

**ORDINANCE NO. (2021) 237 TC 448
(TC-19-19)**

AN ORDINANCE TO REVISE THE PROCEDURE FOR THE REVIEW AND APPROVAL OF ADMINISTRATIVE ALTERNATES; TO EMPOWER THE PLANNING COMMISSION OR APPEARANCE COMMISSION (AS DESIGNATED BY CITY COUNCIL) WITH SUCH APPROVAL AUTHORITY

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 1.5.6.A.2. of the Part 10 Raleigh Unified Development Ordinance, Build-to General, is hereby amended by adding the following language shown in underline and removing the language shown in strikethrough:

2. The required percentage specifies the amount of the lot width, site width, or blockface width in the case of townhouses, that must be occupied by front building façade within the build-to range, measured based on the width of the building divided by the width of the ~~site or lot~~, lot, or townhouse blockface, whichever applies.

Section 2. Section 1.5.6.C. of the Part 10 Raleigh Unified Development Ordinance, Build-to - General Requirements, is hereby amended by adding the following language shown in underline and removing the language shown in strikethrough:

C. General Requirements

1. On corner lots, building façade fronting each street must be placed within the intersecting build-to range for each street. Amenity area provided in accordance with Section 1.5.6.C.4. may be used to satisfy this requirement ~~the first 30 feet along the street extending from the block corner.~~
2. With the exception of parking areas, all structures and uses customarily allowed on the lot are permitted in the build-to area.
3. ~~Any common area is not required to meet the build-to requirements.~~

4. ~~Riparian Buffers, Floodways, areas of steep slope (defined as slopes in excess of 25%), portions of property encumbered by overhead electric transmission lines rated to transmit 230 Kv, for any second driveway required by this code that must cross the build-to area, the additional width of the driveway up to a maximum of 25', and City of Raleigh utility easements shall not be considered when calculating the build-to percentage or build-to range.~~
3. When any of the items listed below are generally perpendicular to the right-of-way and located within the applicable build-to range, lot width shall be reduced by the width of the impediment for the purposes of calculating build-to percentage. To qualify, a perpendicular impediment must reduce the build-to range to less than 10' as detailed below. For example, a 100' wide lot with a 20' wide perpendicular easement would be considered an 80' wide lot when calculating build-to percentage.

When any of the items listed below are generally parallel to the right-of-way and reduce the build-to range to less than 10', the range shall be measured from the edge of the impediment for that portion of the property, rather than the right of way line. Any area located entirely between the impediment and the right-of-way shall also be discounted. If the resulting build-to range is 10' or greater, then build-to shall still be measured from the right-of-way line. For example, a lot subject to a 0'/20' build-to range with a 15' parallel easement shall measure build-to from the back edge of the easement for that portion of the property.

- a. Riparian Buffers
- b. Floodways
- c. Areas of steep slope (defined as slopes in excess of 25%)
- d. Required Open Space as defined in Article 2.5
- e. Required Protective Yards or Landscaped areas
- f. Portions of property encumbered by electric transmission lines rated to transmit 230Kv
- g. The additional width (up to 25') of any second driveway required by this code that must cross the build-to area
- h. Tree Conservation (proposed and recorded)
- i. Private Utility Easements (pre-established and recorded)
- j. Sight Distance Triangles
- k. Public Easements on private property, including but not limited to:
 - i. Storm Drainage
 - ii. Sanitary Sewer
 - iii. Water Distribution
 - iv. Transit
 - v. Slope
 - vi. Pedestrian (Sidewalk and Pedestrian Passage)
 - vii. Greenway

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

Section 3. Section 1.5.6.D. of the Part 10 Raleigh Unified Development Ordinance, Build-to - Administrative Alternate Findings, is hereby amended by adding the following language shown in underline and removing the language shown in strikethrough:

D. Administrative Design Alternate Findings

The ~~Planning Director may~~ Planning Commission or Appearance Commission performing the quasi-judicial duties of the Planning Commission (as designated by the City Council), after conducting a duly noticed quasi-judicial evidentiary hearing in accordance with Sec. 10.2.17., shall reduce the build-to requirement, subject to if all of the following findings are satisfied:

1. The approved alternate ~~meets~~ is consistent with the intent of the build-to regulations;
- ~~2. The approved alternate conforms with the Comprehensive Plan and adopted City plans;~~
- ~~3.~~ 2. The approved alternate does not substantially negatively alter the character-defining street wall or establish a build-to pattern that is not harmonious with the existing built context; and
- ~~4.~~ 3. The change in percentage of building that occupies the build-to area or increased setback does not negatively impact pedestrian access, comfort or safety; ~~and~~
- ~~5. Site area that would have otherwise been occupied by buildings is converted to an outdoor amenity area under Sec. 1.5.3.B.~~

Section 4. Section 1.5.8.B. of the Part 10 Raleigh Unified Development Ordinance, Pedestrian Access - General Requirements, is hereby amended by adding the following language shown in underline and removing the language shown in strikethrough:

B. General Requirements

1. An entrance installed after September 1, 2013 providing both ingress and egress, operable to residents or customers at all times, is required to meet the street facing entrance requirements. Additional entrances from another street, pedestrian area or internal parking area are permitted.
2. ~~The entrance spacing requirements must be met for each building, but are not applicable to adjacent buildings.~~ At least one entrance per non-residential ground floor unit is required on each public street facing façade in all urban frontages.

3. An angled entrance may be provided at ~~either~~the corner of a building along the street to meet the street-facing entrance requirements.

Section 5. Section 1.5.8.C. of the Part 10 Raleigh Unified Development Ordinance, Pedestrian Access - Administrative Alternate Findings, is hereby amended by adding the following language shown in underline and removing the language shown in strikethrough:

C. Administrative Design Alternate Findings

The ~~Planning Director may~~ Planning Commission or Appearance Commission performing the quasi-judicial duties of the Planning Commission (as designated by the City Council), after conducting a duly noticed quasi-judicial evidentiary hearing in accordance with Sec. 10.2.17., shall allow a non-street-facing entrance, ~~subject to~~ if all of the following findings are satisfied:

1. The approved alternate ~~meets~~ is consistent with the intent of the street-facing entrance regulations;
2. ~~The approved alternate conforms with the Comprehensive Plan and adopted City plans;~~
- 3.~~2.~~ The pedestrian access point is easily identifiable by pedestrians, customers and visitors;
- 4.~~3.~~ Recessed or projecting entries or building elements have been incorporated into the design of the building to enhance visibility of the street-facing entrance; and
- 5.~~4.~~ The pedestrian route from the street and bus stops and other modes of public transportation to the entrance is safe, convenient and direct.

Section 6. Section 1.5.9.C. of the Part 10 Raleigh Unified Development Ordinance, Transparency - Administrative Alternate Findings, is hereby amended by adding the following language shown in underline and removing the language shown in strikethrough:

C. Administrative Design Alternate Findings

The ~~Planning Director may~~ Planning Commission or Appearance Commission performing the quasi-judicial duties of the Planning Commission (as designated by the City Council), after conducting a duly noticed quasi-judicial evidentiary hearing in accordance with Sec. 10.2.17., shall reduce the required transparency, ~~subject to~~ if all of the following findings are satisfied:

1. The approved alternate ~~meets~~ is consistent with the intent of the transparency requirements; and
2. ~~The approved alternate conforms with the Comprehensive Plan and adopted City plans; and~~

- ~~3.2.~~ The street-facing building facade utilizes other architectural, artistic, or landscaped treatments to create visual interest to offset the reduction in transparency.

Section 7. Section 1.5.10. of the Part 10 Raleigh Unified Development Ordinance, Blank Wall Area, is hereby amended by adding the following language shown in underline and removing the language shown in strikethrough:

A. Defined

1. Blank wall area means any portion of ~~the exterior~~ the street-facing facade(s) of the building that does not include a substantial material change; windows or doors; or columns, pilasters or other articulation greater than 12 inches in depth.

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D. Administrative Design Alternate Findings

The ~~Planning Director may~~ Planning Commission or Appearance Commission performing the quasi-judicial duties of the Planning Commission (as designated by the City Council), after conducting a duly noticed quasi-judicial evidentiary hearing in accordance with Sec. 10.2.17., shall approve additional blank wall, ~~subject to~~ if all of the following findings are satisfied:

1. The approved alternate ~~meets~~ is consistent with the intent of the blank wall area regulations;
2. ~~The approved alternate conforms with the Comprehensive Plan and adopted City plans;~~
3. ~~2.~~ The increase in blank wall area is offset by additional architectural treatments and increased vertical landscaping; ~~and~~
4. ~~3.~~ The amount of blank wall area for buildings located on an Urban Frontage should not be more than 40% The approved alternate proposes a design compatible with adjacent context and does not produce adverse outcomes for neighbors or pedestrians.
4. The approved alternate uses blank wall to elevate the overall design.

Section 8. Section 1.5.12. of the Part 10 Raleigh Unified Development Ordinance, Private Residential Garage Parking Options, is hereby amended by adding the following language shown in underline and removing the language shown in strikethrough:

Sec. 1.5.12 ~~Private~~ National Register Historic District Residential Garage Parking Options

Section 9. Section 1.5.12.B. of the Part 10 Raleigh Unified Development Ordinance, Applicability, is hereby amended by adding the following language shown in underline and removing the language shown in strikethrough:

B. Any private residential garage located in a National Register Historic District, but not in a General Historic Overlay District, Streetside Historic Overlay District or a City of Raleigh designated Historic Landmark, constructed after September 1, 2013, must meet the standards of this section. ~~Alternative compliance may be considered by the Planning Director, consistent with the intent of this section.~~

Section 10. Section 1.5.12.C. of the Part 10 Raleigh Unified Development Ordinance, Private Residential Garage Parking Options - Administrative Alternate Findings, is hereby amended by adding the following language shown in underline and removing the language shown in strikethrough:

C. Administrative Design Alternate Findings

The ~~Planning Director may~~ Planning Commission or Appearance Commission performing the quasi-judicial duties of the Planning Commission (as designated by the City Council), after conducting a duly noticed quasi-judicial evidentiary hearing in accordance with Sec. 10.2.17., shall approve an alternate garage option, ~~subject to~~ if all of the following findings are satisfied:

1. The approved alternate ~~meets~~ is consistent with the intent of the garage option regulations;
2. ~~The approved alternate conforms with the Comprehensive Plan and adopted City plans;~~
3. ~~2.~~ Measures are taken to mitigate the visual impact of the garage design; and
4. ~~3.~~ The required garage setbacks are met.

Section 11. Section 2.2.3. of the Part 10 Raleigh Unified Development Ordinance, Conventional Development Option - Townhouse, is hereby amended by adding the following language shown in underline and removing the language shown in strikethrough:

Sec. 2.2.3. Townhouse	
	R-10
A. Lot Dimensions	
A1 Net site area (min)	3,000'
A2 Width (min)	44'
A3 Outdoor amenity area (min)	10%
A4 Density (max)	10 u/a
B. Lot Dimensions	
B1 Area (min)	n/a
B2 Width (min)	16'

C. Building/Structure Setbacks	
C1 From primary street (min)	10'
C2 From side street (min)	10'
C3 From side lot line (min)	0' or 6'
C4 From rear lot line (min)	20
C4-5 From alley	4' or 20' min
C5-6 Residential infill rules may apply (see Sec. 2.2.7.)	yes
D. Parking Setbacks	
D1 From primary street (min)	20'
D2 From side street (min)	10'
D3 From side (min)	0' or 3'
D4 From rear lot line (min)	3'
D4-5 From alley, garage only (min)	4'
E. Build-to (Blockface)	-
E1 Primary street build-to (min/max)	10'/55'
E2 Building width in primary build-to (min)	70%
E3 Preexisting Buildings: See Sec. 3.4.2. C.2.	
F. E. Height	
F1 E1 Principal building (max)	45'/3 stories
F2 E2 Accessory structure (max)	25'
F3 E3 Residential Infill rules may apply (see Sec. 2.2.7)	yes
G. Ground Floor Elevation	-
G1 20' or less from front property line (min)	2'
G1 More than 20' from front property line (min)	n/a
H. Pedestrian Access	-
H1 Street facing entrance required for units fronting the street	yes
I. Allowed Building Elements	
Porch, stoop	
Balcony	
See Sec. 1.5.4.D "Building Setbacks" for specific building elements requirements.	

Section 12. Section 2.2.4. of the Part 10 Raleigh Unified Development Ordinance, Conventional Development Option - Apartment, is hereby amended by adding the following language shown in underline and removing the language shown in strikethrough:

Sec. 2.2.4. Apartment	
	R-10
A. Lot Dimensions	

A1 Area (min)	15,000'
A2 Width (min)	100'
A3 Outdoor amenity area (min)	10%
A4 Density (max)	10 u/a
B. Building/Structure Setbacks	
B1 From primary street (min)	10'
B2 From side street (min)	10'
B3 From side lot line (min)	0' or 6'
B4 From rear lot line (min)	20
B4-5 From alley	4' or 20' min
B5-6 Residential infill rules may apply (see Sec. 2.2.7.)	yes
C. Parking Setbacks	
C1 From primary street (min)	10'
C2 From side street (min)	10'
C3 From side lot line (min)	0' or 3'
C4 From rear lot line (min)	3'
C4-5 From alley, garage only (min)	4'
D. Build-to (Site)	
D1 Primary street build-to (min/max)	10'/55'
D2 Building width in primary build-to (min)	70%
D3 Side street build-to (min)	10'/55'
D4 Building width in side build-to (min)	35%
D5 Preexisting Buildings: See Sec. 3.4.2. C.2.	
E. D. Height	
E1 D1 Principal building (max)	45'/3 stories
E2 D2 Accessory structure (max)	25'
E3 D3 Residential Infill rules may apply (see Sec. 2.2.7)	yes
F. Ground Floor Elevation	
F1 Within build-to (min)	2'
F1 Outside of Build-to (min)	n/a
G. E. Pedestrian Access	
G1 E1 Street-facing entrance required (min 1 per building)	yes
H. Allowed Building Elements	
Porch, stoop	
Balcony	
See Sec. 1.5.4.D "Building Setbacks" for specific building elements requirements.	

Section 13. Section 2.3.4. of Part 10 Raleigh Unified Development Ordinance, Compact Development Option - Townhouse, is hereby amended by adding the following language shown in underline and removing the language shown in strikethrough:

Sec. 2.3.4. Townhouse	
	R-10
A. Site Dimensions	
A1 Net site area/unit (min)	3,300 sf
A2 Width (min)	44'
A3 Outdoor amenity area (min)	5%
A4 Density (max)	10 u/a
B. Lot Dimensions	
B1 Area (min)	n/a
B2 Width (min)	16'
C. Building/Structure Setbacks	
C1 From primary street (min)	10'
C2 From side street (min)	10'
C3 From side lot line (min)	0' or 6'
C4 From rear lot line (min)	20'
C5 From alley	4' or 20' min
D. Parking Setbacks	
D1 From primary street (min)	20'
D2 From side street (min)	10'
D3 From side line (min)	0' or 3'
D4 From rear lot line (min)	3'
D4-5 From alley, garage only (min)	4'
E. Build-to (Blockface)	-
E1 Primary street build-to (min/max)	10'/55'
E2 Building width in primary build-to (min)	70%
E3 Preexisting Buildings: See Sec. 3.4.2. C.2.	-
<u>F.E. Height</u>	
<u>F1</u> E1 Principal building (max)	45'/3 stories
<u>F2</u> E2 Accessory structure (max)	25'
G. Ground Floor Elevation	-
G1 Within build-to (min)	2'
G1 Outside of build-to (min)	n/a
H. Pedestrian Access	-
H1 Street-facing entrance required for units fronting the street	yes
I. Allowed Building Elements	-

—Porch, stoop	-
—Balcony	

Section 14. Section 2.3.5. of Part 10 Raleigh Unified Development Ordinance, Compact Development Option - Apartment, is hereby amended by adding the following language shown in underline and removing the language shown in strikethrough:

Sec. 2.3.5. Apartment	
	R-10
A. Lot Dimensions	
A1 Area (min)	15,000 sf
A2 Width (min)	100'
A3 Outdoor amenity area (min)	5%
A4 Density (max)	10 u/a
B. Building/Structure Setbacks	
B1 From primary street (min)	10'
B2 From side street (min)	10'
B3 From side lot line (min)	0' or 6'
B4 From rear lot line (min)	20'
<u>B45</u> From alley	4' or 20' min
C. Parking Setbacks	
C1 From primary street (min)	10'
C2 From side street (min)	10'
C3 From side/rear lot line (min)	0' or 3'
C4 From rear lot line (min)	3'
<u>C45</u> From alley (min)	4'
D. Build-to (Blockface)	-
—D1 Primary street build-to (min/max)	10'/55'
—D2 Building width in primary build-to (min)	70%
—D3 Side street build-to (min/max)	10'/55'
—D4 Building width in side build-to (min)	35%
—D5 Preexisting Buildings: See Sec. 3.4.2. C.2.	-
E.D. Height	
E1 <u>D1</u> Principal building (max)	45'/3 stories
E2 <u>D2</u> Accessory structure (max)	25'
F. Ground Floor Elevation	-
—F1 Within build-to (min)	2'
—F2 Outside of build-to (min)	n/a
G.E. Pedestrian Access	

G1E1 Street-facing entrance required (min 1 per building) yes	yes
H. Allowed Building Elements	-
—Porch, stoop	-
—Balcony	-

Section 15. Section 2.4.4. of Part 10 Raleigh Unified Development Ordinance, Conservation Development Option - Townhouse, is hereby amended by adding the following language shown in underline and removing the language shown in strikethrough:

Sec. 2.4.4. Townhouse	R-4	R-6	R-10
A. Site Dimensions			
A1 Net site area (min)	3,900 sf	3,300 sf	3,000 sf
A2 Width (min)	52'	44'	40'
B. Lot Dimensions			
B1 Area (min)	1,500 sf	1,200 sf	1,050 sf
B2 Width (min)	20'	16'	14'
C. Building/Structure Setbacks			
C1 From primary street (min)	10'	10'	10'
C2 From side street (min)	10'	10'	10'
C3 From side lot line (min)	0' or 6'	0' or 6'	0' or 6'
C4 From rear lot line (min)	20'	20'	20'
<u>C4-5</u> From alley, garage only (min)	4' or 20' min	4' or 20' min	4' or 20' min
D. Parking Setbacks			
D1 From primary street (min)	20'	20'	20'
D2 From side street (min)	10'	10'	10'
D3 From side <u>lot line</u> (min)	0' or 3'	0' or 3'	0' or 3'
D4 From rear lot line (min)	3'	3'	3'
<u>D4-5</u> From alley (min)	4'	4'	4'
E. Build-to (Site)	-	-	-
—E1 Primary street build-to (min/max)	10'/55'	<u>10'/55'</u>	<u>10'/55'</u>
—E2 Building width in primary build-to (min)	70%	<u>70%</u>	<u>70%</u>
<u>FE. Height</u>			
F1 <u>E1</u> Principal building (max)	45'/3 stories	45'/3 stories	45'/3 stories
F2 <u>E2</u> Accessory structure (max)	25'	25'	25'

G. Ground Floor Elevation	-	-	-
— <u>G1</u> Within build-to (min)	2'	2'	2'
— <u>G2</u> Outside of build-to (min)	n/a	n/a	n/a
H Pedestrian Access	-	-	-
—H1 Street-facing entrance required for units fronting the street	yes	yes	yes
I. Allowed Building Elements	-	-	-
—Porch, stoop	-	-	-
—Balcony	-	-	-
See Sec. 1.5.4.D “Building Setbacks” for specific building element requirements	-	-	-

Section 16. Section 2.4.5. of Part 10 Raleigh Unified Development Ordinance, Conservation Development Option - Apartment, is hereby amended by adding the following language shown in underline and removing the language shown in strikethrough:

Sec. 2.4.5. Apartment	R-6	R-10
A. Lot Dimensions		
A1 Area (min)	15,000 sf	15,000 sf
A2 Width (min)	100'	100'
B. Building/Structure Setbacks		
B1 From primary street (min)	10'	10'
B2 From side street (min)	10'	10'
B3 From side lot line (min)	0' or 6'	0' or 6'
B4 From rear lot line (min)	20'	20'
B4 <u>5</u> From alley	4' or 20' min	4' or 20' min
C. Parking Setbacks		
C1 From primary street (min)	10'	10'
C2 From side street (min)	10'	10'
C3 From side/rear lot line (min)	0' or 3'	0' or 3'
C4 From rear lot line (min)	3'	3'
C4 <u>5</u> From alley (min)	4'	4'
D. Build-to		
— D1 Primary street build-to (min/max)	10²/55²	10²/55²
— D2 Building width in primary build-to (min)	70%	70%
— D3 Side street build-to (min/max)	10²/55²	10²/55²
— D4 Building width in side build-to (min)	35%	35%
<u>ED. Height</u>		
<u>E1</u> D1 Principal building (max)	45'/3 stories	45'/3 stories
<u>E2</u> D2 Accessory structure (max)	25'	25'
F. Ground Floor Elevation		
— F1 Within build-to (min)	2'	2'

F2 Outside of build to (min)	0'	0'
<u>G.E. Pedestrian Access</u>		
<u>G1E1</u> Street-facing entrance required (min 1 per building)	yes	yes
H. Allowed Building Elements		
Porch, stoop		
Balcony		
See Sec. 1.5.4.D. "Building Setbacks" for specific building element requirements.		

Section 17. Section 3.1.2. of the Part 10 Raleigh Unified Development Ordinance, District Components, is hereby amended by adding the following language shown in underline and removing the language shown in strikethrough:

- A. Each Mixed Use District is comprised of one or more of the following components:
 1. Use and Base Dimensions (RX-, OP-, OX-, NX-, CX-, DX-, IX-);
 2. Height (-3, -4, -5, -7, -12, -20, -30, -40); and
 3. Frontage (-PK, -DE, -PL, -GR, -UL, -UG, -SH).
- B. A variety of Mixed Use Districts can be constructed by applying different height and frontage configurations as shown in the table below.
- C. Each Mixed Use District must include a height designation. A frontage is optional unless it has already been applied to the property and designated on the Official Zoning Map.
- D. Neighborhood transitions apply when adjacent to a residential district (see Article 3.5. Neighborhood Transitions).

Use and Base Dimensions	Height	Frontage	Examples
<i>Specifies the range of uses allowed (Chapter 6. Use Regulations) and base dimensional standards for allowed building types (Article 3.2. Base Dimensional Standards).</i>	<i>Sets the maximum allowed height for the district (Article 3.3. Height Requirements)</i>	<i>Frontages place additional limitations beyond the base dimensional standards (Article 3.4. Frontage Requirements)</i>	
RX- = Residential Mixed Use OP- = Office Park OX- = Office Mixed Use NX- = Neighborhood Mixed Use CX- = Commercial Mixed Use DX- = Downtown Mixed Use IX- = Industrial Mixed Use	3 = 3 stories max 4 = 4 stories max 5 = 5 stories max 7 = 7 stories max 12 = 12 stories max 20 = 20 stories max <u>30 = 30 stories max</u> 40 = 40 stories max	-PK = Parkway -DE = Detached -PL = Parking Limited -GR = Green -UL = Urban Limited -UG = Urban General -SH = Shopfront	RX-3: Residential Mixed Use, up to 3 stories, no frontage required OX-5-SH: Office mixed use, up to 5 stories, shopfront frontage required

			CX-7-PK: Commercial mixed use, up to 7 stories, parkway frontage required
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Section 18. Section 3.2.3. of the Part 10 Raleigh Unified Development Ordinance, Townhouse, is hereby amended by adding the following language shown in underline and removing the language shown in strikethrough:

Sec. 3.2.3. Townhouse	<u>RX-, OX-, NX-, CX-</u>	<u>DX-</u>
A. Lot Dimensions		
A1 Net site area (min)	3,300'	n/a
A2 Width (min)	44'	n/a
A3 Outdoor amenity area (min)	10%	10%
B. Lot Dimensions		
B1 Area (min)	n/a	n/a
B2 Width (min)	16'	n/a
C. Building/Structure Setbacks		
C1 From primary street (min)	10'	5'
C2 From side street (min)	10'	5'
C3 From side lot line (min)	0' or 6'	0' or 6'
C4 From rear lot line (min)	20	0' or 6'
C4-5 From alley	4' or 20' min	4' or 20' min
D. Parking Setbacks		
D1 From primary street (min)	20'	20'
D2 From side street (min)	10'	10'
D3 From side lot line (min)	0' or 3'	0' or 3'
D4 From rear lot line (min)	3'	3'
D4-5 From alley, garage only (min)	4'	4'
E. Build-to (Blockface)	-	-
E1 Primary street build-to (min/max)	10'/55'	10'/55'
E2 Building width in primary build-to (min)	70-50%	70%
E3 Preexisting Buildings: See Sec. 3.4.2. C.2.		
F. E. Height		
F1 E1 Principal building (max)	Set by district	Set by district
F2 E2 Accessory structure (max)	25'	25'
F3 E3 Residential Infill rules may apply (see Sec. 2.2.7)	no	yes
G. Floor Heights	-	-
G1 Ground floor elevation (min)		

Residential	2'	2'
Nonresidential	n/a	n/a
G2 Ground story height, floor to floor (min)	n/a	n/a
G3 Upper story height, floor to floor (min)	n/a	n/a
H. F. Transparency		
H1 F1 Ground story (min)	20%	20%
H2 F2 Upper story (min)	15%	15%
H1 F3 Blank wall (max)	35'	35'
I. Allowed Building Elements		
Porch, stoop	-	
Balcony	-	
See Sec. 1.5.4.D "Building Setbacks" for specific building elements requirements.		

Section 19. Section 3.2.4. of the Part 10 Raleigh Unified Development Ordinance, Apartment, is hereby amended by adding the following language shown in underline and removing the language shown in strikethrough:

Sec. 3.2.4. Apartment	RX-, OX-, NX-, CX-	DX-
A. Lot Dimensions		
A1 Area (min)	10,000 sf	n/a
A1 2 Area (max)	10 acres (NX-only)	n/a
A2 3 Width (min)	n/a	n/a
A3 4 Outdoor amenity area (min)	10%	10%
B. Building/Structure Setbacks		
B1 From primary street (min)	5'	5'
B2 From side street (min)	5'	5'
B4 3 From side lot line (min)	0' or 6'	0' or 6'
B4 From rear lot line (min)	0' or 6'	20
B4 5 From alley	4' or 20' min	4' or 20' min
C. Parking Setbacks		
C1 From primary street (min)	10'	10'
C2 From side street (min)	10'	10'
C3 From side lot line (min)	0' or 3'	0' or 3'
C4 From rear lot line (min)	0' or 3'	0' or 3'
C4 5 From alley, garage only (min)	4'	4'
D. Build-to (Site)		
D1 Primary street build-to (min/max)	10'/55'	10'/55'

D2 Building width in primary build-to (min)	70%	70%
D3 Side street build to (min)	10'/55'	10'/55'
D4 Building width in side build to (min)	35%	35%
D5 Preexisting Buildings: See Sec. 3.4.2. C.2.		
E.D. Height		
E1 <u>D1</u> Principal building (max)	Set by district	Set by district
E2 <u>D2</u> Accessory structure (max)	25'	25'
F. Floor Heights	-	-
F1 Ground floor elevation (min)	-	
Residential	2'	2'
Nonresidential	n/a	n/a
F2 Ground story height, floor to floor (min)	n/a	n/a
F3 Upper story height, floor to floor (min)	n/a	n/a
G. E. Transparency		
G1 <u>E1</u> Ground story (min)	20%	20%
G2 <u>E2</u> Upper story (min)	15%	15%
G3 <u>E3</u> Blank wall (max)	35%	35%
H. Allowed Building Elements		
Porch, stoop		
Balcony		
See Sec. 1.5.4.D "Building Setbacks" for specific building elements requirements.		

Section 20. Section 3.3.1. of the Part 10 Raleigh Unified Development Ordinance, Height Requirements - Applicability, is hereby amended by adding the following language shown in underline:

A. Each Mixed Use District must include one of the following height designations. The designation establishes the maximum height in stories and feet for each mixed use district. For example, CX-5 has a maximum height limit of 5 stories and 80 feet.

- 3 3 stories / 50 feet max
- 4 4 stories / 68 feet max
- 5 5 stories / 80 feet max
- 7 7 stories

- 12 12 stories
- 20 20 stories
- 30 30 stories
- 40 40 stories

Section 21. Section 3.3.2. of the Part 10 Raleigh Unified Development Ordinance, Height Requirements – Building Height Standards, is hereby amended by adding the following language shown in underline and removing the language shown in strikethrough:

District	-3	-4	-5	-7	-12	-20	<u>-30</u>	-40
A. Max Height								
A1 Building height (max stories)	3	4	5	7	12	20	<u>30</u>	40
A1 <u>2</u> Building height (max feet)	50'	68'	80'					
B. Min Height (Urban Frontages Only)								
B2 <u>1</u> Building height (min stories) street facing façade(s) at min	n/a	n/a	n/a	2	2	3	<u>3</u>	3
B3 <u>2</u> Height (cumulative min % of building width(s))	n/a	n/a	n/a	75%	75%	75%	<u>75%</u>	75%
B4 <u>3</u> Depth of min height from front building façade into lot (min	n/a	n/a	n/a	30'	45'	60'	<u>60'</u>	60'

Section 22. Section 3.3.3. of the Part 10 Raleigh Unified Development Ordinance, Building Massing Standards is hereby amended by adding the following language shown in underline and removing the language shown in strikethrough:

A. Intent

The intent of the building massing regulations is to manage the impact of tall buildings located near the public right-of-way. Stepbacks are intended to avoid a canyon effect by providing ~~provide~~ access to light and air at street level, and mitigating ~~mitigate~~ wind impacts. The massing regulations also produce a consistent street wall and visually reduce the perceived scale of a building. ~~to avoid a canyon effect.~~

B. Stepbacks

Buildings of 8 ~~13~~ or more stories are required to place a stepback above the 3rd 1st floor or 25', whichever is greater, but below the 8th 13th floor

1. The stepback is only required on building faces adjoining the public street.

- The depth of a required setback may be reduced by 5 feet if the cornice line of the setback matches the cornice line of an adjacent building.

C. Floor Plate Size

Above the 12th story, buildings are allowed 30,000 square feet of buildable area per story. The total amount of allowable square footage above the 12th story is thus defined as 30,000 square feet multiplied by the number of floors above 12 that are allowed per the site’s zoning. Larger floor plate size will result in fewer floors, whereas smaller floor plates will allow for taller towers. Buildings may not exceed the number of floors allowed by the underlying zoning district.

C. D. Administrative Design Alternate Findings

The ~~Planning Director may~~ Planning Commission or Appearance Commission performing the quasi-judicial duties of the Planning Commission (as designated by the City Council), after conducting a duly noticed quasi-judicial evidentiary hearing in accordance with Sec. 10.2.17., shall approve an alternate building massing standard, ~~subject to~~ if all of the following findings are satisfied:

- The approved alternate ~~meets~~ is consistent with the intent of the building massing regulations;
- ~~The approved alternate conforms with the Comprehensive Plan and adopted City plans;~~
- ~~2. The approved alternate uses an architectural base distinguishable from the building above that enhances the pedestrian environment through a change in material, fenestration, ornamentation, rhythm, or other sculpting of the base a change in building materials to mimic a change in wall plane, the most substantial and durable building materials are located at the bottom floors of the building.~~
- ~~3. If the approved alternate proposes a building setback behind the sidewalk in lieu of a required setback, the resulting open space includes public pedestrian amenities such as seating areas, trees and landscaping or outdoor dining.~~
- ~~4. The building contains uses other architectural treatments to mitigate wind impacts, increase light at pedestrian level, and visually reduce the scale of the building. for delineating the base, middle and top of the building.~~
- The building does not cause undue shadow impacts on public spaces, amenity areas, and surrounding streets.

Height of Building	Up to 3 12 Stories	4 to 5 Stories	6 to 7 Stories	8 to 12 Stories	13 to 20 Stories	<u>21 to 30 Stories</u>	21 to 40 Stories
C. E. Massing							
<u>CHE1 3rd – 7th 2nd (or 25’, whichever is</u>	n/a	n/a	n/a	12'	15 12'	12'	15 12'

greater) - 12th story stepback (min)							
D. F. Towers							
D1 <u>F1</u> Floor plate size Allowable area per tower above 12 stories (max)	n/a	n/a	n/a	n/a	<u>25,000</u> 30,000 sf per allowable floor	<u>25,000</u> 30,000 sf per allowable floor	<u>25,000</u> 30,000 sf per allowable floor
D2 <u>F2</u> Spacing between towers - floors above 12 stories on adjacent sites (min)	n/a	n/a	n/a	n/a	n/a <u>30'</u>	<u>50'</u>	100 <u>60'</u>
* Building separation is measured orthogonally to the wall plane							

Section 23. Section 3.4.6.E. of the Part 10 Raleigh Unified Development Ordinance, Green (-GR), is hereby amended by adding the following language shown in underline and removing the language shown in strikethrough:

E. Pedestrian Access		
<u>E1</u>	Primary street-facing entrance required	yes
E2	Street facing entrance spacing (max)	100'

Section 24. Section 3.4.7.E. of the Part 10 Raleigh Unified Development Ordinance, Urban Limited (-UL), is hereby amended by adding the following language shown in underline and removing the language shown in strikethrough:

E. Pedestrian Access		
<u>E1</u>	Primary street-facing entrance required	yes
E2	Street facing entrance spacing (max)	75'

Section 25. Section 3.4.8.E. of the Part 10 Raleigh Unified Development Ordinance, Urban General (-UG), is hereby amended by adding the following language shown in underline and removing the language shown in strikethrough:

E. Pedestrian Access		
<u>E1</u>	Primary street-facing entrance required	yes
E2	Street facing entrance spacing (max)	75'

Section 26. Section 3.4.9.E. of the Part 10 Raleigh Unified Development Ordinance, Shopfront(-SH), is hereby amended by adding the following language shown in underline and removing the language shown in strikethrough:

E. Pedestrian Access		
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<u>E1</u>	Primary street-facing entrance required	yes
E2	Street facing entrance spacing (max)	50'

Section 27. Section 5.3.1.E. of the Part 10 Raleigh Unified Development Ordinance, Special Highway Overlay Districts - Height, is hereby amended by adding the following language shown in underline and removing the language shown in strikethrough:

1. Height in SHOD-1

Buildings and structures cannot exceed the maximum allowed height of the underlying district, or 75'±80' or 5 stories-, whichever is less.

Section 28. Section 7.1.2.B. of the Part 10 Raleigh Unified Development Ordinance, Parking Administrative Alternate, is hereby amended by adding the following language shown in underline and removing the language shown in strikethrough:

B. Parking Administrative Alternate Means of ComplianceAlternative

The parking ratios of this UDO apply unless an alternate parking ratio is approved by the Transportation Director in accordance with ~~Sec. 10.2.17.~~ and the requirements below.

1. Alternate parking ratios may be approved where an applicant submits a parking study, prepared and sealed by a registered professional engineer in the State of North Carolina. Such a study must illustrate that the required parking ratios of Sec. 7.1.2.C. do not accurately apply to a specific development proposal.
2. The data submitted must include, at minimum, the size and type of the proposed development, the mix of uses, the anticipated rate of parking turnover and the anticipated peak parking and traffic loads of all uses.
3. The data must be obtained either from relevant studies published in refereed journals or other secondary source of comparable authority; or from primary studies of no fewer than 3 comparable developments within the regional market. The regional market shall be the Consolidated Metropolitan Statistical Area. The data must consist of accumulation counts in the typical peak hour for the dominant land use and have been collected in the prior 24 months.
- ~~4. The alternate shall not be subject to review by the Appearance Commission.~~

Section 29. Section 7.1.7.I. of the Part 10 Raleigh Unified Development Ordinance, Vehicle Parking Lot Landscaping - Administrative Alternate Findings, is hereby amended by adding the following language shown in underline and removing the language shown in strikethrough:

I. Administrative Design Alternate Findings

The ~~Planning Director may~~ Planning Commission or Appearance Commission performing the quasi-judicial duties of the Planning Commission (as designated by the City Council), after conducting a duly noticed quasi-judicial evidentiary hearing in accordance with Sec.

10.2.17., shall approve an administrative design alternate, subject to if all of the following findings are satisfied:

- ~~a~~1. The approved alternate ~~meets~~ is consistent with the intent of the vehicle parking lot regulations; and
- ~~b~~—The approved alternate conforms with the Comprehensive Plan and adopted City plans;
- ~~c~~2. The approved ~~administrative~~ alternate is considered equal or better to the standard.

Section 30. Section 7.2.3. of the Part 10 Raleigh Unified Development Ordinance, Landscaping and Screening - Administrative Alternate Findings, is hereby amended by adding the following language shown in underline and removing the language shown in strikethrough:

Sec. 7.2.3. Administrative Design Alternate Findings

The ~~Planning Director may~~ Planning Commission or Appearance Commission performing the quasi-judicial duties of the Planning Commission (as designated by the City Council), after conducting a duly noticed quasi-judicial evidentiary hearing in accordance with Sec. 10.2.17., shall approve an administrative design alternate, subject to if all of the following findings are satisfied:

- A. The approved alternate ~~meets~~ is consistent with the intent of the landscape and screening regulations;
- B. ~~The approved alternate conforms with the Comprehensive Plan and adopted City plans;~~
- ~~C.—The approved alternate does not substantially negatively impact the comfort and safety of pedestrians;~~
- C. The approved alternate utilizes other architectural or landscaping treatments to create visual interest; and
- D. The approved administrative alternate is considered equal to or better than the standard.

Section 31. Section 7.2.8.D. of the Part 10 Raleigh Unified Development Ordinance, Foundation Walls, is hereby amended by adding the following language shown in underline and removing the language shown in strikethrough:

D. Retaining Walls

Retaining walls that are generally parallel to, facing towards, and located within 30 feet of a any public right of way sidewalk shall be required to adhere to the following.

1. A freestanding retaining wall may not exceed a continuous, uninterrupted height of 10 feet above grade or adjacent curb level (or if no curb exists, from the center crown of the street), whichever is higher. Average grade shall not be applied in determining the maximum height in this instance. Additional height above 10 feet may be permitted, provided the wall contains a minimum 2-foot step back for each additional 10 feet of wall height. A type C2

Street Protective Yard shall be required for any freestanding retaining wall of at least 10 feet in height. Where the retaining wall gains additional height with a step back, the step back area shall provide the quantity of shrubs equal to a type C3 Street Protective Yard.

2. This regulation shall not apply to walls associated with culverts or stream crossings or to transportation improvements, such as bridge overpass structures for streets or railroads.

3. E. Building Foundation Walls

A building foundation wall that is integrated into an apartment, general, civic, or mixed use building type and facing any ~~primary street~~ public right of way must meet the following standards:

- a~~1~~. The ~~transparency and~~ blank wall standards enumerated for the building type shall ~~apply to~~ include the building foundation wall.
- b~~2~~. When the building foundation wall is located within 30 feet of any ~~primary street~~ public right of way, it shall have a maximum height of 5 feet above grade. Average grade shall not be applied in determining the maximum height in this instance.
- e~~3~~. The building foundation wall shall be constructed or finished with the same primary materials as the building.
4. Building foundation walls within 30 feet of a right of way may exceed 5 feet in height if any of the following treatments are applied. Treatments must cover 75% of the building foundation wall area, either singularly or collectively. Maximum height, including treatments, may not exceed 8'. All treatments must be located within 4 feet of the foundation wall unless integrated or connected thereto:
 - a. Foundation planting—Except for DX-, -TOD overlay areas, Shopfront, Urban General, and Urban Limited frontages, a 3-foot-tall evergreen shrub planted at a rate of 3 shrubs per 10 feet. Species must meet the requirements of Section 7.2.7.
 - b. Planter – A permanent planter of not more than 4 feet in height. Maximum spacing between planters shall be no more than 5 feet and planted and maintained with species that meet the requirements of Section 7.2.7.
 - c. Access — Any portion of a stairway or ramp that is less than 4 feet in height providing access to a street-facing entrance. Stairs and ramps may exceed 4 feet in height, however, any portion above 4 feet in height shall not qualify as a treatment described herein.
 - d. Seating – A permanent structure intended for seating between 18 inches and 3 feet in height and a minimum of 18 inches deep. Seating shall be a minimum of 5 feet and a maximum of 30 feet in length. In no instance shall seating exceed 50% of the linear length of the foundation wall. Seating must be accessible to the pedestrian.
 - e. Transit Improvements – Transit improvements accepted by the City of Raleigh.

Section 32. 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 ~~Adjustments~~Alternates Relating to Blocks, Lots and Access (Article 8.3)

- A. 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, 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, lots and access, upon a showing of all of the findings set forth ~~in Section 10.2.18 below:~~
1. The approved design alternate is consistent with 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.

Section 33. Section 8.4.1. of the Part 10 Raleigh Unified Development Ordinance, General Provisions, is hereby amended by adding the following language shown in underline and removing the language shown in strikethrough:

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~~alternates 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.

...

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~~below:

1. The approved design alternate is consistent with the intent of Article 8.4;
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 34. Section 8.5.1.B. of the Part 10 Raleigh Unified Development Ordinance, Design Alternates Relating to Street Cross Sections, is hereby amended by adding the following language shown in underline and removing the language shown in strikethrough:

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.~~below:

1. The approved design alternate is consistent with the intent of Article 8.5;
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 35. Section 8.5.3.D. of Part 10 Raleigh Unified Development Ordinance, Local Streets-Multi-Family Street, is hereby amended by adding the following language shown in underline and removing the language shown in strikethrough, removing the language shown in strikethrough underneath the “General” information heading and amending the graphic by:

... Building setbacks are measured from the ~~right-of-way~~ “maintenance strip, easement” noted in “AD”. This street can only be used in conjunction with townhouse and apartment building types.

Section 36. Section 10.1.2.C of the Part 10 Raleigh Unified Development Ordinance, Planning Commission - Specific Approval Authority, is hereby amended by adding the following language shown in underline and removing the language shown in strikethrough:

C. Specific Approval Authority

The Planning Commission (as designated by the City Council) is responsible for final action regarding:

1.Design Alternates

Section 37. Section 10.1.5.B of the Part 10 Raleigh Unified Development Ordinance, Appearance Commission - General Authority, is hereby amended by deleting sub-section 3, as follows:

~~3. The Appearance Commission shall in accordance with this UDO conduct public meetings and evaluate requests for Administrative Alternates and may recommend to the Planning Director approval of the alternate, approval of the alternate with changes or denial of the alternate.~~

Section 38. Section 10.1.7.C.1 of the Part 10 Raleigh Unified Development Ordinance, Specific Review Authority, is hereby amended by adding the following language shown in underline and removing the language shown in strikethrough:

1. Planning Director is responsible for review and recommendation unless otherwise noted regarding:
 - a. Annexation petitions;
 - b. Comprehensive Plan amendments;
 - c. Text amendments;
 - d. Rezoning (review only);
 - e. Special Use Permits (review only);
 - f. Variances (review only);

- g. Historic Landmark designations (review only), ~~and~~
- h. Major certificates of appropriateness (review only), and
- i. Design Alternates (review only).

Section 39. Section 10.1.7.D.1 of the Part 10 Raleigh Unified Development Ordinance, Specific Approval Authority, is hereby amended by adding the following language shown in underline and removing the language shown in strikethrough:

1. Planning Director

- a. Minor certificate of appropriateness;
- b. ~~Administrative Alternates~~ [Reserved].

Section 40. Section 10.1.8 of the Part 10 Raleigh Unified Development Ordinance, Summary of Review Authority, is hereby amended:

Delete the row titled “Administrative Alternate”. In the row titled “Design Alternate”, in the columns titled “Appearance Commission” and “Planning Commission” replace “D-QH⁽¹⁰⁾” with “D-QH⁽⁴⁾”. In the rows titled “Variance” and “Special Use Permit”, in the row titled “Published”, remove the “Y”. Delete footnote (10) in its entirety. Replace footnote (4) with the following:

(4) Planning Commission or Appearance Commission, performing the quasi-judicial duties of the Planning Commission (as designated by the City Council).

Section 41. Delete Section 10.2.17 of the Part 10 Raleigh Unified Development Ordinance, Administrative Alternates in its entirety.

Section 42. Section 10.2.18. of the Part 10 Raleigh Unified Development Ordinance, Design Alternates, is hereby amended by adding the following language shown in underline and removing the language shown in strikethrough

Sec. ~~10.2.18.17.~~ 17. 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) has the authority to approve a request for a design alternates ~~to Articles 8.3, 8.4 and 8.5~~ as 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 a design alternates to standards contained within the Raleigh Street Design Manual. All design alternates shall be reviewed in accordance with the provisions of the UDO, including this

section and the applicable design alternate findings. Any 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. Design alternates are not available for anything set forth in a zoning condition.

B. Pre-Application Conference

Before applying for a design alternate, an applicant shall schedule a pre-application conference with the applicable Department Director or their designee to discuss the procedures, standards and regulations required for approval. This requirement may be waived at the discretion of the Department Director or their designee.

B.C. Application Requirements

1. An application for a design alternate shall be submitted in accordance with *Sec. 10.2.1.B*. A request for a design alternate must be submitted after the first round of review for a development plan or infrastructure construction plans.
2. An application for a design alternate must be signed and notarized by the property owner in order to initiate a request
3. The applicant shall submit pertinent material necessary for review; in addition to the submittal material required for a subdivision or site plan. This may include detailed landscape plans, roadway cross-sections, site or subdivision layout, architectural renderings, material samples or other project-specific information.

C. ~~Planning Commission or Appearance Commission 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) 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) shall consider the applicable design alternate findings for the request and either approve, approve with conditions, or deny the request.~~

D. Approval Process

1. In reviewing the design alternate, the applicable Department Director or their designee shall consult with the heads of the Public Utilities, Engineering Services, Transportation, Parks and Cultural Resources, Development Services and Fire Departments to check the proposed request against the requirements of this UDO and other applicable technical requirements of the City.
2. Within 45 days of receipt of the completed application the applicable Department Director or their designee shall refer the request to the next scheduled Appearance Commission meeting.
3. Following the submission of a completed application, the Planning Commission or Appearance Commission, performing the quasi-judicial duties of the Planning Commission (as designated by the City Council), shall hold a quasi-judicial evidentiary

hearing on the proposed amendment that shall be noticed in accordance with the provisions of Sec. 10.2.1.C.

4. The Planning Commission or Appearance Commission, performing the quasi-judicial duties of the Planning Commission (as designated by the City Council) shall review the request, giving consideration to the intent statements and findings listed for each alternate requested as the same are set forth in the following sections:
 - a. Sec. 1.5.6.D (Build-To)
 - b. Sec. 1.5.8.C. (Pedestrian Access)
 - c. Sec. 1.5.9.C. (Transparency)
 - d. Sec. 1.5.10. (Blank Wall)
 - e. Sec. 1.5.12.C. (Garage)
 - f. Sec. 3.3.3.C. (Building Massing)
 - g. Sec. 7.1.7.I. (Vehicle Parking Lot) and
 - h. Sec. 7.2.3. (Landscaping and Screening).
 - i. Sec. 8.3.2., 8.3.4. and 8.3.5. (Blocks, Lots and Access)
 - j. Section 8.4 (New and Existing Streets)
 - k. Section 8.5 (Street Cross Sections)

~~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 the 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 forth below:~~

1. The approved design alternate ~~meets~~ is consistent with 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:
 - iii. an existing building would impede roadway expansion; or
 - iv. 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 43. Section 10.2.19. of the Part 10 Raleigh Unified Development Ordinance, Vested Rights, is hereby amended by adding the following language shown in underline and removing the language shown in strikethrough

Sec. ~~10.2.19~~,18. Vested Rights

Section 44. This text change has been reviewed by the Raleigh Planning Commission.

Section 45. This ordinance has been adopted following a duly advertised legislative hearing of the Raleigh City Council.

Section 46. This ordinance has been provided to the North Carolina Capital Planning Commission as required by law.

Section 47. 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 48. This ordinance is effective 30 days after adoption.

Adopted: May 18, 2021

Effective: June 17, 2021

Distribution: Planning & Development – Young, Bowers, Crane, Waddell, Ray, Rametta, Hosey, Bailey-Taylor
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