

STATE OF NORTH CAROLINA

COUNTY OF WAKE

GEORGE C. VENTERS and wife  
NICKYE Y. VENTERS; GREG  
LINCOLN PIERCE and wife AMY J.  
PIERCE; JOHN SOLIC and wife  
SAMANTHA SOLIC;

Plaintiffs,

v.

CITY OF RALEIGH, a body politic  
and corporate; 908 WILLIAMSON,  
LLC, a North Carolina limited  
liability company; RDU  
CONSULTING, PLLC, a North  
Carolina limited liability company;  
and CONCEPT 8, LLC, a North  
Carolina limited liability company;

Defendants.

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION

23 CVS \_\_\_\_\_

**COMPLAINT AND REQUEST FOR  
DECLARATORY JUDGMENT RELIEF  
AND MANDATORY INJUNCTION**

NOW COMES Plaintiffs George C. Venters and wife Nickye Y. Venters, Greg Lincoln Pierce and wife Amy J. Pierce, and John Solic and wife Samantha Solic, (hereinafter collectively "Plaintiffs"), by and through counsel, complaining of the Defendants, and do hereby allege as follows:

**NATURE OF THE ACTION**

This is an action by Plaintiffs seeking a declaratory judgment pursuant to N.C. Gen. Stat. § 1-253, et seq. seeking a determination of the construction and/or validity of actions by the City of Raleigh ("Defendant" or "City") arising under its Unified Development Ordinance ("UDO"), and to obtain a mandatory injunction in

the nature of mandamus requiring that certain provisions wrongfully and unlawfully adopted by the City as part of its UDO be withdrawn and/or stricken from the text of said UDO in force throughout the City and its extraterritorial jurisdiction.

### **PARTIES AND JURISDICTION**

1. Plaintiffs are each landowners who own real property located in the area affected by the City's UDO and changes to it in the various ordinances enumerated below, and thereby each Plaintiff has standing to contest the procedural enactment of such ordinances which are the subject of this action.

2. Plaintiffs George C. Venters and wife Nickye Y. Venters (collectively "Venters") own property located at 905 Williamson Drive in Raleigh, North Carolina, as described in a deed recorded in Deed Book 2956, at Page 207, Wake County Registry (the "Venters Property"), which is located entirely *within* what is referred to as a "Frequent Transit Area" purportedly adopted in accordance with recent ordinances voted on and approved by the City of Raleigh City Council.

3. Plaintiffs Greg Lincoln Pierce and wife Amy J. Pierce (collectively "Pierce") own property located at 904 Williamson Drive in Raleigh, North Carolina, as described in a deed recorded in Deed Book 16437, at Page 2218, Wake County Registry (the "Pierce Property"), which is located wholly *within* the Frequent Transit Area purportedly adopted in accordance with recent ordinances voted on and approved by the City of Raleigh City Council.

4. Plaintiffs John Solic and wife Samantha Solic (collectively “Sollic”) own property located at 912 Williamson Drive in Raleigh, North Carolina, as described in a deed recorded in Deed Book 18407, at Page 1082, Wake County Registry (the “Sollic Property”), which is located wholly *outside* the Frequent Transit Area purportedly adopted in accordance with recent ordinances voted on and approved by the City of Raleigh City Council.

5. A map showing all the Plaintiffs’ properties in relation to the City’s purported “Frequent Transit Area,” in the vicinity of said properties, is attached hereto as Exhibit 1.

6. Defendant City of Raleigh (“City”) is a municipal corporation organized and existing under the laws of the State of North Carolina and is governed by or is subject to N.C.G.S. Chapter 160D in the exercise of its zoning authority.

7. Defendant 908 Williamson, LLC (“Williamson”) is a North Carolina limited liability company with its principal place of business located in Wake County, North Carolina. This Defendant is the owner of property located at 908 Williamson Drive, Raleigh, North Carolina (“Site”). The Site is partially in and partially outside the Frequent Transit Area. On the Site, an intense townhouse development (consisting of seventeen (17) multi-unit attached housing on 2.4 acres) is planned (“Project”).

8. Defendant RDU Consulting, PLLC (“RDU”), is a North Carolina limited liability company with its principal place of business located in Wake County, North Carolina. On June 21, 2022, this Defendant applied for development

approval in the form of a Preliminary Subdivision Application to the City of Raleigh Planning and Development Department for the development of the Site.

9. Defendant Concept 8, LLC, is a North Carolina limited liability company with its principal place of business located in Wake County, North Carolina. This Defendant is the Developer of the Project on the Site (“Developer”).

10. The Plaintiffs’ properties in relation to the Site are shown on Exhibit 1.

11. On December 30, 2022, the City by and through its City staff ministerially issued a development approval for the Project (“December 2022 Approval”). The development approval authorizes the Site to be used for townhouse use and buildings associated therewith, including 2, 3 and 4 multi-unit buildings.

12. The Plaintiffs were not aware of the Project until after the application was filed on June 31, 2022.

13. The Plaintiffs’ properties (identified above) and the Site are all zoned R-4.

14. The Plaintiffs’ properties and the Site are in a neighborhood running along Williamson Drive and Iredell Street in the City of Raleigh that is made up primarily of older, historic homes on relatively large lots.

15. Historically, and prior to the ordinances referenced herein, buildings with multiple dwelling units attached such as duplexes, triplexes and quadraplexes were severely restricted, if not prohibited, in R-4.

16. The Project envisions the tearing down of one (1) longstanding residence and to replace it with 17 multi-unit attached housing.

17. With the ordinances referenced below, the City has imposed within R-4 materially different land use restrictions and benefits as to properties located within (whether partially or wholly) a “Frequent Transit Area” in a manner that is distinct and different from the zoning regulations normally applicable to R-4 zoned properties outside a Frequent Transit Area.

18. With the December 2022 Approval, the City has interpreted the ordinances referenced below as permitting as of right the Project; such a Project would not be allowed based on the UDO prior to those changes.

19. The Project reflected in the December 2022 Approval is the first time that the ordinance changes complained of herein has been actually applied to or enforced against properties in close proximity to the Plaintiffs’ properties. The Solic Property immediately adjoins the Site along much of the Site’s southwest border.

20. Plaintiffs as owners of property either adjoining the Site or in the adjoining area to the Site will be uniquely and adversely affected, and will suffer special damages different than the rest of the community or the public at large, in the form of increased traffic and parking on Williamson and Iredell streets, the decreased safety of the intersection of Williamson and Iredell (which is in the vicinity of the driveway entrances to Plaintiffs’ properties), increases in the rate and flow of stormwater, and a diminution in the value of Plaintiffs’ properties. Additionally, the Project as purportedly authorized by the December 22 Approval and the ordinances complained of herein as-applied to the Project change the nature

and character of the immediate Williamson and Iredell neighborhood and specifically the character of the R-4 district relating to the Plaintiffs' properties.

21. Accordingly, the Plaintiffs therefore have a specific personal and legal interest in the subject matter affected by the City's zoning ordinances at issue in this case and are directly and adversely affected thereby. *Taylor v. Raleigh*, 290 N.C. 608, 620, 227 S.E.2d 576, 583 (1976); *Blades v. City of Raleigh*, 280 N.C. 531, 544, 187 S.E.2d 35, 42 (1972); *Village Creek Prop. Owners Ass'n v. Town of Edenton*, 135 N.C. App. 482, 485-486, 520 S.E.2d 793, 795-796 (1999).

22. Moreover, Plaintiffs' properties are either within the Frequent Transit Area or are otherwise affected by the ordinance changes complained of herein, and they as property owners are specifically injured by the procedural defects in the enactment of the ordinances, as identified below, and the failure of the City to comply with the limitations on zoning authority in N.C.G.S. §160D-703(a) and (c). *Thrash Ltd. P'ship v. County of Buncombe*, 195 N.C. App. 727, 730-731, 673 S.E.2d 689, 691-692 (2009).

23. The Superior Court of Wake County has jurisdiction over the parties and over the subject matter herein, and Wake County is the appropriate venue for this action.

24. A justiciable controversy exists pursuant to N.C. Gen. Stat. § 1-253 et seq. and other laws between Plaintiffs and the Defendants concerning the City's adoption of development regulations or zoning ordinances that affect the Plaintiff's rights, status, or other legal relations under applicable laws and/or regulations.

25. Specifically, N.C. Gen. Stat. § 1-254 titled “Courts given power of construction of all instruments” states in pertinent part:

“Any person . . . whose rights, status or other legal relations are affected by a statute [or] municipal ordinance . . . may have determined any question of construction or validity arising under the . . . statute [or] ordinance, . . . and obtain a declaration of rights, status, or other legal relations thereunder. . . .”

### FACTS

26. Prior to July 6, 2021, the City of Raleigh’s UDO prohibited townhome, two-unit living, and multi-unit living development on property zoned R-4 within its planning jurisdiction.

27. Additionally, prior to July 6, 2021, the City of Raleigh’s UDO:

- i. restricted multi-family apartment building development to R-6 and R-10 zoning districts;
- ii. restricted various building types to varying lot widths requirements absent a zoning overlay district;
- iii. provided for larger minimum lot sizes and dimensional standards;
- iv. prohibited townhouse building types from having an accessory dwelling unit (“ADU”) on the same lot; and
- v. prohibited lots developed with either a detached house, a tiny house or attached house building type to only one ADU per lot.

28. On or about July 6, 2021, the City adopted an ordinance commonly referred to as TC-5-20 which purports to adopt what the City refers to as the “Missing Middle 1.0” ordinance. A true and accurate copy of the Missing Middle 1.0 ordinance is attached hereto as Exhibit 2 and incorporated herein by reference.

29. The purpose and intent of the Missing Middle 1.0 ordinance is stated on the City's website to be, among others, to "expand[] missing middle housing options in many residential zoning districts." See <https://raleighnc.gov/planning/what-missing-middle#paragraph--316826>.

30. On or about May 10, 2022, the City adopted an ordinance commonly referred to as TC-20-21 which purports to adopt what the City refers to as the "Missing Middle 2.0" ordinance. A copy of the Missing Middle 2.0 ordinance is attached hereto as Exhibit 3 and incorporated herein by reference.

31. The purpose and intent of the Missing Middle 2.0 changes is stated on the City's website to be "the next step in a more flexible zoning code designed to allow for smaller homes on smaller lots and denser development near high-frequency transit."

32. By virtue of the Missing Middle 1.0 ordinance and/or Missing Middle 2.0 ordinance, the City's UDO was changed to attempt to allow, among other things:

- i. Large scale townhouse projects, row housing and multi-family apartment building development in R-4 zoning districts;
- ii. narrower lot width requirements and "flag lots," thereby increasing allowable lot yields in R-4, R-6, and R-10 zoning districts;
- iii. reduced minimum lot size requirements and dimensional standards, thereby increasing allowable lot yields in R-4, R-6, and R-10 zoning districts;
- iv. townhouse building types to have up to two (2) ADUs on the same townhouse lot; and
- v. lots developed with either a detached house, a tiny house or attached house building type to have two (2) ADUs per lot.



33. The Missing Middle 1.0 ordinance substantially affects land use of those properties impacted thereby, and therefore must be enacted under the procedures which govern zonings and rezonings under applicable North Carolina law.

34. The Missing Middle 2.0 ordinance substantially affects land use of those properties impacted thereby, and therefore must be enacted under the procedures which govern zonings and rezonings under applicable North Carolina law.

35. The Missing Middle 1.0 ordinance was enacted by the City of Raleigh under the procedures associated with “text changes” as compared to zoning map amendments. In that process, the public legislative hearing before the Raleigh City Council as mandated by N.C.G.S. §160D-601 was advertised by way of a legal ad or notice in the Raleigh News & Observer, that stated,

#### TEXT CHANGE CASES

TC-8-20 Missing Middle Housing. Amends the Part 10 Unified Development Ordinance to permit more housing types in certain residential districts, amends the methodology for determining how many units can be built on a lot or a site, and adjusts minimum lot and site sizes, and setbacks (Staff Contact: Justin Rametta, [justin.rametta@raleighnc.gov](mailto:justin.rametta@raleighnc.gov) 919 996.2665)

Upon information and belief, posting on the City of Raleigh’s website ([www.raleighnc.gov](http://www.raleighnc.gov)) was also provided.

36. The Plaintiffs have an expectation and right that the zoning of their properties and those of the adjoining area will not be materially altered to detrimentally affect the character of the district, the suitability of uses therein and

the value of buildings and land without, at a minimum, notice of such proposed changes adequate enough to alert them that their rights might be affected. Notice under our zoning enabling legislation of a legislative public hearing concerning zoning changes “must fairly and sufficiently apprise those whose rights may be affected of the nature and character of the action proposed.” *Sellers v. City of Asheville*, 33 N.C. App. 544, 549, 236 S.E.2d 283, 286 (1977). “The very purpose of [a public hearing is] to afford an opportunity to interested parties to make known their views and to enable the board to be guided by them.” *Heaton v. City of Charlotte*, 277 N.C. 506, 516, 178 S.E.2d 352, 358 (1971).

37. The notice of the legislative hearing held on July 6, 2021, in the Raleigh newspaper as set forth in paragraph 35 was deficient in that it failed to give the essence and scope of the proposed changes under consideration, including any mention of what zone districts or classification were to be affected such as R-4. The notice is completely devoid of any notice that the use of property for townhouses, including triplexes and quadraplexes, could be introduced into R-4 zoned neighborhoods.

38. The changes in zoning set forth in Middle Housing 1.0 ordinance is not a mere text change. This ordinance added new uses to R-4 that change the entire nature of the existing zoning district such that it, in essence, created a new land use district within a district. It is such a comprehensive zoning scheme change that, legally speaking, it represents a zoning map change. *Embreeville Redevelopment, L.P. V. Bd. of Supervisors of W. Bradford Twp.*, 134 A.3d 1122 (2015). As a result,

the procedures specified in the City's UDO for zoning map changes and as provided by statute in N.C.G.S. §160D-602 should have been employed but were not. Mailed notices to affected property owners were not given. The optional notice for large-scale zoning map amendments in G.S. §160D-602(b) was also not complied with.

39. The Missing Middle 2.0 ordinance was also not enacted by the City of Raleigh under the procedures governing zonings and rezonings under applicable law, but rather, was instead wrongfully presented by the City of Raleigh as a "text change" which the City attempted to pass by providing mere notice to the public by publication in the local newspaper in Wake County and via posting on the City of Raleigh's website ([www.raleighnc.gov](http://www.raleighnc.gov)).

40. The Middle Housing 2.0 ordinance, adopted on May 10, 2022, changed development allowances based on the City's geographical preference of a property's proximity to transit corridors designated by the City, known as Frequent Transit Areas, which are not features uniquely existing on a lot such as a wetland, creek or steep slope. The City mapped these new transit areas as part of edits to their Comprehensive Land Plan, adopted also on May 10, 2022, which plan is not a zoning map identified by an ordinance or by Chapter 160D, nor does the Comprehensive Land Plan have an independent regulatory effect. N.C.G.S. §160D-501(c). Such plan is merely advisory and not a development regulation *per se*.

41. The Middle Housing 2.0 ordinance and its Frequent Transit Areas are not shown on and are not part of changes to Raleigh's zoning map. None of the procedures in N.C.G.S. §160D-602 were followed even though the Frequent Transit

Area designation noted in the Comprehensive Land Plan shows that the area could have been mapped, at least as an overlay district on the official zoning map.

42. The practical effect of the Missing Middle 2.0 ordinance has been to substantially up-zone R-4, R-6 and R-10 zoned property located within one-quarter or one-half of a mile of a Transit Emphasis Corridor in a manner that allows substantially more than one or two dwelling units on a residential lot as previously permitted under the UDO prior to the Missing Middle 1.0 ordinance and/or Missing Middle 2.0 ordinance.

43. Despite the substantial increase in land use entitlement allowed by the Missing Middle 1.0 and Missing Middle 2.0 ordinance, the City attempted to enact said laws by following the procedures and processes for a mere text change and not in accordance with procedures required for a zoning map amendment or rezoning of property within the City of Raleigh.

44. The result of this unlawful procedure by the City of Raleigh as to the Missing Middle 1.0 ordinance and/or the Missing Middle 2.0 ordinance is that the City failed to engage directly the community and property owners impacted by the substantial change in land use entitlement sought to be imposed under said ordinance provisions, and failed to provide the required legislative notice, due process, right to be heard, and other community engagement that the UDO and applicable law require that the City follow for the protection of residents.

45. The City may not evade legislative notice requirements required by its own UDO and other applicable law by mis-labeling an act of zoning that works a

substantial change in land use entitlement as simply an exercise of the City's police power.

46. Plaintiffs did not receive any mailed notice as to such zoning changes as required by UDO 10.2.1.C.1.a., which provides that:

Whenever mailed notice is required by Sec. 10.1.8. or elsewhere in this UDO, at the time of submission of the application, the applicant shall deliver to the City first class stamped envelopes addressed to the property owners of the property included in the proposed application and the owners of all property within 100 feet on all sides of the subject property at the time of submittal. If a portion of a property is requested for rezoning, the notification radius shall be calculated from the property lines, and not the requested zoning boundary. For zoning map amendments, the mailing radius shall be increased to 500 feet. The mailing radius for neighborhood meetings is that set forth in Section 10.2.4.D. For zoning map amendments that directly affect more than 50 properties owned by a total of at least 50 different property owners, the applicant may elect to provide mailed notice of the Planning Commission public meeting by postcard instead of firstclass (sic) mail. Envelopes shall be provided, and notice given to non-owner tenants in accordance with subsection b.

47. Such action by the City in adopting the Missing Middle 1.0 ordinance and Missing Middle 2.0 ordinances substantially affects the Plaintiffs' use of their property, and the rights of others, and since these two ordinances are of the type of ordinance authorized by statutory provisions governing the planning and regulation of development, the City was required to comply with the statutory notice requirements for adoption of zoning ordinances, and because the public hearings on consideration of the Missing Middle 1.0 ordinance and Missing Middle 2.0 ordinance were not advertised in accordance with statutory requirements, said ordinances are therefore invalid.

48. The Missing Middle 2.0 ordinance is also defective because it violates other provisions of applicable law including but not limited to N.C. Gen. Stat. § 160D-703(c) as to uniformity of regulations for each class or kind of buildings throughout each zoning district. N.C. Gen. Stat. § 160D-703(c) provides as follows:

Uniformity Within Districts. - Except as authorized by the foregoing, all regulations shall be uniform for each class or kind of building throughout each district but the regulations in one district may differ from those in other districts.

49. Specifically, property within R-4, R-6, and/or R-10 zoning districts within the City are not subject to a uniform set of regulations because the kind and/or type of use permitted within each of those districts, and the density, dimensional standards, bulk, mass, and/or height of buildings, may vary depending on whether a property that is zoned R-4, for instance, is or is not located within an area designated as Frequent Transit Area.

50. The Site which is zoned R-4 benefits from the Frequent Transit Area allowances in a materially different manner than the Solic's Property, also zoned R-4, and without the required uniformity of the laws.

51. N.C.G.S. §160D-703 limits the tools that cities can use to create differential land use regulatory standards and such standards must be part of one of five "zoning district" options, including conventional districts or overlay districts. Middle Housing 2.0 ordinance changes reflected in the boundaries set forth Frequent Transit Areas is in essence an overlay district but was not called such by the City and was not adopted in accordance with the procedures for an overlay

district. *A-S-P Associates v. Raleigh*, 298 N.C. 207, 258 S.E.2d 444 (1979) (discussing a historic overlay district).

52. Moreover, as stated above, except as provided in the separately authorized districts in N.C.G.S. §160D-703, uniformity of land use conditions and standards for properties zoned the same classification must occur and such is not the case due to the ordinances being complained of herein.

53. On or about November 15, 2022, the City Council adopted Ordinance NO. (2022) 440 TC 475 also known as TC-3-22 that made various text changes to the UDO (“Omnibus Ordinance”), a copy of which is attached hereto as Exhibit 4. Prior to this ordinance, the Table of Allowable Uses in the form of building types per district did limit the density of townhouses in R-4 districts to two (2) within a development, except in a Transit Overlay District (not applicable) or in a Frequent Transit Area. A copy of that table existing prior to the above change is shown on Exhibit 5. Through the Omnibus Ordinance, a new table replaced Exhibit 5 which substantially changed the allowable townhouse densities in R-4, a copy of which is attached as Exhibit 6, regardless of whether the property falls within a Transit Overlay District or in a Frequent Transit Area. Upon information and belief, no notice of such drastic change being proposed at a legislative hearing was provided by any form of legal notice, including in the newspaper.

54. The Omnibus Ordinance substantially altered the allowable land uses in R-4 and is a comprehensive zoning change that should have been noticed to the public similar to a map change but was not. *Embreeville Redevelopment, supra*.

55. Upon information and belief, the legality or validity of the Project is dependent on and the December 2022 Approval relies upon both the Middle Housing 1.0 ordinance and the Middle Housing 2.0 ordinance. Upon information and belief, the legality or validity of the Project also relies on the changes in the Omnibus Ordinance.

**FIRST CLAIM FOR RELIEF**  
**DECLARATION PURSUANT TO N.C.G.S. § 1-254**  
**(The Missing Middle 1.0 ordinance and the Missing Middle 2.0 ordinance**  
**Constitute Zoning Map Amendments or Rezoning Pursuant to N.C. Gen.**  
**Stat. 160D-102(34) and the UDO, and not Zoning Text Amendments)**

56. The allegations of Paragraphs 1-55 above are re-alleged and incorporated herein.

57. The Missing Middle 1.0 ordinance constitutes a “zoning map amendment or rezoning” as that term is defined by applicable law.

58. The Missing Middle 1.0 ordinance was not a mere text change or text amendment where there were no changes in the boundaries of a zoning district or land uses permitted in any zoning district.

59. The Missing Middle 2.0 ordinance constituted a “zoning map amendment or rezoning” as that term is defined by applicable law.

60. The Missing Middle 2.0 ordinance was not a mere text change or text amendment where there were no changes in the boundaries of a zoning district or land uses permitted in any zoning district.

61. The Omnibus Ordinance constituted a “zoning map amendment or rezoning” as that term is defined by applicable law.



62. The Omnibus Ordinance was not a mere text change or text amendment where there were no changes in the boundaries of a zoning district or land uses permitted in any zoning district.

**SECOND CLAIM FOR RELIEF**  
**DECLARATION PURSUANT TO N.C.G.S. § 1-254**  
**(Failure to Provide Mailed Notice of a Zoning Map Amendment or**  
**Rezoning as Required by Law)**

63. The allegations of Paragraphs 1-62 above are re-alleged and incorporated herein.

64. The Missing Middle 1.0 ordinance, the Missing Middle 2.0 ordinance and the Omnibus Ordinance are each the type of ordinance which seeks to adopt a zoning map amendment or rezoning, which obligates the City to comply with the requirements of N.C. Gen. Stat. §160D-602(a), and UDO Sections 10.1.8 and 10.2.1.C.1, to furnish mailed notice of such proposed zoning changes to the owners of the properties that would affected thereby, and to any other property owner who owns property located within 500' feet of any such affected properties.

65. The notices provided by the City as to the above ordinance were insufficient as a matter of law.

66. By virtue of the City's failure to comply with the notice requirements of applicable law, the Missing Middle 1.0 ordinance is invalid.

67. By virtue of the City's failure to comply with the notice requirements of applicable law, the Missing Middle 2.0 ordinance is invalid.

68. By virtue of the City's failure to comply with the notice requirements of applicable law, the Omnibus Ordinance is invalid.

69. By adopting the above ordinances in the manner that they were, the City exceeded its statutory and other binding legal authority, and each or all should be stricken or voided.

**THIRD CLAIM FOR RELIEF**  
**DECLARATION PURSUANT TO N.C.G.S. § 1-254**  
**(Failure to Provide for Uniformity Within Zoning Districts as Required by Law)**

70. The allegations of Paragraphs 1-69 above are re-alleged and incorporated herein.

71. Pursuant to Missing Middle 2.0 ordinance, properties within the City that are zoned R-4, R-6, or R-10 are not subject to a uniform set of regulations because the regulations applicable within each of those districts now varies depending on whether a specific property so zoned is or is not located an area situated within a “Transit Emphasis Corridor”.

72. Accordingly, the Missing Middle 2.0 ordinance, which should have been adopted as an overlay zoning district as part of the official zoning map, was instead adopted in violation of N.C. Gen. Stat. §160D-703(c) and is therefore invalid.

**FOURTH CLAIM FOR RELIEF**  
**Permanent Injunctive Relief**

73. The allegations of Paragraphs 1-72 above are re-alleged and incorporated herein.

74. The Missing Middle 1.0 ordinance is invalid, and therefore unenforceable.

75. The Missing Middle 2.0 ordinance is invalid, and therefore unenforceable.

76. The Omnibus Ordinance is invalid, and therefore, unenforceable.

77. The Plaintiffs are entitled to permanent injunctive relief in the nature of mandamus so as to require that the City adopt a Resolution withdrawing and/or striking the above ordinances in their entirety from the UDO.

WHEREFORE, Plaintiffs respectfully pray the Court:

- A. Enter a Judgment declaring that:
  1. Pursuant to the First, Second, and/or Third Claims for Relief, the Missing Middle 1.0 ordinance is invalid and void;
  2. Pursuant to the First, Second, and/or Third Claims for Relief, the Missing Middle 2.0 ordinance is invalid and void; and
  3. Pursuant to the First, Second, and/or Third Claims for Relief, the Omnibus Ordinance is invalid and void.
- B. Enter a Mandatory Injunction in the nature of mandamus directing the City to immediately adopt a Resolution withdrawing and/or striking the above ordinances from the City's UDO which shall be recorded within the Wake County Register of Deeds Office;
- C. Award Plaintiffs reasonable attorney fees according to applicable law;
- D. Tax the costs of this action against the City; and
- E. Order such other and further relief as to the Court deems just and proper.

Respectfully submitted, this 28<sup>th</sup> day of February 2023.

**VAN WINKLE, BUCK, WALL,  
STARNES & DAVIS, P.A.**



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**ORDINANCE NO. (2021) 263 TC 451**

**TC-5-20 MISSING MIDDLE HOUSING**

**AN ORDINANCE TO INCREASE HOUSING OPTIONS BY EXPANDING THE ALLOWABLE BUILDING TYPES, ADJUSTING MINIMUM YARDS, LOT, AND SITE AREAS, AND REMOVING UNIT PER ACRE DENSITY RESTRICTIONS IN MOST RESIDENTIAL ZONING DISTRICTS.**

**WHEREAS**, the Unified Development Ordinance currently restricts the Attached House building type to the R-6 and R-10 residential zoning districts; and

**WHEREAS**, the Unified Development Ordinance currently restricts the Townhouse building type to the R-10 residential zoning district; and

**WHEREAS**, the Unified Development Ordinance currently restricts the Apartment building type to large minimum lot sizes in the R-10 district; and

**WHEREAS**, the Unified Development Ordinance currently regulates density in residential zoning districts by limiting the number of units per acre that can be built; and

**WHEREAS**, the City Council finds it in the public interest to promote housing choice options and address housing affordability.

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

**Section 1.** Section 1.4.2 of the Part 10 Raleigh Unified Development Ordinance, Building Types Allowed by District, is hereby amended by as follows:

In the column titled “Attached House”, in the rows titled “Residential-2 (R-2)” and “Residential-4 (R-4)”, replace “□” with “■”.

In the column titled “Townhouse”, in the row titled “Residential-6 (R-6)”, replace “□” with “■” and in the row titled “Residential-2 (R-2)”, replace “-” with “□”.

Revise the table key by adding the following language shown in underline: □ = Building type Allowed as Part of an Approved Compact, Conservation or Cottage Court Development

Delete footnote “(1)”.

**Section 2.** Section 1.5.2.F. of the Part 10 Raleigh Unified Development Ordinance, Density, is hereby amended by insertion of the following underlined text and deletion of the following struck-through text:

**F. Density, Lot Area per Dwelling Unit, and Site Area per Dwelling Unit**



1. Residential density, where applicable, is expressed in units per acre and is calculated by dividing the total number of dwelling units by the gross site area. Unless otherwise specified herein, minimum lot sizes, minimum site areas per dwelling unit, and minimum lot areas per dwelling unit shall be the controlling factors in determining dwelling unit yields.
2. Although minimum lot sizes may allow additional units, density, where applicable, serves as the maximum number of principal units per acre. For any lot developed with a Detached House used for Single-unit Living or an Attached House used for Two-unit Living, one accessory dwelling unit is permitted per lot, regardless of underlying density, minimum lot size, minimum lot area per dwelling unit, or minimum site area per dwelling unit designations.
3. In residential districts, any area required to be dedicated for public right-of-way by the Comprehensive Plan or any area dedicated as greenway, provided that the dedicators waive their statutory right to withdraw the dedication, may be transferred to contiguous property zoned to allow dwelling units. Transfers are restricted to properties under the same ownership which are located outside any Watershed Protection Area and in the same development as the dedication for right-of-way less than 60 feet in width.
4. A map showing the property and right-of-way dedication shall be recorded in the Wake County Registry with an indication that the roadway dedication density allowance has been utilized for the particular property prior to recording any subsequent maps in the development.
5. No density, lot area, or site area transfer shall be allowed if the developer has executed a reimbursement contract.
6. ~~The density transfer is applicable to all those portions of greenway dedicated after September 1, 2013 provided that the dedicators waive their statutory right to withdraw the dedication.~~
7. ~~The dedicated greenway easement carries the residential density as shown on the Official Zoning Map for that location.~~
86. When a site is partly within a CM District, density, lot area, or site area may be transferred from the CM District, which carries the residential density, lot area, or site area minimums of the contiguous zoning district. If more than 1 zoning district adjoins the CM District, the CM District shall be divided by carrying the boundary lines separating the districts into the CM-zoned area.

**Section 3.** Section 1.5.2.B. of the Part 10 Raleigh Unified Development Ordinance, Lot Area, is hereby amended by insertion of the following underlined text and deletion of the following struck-through text:

**B. Lot Area**

Lot area is the area included within the rear, side and front lot lines. It does not include existing or proposed right-of-way, whether dedicated or not dedicated to public use. District density applies and may require larger lots than those required for an individual building type. ~~For any lot developed with a Detached House used for Single-unit Living or an Attached House used for Two-unit Living; however, one accessory dwelling unit is permitted per lot, regardless of underlying district density designation.~~

**Section 4.** Section 1.5.7.B. of Part 10 Raleigh Unified Development Ordinance, Ground Floor Elevations, is hereby repealed and placed with the following:

“[Reserved for future codification.]”

**Section 5.** Section 2.1.1. of Part 10 Raleigh Unified Development Ordinance, District Intent Statements, is hereby amended by adding the following language shown in underlined and removing the language shown in strikethrough:

**B. Residential-1 (R-1)**

1. Subject to the density restriction of 1 unit per acre, R-1 allows single-unit living in a detached house with a minimum lot size of 40,000 square feet.
2. Smaller minimum lot sizes are permitted as part of a compact development.
3. Additional building types, smaller lot sizes and increased density as part of a conservation development are allowed in exchange for preserving common open space.

**C. Residential-2 (R-2)**

1. ~~Subject to the density restriction of 2 units per acre,~~ R-2 allows single-unit living in a detached house and two-unit living in an attached house with a minimum lot size of 20,000 square feet.
2. Decreased minimum lot sizes are permitted as part of a compact development.



3. Additional building types; and smaller lot sizes ~~and increased density~~ as part of a conservation development or cottage court are allowed in exchange for preserving common open space.

#### **D. Residential-4 (R-4)**

1. ~~Subject to the density restriction of 4 units per acre,~~ R-4 allows single-unit living in a detached house and two-unit living in an attached house with a minimum lot size of 10,000 square feet.
2. Decreased minimum lot sizes and additional building types are permitted as part of a compact development.
3. Additional building types; and smaller lot sizes ~~and increased density~~ as part of a conservation development or cottage court are allowed in exchange for preserving common open space.

#### **E. Residential-6 (R-6)**

1. ~~Subject to the density restriction of 6 units per acre,~~ R-6 allows single-unit living in a detached house and two-unit living in an attached house or townhouse with a minimum lot size of 6,000 square feet. Multi-unit living is also allowed in a townhouse.
2. Smaller minimum lot sizes are permitted as part of a compact development.
3. Additional building types; and smaller lot sizes ~~and increased density~~ as part of a conservation development or cottage court are allowed in exchange for preserving common open space.

#### **F. Residential-10 (R-10)**

1. ~~Subject to the density restriction of 10 units per acre,~~ R-10 allows single-unit living in a detached house and two-unit living in an attached house or townhouse with a minimum lot size of 4,000 square feet ~~and 2-unit living in an attached house with a minimum lot size of 6,000 square feet.~~ Multi-unit living is also allowed in a townhouse or apartment.
2. Smaller minimum lot sizes are permitted as part of a compact development.
3. Smaller lot sizes ~~and increased density~~ as part of a conservation development or cottage court are allowed in exchange for preserving common open space.

**Section 6.** Section 2.1.2. of Part 10 Raleigh Unified Development Ordinance, Housing Options, is hereby amended by adding the following language shown in underlined and removing the language shown in strikethrough:

**B. Compact Development Option (see Article 2.3. Compact Development)**

1. A compact development permits a reduction in lot size for residential subdivisions in exchange for an increase in common open space. This allows for efficient residential subdivisions and ample amenity area for the residents.
2. Size Open space thresholds are district-based and are listed in Sec. 2.3.1. For projects under these minimum size open space thresholds, only the conventional option can be used.
3. ~~Density is regulated by the zoning district. Where the Conservation Development Option permits additional density, the Compact Development option does not.~~
4. 3. Applicants that choose the Compact Development option must set aside 20% of the total project area or the minimum district-based requirements, whichever is greater, as common open space. Requirements for the configuration, use and management of common open space are set forth in Article 2.5. Common Open Space Requirements.

**C. Conservation Development Option (see Article 2.4. Conservation Development Option)**

1. A conservation development trades smaller lot sizes (with reduced setbacks) and additional density in exchange for preserving common open space. This allows for more efficient layout of lots, streets and utilities, promotes a mix of housing and protects the natural character of an area through the preservation of open space, recreation areas, environmental features and scenic vistas.
2. ~~A conservation development must be a minimum size to ensure sufficient common open space can be incorporated into the subdivision design.~~
3. 2. Size Open space thresholds are district-based and are listed in Sec. 2.4.1. For projects under these minimum size open space thresholds, only the conventional option can be used.
4. 3. Applicants that choose to use the conservation development option must set aside 40% of the total project area or the minimum district-based requirements, whichever is greater, as common open space. Requirements for the configuration, use and management of common open space are set forth in Article 2.5. Common Open Space Requirements.

**Section 7.** Section 2.2.1., Detached House, is hereby amended by adding the following language as shown underlined and removing language shown in strikethrough, as follows:

<b>Sec. 2.2.1. Detached House</b>	<b>R-1</b>	<b>R-2</b>	<b>R-4</b>	<b>R-6</b>	<b>R-10</b>
<b>A. Lot Dimensions</b>					
A1 Area (min)	40,000 sf	20,000 sf	10,000 sf	6,000 sf	4,000 sf
A2 <del>Lot width</del> <u>Width—Interior lot (min)</u>	100'	80'	65'	50'	45'
<del>A2 Width—corner (min)</del>	<del>100'</del>	<del>80'</del>	<del>80'</del>	<del>65'</del>	<del>60'</del>
A3 Depth (min)	100'	100'	100'	80'	60'
A4 Density (max)	1 u/a	<del>2</del> u/a <u>n/a</u>	<del>4</del> u/a <u>n/a</u>	<del>6</del> u/a <u>n/a</u>	<del>10</del> u/a <u>n/a</u>
<b>B. Principal Building Setbacks</b>					
B1 From primary street (min)	20'	20'	20'	10'	10'
B2 From side street (min)	<del>15</del> 20'	<del>15</del> 20'	<del>15</del> 20'	10'	10'
B3 From side lot line (min)	10'	10'	10'	5'	5'
<del>B4 Sum of side setbacks (min)</del>	<del>20'</del>	<del>20'</del>	<del>20'</del>	<del>15'</del>	<del>10'</del>
<del>B5</del> 4 From rear lot line (min)	30'	30'	30'	20'	20'
B6 <u>5</u> Residential infill rules may apply (see Sec. 2.2.7.)	no	no	yes	yes	yes
<b>C. Accessory Structure Setbacks See Section 6.7.2</b>					
<b>D. Height</b>					
D1 Principal building (max)	40'/3 stories	40'/3 stories	40'/3 stories	40'/3 stories	40'/3 stories
D2 Accessory structure (max)	25'	25'	25'	25'	25'
D3 Residential Infill rules may apply (see Sec. 2.2.7)	no	no	yes	yes	yes
<b>E. Ground Floor Elevation</b>					
<del>E1 20' or less from front property line (min)</del>	<u>2'</u>	<u>2'</u>	<u>2'</u>	<u>2'</u>	<u>2'</u>
<del>E1 More than 20' from front property line (min)</del>	<u>n/a</u>	<u>n/a</u>	<u>n/a</u>	<u>n/a</u>	<u>n/a</u>
<b>F. Allowed Building Elements</b>					
<del>—</del> Porch, stoop		-	-	-	-

<del>—</del> Balcony		-	-	-	-
See Sec. 1.5.4.D "Building Setbacks" for specific building elements requirements.					

**Section 8.** Section 2.2.2. of the Part 10 Raleigh Unified Development Ordinance, Attached House, is hereby amended by adding two new columns titled "R-2" and "R-4", and by adding the following language as shown underlined and removing language shown in strikethrough, as follows:

<b>Sec. 2.2.2. Attached House</b>	<b>R-2</b>	<b>R-4</b>	<b>R-6</b>	<b>R-10</b>
<b>A. Lot Dimensions</b>				
A1 Area (min)	<u>20,000</u> sf	<u>10,000</u> sf	6,000 sf	4,000 sf
A2 <del>Lot width</del> <u>Width—Interior lot</u> (min)	<u>80'</u>	<u>65'</u>	<del>60'</del> <u>50'</u>	<del>50'</del> <u>45'</u>
<del>A2 Width—corner</del> (min)			<u>80'</u>	<u>65'</u>
A3 Depth (min)	<u>100'</u>	<u>100'</u>	80'	60'
<del>A4 Density</del> (max)			<del>6</del> u/a	<del>10</del> u/a
<b>B. Principal Building Setbacks</b>				
B1 From primary street (min)	<u>20'</u>	<u>20'</u>	10'	10'
B2 From side street (min)	<u>20'</u>	<u>20'</u>	10'	10'
B3 From side lot line (min)	<u>10'</u>	<u>10'</u>	5'	5'
<del>B4 Sum of side setbacks</del> (min)			<del>15'</del>	<del>10'</del>
<del>B5</del> From rear lot line (min)	<u>30'</u>	<u>30'</u>	20'	20'
B6 <del>Residential infill rules may apply</del> (see Sec. 2.2.7.)	<u>no</u>	<u>yes</u>	yes	yes
<b>C. Accessory Structure Setbacks See Section 6.7.2</b>				
<b>D. Height</b>				
D1 Principal building (max)	<u>40'/3</u> stories	<u>40'/3</u> stories	40'/3 stories	40'/3 stories
D2 Accessory structure (max)	<u>25'</u>	<u>25'</u>	25'	25'
D3 Residential Infill rules may apply (see Sec. 2.2.7)	<u>no</u>	<u>yes</u>	yes	yes
<b>E. Ground Floor Elevation</b>				
<del>E1 20' or less from front property line</del> (min)	<u>2'</u>	<u>2'</u>	2'	2'
<del>E1 More than 20' from front property line</del> (min)	<u>n/a</u>	<u>n/a</u>	n/a	n/a

<b>F. Allowed Building Elements</b>	-	-	-	-
— Porch, stoop	-	-	-	-
— Balcony	-	-	-	-
See Sec. 1.5.4.D "Building Setbacks" for specific building elements requirements.				

**Section 9.** Section 2.2.3. of Part 10 Raleigh Unified Development Ordinance, Townhouse, is hereby deleted in its entirety and replaced with the following:

<b>Sec. 2.2.3. Townhouse<sup>i</sup></b>		
	<b>R-6</b>	<b>R-10</b>
<b>A. Site Dimensions</b>		
A1 Net site area/unit (min)	4,500 sf	3,000 sf
A2 Width (min)	60'	45'
A3 Outdoor amenity area (min)	10%	10%
<b>B. Lot Dimensions</b>		
B1 Area (min)	n/a	n/a
B2 Width (min)	16'	16'
<b>C. Principal Building/Structure Setbacks</b>		
C1 From primary street (min)	10'	10'
C2 From side street (min)	10'	10'
C3 From side site boundary line (min)	10'	6'
C4 From rear site boundary line (min) <sup>ii</sup>	20'	20'
C5 From alley (min) <sup>iii</sup>	4' or 20' min	4' or 20' min
C6 Internal building separation (min)	10'	10'
C7 Residential infill rules may apply (see Sec. 2.2.7.)	yes	yes
<b>D. Parking Setbacks<sup>iv</sup></b>		
D1 From primary street (min)	20'	20'
D2 From side street (min)	10'	10'
D3 From side lot line (min)	0'	0'
D4 From rear lot line (min)	3'	3'
D5 From alley, garage only (min)	4'	4'
D6 Residential infill rules may apply (see Sec. 2.2.7.)	yes	yes
<b>E. Height</b>		
E1 Principal building (max)	45'/3 stories	45'/3 stories

E2 Accessory structure (max)	25'	25'
E3 Residential Infill rules may apply (see Sec. 2.2.7)	yes	yes

<sup>i</sup> A townhouse development containing only two dwelling units shall be regulated by the standards of Sec. 2.2.2., Attached House, however: (a) a minimum site area per unit of one-half the area required by Sec. 2.2.2.A1. is required; (b) Sec. 2.2.3.B. shall still control provided a minimum site width equal to the dimensions specified by Sec. 2.2.2.A2. is met; and (c) Sec. 2.2.2.B3. shall only apply to the non-party wall side lot line.

<sup>ii</sup> A permanently recorded open lot or common area lot of at least 20 feet in width may be used to satisfy Sec. 2.2.3.C.4.

<sup>iii</sup> Garages (or a portion thereof) must either be located 4 feet from the travel lane of an alley or rear access drive or be a minimum of 20 feet from the alley or rear access drive. Where parking spaces are located between the garage and the alley or rear access drive, the garage must be located at least 20 feet from the travel lane of an alley or rear access drive.

<sup>iv</sup> Parking setbacks shall not apply to driveways serving individual dwelling units or shared between two dwelling units.

**Section 10.** Section 2.2.4., Apartment, is hereby amended by adding the following language shown in the underlined and removing the language shown in strikethrough and inserting footnote “i” at the end of the table:

<b>Sec. 2.2.4. Apartment</b>	
	<b>R-10</b>
<b>A. Lot Dimensions</b>	
A1 Area (min)	<del>15,000</del> <u>7,500</u> sf
A2 Width (min)	<del>100'</del> <u>80'</u>
A3 Outdoor amenity area (min)	10%
A4 <del>Density (max)</del> <u>Lot area per unit (min)</u>	<del>10 u/a</del> <u>2,500 sf</u>
<b>B. Building/Structure Setbacks</b>	
B1 From primary street	10'
B2 From side street (min)	10'
B3 From side lot line (min)	<del>0'</del> <u>or 6' 5'</u>
B4 From rear lot line (min)	20'
B5 From alley <sup>i</sup>	4' or 20' min
B6 Residential infill rules may apply (see Sec. 2.2.7.)	yes
<b>C. Parking Setbacks</b>	
C1 From primary street (min)	10'
C2 From side street (min)	10'
C3 From side/rear lot line (min)	<del>0'</del> <u>or 3'</u>
C4 From rear lot line (min)	3'

€4C5 From alley, garage only (min)	4'
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Garages (or a portion thereof) must either be located 4 feet from the travel lane of alley or rear access drive or be a minimum of 20 feet from the alley or rear access drive. Where parking spaces are located between the garage and the alley or rear access drive, the garage must be located at least 20 feet from the travel lane of alley or rear access drive.

**Section 11.** Section 2.2.5.E., Civic Building Allowed Building Elements, is hereby deleted in its entirety.

**Section 12.** Section 2.2.6.E., Open Lot Allowed Building Elements, is hereby deleted in its entirety.

**Section 13.** Section 2.3.1., General Requirements for Compact Development, is hereby amended by adding the following language shown in the underlined and removing the language shown in strikethrough:

<b>Sec. 2.3.1. General Requirements</b>					
	<b>R-1</b>	<b>R-2</b>	<b>R-4</b>	<b>R-6</b>	<b>R-10</b>
<b>A. Site</b>					
A1 Density (max)	1 u/a	<del>2 u/a</del>	4 u/a	6 u/a	10 u/a
<del>A2</del> Gross site area (min)	10 acres	<del>10 acres</del>	8 acres	<del>Greater than 5 acres</del>	<del>Greater than 5 acres</del>
<b>B. Open Space</b>					
B1 Open Space required (min acreage)	<u>20% or 4 acres, whichever is greater</u>	<u>20% or 2 acres, whichever is greater</u>	<u>20% or 1 acre, whichever is greater</u>	<u>20% or 0.5 acres, whichever is greater</u>	<u>20% or 0.5 acres, whichever is greater</u>
B2 Width of open space (min)	50'	50'	50'	50'	50'
<b>C. Transitional Protective Yard</b>					
C1 Site boundary (min)	Type B1 or B2 Transitional Protective Yard (see <i>Sec. 7.2.4.A</i> ) or perimeter lots must meet the dimensional standards of <i>Article 2.2 Conventional Development Option</i> of the district where the property is located.				
<b>D. Residential Unit Types (max)</b>					
Detached house	100%	100%	100%	100%	100%
Attached house	n/a	<del>n/a 100%</del>	<del>n/a 100%</del>	100%	100%
Townhouse	n/a	n/a	<del>n/a 100%</del>	<del>n/a 100%</del>	100%

Apartment	n/a	n/a	n/a	n/a	100%
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**Section 14.** Section 2.3.2. of Part 10 Raleigh Unified Development Ordinance, Compact Development Option Detached House, is hereby amended by adding the following language shown in the underlined and removing the language shown in strikethrough:

<b>Sec. 2.3.2. Detached House</b>	<b>R-1</b>	<b>R-2</b>	<b>R-4</b>	<b>R-6</b>	<b>R-10</b>
<b>A. Lot Dimensions</b>					
A1 Area (min)	30,000 sf	15,000 sf	7,500 sf	<del>5,000</del> <u>4,500</u> sf	<del>4,000</del> <u>3,000</u> sf
A2 Lot width <del>Width—interior lot (min)</del>	100'	80'	65'	50'	45'
<del>A2 Width—corner lot (min)</del>	<del>100'</del>	<del>80'</del>	<del>80'</del>	<del>65'</del>	<del>60'</del>
A3 Depth (min)	100'	100'	100'	80'	60'
A4 Density (max)	1 u/a	<del>2 u/a</del>	<del>4 u/a</del>	<del>6 u/a</del>	<del>10 u/a</del>
<b>B. Principal Building Setbacks</b>					
B1 From primary street (min)	20'	20'	10'	10'	10'
B2 From side street (min)	<del>15'</del> <u>20'</u>	<del>15'</del> <u>20'</u>	<del>15'</del> <u>10'</u>	10'	10'
B3 From side lot line (min)	10'	10'	10'	5'	5'
<del>B4 Sum of side setbacks (min)</del>	<del>15'</del>	<del>15'</del>	<del>15'</del>	<del>15'</del>	<del>10'</del>
<del>B4</del> From rear lot line (min)	<del>30'</del> <u>20'</u>	<del>30'</del> <u>20'</u>	<del>30'</del> <u>20'</u>	20'	20'
<u>B5 Residential infill rules may apply (see Sec. 2.2.7.)</u>	<u>no</u>	<u>no</u>	<u>yes</u>	<u>yes</u>	<u>yes</u>
<b>C. Accessory Structure Setbacks</b> See <i>Section 6.7.2</i>					
<b>D. Height</b>					
D1 Principal building (max)	40'/3 stories	40'/3 stories	40'/3 stories	40'/3 stories	40'/3 stories
D2 Accessory structure (max)	25'	25'	25'	25'	25'
<u>D3 Residential infill rules may apply (see Sec. 2.2.7.)</u>	<u>no</u>	<u>no</u>	<u>yes</u>	<u>yes</u>	<u>yes</u>
<b>E. Ground Floor Elevation</b>					
<del>E1 20' or less from front property line (min)</del>	<del>2'</del>	<del>2'</del>	<del>2'</del>	<del>2'</del>	<del>2'</del>
<del>E1 2 More than 20' from front property line (min)</del>	<del>n/a</del>	<del>n/a</del>	<del>n/a</del>	<del>n/a</del>	<del>n/a</del>



<b>F. Allowed Building Elements</b>		-	-	-	-
—Porch, stoop		-	-	-	-
—Balcony		-	-	-	-

See Sec. 1.5.4.D "Building Setbacks" for specific building elements requirements.

*Residential infill regulations for additional building setback and reduced height may apply (see Sec. 2.2.7.)*

**Section 15.** Section 2.3.3. of Part 10 Raleigh Unified Development Ordinance, Compact Development Option Attached House, is hereby amended by adding the following language shown in the underlined and removing the language shown in strikethrough:

<b>Sec. 2.3.3. Attached House</b>	<b>R-2</b>	<b>R-4</b>	<b>R-6</b>	<b>R-10</b>
<b>A. Lot Dimensions</b>				
A1 Area (min)	<u>15,000</u> sf	<u>7,500</u> sf	<del>7,500</del> 4,500 sf	<del>6,000</del> 3,000 sf
A2 <del>Lot width</del> <u>Width—Interior lot</u> (min)	<u>80'</u>	<u>65'</u>	<del>60'-50'</del>	<del>50' 45'</del>
<del>A2 Width—corner</del> (min)			80'	65'
A3 Depth (min)	<u>100'</u>	<u>100'</u>	80'	60'
<del>A4 Density</del> (max)			<del>6 u/a</del>	<del>10 u/a</del>
<b>B. Principal Building Setbacks</b>				
B1 From primary street (min)	<u>20'</u>	<u>10'</u>	10'	10'
B2 From side street (min)	<u>20'</u>	<u>10'</u>	10'	10'
B3 From side lot line (min)	<u>10'</u>	<u>10'</u>	5'	5'
<del>B4 Sum of side setbacks</del> (min)			<del>15'</del>	<del>10'</del>
<del>B5</del> From rear lot line (min)	<u>20'</u>	<u>20'</u>	20'	20'
<u>B5 Residential infill rules may apply (see Sec. 2.2.7.)</u>	<u>no</u>	<u>yes</u>	<u>yes</u>	<u>yes</u>
<b>C. Accessory Structure Setbacks</b> See Section 6.7.2				
<b>D. Height</b>				
D1 Principal building (max)	<u>40' / 3 stories</u>	<u>40' / 3 stories</u>	40' / 3 stories	40' / 3 stories
D2 Accessory structure (max)	<u>25'</u>	<u>25'</u>	25'	25'

<u>D3 Residential infill rules may apply (see Sec. 2.2.7.)</u>	<u>no</u>	<u>yes</u>	<u>yes</u>	<u>yes</u>
<b>E. Ground Floor Elevation</b>	-	-	-	-
-E1 20' or less from front property line (min)	<u>2'</u>	<u>2'</u>	<u>2'</u>	<u>2'</u>
-E1 More than 20' from front property line (min)	<u>n/a</u>	<u>n/a</u>	<u>n/a</u>	<u>n/a</u>
<b>F. Allowed Building Elements</b>	-	-	-	-
— Porch, stoop	-	-	-	-
— Balcony	-	-	-	-
See Sec. 1.5.4.D "Building Setbacks" for specific building elements requirements.				
<i>Residential infill regulations for additional building setback and reduced height may apply (see Sec. 2.2.7.)</i>				

**Section 16.** Section 2.3.4. of Part 10 Raleigh Unified Development Ordinance, Compact Development Option Townhouse, is hereby deleted in its entirety and replaced with the following:

<b>Sec. 2.3.4. Townhouse<sup>i</sup></b>	<b>R-4</b>	<b>R-6</b>	<b>R-10</b>
<b>A. Site Dimensions</b>			
A1 Net site area/unit (min)	6,000 sf	3,500 sf	2,500 sf
A2 Width (min)	70'	52'	45'
A3 Outdoor amenity area (min) <sup>ii</sup>	5%	5%	5%
<b>B. Lot Dimensions</b>			
B1 Area (min)	n/a	n/a	n/a
B2 Width (min)	16'	16'	16'
<b>C. Principal Building/Structure Setbacks</b>			
C1 From primary street (min)	20'	10'	10'
C2 From side street (min)	20'	10'	10'
C3 From side site boundary line	10'	10'	10'
C4 From rear <u>site</u> boundary line (min) <sup>iii</sup>	20'	20'	20'
C5 From alley <sup>iv</sup>	4' or 20' min	4' or 20' min	4' or 20' min
C6 Internal building separation (min)	10'	10'	10'
C7 Residential infill rules may apply (see Sec. 2.2.7.)	yes	yes	yes
<b>D. Parking Setbacks<sup>v</sup></b>			
D1 From primary street (min)	20'	20'	20'

D2 From side street (min)	10'	10'	10'
D3 From side lot line (min)	0'	0'	0'
D4 From rear lot line (min)	3'	3'	3'
D5 From alley, garage only (min)	4'	4'	4'
D6 Residential infill rules may apply (see <i>Sec. 2.2.7.</i> )	yes	yes	yes
<b>E. Height</b>			
E1 Principal building (max)	45'/3 stories	45'/3 stories	45'/3 stories
E2 Accessory structure (max)	25'	25'	25'
E3 Residential infill rules may apply (see <i>Sec. 2.2.7.</i> )	yes	yes	yes
See <i>Sec. 1.5.4.D "Building Setbacks"</i> for specific building element requirements			
<i>Residential infill regulations for additional building setback and reduced height may apply (see Sec. 2.2.7.)</i>			

i A townhouse development containing only two dwelling units shall be regulated by the standards of *Sec. 2.3.3.*, Attached House, however: (a) a minimum site area per unit of one-half the minimum lot area specified in 2.3.3.A1. is required; (b) *Sec. 2.3.4.B.* shall still control provided a minimum site width equal to the dimensions specified by *Sec. 2.3.3.A2.* is met; and (c) *Sec. 2.3.3.B3.* shall only apply to the non-party wall side lot line.

ii Outdoor amenity meeting the requirements of *Sec. 1.5.3.* may overlap with required open space.

iii A permanently recorded open lot or common area lot of at least 20 feet in width may be used to satisfy *Sec. 2.3.4.C4.*

iv Garages (or a portion thereof) must either be located 4 feet from the travel lane of an alley or rear access drive or be a minimum of 20 feet from the travel lane of an alley or rear access drive. Where parking spaces are located between the garage and the alley or rear access drive, the garage must be located at least 20 feet from the travel lane alley or rear access drive.

v Parking setbacks shall not apply to driveways serving individual dwelling units or shared between two dwelling units.

**Section 17.** Section 2.3.5., Compact Development Apartment, is hereby amended by adding the following language shown in the underlined and removing the language shown in strikethrough and inserting footnote "i" in row B5 and at the end of the table:

<b>Sec. 2.3.5. Apartment</b>	
	<b>R-10</b>
<b>A. Lot Dimensions</b>	
A1 Area (min)	<del>±5,000</del> <u>7,000</u> sf
A2 Width (min)	<del>100'</del> <u>80'</u>
A3 Outdoor amenity area (min)	5%
A4 <del>Density (max)</del> <u>Lot area per unit (min)</u>	<del>10 u/a</del> <u>2,000</u> sf

<b>B. Building/Structure Setbacks</b>	
B1 From primary street	10'
B2 From side street (min)	10'
B3 From side lot line (min)	<del>0'</del> or <del>6'</del> <u>5'</u>
B4 From rear lot line (min)	20'
B5 From alley <sup>1</sup>	4' or 20' min
B6 Residential infill rules may apply (see <i>Sec. 2.2.7.</i> )	yes
<b>C. Parking Setbacks</b>	
C1 From primary street (min)	10'
C2 From side street (min)	10'
C3 From side/rear lot line (min)	<del>0'</del> or <del>3'</del>
C4 From rear lot line (min)	3'
C5 From alley (min)	4'
<b>D. Height</b>	
D1 Principal building (max)	45'/3 stories
D2 Accessory structure (max)	25'
D3 Residential infill rules may apply (see <i>Sec. 2.2.7.</i> )	yes
<b>E. Pedestrian Access</b>	
E1 Street-facing entrance required (min 1 per building)	yes

<sup>1</sup> Garages (or a portion thereof) must either be located 4 feet from the travel lane of an alley or rear access drive or be a minimum of 20 feet from the travel lane of an alley or rear access drive. Where parking spaces are located between the garage and the alley or rear access drive, the garage must be located at least 20 feet from the travel lane of an alley or rear access drive.

**Section 18.** Section 2.3.6., Compact Development Option Civic Building, is hereby amended by deleting Section 2.3.6.E., Allowed Building Elements, in its entirety.

**Section 19.** Section 2.3.7., Compact Development Option Open Lot, is hereby amended by deleting Section 2.3.7.E., Allowed Building Elements, in its entirety.

**Section 20.** Section 2.4.1. of Part 10 Raleigh Unified Development Ordinance, Conservation Development Option General Requirements, is hereby amended by adding the following language shown in the underlined and removing the language shown in strikethrough:

<b>Sec. 2.4.1. General Requirements</b>				
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	R-1	R-2	R-4	R-6	R-10
<b>A. Site</b>	-	-	-	-	-
A1 Density (max)	2 u/a	4 u/a	6 u/a	10 u/a	15 u/a
<del>A2 Gross site area (min)</del>	20 acres	15 acres	12 acres	10 acres	5 acres
<b>B. Open Space</b>					
B1 Open Space required (min acreage)	40% or <u>8 acres, whichever is greater</u>	40% or <u>4 acres, whichever is greater</u>	40% or <u>2 acres, whichever is greater</u>	40% or <u>1 acre, whichever is greater</u>	40% or <u>1 acre, whichever is greater</u>
B2 % of lots abutting open space (min)	60%	50%	40%	40%	30%
B3 Contiguous area (min)	60%	60%	60%	60%	60%
B4 Width of open space (min)	50'	50'	50'	50'	50'
<b>C. Transitional Protective Yard</b>					
C1 Site boundary (min)	Type B1 or B2 Transitional Protective Yard (see <i>Sec. 7.2.4.A</i> ) or perimeter lots must meet the dimensional standards of <i>Article 2.2 Conventional Development Option</i> of the district where the property is located.				
<b>D. Residential Unit Types (max)</b>					
Detached house	100%	100%	100%	100%	100%
Attached house	n/a	<del>35</del> <u>100</u> %	<del>40</del> <u>100</u> %	<del>45</del> <u>100</u> %	<del>50</del> <u>100</u> %
Townhouse	n/a	<del>n/a</del> <u>50</u> %	<del>30</del> <u>100</u> %	<del>35</del> <u>100</u> %	<del>40</del> <u>100</u> %
Apartment	n/a	n/a	n/a	<del>30</del> <u>50</u> %	<del>35</del> <u>100</u> %

**Section 21.** Section 2.4.2. of Part 10 Raleigh Unified Development Ordinance, ConservationDevelopment Option Detached House, is hereby amended by adding the following languageshown in the underlined and removing the language shown in strikethrough:

<b>Sec. 2.4.2. Detached House</b>	R-1	R-2	R-4	R-6	R-10
<b>A. Lot Dimensions</b>					
A1 Area (min)	20,000 sf	10,000 sf	6,000 sf	4,000 sf	3,000 sf
A2 Lot width <del>Width—interior lot (min)</del>	80'	65'	50'	45'	30'
<del>A2 Width—corner lot (min)</del>	<del>80</del> '	80'	65'	60'	45'
A3 Depth (min)	100'	100'	80'	60'	60'

<b>B. Principal Building Setbacks</b>					
B1 From primary street (min)	20'	20'	10'	10'	10'
B2 From side street (min)	20'	20'	10'	10'	10'
B3 From side lot line (min)	10'	10'	5'	5'	5'
<del>B4 Sum of side setbacks (min)</del>	<del>20'</del>	<del>20'</del>	<del>15'</del>	<del>10'</del>	<del>10'</del>
B5 From rear lot line (min)	30'20'	30'20'	20'	20'	15'
<b>C. Accessory Structure Setbacks</b>	See Section 6.7.2				
<b>D. Height</b>					
D1 Principal building (max)	40'/3 stories	40'/3 stories	40'/3 stories	40'/3 stories	40'/3 stories
D2 Accessory structure (max)	25'	25'	25'	25'	25'
<b>E. Ground Floor Elevation</b>		-	-	-	-
<del>E1 20' or less from front property line (min)</del>	<del>2'</del>	<del>2'</del>	<del>2'</del>	<del>2'</del>	<del>2'</del>
<del>E1.2 More than 20' from front property line (min)</del>	<del>n/a</del>	<del>n/a</del>	<del>n/a</del>	<del>n/a</del>	<del>n/a</del>
<b>F. Allowed Building Elements</b>		-	-	-	-
<del>— Porch, stoop</del>		<del>-</del>	<del>-</del>	<del>-</del>	<del>-</del>

<del>—</del> Balcony		-	-	-	-
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See *Sec. 1.5.4.D "Building Setbacks"* for specific building elements requirements.

**Section 22.** Section 2.4.3. of Part 10 Raleigh Unified Development Ordinance, Conservation Development Option Attached House, is hereby amended by adding the following language shown in the underlined and removing the language shown in strikethrough:

<b>Sec. 2.4.3. Attached House</b>	<b>R-2</b>	<b>R-4</b>	<b>R-6</b>	<b>R-10</b>
<b>A. Lot Dimensions</b>				
A1 Area (min)	10,000 sf	6,000 sf	4,000 sf	3,000 sf
<del>A2 Lot width</del> <u>Width—Interior lot (min)</u>	65'	50'	<del>50'</del> <u>45'</u>	<del>40'</del> <u>30'</u>
<del>A2 Width—corner (min)</del>	<del>80'</del>	80'	65'	55'
A3 Depth (min)	100'	80'	60'	60'
<b>B. Principal Building Setbacks</b>				
B1 From primary street (min)	20'	10'	10'	10'
B2 From side street (min)	20'	10'	10'	10'
B3 From side lot line (min)	10'	5'	5'	5'
<del>B4 Sum of side setbacks (min)</del>	<del>20'</del>	15'	10'	10'
<del>B5</del> <u>B4 From rear lot line (min)</u>	<del>30'</del> <u>20'</u>	20'	20'	15'
<b>C. Accessory Structure Setbacks</b> See <i>Section 6.7.2</i>				
<b>D. Height</b>				
D1 Principal building (max)	40'/3 stories	40'/3 stories	40'/3 stories	40'/3 stories
D2 Accessory structure (max)	25'	25'	25'	25'
<b>E. Ground Floor Elevation</b>	-	-	-	-
<del>E1 20' or less from front property line (min)</del>	<u>2'</u>	<u>2'</u>	<u>2'</u>	<u>2'</u>
<del>E1 More than 20' from front property line (min)</del>	n/a	n/a	n/a	n/a
<b>F. Allowed Building Elements</b>	-	-	-	-
<del>—</del> Porch, stoop	-	-	-	-
<del>—</del> Balcony	-	-	-	-

See Sec. 1.5.4.D "Building Setbacks" for specific building elements requirements.	
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**Section 23.** Section 2.4.4. of Part 10 Raleigh Unified Development Ordinance, Conservation Development Option Townhouse, is hereby deleted in its entirety and replaced with the following:

<b>Sec. 2.4.4. Townhouse<sup>i</sup></b>	<b>R-2</b>	<b>R-4</b>	<b>R-6</b>	<b>R-10</b>
<b>A. Site Dimensions</b>				
A1 Net site area/unit (min)	7,500 sf	4,500 sf	3,000 sf	2,250 sf
A2 Width (min)	78'	70'	52'	40'
<b>B. Lot Dimensions</b>				
B1 Area (min)	n/a	n/a	n/a	n/a
B2 Width (min)	16'	16'	16'	14'
<b>C. Principal Building/Structure Setbacks</b>				
C1 From primary street (min)	20'	10'	10'	10'
C2 From side street (min)	20'	10'	10'	10'
C3 From side site boundary line (min)	10'	10'	10'	6'
C4 From rear site boundary line (min) <sup>ii</sup>	20'	20'	20'	20'
C5 From alley (min) <sup>iii</sup>	4' or 20' min	4' or 20' min	4' or 20' min	4' or 20' min
C6 Internal building separation	10'	10'	10'	10'
C7 Residential infill rules may apply (see Sec. 2.2.7.)	no	yes	yes	yes
<b>D. Parking Setbacks<sup>iv</sup></b>				
D1 From primary street (min)	20'	20'	20'	20'
D2 From side street (min)	10'	10'	10'	10'
D3 From side lot line (min)	0'	0'	0'	0'
D4 From rear lot line (min)	3'	3'	3'	3'
D5 From alley, garage only (min)	4'	4'	4'	4'
D6 Residential infill rules may apply (see Sec. 2.2.7.)	no	yes	yes	yes
<b>E. Height</b>				
E1 Principal building (max)	45'3 stories	45'3 stories	45'3 stories	45'3 stories
E2 Accessory structure (max)	25'	25'	25'	25'
E3 Residential infill rules may apply (see Sec. 2.2.7.)	no	yes	yes	yes



See Sec. 1.5.4.D “Building Setbacks” for specific building element requirements				
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<sup>i</sup> A townhouse development containing only two dwelling units shall be regulated by the standards of Sec. 2.4.3., Attached House, however: (a) a minimum site area per unit equal to one-half the land area specified in 2.4.3.A1 is required; (b) Sec. 2.4.4.B. shall still control provided a minimum site width equal to the dimensions specified by Sec. 2.4.3.A2. is met; and (c) Sec. 2.4.3.B3. shall only apply to the non-party wall side lot line.

<sup>ii</sup> A permanently recorded open lot or common area lot of at least 20 feet in width may be used to satisfy Sec. 2.4.4.C4.

<sup>iii</sup> Garages (or a portion thereof) must either be located 4 feet from the travel lane of an alley or rear access drive or be a minimum of 20 feet from the alley or rear access drive. Where parking spaces are located between the garage and the alley or rear access drive, the garage must be located at least 20 feet from the travel lane of an alley or rear access drive.

<sup>iv</sup> Parking setbacks shall not apply to driveways serving individual dwelling units or shared between two dwelling units.

**Section 24.** Section 2.4.5. of the Part 10 Raleigh Unified Development Ordinance, Conservation Development Option Apartment, is hereby amended by adding the following language shown in the underlined and removing the language shown in strikethrough and inserting footnote “i” in row B5 and at the end of the table:

<b>Sec. 2.4.5. Apartment</b>	<b>R-6</b>	<b>R-10</b>
<b>A. Lot Dimensions</b>		
A1 Area (min)	<del>15,000</del> <u>8,000</u> sf	<del>15,000</del> <u>6,000</u> sf
A2 Width (min)	100' <u>80'</u>	<del>100'</del> <u>80'</u>
A3 Lot area per unit (min)	<u>2,000</u> sf	<u>1,500</u> sf
<b>B. Building/Structure Setbacks</b>		
B1 From primary street (min)	10'	10'
B2 From side street (min)	10'	10'
B3 From side lot line (min)	<del>0'</del> <u>or 6' 5'</u>	<del>0'</del> <u>or 6' 5'</u>
B4 From rear lot line (min)	20'	20'
B5 From alley <sup>i</sup>	4' or 20' min	4' or 20' min
<b>C. Parking Setbacks</b>		
C1 From primary street (min)	10'	10'
C2 From side street (min)	10'	10'
C3 From side/rear lot line (min)	<del>0'</del> <u>or 3'</u>	<del>0'</del> <u>or 3'</u>
C4 From rear lot line (min)	3'	3'
C5 From alley (min)	4'	4'
<b>D. Height</b>		
D1 Principal building (max)	45'/3 stories	45'/3 stories
D2 Accessory structure (max)	25'	25'

<b>E. Pedestrian Access</b>		
E1 Street-facing entrance required (min 1 per building)	yes	yes
See <i>Sec. 1.5.4.D. "Building Setbacks"</i> for specific building element requirements.		

<sup>1</sup> Garages (or a portion thereof) must either be located 4 feet from the travel lane of an alley or rear access drive or be a minimum of 20 feet from the travel lane of an alley or rear access drive. Where parking spaces are located between the garage and the alley or rear access drive, the garage must be located at least 20 feet from the travel lane of an alley or rear access drive.

**Section 25.** Section 2.4.6., Conservation Development Option Civic Building, is hereby amended by deleting Section 2.4.6.E., Allowed Building Elements, in its entirety.

**Section 26.** Section 2.4.7., Conservation Development Option Open Lot, is hereby amended by deleting Section 2.4.7.E., Allowed Building Elements, in its entirety.

**Section 27.** Section 2.5.1., Amount of Open Space, is hereby amended by adding the following language shown in the underlined and removing the language shown in strikethrough:

Section 2.5.1. Amount of Open Space

Applicants that choose the conservation standards must set aside at least ~~40% of the total project area~~ the minimum acreage specified in *Sec. 2.4.1.B1.* as common open space. Applicants that choose the compact standards must set aside at least ~~20% of the project area~~ the minimum acreage as specified in *Sec. 2.3.1.B1.* as common open space. The amount of required common open space is calculated as a percentage of the net site area.

**Section 28.** Section 3.2.1 of the Part 10 Raleigh Unified Development Ordinance, Detached House, is hereby amended by adding the following language shown in the underlined and removing the language shown in strikethrough:

<b>Sec. 3.2.1. Detached House</b>		
	<b>RX-, OX-, NX-, CX-</b>	<b>DX-</b>
<b>A. Lot Dimensions</b>		
A1 Area (min)	4,000 sf	n/a
A2 Width (min)	45'	n/a
<b>B. Principal Building Setbacks</b>		

B1 From primary street (min)	10'	5'
B2 From side street (min)	10'	5'
B3 From side lot line (min)	5'	3'
<del>B4 Sum of side setbacks (min)</del>	<del>10'</del>	<del>6'</del>
B54 From rear lot line (min)	20'	10'
<b>C. Accessory Structure Setbacks</b>		
C1 From primary street (min)	50'	30'
C2 From side street (min)	10'	5'
C3 From side lot line (min)	5'	3'
C4 From rear lot line (min)	5'	3'
C4 From alley	4' or 20' min	4' or 20' min
<b>D. Height</b>		
D1 Principal building (max)	40'/3 stories	40'/3 stories
D2 Accessory structure (max)	25'	25'
<b>E. Floor Heights</b>		
<del>E1 Ground Floor Elevation (min)</del>	<del>2'</del>	<del>2'</del>
<del>E2 Ground story height, floor to floor (min)</del>	<del>n/a</del>	<del>n/a</del>
<del>E3 Upper story height, floor to floor (min)</del>	<del>n/a</del>	<del>n/a</del>
<b>FE. Transparency</b>		
FE1. Ground story (min)	20%	20%
FE2. Upper story (min)	15%	15%
FE3. Blank wall area (max)	35'	35'
<b>G. Allowed Building Elements</b>		
— Porch, stoop		-
— Balcony		-
See Sec. 1.5.4.D. "Building Setbacks" for specific building element requirements.		

**Section 29.** Section 3.2.2 of the Part 10 Raleigh Unified Development Ordinance, Attached House, is hereby amended by adding the following language shown in the underlined and removing the language shown in strikethrough:

<b>Sec. 3.2.2. Attached House</b>	<b><del>RX-, OX-, NX-, CX-</del></b>	<b><del>DX-</del></b>
<b>A. Lot Dimensions</b>		
A1 Area (min)	<del>6,000</del> <u>4,000</u> sf	n/a
A2 Width (min)	<del>50'</del> <u>45'</u>	n/a
<b>B. Principal Building Setbacks</b>		
B1 From primary street (min)	10'	5'
B2 From side street (min)	10'	5'
B3 From side lot line (min)	5'	3'
<del>B4 Sum of side setbacks (min)</del>	<del>10'</del>	<del>6'</del>
B54 From rear lot line (min)	20'	10'
<b>C. Accessory Structure Setbacks</b>		
C1 From primary street (min)	50'	30'
C2 From side street (min)	10'	5'
C3 From side lot line (min)	5'	3'
C4 From rear lot line (min)	5'	3'
C4 From alley	4' or 20' min	4' or 20' min
<b>D. Height</b>		
D1 Principal building (max)	40'/3 stories	40'/3 stories
D2 Accessory structure (max)	25'	25'
<b>E. Floor Heights</b>		
<del>E1 Ground Floor Elevation (min)</del>	<del>2'</del>	<del>2'</del>
<del>E2 Ground story height, floor to floor (min)</del>	<del>n/a</del>	<del>n/a</del>
<del>E3 Upper story height, floor to floor (min)</del>	<del>n/a</del>	<del>n/a</del>
<b>FE. Transparency</b>		
<del>FE1. Ground story (min)</del>	20%	20%
<del>FE2. Upper story (min)</del>	15%	15%

FE3. Blank wall area (max)	35'	35'
<b>G. Allowed Building Elements</b>		-
— Porch, stoop		-
— Balcony		-
See Sec. 1.5.4.D. "Building Setbacks" for specific building element requirements.		

**Section 30.** Section 3.2.3. of the Part 10 Raleigh Unified Development Ordinance, Townhouse, is hereby deleted in its entirety and replaced with the following:

<b>Sec. 3.2.3. Townhouse<sup>i</sup></b>	<b>RX-, OX-, NX-, CX-</b>	<b>DX-</b>
<b>A. Site Dimensions</b>		
A1 Area (min)	3,300 sf	n/a
A2 Width (min)	44' 45'	n/a
A3 Outdoor Amenity Area	10%	10%
<b>B. Lot Dimensions</b>		
B1 Area (min)	n/a	n/a
B2 Width (min)	16'	n/a
<b>C. Principal Building/Structure Setbacks</b>		
C1 From primary street (min)	10'	5'
C2 From side street (min)	10'	5'
C3 From side site boundary line (min)	10'	6'
C4 From rear site boundary line (min) <sup>ii</sup>	20'	6'
C5 From alley (min) <sup>iii</sup>	4' or 20' min	4' or 20' min
C6 Internal building separation	10'	10'
<b>D. Parking Setbacks<sup>iv</sup></b>		
D1 From primary street (min)	20'	20'
D2 From side street (min)	10'	10'
D3 From side lot line (min)	0'	0'
D4 From rear lot line (min)	3'	3'
D5 From alley (min)	4'	4'
<b>E. Height</b>		
E1 Principal building (max)	set by district	set by district
E2 Accessory structure (max)	25'	25'
E3 Residential infill rules may apply (see Sec. 2.2.7.)	no	yes
<b>F. Transparency</b>		
F1 Ground story (min)	20%	20%

F2 Upper story (min)	15%	15%
F3 Blank wall area (max)	35'	35'
See Sec. 1.5.4.D "Building Setbacks" for specific building element requirements		

<sup>i</sup> A townhouse development containing only two dwelling units shall be regulated by the standards of Sec. 3.2.2., Attached House, however: (a) a minimum site area per unit of one-half the area required by Sec. 3.2.2.A1 is required; (b) Sec. 3.2.3.B. shall still control provided a minimum site width equal to the dimensions specified by Sec. 3.2.2.A2. is met; and (c) Sec. 3.2.2.B3. shall only apply to the non-party wall side lot line.

<sup>ii</sup> A permanently recorded open lot or common area lot of at least 20 feet in width may be used to satisfy Sec. 3.2.3.C4.

<sup>iii</sup> Garages (or a portion thereof) must either be located 4 feet from the travel lane of an alley or rear access drive or be a minimum of 20 feet from the alley or rear access drive. Where parking spaces are located between the garage and the alley or rear access drive, the garage must be located at least 20 feet from the travel lane of an alley or rear access drive.

<sup>iv</sup> Parking setbacks shall not apply to driveways serving individual dwelling units or shared between two dwelling units.

**Section 31.** Section 3.2.4. of the Part 10 Raleigh Unified Development Ordinance, Apartment, is hereby amended by adding the following language shown in underline:

<b>Sec. 3.2.4. Apartment</b>	<b>RX-, OX-, NX-, CX-</b>	<b>DX-</b>
<b>A. Lot Dimensions</b>		
A1 Area (min)	<del>10,000</del> <u>7,500</u> sf	n/a
A42 Area (max)	10 acres (NX-only)	n/a
A23 Width (min)	n/a	n/a
A34 Outdoor amenity area (min)	10%	10%
<b>B. Building/Structure Setbacks</b>		
B1 From primary street (min)	5'	5'
B2 From side street (min)	5'	5'
B3 From side lot line (min)	0' or 6'	0' or 6'
B4 From rear lot line (min)	0' or 6'	20'
B5 From alley <sup>i</sup>	4' or 20' min	4' or 20' min
<b>C. Parking Setbacks</b>		
C1 From primary street (min)	10'	10'
C2 From side street (min)	10'	10'
C3 From side lot line (min)	<del>0' or 3'</del>	<del>0' or 3'</del>
C4 From rear lot line (min)	<del>0' or 3'</del>	<del>0' or 3'</del>
C5 From alley, garage only (min)	4'	4'

<b>D. Height</b>		
D1 Principal building (max)	Set by district	Set by district
D2 Accessory structure (max)	25'	25'
<b>E. Transparency</b>		
E1 Ground story (min)	20%	20%
E2 Upper story (min)	15%	15%
E3 Blank wall (max)	35%	35%
See Sec. 1.5.4.D "Building Setbacks" for specific building elements requirements.		

<sup>1</sup> Garages (or a portion thereof) must either be located 4 feet from the travel lane of an alley or rear access drive or be a minimum of 20 feet from the alley or rear access drive. Where parking spaces are located between the garage and the alley or rear access drive, the garage must be located at least 20 feet from the travel lane of an alley or rear access drive.

**Section 32.** Section 3.2.5. of the Part 10 Raleigh Unified Development Ordinance, General Building, is hereby amended by adding the following language shown in underline and removing the language shown in strikethrough:

<b>Sec. 3.2.5. General Building</b>	<b>OP-, OX-, NX-, CX-</b>	<b>DX-</b>	<b>IX-</b>
<b>A. Lot Dimensions</b>			
A1 Area (min)	n/a	n/a	n/a
A4 <del>2</del> Area (max)	10 acres (NX-only)	n/a	n/a
A23 Width (min)	n/a	n/a	n/a
A34 Outdoor amenity area (min)	10%	10%	10%
<b>B. Building/Structure Setbacks</b>			
B1 From primary street (min)	5'	3'	3'
B2 From side street (min)	5'	3'	3'
B3 From side lot line (min)	0' or 6'	0' or 6'	0' or 6'
B4 From rear lot line (min)	0' or 6'	0' or 6'	0' or 6'
B5 From alley	5'	5'	5'
<b>C. Parking Setbacks</b>			
C1 From primary street (min)	10'	10'	10'
C2 From side street (min)	10'	10'	10'
C3 From side lot line (min)	0' or 3'	0' or 3'	0' or 3'
C4 From rear lot line (min)	0' or 3'	0' or 3'	0' or 3'
C5 From alley (min)	5'	5'	5'

<b>D. Height</b>			
D1 Principal building (max)	Set by district	Set by district	Set by district
D2 Accessory structure (max)	25'	25'	25'
<b>E. Floor Heights</b>			
<del>E1</del> Ground floor elevation (min)	0'	0'	0'
E2 <del>1</del> Ground story height, floor to floor (min)	11'	13'	11'
E3 <del>2</del> Upper story height, floor to floor (min)	9'	9'	9'
<b>F. Transparency</b>			
F1 Ground story (min)	20%	20%	
F2 Upper story (min)	15%	15%	
F3 Blank wall (max)	35%	35%	
<b>G. Allowed Building Elements</b>			
<del>Balcony</del>			
<del>Gallery, Awning</del>			

See Sec. 1.5.4.D "Building Setbacks" for specific building elements requirements.

**Section 33.** Section 3.2.6. of the Part 10 Raleigh Unified Development Ordinance, Mixed Use Building, is hereby amended by adding the following language shown in underline and removing the language shown in strikethrough:

<b>Sec. 3.2.6. Mixed Use Building</b>	<b>OP-, OX-, NX-, CX-, IX-</b>	<b>DX-</b>
<b>A. Lot Dimensions</b>		
A1 Area (min)	n/a	n/a
A4 <del>2</del> Area (max)	10 acres (NX-only)	n/a
A2 <del>3</del> Width (min)	n/a	n/a
A3 <del>4</del> Outdoor amenity area (min)	10%	10%
<b>B. Building/Structure Setbacks</b>		
B1 From primary street (min)	5'	3'
B2 From side street (min)	5'	3'
B3 From side lot line (min)	0' or 6'	0' or 6'
B4 From rear lot line (min)	0' or 6'	0' or 6'
B5 From alley	5'	5'
<b>C. Parking Setbacks</b>		
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 <del>5</del> From alley (min)	5'	5'



<b>D. Height</b>		
D1 Principal building (max)	Set by district	Set by district
D2 Accessory structure (max)	25'	25'
<b>E. Floor Heights</b>		
<del>E1</del> Ground floor elevation (min)	0'	0'
E2 <del>1</del> Ground story height, floor to floor (min)	11'	13'
E3 <del>2</del> Upper story height, floor to floor (min)	9'	9'
<b>F. Transparency</b>		
F1 Ground story (min)	20%	20%
F2 Upper story (min)	15%	15%
F3 Blank wall (max)	35%	35%

See *Sec. 1.5.4.D "Building Setbacks"* for specific building elements requirements.

**Section 34.** Section 3.2.7., Civic Building, is hereby amended by deleting Section 3.2.7.E., Allowed Building Elements, in its entirety.

**Section 35.** Section 3.2.8., Open Lot, is hereby amended by deleting Section 3.2.8.E., Allowed Building Elements, in its entirety.

**Section 36.** Section 6.1.4., Allowed Principal Use Table, is hereby amended as follows:

In the row entitled "Two-unit living", replace the "L" with a "P" in the columns entitled "R-2" and "R-4".

In the row entitled "Multi-unit living", replace the "--" with an "L" in the column entitled "R-2" and replace the "L" with a "P" in the row entitled "R-6".

**Section 37.** Section 6.2.1., Household Living, is hereby amended by adding the following language shown in underline and removing the language shown in strikethrough:

### C. Two-Unit Living

#### 1. Defined

Two dwelling units in a single principal structure.

#### 2. Use Standards

~~Where two-unit living is allowed as a limited use, it is allowed only in a conservation development (see Article 2.4. Conservation Development).~~

## **D. Multi-Unit Living**

### **1. Defined**

Three or more dwelling units in a single principal structure. Multiple principal buildings are allowed on the same lot.

### **2. Use Standards**

- a. In a Residential District where multi-unit living is allowed as a limited use, it is allowed only in a compact or conservation development (see Article 2.3. Compact Development and Article 2.4. Conservation Development).
- b. In an IX- District where multi-unit living is allowed as a limited use, it is allowed only in the upper stories of a building. A lobby or other entrance is allowed on the ground floor.

**Section 38.** Section 10.3.5. of the Part 10 Raleigh Unified Development Ordinance, Nonconforming Lots of Record, is hereby amended by adding the following language shown in underline and removing the language shown in strikethrough:

#### **A. Authority to use For Single-Unit or Two-Unit Living**

In any district in which a single-unit living detached house or two-unit living attached house is allowed as a permitted use, notwithstanding the regulations imposed by any other provisions of this UDO, a single-unit living detached house or two-unit living attached house which complies with the restrictions of *Sec. 10.3.5.B.* below may be erected on a nonconforming lot that:

1. Has less than the prescribed minimum lot area, depth, or width; and
2. Is shown by a recorded plan or deed to have been a lot of record owned separately and individually from adjoining tracts of land at a time when the creation of a lot or tract of such area, width, and depth at such location would not have been prohibited by any zoning or other ordinance.

#### **B. Regulations for Single-~~Family~~ Unit Living or Two-Unit Living Use of Nonconforming Lots**

A nonconforming lot authorized to be used pursuant to Sec. 10.3.5.A. above may be used for a single-unit living detached house or two-unit living attached house and permitted accessory uses and structures. Construction of the single-unit living detached house or two-unit living attached house shall comply with all the regulations, except lot area, depth, or width, applicable to the detached or attached house in the district in which the lot is located, unless a variance is granted pursuant to Sec. 10.2.10.

**Section 39.** This text change has been reviewed by the Raleigh Planning Commission.

**Section 40.** This ordinance has been adopted following a duly advertised legislative hearing of the Raleigh City Council.

**Section 41.** This ordinance has been provided to the North Carolina Capital Planning Commission as required by law.

**Section 42.** 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 43.** This ordinance is effective 30 days after adoption.

**Adopted: July 6, 2021**

**Effective: August 5, 2021**

**Distribution: Young, Bowers, Crane, Bynum; Waddell, Rametta, Hardin, Hosey, York, Puccini,  
Taylor  
City Attorney DL**

**ORDINANCE NO. (2022) 362 TC 466**

**TC-20-21 MISSING MIDDLE 2.0 - MORE HOMES, MORE CHOICES**

**AN ORDINANCE TO INCREASE HOUSING OPTIONS BY EXPANDING THE ALLOWABLE BUILDING TYPES, ADJUSTING MINIMUM LOT AND SITE DIMENSIONAL STANDARDS ACROSS RESIDENTIAL ZONING DISTRICTS ALLOWING HIGHER DENSITY DEVELOPMENT NEAR HIGH-FREQUENCY TRANSIT**

**WHEREAS**, the Unified Development Ordinance currently restricts the 3+ unit Townhouse building type to the R-6 and R-10 residential zoning districts; and

**WHEREAS**, the Unified Development Ordinance currently restricts the Apartment building type to the R-6 and R-10 residential zoning districts; and

**WHEREAS**, the Unified Development Ordinance currently restricts the various building types to varying lot width requirements uniformly across the City absent a zoning overlay district; and

**WHEREAS**, the Unified Development Ordinance currently regulates lot size and dimensional standards that are not reflective of the smaller land areas needed to support many smaller dwelling options; and

**WHEREAS**, the Unified Development Ordinance currently restricts townhouse building type lots from having Accessory Dwelling Units and it limits lots developed with either detached house, tiny house or attached house building types to only one Accessory Dwelling Unit per lot, even if proximate to high-frequency transit; and

**WHEREAS**, because missing middle housing types are an important means of reaching the city's goal of reducing carbon emissions and other air pollutants. This occurs in two ways. First, because missing middle units share walls or ceilings with other units, they are substantially more energy-efficient than detached houses. According to the Department of Energy, a unit in a two-to-four-unit apartment uses half the energy of a detached house, and a townhouse uses about two-thirds of that amount. Secondly, when these residences are allowed in places that are close to jobs and shopping they produce shorter car trips and more walking and transit trips than the average home in the region. This means carbon output from transportation, a major source of emissions, is substantially reduced; and

**WHEREAS**, the Unified Development Ordinance currently regulates Residential Infill Compatibility requirements in such a way that may not be conducive to constructing higher-density infill missing-middle housing options near high-frequency transit areas; and

**WHEREAS**, the City Council finds it in the public interest to promote housing choice, address housing affordability, and increase residential density in areas planned for high-frequency transit.



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

**Section 1.** Section 1.4.1. of the Part 10 Raleigh Unified Development Ordinance, Building Type Descriptions, is hereby amended by deleting the language shown in strikethrough and adding the language shown in underline:

**I. Tiny House**

A building with a building footprint no greater than 800 square feet and no greater than 600 1200 square feet gross floor area constructed to accommodate 1 or 2 principal dwelling units on a single lot. A series of tiny homes as part of a cottage court may be located on a single lot.

**Section 2.** Section 1.4.2. of the Part 10 Raleigh Unified Development Ordinance, Building Types Allowed by District, is hereby amended by editing the table as detailed below and deleting the language shown in strikethrough and adding the language shown in underline:

For the row titled "Residential-2 (R-2)" in the column titled "Townhouse" replace "□" with "□(1)". For the row titled "Residential-4 (R-4)" in the column titled "Townhouse" replace "□(1)" with "□(2)" in the column titled "Apartment" replace "--(1)" with "--(2)". For the row titled "Residential-6 (R-6)" in the column titled "Townhouse" replace "■(1)" with "■"; in the column titled "Apartment" replace "□(1)" with "□(3)"

□ = Building type may be aAllowed as Part of an Approved Compact, Conservation or Cottage Court Development. Refer to Chapters 2 and 3 for more information.

(1) In R-2, townhouse developments are restricted to a maximum of two dwelling units, however, 3+ dwelling unit townhouse developments, and apartments, are allowed in the -TOD overlay.

(1)-(2) In R-4, townhouse developments are restricted to a maximum of two dwelling units, however and R-6, 3+ dwelling unit townhouses developments, and apartments, are allowed as part of an approved development in the -TOD overlay or as part of a Frequent Transit Development.

(3) In R-6, apartments are allowed in the -TOD overlay or as part of a Frequent Transit Development.

**Section 3.** Section 1.5.2.B. of the Part 10 Raleigh Unified Development Ordinance, Lot Area, is hereby amended by deleting the language shown in strikethrough and adding the language shown in underline:

**B. Lot Area**

Lot area is the area included within the rear, side and front lot lines. It does not include existing or proposed right-of-way, whether dedicated or not dedicated to public use. District density applies,

and may require larger lots than those required for an individual building type. ~~For any lot developed with a Detached House or Tiny House used for Single-unit Living or an Attached House or Tiny House used for Two-unit Living; however, one accessory dwelling unit is permitted per lot, regardless of underlying density designation.~~

**Section 4.** Section 1.5.2.F.2. of the Part 10 Raleigh Unified Development Ordinance, Density, is hereby amended by adding the language shown in underline:

1. Although minimum lot sizes may allow additional units, density, where applicable, serves as the maximum number of principal units per acre. For any lot developed with a Detached House or Tiny House used for Single-unit Living, or an Attached House or Tiny House used for Two-unit Living; one accessory dwelling unit is permitted per lot, regardless of underlying density, minimum lot size, minimum lot area per dwelling unit, or minimum site area per dwelling unit designations. For any lot developed with a Detached House or a Tiny House or an Attached House in a Frequent Transit Area, two accessory dwelling units are permitted per lot, regardless of underlying density, minimum lot size, minimum lot area per dwelling unit, or minimum site are per dwelling unit designations. For any lot developed with a Townhouse, one accessory dwelling unit is permitted per townhouse lot regardless of underlying density, minimum lot size, minimum lot area per dwelling unit, or minimum site are per dwelling unit designations.

**Section 5.** Section 2.1.1. of the Part 10 Raleigh Unified Development Ordinance, District Intent Statements, is hereby amended by insertion of the following underlined text:

**B. Residential-1 (R-1)**

1. Subject to the density restriction of 1 unit per acre, R-1 allows single-unit living in a detached house, or tiny house, and two-unit living in a tiny house with a minimum lot size of 40,000 square feet.
2. Smaller minimum lot sizes are permitted as part of a compact development.
3. Additional building types, smaller lot sizes and increased density as part of a conservation development are allowed in exchange for preserving common open space.

**C. Residential-2 (R-2)**

1. R-2 allows single-unit living in a detached house, or tiny house, and two-unit living in an attached house or tiny house with a minimum lot size of 20,000 square feet.
2. Decreased minimum lot sizes are permitted as part of a compact development.
3. Additional building types and smaller lot sizes as part of a conservation development or cottage court are allowed in exchange for preserving common open space.

#### **D. Residential-4 (R-4)**

1. R-4 allows single-unit living in a detached house, or tiny house and two-unit living in an attached house or tiny house with a minimum lot size of 10,000 square feet.
2. Decreased minimum lot sizes and additional building types are permitted as part of a compact development.
3. ~~Shape~~ Additional building types, and smaller lot sizes as part of a conservation development or cottage court are allowed in exchange for preserving common open space.
4. Dimensional standards, maximum density, allowed building types, and allowed uses may be modified for the R-4 district within the TOD overlay or Frequent Transit Areas identified in the City's Comprehensive Plan to enable transit oriented development.

#### **E. Residential-6 (R-6)**

1. R-6 allows single-unit living in a detached house, or tiny house and two-unit living in an attached house or tiny house with a minimum lot size of 6,000 square feet. Multi-unit living is also allowed in a townhouse.
2. Smaller minimum lot sizes are permitted as part of a compact development.
3. Additional building types, and smaller lot sizes as part of a conservation development or cottage court are allowed in exchange for preserving common open space.
4. Dimensional standards, maximum density, allowed building types, and allowed uses may be modified for the R-6 district within the TOD overlay or Frequent Transit Areas identified in the City's Comprehensive Plan to enable transit oriented development.

#### **F. Residential-10 (R-10)**

5. R-10 allows single-unit living in a detached house, or tiny house and two-unit living in an attached house or tiny house with a minimum lot size of 4,000 square feet. Multi-unit living is also allowed in a townhouse.
6. Smaller minimum lot sizes are permitted as part of a compact development.
7. Additional building types, and smaller lot sizes as part of a conservation development or cottage court are allowed in exchange for preserving common

open space.

8. Dimensional standards, maximum density, allowed building types, and allowed uses may be modified for the R-6 district within the TOD overlay or Frequent Transit Areas identified in the City's Comprehensive Plan to enable transit oriented development.

**Section 6.** Section 2.1.2. of the Part 10 Raleigh Unified Development Ordinance, Housing Options, is hereby amended by insertion of the following text at the end of the section:

**D. Frequent Transit Development Option**

1. A Frequent Transit Area as designated in the City's Comprehensive Plan encourages density and growth in areas served by high-frequency transit, defined as bus or other transit service where the time between vehicles will be 15 minutes or less during peak service periods. The Frequent Transit Development Option permits higher-density development than the underlying zoning might otherwise allow.
2. The Frequent Transit Development Option encourages transit-oriented development by allowing for smaller lot dimensions and site area per dwelling unit standards.

**Section 7.** Section 2.1.3.C. of the Part 10 Raleigh Unified Development Ordinance, Additional Housing Patterns, is hereby amended by insertion of the following underlined text:

**C. Accessory Dwelling (See Sec. 2.6.3.)**

The Accessory Dwelling housing pattern provides for the development of one accessory dwelling unit on a lot with an existing Detached House or Tiny House as an accessory use to a principal use of Single-unit Living or on a lot with an existing Attached House or Tiny House as an accessory use to a principal use of Two-unit Living.

**Section 8.** Section 2.1.3. of the Part 10 Raleigh Unified Development Ordinance, Additional Housing Patterns, is hereby amended by insertion of the following text at the end of the section:

**D. Flag Lot**

A Flag Lot is an irregularly shaped property with a narrow portion of land fronting on a street where no buildings are permitted that provides access to a larger portion of the lot where buildings are permitted. The creation of a flag lot typically results in an adjacent residual lot with greater frontage along the same street. Flag lots promote efficient use of land for residences. In exchange for some alternative minimum dimensional standards, only Tiny Houses are permitted on flag lots. ADUs are not permitted on flag lots.

**Section 9.** Section 2.2.3., Townhouse, is hereby amended by adding a columns for R-2 and R-4 as well as adding the language as shown underlined and removing language shown in strikethrough, as follows:



<b>Sec. 2.2.3. Townhouse<sup>i</sup></b>				
	<b>R-2<sup>ii</sup></b>	<b>R-4<sup>ii</sup></b>	<b>R-6</b>	<b>R-10</b>
<b>A. Site Dimensions</b>				
A1 Net site area/unit (min)	<u>10,000 sf</u>	<u>5,000 sf</u>	4,500 sf	3,000 sf
A2 Width (min)	<u>80'</u>	<u>65'</u>	<del>60'</del> <u>50'</u>	45'
A3 Outdoor amenity area(min)	<u>n/a</u>	<u>n/a</u>	10%	10%
<b>B. Lot Dimensions</b>				
B1 Area (min)	<u>n/a</u>	<u>n/a</u>	n/a	n/a
B2 Width (min)	<u>16'</u>	<u>16'</u>	16'	16'
<b>C. Principal Building/Structure Setbacks</b>				
C1 From primary street (min)	<u>20'</u>	<u>20'</u>	10'	10'
C2 From side street (min)	<u>20'</u>	<u>20'</u>	10'	10'
C3 From side site boundaryline (min)	<u>10'</u>	<u>10'</u>	10'	6'
C4 From rear site boundaryline (min) <sup>iii</sup>	<u>30'</u>	<u>30'</u>	20'	20'
C5 From alley (min) <sup>iiiv</sup>	<u>4' or 20' min</u>	<u>4' or 20' min</u>	4' or 20' min	4' or 20' min
C6 Internal building separation(min)	<u>10'</u>	<u>10'</u>	10'	10'
C7 Residential infill rules may apply (see Sec. 2.2.7.)	<u>yes</u>	<u>yes</u>	yes	yes
<b>D. Parking Setbacks<sup>iv</sup></b>				
D1 From primary street (min)	<u>20'</u>	<u>20'</u>	20'	20'
D2 From side street (min)	<u>10'</u>	<u>10'</u>	10'	10'
D3 From side lot line (min)	<u>0'</u>	<u>0'</u>	0'	0'
D4 From rear lot line (min)	<u>3'</u>	<u>3'</u>	3'	3'
D5 From alley, garage only(min)	<u>4'</u>	<u>4'</u>	4'	4'
D6 Residential infill rules may apply (see Sec. 2.2.7.)	<u>yes</u>	<u>yes</u>	yes	yes
<b>E. Height</b>				
E1 Principal building (max)	<u>40' / 3 stories</u>	<u>40' / 3 stories</u>	45' / 3 stories	45' / 3 stories
E2 Accessory structure	<u>25'</u>	<u>25'</u>	25'	25'

(max)				
E3 Residential Infill rules may apply (See Sec. 2.2.7.)	<u>yes</u>	<u>yes</u>	yes	yes

<sup>i</sup> A townhouse development containing only two dwelling units shall be regulated by the standards of Sec. 2.2.2., Attached House, however: (a) a minimum site area per unit of one-half the area required by Sec. 2.2.2.A1. is required; (b) Sec. 2.2.3.B. shall still control provided a minimum site width equal to the dimensions specified by Sec. 2.2.2.A2. is met; and (c) Sec. 2.2.2.B3. shall only apply to the non-party wall side lot line.

<sup>ii</sup> In R-2 and R-4 districts, a townhouse development can only contain a maximum of two dwelling units.

<sup>iii</sup> A permanently recorded open lot or common area lot of at least 20 feet in width may be used to satisfy Sec.2.2.3.C.4.

<sup>iiii</sup> Garages (or a portion thereof) must either be located 4 feet from the travel lane of an alley or rear access drive or be a minimum of 20 feet from the alley or rear access drive. Where parking spaces are located between the garage and the alley or rear access drive, the garage must be located at least 20 feet from the travel lane of an alley or rear access drive.

<sup>v</sup> Parking setbacks shall not apply to driveways serving individual dwelling units or shared between two dwelling units.

**Section 10.** Section 2.2.4.A.2, Apartment – Lot Dimensions, is hereby amended by adding the following language as shown underlined and removing language shown in strikethrough, as follows:

<b>Sec. 2.2.4. Apartment</b>	
	<b>R-10</b>
<b>A. Lot Dimensions</b>	
A2 Lot width (min)	<del>80'</del> <u>45'</u>

**Section 11.** Section 2.2.8. of the Part 10 Raleigh Unified Development Ordinance, Conventional Development Option – Tiny House, is hereby amended by adding the following language as shown underlined and removing the language shown in strikethrough, as follows:

<b>Sec. 2.2.8. Tiny House</b>					
	<b>R-1</b>	<b>R-2</b>	<b>R-4</b>	<b>R-6</b>	<b>R-10</b>
<b>A. Lot Dimensions</b>					
A1 Area (min)	40,000 sf	15,000 sf	7,500 sf	<del>4,500</del> <u>3,000</u> sf	<del>3,000</del> <u>2,000</u> sf
A2 Lot width (min)	100'	60'	50'	35'	25'
A3 Depth (min)	100'	75'	75'	<del>60'</del>	45'

				<u>50'</u>	
A4 Density (max)	1	n/a	n/a	n/a	n/a
<b>B. Principal Building Setbacks</b>					
B1 From primary street (min)	20'	20'	20'	10'	10'
B2 From side street (min)	20'	20'	20'	10'	10'
B3 From side lot line (min)	10'	10'	10'	5'	5'
B4 From rear lot line (min)	30'	30'	30'	<del>20'</del> <u>10'</u>	<del>20'</del> <u>10'</u>
B5 Residential infill rules may apply (see Sec. 2.2.7.)	no	no	yes <sup>1</sup>	yes <sup>1</sup>	yes <sup>1</sup>
<b>C. Accessory Structure Setbacks See Section 6.7.2</b>					
<b>D. Height</b>					
D1 Principal building (max)	26' <sup>1</sup> / <sub>2</sub> stories	26' <sup>1</sup> / <sub>2</sub> stories	26' <sup>1</sup> / <sub>2</sub> stories	26' <sup>1</sup> / <sub>2</sub> stories	26' <sup>1</sup> / <sub>2</sub> stories
D2 Accessory structure (max)	25'	25'	25'	25'	25'
D3 Residential Infill rules may apply (see Sec. 2.2.7)	no	no	no	no	no
See Sec. 1.5.4.D "Building Setbacks" for specific building elements requirements.					

<sup>1</sup>The property owner may elect to either adhere to the primary street setback range set forth in Section 2.2.7, if applicable, or follow only the applicable zoning district's minimum primary street setback regulation.

**E. Additional Requirements for Manufactured Homes to Qualify as Tiny Houses**

A Tiny House may be a Manufactured Home as defined in Article 12.2, if it meets all of the following:

1. The predominant roofline shall have a pitch of 5:12 or greater.
2. The eave projections of the roof must not be less than ten inches (excluding roof gutters) unless the roof pitch is 8:12 or greater.
3. The minimum height of the first-story exterior wall must be at least seven feet, six inches.
4. Materials used as exterior wall covering shall be of a non-reflective material.
5. Foundation skirting shall comply with the requirements set forth in Section 4.5.3.D.
6. The Manufactured Home is no greater than 600 square feet in gross floor area.

**Section 12.** Section 2.3.4.A. Compact-Townhouse – Site Dimensions, is hereby amended by adding the following language shown underlined and removing language shown in strikethrough, as follows:

<b>Sec. 2.3.4. Townhouse<sup>1</sup></b>			
	<b>R-4</b>	<b>R-6</b>	<b>R-10</b>

<b>A. Site Dimensions</b>			
A1 Net site area/unit (min)	6,000 sf	3,500 sf	2,500 sf
A2 Width (min)	<del>70'65'</del>	<del>52'50'</del>	45'
A3 Outdoor amenity area (min) <sup>ii</sup>	5%	5%	5%

**Section 13.** Section 2.3.5.A., Compact - Apartment – Lot Dimensions, is hereby amended by adding the following language shown underlined and removing language shown in strikethrough, as follows:

<b>Sec. 2.3.5. Apartment</b>	
	<b>R-10</b>
<b>A. Lot Dimensions</b>	
A2 Lot width (min)	<del>80'</del> <u>45'</u>

**Section 14.** Section 2.4.4.A., Conservation-Townhouse – Site Dimensions, is hereby amended by adding the following language shown underlined and removing language shown in strikethrough, as follows:

<b>Sec. 2.4.4. Townhouse<sup>i</sup></b>				
	<b>R-2</b>	<b>R-4</b>	<b>R-6</b>	<b>R-10</b>
<b>A. Site Dimensions</b>				
A1 Net site area/unit (min)	7,500 sf	4,500 sf	3,000 sf	2,250 sf
A2 Width (min)	<del>78'65'</del>	<del>70'50'</del>	<del>52'45'</del>	<del>40'30'</del>

**Section 15.** Section 2.4.5.A., Conservation-Apartment-Site Dimensions, is hereby amended by adding the following language shown underlined and removing language shown in strikethrough, as follows:

<b>Sec. 2.4.5. Apartment</b>		
	<b>R-6</b>	<b>R-10</b>
<b>A. Lot Dimensions</b>		
A1 Area (min)	8,000 sf	6,000 sf
A2 Width (min)	<del>80'45'</del>	<del>80'30'</del>
A3 Lot area per unit (min)	2,000 sf	1,500 sf

**Section 16.** Section 2.6.1. of the Part 10 Raleigh Unified Development Ordinance, Cottage

Court, is hereby amended by adding the language shown in underline removing the language shown in strikethrough:

...

**B. Districts Allowed In**

R-2, R-4, R-6, R-10, ~~RX, OX, NX, CX~~

...

**D. Site and Lot Dimensions**

	<b>R-2</b>	<b>R-4</b>	<b>R-6</b>	<b>R-10</b>	<del><b>RX, OX, NX, CX</b></del>
D1 Net Site Area (min)	53,200 sf	26,600 sf	16,000 sf	13,000 sf	<del>13,000 sf</del>
D2 Site Width (min)	140'	140'	120'	90'	<del>90'</del>
D3 Site depth (min)	120'	120'	100'	90'	<del>90'</del>
D4 Site area per non-Tiny House dwelling unit over four (min)	13,300 sf	6,650 sf	4,000 sf	2,650 sf	<del>2,400 sf</del>
D5 Site area per Tiny House dwelling unit over four (min)	10,000 sf	5,000 sf	3,000 sf	2,000 sf	<del>1,800 sf</del>
D6 Dwelling units per site (max)	30	30	30	30	<del>30</del>
D7 Dwelling unit gross floor area (max) <sup>1</sup>	1,800 sf	1,800 sf	1,800 sf	1,800 sf	<del>1,800 sf</del>
D8 Detached accessory structure footprint	450 sf	450 sf	450 sf	450 sf	<del>450 sf</del>

(max) <sup>2</sup>					
D9 Individual lot area (min)	No min.	No min.	No min.	No min.	No min.

<sup>1</sup> A Tiny House may be no larger than 800 sf in building footprint and no more than 1200 600 sf in gross floor area.

<sup>2</sup> A detached accessory structure must be less than the gross floor area of the principal dwelling.

### E. Internal Courtyard

	R-2	R-4	R-6	R-10	<del>RX, OX, NX, CX</del>
E1 Area (min)	4,000 sf	3,250 sf	2,600 sf	2,100 sf	<del>1,600 sf</del>
E2 Width as measured parallel to primary street for first 15' of site depth (min) <sup>1</sup>	60'	50'	40'	30'	20'
E3 Courtyard area per non-Tiny House unit over four (min)	1,000 sf	850 sf	700 sf	550 sf	400 sf
E4 Courtyard area per Tiny House unit over four (min)	750 sf	425 sf	350 sf	225 sf	200 sf
E5 Setback from primary street (max)	0'	0'	0'	0'	0'

### F. Principal Building/Structure Setbacks (Site)

	R-2	R-4	R-6	R-10	<del>RX, OX, NX, CX</del>
F1 From primary street (min)	20'	20'	10'	10'	10'

F2 From side street (min)	15'	15'	10'	10'	10'
F3 From side site line (min)	10'	10'	10'	10'	10'
F4 From rear site line (min)	20'	20'	20'	20'	20'
F5 From alley (min)	5'	5'	5'	5'	5'
F6 Building Separation (min)	6'	6'	6'	6'	6'

*Residential infill rules (Sec. 2.2.7.) do not apply*

#### F. Principal Building/Structure Setbacks (Lots)

F7 From internal cottage court lot line (min)	3'	3'	3'	3'	3'
F8 From shared internal townhouse lot line (min)	0'	0'	0'	0'	0'

#### G. Surface Parking Setbacks

	R-2	R-4	R-6	R-10	<del>RX, OX, NX, CX</del>
G1 From primary street if not screened from primary street by C3 yard or principal structure (min)	90'	90'	90'	90'	90'

G2 From primary street if screened from primary street by C3 yard or principal structure (min)	50'	50'	50'	50'	<del>50'</del>
G3 From side street (min)	10'	10'	10'	10'	<del>10'</del>
G4 From side lot line (min)	5'	5'	5'	5'	<del>5'</del>
G5 From rear lot line (min)	5'	5'	5'	5'	<del>5'</del>
G6 From alley (min)	0'	0'	0'	0'	<del>0'</del>

*Parking setbacks shall not apply to driveways serving individual dwelling units or shared between two dwelling units.*

**H. Height**

	R-2	R-4	R-6	R-10	<del>RX, OX, NX, CX</del>
H1 Non-Tiny House building height (max)	30'	30'	30'	30'	30'
H2 Tiny House building height (max)	26'	26'	26'	26'	<del>26'</del>
H3 Accessory structure height (max)	17'	17'	17'	17'	<del>17'</del>

*Residential infill rules (Sec. 2.2.7.) do not apply*

...

**Section 17.** Section 2.6.3.A., Accessory Dwelling – Purpose and Objectives, is hereby amended by adding the following language as shown underlined and removing the language shown in strikethrough:



### Sec. 2.6.3. Accessory Dwelling

#### A. Purpose and Objectives

The Accessory Dwelling housing pattern provides for the development of ~~one~~ an accessory dwelling unit or units on a lot with an existing Detached House or Tiny House as an accessory use to a principal use of Single-unit Living, or on a lot with an existing Attached House, Townhouse or Tiny House as an accessory use to a principal use of Two-unit Living, or on a lot developed with an existing Townhouse as an accessory use to a principal use of Multi-unit Living.

**Section 18.** Section 2.6.3.D.2., Accessory Dwelling Regulations, is hereby amended by adding the following language shown underlined:

2. There shall be no more than one ADU on the same lot as a principal dwelling unless it is located in a Frequent Transit Area as shown on the City's Comprehensive Plan which would then allow for up to two ADUs on the same lot as a principal dwelling. However, in the Frequent Transit Area, only one ADU can be attached to the principal dwelling. In the case of a townhouse development only one ADU is permitted per townhouse lot whether within a Frequent Transit Area or not.

**Section 19.** Section 2.6.3.D., Accessory Dwelling Regulations, is hereby amended by adding the following underlined language:

#### D. Accessory Dwelling Unit Regulations

In accordance with this section, an accessory dwelling unit shall conform with the following development regulations:

1. An ADU shall be located on the same lot as a principal dwelling and meet both of the following:
  - a. The gross floor area of the accessory dwelling shall be less than the gross floor area of the total principal dwelling; and
  - b. Shall be affixed to or constructed on a permanent foundation and not be a manufactured home or moveable structure except as specified in Sec. 2.6.3.D.6. below.
2. There shall be no more than one ADU on the same lot as a principal dwelling;
3. It shall be accessed by a lockable external entrance;
4. Ownership of an ADU shall not be transferred apart from its principal dwelling unit;
5. It shall meet all relevant standards and requirements of the UDO, provided however accessory dwelling units shall not be subject to Article 6.7 Accessory Uses and Structures and Sec. 7.1.2.C Parking Requirements by Use.
6. An Accessory Dwelling Unit may be a Manufactured Home as defined in Article 12.2 if it meets all of the following:
  - a. The predominant roofline shall have a pitch of 5:12 or greater.

- b. The eave projections of the roof must not be less than ten inches (excluding roof gutters) unless the roof pitch is 8:12 or greater.
  - c. The minimum height of the first-story exterior wall must be at least seven feet, six inches.
  - d. Materials used as exterior wall covering shall be of a non-reflective material.
  - e. Foundation skirting shall comply with the requirements set forth in Section 4.5.3.D.
  - f. The Manufactured Home is no greater than 600 square feet in gross floor area.
7. Unless attached thereto by a common wall, an ADU must be separated by at least 6' from any other building on the lot.
  8. All ADU entrances must be externally accessible by pedestrians from either the driveway, street and/or alley from which the lot takes access.
  9. ADUs are not permitted on Flag Lots

**Section 20.** Section 2.6.3.F., Accessory Dwelling – Districts Allowed In, is hereby amended by removing the language shown in strikethrough:

**F. Districts Allowed In**

R-1, R-2, R-4, R-6, R-10, ~~RX~~, ~~OX~~, ~~NX~~, ~~CX~~, ~~DX~~

**Section 21.** Section 2.6.3.H. Accessory Dwelling – Detached ADU Setbacks, is hereby amended by adding the language shown in underline and removing the language shown in strikethrough:

	> 40,000 sf	20,000 to 39,999 sf	10,000 to 19,999 sf	6,000 to 9,999 sf	4,000 to 5,999 sf
<b>G. Lot Specifications</b>					
Gross Floor Area (max)	1,000	800	800	800	800
<b>H. Detached ADU Setbacks</b>					
H1 From primary street (min)	Must be located <del>behind rear wall of house</del> <u>at or behind the front wall of the house.</u>				
H2 From side street (min)	<del>15'20'</del>	<del>15'20'</del>	<del>15'20'</del>	10'	10'
H3 From side lot line (min) <sup>1</sup>	10'	5'	5'	5'	5'
H4 From rear lot line (min) <sup>2</sup>	10'	5'	5'	5'	5'
H5 From alley (min)	<del>2'4'</del> without parking / 20' with parking	<del>2'4'</del> without parking / 20' with parking	<del>2'4'</del> without parking / 20' with parking	<del>2'4'</del> without parking / 20' with parking	<del>2'4'</del> without parking / 20' with parking

<sup>1</sup> For townhouse lots, H3 shall only apply to the side site boundary.

<sup>2</sup> For townhouse lots, H4 shall only apply to the rear site boundary.

**Section 22.** Article 2.6., Additional Housing Patterns, is hereby amended by adding the following sections to the end of the Article:

**Section 2.6.4. Flag Lots**

<b>A. Districts Allowed</b>		
<b>A.1 Zoning Districts</b>	R-4, R-6, R-10	
<b>B. Building Types Allowed</b>		
B1 Flag Lot	Tiny House	
B2 Residual Lot	Determined by base zoning district	
<b>C. Flag Lot Dimensions</b>	Non-Frequent Transit Areas	Frequent Transit Areas
C1 Lot Width (min)	10'	10'
C2 Lot Depth (min)	R-4: 70' R-6: 50' R-10: 40'	R-4: 70' R-6: 50' R-10: 40'
C3 Lot Area (min)	3,500 SF	2,500 SF
<b>D. Flag Lot Principal Building Setbacks</b>	Non-Frequent Transit Areas	Frequent Transit Areas
D1 From Primary Street (min)	R-4: 20' R-6: 10' R-10: 10'	R-4: 20' R-6: 10' R-10: 10'
D2 From Side Street (min)	R-4: 20' R-6: 10' R-10: 10'	R-4: 20' R-6: 10' R-10: 10'
D3 From Side Lot Line (min)	5'	5'
D4 Residual Lot Boundary Line (min)	5'	5'
D5 From Rear Lot Line (min)	10'	10'
D6 Setback - From Alley (min)	4' or 20' min	4' or 20' min

D7 Residential Infill Rules may apply (See Sec. 2.2.7)	no	no	
<b>E. Flag Lot Driveway</b>	<b>Non-Frequent Transit Areas</b>	<b>Frequent Transit Areas</b>	
E1 Driveway Treatment	Only Ribbon style or Permeable Surface.	Only Ribbon style or Permeable Surface.	
E2 Driveway Spacing	See <i>Sec. 8.3.5.C.2.</i>	See <i>Sec. 8.3.5.C.2.</i>	
E3 Driveways and Cross Access	See <i>Article 9.5 of the Raleigh Street Design Manual</i>	See <i>Article 9.5 of the Raleigh Street Design Manual</i>	
E4 Residential Infill Rules may apply (See Sec. 2.2.7)	Yes, however driveway spacing only applicable adjacent to lots external to the flag lot subdivision.	Yes, however driveway spacing only applicable adjacent to lots external to the flag lot subdivision.	
<b>F. Residual Lot Dimensions (min)</b>	<b>R-4</b>	<b>R-6</b>	<b>R-10</b>
F1 Lot Width (min)	48'	33'	25'
F2 Lot Depth (min)	70'	50'	40'
<b>G. Residual Lot Setbacks (min)</b>	<b>R-4</b>	<b>R-6</b>	<b>R-10</b>
G1 Rear setback to Flag Lot (min). However, standard District Rear Yard Setbacks (min) for the Principal Structure must be maintained to all rear yard properties external to the flag lot subdivision/recombination.	5'	5'	5'
G2 Side setback to Flag Lot Pole (min) <sup>1</sup>	5'	5'	5'

G3 Residential Infill Rules may apply (See Sec. 2.2.7)	Yes	yes	yes
--	-----	-----	-----

Unless provided for above, refer to applicable building type regulations set forth in Articles 2.2

<sup>1</sup> G2 may be less than 5' if a no-build easement is recorded on the adjacent Flag Lot Pole. The width of the setback on the residual lot plus the width of the no-build easement must be a minimum of 10'.

**Section 23.** Insert an entirely new Article labeled as Article 2.7, Frequent Transit Development Option into the Part 10 Raleigh Unified Development Ordinance as shown below:

The Frequent Transit Development Option allows for additional housing in locations near current and planned frequent transit service. A Frequent Transit Area refers to areas slated for bus or other transit service where the time between vehicles will be 15 minutes or less during peak service periods and must be mapped in the City's Comprehensive plan as such. Where a regulation in this section conflicts with a regulation of a Neighborhood Conservation Overlay District (NCOD), the NCOD regulation shall control.

	R-4	R-6	R-10
<b>Sec. 2.7.1. Frequent Transit Development Option</b>			
<b>A. Building Types</b>			
A1 Applicable Building Types	Tiny House, Detached House, Attached House, Townhouse, Apartment	Detached House, Attached House, Townhouse, Apartment	Detached House, Attached House, Townhouse, Apartment
<b>B. Lot Dimensions</b>			
B1 Area (min)	6,500 sf	4,000 sf	2,500 sf
B2 Lot width (min)	65'	50'	45'
B3 Depth (min)	100'	80'	60'
B4 Density (max)	n/a	n/a	n/a
B5 Outdoor Amenity Area (min) for Townhouse (3+ units) and Apartment	10%	10%	10%
<b>C. Lot Area Required per Unit<sup>1</sup></b>			
C1 Single-unit living (min)	6,500 sf	4,000 sf	2,500 sf

C2 Two-unit living (min)	2,500 sf	1,500 sf	1,000 sf
C3 Multi-unit living (min)	2,000 sf	1,200 sf	800 sf
<b>D. Principal Building Setbacks</b>			
D1 From primary street (min)	10'	10'	10'
D2 From side street (min)	10'	10'	10'
D3 From side lot line (min) <sup>2</sup>	5'	5'	5'
D4 From rear lot line (min) <sup>3</sup>	25'	15'	15'
D5 From Alley (min) <sup>4</sup>	4' or 20'	4' or 20'	4' or 20'
D6 Residential infill rules may apply (see Sec. 2.2.7.) <sup>5</sup>	yes	yes	yes
<b>E. Height</b>			
E1 Detached/Attached Principal Building (max)	40 <sup>2</sup> / <sub>3</sub> stories	40 <sup>2</sup> / <sub>3</sub> stories	40 <sup>2</sup> / <sub>3</sub> stories
E2 Townhouse/Apartment Principal Building (max)	45 <sup>2</sup> / <sub>3</sub> stories	45 <sup>2</sup> / <sub>3</sub> stories	45 <sup>2</sup> / <sub>3</sub> stories
E3 Tiny House (max)	26 <sup>2</sup> / <sub>2</sub> stories	26 <sup>2</sup> / <sub>2</sub> stories	26 <sup>2</sup> / <sub>2</sub> stories
E4 Accessory Structure (max)	25'	25'	25'
E5 Residential Infill rules may apply (see Sec. 2.2.7)	No	No	No
<b>F. Parking Setbacks<sup>6</sup></b>			
F1 From Primary Street (min)	10'	10'	10'
F2 From Side Street (min)	10'	10'	10'
F3 From Side Lot Line (min)	0'	0'	0'
F4 From Rear Lot Line (min)	3'	3'	3'
F5 From Alley (min)	4' or 20' min	4' or 20' min	4' or 20' min
F6 Residential Infill rules may apply (see Sec. 2.2.7)	No	No	No
<b>G. Additional Requirements</b>			
G1 ADU Regulations	There shall be no more than one ADU on the same lot as a principal building unless it is located in a Frequent Transit Area as shown on the City's Comprehensive Plan which would then allow for up to two ADUs on the same lot as a principal dwelling, including attached ADUs. However, in a Frequent Transit Area, only one ADU can be attached or internal to the principal building. In the case of a townhome development only one ADU is permitted per principal dwelling. See Sec. 2.6.3 for additional regulations.		
G2	This development option cannot be used in concert with Compact or Conservation Development option.		
G3	Lots utilizing this option shall have at least a portion of each lot within the mapped Frequent Transit Area in		

	order to take advantage of any regulations listed herein.
G4 <sup>7</sup>	A development site utilizing this option in a residential zoning district shall contain no more than twelve (12) residential units; however, a development site may contain additional residential units provided a number of units equal to at least twenty percent (20%) of the residential units over twelve (12) established within the development site shall be affordable for households earning sixty percent (60%) of the Area Median Income or less for a period of no less than 30 years from the date of issuance of a certificate of occupancy.

See Sec. 1.5.4.D "*Building Setbacks*" for specific building elements requirements.

<sup>1</sup> For Townhouse buildings, this standard shall apply to site area and not lot area.

<sup>2</sup> For Townhouse buildings, C3 shall only apply to the side site boundary.

<sup>3</sup> For Townhouse buildings, C4 shall only apply to the rear site boundary. A permanently recorded open lot or common area lot of at least 20 feet in width may be used to satisfy Sec. 2.5.1.C.4.

<sup>4</sup> Garages (or a portion thereof) must either be located 4 feet from the travel lane of an alley or rear access drive or be a minimum of 20 feet from the alley or rear access drive. Where parking spaces are located between the garage and the alley or rear access drive, the garage must be located at least 20 feet from the travel lane of an alley or rear access drive.

<sup>5</sup> The property owner may elect to either adhere to the primary street setback range set forth in Section 2.2.7, if applicable, or follow only the applicable zoning district's minimum primary street setback regulation.

<sup>6</sup> Parking setbacks shall not apply to driveways serving individual dwelling units or shared between two dwelling units.

<sup>7</sup> The rent and income limits will follow the Affordable Housing Standards determined annually by the City of Raleigh Housing & Neighborhoods Department. An Affordable Housing Deed Restriction in a form approved by the City shall be filed and recorded in the property's chain of title by the property owner in the Wake County Register of Deeds prior to the project receiving a certificate of occupancy. The property owner of development approved under this section shall provide an annual report to the City to demonstrate compliance with the requirements of this section. The report shall utilize a form prescribed by the City and shall be submitted in accordance with a schedule set by the City. Affordable units used to meet the requirements of this section shall be constructed concurrently with the project's market rate units.

**Section 24.** Article 3.2.9. of the Part 10 Raleigh Unified Development Ordinance, Base Dimensional Standards – Tiny House, is hereby amended by adding the following language shown underlined and removing the language shown in strikethrough:

<b>Sec. 3.2.9. Tiny House</b>	<b>RX-, OX-, NX-, CX-</b>	<b>DX-</b>
<b>A. Lot Dimensions</b>		
A1 Area (min)	3,000 <del>2,000</del> sf	n/a
A2 Width (min)	25'	n/a
<b>B. Principal-Building Setbacks</b>		
B1 From primary street(min)	10'	5'
B2 From side street (min)	10'	5'
B3 From side lot line (min)	5'	3'
B4 From rear lot line (min)	20' <u>10'</u>	10'
B5 From alley	<u>4' or 20' min</u>	<u>4' or 20' min</u>
<b>C. Accessory-Structure Setbacks</b>		
C1 From primary street(min)	50'	30'
C2 From side street (min)	10'	5'
C3 From side lot line (min)	5'	3'
C4 From rear lot line (min)	5'	3'
C4 From alley	4' or 20' min	4' or 20' min
<b>D. Height</b>		
D1 Principal building(max)	26' <sup>1</sup> / <sub>2</sub> stories	26' <sup>1</sup> / <sub>2</sub> stories
D2 Accessory structure(max)	25'	25'
See Sec. 1.5.4.D. "Building Setbacks" for specific building element requirements.		

**Section 25.** Insert the following footnote "1" referenced to Section 3.4.4.G1, Detached Frontage – Height Limitations, at the bottom of Section 3.4.4.:

<sup>1</sup>Height limitations not applicable to buildings utilizing the Frequent Transit Development Option Height Bonus.



**Section 26.** Insert an entirely new Article labeled as Article 3.6, Additional Housing Patterns, as shown below and renumber the subsequent Articles in Chapter 3 accordingly in numerical order:

**Article 3.6. Additional Housing Patterns**

**Sec 3.6.1. Cottage Court**

**A. Cottage Court**

A cottage court is a group of small detached houses, attached houses, townhouses (two-unit maximum per building), or tiny houses sharing a common courtyard. The courtyard enhances the character of the area through the provision of consolidated open space. A cottage court may be developed on individual lots or with a common form of ownership.

**B. Districts Allowed In**

RX-, OX-, NX-, CX

**C. Building Types Allowed**

Detached house, attached house, townhouse (two-unit maximum per building), tiny house

**D. Site and Lot Dimensions**

	<b>RX-, OX-,NX-,CX-</b>
D1 Net Site Area (min)	13,000 sf
D2 Site Width (min)	90'
D3 Site depth (min)	90'
D4 Site area per non-Tiny House_ dwelling unit_ over four (min)	2,400 sf

D5 Site area per Tiny House dwelling unit over four (min)	1,800 sf
D6 Dwelling units per site (max)	30
D7 Dwelling unit gross floor area (max) <sup>1</sup>	1,800 sf
D8 Detached accessory structure footprint (max) <sup>2</sup>	450 sf
D9 Individual lot area (min)	No min.

<sup>1</sup> A Tiny House may be no larger than 800 sf in building footprint and no more than 1200 sf in gross floor area.

<sup>2</sup> A detached accessory structure must be less than the gross floor area of the principal dwelling.

**E. Internal Courtyard**

	<b>RX-, OX- ,NX-,CX-</b>
E1 Area (min)	1,600 sf
E2 Width as measured parallel to primary street for first 15' of site depth (min) <sup>1</sup>	20'
E3 Courtyard area per non- Tiny House unit over four (min)	400 sf

E4 Courtyard area per Tiny House unit over four (min)	200 sf
E5 Setback from primary street (max)	0'

**F. Principal Building/Structure Setbacks (Site)**

	<b>RX-, OX-,NX-,CX-</b>
F1 From primary street (min)	10'
F2 From side street (min)	10'
F3 From side site line (min)	10'
F4 From rear site line (min)	20'
F5 From alley (min)	5'
F6 Building Separation (min)	6'

**F. Principal Building/Structure Setbacks (Lots)**

F7 From internal cottage court lot line (min)	3'
F8 From shared internal townhouse lot line (min)	0'

**G. Surface Parking Setbacks**

	<b>RX-, OX- ,NX-,CX-</b>
G1 From primary street if not screened from primary street by C3 yard or principal structure (min)	90'
G2 From primary street if screened from primary street by C3 yard or principal structure (min)	50'
G3 From side street (min)	10'
G4 From side lot line (min)	5'
G5 From rear lot line (min)	5'
G6 From alley (min)	0'

**H. Height**

	<b>RX-, OX- ,NX-,CX-</b>
H1 Non-Tiny House building height (max)	30'
H2 Tiny House building height (max)	26'
H3 Accessory structure height (max)	17'

## **I. Courtyard Requirements and Restrictions**

1. At least 60% of the courtyard must be one contiguous open space.
2. Courtyard may not be parked or driven upon.
3. One common building (detached house building type) not to exceed 3,000 square feet in gross floor area may be permitted in the courtyard under the following conditions:
  - a. The common building may not be used as a dwelling.
  - b. Uses within the common building must be accessory to the cottage court development.
  - c. The common building shall not count towards the maximum number of dwelling units per site (*Sec. 3.6.1.D.6.*)
  - d. Notwithstanding the forgoing, the common building must comply with all other requirements of Section 3.6.1.
4. Inclusive of the common building, up to 20% of the minimum internal courtyard area (*Sec. 3.6.1.E.1.*) may be covered, however only 10% of the minimum internal courtyard area (*Sec. 3.6.1.E.1.*) may be enclosed.
5. Stormwater detention wet ponds and dry ponds shall not count towards the minimum internal courtyard area (*Sec. 3.6.1.E.1.*) Green Stormwater Infrastructure (GSI) practices may be used to meet up to 50% of the minimum internal courtyard area (*Sec. 3.6.1.E.1.*)
6. Tree Conservation Areas shall not be included as part of the minimum internal courtyard area (*Sec. 3.6.1.E.1.*)
7. Retaining walls within the courtyard may be no taller than 4' in height. Retaining walls that are 2' or less in height may be spaced as close as 10' apart. All other retaining walls must be spaced a minimum of 20' apart.
8. Pedestrian Access meeting the requirements of Section 8.3.5. shall be provided from each dwelling unit to the courtyard and any other common areas.

## **J. Additional Requirements for Manufactured Homes to Qualify as Tiny Houses**

A Tiny House may be a Manufactured Home as defined Article 12.2. if it meets all of the following:

1. The predominant roofline shall have a pitch of 5:12 or greater.
2. The eave projections of the roof must not be less than ten inches (excluding roof gutters) unless the roof pitch is 8:12 or greater.
3. The minimum height of the first-story exterior wall must be at least seven feet, six inches.
4. Materials used as exterior wall covering shall be of a non-reflective material.
5. Foundation skirting shall comply with the requirements set forth in Section 4.5.3.D.
6. The Manufactured Home is no greater than 600 square feet in gross floor area.

### **Sec. 3.6.2. Accessory Dwelling**

#### **A. Purpose and Objectives**

The Accessory Dwelling housing pattern provides for the development of accessory

dwelling units on a lot as an accessory use to a principal use.

**B. Base Standards Apply**

Except as specifically set forth in this section, the allowed uses, the dimensional requirements, height limits and general development standards of the underlying zoning district apply.

**C. Definition**

An Accessory Dwelling Unit (ADU) is a self-contained dwelling unit that is located on the same lot as another principal use. Accessory Dwelling Units may be detached, attached, or internal to the principal use. Only residential uses are permitted in Accessory Dwelling Units.

**D. Accessory Dwelling Unit Regulations**

In accordance with this section, an accessory dwelling unit shall conform with the following development regulations:

1. An ADU shall be located on the same lot as a principal use and meet both of the following:
  - a. The gross floor area of the accessory dwelling shall be less than the gross floor area of the total principal use; and
  - b. Shall be affixed to or constructed on a permanent foundation and not be a manufactured home or moveable structure except as specified in Sec. 3.2.6.D.6. below;
2. There shall be no more than one ADU on the same lot as a principal use unless it is located in a Frequent Transit Area as shown on the City's Comprehensive Plan which would then allow for up to two ADUs on the same lot as a principal use. However in the Frequent Transit Area, only one ADU can be attached to the principal building. In the case of a townhouse development only one ADU is permitted per townhouse;
3. It shall be accessed by a lockable external entrance;
4. Ownership of an ADU shall not be transferred apart from its principal building;
5. It shall meet all relevant standards and requirements of the UDO, provided however accessory dwelling units shall not be subject to Article 6.7 Accessory Uses and Structures and Sec. 7.1.2.C Parking Requirements by Use
6. An Accessory Dwelling Unit may be a Manufactured Home as defined in Article 12.2 if it meets all of the following:
  - a. The predominant roofline shall have a pitch of 5:12 or greater.
  - b. The eave projections of the roof must not be less than ten inches (excluding roof gutters) unless the roof pitch is 8:12 or greater.
  - c. The minimum height of the first-story exterior wall must be at least seven feet, six inches.
  - d. Materials used as exterior wall covering shall be of a non-reflective material.

- e. Foundation skirting shall comply with the requirements set forth in Section 4.5.3.D.
  - f. The Manufactured Home is no greater than 600 square feet in gross floor area.
7. Unless attached thereto by a common wall, an ADU must be separated by at least 6' from any other building on the lot.
  8. All ADU entrances must be externally accessible by pedestrians from either the driveway, street and/or alley from which the lot takes access.

**E. Description**

An Accessory Dwelling Unit (ADU) is a self-contained dwelling unit that is located on the same lot as a principal building that meets the regulations identified in Section 3.3.2 An ADU may be located above a garage. ADUs may be detached, attached, or internal to the principal building. Only residential uses are permitted in ADUs.

**F. Districts Allowed In**

RX-, OX-, NX-, CX-, DX-

Gross Floor Area (max)	800
H1 From primary street (min)	Must be located at or behind the front wall of the principal building
H2 From side street (min)	10'
H3 From side lot line (min) <sup>1</sup>	5'
H4 From rear lot line (min) <sup>2</sup>	5'
H5 From alley (min)	4' without parking / 20' with parking
I1 Overall height (max)	26'

<sup>1</sup> For townhouse lots, H3 shall only apply to the side site boundary.

<sup>2</sup> For townhouse lots, H4 shall only apply to the rear site boundary.

**Section 27.** Insert a new Article labeled as “Article 3.7, Frequent Transit Development Option, in the Part 10 Raleigh Unified Development Ordinance:

**Article 3.7 Frequent Transit Development Option**

1. The Frequent Transit Development Option allows for additional housing and employment space in locations near current and planned frequent transit service. A Frequent Transit Area refers to areas slated for bus or other transit service where the time between buses will be 15 minutes or less during peak service periods and must be mapped in the City’s Comprehensive plan as such.
2. The option allows for an additional two stories of height, up to a maximum of five stories, for apartment and mixed use building types. It allows only one additional story of height, up to a maximum of four stories, for general buildings. This additional height applies in Frequent Transit Areas, but not BRT Areas.
3. The option also includes requirements to improve walkability. Any building that incorporates the additional height must adhere to the Urban Limited frontage unless otherwise mapped with the Urban General, Shopfront, Green or Green Plus frontage which then controls. Any building that incorporates the height bonus may not incorporate a drive-thru.

<b>Section 3.7.1. Frequent Transit Development Option</b>	<b>RX-, OX-, NX-, CX-, IX-,</b>
<b>1. Building Types</b>	
A1 Applicable Building Types	Detached House, Attached House, Townhouse, Apartment, Mixed Use Building, and General Building types
<b>B. Lot Dimensions</b>	
B1 Area (min)	2,000 sf
B2 Lot width (min)	45'
B3 Depth (min)	60'
B4 Density (max)	n/a
B5 Outdoor Amenity Area (min) (Does not apply to Tiny House, Detached House, or Attached House)	10%
<b>C. Principal Building Setbacks</b>	
C1 From primary street (min)	10'
C2 From side street (min)	10'
C3 From side lot line (min) <sup>1</sup>	0' or 5'
C4 From rear lot line (min) <sup>2</sup>	15'
C5 From Alley (min) *	4' or 20'
<b>D. Height</b>	
D1 Detached/Attached Principal Building (max)	40'/3 stories



D2 Townhouse/Apartment Principal Building (max)	Set by District
D3 Tiny House (max)	26'2 stories
D4 Accessory Structure (max)	25'
D5 Height Bonus for properties zoned for 3-stories <sup>4</sup>	<p>The Apartment and Mixed-Use building types containing residential uses may be a maximum of five stories not to exceed 80' in height. For developments containing residential uses, a number of units equal to at least twenty percent (20%) of the residential units established in newly allowed stories as the result of this height bonus shall be affordable for households earning sixty percent (60%) of the Area Median Income or less for a period of no less than 30 years from the date of issuance of a certificate of occupancy. The General Building type may be a maximum of four stories not to exceed 68' in height.</p> <p>The height bonus shall not apply to areas zoned –TOD or in a BRT Area as mapped in the Comprehensive Plan. When a property is also zoned with the - Detached frontage, the height bonus shall control.</p>
D6 Frontage and Drive-Thrus	<p>Any building that uses the Height Bonus in D5 above must also adhere to the Urban Limited frontage unless otherwise mapped with the Urban General, Shopfront, Green or Green Plus frontage which then controls. Drive-thrus are not permitted on a site when the D5 height bonus is used. A 5 story building utilizing the height bonus herein shall also conform to the requirements for urban plazas set forth in Section 1.5.3.C.</p>
<b>E. Parking Setbacks<sup>3</sup></b>	
E1 From Primary Street (min)	10'
E2 From Side Street (min)	10'
E3 From Side Lot Line (min)	0'
E4 From Rear Lot Line (min)	3'
E5 From Alley (min) <sup>5</sup>	4' or 20' min
<b>F. Floor Heights</b>	
	As prescribed by the Building Type in

	Chapter 3
<b>G. Transparency</b>	
	As prescribed by the Building Type in Chapter 3
<b>F. Additional Requirements</b>	
F1 ADU Regulations	There shall be no more than one ADU on the same lot as a principal building unless it is located in a Frequent Transit Area as shown on the City's Comprehensive Plan which would then allow for up to two ADUs on the same lot as a principal dwelling, including attached or internal ADUs. However in a Frequent Transit Area, only one ADU can be attached to the principal building. In the case of a townhome development only one ADU is permitted per principal dwelling.
F2	This development option cannot be used in concert with Compact or Conservation Development option
F3	Lots utilizing this option shall have at least a portion of each lot within the mapped Frequent Transit Area in order to take advantage of any regulations listed herein.

See Sec. 1.5.4.D "*Building Setbacks*" for specific building elements requirements.

<sup>1</sup> For Townhouse buildings, C3 shall only apply to the side site boundary.

<sup>2</sup> For Townhouse buildings, C4 shall only apply to the rear site boundary. A permanently recorded open lot or common area lot of at least 20 feet in width may be used to satisfy Sec. 2.5.1.C.4.

<sup>3</sup> Parking setbacks shall not apply to driveways serving individual dwelling units or shared between two dwelling units.

<sup>4</sup> The rent and income limits will follow the Affordable Housing Standards determined annually by the City of Raleigh Housing & Neighborhoods Department. An Affordable Housing Deed Restriction in a form approved by the City shall be filed and recorded in the property's chain of title by the property owner in the Wake County Register of Deeds prior to the project receiving a certificate of occupancy. The property owner of development approved under this section shall provide an annual report to the City to demonstrate compliance with the requirements of this section. The report shall utilize a form prescribed by the City and shall be submitted in accordance with a schedule set by the City. Affordable units used to meet the requirements of this section shall be constructed concurrently with the project's market rate units.

<sup>5</sup> Garages (or a portion thereof) must either be located 4 feet from the travel lane of an alley or rear access drive or be a minimum of 20 feet from the alley or rear access drive. Where parking spaces are located

between the garage and the alley or rear access drive, the garage must be located at least 20 feet from the travel lane of an alley or rear access drive.

**Section 28.** Section 6.1.4. Allowed Principal Use Table, is hereby amended by adding “Frequent Transit Development Option” as a new “specific use” in the “Use Category” column and noting it as a “Limited Use” by inserting it as a row underneath the Residential “Compact Development Option” row in the table and noting it with an “L” in the following Zoning Districts: R-4, R-6, R-10, RX-, OX-, NX-, CX-, IX- and cross reference it in the rightmost column of the table, “Definitions/Use Standards” to Sec. 6.1.2.K. In the row titled “Two-unit Living” in the column titled “R-1”, replace the “-“ with a “L”.

**Section 29.** Section 6.2.1. of the Part 10 Raleigh Unified Development Ordinance, Household Living, is hereby amended by removing the language shown in strikethrough and adding the language shown in underline:

## **B. Two-Unit Living**

### **1. Defined**

Two dwelling units in a single-principal structure

### **2. Use Standards**

In the R-1 district, two-unit living is only permitted in association with the Tiny House building type.

...

## **D. Multi-Unit Living**

### **1. Defined**

Three or more dwelling units in a single principal structure. Multiple principal buildings are allowed on the same lot.

### **2. Use Standards**

- a. In a Residential District where multi-unit living is allowed as a limited use, it is allowed only in a compact-~~or~~, conservation, or frequent transit development (see Article 2.3. Compact Development, and Article 2.4. Conservation Development, or Sections 2.7.1 Frequent Transit Development).
- b. In an IX- District where multi-unit living is allowed as a limited use, it is allowed only in the upper stories of a building. A lobby or other entrance is allowed on the ground floor.

...

## **K. Frequent Transit Development Option**

**1. Defined**

A development where higher density and relaxed district standards may be utilized if the subject property is located within a Frequent Transit Area as designated in the City's Comprehensive Plan encouraging higher density development as a way to focus density and growth towards areas with more intensive transit networks.

**2. Use Standards**

- a. This option may only be applied to properties shown within a Frequent Transit Area as designated in the City's Comprehensive Plan.
- b. The development must meet the standards of either Sections 2.7.1. or 3.7.1., as applicable.

**Section 30.** Section 8.3.5.C.2. of the Part 10 Raleigh Unified Development Ordinance, Driveways for Residential Use, is hereby amended by adding the following language shown in underline:

Unless modified by a zoning condition contained in an adopted conditional zoning ordinance or a design alternate authorized in this UDO, the regulations in subsection C.2 shall apply.

- a. When an improved alley with a width of at least 20 feet is provided, all vehicular access shall take place from the alley. Access may be taken from the side street on corner lots.
- b. Except for townhouse lots, tiny house lots and flag lots (including their residual lots), all lots 40 feet or less in width platted after the effective date of this UDO are required to take vehicular access from an alley or a driveway shared with another lot.
- c. No residential lot may have more than 2 driveways on the same street. Multiple driveways that service 1 lot may be no closer than 40 feet to each other.
- d. Non-alley loaded driveways may intersect a street no closer than 20 feet from the intersection of 2 street rights-of-way.
- e. Parking and driveway areas shall not constitute more than 40% of the area between the front building line and the front property line with the exception of lots used for Tiny Houses (including Flag Lots).
- f. A driveway serving a tiny house lot or flag lot (including their residual lots) shall either be shared with another lot or meet the minimum spacing requirements as specified in the Raleigh Street Design Manual.

**Section 31.** Section 9.2.2.A.1.b.i. of the Part 10 Raleigh Unified Development Ordinance, Active Stormwater Control Measures - Exemptions - Grandfathered Lots, is hereby amended by adding the language shown in underline:

- i. A grandfathered lot of any size, including grandfathered lots that are recombined with other grandfathered lots, used for any detached house or tiny house used for single-unit

living or any attached house, tiny house or two unit townhouse development used for two unit living, including accessory uses.

**Section 32.** Section 9.2.2.A.2.b.i. of the Part 10 Raleigh Unified Development Ordinance, Active Stormwater Control Measures - Exemptions - Subdivided Lots, is hereby amended by adding the language shown in underline:

- i. Any detached house or tiny house used for single-unit living or any attached house, tiny house or two unit townhouse development used for two-unit living, including their accessory uses, situated on a subdivided lot that was part of a subdivision of one acre or less in aggregate size, including subdivided lots that are recombined with other similar subdivided lots.

**Section 33.** Section 9.2.2.A.4. of the Part 10 Raleigh Unified Development Ordinance, Active Stormwater Control Measures - Exemptions – Impervious Surfaces Limitations and Other Regulations, is hereby amended by deleting the language shown in strikethrough:

...

Notwithstanding the impervious surface limitations of this subsection, any lot with either an existing detached house ~~or tiny house~~ used for single-unit living or an existing attached house used for two-unit living shall be entitled to a one-time 400 square foot increase of impervious surface area without providing the additional stormwater control measures required by this subsection. This one-time exemption shall only be allowed if the qualifying structure (i) existed prior to the application of this ordinance, and (ii) the qualifying structure exists when the one-time exemption is applied to the property. However, the exemption once used shall remain with the property even if the qualifying structure is later demolished, voluntarily or involuntarily, from the property. This exemption, if not used, shall be inapplicable if the qualifying structure is voluntarily demolished from the property.

**Section 34.** Section 9.2.2.B.2.b.i. of the Part 10 Raleigh Unified Development Ordinance, Residential Development, is hereby amended by adding the language shown in underline:

- i. For any detached house or tiny house used for single-unit living or any attached house, or tiny house or two unit townhouse development used for two-unit living, a one-time offset payment may be paid to the North Carolina Riparian Buffer Restoration Fund to reduce the nitrogen export load of up to 6 pounds per acre per year to 3.6 pounds per acre per year.

**Section 35.** Section 10.3.5. of the Part 10 Raleigh Unified Development Ordinance, Nonconforming Lots of Record, is hereby amended by adding the following language shown in underline:

**A. Authority to use For Single-Unit or Two-Unit Living**

In any district in which a single-unit living detached house or two-unit living attached house is allowed as a permitted use, notwithstanding the regulations imposed by any other provisions of this UDO, a single-unit living detached house, or tiny house, or two-unit living attached house or tiny house which complies with the restrictions of *Sec. 10.3.5.B.* below may be erected on a nonconforming lot that:

1. Has less than the prescribed minimum lot area, depth, or width; and
2. Is shown by a recorded plan or deed to have been a lot of record owned separately and individually from adjoining tracts of land at a time when the creation of a lot or tract of such area, width, and depth at such location would not have been prohibited by any building type requirement, zoning or other ordinance.

#### **B. Regulations for Single Unit Living or Two-Unit Living Use of Nonconforming Lots**

A nonconforming lot authorized to be used pursuant to *Sec. 10.3.5.A.* above may be used for a single-unit living detached house or tiny house, or two-unit living attached house or tiny house and permitted accessory uses and structures. Construction of the single-unit living detached house or tiny house, or two-unit living attached house or tiny house shall comply with all the regulations, except lot area, depth, or width, applicable to the detached, tiny or attached house in the district in which the lot is located, unless a variance is granted pursuant to *Sec. 10.2.10.*

**Section 36.** Chapter 12 of the Part 10 Raleigh Unified Development Ordinance, Definitions, is hereby amended by adding the following definition:

#### **Ribbon Driveway**

Also called “strip driveway,” a driveway that consists of two parallel strips of permanent non-erodible material (see *Sec. 7.1.9*) with groundcover or similar pervious material in between. One of the strips may be no more than 2’ wide while the other may be up to 4’ wide to accommodate pedestrian access and a 3’ wide median shall be maintained in either scenario.

**Section 37.** This text change has been reviewed by the Raleigh Planning Commission.

**Section 38.** This ordinance has been adopted following a duly advertised legislative hearing of the Raleigh City Council.

**Section 39.** This ordinance has been provided to the North Carolina Capital Planning Commission as required by law.

**Section 40.** 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 41.** This ordinance is effective 90 days after adoption.

**Adopted:** May 10, 2022

**Effective:** August 8, 2022

**Distribution:** Young, Bowers, Crane, Walter; Waddell, Rametta, McDonald, Hodge, York, Puccini,  
Taylor, Sheppard  
City Attorney DL

**ORDINANCE NO. (2022) 440 TC 475**

**REVISED**

**TC-3-22 OMNIBUS LIST 2022**

**AN ORDINANCE TO AMEND THE PART 10 RALEIGH UNIFIED DEVELOPMENT  
ORDINANCE**

**WHEREAS**, the Unified Development Ordinance is a regulatory document and in order to properly regulate development, the document should be clear and understandable; and

**WHEREAS**, errors and inconsistencies in the document can undermine the consistency and application of the regulations; and

**WHEREAS**, after application of certain standards, staff has identified areas for improvement; and

**WHEREAS**, staff has identified a need to enhance or clarify certain processes contained within the document; and

**WHEREAS**, it is in the public interest to make minor modifications to improve the usability the code and accomplish stated policy objectives.

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

**Section 1.** Section 1.4.2. of the Part 10 Raleigh Unified Development Ordinance, Building types Allowed by District – Key, is replaced in its entirety with the following table (see attached):





**Section 2.** Section 1.5.3.B.2. of the Part 10 Raleigh Unified Development Ordinance, Outdoor Amenity Area General Requirements, is hereby amended by adding the language shown in underline and deleting the language shown in strikethrough:

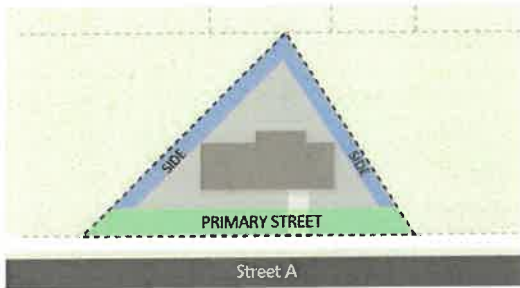
“...All areas usable to pedestrians must also be ADA accessible ~~Outdoor amenity areas required for existing buildings that do not have elevators or do not otherwise require them, may be located on upper levels~~ , however, this requirement shall not apply to outdoor amenity areas on the upper stories of existing buildings, allowed by Sec. 1.5.3.C.1., that do not have ADA compliant elevators or an accessible route to said amenity areas as allowed by Sec. 1.5.3.C.1.

**Section 3.** Section 1.5.3.C.1. of the Part 10 Raleigh Unified Development Ordinance, Additional Requirements for Urban Plazas, is hereby amended by adding the language shown in underline and deleting the language shown in strikethrough:

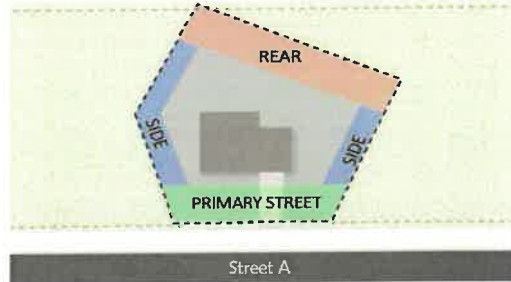
1. Outdoor amenity areas may be located on upper levels of a building ~~and must be accessible by elevator if the building includes one. H,~~ however, these elevated amenity areas can account for no more than 50% of the minimum required outdoor amenity area for the site.

**Section 4.** Section 1.5.4.B.4. of the Part 10 Raleigh Unified Development Ordinance, Measurement of Setbacks, is hereby amended by adding the following language and graphics:

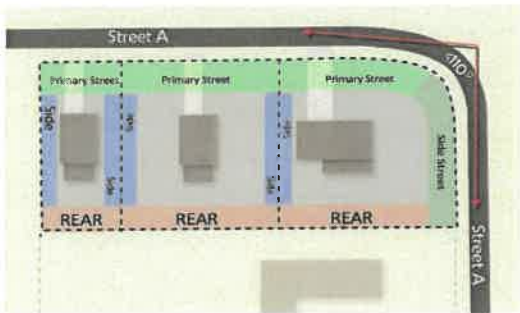
4. For the irregular shaped lots described below, setbacks shall be assessed as follows:



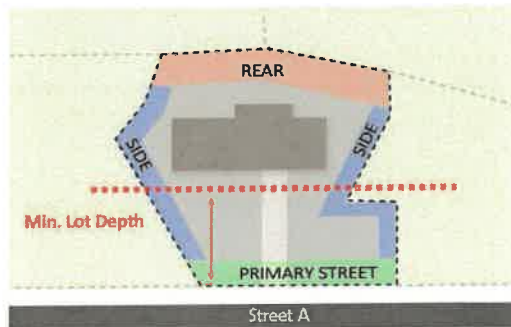
**a.** In instances where a lot has no definable rear property line (e.g. triangular shaped lot), there is no rear setback.



**b.** On irregularly shaped lots, the rear lot line is opposite or approximately opposite to the front lot line. The side lot lines are perpendicular or approximately perpendicular to the front lot line.



**c.** In instances where a lot has a curved frontage so that any two adjacent 100-foot chords thereof form an angle of 110 degrees or less, as measured along the centerline of the street, the lot shall be determined to be a corner lot.



**d.** On irregularly shaped lots, lot lines parallel or opposite the primary street will be considered to be side lot lines when the lot line is closer to the primary street than the minimum depth.

**Section 5.** Section 1.5.4.D.1.j. of the Part 10 Raleigh Unified Development Ordinance, Setback Encroachments, is hereby amended by adding the language shown in underline and deleting the language shown in strikethrough:

j. If a variance is not required, a building feature may encroach into the right-of-way, provided a license for the use of the right-of-way is obtained from the City, authority having jurisdiction. ~~which is terminable at will by the City. A City license is terminable at will by the City.~~

**Section 6.** Section 1.5.6.C.3. of the Part 10 Raleigh Unified Development Ordinance, Setback Encroachments, is hereby amended by adding the language shown in underline and deleting the language shown in strikethrough:

...

~~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.~~

When any of the items listed below are generally parallel to the right-of-way, located within the build-to range, and reduce the build-to range to less than 5', then the build-to range shall be reduced by 50% and measured from the edge of the impediment. For example, a lot with a 17' parallel easement and initial build-to range of 0'/20' shall be considered to have a new build-to range of 17'/27'.

[list of impediments]

**Section 7.** Section 2.2.7.C.4. of the Part 10 Raleigh Unified Development Ordinance, Street Setback (Minimum and Maximum), is hereby amended by deleting the language shown in strikethrough and adding the language shown in underline:

~~4. Riparian Buffers, Floodways, areas of steep slope (defined as slopes in excess of 25%), pre-established Tree Conservation Areas, City of Raleigh easements, drainage easements, slope easements, voluntary tree conservation in compliance with Art. 9.1 for trees with a DBH of 10 inches or greater and protective yards (and associated setbacks) are considered impediments to compliance with the primary street setback range. Where an applicant can demonstrate that an impediment located within the primary street setback prevents compliance with the primary street setback, the comparative setback sample shall be considered the edge of the impediment. The setback range may be adjusted pursuant to~~  
Section 1.5.6.C.3.

**Section 8.** Section 3.4.4.C.1. of the Part 10 Raleigh Unified Development Ordinance, Additional Building Setbacks, is hereby amended by adding the language shown in underline and deleting the language shown in strikethrough:

~~C1 Average front setback applies (see Sec. 2.2.7.C.)~~ Street Setback (Minimum and Maximum) applies (see Sec. 2.2.7.)

**Section 9.** Sections 3.4.2.C. of the Part 10 Raleigh Unified Development Ordinance, Pre-existing Conditions, is hereby amended by adding the language shown in underline:

...

2. Lots and sites subject to build-to requirements that contain pre-existing buildings and maintain pre-existing buildings and which add additions to existing buildings that singularly or collectively comprise no more than 25% of the gross floor area existing at the time the build-to requirements became applicable to the property, or 1,000 square feet, whichever is greater, are allowed to expand the building anywhere within their minimum setbacks, without deference to the build-to requirements. All other frontage requirements, if any, shall apply.

3. Lots and sites subject to build-to requirements that contain pre-existing buildings and maintain pre-existing buildings and which either add additions to existing buildings in excess of those allowed by item number 2. above or construct any new additional buildings on the lot shall conform to the following build to requirements. All other frontage requirements, if any, shall apply.

...

**Section 10.** Section 3.4.3.G. of the Part 10 Raleigh Unified Development Ordinance, Parkway – Streetscape Requirement, is hereby amended by adding the language shown in underline and removing language shown in strikethrough:

Sidewalk & tree lawn see Sec. ~~8.5.2.G.~~ 8.5.9.G.

**Section 11.** Section 3.4.4.D.1. of the Part 10 Raleigh Unified Development Ordinance, Detached – Additional Parking Limitations, is hereby amended by adding the language shown in underline:

1. No on-site parking or vehicular surface area permitted between the building and the street, with the exception of driveways serving single or two-unit living.

**Section 12.** Section 3.4.4.H. of the Part 10 Raleigh Unified Development Ordinance, Detached – Streetscape Requirement, is hereby amended by adding the following language shown in underline and removing language shown in strikethrough, as follows:

Residential see Sec. ~~8.5.2.D.~~ 8.5.9.D

**Section 13.** Section 3.4.5.G. of the Part 10 Raleigh Unified Development Ordinance, Parking Limited – Streetscape Requirement, is hereby amended by adding the language shown in underline and removing language shown in strikethrough:

Main Street; or see Sec. ~~8.5.2.A.~~ 8.5.9.A.  
Mixed Use; or see Sec. ~~8.5.2.B.~~ 8.5.9.B.  
Commercial; or see Sec. ~~8.5.2.C.~~ 8.5.9.C.  
Multi-way; or see Sec. ~~8.5.2.E.~~ 8.5.9.E.  
Parking. see Sec. ~~8.5.2.F.~~ 8.5.9..F

**Section 14.** Section 3.4.6. of the Part 10 Raleigh Unified Development Ordinance, Green is hereby amended by adding the language shown in underline and removing language shown in strikethrough:

A. Intended for areas where it is desirable to locate buildings close to the street, but where parking between the building and street is not permitted. Requires a landscaped area between the building and the street right-of-way. Amenity area may be located between the landscaped area and the building.

...

F. ~~Landscape Yard Encroachments~~ Landscape Area

F1. ~~Driveways (see Sec. 8.3.5.)~~ The landscape area must be landscaped in accordance with Type C3 street protective yard standards (see Sec. 7.2.4.B.).  
However, in no instance shall a 3.5' wall be substituted for shrubs.

F2. ~~Ground Signs (see Article 7.3. Signs)~~

F3. ~~Pedestrian access way~~

G. ~~Streetscape Requirement~~ Landscape Yard Encroachments

G1. ~~Commercial (see Sec. 8.5.2.C.)~~ Driveways (see Sec. 8.3.5.)

G2. Ground Signs (see Article 7.3. Signs)

G3. Pedestrian access way

H. Streetscape Requirement

H1. Commercial (see Sec. 8.5.9.C.)

**Section 15.** Section 3.4.7.F. of the Part 10 Raleigh Unified Development Ordinance, Urban Limited – Streetscape Requirement, is hereby amended by adding the following language shown in underline and removing language shown in strikethrough:

Main Street; or see Sec. ~~8.5.2.A.~~ 8.5.9.A.

Mixed Use see Sec. ~~8.5.2.B.~~ 8.5.9.B.

**Section 16.** Section 3.4.8.F. of the Part 10 Raleigh Unified Development Ordinance, Urban General – Streetscape Requirement, is hereby amended by adding the language shown in underline and removing language shown in strikethrough:

Main Street; or see Sec. ~~8.5.2.A.~~ 8.5.9.A.

Mixed Use see Sec. ~~8.5.2.B.~~ 8.5.9.B.

**Section 17.** Section 3.4.9.F. of the Part 10 Raleigh Unified Development Ordinance, Shopfront – Streetscape Requirement, is hereby amended by adding the language shown in underline and removing language shown in strikethrough:

Main Street see Sec. ~~8.5.2.A.~~ 8.5.9.B.

**Section 18.** Section 3.5.1.A. of the Part 10 Raleigh Unified Development Ordinance, Applicability, is hereby amended by adding the language shown in underline and removing the language shown in strikethrough:

A. The following neighborhood transition standards apply in the Mixed Use and Campus Districts when the following occurs:

1. The site immediately abuts a district boundary of an R-1, R-2, R-4, ~~or R-6, or R-10~~ district, where the abutting property is vacant or contains an existing detached house, tiny house, or attached house ~~except where the abutting property contains a civic use~~; or
2. ~~The site immediately abuts a district boundary of an R-10 district where the abutting property is vacant or contains an existing detached house, tiny house or attached house used for residential purposes.~~
2. The site immediately abuts a district boundary of a Planned Development (PD-) district where the abutting property is vacant or contains a detached house, tiny house, or attached house and any of the following apply:
  - i. Has a residential reference district; or
  - ii. Does not permit general and mixed-use buildings; or
  - iii. Does not permit commercial and industrial uses.

**Section 19.** Section 3.5.5.C. of the Part 10 Raleigh Unified Development Ordinance, Wall Articulation, is hereby amended by adding the language shown in underline and deleting the language shown in strikethrough:

The rear facade of the building that faces the residential property as described in Sec. 3.5.1.A. is subject to a maximum blank wall area of 30 feet as calculated in Sec. 1.5.10. The blank wall area provisions are not subject to an Administrative Design Alternate.

**Section 20.** Section 3.5.6. C.5.c. of the Part 10 Raleigh Unified Development Ordinance, Design Requirements, is hereby amended by adding the language shown in underline and deleting the language shown in strikethrough:

The alley-facing facade is subject to a maximum blank wall area of 30 feet as calculated in Sec. 1.5.10. The blank wall area provisions are not subject to an Administrative Design Alternate.

**Section 21.** Section 4.2.1.C., of the Part 10 Raleigh Unified Development Ordinance, Conservation Management – General Provisions, is hereby amended by adding the language shown in underline and deleting the language shown in strikethrough:

C. All CM-zoned primary tree conservation areas shall have tree cover by either preserving existing trees with a basal area of at least 30 square feet per acre as determined by increments of 50 feet in length, or if such trees are not present, shall be planted with shade trees in accordance with Sec. ~~9.1.10-9.1.9.A.6.~~

**Section 22.** Section 4.7.4.A. of the Part 10 Raleigh Unified Development Ordinance, Planned Development (PD)- Application Requirements, is hereby amended by adding the following underlined language to the end of the section:

18. Residential Buffer Plan.

**Section 23.** Section 5.4.3.E.5. of the Part 10 Raleigh Unified Development Ordinance, Development Standards-Setbacks, is hereby amended by adding the language shown in underline:

5. Setbacks; Where the NCOD prescribes a particular setback range, said range may be adjusted pursuant to Section 1.5.6.C.3. Where the NCOD requires a comparative setback sample and differences in right-of-way widths exist between the subject property and comparative sample properties, the comparative setbacks shall be measured and applied from the centerline of the primary street rather than the property line along the primary street.

**Section 24.** Section 6.1.4, Allowed Principal Use Table, ‘Community Garden’ row, is amended by replacing ‘S’ for ‘L’ within the R-2, R-4, and R-6 columns. Add row ‘Community Garden (on-site sales) and place ‘L’ within the R-1, R-10, RX-, OP-, OX-, NX-, CX-, DX- and IX-

columns, 'S' within the R-2, R-4, R-6 columns. 'Urban Farm' row is amended by replacing '—' for 'S' within the R-1, R-2, R-4, R-6, and R-10 columns.

**Section 25.** Section 6.4.2.B.1, of the Part 10 Raleigh Unified Development Ordinance, Adult Establishment - defined, is hereby amended by adding the language shown in underline and removing language shown in strikethrough:

**B. Adult Establishment**

**1. Defined**

Adult cabarets, adult media centers, sadomasochism centers, and any place contained in N.C. Gen. Stat. ~~§14-202-10(b)~~ §14-202.10(2), excluding masseurs.

**Section 26.** Section 6.4.6.E.2.a. of the Part 10 Raleigh Unified Development Ordinance, Short Term Rental – Use Standards, is hereby amended by adding the language shown in underline and deleting the language shown in strikethrough:

a. Every short-term rental operator shall first apply for and procure a miscellaneous zoning permit from the City. ~~Zoning permits must be renewed annually.~~

**Section 27.** Section 6.3.3.C.2.d.ii.b., of the Part 10 Raleigh Unified Development Ordinance, Telecommunication Tower (less than 250 feet), is hereby amended by adding the language shown in underline and removing language shown in strikethrough:

...

b) The Board of Adjustment may grant a further reduction to the setbacks for the removal of an existing tower and replacement with a new tower with more telecommunications users ~~in accordance with Sec. 6.3.3.D.~~ If shown that the lesser setback will reduce the number of towers in the area. In all cases, the Board of Adjustment shall also show that the lesser setback will not be injurious to property or improvements in the affected area. In no case shall the setback be reduced to less than 50% of the tower height.

...

**Section 28.** Section 6.6.1.B. of the Part 10 Raleigh Unified Development Ordinance, Use Standards – Community Garden, is hereby amended by adding the language shown in the underline and removing the language shown in strikethrough:

...

**2. Use Standards**

a. A community garden shall be primarily used for growing and harvesting food crops and ornamental crops, for consumption or donation or for sale on or off-site.



b. On-site sales shall be permitted in R-1, R-10, Mixed Use and Special Districts subject to the following conditions:

- i. ~~Sales shall be limited to agricultural produce. In addition, 25% of the on-site sales area may be devoted to the sales of homemade food goods such as baked goods, jams and relishes.~~ Sales shall be limited to agricultural produce not exceeding a maximum of 2,000 square feet per lot (not including areas devoted to driveways and off-street parking). In addition to the sales of agricultural produce, 25% of the produce stand area may be devoted to the sales of home made food goods such as baked goods, jams and relishes.
- ii. ~~The total sales area shall be limited to no more than 600 square feet for lots less than 10,000 square feet in size, 900 square feet for lots 10,000 square feet to 40,000 square feet in size and 1,200 square feet for lots greater than 40,000 square feet in lot size. Tents, stands, signs or other related structures shall provide a minimum 10-foot setback from all property lines and public rights-of-way and shall not be located within sight distance triangles~~
- iii. ~~Tents, stands, signs, and other structures associated with the on-site use shall maintain a minimum setback of 10 feet from all property lines. Areas devoted to off-street vehicular parking shall be oriented to provide for safe pedestrian and vehicular circulation and arranged so that vehicular ingress and egress to the parking areas is by forward motion of the vehicle.~~
- iv. ~~Notwithstanding the prohibitions, limitations and restrictions of Art. 7.3 Signs, signage for the on-site sales shall be limited to one additional A-frame sign of no more than 6 square feet in area and no higher than 5 feet and may be displayed during business hours but must be removed daily when the business is closed. Signage shall not be illuminated. Signage shall be limited to 1 unlit announcement sign not to exceed 12 square feet in area and be no higher than 3½ feet above the ground elevation.~~
- v. ~~All activities shall be discontinued by 8:00 PM when located in a Residential District.~~
- vi. ~~Waste collection facilities shall be provided on the property and may be portable in nature. Such facilities shall be constructed and maintained to minimize visual impact and not create odor, fumes, loose debris and animal, rodent or insect infestation. Screening shall consist of landscaping or a wall or fence compatible with the principal building, if applicable, in terms of texture, quality, material and color.~~

- vii. A zoning permit showing consistency with these conditions shall be required prior to establishments of the on-site sales use and any changes thereto.
  - viii. No required landscape planting areas shall be utilized in association with the on-site sales activity and no unauthorized encroachments on public rights-of-way shall be permitted.
  - ix. In no instance shall on-site sales be established on a site containing a Produce Stand as defined in Section 6.8.2.D.
- c. ~~On-site sales may be permitted in the mixed use and special districts provided the standards of Section 6.8.2.D. for Produce Stands in non residential districts are met. A zoning permit showing consistency with these conditions shall be required prior to establishment of the on-site sales use and any changes thereto.~~ On-site sales in R-2, R-4 and R-6 shall require the issuance of a Special Use Permit in accordance with Section 10.2.9. In addition to the showings required by Sec. 10.2.9.E.1. through 8., all of the standards set forth in Section 6.6.1.B.2.b. must be met.

...

**Section 29.** Section 6.7.3.G.5. of the Part 10 Raleigh Unified Development Ordinance, Recreational Use Related to a Residential Development, is hereby amended by deleting that section shown in strikethrough below and renumbering the following sections therein accordingly:

- 5. ~~Any pool with any linear dimension greater 65 feet or with any area in excess of 4,000 square feet must be approved as special use permit in accordance with Sec. 10.2.9.~~

**Section 30.** Section 7.2.4.B.1.b. of the Part 10 Raleigh Unified Development Ordinance, Street Protective Yard, is hereby amended by adding the language shown in underline and deleting the language shown in strikethrough:

...

- b. ~~Where an IH District is across the street from any other district other than an IH District,~~ For any property zoned IH, a Type C1 or C2 street protective yard must be installed along all property lines abutting a public right-of-way.

**Section 31.** Section 7.2.8.B. of the Part 10 Raleigh Unified Development Ordinance, Wall and Fence General Standards, is hereby amended by adding the language shown in underline and deleting the language shown in strikethrough:

- 1. Fences and walls must be constructed of high quality materials including 1 or a combination of the following: decorative blocks; brick; stone; cast-stone; architectural block; split-faced

block; stucco over standard concrete masonry blocks; glass block; wood; wrought iron; composite fencing; wire; PVC vinyl; aluminum; or metal, or other material approved by the Development Services Director.

**Section 32.** Section 8.1.3.A. of the Part 10 Raleigh Unified Development Ordinance, Construction Surety, is hereby amended by adding the language shown in underline:

**Sec. 8.1.3. Construction Surety**

- A. If all development-related improvements and installations are not completed and accepted by the City prior to a request to record all or a part of any subdivision or issuance of a building permit for any site plan, whichever first occurs, a security instrument shall be posted, in lieu of completion of the work, in an amount of 125% of the estimated construction cost of the development related improvements which remain incomplete and with surety and conditions satisfactory to the City, providing for and securing to the City the actual construction and installation of improvements. Projects undertaken by the City of Raleigh are exempted from this requirement to provide construction sureties.

**Section 33.** Section 8.3.5. of the Part 10 Raleigh Unified Development Ordinance, Site Access, is hereby amended by adding the language shown in underline:

**2. Driveways for Residential Uses**

Residential driveway spacing standards are only applicable to driveways serving a maximum of two dwelling units. All other development types are subject to Nonresidential standards. Unless modified by a zoning condition contained in an adopted conditional zoning ordinance or a design alternate authorized in this UDO, the regulations in subsection C.2 shall apply.

...

**Section 34.** Section 8.3.5.C.3. of the Part 10 Raleigh Unified Development Ordinance, Driveways for Mixed Use and Nonresidential Uses, is hereby amended by adding the language shown in underline and deleting the language shown in strikethrough:

**3. Driveways for Mixed Use and Nonresidential Uses**

...

g. Service and loading driveways integrated into a building or parking structure are exempt from the driveway spacing requirements. Parking structure driveways for passenger vehicle ingress/egress are subject to spacing requirements consistent with Raleigh Street Design Manual -Chapter 3, shown on each street cross-section.

**Section 35.** Section 8.11.1.B.1. of the Part 10 Raleigh Unified Development Ordinance, Transit Infrastructure - Applicability, is hereby amended by adding the language shown in underline:

1. Where a Tier 2 or Tier 3 plan is proposed on lots with frontage on an existing near term planned or long-term planned transit route the requirements of this Article shall apply.

**Section 36.** Section 8.11.2.B. of the Part 10 Raleigh Unified Development Ordinance, Transit Infrastructure – Requirement Thresholds, is hereby amended by adding the language shown in underline:

- B. A new transit stop shall not be required if an existing transit stop is within a walking distance of 1,320 feet and located on the same side of the street with the same facilities that a new transit stop would be required to provide. This exemption shall not be allowed for Tier 2 or Tier 3 site plans that serve a hospital, senior housing, life care community or congregate care facility.

**Section 37.** Section 9.1.4.B.2. of the Part 10 Raleigh Unified Development Ordinance, Secondary Tree Conservation Areas, is hereby amended by deleting the language shown in strikethrough:

2. Secondary tree conservation areas described in Sec. 9.1.4.B.1.a. and Sec. 9.1.4.B.1.b. above and their alternates must be at least 32 feet in all directions and be a minimum of 4,000 square feet in area, ~~excluding external boundaries.~~

**Section 38.** Section 9.1.6.B.2.b. of the Part 10 Raleigh Unified Development Ordinance, Permitting Tree Disturbing Activities, is hereby amended by adding the language shown in underline and deleting the language shown in strikethrough:

- b. For each 200 square feet of tree disturbed land area, a 2-inch caliper shade tree is either planted between the principal building and the roadway or is planted in approved alternate areas of the site.

**Section 39.** Section 9.1.6.B.2.d. of the Part 10 Raleigh Unified Development Ordinance, Permitting Tree Disturbing Activities, is hereby amended by adding the language shown in underline and deleting the language shown in strikethrough:

- d. All substituted natural areas and newly planted areas must be designated as tree conservation areas on plats with metes and bounds descriptions recorded with the Wake~~local~~ County Register of Deeds.

**Section 40.** Section 9.1.9.A.6. of the Part 10 Raleigh Unified Development Ordinance, Watershed Protection Overlay Districts, is hereby amended by adding the language shown in underline:

6. The minimum size and planting rate of new tree plantings used to fulfill this requirement shall be either 1 bare-root seedling at least 14 inches tall planted per 100 square feet (10 feet by 10 feet centers) or one 2-inch caliper shade tree planted per 200 square feet.

**Section 41.** Section 10.2.4.E. of the Part 10 Raleigh Unified Development Ordinance, Rezoning, Approval Process is hereby amended by adding the language shown in underline and deleting the language shown in strikethrough:

**1. Planning Director Action**

...

**2. Planning Commission Action**

- a. The Planning Commission, or one of its committees shall hold a legislative hearing on the application. The legislative hearing shall be noticed in accordance with the provisions of Sec. 10.2.1.C.

...

- c. No changes to the conditions shall be considered and deliberated on by the Planning Commission unless ~~a signed copy of the conditions has been submitted at least 10 calendar days prior to the date of Planning Commission meeting at which the final vote is taken~~ the following limitations are met:

- i. Unsigned conditions must be submitted to City Planning at least 10 calendar days before the date of the next meeting at which the Planning Commission discussion of the application is scheduled;
- ii. The unsigned conditions must be signed by all owners of the property sought to be rezoned and submitted to City Planning at least two business days before the date of the next meeting at which the Planning Commission discussion of the application is scheduled; and
- iii. The signed conditions cannot modify the unsigned conditions except to respond to staff comments or to make non-substantive or clerical corrections.

...

**3. Legislative Hearing by City Council**

- a. Following the recommendation of the Planning Commission or expiration of the applicable Planning Commission review period without a recommendation, the City Council shall conduct a legislative hearing. City Council shall act to schedule the hearing within 60 days of receiving the request from the Planning Commission, and notice shall be given in accordance with Sec. 10.1.8.
- b. Changes to the conditions may be made following City Council's receipt of the Planning Commission recommendation ~~and~~ subject to the following limitations:

- i. Unsigned conditions with the changes must be submitted to City Planning at least 10 calendar days before City Council acts to schedule the matter for public hearing;
- ii. The unsigned conditions must be, provided such revised conditions are signed by all of the property owners of the land proposed property sought to be rezoned, to a conditional district and are and submitted to City Planning at least 2 two business days before the date the City Council acts to schedule the matter for public hearing; and
- iii. The signed conditions cannot modify the unsigned conditions except to respond to staff comments or to make non-substantive or clerical corrections.

...

## 5. City Council Action

- a. Revisions may be made to proposed conditions in conditional rezoning and TCZ cases during the legislative hearing or within 30 days following the date on which the hearing is closed subject to the following limitations:
  - i. Unsigned conditions with the changes must be, provided that any change to any zoning condition is submitted to City Planning at least 10 calendar days before the date of the next meeting at which the City Council discussion of the application is scheduled;
  - ii. The unsigned conditions must be signed by all owners of the property sought to be rezoned and submitted to City Planning at least two business days before the date of the next meeting at which the City Council discussion of the application is scheduled; and
  - iii. The signed conditions cannot modify the unsigned conditions except to respond to staff comments or to make non-substantive or clerical corrections.

...

**Section 42.** Section 10.2.5.E.7.c. of the Part 10 Raleigh Unified Development Ordinance, Sunsetting of a Preliminary Subdivision Plan, is hereby amended by deleting the language shown in strikethrough and adding the language shown in underline:

c. If all the requirements of Sec. ~~10.2.5.E.8.b.~~ 10.2.5.E.7.b. above are met, the Development Services Planning Director shall permit only one 3-year extension calculated from the date the request for extension is approved by the Development Services Director.

**Section 43.** Section 10.2.8.A.4. of the Part 10 Raleigh Unified Development Ordinance, Site Plan Review - Applicability is hereby amended by adding the language shown in underline and deleting the language shown in strikethrough:

Establishment of a new use on a vacant property is a ~~Tier three site plan~~ Tier Three Site Plan except for 10.2.8.B.1.a.~~iii~~, iv, v, vi, viii, ~~xii and xiii~~, and xv, and 10.2.8.B.2.a.iii and v.

**Section 44.** Section 10.2.8.B.1.a. of the Part 10 Raleigh Unified Development Ordinance, Tier One Site Plans, is hereby amended by adding the language shown in underline and deleting the language shown in strikethrough:

xv. The establishment of a community garden.

**Section 45.** Section 10.2.8.B.3.c. of the Part 10 Raleigh Unified Development Ordinance, Tier Three Site Plans, is hereby amended by adding the language shown in underline and deleting the language shown in strikethrough:

Establishment of a new use on a vacant property is a Tier Three Site Plan ~~Tier three site plan~~ except for 10.2.8.B.1.a.iv, v, vi, viii, ~~ix~~, xiii, ~~xiv~~, and xv, and 10.2.8.B.2.a.iii and v.

**Section 46.** Section 10.2.8.D.1.a. of the Part 10 Raleigh Unified Development Ordinance, Site Review, is hereby amended by adding the language shown in underline and deleting the language shown in strikethrough:

- i. Site Review Application; ~~and~~
- ii. Site Review Checklist; and
- iii. Administrative Design alternate requests (see Sec. 10.2.17.); ~~and~~
- iv. ~~Administrative design adjustments (see Sec. 10.2.18).~~

**Section 47.** Section 10.2.17. Design Alternate, is hereby amended by adding the language shown in underline:

#### **D. Approval Process**

...

~~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.~~

~~3-2.~~ 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 design alternate request that shall be noticed in accordance with the provisions of Sec. 10.2.1.C.

4. ~~3.~~ The Planning Commission or Appearance Commission, performing the quasi-judicial duties of the Planning Commission (as designated by the City Council) may approve, approve with conditions, or deny a design alternate request. Each design alternate decision shall be based on the competent, material, and substantial evidence in the record establishing compliance with the standard applicable to the design alternate request. The standards required for the approval of design alternates from the UDO 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:

...

#### **E. Showings for 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~~evidentiary hearing and approve a design alternate from the provisions of the Raleigh Street Design Manual upon a showing of all of the findings set forth below:

...

**Section 48.** Section 10.4.2.E.2. of the Part 10 Raleigh Unified Development Ordinance, Enforcement - Civil Penalties for Continuing Violations, is hereby amended by adding the language shown in underline and deleting the language shown in strikethrough:

2. If after the allotted time period for corrective measures has expired and ~~after the hearing of any appeal, if any, by the Board of Adjustment~~ corrective action has not been completed, a civil penalty shall be assessed in the amount of \$500 per day of continuing violation. Each day's continuing violation shall be a separate and distinct violation or offense.

**Section 49.** Chapter 12, Definitions, is hereby amended by adding the language shown in underline:

#### **Corner Lot**

A lot that has frontage along two or more intersecting streets. Where a street curves so that any two adjacent 100-foot chords thereof form an angle of 110 degrees or less, measured along the centerline of the street, such curve shall be construed as an intersecting street.

#### **Loading Areas**

An off-street area, space, dock, door, or berth used for the loading or unloading of cargo, products or materials to or from vehicles. This does not include loading areas used by the general public in association with retail sales or a similar use.



**Service Areas**

An area used for trash collection, trash compaction, recycling collection or other similar functions.

**Section 50.** All laws and clauses of laws in conflict herewith are repealed to the extent of such conflict.

**Section 51.** 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 52.** This text change has been reviewed by the Raleigh Planning Commission.

**Section 53.** This ordinance has been adopted following a duly advertised legislative hearing of the Raleigh City Council.

**Section 54.** This ordinance has been provided to the North Carolina Capital Planning Commission as required by law.

**Section 55.** This ordinance shall be enforced as provided in N.C.G.S. 160A-175 or as provided in the Raleigh City Code.

**Section 56.** This ordinance is effective 30 days after adoption.

**ADOPTED:** November 15, 2022

**EFFECTIVE:** December 15, 2022

**DISTRIBUTION:** Planning & Development – Young, Bowers, Crane, Waddell, Ray, Rametta,  
Lobo, Stegall, McDonald, Sheppard  
City Attorney – Tatum, Hofmann, York, Hargrove-Bailey  
Department Heads  
Transcription Svcs – Taylor

### Sec. 1.4.2. Building Types Allowed by District

Building types are allowed by district as set forth below.



	Detached House	Attached House	Townhouse	Apartment	General Building	Mixed Use Building	Civic Building	Open Lot	Tiny House
<b>Residential Districts</b>									
Residential-1 (R-1)	■	--	--	--	--	--	■	■	■
Residential-2 (R-2)	■	■	□(1)	--	--	--	■	■	■
Residential-4 (R-4)	■	■	□(2)	--(2)	--	--	■	■	■
Residential-6 (R-6)	■	■	■	□(3)	--	--	■	■	■
Residential-10 (R-10)	■	■	■	■	--	--	■	■	■
<b>Mixed Use Districts</b>									
Residential Mixed Use (RX-)	■	■	■	■	--	--	■	■	■
Office Park (OP-)	--	--	--	--	■	■	■	■	--
Office Mixed Use (OX-)	■	■	■	■	■	■	■	■	■
Neighborhood Mixed Use (NX-)	■	■	■	■	■	■	■	■	■
Commercial Mixed Use (CX-)	■	■	■	■	■	■	■	■	■
Downtown Mixed Use (DX-)	■	■	■	■	■	■	■	■	■
Industrial Mixed Use (IX-)	--	--	--	--	■	■	■	■	--
<b>Special Districts</b>									
Conservation Management (CM)	--	--	--	--	--	--	--	■	--
Agricultural Productive (AP)	■	--	--	--	■	--	--	■	--
Heavy Industrial (IH)	--	--	--	--	■	--	--	■	--
Manufactured Housing (MH)	See Article 4.5. Manufactured Housing (MH)								
Campus (CMP)	Allowed building types determined on master plan (see Article 4.6. Campus (CMP))								
Planned Development (PD)	Allowed building types determined on master plan (see Article 4.7. Planned Development (PD))								

KEY: ■ = Building Type Allowed □ = Building type may be allowed as Part of an Approved Compact, Conservation or Cottage Court Development. Refer to Chapters 2 and 3 for more information.  
 -- = Building Type Not allowed

(1) In R-2, townhouse developments are restricted to a maximum of two dwelling units, however, 3+ dwelling unit townhouse developments, and apartments, are allowed in the -TOD overlay.  
 (2) In R-4, townhouse developments are restricted to a maximum of two dwelling units, however, 3+ dwelling unit townhouses developments, and apartments, are allowed in the -TOD overlay or as part of a Frequent Transit Development.  
 (3) In R-6, apartments are allowed in the -TOD overlay or as part of a Frequent Transit Development.



### Sec. 1.4.2. Building Types Allowed by District

Building types are allowed by district as set forth below.

	Detached House	Attached House	Townhouse	Apartment	General Building	Mixed Use Building	Civic Building	Open Lot	Tiny House*
<b>Residential Districts</b>									
<b>Residential-1 (R-1)</b>									
Conventional Dev. Option	■	■	■	■	□(4)	■	■	■	■
Compact Dev. Option	■	■	■	■	■	■	■	■	■
Conservation Dev. Option	■	■	■	■	■	■	■	■	■
Cottage Court Housing Pattern	■	■	■	■	■	■	■	■	■
Frequent Transit Area Dev. Option	■	■	■	■	■	■	■	■	■
Flag Lot Housing Pattern	■	■	■	■	■	■	■	■	■
<b>Residential-2 (R-2)</b>									
Conventional Dev. Option	■	■	■(1)	■(1)	■	■	■	■	■
Compact Dev. Option	■	■	■	■	■	■	■	■	■
Conservation Dev. Option	■	■	■	■	■	■	■	■	■
Cottage Court Housing Pattern	■	■	■	■	■	■	■	■	■
Frequent Transit Area Dev. Option	■	■	■	■	■	■	■	■	■
Flag Lot Housing Pattern	■	■	■	■	■	■	■	■	■
<b>Residential-4 (R-4)</b>									
Conventional Dev. Option	■	■	■(2)	■(2)	■	■	■	■	■
Compact Dev. Option	■	■	■	■	■	■	■	■	■
Conservation Dev. Option	■	■	■	■	■	■	■	■	■
Cottage Court Housing Pattern	■	■	■	■	■	■	■	■	■
Frequent Transit Area Dev. Option	■	■	■	■	■	■	■	■	■
Flag Lot Housing Pattern	■	■	■	■	■	■	■	■	■
<b>Residential-6 (R-6)</b>									
Conventional Dev. Option	■	■	■	■(3)	■	■	■	■	■
Compact Dev. Option	■	■	■	■	■	■	■	■	■
Conservation Dev. Option	■	■	■	■	■	■	■	■	■
Cottage Court Housing Pattern	■	■	■	■	■	■	■	■	■
Frequent Transit Area Dev. Option	■	■	■	■	■	■	■	■	■
Flag Lot Housing Pattern	■	■	■	■	■	■	■	■	■
<b>Residential-10 (R-10)</b>									
Conventional Dev. Option	■	■	■	■	■	■	■	■	■
Compact Dev. Option	■	■	■	■	■	■	■	■	■
Conservation Dev. Option	■	■	■	■	■	■	■	■	■
Cottage Court Housing Pattern	■	■	■	■	■	■	■	■	■
Frequent Transit Area Dev. Option	■	■	■	■	■	■	■	■	■
Flag Lot Housing Pattern	■	■	■	■	■	■	■	■	■

KEY: ■ = Building Type Allowed □ = See footnote □ = Building Type Not allowed

(1) In R-2, townhouse developments are restricted to a maximum of two dwelling units, however, 3+ dwelling unit townhouse developments, and apartments, are allowed in the TOD overlay.

(2) In R-4, townhouse developments are restricted to a maximum of two dwelling units, however, 3+ dwelling unit townhouse developments, and apartments, are allowed in the TOD overlay.

(3) In R-6, apartments are allowed in the TOD overlay.

(4) In R-1, the general building type is allowed only as part of a water or wastewater treatment plant use described in Sec. 6.3.3.E.



### Sec. 1.4.2. Building Types Allowed by District

Building types are allowed by district as set forth below.

	Detached House	Attached House	Townhouse	Apartment	General Building	Mixed Use Building	Civic Building	Open Lot	Tiny* House
<b>Neighborhood Mixed Use (NX-)</b>	■	■	■	■	■	■	■	■	■
Parkway Frontage (-PK)	■	■	■	■	■	■	■	■	■
Detached Frontage (-DE)	■	■	■	■	■	■	■	■	■
Parking Limited Frontage (-PL)	■	■	■	■	■	■	■	■	■
Green Frontage (-GR)	■	■	■	■	■	■	■	■	■
Urban Limited Frontage (-UL)	■	■	■	■	■	■	■	■	■
Urban General (-UG)	■	■	■	■	■	■	■	■	■
Shopfront Frontage (-SH)	■	■	■	■	■	■	■	■	■
Green Plus Frontage (-GP)	■	■	■	■	■	■	■	■	■
<b>Commercial Mixed Use (CX-)</b>	■	■	■	■	■	■	■	■	■
Parkway Frontage (-PK)	■	■	■	■	■	■	■	■	■
Detached Frontage (-DE)	■	■	■	■	■	■	■	■	■
Parking Limited Frontage (-PL)	■	■	■	■	■	■	■	■	■
Green Frontage (-GR)	■	■	■	■	■	■	■	■	■
Urban Limited Frontage (-UL)	■	■	■	■	■	■	■	■	■
Urban General (-UG)	■	■	■	■	■	■	■	■	■
Shopfront Frontage (-SH)	■	■	■	■	■	■	■	■	■
Green Plus Frontage (-GP)	■	■	■	■	■	■	■	■	■
<b>Downtown Mixed Use (DX-)</b>	■	■	■	■	■	■	■	■	■
Parkway Frontage (-PK)	■	■	■	■	■	■	■	■	■
Detached Frontage (-DE)	■	■	■	■	■	■	■	■	■
Parking Limited Frontage (-PL)	■	■	■	■	■	■	■	■	■
Green Frontage (-GR)	■	■	■	■	■	■	■	■	■
Urban Limited Frontage (-UL)	■	■	■	■	■	■	■	■	■
Urban General (-UG)	■	■	■	■	■	■	■	■	■
Shopfront Frontage (-SH)	■	■	■	■	■	■	■	■	■
Green Plus Frontage (-GP)	■	■	■	■	■	■	■	■	■

KEY: ■ = Building Type Allowed    -- = Building Type Not allowed

\* A Tiny House may be constructed as a manufactured home. See UDO Article 12.2 for the definition of manufactured home.