

**ORDINANCE NO. 2022 – 383 TC 469
TC-12-21**

**AN ORDINANCE TO AMEND THE PART 10
RALEIGH UNIFIED DEVELOPMENT ORDINANCE TO MODIFY THE LIVE-WORK
ACCESSORY USE TO ALLOW FOR MORE NEIGHBORHOOD-SCALE COMMERCE
IN RESIDENTIAL AREAS OF RALEIGH**

WHEREAS, the Unified Development Ordinance (UDO) regulates the use of land in order to support orderly and efficient development patterns;

WHEREAS, the City of Raleigh has used zoning to separate some uses from others and to separate commercial uses from residential areas in particular;

WHEREAS, the history of shopping and personal service uses within neighborhoods has shown them to be generally beneficial when appropriately designed and located;

AND WHEREAS, the presence of neighborhood commerce can improve equitable access to nutritious food, encourage active transportation modes, reduce carbon emissions, and grow community cohesion;

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

Section 1. Section 2.6.3. of the Part 10 Raleigh Unified Development Ordinance, Accessory Dwelling, is hereby amended by insertion of the following underlined provisions:

C. Definition

An Accessory Dwelling Unit (ADU) is a self-contained dwelling unit that is located on the same lot as a principal dwelling that meets the regulations identified in Section 2.6.3.D. An Accessory Dwelling Unit may be located above a garage. Accessory Dwelling Units may be detached, attached, or internal to the principal dwelling. Only residential uses are permitted in Accessory Dwelling Units with the exception that a Live-Work use, as defined in Sec. 6.7.3.E., may be allowed in an ADU so long as that is the only Live-Work use present on the lot. The Live-Work use must meet the definition of an accessory use to the principal residential use on the lot as described in Sec. 6.7.1.

Section 2. Section 6.7.3.D. of the Part 10 Raleigh Unified Development Ordinance, Home Occupation, is hereby amended by insertion of the following underlined provisions and deletion of the following struckthrough provisions:

D. Home Occupation

An occupation that provides a service or product that is conducted wholly within a residential dwelling in a Residential District.

...

~~6. No equipment, vehicle or process may be used that creates excessive noise, vibration, glare, fumes, odors, or electrical interference. 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.~~

...

~~8. The requirements for shipping and receiving of materials in connection with the business does not create excessive noise or traffic.~~

Section 3. Section 6.7.3.E. of the Part 10 Raleigh Unified Development Ordinance, Live-Work, is hereby amended by insertion of the following underlined provisions and deletion of the following struckthrough provisions:

E. Live-Work

~~An occupation that provides a service or product that is conducted wholly within a residential dwelling that~~ A commercial use that is contained within or attached to a residential structure or contained within a legally conforming accessory structure or accessory dwelling unit and which allows employees, customers, clients or patrons to visit. Live-Work uses shall meet all of the following:

- ~~1. In a Residential District, a special use permit issued in accordance with Sec. 10.2.9 is required for a live-work except in the TOD~~
- ~~2.~~ 1. A minimum of 1 individual must occupy the live-work unit associated principal structure or the associated Accessory Dwelling Unit as their primary place of residence.
- ~~3.~~ 2. The live-work unit may employ no more than 2 two (2) individuals not living on the premises at any one time.
- ~~4. Work space within the unit may be used as an office, studio, gallery, beauty/hair salon, or for production involving the use of hand tools and small scale, light equipment.~~
- ~~5. Resale of items such as, but not limited to, antiques, jewelry and clothing may be permitted in addition to handmade items produced in the live-work unit.~~
- ~~6. No specialty service such as, but not limited to, dance instruction, crafts, or music lessons shall be provided for a group larger than 5 persons.~~
- ~~7.~~ 3. No business storage or warehousing of material, supplies or equipment is permitted outdoors. Storage is permitted in the live-work unit or a fully enclosed accessory structure only.
- ~~8. Except for permitted signage, there must be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of the work inside.~~
- ~~9.~~ 4. Signage is limited to 1 one (1) unlit wall or projecting sign Building Sign as listed in Sec. 7.3.2. for each building façade of the structure containing the live-work use that faces a public street. Each sign permitted by this item shall be no larger than 3 six (6) square feet in area, and attached to the structure housing the live-work unit.

- ~~10. No equipment, vehicle or process may be used that creates excessive noise, vibration, glare, fumes, odors, or electrical interference.~~
- ~~11. 5. Only 1 vehicle used in connection with the live-work use shall be parked or stored on the premises; provided, however, the vehicle must not be a bus, truck, van, trailer or other vehicle over 6,000 lbs, as listed on the vehicle registration form, and no advertising or reference to the use may be displayed on the vehicle in any manner.~~
- ~~12. 6. No more than 5 five (5) customers are permitted on the premises at any one time.~~
- ~~13. The requirements for shipping and receiving of materials in connection with the business does not create excessive noise or traffic.~~
- ~~14. One additional on-site parking space is required per live-work unit. No vehicular or bicycle parking is required.~~
7. Allowed uses shall be limited to the following:
- a. Office
 - b. Dance, martial arts, music studio or classroom
 - c. Sports academy
 - d. Personal Service (with the exception of Animal Care (outdoor); Dry-cleaning; Funeral home, funeral parlor, mortuary, undertaking establishment, crematorium, pet crematorium; and Wedding chapel)
 - e. Clothing, textile, and apparel manufacturing
 - f. Production of artwork and toys
 - g. Graphic design
 - h. Assembly, design, repair or testing of clocks, computers, jewelry, musical instruments, and photographic or optical instruments.
 - i. Sale of items such as, but not limited to, antiques, jewelry and clothing only when in conjunction with production or repair of said items in the live-work.
- ~~8. A live-work shall be located within or attached to a Detached, Attached, or Apartment principal structure with a residential principal use; or within an accessory structure or Accessory Dwelling Unit associated with a residential principal use. The live-work shall be located in fully-enclosed, conditioned space that is affixed to a permanent foundation. Exterior facades of an attached live-work shall be compatible with the principal building in terms of texture, quality, material and color.~~
- ~~9. No more than one live-work shall be established on a lot. A live-work shall not be permitted on a lot where a Home Occupation is permitted.~~
- ~~10. When a live-work use is located within a Detached or Attached principal structure with a residential principal use or an Accessory Dwelling Unit associated with a residential principal use, the following provisions shall apply:~~
- a. The non-residential floor area is limited to the first floor and may occupy no more than 50% of the structure; and
 - b. The entire structure may be no larger than 3,000 sf (both residential and non-residential).
- ~~11. When a live-work is located in an Apartment principal structure, the floor area of the live-work shall not exceed 1,000 square feet or 40% of the gross floor area of the associated dwelling unit, whichever is smaller.~~

12. When a live-work is located in an accessory structure that does not contain an ADU, the live-work may occupy up to 100% of the floor area of the accessory structure so long as the live-work meets the standards listed in Sec. 6.7.1. relative to the principal residential use.¹ [Footnote: A live-work occupying more than 50% of the floor area of an accessory structure or located in an accessory structure not containing an ADU may be subject to additional commercial building code requirements that may not apply to live-work uses described in item 10 above.]
13. Hours of operation shall be limited to 7 AM to 7 PM.
14. Drive-thrus are prohibited
15. Outdoor seating associated with a live-work is prohibited.
16. Except where the areas listed are within 10 feet of a public right-of-way, loading areas, service areas, and utility service areas associated with a live-work and which face an adjoining residential district that is vacant or developed with a residential use shall be screened in one of the following ways:
 - a. By evergreen plantings the requirements of items 4. And 5. of Sec. 7.2.5.B.
 - b. By a wall or fence at least six feet in height and compatible with the principal building in terms of texture, quality, material and color.
17. Mechanical equipment associated with a live-work shall be subject to Sec. 7.2.5.D.
18. Lighting associated with a live-work shall be regulated according to Article 7.4. Notwithstanding the provisions of Article 7.4., lighting associated with a live-work shall be full cutoff.
19. Outdoor display areas shall be prohibited.
20. Live-Work uses must comply with all applicable City ordinances and regulations regarding the emission of noise. A live-work permit shall be revoked if a violation of a City noise ordinance is issued in association with the Live-Work use. If revoked, a new live-work permit cannot be issued for the premise for a period of 365 days.
21. Notice shall be provided in accordance with Sec. 10.2.1.C.1. Letters shall be mailed upon verification that the application is complete.

Section 4. Section 10.2.8.B.1. of the Part 10 Raleigh Unified Development Ordinance, Tier One Site Plans, is hereby amended by insertion of the following underlined provisions:

xiii The construction of a detached, tiny house, 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 5. All laws and clauses of laws in conflict herewith are repealed to the extent of such conflict.

Section 6. 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 7. This text change has been reviewed by the Raleigh City Planning Commission.

Section 8. This ordinance has been adopted following a duly advertised public hearing of the Raleigh City Council.

Section 9. This ordinance has been provided to the North Carolina Capital Commission as required by law.

Section 10. This ordinance shall be enforced as provided in N.C.G.S. 160A-175 or as provided in the Raleigh City Code. All criminal sanctions shall be the maximum allowed by law notwithstanding the fifty dollar limit in N.C.G.S. §14-4(a) or similar limitations.

Section 11d. This ordinance is effective 90 days after adoption.

ADOPTED: June 7, 2022

EFFECTIVE: September 5, 2022

DISTRIBUTION: Management Team, Crane, Bynum, McDonald, Rametta, Anagnost, York; Taylor, Puccini

Prepared by the Department of Planning and Development