

TC-6-22
WATER AND WASTEWATER TREATMENT PLANTS
ORDINANCE NO. (XXX-2022)

AN ORDINANCE TO AMEND THE PART 10
RALEIGH UNIFIED DEVELOPMENT ORDINANCE REGARDING
WATER AND WASTEWATER TREATMENT PLANTS

WHEREAS, the City's Unified Development Ordinance currently limits Major Utilities, including Government-Owned Water and Wastewater Treatment Plants to the Heavy Industrial Zoning District; and

WHEREAS, there are existing facilities in the R-1 district that are unable to be expanded due to their nonconforming status; and

WHEREAS, it is in the public interest to accommodate Treatment Plants in the R-1 district with appropriate development standards.

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

Section 1. Section 1.4.2. of the Part 10 Raleigh Unified Development Ordinance, Building Types Allowed by District, is hereby replaced in its entirety with the following table:

Sec. 1.4.2. Building Types Allowed by District

Building types are allowed by district as set forth below.

| | Detached House | Attached House | Townhouse | Apartment | General Building | Mixed Use Building | Civic Building | Open Lot | Tiny* House |
|-----------------------------------|----------------|----------------|-----------|-----------|------------------|--------------------|----------------|----------|-------------|
| Residential Districts | | | | | | | | | |
| Residential-1 (R-1) | | | | | | | | | |
| Conventional Dev. Option | ■ | -- | -- | -- | □(4) | -- | ■ | ■ | ■ |
| Compact Dev. Option | ■ | -- | -- | -- | -- | -- | -- | -- | -- |
| Conservation Dev. Option | ■ | -- | -- | -- | -- | -- | -- | -- | -- |
| Cottage Court Housing Pattern | -- | -- | -- | -- | -- | -- | -- | -- | -- |
| Frequent Transit Area Dev. Option | -- | -- | -- | -- | -- | -- | -- | -- | -- |
| Flag Lot Housing Pattern | -- | -- | -- | -- | -- | -- | -- | -- | -- |
| Residential-2 (R-2) | | | | | | | | | |
| Conventional Dev. Option | ■ | ■ | □(1) | □(1) | -- | -- | ■ | ■ | ■ |
| Compact Dev. Option | ■ | ■ | ■ | -- | -- | -- | -- | -- | -- |
| Conservation Dev. Option | ■ | ■ | ■ | -- | -- | -- | -- | -- | -- |
| Cottage Court Housing Pattern | ■ | ■ | ■ | -- | -- | -- | -- | -- | ■ |
| Frequent Transit Area Dev. Option | -- | -- | -- | -- | -- | -- | -- | -- | -- |
| Flag Lot Housing Pattern | -- | -- | -- | -- | -- | -- | -- | -- | -- |
| Residential-4 (R-4) | | | | | | | | | |
| Conventional Dev. Option | ■ | ■ | □(2) | □(2) | -- | -- | ■ | ■ | ■ |
| Compact Dev. Option | ■ | ■ | ■ | -- | -- | -- | -- | -- | -- |
| Conservation Dev. Option | ■ | ■ | ■ | -- | -- | -- | -- | -- | -- |
| Cottage Court Housing Pattern | ■ | ■ | ■ | -- | -- | -- | -- | -- | ■ |
| Frequent Transit Area Dev. Option | ■ | ■ | ■ | ■ | -- | -- | -- | -- | ■ |
| Flag Lot Housing Pattern | -- | -- | -- | -- | -- | -- | -- | -- | ■ |
| Residential-6 (R-6) | | | | | | | | | |
| Conventional Dev. Option | ■ | ■ | ■ | □(3) | -- | -- | ■ | ■ | ■ |
| Compact Dev. Option | ■ | ■ | ■ | -- | -- | -- | -- | -- | -- |
| Conservation Dev. Option | ■ | ■ | ■ | ■ | -- | -- | -- | -- | -- |
| Cottage Court Housing Pattern | ■ | ■ | ■ | -- | -- | -- | -- | -- | ■ |
| Frequent Transit Area Dev. Option | ■ | ■ | ■ | ■ | -- | -- | -- | -- | -- |
| Flag Lot Housing Pattern | -- | -- | -- | -- | -- | -- | -- | -- | ■ |
| Residential-10 (R-10) | | | | | | | | | |
| Conventional Dev. Option | ■ | ■ | ■ | ■ | -- | -- | ■ | ■ | ■ |
| Compact Dev. Option | ■ | ■ | ■ | ■ | -- | -- | -- | -- | -- |
| Conservation Dev. Option | ■ | ■ | ■ | ■ | -- | -- | -- | -- | -- |
| Cottage Court Housing Pattern | ■ | ■ | ■ | -- | -- | -- | -- | -- | ■ |
| Frequent Transit Area Dev. Option | ■ | ■ | ■ | ■ | -- | -- | -- | -- | -- |
| Flag Lot Housing Pattern | -- | -- | -- | -- | -- | -- | -- | -- | ■ |

KEY: ■ = Building Type Allowed □ = See footnote -- = Building Type Not allowed

(1) In R-2, townhouse developments are restricted to a maximum of two dwelling units, however, 3+ dwelling unit townhouse developments, and apartments, are allowed in the -TOD overlay.

(2) In R-4, townhouse developments are restricted to a maximum of two dwelling units, however, 3+ dwelling unit townhouse developments, and apartments, are allowed in the -TOD overlay.

(3) In R-6, apartments are allowed in the -TOD overlay.

(4) In R-1, the general building type is allowed only as part of a water or wastewater treatment plant use described in Sec. 6.3.3.E.

* A Tiny House may be constructed as a manufactured home. See UDO Article 12.2 for the definition of manufactured home.

Sec. 1.4.2. Building Types Allowed by District

Building types are allowed by district as set forth below.

| | Detached House | Attached House | Townhouse | Apartment | General Building | Mixed Use Building | Civic Building | Open Lot | Tiny* House |
|---------------------------------------|----------------|----------------|-----------|-----------|------------------|--------------------|----------------|----------|-------------|
| Mixed Use Districts | | | | | | | | | |
| Neighborhood Mixed Use (NX-) | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ |
| <i>Parkway Frontage (-PK)</i> | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ |
| <i>Detached Frontage (-DE)</i> | ■ | ■ | ■ | ■ | -- | -- | ■ | ■ | ■ |
| <i>Parking Limited Frontage (-PL)</i> | -- | -- | ■ | ■ | ■ | ■ | ■ | ■ | -- |
| <i>Green Frontage (-GR)</i> | -- | -- | ■ | ■ | ■ | ■ | ■ | ■ | -- |
| <i>Urban Limited Frontage (-UL)</i> | -- | -- | ■ | ■ | ■ | ■ | ■ | ■ | -- |
| <i>Urban General (-UG)</i> | -- | -- | ■ | ■ | ■ | ■ | ■ | ■ | -- |
| <i>Shopfront Frontage (-SH)</i> | -- | -- | -- | -- | -- | ■ | ■ | ■ | -- |
| <i>Green Plus Frontage (-GP)</i> | -- | -- | ■ | ■ | ■ | ■ | ■ | ■ | -- |
| Commercial Mixed Use (CX-) | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ |
| <i>Parkway Frontage (-PK)</i> | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ |
| <i>Detached Frontage (-DE)</i> | ■ | ■ | ■ | ■ | -- | -- | ■ | ■ | ■ |
| <i>Parking Limited Frontage (-PL)</i> | -- | -- | ■ | ■ | ■ | ■ | ■ | ■ | -- |
| <i>Green Frontage (-GR)</i> | -- | -- | ■ | ■ | ■ | ■ | ■ | ■ | -- |
| <i>Urban Limited Frontage (-UL)</i> | -- | -- | ■ | ■ | ■ | ■ | ■ | ■ | -- |
| <i>Urban General (-UG)</i> | -- | -- | ■ | ■ | ■ | ■ | ■ | ■ | -- |
| <i>Shopfront Frontage (-SH)</i> | -- | -- | -- | -- | -- | ■ | ■ | ■ | -- |
| <i>Green Plus Frontage (-GP)</i> | -- | -- | ■ | ■ | ■ | ■ | ■ | ■ | -- |
| Downtown Mixed Use (DX-) | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ |
| <i>Parkway Frontage (-PK)</i> | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ |
| <i>Detached Frontage (-DE)</i> | ■ | ■ | ■ | ■ | -- | -- | ■ | ■ | ■ |
| <i>Parking Limited Frontage (-PL)</i> | -- | -- | ■ | ■ | ■ | ■ | ■ | ■ | -- |
| <i>Green Frontage (-GR)</i> | -- | -- | ■ | ■ | ■ | ■ | ■ | ■ | -- |
| <i>Urban Limited Frontage (-UL)</i> | -- | -- | ■ | ■ | ■ | ■ | ■ | ■ | -- |
| <i>Urban General (-UG)</i> | -- | -- | ■ | ■ | ■ | ■ | ■ | ■ | -- |
| <i>Shopfront Frontage (-SH)</i> | -- | -- | -- | -- | -- | ■ | ■ | ■ | -- |
| <i>Green Plus Frontage (-GP)</i> | -- | -- | ■ | ■ | ■ | ■ | ■ | ■ | -- |

KEY: ■ = Building Type Allowed -- = Building Type Not allowed

* A tiny house may be constructed as a manufactured home. See UDO Article 12.2 for the definition of manufactured home

Sec. 1.4.2. Building Types Allowed by District

Building types are allowed by district as set forth below.

| | Detached House | Attached House | Townhouse | Apartment | General Building | Mixed Use Building | Civic Building | Open Lot | Tiny* House |
|---------------------------------------|--|----------------|-----------|-----------|------------------|--------------------|----------------|----------|-------------|
| Mixed Use Districts | | | | | | | | | |
| Industrial Mixed Use (IX-) | -- | -- | -- | -- | ■ | ■ | ■ | ■ | -- |
| <i>Parkway Frontage (-PK)</i> | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ |
| <i>Detached Frontage (-DE)</i> | ■ | ■ | ■ | ■ | -- | -- | ■ | ■ | ■ |
| <i>Parking Limited Frontage (-PL)</i> | -- | -- | ■ | ■ | ■ | ■ | ■ | ■ | -- |
| <i>Green Frontage (-GR)</i> | -- | -- | ■ | ■ | ■ | ■ | ■ | ■ | -- |
| <i>Urban Limited Frontage (-UL)</i> | -- | -- | ■ | ■ | ■ | ■ | ■ | ■ | -- |
| <i>Urban General (-UG)</i> | -- | -- | ■ | ■ | ■ | ■ | ■ | ■ | -- |
| <i>Shopfront Frontage (-SH)</i> | -- | -- | -- | -- | -- | ■ | ■ | ■ | -- |
| <i>Green Plus Frontage (-GP)</i> | -- | -- | ■ | ■ | ■ | ■ | ■ | ■ | -- |
| Special Districts | | | | | | | | | |
| Conservation Management (CM) | -- | -- | -- | -- | -- | -- | -- | ■ | -- |
| Agricultural Productive (AP) | ■ | -- | -- | -- | ■ | -- | -- | ■ | -- |
| Heavy Industrial (IH) | -- | -- | -- | -- | ■ | -- | -- | ■ | -- |
| Manufactured Housing (MH) | <i>See Article 4.5 Manufactured Housing (MH); See Article 12.2 for the definition of manufactured home</i> | | | | | | | | |
| Campus (CMP) | <i>Allowed building types determined on master plan (see Article 4.6 Campus (CMP))</i> | | | | | | | | |
| Planned Development (PD) | <i>Allowed building types determined on master plan (see Article 4.7. Planned Development (PD))</i> | | | | | | | | |

KEY: ■ = Building Type Allowed -- = Building Type Not allowed

* A tiny house may be constructed as a manufactured home. See UDO Article 12.2 for the definition of manufactured home.

Section 2. Article 2.2. of the Part 10 Raleigh Unified Development Ordinance, Conventional Development Option, is hereby amended by adding the following new Section 2.2.9. General Building:

| | |
|--|-----------------|
| Sec. 2.2.9. General Building | |
| | R-1 |
| A. Lot Dimensions | |
| A1 Area (min) | 40,000 sf |
| A2 Lot width (min) | 100' |
| A3 Depth (min) | 100' |
| B. Principal Building Setbacks | |
| B1 From primary street (min) | 50' |
| B2 From side street (min) | 50' |
| B3 From side lot line (min) | 30' |
| B4 From rear lot line (min) | 30' |
| B5 Residential infill rules may apply (see Sec. 2.2.7.) | no |
| C. Parking Setbacks | |
| C1 From primary street (min) | 50' |
| C2 From side street (min) | 50' |
| C3 From side lot line (min) | 30' |
| C4 From rear lot line (min) | 30' |
| D. Height | |
| D1 All structures (max) | 68'4 stories |
| General Building type allowed in the above zoning district only as part of a governmental water or wastewater treatment plant use described in Sec. 6.3.3.E. | |

Section 3. Section 6.1.4. of the Part 10 Raleigh Unified Development Ordinance, Allowed Principal Use Table, is hereby amended as follows:

Immediately after the row titled “Telecommunication tower (≥ 250 ft)”, insert a new row titled “Water/Wastewater treatment plant - Government” and within this new row insert “L” in the columns titled “R-1”, “IX-” and “IH”; in the column titled “Definition/Use Standards” insert “Sec. 6.3.3.E; and in all remaining columns insert “—”.

Section 4. Section 6.3.3. of the Part 10 Raleigh Unified Development Ordinance, Utilities, is hereby amended by adding the following new Sub-section 6.3.3.E. Water and Wastewater Treatment Plant - Government:

6.3.3.E. Water and Wastewater Treatment Plant – Government

1. The treatment plant is owned and/or operated by a governmental entity.
2. No building exceeding a height of 40 feet and/or three stories shall be permitted within 100 feet of a property line of an adjacent parcel not owned by the governmental entity referenced in sub-section 1 above.

Section 5. Section 9.1.9. of the Part 10 Raleigh Unified Development Ordinance, Watershed Protection Overlay Districts, is hereby amended by adding the following language shown in underline:

F. For lots used for governmental water and wastewater treatment plants, the requirements of this section apply, however only 15% of each lot must contain an area set aside for trees.

Section 6. Section 10.2.8.B.1.a. of the Part 10 Raleigh Unified Development Ordinance, Tier One Site Plans, is hereby amended by adding the language shown in underline:

xvi. The construction or expansion of a government owned and/or operated water/wastewater treatment plant.

Section 8. This text change has been reviewed by the Raleigh Planning Commission.

Section 9. This ordinance has been adopted following a duly advertised legislative hearing of the Raleigh City Council.

Section 10. This ordinance has been provided to the North Carolina Capital Planning Commission as required by law.

Section 11. This ordinance shall be enforced as provided in N.C.G.S. 160A-175 or as provided in the Raleigh City Code.

Section 12. This ordinance is effective 30-days after adoption.

ADOPTED:

EFFECTIVE:

DISTRIBUTION: