is hereby amended by adding the language shown in underline:

1. A special use permit shall expire after 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. For good cause shown, the Board shall have the authority in its discretion to grant an extension of time pursuant for an applicant to obtain a grading permit, building permit or certificate of occupancy in order to prevent a Special Use Permit or variance from expiring. A request pursuant to this rule must be filed with the Planning and Development Department before the expiration of the approval as stated in the UDO. If the expiration of the Special Use Permit or variance is stayed by an appeal to the Superior Court, for the purposes of this rule the time period as stated in the UDO shall recommence when the City of Raleigh provides written notification to the applicant following a final decision in the

case. Any request made pursuant to this rule shall be advertised at least (10) days prior to a meeting and listed on the Board's agenda, but no other notice shall be required. A request pursuant to this rule may be approved by a simple majority of those members voting.

Section 23. Section 10.2.10.F., Variance – Expiration, of the Part 10 Raleigh Unified Development Ordinance is hereby amended by deleting the language shown in strikethrough and re-lettering the following two sections in alphabetical order:

F. Expiration of Variance

A variance shall expire after 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; or (ii) the use/or and 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). For good cause shown, the Board shall have the authority in its discretion to grant an extension of time pursuant for an applicant to obtain a grading permit, building permit or certificate of occupancy in order to prevent a Special Use Permit or variance from expiring. A request pursuant to this rule must be filed with the Planning and Development Department before the expiration of the approval as stated in the UDO. If the expiration of the Special Use Permit or variance is stayed by an appeal to the Superior Court, for the purposes of this rule the time period as stated in the UDO shall recommence when the City of Raleigh provides written notification to the applicant following a final decision in the case. Any request made pursuant to this rule shall be advertised at least (10) days prior to a meeting and listed on the Board's agenda, but no other notice shall be required. A request pursuant to this rule may be approved by a simple majority of those members voting.

Section 24. Section 10.2.5.E.1.b, Preliminary Subdivision Plan Approval Process – Application Requirements, of the Part 10 Raleigh Unified Development Ordinance is hereby amended by adding the language shown in underline and deleting the language shown in strikethrough:

...

- ii. Design ~~Adjustment~~ Alternate Request, if applicable (see Sec. 10.2.187); and

Section 25. Section 10.2.8.D.2.a.iv, Infrastructure Construction Plans, of the Part 10 Raleigh Unified Development Ordinance is hereby amended by adding the language shown in underline and deleting the language shown in strikethrough:

...

- iv. If applicable, an Administrative Design ~~Adjustment~~ Alternate request is filed.

Section 26. Section 10.2.8.B.1.a., Site Plan Tier Categories, of the Part 10 Raleigh Unified Development Ordinance is hereby amended by adding the language shown in underline:

- xvii. The establishment or expansion of an Outdoor Use Area accessory to an existing non-residential use provided that the outdoor use area does not exceed 4,000 square feet in total area and no increase in conditioned gross floor area of a building is proposed.

Section 27. Section 10.2.8.B.2.a., Hearing and Board Action, of the Part 10 Raleigh Unified Development Ordinance is hereby amended by adding the language shown in underline:

- vi. The establishment or expansion of an outdoor use area accessory to an existing non-residential use provided that the outdoor use area does not exceed 10,000 square feet in total area and no increase in conditioned gross floor area of a building is proposed.

Section 28. Section 10.2.11.E, Site Plan Tier Categories, of the Part 10 Raleigh Unified Development Ordinance is hereby amended by deleting the language shown in strikethrough:

A. Hearing and Board Action

1. The official who made the decision shall transmit to the Board all documents and exhibits constituting the record upon which the action appealed from is taken. The official shall also provide a copy of the record to the appellant and to the owner of the property that is the subject of the appeal if the appellant is not the owner.
- ~~2. Within 90 days after a completed application of an appeal of an administrative decision is filed, the reviewing body shall hold a quasi-judicial public hearing as set forth in Sec. 10.2.1.D.1. and provide notice of the decision as required in Sec. 10.2.1.C.6.~~
- ~~3.~~ 2. The official who made the decision shall be present at the hearing as a witness. The appellant shall not be limited at the hearing to matters stated in the notice of appeal. If any party or the city would be unduly prejudiced by the presentation of matters not presented in the notice of appeal, the Board shall continue the hearing.
- ~~4.~~ 3. The Board of Adjustment may reverse or affirm, wholly or partly, or may modify the decision appealed from and shall make any order, requirement, decision, or determination that ought to be made. The Board shall have all the powers of the official who made the decision.

Section 29. Section 10.2.14, Written Interpretation, of the Part 10 Raleigh Unified Development Ordinance is hereby amended by adding the language shown in underline and deleting the language shown in strikethrough:

...

C. Zoning Administrator Action

1. The Zoning Administrator shall review and evaluate the request for written interpretation in light of the text of this UDO, the Official Zoning Map and any other relevant information.
2. Following review, the Zoning Administrator shall render a written opinion within 5-30 business working days after a completed application for a written interpretation is filed. Pursuant to Sec. 10.2.1.C.6., the Zoning Administrator shall notify the applicant and the property owner (if the property owner is not the applicant and the question of interpretation relates to a specific tract of land) of the interpretation.
3. All appeals of the Zoning Administrator's written interpretation shall be made to the Board of Adjustment in accordance with Sec. 10.2.11.

Section 30. Article 12.2, Defined Terms - C, of the Part 10 Raleigh Unified Development Ordinance is hereby amended by adding the language shown in underline:

...

Conditioned Space

An enclosed area within a building that is directly or indirectly heated or cooled or is otherwise provided with mechanical systems intended to maintain the area at a controlled temperature or humidity.

Section 31. Article 12.2, Defined Terms – G, of the Part 10 Raleigh Unified Development Ordinance is hereby amended by adding the language shown in underline:

...

Gross Floor Area

The sum in square feet of the gross horizontal area of all floors of a building measured from the exterior walls or from the centerline when 2 buildings or units abut. Gross Floor Area includes both conditioned and unconditioned space except as specifically excluded by this definition. Gross floor area includes basement floor area when more than 50% of the basement height is above the established curb level or above the finished lot grade level where the curb level has not been established. Elevator shafts, stairwells, floor space used for mechanical equipment, attics, internal balconies and mezzanines, and floor area devoted to accessory uses are included in the calculation of gross floor area. However, the following shall not be included: any space devoted exclusively to on-site parking; outdoor loading, display, storage, utility service areas; and/or uninhabited enclosed space on tops of roofs; or attic space having head room of less than 7' 10". Attached garages shall be included in the calculation of gross floor area.

Section 32. Article 12.2, Defined Terms – H, of the Part 10 Raleigh Unified Development Ordinance is hereby amended by adding the language shown in underline:

...

Habitable Space

An enclosed and finished area within a building that is designed or intended for regular human occupancy for living, sleeping, eating, cooking, working, or similar activities.

Section 33. Article 12.2, Defined Terms – I, of the Part 10 Raleigh Unified Development Ordinance is hereby amended by adding the language shown in underline:

...

Improved Site Area

The portion of a site that is occupied or used for development-related activities or improvements, including buildings, loading areas, outdoor storage, lay-down yards, Outdoor Use Areas as defined in Article 12.2, parking areas, driveways, and other areas that are constructed, surfaced, graded, or otherwise prepared for and used in connection with a development. Improved Site Area does not include undeveloped areas, or areas maintained in a natural state.

Section 34. Article 12.2, Defined Terms – O, of the Part 10 Raleigh Unified Development Ordinance is hereby amended by adding the language shown in underline:

...

Outdoor Use Area

An area outside of a building that is used in conjunction with a nonresidential use for activities, functions, or services associated with that use, including but not limited to outdoor dining, patios, seating areas, recreational areas, storage areas, customer service areas, outdoor display areas, or similar areas. Outdoor Use Area does not include parking areas, driveways, or areas maintained in a natural state.

Section 35. 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 ~~40~~18 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 days before the date the City Council schedules the matter for public hearing.~~

Section 36. 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, including to be less restrictive or to revise the request to a less restrictive zoning district, changes ~~Changes~~ to the conditions may be made following an action by City Council's receipt of the Planning Commission, 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 ~~10~~18 calendar days before City Council acts to schedule the matter for public hearing;
 - 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~~ eight calendar business 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 an action by the City Council's scheduling of 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 unsigned conditions must be signed by all owners of the 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 37. 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 and renumbering subsequent sections accordingly:

- a. Once the City Council acts to schedule the public hearing, ~~Revisions~~ may be made to proposed conditions in conditional rezoning and TCZ cases either before, during the legislative hearing, or within 30 days following the date on which the legislative hearing is closed subject to the following limitations:
 - i. Revisions to the case make it more restrictive than what was authorized for public hearing by City Council.
 - i.ii. Unsigned conditions with the changes must be submitted to City Planning at least ~~10~~18 calendar days before the date of the next

- meeting at which the City Council discussion of the application is scheduled;
- ii.iii. 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~~ eight calendar days before the date of the next meeting at which the City Council discussion of the application is scheduled; and
 - iii.iv. The signed conditions cannot modify the unsigned conditions except to respond to staff comments or to make non-substantive or clerical corrections.
- b. Should the applicant wish to revise the zoning conditions to be less restrictive or revise the request to a less restrictive zoning district, the City council shall schedule a new legislative hearing and provide notice in accordance with the provisions of Sec. 10.2.1.C. The applicant shall be responsible for the cost of legal advertisement of the new legislative hearing. The City Council may, in its sole discretion, refer such an application to the Planning Commission before scheduling the new legislative hearing. If the City Council refers an application that will be subject to a new legislative hearing back to the Planning Commission for review, the applicant shall conduct a neighborhood meeting in accordance with Sec. 10.2.4.C 2.

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

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

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

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

Section . This ordinance is effective __5 days after adoption.

ADOPTED:

EFFECTIVE:

DISTRIBUTION: