

**ORDINANCE NO. 2018 – 864 TC 405  
TC-17-16**

**AN ORDINANCE TO AMEND SECTION 1.5.7 OF PART 10,  
RALEIGH UNIFIED DEVELOPMENT ORDINANCE,  
TO REVISE THE BASEMENT AND ATTIC REGULATIONS**

**WHEREAS**, the intent of the Unified Development Ordinance for the City of Raleigh was to create more predictable development;

**WHEREAS**, the existing regulations in Article 1.5 provide for an allowance for attics and basements which do not count as a story;

**WHEREAS**, building heights in the mixed use zoning districts were intended to be predictable by establishing maximum height in feet and number of stories;

**WHEREAS**, the Unified Development Ordinance does not regulate residential density in the mixed use districts in exchange for this more predictable form;

**WHEREAS**, the City of Raleigh has determined it appropriate to preserve this predictability related to building height in the mixed use districts.

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

**Section 1.** Section 1.5.7.A.2 of Part 10, Raleigh Unified Development Ordinance, Building Height, is hereby amended by insertion of the following underlined language and deletion of the following strikethrough language:

2. Average grade is determined by calculating the average of the highest and lowest elevation along pre-development grade or improved grade (whichever is more restrictive) along each building elevation and averaging all elevations. ~~the front of the building parallel to the primary street setback.~~ Where land disturbance mass grading has been approved by the City through the mass-grading process, average grade shall be considered the improved grade following the completion of such mass grading. However, for any building subject to the standards of Sec. 2.2.7, average grade shall be the more restrictive of pre-development or improved grade.

**Section 2.** Section 1.5.7.A.3 of Part 10, Raleigh Unified Development Ordinance, Building Height, is hereby amended by insertion of the following underlined language and deletion of the following strikethrough language:

3. For a detached or attached building type only, for any building type located within the Downtown Mixed Use District, or for any building that is zoned for a maximum of three stories, ~~Where~~ a lot slopes downward from any primary

street the property line, + one story that is additional to the specified maximum number of stories may be built on the lower portion of the lot. This provision shall not be applicable for any structure that includes a basement.

**Section 2.** Section 1.5.7.A.5 of Part 10, Raleigh Unified Development Ordinance, Building Height, is hereby amended by insertion of the following underlined language and deletion of the following strikethrough language:

5. For a detached or attached building type only, An attic does not count as a story where 50% or more of the attic floor area has a clear height of less than 7.5 feet; measured from the finished floor to the finished ceiling. To be classified as an attic, the space must also meet the specifications as provided in the defined term in Article 12.2, Defined Terms.

**Section 3.** Section 1.5.7.A.6 of Part 10, Raleigh Unified Development Ordinance, Building Height, is hereby deleted in its entirety and rewritten as follows:

6. When 50% or more of the perimeter wall area of a detached or attached building is located below grade, the building contains a basement. The floor of this level must be located entirely below finished grade. This provision can be utilized in other building types; however, the entirety of the floor area may only be used for storage, mechanical equipment, parking, laundry or waste collection.

**Section 4.** Section 1.5.7.B of Part 10, Raleigh Unified Development Ordinance, Ground Floor Elevation, is hereby amended by insertion of the following underlined language:

Ground floor elevation is measured from the average curb level of the adjoining street(s), or if no curb exists, the average level of the center crown of the street to the top of the finished ground floor. The floor of the basement meeting the specifications of Article 12.2, Defined Terms, is not the ground floor.

**Section 5.** Section 7.2.8.D of Part 10, Raleigh Unified Development Ordinance, Retaining Walls, is hereby amended by insertion of the following underlined language and deletion of the following strikethrough language:

**D. Retaining Walls**

Retaining walls that are located within 30 feet of a public sidewalk shall be required to adhere to the following.

1. A freestanding retaining wall may not exceed a continuous, uninterrupted height of ~~15~~ 10 feet. Additional height above 10 feet may be permitted, provided the wall contains a minimum 2-foot step back for each ~~15~~ 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. A building foundation wall that is integrated into an apartment, general, civic, or mixed use building type and facing any primary street must meet the following standards:
  - a. The transparency and blank wall standards enumerated for the building type shall apply to the building foundation wall.
  - b. When the building foundation wall is located within 30 feet of any primary street, it shall have a maximum height of 5 feet. Average grade shall not be applied in determining the maximum height in this instance.
  - c. The building foundation wall shall be constructed or finished with the same primary materials as the building.

**Section 6.** Section 12.2 of the Part 10 Raleigh Unified Development Ordinance, Definitions, is hereby amended to include the following defined terms, listed in alphabetical order:

**Attic**

An unfinished space between roof framing and the ceiling of rooms below that is accessed by ladder or permanent stairs. This area is used for storage or mechanical equipment and cannot be used as habitable space. If an attic is converted to a habitable space, such conversion shall cause the area to be deemed as an additional story.

**Building Foundation Wall**

A structural portion of a building that serves to retain grade or maintain a continuous ground floor elevation. A building foundation wall is an integral part of the structure of a building.

**Freestanding Retaining Wall**

A wall that serves to retain soil where the change in ground elevation exceeds to the angle of repose of the soil. A freestanding wall can be completely disconnected from a building. It can also touch a building, but should not be a structural element that is needed to support the building.

**Mezzanine**

An internal space above and open to the first floor below. When a mezzanine comprises less than 33% of the footprint area of the building, it is not considered a story. When a mezzanine comprises 33% or more of the footprint area of the building, it is considered a story. Only one mezzanine is permitted per building.

**Section 7.** All laws and clauses of laws in conflict herewith are repealed to the extent of such conflict.

**Section 8.** 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 9.** This text change has been reviewed by the Raleigh City Planning Commission.

**Section 10.** This ordinance has been adopted following a duly advertised public hearing of the Raleigh City Council.

**Section 11.** This ordinance has been provided to the North Carolina Capital Commission as required by law.

**Section 12.** 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 13.** This ordinance is effective on September 1, 2018.

**ADOPTED:** July 3, 2018  
**EFFECTIVE:** September 1, 2018

**DISTRIBUTION:** City Planning – Bowers, Crane  
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*Prepared by the Department of City Planning*