

**TC-21-20 MISCELLANEOUS ZONING PERMITS
ORDINANCE NO. (XXX-2022)**

**AN ORDINANCE TO AMEND THE PART 10
RALEIGH UNIFIED DEVELOPMENT ORDINANCE REGARDING
MISCELLANEOUS ZONING PERMITS**

WHEREAS, the city issues a variety of zoning permits for improvements and uses that fall outside of the site plan tiering system;

WHEREAS, there is no formal process for the application, review, and issuance of these permits;

WHEREAS, it is in the public interest to establish a formal process for these “miscellaneous zoning permits” to ensure accountability and consistency.

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

Section 1. Section 10.1.8 of the Part 10 Raleigh Unified Development Ordinance, Summary of Review Authority, is hereby amended:

After the row titled “Major Modification Development Plans approved using previously applicable quasi-judicial subjective standards, or by some other procedure with standards no longer available in this UDO”, insert a row titled “Miscellaneous Zoning Permit” and in the column titled “City Official” insert “D”, in the column titled “Board of Adjustment” insert “A-QH”.

Section 2. Section 10.2.7 of the Part 10 Raleigh Unified Development Ordinance, Reserved for Future Codification, is hereby amended by deleting “Reserved for Future Codification” and inserting in lieu thereof the following language:

Sec. 10.2.7. Miscellaneous Zoning Permits

A. Purpose and Applicability

1. Purpose. A miscellaneous zoning permit is a type of zoning permit. The purpose of the miscellaneous zoning permit review process is to ensure compliance with the standards and provisions of this UDO for uses that have minor impacts on the environment, public infrastructure and neighboring properties.
2. Applicability. The following structures and uses shall require a miscellaneous zoning permit:
 - a. A change to a Permitted or Limited Use (excluding those with use standards that require a site plan to ensure compliance) where the Site Plan Group as shown in Section. 7.1.2.C, remains in the same group or decreases from:

Group C to any other group or

Group B to Group A, and

where the applicant does not propose any changes to the exterior of the building, or site, that require compliance with any requirement set forth in 10.2.8.B.4. Notwithstanding the foregoing, permitted signage may still be erected or altered.

- b. any structures, improvements, and/or uses that do not require site plans pursuant to Sec. 10.2.8 and are not exempted pursuant to Sec. 10.7.A.3.
3. Permit Exemptions. Because of their de minimis impacts, certain structures, uses and signs, otherwise regulated by this UDO, shall not require a site plan under Sec. 10.2.8 or a miscellaneous zoning permit under this section:
- a. Structures:
 - i. Playset
 - ii. Flag Pole
 - b. Uses:
 - i. Home Occupation
 - c. Signs
 - i. A-Frame signs on private property

B. Pre-Application Conference

Before submitting an application for a miscellaneous zoning permit approval, an applicant may schedule a pre-application conference with the Development Services Director to discuss the procedures, standards and regulations required for such approval.

C. Application Requirements

1. An application for a miscellaneous zoning permit approval shall be submitted in accordance with *Sec. 10.2.1.B*.
2. The following forms must be filled out completely in order to process an application for a miscellaneous zoning permit approval:
 - a. Miscellaneous Zoning Permit Submittal Checklist; and
 - b. Miscellaneous Zoning Permit Application.

D. Development Services Director Action

1. City Planning shall review the proposed application against the applicable requirements of this UDO and other applicable technical requirements of the City.
2. In reviewing the application, City Planning shall consult with the Public Utilities, Engineering Services, City Planning, Parks, Recreation and Cultural Resources, Transportation and Fire Departments as may be appropriate.
3. Following review, the City shall approve, approve with conditions that bring the application into conformance with this UDO and other applicable technical requirements of the City or deny the application.

4. If the application is disapproved, the reasons for such disapproval shall be stated in writing and provided to the applicant, specifying the provisions of which the application does not comply. A revised application may be submitted to Development Services for further consideration.
5. Notice of a decision on a miscellaneous zoning permit shall be provided to the applicant within 3 days following the date of the final action as set forth in *Sec. 10.2.1.C.6*.
6. Any appeal of this section shall be in accordance with *Sec. 10.2.11*.

E. Expiration

An approved miscellaneous zoning permit shall expire 1 year after the date of approval if a building permit application has not been filed.

Section 3. Section 10.2.8.B.1.a. of the Part 10 Raleigh Unified Development Ordinance, Site Plan Review, Site Plan Tier Categories, Tier One Site Plans, is hereby amended by adding the language shown in underlined and removing the language shown in strikethrough:

- ii. A change of use, excluding those that qualify as a Miscellaneous Zoning Permit, of a gross floor area of 10,000 square feet or less in an existing building.
- iii. A change of use, excluding those that qualify as a Miscellaneous Zoning Permit, where the Site Plan Group as shown in ~~Section 7.1.2.C~~, remains in the same group or decreases from:
Group C to any other group or
Group B to Group A.

Section 4. Section 10.2.8.B.2.a.ii. of the Part 10 Raleigh Unified Development Ordinance, Site Plan Review, Site Plan Tier Categories, Tier Two Site Plans, is hereby amended by adding the language shown in underlined:

- ii. A change in use, excluding those that qualify as a Miscellaneous Zoning Permit, of a gross floor area of more than 10,000 square feet and less than 25,000 square feet in an existing building excluding a change of use where the Site Plan Group, as shown in Section 7.1.2.C, remains in the same group or decreases from:
Group C to any other group or
Group B to Group A.

Section 5. This text change has been reviewed by the Raleigh Planning Commission.

Section 6. This ordinance has been adopted following a duly advertised legislative hearing of the Raleigh City Council.

Section 7. This ordinance has been provided to the North Carolina Capital Planning Commission as required by law.

Section 8. This ordinance shall be enforced as provided in N.C.G.S. 160A-175 or as provided in the Raleigh City Code.

Section 9. This ordinance is effective 30-days after adoption.

ADOPTED:

EFFECTIVE:

DISTRIBUTION: