

ORDINANCE NO. (2024) 661 TC 481
TC-5-23
Omnibus List 2023
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 1.5.2.E.1. of the Part 10 Raleigh Unified Development Ordinance, Lot Width and Depth for Cul-de-Sac Lots, is hereby amended by removing the language shown in strikethrough:

...

1. The minimum lot frontage on a street shall be 20 feet (~~this dimension may be reduced upon approval of the Development Services Director if a common driveway or other form of shared access is provided~~); and

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

...

11. Outdoor amenity area shall be calculated as a percentage of the net site area.

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

3. All required outdoor amenity areas must provide one linear foot of seating for each 50 square feet of required outdoor amenity area and one two-inch caliper tree for every 1,000 square feet of required outdoor amenity area. Each amenity area shall have seating and a minimum of one tree.

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

- b. ~~Floodways~~ Special Flood Hazard Areas

Section 5. Section 1.5.7.A.5 of the Part 10 Raleigh Unified Development Ordinance, Height-Building Height, is hereby amended by adding the language shown in underline and removing the language shown in strikethrough:

- ...
5. For a detached or attached building type only, an unfinished spaced that qualifies as an attic does not count as a story where 50% or more of the attic floor area has a clear height of less than 7.5 feet; measured from the ~~finished~~ floor to the ~~finished~~ ceiling. ~~To be classified as an attic, the space must also meet the specifications as provided in the defined term in Article 12.2, Defined Terms.~~

A half-story shall be considered a habitable space between a roof and the ceiling of a room or rooms below where 50% or more of the floor area has a clear height of less than 7.5 feet; measured from the finished floor to the finished ceiling.

...

Section 6. Section 1.5.7.A.6. of the Part 10 Raleigh Unified Development Ordinance, Building Height, is hereby amended by adding the language shown the underline and removing the language shown in strikethrough:

~~6. When 50% or more of the perimeter wall area of a detached or attached building is located below grade, the building contains a basement. The floor of this level must be located entirely below finished grade. This provision can be utilized in other building types; however, the entirety of the floor area may only be used for storage, mechanical equipment, parking, laundry or waste collection. Basements shall be regulated as follows:~~

- a. A detached, attached, two-unit townhouse, or tiny house contains a basement if:
 - i. 50% or more of the perimeter wall area of the basement level is located below grade; and
 - ii. the floor of the basement level is located entirely below grade.
- b. All other building types may contain a basement if:

- i. 50% or more of the perimeter wall area of the basement level is located below grade;
- ii. the floor of the basement level is located entirely below grade; and
- iii. the entirety of the basement floor area may only be used for storage, mechanical equipment, parking, laundry, or waste collection.
- c. For all building types, level(s) that qualify as a basement are not considered a story for purposes of measuring building height in number of stories. A building may contain more than one basement level provided each basement level qualifies as a basement independently. Average grade shall not be used for purposes of determining if a level qualifies as a basement.

Section 7. Section 1.5.7.C.4. of the Part 10 Raleigh Unified Development Ordinance, Story Height, is hereby amended by adding the language shown in underline and removing the language shown in strikethrough:

- 4. As a primary or accessory use, levels of a parking structure ~~with both a ceiling and a floor~~ shall be included when calculating the maximum number of stories ~~if meeting both of the following criteria:~~
 - a. The level has both a ceiling and a floor; and
 - b. The level is not considered a basement

Section 8. Section 1.5.7.D. of the Part 10 Raleigh Unified Development Ordinance, Height Encroachments, is hereby amended by adding the language shown in underline and removing the language shown in strikethrough:

D. Height Encroachments

Any height encroachment not specifically listed is expressly prohibited except where the Planning Director determines that the encroachment is similar to a permitted encroachment listed below.

- 1. The maximum height limits of the district do not apply to spires, belfries, cupolas, domes, bell towers, monuments, water tanks/towers or other similar structures not intended for human occupancy which, by design or function, must exceed the established height limits.
- 2. For properties with a maximum building height in feet,~~the~~ following accessory structures may exceed the established height limits, except when located within an -AOD, provided they do not exceed the maximum building height by more than 12 feet:
 - a. Chimney, flue or vent stack;
 - b. Unenclosed deck, patio or shade structure;
 - c. Rooftop garden, landscaping;
 - d. Flagpole;
 - e. Parapet wall;

- f. Rainwater collection or harvesting system, and
 - g. Solar panels, wind turbines.
3. For properties with a maximum building height in feet, tThe following accessory elements-structures may exceed the established height limitsmaximum building height in feet, except when located within an -AOD, provided they do not exceed the maximum building height by more than 12 feet, do not occupy more than 25% of the roof area and are set back at least 10 feet from the edge of the roof:
- a. Amateur communications tower (~~see excluding those regulated by Sec. 6.7.3~~);
 - b. Cooling tower;
 - c. Elevator penthouse or bulkhead;
 - d. Greenhouse;
 - e. Mechanical equipment;
 - f. Skylights;
 - g. Elevator or stairway access to roof; and
 - h. Tank designed to hold liquids, except as otherwise permitted.
4. An accessory structure located on the roof must not be used for any purpose other than a use incidental to the principal use of the building except for telecommunication facilities.

Section 9. Section 1.5.9.B. of the Part 10 Raleigh Unified Development Ordinance, Transparency – General Requirements, 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 ~~windows and doors~~transparency that must cover a ground story facade is measured between 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 ~~windows and doors~~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 80% and external reflectance of less than 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.

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

...

5. For Through Lots, infill primary street setbacks only apply along the street to which the structure is or will be oriented towards.

Section 11. Section 2.2.7.E. of the Part 10 Raleigh Unified Development Ordinance, Sidewall Length, is hereby amended by adding the language shown in underline and removing the language shown in strikethrough and amending the accompanying graphic label accordingly changing it from 22' to >25':

E. Side Wall Length

Articulation is required for side walls on additions or new construction that are taller than 22 25 feet ~~or taller~~ and located within 15 feet of the side lot line. No wall may extend for more than 50 feet without a projection or recession of at least 4 feet in depth and 10 feet in length.

Section 12. Section 2.5.4.G. of the Part 10 Raleigh Unified Development Ordinance, Allowed Uses of Open Space, is hereby amended by removing the language shown in strikethrough and adding the language shown in underline:

G. Water bodies, such as lakes and ponds and ~~floodways~~ special flood hazard areas provided the total surface area does not exceed 50% of the required open space;

Section 13. Section 2.6.1.J. of the Part 10 Raleigh Unified Development Ordinance, Additional Requirements for Manufactured Homes to Qualify as Tiny Houses, is hereby amended by adding the language shown in underline:

...

6. The Manufactured Home is no greater than 600 square feet in gross floor area.

Section 14. Section 2.6.3.H.2 of the Part 10 Raleigh Unified Development Ordinance, Accessory Dwelling, is hereby amended by adding the language shown in underline and removing the language shown in strikethrough:

H2 From side street (min) 2015' 2015'

Section 15. Section 3.3.3.E. of the Part 10 Raleigh Unified Development Ordinance, Building Massing Standards, is hereby amending the column label “21 to 40 Stories” to “31 to 40 Stories”.

Section 16. Section 3.4.2.C.4. of the Part 10 Raleigh Unified Development Ordinance, Preexisting Conditions, is hereby amended by removing the section below shown in strikethrough entirely and renumbering the subsequent sections:

~~4. The Planning Director may, in accordance with Sec. 10.2.17., reduce the build-to requirement, subject to the findings set forth in Sec. 1.5.6.D.~~

Section 17. Section 3.4.3.C.1 of the Part 10 Raleigh Unified Development Ordinance, Parkway, is hereby amended by adding the language shown in underline and removing the language shown in strikethrough:

C1 Building setback from primary street (min) 50' 60'

Section 18. Section 3.5.3.D.2. of the Part 10 Raleigh Unified Development Ordinance, Zone A Protective Yard – Design and Installation, is hereby amended by adding the language shown in underline and removing the language shown in strikethrough:

2. Required landscaping in a protective yard must meet the design and installation requirements of Sec. 7.2.4.7.

Section 19. Section 5.6.1.B. of the Part 10 Raleigh Unified Development Ordinance, Special Residential Parking Overlay - Parking Surfaces, is hereby amended by removing the language shown in strikethrough and adding the language shown in underline:

B. Parking Surfaces

1. Vehicular surface areas located within the front yard area of a build used for single or two-unit living ~~in a detached house or tiny house~~ constructed after July 19, 2012 shall be constructed of permanent, nonerodable surface treatment, which may include porous and semi-porous monolithic or paver materials, masonry or concrete pavers, poured concrete and asphalt, or constructed with a minimum depth of 4 inches of crushed stone or crush and run.

2. The borders of any vehicular surface area constructed of crushed stone or crush and run shall be delineated with anchored man-made or natural landscape edging materials such that the vehicular surface area is clearly defined and helps to contain the crushed stone or crush and run.
3. Except for circular and semi-circular drives, vehicular surface areas located within the front yard area of a building used for single or two-unit living ~~in a detached house or tiny house~~ shall not be located in front of the dwelling's primary entrance.

Section 20. Section 5.6.1.C. of the Part 10 Raleigh Unified Development Ordinance, Arrangement Size and Orientation of Parking Areas, is hereby amended by removing the language shown in strikethrough and adding the language shown in underline:

C. Arrangement, Size and Orientation of Parking Areas

Vehicular surface areas located within the front yard area of a building used for single or two-unit living ~~in a detached house or tiny house~~ shall comply with one of the following.

...

Section 21. Section 5.6.1.C.4.b., of the Part 10 Raleigh Unified Development Ordinance, Arrangement Size and Orientation of Parking Areas, is hereby amended by adding the following language shown in the underlined and removing the language shown in strikethrough:

- b. Parking shall be limited to single-file, perpendicular to the street right-of way in front of the existing curb-cut. ~~The Development Services Director is authorized to permit in writing~~ However, angled parking for 1 vehicle or side by side parking for 2 vehicles may be permitted when all of the following conditions are present:
 - i. Existing man-made structures on the lot prevent the establishing of a parking area of at least 44 feet in length measured from the property side of an existing sidewalk, or in the absence of a sidewalk to the face of the curb or edge of street pavement.
 - ii. The vehicular surface areas do not exceed the limits of this subsection.
 - iii. Cars are angled with headlights toward the building on the lot and do not extend 10 feet beyond the face of the adjoining car, which is parked perpendicular to the street.

Section 22. Section 5.6.1.D. of the Part 10 Raleigh Unified Development Ordinance, Landscaping Requirements, is hereby amended by removing the language shown in strikethrough and adding the language shown in underline:

D. Landscaping Requirements

1. When vehicular surface areas are constructed in the front yard area of a building used for single or two-unit living ~~in a detached house or tiny house~~ and a parking space is

designed to be within 45 degrees or less of the public street, a continuous berm or row of evergreen shrubs shall be provided within 5 feet of the edge of the parking space on the side nearest the public street in order to screen the broad side of the parked vehicle from view of the public street.

Section 23. Section 5.6.1.E. of the Part 10 Raleigh Unified Development Ordinance, Temporary Parking, is hereby amended by removing the language shown in strikethrough and adding the language shown in underline:

E. Temporary Parking

The property owner may apply for a zoning permit to allow temporary parking in the front yard area on grass or surfaces other than the grass or other erodible minimum surfacing requirements. This permit shall be issued to the property owner once in any 3-year period per premise basis, shall not exceed a an initial period of 90 days ~~and may be extended by the Development Services Director for additional periods of 30 days.~~

Section 24. Section 6.1.4. of the Part 10 Raleigh Unified Development Ordinance, Allowed Principal Use Table, is hereby amending the cross-reference in the Definition/Use Standards column for the Frequent Transit Development Option by changing it from “6.1.2.K.” to “6.2.1.K.”

Section 25. Section 6.7.2.D. of the Part 10 Raleigh Unified Development Ordinance, Accessory Structures, is hereby amended by adding the language shown in the underline and removing the language shown in strikethrough:

- D. In Residential Districts, accessory structures associated with Detached, Tiny, or Attached Houses shall conform to the standards shown in tables ~~1 and 2~~ E, F and G below. Breezeway connections permitted under Sec. 6.7.2.B. shall not count towards the floor area or footprint calculations of this section.

Section 26. Section 6.7.3.D.6. of the Part 10 Raleigh Unified Development Ordinance, Home Occupation, is hereby amended by removing the language shown in strikethrough:

6. Home-Occupation uses must comply with all applicable City ordinances and regulations regarding the emission of noise. ~~A home-occupation permit shall be revoked if a violation of a City noise ordinance is issued in association with the Home-Occupation use. If revoked, a new home-occupation permit cannot be issued for the premise for a period of 365 days.~~

Section 27. Section 6.7.3.I. of the Part 10 Raleigh Unified Development Ordinance, Additional Standards for Specific Accessory Uses - Residential Accessory Service, is hereby amended by removing the language shown in strikethrough and renumbering the section accordingly:

...

~~2. The gross floor area of all accessory uses can be no more than 25% of the dwelling unit.~~

Section 28. Section 6.7.3.G.3. of the Part 10 Raleigh Unified Development Ordinance, Recreational Use Related to a Residential Development, is hereby amended by removing the language shown in strikethrough and adding the language shown in underline:

~~3. Nonresident memberships or fees paid by the general public shall not be permitted. This prohibition shall not be construed to disallow membership fees for residents of the development and their guests made on an installment basis of not less than monthly, rather than on any pay for use, hourly, daily or weekly basis. Membership fees are allowed for any recreational use related if it also complies with all regulations of a recreational use restricted to membership, either commercial or not for profit~~ At least 50% of the members must be residents of the development.

Section 29. 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:

...

L. Solar Energy System

Solar Energy Systems are permitted in all zoning districts as an accessory use to a permitted principal use.

Section 30. Section 6.8.2.E.4. of the Part 10 Raleigh Unified Development Ordinance, Residential Development Sales Office or Model Home, is hereby amended by removing the language shown in strikethrough:

~~4. The building may be used for sales purposes for a period of 3 years, but the period can be extended by the Development Services Director on a semi-annual basis, provided the owner can show reasonable cause for such extensions and the unit remains occupied and used. In no event will the sales office or model home be continued when all of the properties of the development phase or building are sold or leased, excluding the sales office lot or model home lot within a subdivision.~~

Section 31. Section 7.1.2.C. of the Part 10 Raleigh Unified Development Ordinance, Parking

Requirements by Use, is hereby amended by deleting the extraneous rows between: “Indoor Recreation, Except As Listed Below” and “Convention Center, arena”; “Utilities, Minor and Major” and “Commercial”

Section 32. Section 7.1.2.C. of the Part 10 Raleigh Unified Development Ordinance, Parking Requirements by Use - Retail Sales, is hereby amended by removing the language shown in strikethrough:

...

1 space per 200 SF of gross floor area plus 1.5 spaces for every 600 square feet of outdoor display area ~~for every 600 square feet of outdoor display area feet of outdoor display area~~

Section 33. Section 7.1.6.B.2. of the Part 10 Raleigh Unified Development Ordinance, Vehicle Parking Location and Layout - Layout, is hereby amended by removing the language shown in strikethrough:

2. ~~Within a structured parking facility, up to 30% of the total parking spaces provided may be compact spaces. No more than 2 compact parking spaces may abut each other.~~ Compact spaces can be reduced to 7.5 feet in width and 15 feet in length. All compact parking spaces must be clearly and visibly striped and labeled for compact car use only. Other than the stall width and length reduction, compact parking spaces must comply with all other parking layout standards.

Section 34. Section 7.4.1.C.3. of the Part 10 Raleigh Unified Development Ordinance, Site Lighting Applicability - Permit Required, is hereby amended by removing the language shown in strikethrough:

3. ~~The Development Services Director may waive any or all of the above permit requirements, provided the applicant can otherwise demonstrate compliance with this UDO.~~

Section 35. Section 7.4.5.F. of the Part 10 Raleigh Unified Development Ordinance, Parking and Pedestrian Areas, is hereby amended by removing the language shown in strikethrough:

~~F. To the extent possible, as determined by the Development Services Director, internal light sources within structured parking shall not be visible from the adjacent public right of way. Rooftop lighting for parking structures shall be mounted a minimum of 15 feet in from the edge of the structure.~~

Section 36. Section 9.1.10.E.6. of the Part 10 Raleigh Unified Development Ordinance, Lots Without Recorded Tree Conservation Areas - Violations, is hereby amended by adding the language shown in underline and removing the language shown in strikethrough:

6. The replanting areas shall be designated as tree conservation areas on plats with delineated metes and bounds descriptions recorded with the local County Register of Deeds, ~~however, the replacement planting areas shall not count toward the tree conservation percentage requirements of Sec. 9.1.3.~~ Following the recording of this plat, no tree disturbing activity shall take place within the designated tree conservation areas.

Section 37. Section 10.1.8. of the Part 10 Raleigh Unified Development Ordinance, Summary of Review Authority, is hereby amended by:

In the row titled “Site Plan Review”, in the column titled “X-ref”, deleting “10.2.8.C.1.d.” and replacing it with “10.2.8.D.1.d.”; in the row titled “Miscellaneous Zoning Permits”, in the column titled “X-ref”, insert “10.2.7.”; in the row titled “Major Modification Development Plans approved using previously applicable quasi-judicial subjective standards, or by some other procedure with standards no longer available in this UDO” in the row titled “X-ref”, insert “10.1.8.E.2.”.

Section 38. Section 10.2.1.B.1. of the Part 10 Raleigh Unified Development Ordinance, Application Requirements – Initial Application Submittal, is hereby amended by adding the language shown in underline:

1. Initial Application Submittal

All applications for development approval shall be submitted in accordance with the requirements of this UDO and shall be filed with the City:

- a. Applications for administrative development approvals may be made by the property owner, a lessee or person holding an option or contract to purchase or lease land, or an authorized agent of the property owner. An easement holder may also apply for an administrative development approval for such development as is authorized by the easement.
- b. Applications for quasi-judicial approvals may be submitted by either the property owner (the holder of the title in fee simple) or one of the following individuals, if authorized by the property owner to make the application: a person holding a valid option to purchase the property; a person holding a valid lease for the property; or a person holding a valid contract to purchase the property.
- c. Absent evidence to the contrary, the City may rely on the county tax records to determine who is a property owner.

Section 39. Section 10.2.1.C.1.a. of the Part 10 Raleigh Unified Development Ordinance, Public Notice Requirements – Mailed Notice, is hereby amended by adding the language shown in underline and removing the language shown in strikethrough:

- a. Whenever mailed notice is required by Sec. 10.1.8. or elsewhere in this UDO, at the time

of submission of the application, the applicant shall deliver to the City first class stamped envelopes addressed to the property owners of the property included in the proposed application and the owners of all property within 100 feet on all sides of the subject property at the time of submittal. If a portion of a property is requested for rezoning, the notification radius shall be calculated from the property lines, and not the requested zoning boundary. For zoning map amendments, the mailing radius shall be increased to 500 feet. The mailing radius for neighborhood meetings is that set forth in Section 10.2.4.DC. For zoning map amendments that directly affect more than 50 properties owned by a total of at least 50 different property owners, the applicant may elect to provide mailed notice of the Planning Commission public meeting by postcard instead of first class mail. Envelopes shall be provided, and notice given to non-owner tenants in accordance with subsection b.

Section 40. Section 10.2.1.C.1.i of the Part 10 Raleigh Unified Development Ordinance, Review Procedures – Public Notice Requirements – Mailed Notice, is hereby amended by adding the language shown in underline and removing the language shown in strikethrough:

- i. For quasi-judicial hearings, mailed notice shall be provided to ~~all other persons with an ownership interest in the subject property as set forth in all applicable State and local laws~~ the person or entity whose appeal, application, or request is the subject of the hearing; to the owner of the property that is the subject of the hearing if the owner did not initiate the hearing; to the owners of all parcels of land abutting the parcel of land that is the subject of the hearing; and to any other persons entitled to receive notice as provided by the local development regulation. See N.C.G.S. 160D-406(b).

Section 41. Section 10.2.1.C.6.c. of the Part 10 Raleigh Unified Development Ordinance, Notice of Decision, is hereby amended by adding the following language shown in the underlined and removing the language shown in strikethrough:

c. In the case of a quasi-judicial decision, notice of the decision shall be delivered by personal delivery, electronic mail, or first-class mail to the applicant, property owner, and any person who has submitted a written request for a copy prior to the date the decision becomes effective. ~~also be given to the applicant, the property owner (if the property owner is not the applicant) and each person who has filed a written request for notice with the presiding officer or secretary of the reviewing body (if any) at the time of the hearing of the case, with such notice to be delivered to the requesting party by either personal service or by registered mail or certified mail, return receipt requested.~~

Section 42. Section 10.2.2.D.3.a. of the Part 10 Raleigh Unified Development Ordinance, Comprehensive Plan Amendment – Public Hearing by City Council, is hereby amended by adding the language shown in underline and removing the language shown in strikethrough:

- 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 public hearing. Notice of the public hearing shall occur within 60

days of receiving the request from the Planning Commission. 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.

Section 43. Section 10.2.3.D.3.b. of the Part 10 Raleigh Unified Development Ordinance, UDO Text Changes - City Council Legislative Hearing and Action, is hereby amended by adding the language shown in underline and removing the language shown in strikethrough:

- b. ~~Notice of the public hearing shall occur within 60 days of receiving the Planning Commission's written report.~~ 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.

Section 44. Section 10.2.7.A.3.c. of the Part 10 Raleigh Unified Development Ordinance, Miscellaneous Zoning Permits – Permit Exceptions - Signs, is hereby amended by adding the language shown in strikethrough:

...

- ii. Miscellaneous (Omnibus) Signs

Section 45. Section 10.2.8.B.1.a.vii. of the Part 10 Raleigh Unified Development Ordinance, Site Plan Tier Categories – Tier One Site Plans, is hereby amended by removing the language shown in strikethrough:

- vii. An addition of up to 25 parking spaces or a 25% expansion whichever is greater, to an existing parking surface or parking facility that is ~~not required parking as determined in Article 7.1 or is unrelated to an improvement described in subsection B.1.a.i. above.~~

Section 46. Section 10.2.8.B.2.a.iii of the Part 10 Raleigh Unified Development Ordinance, Site plan Review- Site Plan Tier Categories- Tier Two Site Plans, is hereby amended by adding the language shown in underline and removing the language shown in strikethrough:

- iii. The construction, reconstruction, addition, repair, alteration, demolition, and or replacement of a building having a cumulative gross floor area of ~~10,000 square feet or less greater than 10,000 square feet but less than 25,000 square feet,~~ with civic use as its principal use, except for schools and places of worship.

Section 47. Section 10.2.8.A.4., of the Part 10 Raleigh Unified Development Ordinance, Site Plan Review - Applicability, is hereby amended by adding the following language shown in underline:

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

Section 48. Section 10.2.8.B.1.a.xiii., of the Part 10 Raleigh Unified Development Ordinance, Site Plan Tier Categories – Tier One Site Plans, is hereby amended by adding the following language shown in underline:

xiii. The construction of a detached, tiny house, two-unit townhouse, or attached building type used for one or two unit living as defined in Section 6.2.1. including additions, reconstruction, addition or renovation for a live-work use, or an accessory structure located on any vacant lot that was lawfully established.

Section 49. Section 10.2.8.B.2.a.iv. of the Part 10 Raleigh Unified Development Ordinance, Site Plan Tier Categories – Tier Two Site Plans, is hereby amended by removing the language shown in strike-through:

iv. An addition of more than 25 parking spaces or 25%, whichever is greater, and up to 50 parking spaces or a 50% expansion whichever is greater, to an existing parking surface or parking facility that is ~~not required parking as determined in Article 7.1 or is unrelated to~~ an improvement described in subsection B.2.a.i. above.

Section 50. Section 10.2.8.B.3.C., of the Part 10 Raleigh Unified Development Ordinance, Site Plan Tier Categories - Tier Three Site Plan, is hereby amended by adding the language shown in underline:

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

Section 51. Section 10.2.10.D.3., of the Part 10 Raleigh Unified Development Ordinance, Variance – Approval Process - Showings, is hereby amended by adding the language shown in underline and removing the language shown in strikethrough:

...

- a. Unnecessary hardship would result from the strict application of the ordinance. It ~~shall~~ is not ~~be~~ necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
- b. The hardship results from conditions that are peculiar to the property, such as location, size or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance. A variance may be granted when necessary and appropriate to make a reasonable accommodation under the Federal Fair Housing Act for a person with a disability.

- c. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance ~~shall~~ is not be regarded as a self-created hardship.
- d. The requested variance is consistent with the spirit, purpose and intent of the ordinance, such that public safety is secured and substantial justice is achieved.

Section 52. Article 11.3 of the Part 10 Raleigh Unified Development Ordinance, Examining Boards & Licensing, is hereby amended by removing the language shown in strikethrough and inserting the language shown in underline:

[Reserved for future codification]

~~Sec. 11.3.1. Registration of Contractors~~

~~The registration of contractors shall conform to the provisions of the North Carolina Administration and Enforcement Requirement Code, North Carolina General Statutes, and City privilege license regulations.~~

~~Sec. 11.3.2. Electrical~~

~~A. Board Established; Personnel~~

~~There is hereby established an electrical examining board (hereinafter referred to as the board) to consist of a North Carolina registered professional engineer specializing in electrical work, 2 electrical contractors, 1 journeyman electrician, and 1 representative of the public electrical utility, all of whom must reside within the territorial jurisdiction of this UDO. The Development Services Director shall serve as ex officio secretary to the board. The members of the board shall be appointed for 2 year terms by the City Council as provided in §1 4002 of the City Code. The board shall elect from its membership a Chairman and Vice Chairman. The members shall serve without compensation.~~

~~B. Purpose of the Board~~

- ~~1. It shall be the duty of the board to examine applicants for certificates as to their knowledge of the rules and regulations for the installation and operation of electrical wiring, devices, appliances and equipment as set forth in the statutes of the State of North Carolina, the ordinances of the City, and the North Carolina Electrical Code; and to determine the general qualifications and fitness of each applicant for performing the class of work covered by a journeyman's certificate.~~
- ~~2. The board shall perform other duties relating to electrical wiring, contracting, electrical installations, or advise on any electrical questions referred to them by the Council.~~

~~C. Meetings of the Board~~

~~The board shall meet at such intervals as may be necessary for the proper performance of its duties, but in no case less than twice each year. All meetings shall be called by the Chairman.~~

~~D. Standards and Procedures for Certifying Electricians~~

~~The board shall establish standards and procedures for the qualifications, examinations and licensing of journeyman electricians, and shall issue an appropriate license with no expiration date to each person who meets the qualifications thereof and successfully passes the examination given by the board.~~

~~E. Examinations~~

~~Examinations for journeyman certificates shall be by written form and a complete record of each shall be maintained by the secretary for a period of 2 years. Examinations are to be held the last Tuesday in each of the following months: March, June, September and December. A grade of 75 percent is required for passage of the examination.~~

~~F. Reexamination~~

~~Any applicant failing an examination may, upon payment of the regular examination fee, be reexamined after 90 days or more shall have elapsed. After 3 successive failures, an applicant shall not be reexamined for a period of 12 months following.~~

~~G. Examination Fee~~

~~Any person desiring to be licensed as a journeyman electrician shall make written application to the board and include a fee in the amount of \$35.00. Such fees shall be made payable to the City of Raleigh and are not refundable. All fees shall be collected by the secretary and promptly remitted to the Revenue Collector. The secretary shall be approved by the Revenue Collector to collect the fees for the examinations.~~

~~H. Temporary Journeyman Working Card~~

~~Between the regular periods of required examinations given by the board, any journeyman electrician, if the board secretary deems it an emergency or hardship, who first presents himself to the secretary and indicates he is employed by an electrical contractor licensed by the City, may have a temporary journeyman electrician working permit issued to him for that period before the next regular examination and upon payment of a fee of \$10.00, provided he can satisfy the secretary that he is duly qualified to perform such work. Temporary journeyman electrician working permits so issued may be canceled and recalled by the secretary if the holder thereof fails to conduct his work consistent with the applicable laws and codes. The recall of the temporary permit shall not exclude the holder from taking an examination at the regular period as required by this UDO.~~

~~I. Revocation of Certificate~~

~~Any certificate issued by the board may, after a hearing, be suspended or revoked if the person holding such certificate repeatedly violates any provision of this chapter relating to the installation, maintenance, alteration or repair of electrical wiring devices and equipment.~~

~~J. Certificate Required to Perform Electrical Work~~

~~No person shall install, alter, repair or extend any electrical system or part thereof or connect any current-consuming device, appliance or equipment (except lamps, fuse-~~

~~renewals and other appliances connected by means of attachment plugging devices, maintenance on small motors and on controls for heating/air conditioning equipment), on any electrical wiring used for light, heat or power within or without any building or structure whether employed by a licensed contractor or not until he shall have first passed an examination to be conducted by the City of Raleigh electrical examining board or by the electrical examining or advisory board of any City or County which is a member of the North Carolina Committee for Journeyman Electricians and until he shall have secured a certificate of competency as a certified electrician from any such examining or advisory board; provided, however, that nothing herein shall be construed as to require the Chief electrical inspector to permit any person who may have a journeyman electrician certificate of competency issued by the advisory or examining board of any City, town or County who is a member of the North Carolina Committee for Journeyman Electricians to start or remain on any job as the qualified electrician when, in the opinion of the Chief electrical inspector, by past experience said person is not qualified under local standards to do the necessary work or when by past experience it is the opinion of the Chief electrical inspector that the person will not cooperate with the Development Services Department by not calling for inspections at the proper time, or by making or supervising installations not in conformity with applicable state and local codes.~~

Section 53. Article 12.2. of the Part 10 Raleigh Unified Development Ordinance, Defined Terms, is hereby amended by adding the language shown in underline and removing the language shown in strikethrough:

...

Attic

An unfinished and uninhabitable space between roof framing and the ceiling of a room, or rooms, below that is accessed by ladder or permanent stairs. This area is used for storage or mechanical equipment and cannot be used as habitable space. ~~If an attic is converted to a habitable space, such conversion shall cause the area to be deemed as an additional story.~~

...

Crawl Space

An enclosed, unfinished area between the livable space of a dwelling and the surface below. A crawl space must be exposed a minimum of 1.5' above grade on all sides. A crawl space may or may not be ventilated to the outdoors, however, in no instance may a crawl space be used for habitation.

...

Half-Story

A finished, habitable space between a roof and the ceiling of a room, or rooms, below where

50% or more of the floor area has a clear height of less than 7.5 feet; measured from the finished floor to the finished ceiling.

...

Solar Energy System

An energy system that consists of one or more solar collection devices, solar energy related “balance of system” equipment, and other associated infrastructure with the primary intention of generating electricity, storing electricity, or otherwise converting solar energy to a different form of energy. Solar energy systems may generate energy in excess of the energy requirements of a property if it is to be sold back to a public utility in accordance with the law.

...

Story

The space between two adjacent floor levels or between a floor and the roof. This does not include any level qualifying as an attic, crawl space, or basement.

Section 54. 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 55. This text change has been reviewed by the Raleigh Planning Commission.

Section 56. This ordinance has been adopted following a duly advertised legislative hearing of the Raleigh City Council.

Section 57. This ordinance has been provided to the North Carolina Capital Planning Commission as required by law.

Section 58. This ordinance shall be enforced as provided in N.C.G.S. 160A-175 or as provided in the Raleigh City Code.

Section 59. This ordinance is effective 30 days after adoption.

Adopted: August 20, 2024

Effective: September 19, 2024

Distribution:

Planning: Young, Bowers, Walter, Stegall, Rametta, Crane, McDonald

City Attorney Office: McDonald, Hill, Kibler, Poole, York, Hargrove-Bailey