

TC-5-22
ROADWAY CONSTRUCTION, NONCONFORMITIES AND SIGNAGE
ORDINANCE NO. (XXX-2022)

AN ORDINANCE TO AMEND THE PART 10
RALEIGH UNIFIED DEVELOPMENT ORDINANCE REGARDING
PUBLIC PROJECT LAND ACQUISITION AND SITE ELEMENTS

WHEREAS, the City regularly acquires right-of-way and easements during the construction of Capital Improvement Projects; and

WHEREAS, such acquisition may otherwise result in a property, improvement, or site element to not conform with the City's zoning regulations; and

WHEREAS, such acquisition may result in the removal of certain site elements such as signage; and

WHEREAS, such acquisition requires fair compensation; and

WHEREAS, is in the public interest to reduce the impacts and costs of Capital Improvement Projects while protecting public health, safety, and welfare.

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

Section 1. Section 7.3.13.J.3. of the Part 10 Raleigh Unified Development Ordinance, Special Sign Types, Temporary Signs, is hereby amended by adding the following language shown in underlined and removing the language shown in strikethrough:

3. ~~Temporary~~ Except for government owned signage, temporary signs shall not be permitted within the right of way.

Section 2. Section 9.1.5.D. of the Part 10 Raleigh Unified Development Ordinance, Documentation of Tree Conservation Areas – Replacement by Condemnor, is hereby amended by adding the following language shown in underlined:

D. Replacement by Private Condemnor

Whenever any private condemnor acquires property through eminent domain it shall be the responsibility of the private condemnor to replace, in accordance with the provisions of this UDO, those complying elements which were removed unless a less stringent standard is required.

Section 3. Section 10.3.1.C. of the Part 10 Raleigh Unified Development Ordinance, Nonconformities, In General, Right-of-Way Acquisition, is hereby amended by adding the following language shown in underlined:

C. Right-of-Way and Easement Acquisition

Public acquisition of rights of way and easements for government initiated capital projects shall not render a property, including any existing improvements or site elements nonconforming such that their replacement alteration, expansion would be regulated by Art. 10.3. (By way of example, should the public acquisition result in a structure being located closer to a public right-of-way than permitted by the applicable building setback, the review of any development permit application for the replacement, alteration and/or expansion shall impose a setback equal to the new distance of the structure from the expanded right-of-way.) Existing site elements shall include landscaping, tree conservation, forestation, open space, protective yards and those site elements listed in Sec.10.3.4., located on the property at the time of right-of-way or easement acquisition by the government.

Section 4. Section 10.3.4.D. of the Part 10 Raleigh Unified Development Ordinance, Nonconformities, Nonconforming Site Elements, Resumptions, is hereby amended by adding the following language shown in underlined and removing the language shown in strikethrough:

D. Resumptions

Any nonconforming site element ~~accessory building, accessory structure, sign, vehicular surface area, private access point or outdoor lighting,~~ which is discontinued, unused or unoccupied for a continuous period of 365 days or more may not be restarted, resumed or reoccupied. Unless the owner has been compensated for the total loss of the nonconforming site element, and notwithstanding anything contained herein this UDO to the contrary, including the foregoing, where such discontinuance is due to a government funded and initiated project, nonconforming site elements may be reinstalled, or replaced, like-for-like, subject to the safety standards of this UDO pertaining to site triangles, pedestrian safety and flood prevention, provided the site element reinstallation or replacement occurs within 180 days of project completion.

Section 5. All laws and clauses of laws in conflict herewith are repealed to the extent of such conflict.

Section 6. If this ordinance or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given separate effect and to this end the provisions of this ordinance are declared to be severable.

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

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

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

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

Section 11. This ordinance is effective 30 days after adoption.

ADOPTED:

EFFECTIVE:

DISTRIBUTION: