

ORDINANCE NO. 2020 118 TC 433
TC-17-19

**AN ORDINANCE TO REPEAL THE CURRENT STANDARDS CONTAINED IN
ARTICLES 8.4 AND 8.5 OF THE UNIFIED DEVELOPMENT ORDINANCE AND
REPLACE WITH UNIFIED STANDARDS FOR NEW AND EXISTING STREETS
AND MODIFY THE DESIGN ADJUSTMENT PROCESS**

WHEREAS, the city of Raleigh Unified Development Ordinance contains standards for new streets and expansion of existing streets; and

WHEREAS, the Unified Development Ordinance contains development standards that are applied during subdivision and site plan review; and

WHEREAS, the standards applied during administrative review must be objective in nature and equitably applied; and

WHEREAS, the application of subjective standards must be reviewed during a quasi-judicial public hearing;

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

Section 1. Section 8.1.1.D of the Part 10 Raleigh Unified Development Ordinance, Applicability, is hereby amended by adding the following language shown in the underlined and removing the language shown in strikethrough:

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

Section 2. Section 8.3.6 of the Part 10 Raleigh Unified Development Ordinance, Design Adjustments Relating to Blocks, Lots and Access, is hereby amended by insertion of the following underlined provisions and deleting the language shown with a strike-through:

Sec. 8.3.6. Design Alternates Relating to Blocks, Lots and Access (Article 8.3)

- A. ~~The Board of Adjustment~~ Planning Commission or Appearance Commission ~~performing the quasi-judicial duties of the Planning Commission (as designated by the City Council)~~ shall conduct a duly noticed, ~~quasi-judicial public evidentiary~~ hearing, in accordance with Sec. 10.2.18, and approve a design alternate from the provisions of Sec. 8.3.2, 8.3.4 and 8.3.5 relating to blocks and access, upon a showing of all of the findings set forth ~~in Section 10.2.18 below.~~
- ~~1. The approved design alternate meets the intent of this Article;~~
 - ~~2. The approved design alternate does not increase congestion or compromise safety;~~
 - ~~3. The approved design alternate does not conflict with an approved or built roadway construction project adjacent to or in the vicinity of the site (no design alternate shall be approved when the City Council has authorized a roadway project in the vicinity, where the roadway design has not yet been finalized); and~~
 - ~~4. The design adjustment is deemed reasonable due to one or more of the following:~~
 - ~~a. Given the existing physical environment, compliance is not physically feasible;~~
 - ~~b. Compliance would not meaningfully improve connectivity;~~
 - ~~c. Compliance is not compatible with adjacent use[s]; or~~
 - ~~d. The burden of compliance is not reasonable in light of the size of the site or intensity of the development.~~

Section 3. Article 8.4 of the Part 10 Raleigh Unified Development Ordinance, New Streets is hereby repealed and replaced with a new Article under the heading “New and Existing Streets.”

Section 4. Section 8.4.1 of the Part 10 Raleigh Unified Development Ordinance, General Provisions, is hereby established with the following language:

Sec. 8.4.1. General Provisions

This Article describes regulations for the construction and acceptance of streets and streetscapes throughout the City. It is intended to address when street and streetscape improvements are appropriate through the application of the identified street types in Article 8.5. The City has adopted a separate Street Design Manual which provides further details.

A. Intent

1. The intent of these regulations is to provide the method of application and installation of new streets and streetscapes or expansion of existing streets and streetscapes.
2. Design adjustments approved by the Planning Commission pursuant to *Sec. 10.2.18* may be appropriate when the applicant can prove the showings identified in *Sec. 10.2.18* in a quasi-judicial public hearing.

B. Applicability

1. Any new development activity and any addition or repair subject to the requirements of Sec. 10.2.5. and Sec. 10.2.8. must meet street type and streetscape standards of this Article 8.4 and 8.5 for streets abutting the subject property. When a development plan proposes the construction of a new street or expansion of an existing street the requirements of this Article apply.
2. Sidewalks, streets and street trees must be installed and constructed in accordance with this Article. The streetscape types identified in Article 8.5 shall be applied based on the zoning and frontage type applied to the property.
3. In the downtown area bounded at the northern edge by a line beginning at the northwest corner of the intersection of W. North Street and N. West Street; running east to the northeast corner of the intersection of E. North Street and N. Person Street; running north to the northeast corner of the intersection of N. Person Street and Oakwood Avenue; running east to the northeast corner of the intersection of Oakwood Avenue and N. East Street; and bounded at the eastern edge by a line beginning at the northeast corner of the intersection of Oakwood Avenue and N. East Street, running south to the southeast corner of the intersection of S. East Street and E. South Street; and bounded at the southern edge by a line beginning at the southeast corner of the intersection of S. East Street and E. South Street, running west to the southwest corner of the intersection of W. South Street and S. West Street; and bounded at the western edge by a line beginning at the southwest corner of the intersection of W. South Street and S. West Street, running north to the place of beginning, at the northwest corner of the intersection of W. North Street and N. West Street, inclusive of same, application of this Article and Article 8.5 shall not require dedication of additional right-of-way width, utility placement easement, or maintenance strip or widening of the back of curb to back of curb width for existing streets. Compliance with all remaining elements of the designated streetscape shall be required. If a proposed street is shown in the Comprehensive Plan within this geographic area, the street shall be required at time of development plan review in accordance with Articles 8.4 and 8.5.



Downtown Applicability Area

4. A payment in lieu of installation shall be required where the construction of improvements would:
 - a. Result in less than ½ of a block of improvements and where the block has no other improvements; and
 - b. Result in a disconnected section of public improvements, where the new public improvements are not contiguous to any other public improvements.
 - c. Notwithstanding the forgoing, right-of-way dedication shall be required to meet the applicable street cross section.
5. Where application of this Article results in installation of a sidewalk on private property, an easement for public access over such sidewalk shall be conveyed to the City.

C. Letter of Acceptance Required

1. Sidewalks, streets and street trees must be installed prior to the issuance of a letter of final acceptance.
2. A letter of acceptance may be issued in accordance with *Sec. 8.1.3.* where the City of Raleigh determines that landscaping in the public right-of-way cannot be installed within the adopted planting period (October 1st to April 30th) or where the Parks Recreation and Cultural Resources Director determines that due to inclement weather conditions, a landscape agreement and a surety in the amount of 125% of the value of the landscaping shall be provided to the City. The landscaping improvements shall be installed within the next planting period from the issuance of the landscape agreement.

D. Streetscape Tree Planting

1. Unless otherwise noted below, all trees planted in accordance with this Article and Article 8.5 must be shade trees.
2. Where overhead utilities exist, one understory tree shall be planted every 20 feet on center, on average. Required understory trees may be installed within GSI practices. Up to 20% of required understory trees may be offset by installing vegetated GSI practices, such as stormwater planter boxes. A maintenance plan must be approved for the GSI practice according to *Sec. 9.2.2.D.*
3. All required street trees must meet the design and installation requirements of *Sec. 7.2.7.* If a GSI practice is part of an approved stormwater management plan for the site, required street trees may be installed within the GSI practice. A maintenance plan must be approved for the GSI practice according to *Sec. 9.2.2.D.*
4. Where development abuts a street controlled by the North Carolina Department of Transportation, and when permitted by the North Carolina Department of Transportation, the location priority for street trees shall be highest to lowest as follows:
 - a. As set forth in the respective typical street type cross-section described in Article 8.5;

- b. If at least 3.5 feet exist between the sidewalk and back of curb, street trees shall be placed between the sidewalk and back of curb;
 - c. If no building is constructed within ten feet of the right-of-way line; and if there exists no less than 3.5 feet between the sidewalk and outer right-of-way, street trees shall be placed between the sidewalk and the outer right-of-way line;
 - d. If none of the above can be met, or if the North Carolina Department of Transportation does not allow the location of street trees in the right-of-way, street trees shall be placed on private property within fifteen feet of the right-of-way line, where the utility easement is no longer required.
5. Where development abuts a street controlled by the City of Raleigh, the location priority for street trees shall be highest to lowest as follows:
- a. As set forth in the respective typical street type cross-section described in Article 8.5;
 - b. If at least 3.5 feet exist between the sidewalk and back of curb, street trees shall be placed between sidewalk and back of curb;
 - c. If at least 3.5 feet exist between sidewalk and right-of-way line and no building is constructed within ten feet of the right-of-way line, then between the sidewalk and right-of-way line; and
 - d. If none of the above conditions are met, street trees shall be placed on private property within fifteen feet of the right-of-way line.

If an existing obstruction prevents the installation of street trees in priority levels (a), (b), or (c) above, and the cost of relocating such obstruction exceeds the fee-in-lieu cost for installing street trees, then street trees shall be placed in the next highest priority location.

6. If street trees are placed on private property in accordance with subsections D.4 and D.5 above, the five foot general utility easement shall not be required. The utilities that would otherwise be placed within this easement shall be located within the landscape strip within the right-of-way.
7. No installation of street trees shall be required where application of Sec. 8.4.1.D.4. or Sec. 8.4.1.D.5 requires installation of street trees on private property where the site is subject to any one or more of the following:
- a. Parkway (PK) frontage zoning designation;
 - b. SHOD-1 or SHOD-2 zoning designation;
 - c. Metro Park Overlay zoning designation;
 - d. Any watershed protection overlay zoning designation;
 - e. Tree conservation area along street frontage;
 - f. The application of a zoning condition requires buffering along the street frontage at a standard width and vegetative density that is equal or greater to the width and vegetative density standards of a Type C2 street protective yard; or

- g. The proposed use of the property requires installation of a Type C2 street protective yard.

E. Streetscape Plans

A Streetscape Plan is a document adopted by the City Council that provides prescriptive treatment for the streetscape within a defined area. The Streetscape Plan can identify customized street cross sections, the treatment and design of sidewalk pavement and sidewalk width, design, spacing and installation of street furniture and street lighting, and the spacing and installation of street trees.

1. In the event an adopted Streetscape Plan regulates streetscape improvements, the adopted Plan shall control. The adopted Streetscape Plans are contained within the Raleigh Street Design Manual.
2. The requirements of this Article and Article 8.5 are intended to serve as minimum standards. Where a Streetscape Plan adopted before September 1, 2013 sets a lesser width standard for any streetscape component, the standard in Articles 8.4 and 8.5 shall prevail.
3. A request for a new Streetscape Plan can be initiated by a property owner within the intended area of application or by the City.
4. The entirety of the right-of-way width adjacent to the intended property or area for the Streetscape Plan shall be included as part of the request.
5. Before submitting an application for a Streetscape Plan, an applicant shall schedule a pre-application conference with the Planning Director to discuss the procedures, standards and regulations required for approval. This requirement may be waived at the discretion of the Planning Director.
6. A pre-submittal neighborhood meeting is required for all applications for a Streetscape Plan except where the City is the applicant. The applicant shall provide an opportunity to meet with property owners within or adjacent to the development site.
7. The required neighborhood meeting must be conducted prior to submittal of the Streetscape Plan. The meeting may not occur more than 6 months prior to the submittal of the application. Notice of the neighborhood meeting must be provided in accordance with Sec. 10.2.1.C.1.
8. A report of the meeting, made by the applicant, shall be included with the Streetscape Plan application given to City Planning. The report shall include at a minimum, a list of those persons and organizations contacted about the neighborhood meeting, the date, time and location of the meeting, a roster of the persons in attendance at the meeting and a summary of issues discussed at the meeting.
9. Upon receipt of an application for a new streetscape plan or amendment to an existing streetscape plan, city staff shall review the request and provide a report to the Planning Commission.
10. The approval of a new streetscape plan or modification of an existing streetscape plan shall require review by the Planning Commission and approval by the City Council. The City Council shall conduct a public hearing.
11. Notice of the Planning Commission meeting and City Council public hearing shall be noticed in accordance with Sec. 10.2.1.C.1.

F. Non-conforming Streetscapes

Where the installation or expansion of a streetscape along an existing street is constrained by an existing building, the streetscape standard dimensions shall be reduced to the minimum extent to accommodate the existing area between the face of the building and back of curb. The standards shall be modified in the following order:

1. Reduce the planting area. If necessary, replace large canopy trees with trees that are more appropriate for the reduced area.
2. If the planting zone is eliminated, create a bump out to provide for tree planting.
3. Eliminate the planting area.
4. Reduce the sidewalk to the minimum

G. Existing Private Streets

1. No new private streets are allowed.
2. All existing private streets must remain under maintenance of the homeowners' association and must be maintained to equivalent public street standards.
3. Private alleys must be constructed to the standards in *Sec. 8.5.6.* and the construction standards specified in the Raleigh Street Design Manual.
4. Private alleys are not dedicated to the public and shall not be publicly maintained.
5. In no case shall the City be responsible for failing to provide any emergency or regular fire, police or other public service when such failure is due to lack of access to such areas due to inadequate design or construction, blocking of access routes, inadequate maintenance or any other factor within the control of the developer, homeowners' association or occupants.
6. In no case shall any approval, permit or certificate granted be valid unless the homeowners' association documents clearly indicate the limitations of governmental responsibility and unless all conveyances indicate those limitations provided, however, the provisions of this section and all other provisions of the homeowners' declaration are applicable to the portions of the development conveyed and the owners of the conveyed portion, whether or not any such provisions are incorporated into the conveying documents.
7. Any private street in existence or approved prior to September 1, 2013 may be considered for gated access.
8. All private streets and drives with access limited by locked gates or similar devices must provide a pass-key and lock-box of a type, at a location and installed in a manner as may be required by the City Fire Department for the provision of emergency access.
9. The owner, including any homeowners' association, shall maintain the lockbox, gate and gate lock in a working order so as to ensure accessibility by emergency personnel and vehicles.
10. The City and other applicable governmental entities and their respective emergency personnel shall be granted in writing the right, without liability, to break the locked gate or such similar device when emergency personnel reasonably believe that doing so is necessary to save life, prevent serious bodily harm, put out a Fire, to prevent a

- crime or to apprehend an apparent lawbreaker or to avert or control a public catastrophe.
11. It shall be the responsibility of the homeowners' association to establish speed limits and to maintain uninterrupted traffic flow along all private streets. If it is necessary for "no parking" signs to be erected, for street lights to be installed, for repairs to be made or towing of vehicles to be undertaken, this is all to be done at the expense of the homeowners' association.
 12. All private streets must contain identification as required in Sec. 7.3.13.H.
 13. All private streets shall be treated as public street rights-of-way for purposes of determining required setbacks and lot widths.
 14. The final plat shall be conditioned as follows:
 - a. Require perpetual maintenance of private streets by a homeowners' association to the same standards as connecting public streets for the safe use of persons using the streets; and
 - b. State that the City has absolutely no obligation or intention to ever accept such streets as public right-of-way.

H. Design Alternates Relating to New and Existing Streets (Article 8.4).

The Planning Commission or Appearance Commission performing the quasi-judicial duties of the Planning Commission (as designated by the City Council) shall, in accordance with Sec. 10.1.8, approve a design alternate from the provisions of Article 8.4 relating to streets, upon a showing of all of the findings set forth in Sec. 10.2.18.

Section 5. Article 8.5 of the Part 10 Raleigh Unified Development Ordinance is hereby repealed and replaced under the heading "Street Cross Sections."

Section 6. Section 8.5.1 of the Part 10 Raleigh Unified Development Ordinance, General Provisions, is hereby established with the following language:

Sec. 8.5.1. General Provisions

This Article provides the dimensional standards for streets and streetscapes throughout the City. The City has adopted a separate Street Design Manual which provides further details.

A. Intent

1. The intent of these regulations is to provide a palette of street typologies and design elements that reflect the character of different areas within the City and provide the application of the street typology map contained within the 2030 Comprehensive Plan.
2. The street regulations provide adequate travel lanes for vehicles, cyclists and pedestrians.

3. Design Alternates approved by the Planning Commission or Appearance Commission performing the quasi-judicial duties of the Planning Commission (as designated by the City Council) shall be approved when the applicant can prove the showings in a evidentiary hearing.

B. Design Alternates Relating to Street Cross Sections

The Planning Commission or Appearance Commission performing the quasi-judicial duties of the Planning Commission (as designated by the City Council) shall, in accordance with Sec. 10.1.8, approve a design alternate from the provisions of Article 8.5 relating to street cross sections, upon a showing of all of the findings set forth in Sec. 10.2.18.

Section 7. Section 8.5.2 of the Part 10 Raleigh Unified Development Ordinance, Street Types, is hereby established with the following language:

Sec. 8.5.2 Street Types

A. Sensitive Area Streets

1. Sensitive Area Parkway
2. Sensitive Area Avenue
3. Sensitive Area Residential Street

B. Local Streets

1. Neighborhood Yield
2. Neighborhood Local
3. Neighborhood Street
4. Multifamily Street

C. Mixed Use Streets

1. Avenue 2-Lane, Undivided
2. Avenue 2-Lane, Divided
3. Avenue 3-Lane, Parallel Parking
4. Main Street, Parallel Parking
5. Main Street, Angle Parking

D. Major Streets

1. Avenue 4-Lane, Parallel Parking
2. Avenue 4-Lane, Divided
3. Avenue 6-Lane, Divided
4. Multi-Way Boulevard, Parallel Parking
5. Multi-Way Boulevard, Angle Parking

E. Industrial and Service Streets

1. Industrial Street
2. Alley, Residential
3. Alley, Mixed Use

F. Accessways

1. Primary Internal Access Drive
2. Pedestrian Passage

Section 8. Section 8.5.2 of the Part 10 Raleigh Unified Development Ordinance, Sensitive Area Streets, is hereby established with the following language:

A. Sensitive Area Parkway

<No change to graphic>

| Width | |
|-------------------------------|----------------|
| A Right-of-way width | 154' |
| B Pavement width | 32' |
| Streetscape | |
| C Maintenance strip (min) | 2' |
| D Multi-use trail (min) | 10' |
| E Planting area (min) | 6' |
| F Drainage (min) | 10' |
| Travelway | |
| G Grassed shoulder | 2' |
| H Paved shoulder/bicycle lane | 8' |
| I Travel lane | 11' |
| J Paved shoulder | 2' |
| K Median (min) | 30' |
| General | |
| Walkway type | Multi-use path |
| Planting type | Tree lawn |
| Tree spacing | 50' o.c. avg |

B. Sensitive Area Avenue

<No change to graphic>

| | |
|-------------------------------------|--------------|
| Width | |
| A Right-of-way width | 80' |
| B Pavement width | 30' |
| Streetscape | |
| C Utility placement, easement (min) | 5' |
| D Maintenance strip (min) | 2' |
| E Sidewalk (min) | 5' |
| F Planting area (min) | 6' |
| G Drainage (min) | 10' |
| Travelway | |
| H Grassed Shoulder | 2' |
| I Paved Shoulder | 4' |
| J Travel lane | 11' |
| General | |
| Walkway type | Sidewalk |
| Planting type | Tree lawn |
| Tree spacing | 50' o.c. avg |

C. Sensitive Area Residential Street

<No change to graphic>

| | |
|-------------------------------------|--------------|
| Width | |
| A Right-of-way width | 70' |
| B Pavement width | 20' |
| Streetscape | |
| C Utility placement, easement (min) | 5' |
| D Maintenance strip (min) | 2' |
| E Sidewalk (min) | 5' |
| F Planting area (min) | 6' |
| G Drainage (min) | 10' |
| Travelway | |
| H Grassed Shoulder | 2' |
| I Travel lane | 10' |
| General | |
| Walkway type | Sidewalk |
| Planting type | Tree lawn |
| Tree spacing | 50' o.c. avg |

Section 9. Section 8.5.3 of the Part 10 Raleigh Unified Development Ordinance, Local Streets, is hereby established with the following language:

A. Neighborhood Yield

<No change to graphic>

| Width | |
|-------------------------------------|--------------|
| A Right-of-way width | 55' |
| B Back-of-curb to back-of-curb | 27' |
| Streetscape | |
| C Utility placement, easement (min) | 5' |
| D Maintenance strip (min) | 2' |
| E Sidewalk (min) | 6' |
| F Planting area (min) | 6' |
| Travelway | |
| G Parallel parking/travel lane | 13.5' |
| General | |
| Walkway type | Sidewalk |
| Planting type | Tree lawn |
| Tree spacing | 40' o.c. avg |
| Parking type | Parallel |

B. Neighborhood Local

<No change to graphic>

| Width | |
|-------------------------------------|--------------|
| A Right-of-way width | 59' |
| B Back-of-curb to back-of-curb | 31' |
| Streetscape | |
| C Utility placement, easement (min) | 5' |
| D Maintenance strip (min) | 2' |
| E Sidewalk (min) | 6' |
| F Planting area (min) | 6' |
| Travelway | |
| G Parallel parking/travel lane | 15.5' |
| General | |
| Walkway type | Sidewalk |
| Planting type | Tree lawn |
| Tree spacing | 40' o.c. avg |
| Parking type | Parallel |

C. Neighborhood Street

<No change to graphic>

| Width | |
|-------------------------------------|--------------|
| A Right-of-way width | 64' |
| B Back-of-curb to back-of-curb | 36' |
| Streetscape | |
| C Utility placement, easement (min) | 5' |
| D Maintenance strip (min) | 2' |
| E Sidewalk (min) | 6' |
| F Planting area (min) | 6' |
| Travelway | |
| G Parallel parking lane | 8' |
| H Travel lane | 10' |
| General | |
| Walkway type | Sidewalk |
| Planting type | Tree lawn |
| Tree spacing | 40' o.c. avg |
| Parking type | Parallel |

D. Multifamily Street

<No change to graphic>

| | |
|-------------------------------------|-----------------------------|
| Width | |
| A Right-of-way width | 22' |
| B Back-of-curb to back-of-curb | varies |
| Streetscape | |
| C Utility placement, easement (min) | 5' |
| D Maintenance strip, easement (min) | 2' |
| E Sidewalk, easement (min) | 6' |
| F Planting area (min) | 6' |
| Travelway | |
| G Parking lane | |
| Parallel (either side) | 8' |
| Head-in (either side) | 18' |
| 60° angle (either side) | 19.8' |
| H Travel lane | 11' |
| General | |
| Walkway type | Sidewalk |
| Planting type | Tree lawn |
| Tree spacing | 40' o.c. avg |
| Parking type | Parallel, head-in, angle |

Section 10. Section 8.5.4 of the Part 10 Raleigh Unified Development Ordinance, Mixed Use Streets, is hereby established with the following language:

A. Avenue 2-Lane, Undivided

<No change to graphic>

| Width | |
|-------------------------------------|--------------|
| A Right-of-way width | 64' |
| B Back-of-curb to back-of-curb | 36' |
| Streetscape | |
| C Utility placement, easement (min) | 5' |
| D Maintenance strip (min) | 2' |
| E Sidewalk (min) | 6' |
| F Planting area (min) | 6' |
| Travelway | |
| G Bike lane | 7' |
| H Travel lane | 11' |
| General | |
| Walkway type | Sidewalk |
| Planting type | Tree lawn |
| Tree spacing | 40' o.c. avg |

B. Avenue 2-Lane, Divided

Under the “Width” heading, alter the figures as shown in the table below:

| A Right-of-way width With center turn lane With Median | 76' 80' |
|--|--------------|
| Width | |
| A Right-of-way width With center turn lane With median | 75' 79' |
| B Back-of-curb to back-of-curb With center turn lane With median | 48' 52' |
| Streetscape | |
| C Utility placement, easement (min) | 5' |
| D Maintenance strip (min) | 2' |
| E Sidewalk (min) | 6' |
| F Planting area (min) | 6' |
| Travelway | |
| G Bike lane | 7' |
| H Travel lane | 11' |
| I Center lane Striped turn lane Median | 11' 15' |
| General | |
| Walkway type | Sidewalk |
| Planting type | Tree lawn |
| Tree spacing | 40' o.c. avg |

C. Avenue 3-Lane, Parallel Parking

<No change to graphic>

| Width | |
|--------------------------------|-------------------|
| A Right-of-way width | |
| With center turn lane | 90' |
| With median | 94' |
| B Back-of-curb to back-of-curb | |
| With center turn lane | 62' |
| With median | 66' |
| Streetscape | |
| C Sidewalk (min) | 8' |
| D Planting area (min) | 6' |
| Travelway | |
| E Parallel parking lane | 8.5' |
| F Bike lane | 6' |
| G Travel lane | 11' |
| H Center lane | |
| Striped turn lane | 11' |
| Median | 15' |
| General | |
| Walkway type | Sidewalk |
| Planting type | Tree grate / lawn |
| Tree spacing | 40' o.c. avg |
| Parking type | Parallel |

D. Main Street, Parallel Parking

<No change to graphic>

| Width | |
|--------------------------------|--------------|
| A Right-of-way width | 73' |
| B Back-of-curb to back-of-curb | 41' |
| Streetscape | |
| C Sidewalk (min) | 10' |
| D Planting area (min) | 6' |
| Travelway | |
| E Parallel parking lane | 8.5' |
| F Travel lane | 12' |
| General | |
| Walkway type | Sidewalk |
| Planting type | Tree grate |
| Tree spacing | 40' o.c. avg |
| Parking type | Parallel |

E. Main Street, Angle Parking

<No change to graphic>

| Width | |
|--------------------------------|--------------|
| A Right-of-way width | 96' |
| B Back-of-curb to back-of-curb | 64' |
| Streetscape | |
| C Sidewalk (min) | 10' |
| D Planting area (min) | 6' |
| Travelway | |
| E 60° angle parking lane | 20' |
| F Travel lane | 12' |
| General | |
| Walkway type | Sidewalk |
| Planting type | Tree grate |
| Tree spacing | 40' o.c. avg |
| Parking type | 60° angle |

Section 11. Section 8.5.5 of the Part 10 Raleigh Unified Development Ordinance, Major Streets, is hereby established with the following language:

A. Avenue 4-Lane, Parallel Parking

<No change to graphic>

| | |
|--------------------------------|-------------------|
| Width | |
| A Right-of-way width | 122' |
| B Back-of-curb to back-of-curb | 90' |
| Streetscape | |
| C Sidewalk (min) | 10' |
| D Planting area (min) | 6' |
| Travelway | |
| E Parallel parking lane | 8.5' |
| F Bike lane | 6' |
| G Travel lane | 11' |
| H Median | 17' |
| General | |
| Walkway type | Sidewalk |
| Planting type | Tree grate / lawn |
| Tree spacing | 40' o.c. avg |
| Parking type | Parallel |

B. Avenue 4-Lane, Divided

<No change to graphic>

| | |
|-------------------------------------|-------------------|
| Width | |
| A Right-of-way width | 104' |
| B Back-of-curb to back-of-curb | 76' |
| Streetscape | |
| C Utility placement, easement (min) | 5' |
| D Maintenance strip (min) | 2' |
| E Sidewalk (min) | 6' |
| F Planting area (min) | 6' |
| Travelway | |
| G Bike lane | 7.5' |
| H Travel lane | 11' |
| I Median | 17' |
| General | |
| Walkway type | Sidewalk |
| Planting type | Tree grate / lawn |
| Tree spacing | 40' o.c. avg |

C. Avenue 6-Lane, Divided

<No change to graphic>

| Width | |
|-------------------------------------|-------------------|
| A Right-of-way width | 126' |
| B Back-of-curb to back-of-curb | 98' |
| Streetscape | |
| C Utility placement, easement (min) | 5' |
| D Maintenance strip (min) | 2' |
| E Sidewalk (min) | 6' |
| F Planting area (min) | 6' |
| Travelway | |
| G Bike lane | 7.5' |
| H Travel lane | 11' |
| I Median | 17' |
| General | |
| Walkway type | Sidewalk |
| Planting type | Tree grate / lawn |
| Tree spacing | 40' o.c. avg |

D. Multi-Way Boulevard, Parallel Parking

<No change to graphic>

| | |
|--------------------------------|-------------------------|
| Width | |
| A Right-of-way width | 154' |
| B Back-of-curb to back-of-curb | 66' |
| Streetscape | |
| C Sidewalk (min) | 10' |
| D Planting area (min) | 6' |
| Access Lane | |
| E Parallel parking | 8.5' |
| F Access lane | 11' |
| G Median | 11' |
| Travelway | |
| H Travel lane | 11' |
| I Median | 17' |
| General | |
| Walkway type | Sidewalk |
| Planting type | Tree grate / lawn |
| Tree spacing | 40' o.c. avg |
| Parking type | Parallel in access lane |

E. Multi-Way Boulevard, Angle Parking

<No change to graphic>

| | |
|--------------------------------|--------------------------|
| Width | |
| A Right-of-way width | 177' |
| B Back-of-curb to back-of-curb | 66' |
| Streetscape | |
| C Sidewalk (min) | 10' |
| D Planting area (min) | 6' |
| Access Lane | |
| E 60° angle parking | 20' |
| F Access lane | 11' |
| G Median | 11' |
| Travelway | |
| H Travel lane | 11' |
| I Median | 17' |
| General | |
| Walkway type | Sidewalk |
| Planting type | Tree grate / lawn |
| Tree spacing | 40' o.c. avg |
| Parking type | 60° angle in access lane |

Section 12. Section 8.5.6 of the Part 10 Raleigh Unified Development Ordinance, Industrial and Service Streets, is hereby established with the following language:

A. Industrial Street

<No change to graphic>

| Width | |
|-------------------------------------|--------------|
| A Right-of-way width | 69' |
| B Back-of-curb to back-of-curb | 41' |
| Streetscape | |
| C Utility placement, easement (min) | 5' |
| D Maintenance strip (min) | 2' |
| E Sidewalk (min) | 6' |
| F Planting area (min) | 6' |
| Travelway | |
| G Parallel parking lane | 8.5' |
| H Travel lane | 12' |
| General | |
| Walkway type | Sidewalk |
| Planting type | Tree lawn |
| Tree spacing | 40' o.c. avg |
| Parking type | Parallel |

B. Alley, Residential

<No change to graphic>

| Width | |
|-----------------------------------|-----|
| A Easement width | 20' |
| Travelway | |
| B Travel lane | 16' |
| B Travel lane, fire service route | 20' |

C. Alley, Mixed Use

<No change to graphic>

| Width | |
|------------------|-----|
| A Easement width | 24' |
| Travelway | |
| B Travel lane | 20' |

Section 13. Section 8.5.7 of the Part 10 Raleigh Unified Development Ordinance, Private Accessways, is hereby established with the following language:

A. Primary Internal Access Drive

<No change to graphic>

| Width | |
|--------------------------------|----------|
| A Back-of-curb to back-of-curb | 36' |
| Streetscape | |
| B Planting strip (min) | 5' |
| C Sidewalk (min) | 6' |
| Travelway | |
| D Parallel parking lane | 8' |
| E Travel lane | 10' |
| General | |
| Walkway type | Sidewalk |
| Parking type | Parallel |

B. Pedestrian Passage

<No change to graphic>

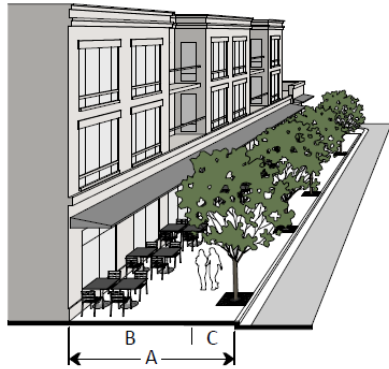
| Width | |
|--------------------------------|----------|
| A Public access easement (min) | 20' |
| Travelway | |
| B Paved area (min) | 10' |
| General | |
| Walkway type | Sidewalk |

Section 14. Section 8.5.8 of the Part 10 Raleigh Unified Development Ordinance, Streetscape Types, is hereby established with the following language:

Sec. 8.5.8 Streetscape Types

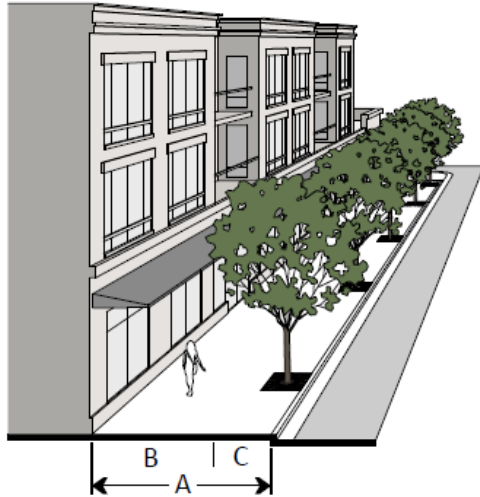
The required streetscape type is determined by the zoning district or by the designated frontage. Where there is conflict between a designated frontage and the zoning district, the designated frontage standard applies. Dimensional standards for planting area, tree spacing, and utility placement and the planting type may be varied to accommodate an approved stormwater plan implementing GSI practices and showing such varied dimensional standards pursuant to Chapter 7.

A. Main Street



| Frontages | |
|-----------------------------|-------------------------|
| Applicable frontages | -SH, -UG, -UL, -GR, -PL |
| Zoning Districts | |
| Applicable zoning districts | Mixed use districts |
| Width | |
| A Streetscape width (max) | 35' |
| Streetscape | |
| B Sidewalk (min) | 10' |
| C Planting area (min) | 6' |
| General | |
| Walkway type | Sidewalk |
| Planting type | Tree grate |
| Tree spacing | 40' o.c. avg |

B. Mixed Use



Frontages

Applicable frontages

-UG, -UL, -GR, -PL

Zoning Districts

Applicable zoning districts

Mixed use districts

Width

A Streetscape width (max)

35'

Streetscape

B Sidewalk (min)

8'

C Planting area (min)

6'

General

Walkway type

Sidewalk

Planting type

Tree grate / lawn

Tree spacing

40' o.c. avg

C. Commercial



Frontages

Applicable frontages -GR, -PL

Zoning Districts

Applicable zoning districts Mixed use districts

Width

A Streetscape width (max) 65'

Streetscape

B Building setback (min/max) 20' / 50'

C Utility placement 5'

D Maintenance strip (min) 2'

E Sidewalk (min) 6'

F Planting area (min) 6'

General

Walkway type Sidewalk

Planting type Tree lawn

Tree spacing 40' o.c. avg

No on-site parking permitted between the building and the street

Ordinance No 2020 118 TC 433

Adopted: July 7, 2020

Page 28

D. Residential



Frontages

| | |
|----------------------|-----|
| Applicable frontages | -DE |
|----------------------|-----|

Zoning Districts

| | |
|---------------------------|--|
| Applicable building types | All districts: detached & attached house |
|---------------------------|--|

| | |
|-----------------------------|---------------------------|
| Applicable zoning districts | Residential Districts, MH |
|-----------------------------|---------------------------|

Streetscape

| | |
|--------------------------|--------|
| A Building setback (min) | varies |
|--------------------------|--------|

| | |
|---------------------|----|
| B Utility placement | 5' |
|---------------------|----|

| | |
|---------------------------|----|
| C Maintenance strip (min) | 2' |
|---------------------------|----|

| | |
|------------------|----|
| D Sidewalk (min) | |
| Typical | 6' |
| Sensitive area | 5' |

| | |
|-----------------------|----|
| E Planting area (min) | 6' |
|-----------------------|----|

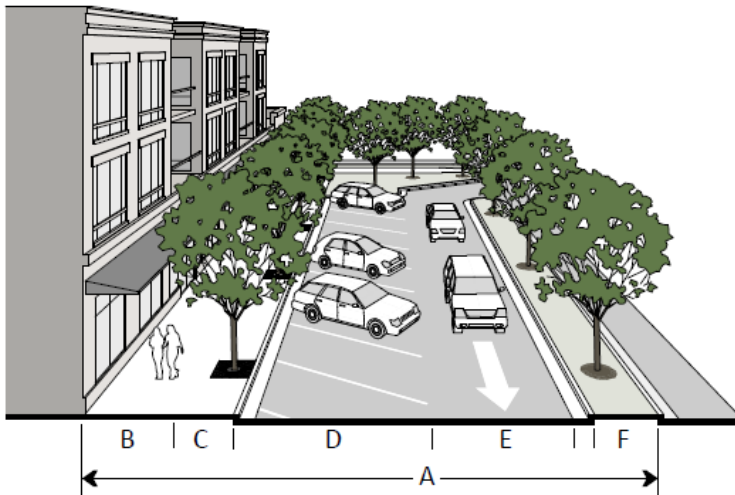
General

| | |
|--------------|----------|
| Walkway type | Sidewalk |
|--------------|----------|

| | |
|---------------|-----------|
| Planting type | Tree lawn |
|---------------|-----------|

| | |
|--------------|--------------|
| Tree spacing | 40' o.c. avg |
|--------------|--------------|

E. Multi-Way



Frontages

| | |
|----------------------|-----|
| Applicable frontages | -PL |
|----------------------|-----|

Zoning Districts

| | |
|-----------------------------|---------------------|
| Applicable zoning districts | Mixed Use Districts |
|-----------------------------|---------------------|

Width

| | |
|---------------------------|-----|
| A Streetscape width (max) | 65' |
|---------------------------|-----|

Streetscape

| | |
|-----------------------|-----|
| B Sidewalk (min) | 10' |
| C Planting area (min) | 6' |
| D 60° angle parking | 20' |
| E Access lane | 11' |
| F Median (min) | 11' |

General

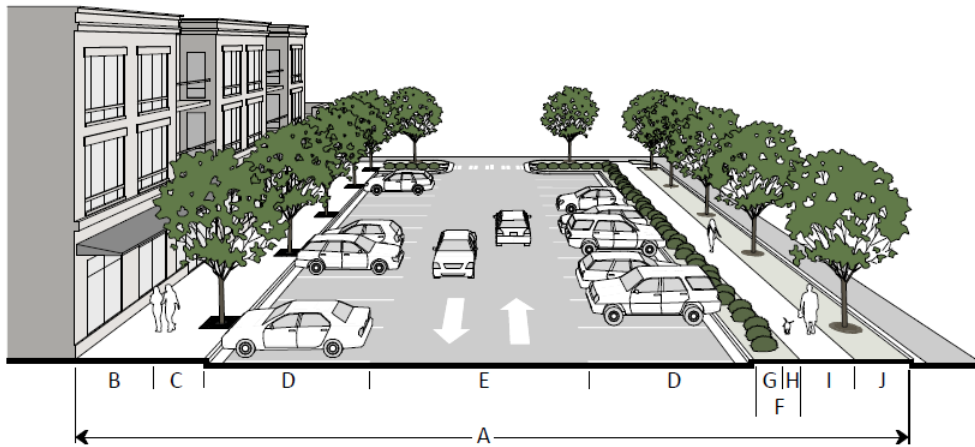
| | |
|---------------|-------------------|
| Walkway type | Sidewalk |
| Planting type | Tree grate / lawn |
| Tree spacing | 40' o.c. avg |

Ordinance No 2020 118 TC 433

Adopted: July 7, 2020

Page 31

F. Parking



Frontages

Applicable frontages -PL

Zoning Districts

Applicable zoning districts Mixed Use Districts

Width

A Streetscape width (max) 120'

Streetscape

B Sidewalk (min) 8'

C Planting area (min) 6'

D 90° head-in parking (min) 18'

E Access lane (min) 22'

F Planting area (min) 10'

G Utility placement 5'

H Maintenance strip (min) 2'

I Sidewalk (min) 6'

J Planting area (min) 6'

General

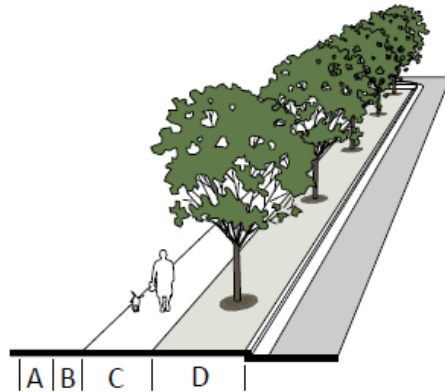
Walkway type Sidewalk

Area F planting type 36" min hedge/wall
(see Sec. 7.2.4.)

Areas C & J planting type Tree grate / lawn

Tree spacing 40' o.c. avg

G. Sidewalk and Tree Lawn



Zoning Districts

| Required zoning districts | All districts: Existing streets where no other streetscape applies |
|---------------------------|--|
| Streetscape | |
| A Utility placement | 5' |
| B Maintenance strip (min) | 2' |
| C Sidewalk (min) | 6' |
| D Planting area (min) | 6' |
| General | |
| Walkway type | Sidewalk |
| Planting type | Tree lawn |
| Tree spacing | 40' o.c. avg |

Section 15. Section 10.1.2. of the Part 10 Raleigh Unified Development Ordinance, Planning Commission, is hereby amended by adding a new subsection “C”, titled Specific Approval Authority:

C. Specific Approval Authority

The Planning Commission is responsible for final action regarding:

1. Design Alternates

Section 15a. Section 10.1.5. of the Part 10 Raleigh Unified Development Ordinance, Appearance Commission, is hereby amended by adding a new subsection “C”, titled Specific Approval Authority:

C. Specific Approval Authority

The Appearance Commission when performing the quasi-judicial duties of the Planning Commission (as designated by the City Council) is responsible for final action regarding:

1. Design Alternates

Section 16. Section 10.1.4.B of the Part 10 Raleigh Unified Development Ordinance, Specific Approval Authority, is hereby amended by insertion of the following underlined provisions and deleting the language shown with a strike-through:

B. Specific Approval Authority

The Board of Adjustment is responsible for final action regarding:

1. Special use permits;
2. Variances;
3. Appeals from administrative decisions; and
4. Appeals in the nature of certiorari of Historic Development Commission decisions granting or denying certificates of appropriateness; ~~and~~
5. ~~Design adjustments; and~~
6. ~~Design alternates~~

Section 17. Section 10.1.8 of the Part 10 Raleigh Unified Development Ordinance, Summary of Review Authority, is hereby amended by insertion of the following underlined provisions and deleting the language shown with a strike-through:

In the row titled “Design Alternate”, in the column titled “Board of Adjustment”, remove “D-QH”; in the columns titled “Planning Commission” and “Appearance Commission”, add “D-QH₁₀”; and in the columns titled “Web”, “Site Posted” and “Mailed”, add “Y”; and insert the following footnote number 10:

(10) Design Alternates may be approved by either the Planning Commission or the Appearance Commission performing the quasi-judicial duties of the Planning Commission (as designated by the City Council).

Remove the row titled “Design Adjustment.”

Section 18. Section 10.2.18 of the Part 10 Raleigh Unified Development Ordinance, Design Adjustments and Design Alternates, is hereby amended by insertion of the following underlined provisions and deleting the language shown with a strike-through:

Sec. 10.2.18. Design Alternates

A. Applicability

The Planning Commission or Appearance Commission performing the quasi-judicial duties of the Planning Commission (as designated by the City Council) ~~Board of Adjustment~~ has the authority to approve a request for design alternates to ~~Article 8.3 and design adjustments to~~ Articles 8.3, 8.4 and 8.5 set forth in this UDO. Additionally, the Planning Commission or Appearance Commission performing the quasi-judicial duties of the Planning Commission (as designated by the City Council) has the authority to approve a request for design alternates to standards contained within the Raleigh Street Design Manual. All design alternates ~~and design adjustments~~ shall be reviewed in accordance with the provisions of the UDO, including this section and the applicable design alternate ~~adjustment~~ findings. Any ~~design adjustment or~~ design alternate approved pursuant to this section shall be incorporated into its corresponding site plan or subdivision approval, and shall expire, if at all, upon expiration of such corresponding site plan or subdivision approval.

B. Application Requirements

1. An application for a ~~design adjustment or~~ a design alternate shall be submitted in accordance with *Sec. 10.2.1.B*. A request for a ~~design adjustment or~~ a design alternate must be submitted after the first round of review for a ~~at the time of application for a preliminary subdivision development plan, plot plan or site plan or at such time the design adjustment or design alternate is proposed in conjunction with the review of infrastructure construction plans, a plot plan or site plan.~~
2. An application for a ~~design adjustment or~~ a design alternate must be signed and notarized by the property owner in order to initiate a request ~~for an alternate adjustment.~~
3. The applicant shall submit pertinent material necessary for review; in addition to the submittal material required for a subdivision, plot plan or site plan. This may include

detailed landscape plans, roadway cross-sections, site or subdivision layout or other project-specific information.

C. Planning Commission or Appearance Commission ~~Board of Adjustment~~ Action

1. Following notice as required in Sec. 10.1.8. and Sec. 10.2.1.C, the Planning Commission or Appearance Commission performing the quasi-judicial duties of the Planning Commission (as designated by the City Council) ~~Board of Adjustment~~ shall hold a quasi-judicial hearing as set forth in Sec. 10.2.1.D.1.
2. The Planning Commission or Appearance Commission performing the quasi-judicial duties of the Planning Commission (as designated by the City Council) ~~Board of Adjustment~~ shall consider ~~the applicable design adjustment findings and the~~ applicable design alternate findings for the request and either approve, approve with conditions, or deny the request.

D. Showings for Sections 8.3.2, 8.3.4 and 8.3.5

The Planning Commission or Appearance Commission performing the quasi-judicial duties of the Planning Commission (as designated by the City Council) shall conduct a duly noticed, quasi-judicial public hearing and approve a design alternate from the provisions of Sec. 8.3.2, 8.3.4 and 8.3.5 relating to blocks and access, upon a showing of all of the findings set forth below:

1. The approved design alternate meets the intent of Sections 8.3.2, 8.3.4 and 8.3.5;
2. The approved design alternate does not increase congestion or compromise safety;
3. The approved design alternate does not conflict with an approved or built roadway construction project adjacent to or in the vicinity of the site (no design alternate shall be approved when the City Council has authorized a roadway project in the vicinity, where the roadway design has not yet been finalized); and
4. The design alternate is deemed reasonable due to one or more of the following:
 - a. Given the existing physical environment, compliance is not physically feasible;
 - b. Compliance would not meaningfully improve connectivity;
 - c. Compliance is not compatible with adjacent use[s]; or
 - d. The burden of compliance is not reasonable given the size of the site or intensity of the development.

E. Showings for Articles 8.4 and 8.5 of this UDO and Raleigh Street Design Manual

The Planning Commission or Appearance Commission performing the quasi-judicial duties of the Planning Commission (as designated by the City Council) shall conduct a duly noticed, quasi-judicial public hearing and approve a design alternate from the

provisions of Articles 8.4 and 8.5 or from the provisions of the Raleigh Street Design Manual upon a showing of all of the findings set below:

1. The approved design alternate meets the intent of Articles 8.4 and 8.5 or the Raleigh Street Design Manual (if applicable);
2. The approved design alternate does not increase congestion or compromise safety;
3. The approved design alternate does not create additional maintenance responsibilities for the City;
4. The approved design alternate has been designed and certified by a Professional Engineer, or such other design professional licensed to design, seal and certify the alternate;
5. The approved design alternate will not adversely impact stormwater collection and conveyance; and
6. The design alternate is deemed reasonable due to one or more of the following:
 - a. Given the existing physical environment, including but not limited to the following, compliance is not physically feasible:
 - i. an existing building would impede roadway expansion; or
 - ii. transitioning from a different street section; or
 - b. The burden of compliance is not reasonable given the size of the site or intensity of the development.

Section 19. The Raleigh Street Design Manual shall be updated in accordance with the approved language contained within the ordinance.

Section 20. All laws and clauses of laws in conflict herewith are repealed to the extent of such conflict.

Section 21. 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 22. This text change has been reviewed by the Raleigh City Planning Commission.

Section 23. This ordinance has been adopted following a duly advertised public hearing of the Raleigh City Council.

Section 24. 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 25. This ordinance is effective 5 days after adoption.

ADOPTED: July 7, 2020

EFFECTIVE: July 12, 2020

Ordinance No 2020 118 TC 433

Adopted: July 7, 2020

Page 38

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