

**ORDINANCE NO. (2013) 151 TC 357
TC-3-12**

AN ORDINANCE TO ADOPT THE UNIFIED DEVELOPMENT ORDINANCE

Whereas, the City of Raleigh adopted a new Comprehensive Plan in 2009 calling for more of the City's growth to be directed away from rural and environmentally sensitive lands, and towards major transit corridors and walkable mixed use settings;

Whereas, the City has not undertaken a major revision to the development code in over 40 years;

Whereas, the current development code does not provide the necessary tools to implement the land use and development policies of the Comprehensive Plan;

Whereas, modern development codes are producing better development outcomes by focusing more on the form of buildings than on use and density;

Whereas, the Unified Development Ordinance (UDO) (see Section 1 of this ordinance) incorporates the best of the existing code with contemporary best practices, and is consistent with the vision, goals and policies of the Comprehensive Plan;

Whereas, the City's R-1, R-2, R-4, R-6, Special R-6, R-10 and Conservation Management, Agriculture Productive, Special Highway Overlay District-1, Special Highway Overlay District-2, Airport Overlay District, Neighborhood Conservation Overlay District, Metro Park Overlay District, General Historic Overlay District, Manufactured Housing District, Reservoir Watershed Protection Area Overlay District and the Urban Water Supply Watershed Protection Area Overlay District zoning districts will not be changed in geographic extent and can be fully transitioned to the UDO without a zoning map amendment; and

Whereas, the remaining zoning districts of the City Code (legacy zoning districts see Section 10 of this ordinance) will not be part of the UDO, and will require a future zoning map amendment to a UDO zoning district to fully transition into the UDO.

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

Section 1. The Public Review Draft #2 dated January 3, 2012 presented at the public hearing on February 21, 2012 together with (i) the Planning Commission recommendations dated October 15, 2012 contained in Certified Recommendation #11484 and (ii) the City Council adopted amendments dated February 18, 2013, collectively called the

Unified Development Ordinance (the UDO), are hereby adopted and enacted into the City Code on February 18, 2013. The UDO shall be codified into the City Code as Part 10A.

Section 2. The Unified Development Ordinance (UDO), as further set forth in this ordinance, shall be effective beginning September 1, 2013.

Section 3. Upon the effective date of September 1, 2013, areas mapped on the Official Zoning Map Rural Residential are renamed R-1.

Section 4. Upon the effective date of September 1, 2013, areas mapped on the Official Zoning Map Special R-6 are renamed R-6.

Section 5. Upon the effective date of September 1, 2013, areas mapped on the Official Zoning Map Historic Overlay District are renamed General Historic Overlay District

Section 6. Upon the effective date of September 1, 2013, areas mapped on the Official Zoning Map Reservoir Watershed Protection Area Overlay District are renamed Falls Watershed Protection Overlay District (the area generally north of Strickland Road) and Swift Creek Watershed Protection Overlay District (the area generally south of Tryon Road).

Section 7. Upon the effective date of September 1, 2013, areas mapped on the Official Zoning Map Urban Supply Watershed Protection Overlay District are renamed Urban Watershed Protection Overlay District.

Section 8. Beginning September 1, 2013, all of the provisions of the UDO shall apply in the following zoning districts established by the UDO:

- a. R-1
- b. R-2
- c. R-4
- d. R-6
- e. R-10
- f. Residential Mixed Use
- g. Office Park
- h. Office Mixed Use
- i. Neighborhood Mixed Use
- j. Commercial Mixed Use
- k. Downtown Mixed Use
- l. Industrial Mixed Use
- m. Conservation Management
- n. Agriculture Productive
- o. Special Highway Overlay District-1

- p. Special Highway Overlay District-2
- q. Airport Overlay District
- r. Neighborhood Conservation Overlay District
- s. Metro Park Overlay District
- t. General Historic Overlay District
- u. Streetside Historic Overlay District
- v. Manufactured Housing District
- w. Transit Overlay District
- x. Falls Watershed Protection Overlay District
- y. Swift Creek Watershed Protection Overlay District
- z. Urban Watershed Protection Overlay District
- aa. Heavy Industrial
- bb. Campus
- cc. Planned Development

Zoning districts established by the UDO are subject to applicable Special Highway-3 and Special Highway-4 legacy zoning district overlay districts, which shall be controlling.

Section 9. Beginning September 1, 2013, all areas zoned Planned Development District Overlay, the following provisions apply:

- a. Development within the zoning district shall conform to the standards in the associated Master Plan except if otherwise prohibited.
- b. Amendments, revisions and time extensions shall be in accordance with UDO Section 4.7.6.

Section 10. The following zoning districts are not retained in the UDO. These districts are known as legacy zoning districts. The legacy zoning districts are:

- a. R-15
- b. R-20
- c. R-30
- d. Special R-30
- e. Residential Business
- f. O&I-1
- g. O&I-2
- h. O&I-3
- i. Buffer Commercial
- j. Shopping Center
- k. Neighborhood Business
- l. Business
- m. Thoroughfare District

- n. Industrial-1
- o. Industrial-2
- p. Downtown Overlay District
- q. Pedestrian Business Overlay District
- r. Planned Development Conditional Use Overlay District
- s. Special Highway Overlay District-3
- t. Special Highway Overlay District-4

In all legacy zoning districts, the provisions of Part 10 Chapter 2 of the City Code, except as otherwise provided in Sections 11, 12 and 13 below, shall continue to apply to the property until such time as one or more UDO established zoning districts, other than a UDO overlay district, are applied to the property.

Legacy zoning districts are subject to applicable UDO established overlay districts, which shall be controlling.

Section 11. For Part 10 Chapter 2 special use permits applicable to legacy zoning districts, the standards of Part 10 Chapter 2 shall apply. But all special use permits filed after September 1, 2013 shall be heard and decided by the Board of Adjustment and the review procedures of UDO sec 10.2.1 shall apply.

Section 12. Beginning September 1, 2013, the following chapters and sections of the UDO shall be effective, regardless of zoning district:

- i. Article 1.1
- ii. Article 1.2
- iii. Chapter 8
- iv. Chapter 9
- vii. Article 9.4
- vii. Chapter 10, except UDO Sections 10.2.7 Plot Plan Review and 10.2.8 Site Plan Review. Reviews of plot plans and site plans in legacy zoning districts shall be conducted in accordance with City Code Sections 10-2132.1 and 10-2132.2(a) through (i) except as modified by Section 13.

Section 13. Upon the effective date of September 1, 2013, the following provisions of Part 10 of the City Code are repealed in their entirety:

- a. Part 10 Chapter 1 General Provisions
- b. Part 10 Chapter 2 Section 10-2054(g)(1) (Avent Ferry West), Section 10-2082.14 (tree conservation), Section 10-2132.2 (b) subsections (12), (13) and (16), and Articles J and K
- c. Part 10 Chapter 3 Subdivisions and Site Plans

- d. Chapter 4 Floodprone Area Regulations
- e. Chapter 5 Erosion and Sedimentation Control
- f. Chapter 6 Building and Housing Code Enforcement
- g. Chapter 7 Driveway Access Sidewalks and Streets
- h. Chapter 8 Facility Fees
- i. Chapter 9 Stormwater Control and Watercourse Buffer regulations
- j. Chapter 10 Reservoir Watershed Protection Area Regulations

Section 14. Part 10 Chapter 2 of the City Code shall be repealed in its entirety from the City's Code when there are no legacy zoning districts on the Official Zoning Map.

Section 15. Following adoption of this ordinance and beginning on May 1, 2013, the City shall accept applications to rezone property to a new zoning district established by the UDO. Following the adoption of this ordinance, applications to rezone to a legacy zoning district will not be accepted nor processed. The submitted zoning applications will be reviewed for completeness by the City staff in the order in which they were received. No Planning Commission or City Council meeting related to the submittal of a UDO requested rezoning petition shall occur until after the effective date of September 1, 2013. A zoning application will be initially reviewed by the Planning Commission in the order in which it was received by City staff, based upon the completeness of the application and approval of all technical documents. In the event two or more zoning applications are received by the Commission on the same agenda day, staff will schedule the petitions for Planning Commission discussion based on the earlier completeness of the petition and approval of technical documents.

Section 16. Following the effective date of September 1, 2013, applicants for permits and subdivisions in zoning districts established by the UDO may submit an application for development that is compliant with provisions contained within the UDO.

Section 17. Completed applications for permits and subdivisions received by the City prior to the effective date of September 1, 2013 shall be processed by the City in accordance with the applicable standards and procedures existing at the time of submittal.

Section 18. Except as otherwise authorized in this section, following the adoption of this UDO, any changes made to the UDO shall be processed as text amendments in accordance with UDO Sections 10.1.8, 10.2.1 and 10.2.3. The following changes may be made to the UDO without further public hearing:

- a. Changes made by the consultant to codify the changes approved by the Planning Commission and by City Council, the inclusions of drawings and flow charts and the correction of any typographical errors.

- b. All approved text changes to Part 10 of the City Code that are approved by the City Council between the public hearing date of February 21, 2012 and the effective date of September 1, 2013.
- c. Any items listed in the “omnibus” list of items approved by City Council on February 18, 2013. The omnibus items are as follows:
 - (i) UDO Section 1.5.3 (Building Coverage)
 - (ii) UDO Section 1.5.12 (Residential Garages)
 - (iii) UDO Section 3.2 (Transparency Requirements)
 - (iv) UDO Section 3.3.3 (Building Stepbacks)
 - (v) UDO Section 8.3.5 (Site Access and Cross Access)
 - (vi) UDO Article 9.1 (Tree Conservation)
- d. Changes made by the staff.

Any changes pursuant to subsections c and d shall be presented to City Council no later than May 31, 2013 for consideration and must be approved in whole or in part by the City Council before August 7, 2013.

Section 19. All laws and clauses of laws in conflict herewith are hereby repealed to the extent of said conflict.

Section 20. This ordinance has been adopted following a duly advertised joint public hearing of the Raleigh City Council and the City Planning Commission following a recommendation of the Planning Commission.

Section 21. This ordinance has been provided to the North Carolina Capital Commission as required by law.

Section 22. This ordinance shall be enforced by law 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 (\$50.00) limit in G.S. 14-4 (a) or similar limitations.

Section 23. Sections 1 and 19 through 23 shall become effective five (5) days following the adoption of this ordinance. The remaining sections of this ordinance are effective as set forth in sections 2 through 18.

ADOPTED: February 18, 2013
EFFECTIVE: See Ordinance Section 23

DISTRIBUTION: Planning – Silver, Bowers, Crane, Strickland
Zoning – Fulcher
Department Heads
City Attorney – Botvinick, Hargrove
Transcription Svcs – Taylor