

# CHAPTER 1. INTRODUCTORY PROVISIONS

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## Article 1.1. Legal Provisions

### Sec. 1.1.1. Title

The official title of this document is Part 10: Unified Development Ordinance for the City of Raleigh, North Carolina and is referred to throughout this document as "this UDO."

### Sec. 1.1.2. Applicability

- A. This UDO applies to all land, buildings, structures and uses located within the corporate limits and the extraterritorial jurisdiction of the City of Raleigh, North Carolina.
- B. To the extent allowed by law, the provisions of this UDO apply to all land, buildings, structures and uses owned, leased or otherwise controlled by any district, County, State or Federal government agencies.

### Sec. 1.1.3. Effective Date

This UDO was adopted on February 18, 2013 and became effective on September 1, 2013 by Ordinance No. 2013 151 TC 357 (TC-3-12).

### Sec. 1.1.4. Purpose and Intent

This UDO is adopted to preserve, protect and promote the public health, safety and general welfare of residents and businesses in the City. More specifically, this UDO is adopted to achieve the following objectives:

- A. Implement the policies and goals contained within officially adopted plans, including the Comprehensive Plan;
- B. Improve the built environment and human habitat;
- C. Conserve and protect the City's natural beauty and setting, including trees, scenic vistas and cultural and historic resources;
- D. Ensure that new development conserves energy, land and natural resources;
- E. Protect water quality within watershed critical areas, the general watershed areas of designated water supply watersheds and other watershed districts;
- F. Encourage environmentally responsible development practices;
- G. Promote development patterns that support safe, effective and multi-modal transportation options, including auto, pedestrian, bicycle and transit and

therefore minimize vehicle traffic by providing for a mixture of land uses, walkability and compact community form;

- H. Provide neighborhoods with a variety of housing types to serve the needs of a diverse population;
- I. Promote the greater health benefits of a pedestrian-oriented environment;
- J. Reinforce the character and quality of neighborhoods;
- K. Remove barriers and provide incentives for walkable projects;
- L. Protect and promote appropriately located commercial and industrial activities in order to preserve and strengthen the City's economic base;
- M. Encourage compact development;
- N. Ensure that adequate facilities are constructed to serve new development;
- O. Provide for orderly growth and development of suitable neighborhoods with adequate transportation networks, drainage and utilities and appropriate building sites;
- P. Save unnecessary expenditures of funds by requiring the proper initial construction of transportation networks, sidewalks, drainage facilities and utilities; and
- Q. Provide land records for the convenience of the public and for better identification and permanent location of real estate boundaries.

### Sec. 1.1.5. Relationship to the Comprehensive Plan

The Comprehensive Plan serves as the basic policy guide for development under this UDO. The policies and action items of the Comprehensive Plan may be amended from time to time to meet the changing requirements of the City in accordance with the standards and procedures in *Sec. 10.2.2*.

### Sec. 1.1.6. Minimum Requirements

The requirements of this UDO are considered to be the minimum requirements for the promotion of the public health, safety and general welfare.

### Sec. 1.1.7. Conflicting Provisions

- A. If any provisions of this UDO are inconsistent with similar provisions of State or Federal law, the more restrictive provision shall control, to the extent permitted by law.

- B. Conflicts and duplications among portions of this UDO shall be resolved in favor of the more stringent regulation.

### Sec. 1.1.8. Severability

- A. It is expressly declared that this UDO and each section, subsection, sentence and phrase would have been adopted regardless of whether one or more other portions of the UDO are declared invalid or unconstitutional (See Section 14-1004).
- B. If for any reason any specific condition or regulation of a conditional use zoning district ordinance is found to be invalid, it is the intention of this section that such invalidity shall not affect other provisions or applications of the conditional use zoning district ordinance. However, when any property owner or their tenant or agents challenge any specific condition or regulation of a conditional use zoning district ordinance, then the entire zoning district ordinance shall return to its prior zoning classification upon a finding of invalidity of any specific condition or regulation.

### Sec. 1.1.9. Ownership & Management of Common Elements

#### A. Applicability

- 1. This UDO requires common elements which are used for the benefit of multiple lots in a variety of its regulations, including, but not limited to:
  - a. Tree conservation areas for subdivisions 2 acres and greater in size (*Sec. 9.1.4.*);
  - b. Common open space (*Article 2.5., Article 4.6. and Article 4.7.*);
  - c. Outdoor amenity area (*Sec. 1.5.3.*);
  - d. Townhouse party walls;
  - e. Objects or improvements for a subdivision located on, under, in, or over public property or public street right-of-way which is subject to an encroachment agreement with a governmental entity; and
  - f. City greenways and permanently protected undisturbed open space areas (*Article 9.2.*).
- 2. A City Code Covenant is required for developments that contain a common element. When a development contains a common element that is owned, maintained or installed to the benefit of a lot owned by a

unit of government, alternate compliance to the City Code Covenant may be allowed. This alternate compliance must be in the form of a written agreement and must, to the satisfaction of the City's Development Services Director, address maintenance responsibilities, cost sharing, and rights of access. The alternate compliance described herein shall not relieve any lot owner of any other applicable provisions of this UDO.

- 3. For the purposes of this section, it does not matter whether the common elements are owned by a homeowners' association or are governed by easements; in both instances, a City Code Covenant is required. An executed copy of the City Code Covenant shall be submitted to Development Services prior to the recording of the final subdivision plat or prior to the issuance of building permits whichever event first occurs.

#### B. City Code Covenant

The City Code Covenant is a form instrument that can be found on the City's web portal. The contents of the City Code Covenant are:

- 1. Establishment of a homeowners' association;
- 2. Mandatory membership in the association for owners;
- 3. Association responsibility for expenditures, including liability insurance, taxes on common areas, maintenance of common elements, payment of assessments, utility charges and management, enforcement and administrative expenses;
- 4. Association empowerment to levy assessments against lot owners;
- 5. Easements for access, parking and walkways granted to owners;
- 6. Limitations on conveying common space or elements;
- 7. Provisions for common party walls;
- 8. Perpetual access easements for immediately abutting buildings;
- 9. Maintenance of private streets (if any);
- 10. Perpetual rights of access for all common elements and private streets for governmental agencies;
- 11. Obligations for tree protection;
- 12. Limits on immunity and indemnification;
- 13. Restrictions on parking on private streets;
- 14. Limits within clear sight triangles;

15. Provisions for common ownership of water and sewer lines; and
16. Provisions regarding maintenance and planting in landscape easements.

### C. Recording City Code Covenant

1. The City Code Covenant shall be recorded with the County Register of Deeds office where the property is located. By the end of the next business day following the recordation of the final subdivision plat, the developer shall provide Development Services evidence of the recorded City Code Covenant.
2. In all other instances, evidence of the recorded City Code Covenant shall be presented to Development Services no later than 1 day following the recording of the City Code Covenant.
3. No building permit will be issued for any portion of the development unless and until evidence of recordation of the City Code Covenant is first presented to Development Services.

### Sec. 1.1.10. Penalties and Remedies

Enforcement may be by any one or more of the following methods and the institution of any action under any of these methods shall not relieve any party from any other civil or criminal proceeding prescribed for violations and prohibitions.

#### A. Equitable Remedy

The City may apply for any appropriate equitable remedy to enforce the provisions of this UDO.

#### B. Injunction

Enforcement may also be achieved by injunction. When a violation occurs, the City may either before or after the institution of any other authorized action or proceeding, apply to the appropriate division of the General Court of Justice for a mandatory or prohibitory injunction commanding the defendant, or in the case of counterclaims the plaintiff, to correct the unlawful condition or cease the unlawful use of the property.

#### C. Order of Abatement

The City may apply for and the court may enter an order of abatement. An order of abatement may direct that buildings or other structures on the property be closed, demolished or removed; that fixtures, furniture or other movable property be removed; that improvements or repairs be made; or that any other

action be taken that is necessary to bring the property into compliance with this chapter. Whenever the party is cited for contempt by the court and the City executed the order of abatement, the City shall have a lien, in the nature of a mechanic's and materialman's, on the property for the cost of executing the order of abatement.

#### D. Criminal

Violations of this UDO shall constitute a misdemeanor or infraction as provided by N.C. Gen. Stat. §14-4 and the maximum fine, term or imprisonment or infraction penalty allowed by law is hereby authorized.

### Sec. 1.1.11. Existing Buildings and Structures

No existing building or structure constructed prior to September 1, 2013 shall be considered a nonconforming structure based on any of the following provisions:

- A. Build-to regulations in Sec. 1.5.6.;
- B. Pedestrian access regulations in Sec. 1.5.8.;
- C. Transparency regulations in Sec. 1.5.9.;
- D. Blank wall regulations in Sec. 1.5.10.; and
- E. Residential garage parking options in Sec. 1.5.12.

### Sec. 1.1.12. Adopted Manuals

The following external manuals contain technical requirements and are maintained by the City and referenced in this UDO:

- A. Addressing Manual;
- B. Guidelines for Land Disturbing Activity;
- C. Design Guidelines for Raleigh Historic Districts and Landmarks dated May 2, 2017;
- D. Private Use of Public Spaces;
- E. Public Utilities Handbook;
- F. Solid Waste Services Design Manual;
- G. Stormwater Management Design Manual;
- H. Street Design Manual dated January 1, 2018; and
- I. Tree Manual.

## Article 1.2. Zoning Map

### Sec. 1.2.1. Establishment of Official Zoning Map

- A. The location and boundaries of zoning districts established by this UDO are shown and maintained as part of the City's Geographic Information System (GIS) under the direction of the Planning Director. The Zoning GIS layer constitutes the City of Raleigh's Official Zoning Map and is part of this UDO. All notations, references and other information shown shall have the same force and effect as if fully set forth or described in this UDO.
- B. At the direction of City Council, the Planning Director is authorized to revise the Official Zoning Map. No unauthorized person may alter or modify the Official Zoning Map.
- C. City Planning must maintain digital or printed copies of the Official Zoning Map and maintain records of superseded official maps.
- D. All changes to the Official Zoning Map of the City shall be identified by updating the original computer digital data of each change, together with the date of the change.
- E. When the City's extraterritorial jurisdiction is expanded, changes in the Official Zoning Map shall be identified by updating the original computer digital data with the date of the change.
- F. A hard copy of the data and changes to the data will be kept by City Planning; all revisions to hard copies will be numbered, dated and signed by the Planning Director.

### Sec. 1.2.2. Interpretation of Map Boundaries

- A. In the event that any uncertainty exists with respect to the intended boundaries as shown on Official Zoning Map, the Planning Director is authorized to interpret the boundaries.
- B. Where uncertainty exists as to the boundaries of any zoning district shown on the Official Zoning Map, the precise location is to be determined as follows:
  1. Where a boundary line is shown as coinciding, binding along or superimposed upon a lot line, such lot line shall be deemed to be a boundary line.
  2. Where the location of a boundary line is indicated by a designated number of feet, that distance controls.

3. Where a boundary line is shown as within or binding along a street, alley, waterway or right-of-way, the boundary line is deemed to be in the center of the street, alley, waterway or right-of-way except in the cases where the edge of the street, alley, waterway or right-of-way is designated as the boundary line.
4. Where a boundary line is shown as binding along a railroad track or as being located a designated number of feet from a railroad track or where the location of a boundary line may be scaled from a railroad track, the nearest rail of the track designated controls.
5. Where a boundary line is superimposed on a topographic elevation line, the precise location of the boundary line must be determined by field survey of the topographic elevation line, unless the topographic elevation has been relocated through grading subsequent to establishment of the boundary line.
6. Where a boundary line is shown and its location is not fixed by any of the rules above, its precise location shall be determined by the use of the scale shown on the map.

### Sec. 1.2.3. Rules of Interpretation

Where an approved zoning condition conflicts with a standard of the corresponding general use district, the following shall apply.

- A. The new general use district is controlling.
- B. The UDO height, setback, parking, landscaping and screening regulations when more stringent than in the conditional use zoning district ordinance are controlling. The calculation of height, setback and parking shall be in accordance with the UDO.
- C. All approval processes shall follow the regulations of this UDO.
- D. If the conditional use zoning ordinance limits uses to a former legacy zoning district, those use limitations shall continue except if the former allowed use is not allowed in the new UDO general use zoning district. Limited uses and special uses will be determined by the UDO general use district.

## Article 1.3. Zoning Districts

### Sec. 1.3.1. General Use Zoning Districts

The following general use zoning districts are established and applied to property as set forth on the Official Zoning Map.

#### Residential Districts

R-1	Residential-1
R-2	Residential-2
R-4	Residential-4
R-6	Residential-6
R-10	Residential-10

#### Mixed Use Districts

RX-	Residential Mixed Use
OP-	Office Park
OX-	Office Mixed Use
NX-	Neighborhood Mixed Use
CX-	Commercial Mixed Use
DX-	Downtown Mixed Use
IX-	Industrial Mixed Use

#### Special Districts

CM	Conservation Management
AP	Agricultural Productive
IH	Heavy Industrial
MH	Manufactured Housing
CMP	Campus
PD	Planned Development

### Sec. 1.3.2. Conditional Use Zoning Districts

The following conditional use zoning districts are established and applied to property as set forth on the Official Zoning Map. Each conditional use district (bearing the designated CU on the Official Zoning Map) corresponds to a general use district. All zoning requirements that apply to the general use district are also applicable to the corresponding conditional use district unless adopted conditions are more restrictive.

#### Residential Districts

R-1-CU	Residential-1
R-2-CU	Residential-2
R-4-CU	Residential-4
R-6-CU	Residential-6
R-10-CU	Residential-10

#### Mixed Use Districts

RX-CU	Residential Mixed Use
OP-CU	Office Park
OX-CU	Office Mixed Use
NX-CU	Neighborhood Mixed Use
CX-CU	Commercial Mixed Use
DX-CU	Downtown Mixed Use
IX-CU	Industrial Mixed Use

#### Special Districts

CM-CU	Conservation Management
AP-CU	Agricultural Productive
IH-CU	Heavy Industrial
MH-CU	Manufactured Housing
CMP-CU	Campus

### Sec. 1.3.3. Overlay Districts

The following overlay districts are established and applied to property as set forth on the Official Zoning Map.

-ADUOD	Accessory Dwelling Unit Overlay District
-AOD	Airport Overlay District
-MPOD	Metro-Park Overlay District
-UWPOD	Urban Watershed Protection Overlay District
-FWPOD	Falls Watershed Protection Overlay District
-SWPOD	Swift Creek Watershed Protection Overlay District
-SHOD-1	Special Highway Overlay District -1
-SHOD-2	Special Highway Overlay District -2
-HOD-G	General Historic Overlay District
-HOD-S	Streetside Historic Overlay District
-NCOD	Neighborhood Conservation Overlay District
-TOD	Transit Overlay District
-SRPOD	Special Residential Parking Overlay District

**Sec. 1.3.4. Legacy Districts**

The following districts are referred to as legacy districts. These districts exist in the former Part 10 Zoning Code, and will eventually be replaced with a UDO zoning district. No new legacy district may be added to the Official Zoning Map, nor may any boundary of an existing legacy district be modified. These legacy districts may exist as a general use district or as a conditional use district.

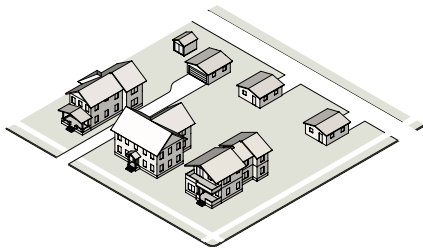
- R-15 Residential-15
- R-20 Residential-20
- R-30 Residential-30
- SpR-30 Special Residential-30
- RB Residential Business
- O&I-1 Office and Instituion-1
- O&I-2 Office and Instituion-2
- O&I-3 Office and Instituion-3
- BC Buffer Commercial
- SC Shopping Center
- NB Neighborhood Business
- BUS Business
- TD Thoroughfare District
- I-1 Industrial-1
- I-2 Industrial-2
- DOD Downtown Overlay District
- PBOD Pedestrian Business Overlay District
- PDD Planned Development District
- SHOD-3 Special Highway Overlay District-3
- SHOD-4 Special Highway Overlay District-4



## Article 1.4. Building Types

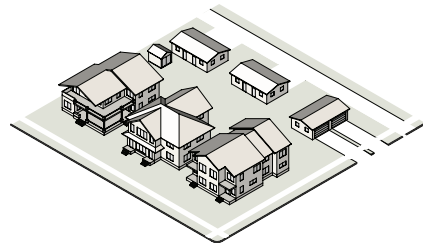
### Sec. 1.4.1. Building Type Descriptions

The following building types have been established to allow for detailed regulation of the form within each zoning district. All graphic depictions of building types are for illustrative purposes only.



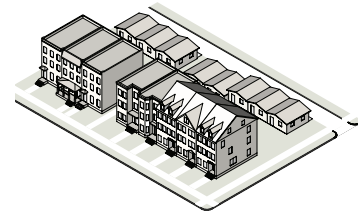
#### A. Detached House

A building constructed to accommodate 1 dwelling unit on a single lot. A series of detached houses as part of a cottage court may be located on a single lot. In a Mixed Use District, a detached house may be used for nonresidential purposes.



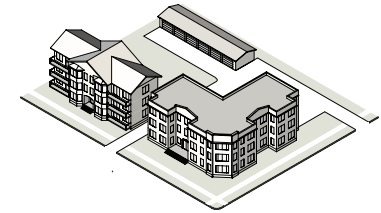
#### B. Attached House

A building constructed to accommodate 2 principal dwelling units on a single lot. A series of attached houses as part of a cottage court may be located on a single lot. In a Mixed Use District, an attached house may be used for nonresidential purposes.



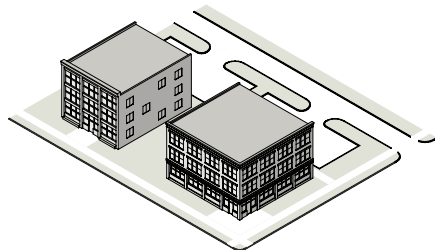
#### C. Townhouse

A building constructed to accommodate 2 or more dwelling units that are horizontally integrated where each dwelling unit is separated vertically by a party wall. Units may be placed on individual lots or the entire building may be placed on a single lot. In a Mixed Use District, a townhouse may be used for nonresidential purposes.



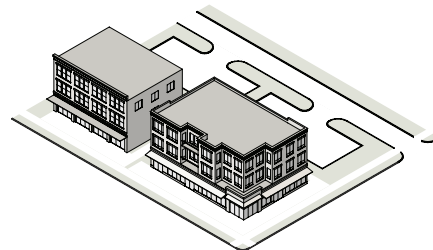
#### D. Apartment

A building constructed to accommodate 3 or more dwelling units that are vertically or horizontally integrated. A common kitchen is allowed. A limited set of nonresidential uses may be allowed in ground floor corner units in a Mixed Use District.



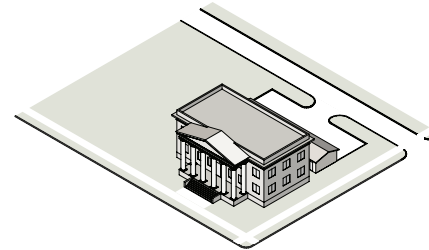
#### E. General Building

A building constructed to accommodate nonresidential uses on all floors.



#### F. Mixed Use Building

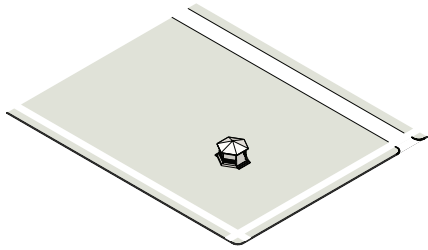
A multi-story building constructed to accommodate retail on the ground floor and uses in addition to retail on the upper floors.



#### G. Civic Building

A building that in residential zoning districts exclusively accommodates civic uses, as well as rest homes, day care centers, life care, congregate care, special care facilities and accessory uses. Land uses otherwise allowed in the applicable zoning district are allowed in civic buildings in nonresidential zoning districts.



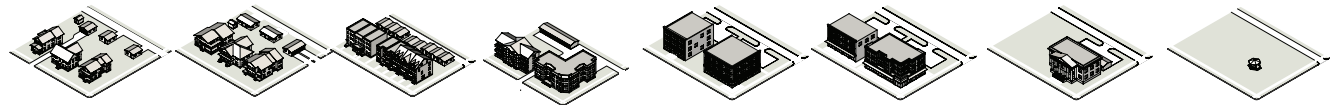


### H. Open Lot

Open lots are used to accommodate uses with large outdoor or open areas. An open lot can also accommodate open space, parks or natural areas.

### 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
<b>Residential Districts</b>								
Residential-1 (R-1)	■	--	--	--	--	--	■	■
Residential-2 (R-2)	■	□	--	--	--	--	■	■
Residential-4 (R-4)	■	□	□	--	--	--	■	■
Residential-6 (R-6)	■	■	□ <sup>(1)</sup>	□	--	--	■	■
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)	<i>See Article 4.5. Manufactured Housing (MH)</i>							
Campus (CMP)	<i>Allowed building types determined on master plan (see Article 4.6. Campus (CMP))</i>							
Planned Development (PD)	<i>Allowed building types determined on master plan (see Article 4.7. Planned Development (PD))</i>							

**KEY:** ■ = Building Type Allowed    □ = Building Type Allowed as Part of an Approved Conservation Development    -- = Building Type Not allowed

<sup>(1)</sup> In R-6, townhouses approved prior to September 1, 2013 are not considered nonconforming structures or uses.

# Article 1.5. Measurement, Exceptions & General Rules of Applicability

## Sec. 1.5.1. Site

### A. Defined

A site is any lot or group of contiguous lots owned or functionally controlled by the same person or entity, assembled for the purpose of development.

### B. Site Area

#### 1. Gross

Gross site area is the total area of a site, including proposed streets or other land required for public use that is attributable to the site, as dedicated by the owner or predecessor in title.

#### 2. Net

Net site area is the area included within the rear, side and front lot lines of the site. Does not include existing or proposed public streets or right-of-way.

### C. Site Width

Site width is the distance between the side lot lines of the site (generally running perpendicular to a street) measured at the primary street property line along a straight line or along the chord of the property line.

### D. Site Depth

Site depth is the distance between the front and rear property lines of the site measured along a line midway between the side property lines.

## Sec. 1.5.2. Lot

### A. Defined

A parcel of land either vacant or occupied intended as a unit for the purpose, whether immediate or for the future, of transfer of ownership or possession or for development.

### B. Lot Area

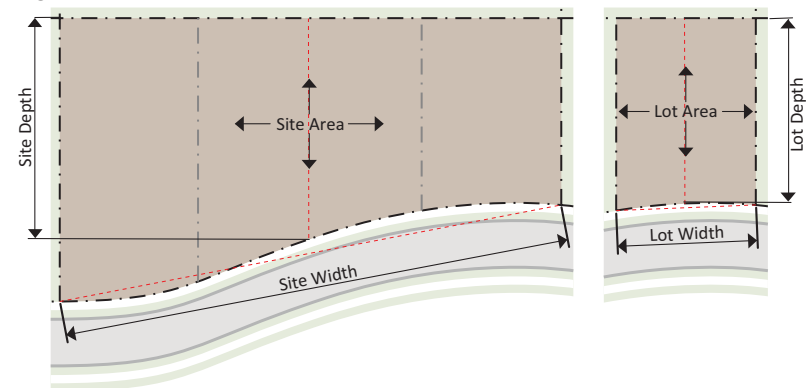
Lot area is the area included within the rear, side and front lot lines. It does not include existing or proposed right-of-way, whether dedicated or not dedicated to public use. District density applies, and may require larger lots than those required for an individual building type. Within the Accessory Dwelling Unit Overlay District (-ADUOD), one accessory dwelling unit is permitted per lot, regardless of underlying density designation.

### C. Lot Width

Lot width is the distance between the side lot lines (generally running perpendicular to a street) measured at the primary street property line along a straight line or along the chord of the property line. A lot must meet the minimum lot width for the entire minimum required depth of the parcel except for cul-de-sac lots.

### D. Lot Depth

Lot depth is the distance between the front and rear property lines measured along a line midway between the side property lines.



### E. Lot Width and Depth for Cul-de-Sac Lots

Any lot abutting a cul-de-sac in a Residential District where the minimum lot width is not met at the front property line must comply with the following:

1. The minimum lot frontage on a street shall be 20 feet (this dimension may be reduced upon approval of the Development Services Director if a common driveway or other form of shared access is provided); and
2. The minimum lot depth specified shall not be measured from the front

property line, but instead measured beginning from the nearest point to front property line where the lot width equals the minimum lot width for the district. The minimum lot depth measured this way shall be 70 feet in R-1, R-2 and R-4, 60 feet in R-6 and 50 feet in R-10.

## F. Density

1. Residential density is expressed in units per acre and is calculated by dividing the total number of dwelling units by the gross site area.
2. Although minimum lot sizes may allow additional units, density serves as the maximum number of principal units per acre. Within the Accessory Dwelling Unit Overlay District (-ADUOD), one accessory dwelling unit is permitted per lot, regardless of underlying density designation.
3. 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 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.
8. When a site is partly within a CM District, density may be transferred from the CM District, which carries the residential density 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.

## Sec. 1.5.3. Coverage

### A. Defined

Building coverage is the maximum area of a lot that is permitted to be covered by roofed buildings or structures. Building coverage does not include paved areas such as parking lots, driveways or pedestrian walkways.

### B. Intent

1. Outdoor amenity areas are intended to provide usable on-site open space in both residential and non-residential developments for the healthy enjoyment of occupants, invitees and guests of the development.
2. In more intensely developed urban contexts, outdoor amenity areas are also intended to provide visual breaks.

### C. General Requirements

1. Where outdoor amenity area is required, it must be provided on-site and must be available for use by or as an amenity for the occupants, invitees and guests of the development.
2. All required outdoor amenity areas must be ADA accessible.
3. Required outdoor amenity area may be met in 1 contiguous open area or in multiple open areas on the lot; however, to receive credit, each area must be at least 10 feet in width and length.
4. Required outdoor amenity area may be located at or above grade.
5. Required outdoor amenity area cannot be parked or driven upon, except for emergency access and permitted temporary events.
6. In all other districts except DX-, required outdoor amenity area may be covered but cannot be enclosed.
7. Stormwater detention wet ponds and dry ponds shall not be considered an outdoor amenity area. GSI practices may be used to meet up to 10% of the requirement for the amenity area.
8. Tree Conservation areas shall not be considered an outdoor amenity area.

## D. Additional Requirements for Urban Plazas

Amenity areas located within the DX- District or the NX-, CX- or OX- Districts with an urban frontage, and associated buildings in excess of 4 stories in height must meet all of the following:

1. Amenity areas associated with a general building, or mixed use building that is 50% or more non-residential in floor area must be located contiguous to the public sidewalk and be visually permeable from the public right-of-way. When a mixed use building is more than 50% residential by floor area, only half of the required amenity area must meet this standard.
2. Amenity areas shall contain at least one of the following: benches, seats, tables, eating areas, plazas, courtyards, fountains, active recreation areas, or public art. In addition, vegetated GSI practices may be located within the amenity area and may be used to meet up to 10% of the requirement for the amenity area. Stormwater detention wet ponds and dry ponds shall not be considered an outdoor amenity area.
3. Amenity areas installed in conjunction with an apartment or townhouse building type may contain any of the amenities listed above in subsection D.2, as well as courts, pools or fields used for active recreation.
4. All required outdoor amenity areas must provide one linear foot of seating for each 50 square feet of required open space area and one two-inch caliper tree for every 1,000 square feet of required open space area.
5. For all buildings greater than 7 stories in height, the minimum amount of required open space area specified in chapter 3 shall be increased. An additional 50 square feet of amenity area is required for each building story above the seventh story. In no case shall the required amenity area exceed 12% of the gross site area.

## Sec. 1.5.4. Building Setbacks

### A. Setback Types

There are 4 types of setback – primary street setback, side street setback, side setback and rear setback. Through lots, except reverse-frontage lots, are considered to have 2 primary street setbacks. Reverse-frontage lots will designate the street from which access from adjacent lots is taken as primary. If that fails to produce a clear result, the applicant may designate either street as primary.

### B. Measurement of Building Setbacks

1. Primary and side street setbacks are measured perpendicular from the edge of the existing or proposed right-of-way, whichever is greater.
2. Side setbacks are measured perpendicular from the side property line.
3. Rear setbacks are measured perpendicular from the rear property line or the edge of the existing or proposed right-of-way, whichever is greater, where there is an alley.

### C. Multiple Street Frontage Lots

For the purposes of determining setbacks, build-to lines, and other regulations, a multiple street frontage site or lot other than an Open Lot must designate at least 1 primary street prior to development, not to include additions. A lot may have more than one primary street.

The following rules determine a primary street:

1. A lot developed with the Apartment, General, Mixed-Use or Civic building types shall designate its primary street using the criteria shown in (a) through (g) below.

If one street meets any of criteria (a) through (d), it will be designated primary. If two streets meet any of criteria (a) through (d), both will be designated primary.

If three or four streets meet any of criteria (a) through (d), the two streets that meet more of (a) through (d) will be designated as primary; if they meet the same number, then the applicant may choose the two streets.

Where the criteria refer to a street, the relevant portion of the street is the portion adjacent to or within the site or lot.

If no street meets criteria (a) through (d), then the street that that satisfies more of criteria (e) through (g) will be designated as primary. If the criteria do not apply or do not produce a clear result, then any street may be designated as primary by the applicant.

- a. The street with transit service;
- b. The street designated as a Main Street or Urban Thoroughfare on the Urban Form Map;
- c. Any street designated as a Retail Street in the Downtown section of the Comprehensive Plan.

- d. The street designated as a Mixed-use Street on the Raleigh Street Plan Map;
  - e. The street designated as a Major Street on the Raleigh Street Plan Map;
  - f. The street with on-street parking;
  - g. The street with the higher classification on the Raleigh Street Plan Map;
2. A block face predominately developed with the Townhouse building type shall designate as its primary street either a Local Street or Mixed-use Street, if available. If the site fronts on more than one street meeting these criteria or if they do not apply, then the selection of primary street shall be based on the criteria for Apartment, General, Mixed-Use, or Civic buildings. Any street designated as primary must form the face of a block or extend fully through the property.
  3. For an Attached or Detached building, a corner lot shall designate its primary street as being opposite the rear yard of any adjoining lot. If the corner lot abuts only the side yard of adjoining lots or abuts another corner lot, then the primary street shall be located along the narrowest street frontage. If the two street frontages are within 10 percent of each other in length, either street may be designated as primary. In no case will a Major Street be designated as the primary street.
  4. A limited-access highway shall never serve as the primary street.
  5. A dead-end or cul-de-sac street can only be identified as primary for residential lots.
  6. A private street cannot be primary unless the lot has no public street frontage.
  7. In the event an adopted plan designates primary streets, the adopted plan shall control.
  8. If none of the criteria produce a result, the applicant may designate the primary street.

#### D. Setback Encroachments

All buildings and structures must be located at or behind required setbacks, except as listed below. Underground structures covered by the ground may encroach into a required setback.

#### 1. Building Features

- a. Porches (raised structures attached to a building forming a covered entrance) may extend up to 9 feet, including the steps, into a required setback, provided that such extension is at least 3 feet from the vertical plane of any lot line.
- b. Stoops (small raised platforms that serve as entrances to buildings) may extend up to 6 feet into a required setback, provided that the landing is at least 3 feet from the vertical plane of any lot line. Stoops may be covered but cannot be fully enclosed.
- c. Balconies (platforms projecting from the wall of a building with a railing along its outer edge, often accessible from a door or window) may extend up to 6 feet into a required setback, provided that the landing is at least 3 feet from the vertical plane of any lot line. Balconies can be covered but cannot be fully enclosed.
- d. Galleries (covered passages extending along the outside wall of a building supported by arches or columns that are open on 1 side), must have a clear depth from the support columns to the building's façade of at least 8 feet and a clear height above the sidewalk of at least 10 feet. A gallery may extend into a required street setback. A gallery may not extend into a required side setback.
- e. Chimneys or flues may extend up to 4 feet, provided that such extension is at least 3 feet from the vertical plane of any lot line.
- f. Building eaves, roof overhangs, awnings and light shelves may extend up to 5 feet, provided that such extension is at least 3 feet from the vertical plane of any lot line.
- g. Bay windows, oriels, vestibules and similar features that are less than 10 feet wide may extend up to 4 feet, provided that such extension is at least 3 feet from the vertical plane of any lot line.
- h. Unenclosed fire escapes or stairways may extend up to 4 feet into a required side or rear setback, provided that such extension is at least 5 feet from the vertical plane of any lot line.
- i. Unenclosed patios, decks or terraces may extend up to 4 feet into a required side setback, or up to 8 feet into a required rear setback, provided that such extension is at least 5 feet from the vertical plane of any lot line.

- j. Cornices, belt courses, sills, buttresses or other similar architectural features may project up to 1½ feet.
- k. Handicap ramps may project to the extent necessary to perform their proper function.
- l. 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, which is terminable at will by the City.

## 2. Mechanical Equipment and Utility Lines

- a. Mechanical equipment associated with residential uses, such as HVAC units and security lighting, may extend into a required rear or side setback, provided that such extension is at least 3 feet from the vertical plane of any lot line. Permanently installed generators associated with residential uses must meet setbacks for the primary structure in the district. No plot plan is required for these generators: however, a zoning permit is required.
- b. Solar panels or wind turbines may extend into a required rear or side setback, provided that such extension is at least 3 feet from the vertical plane of any lot line.
- c. Rainwater collection or harvesting systems may extend into a required rear or side setback, provided that such extension is at least 3 feet from the vertical plane of any lot line.
- d. Utility lines located underground and minor structures accessory to utility lines (such as hydrants, manholes and transformers and other cabinet structures) may extend into a required rear or side setback.

## E. Other Setback Encroachments

- 1. Fence and walls under *Sec. 7.2.8*.
- 2. Signs under *Article 7.3. Signs*.
- 3. Driveways under *Sec. 8.3.5. Site Access*.
- 4. Transitional and street protective yards under *Sec. 7.2.4*.

## Sec. 1.5.5. Parking Setbacks

### A. Parking Setback Types

There are 4 types of parking setback – primary street setback, side street setback, side setback and rear setback. Through lots are considered to have 2 primary street setbacks.

### B. Measurement of Parking Setbacks

- 1. Primary and side street setbacks are measured perpendicular from the edge of the existing or proposed right-of-way, whichever is greater.
- 2. Side setbacks are measured perpendicular from the side property line.
- 3. Rear setbacks are measured perpendicular from the rear property line or the edge of the existing or proposed right-of-way, whichever is greater, where there is an alley.

### C. Parking Not Allowed

On-site surface and structured parking must be located behind the parking setback line, where applicable. This requirement does not apply to on-street parking or apply to upper stories of a parking deck.

### D. Parking in the Front Setback

- 1. For a detached house or attached house located within a Residential District and used for residential purposes, combined parking and driveway area shall not constitute more than 40% of the area between the front building facade and the front property line. Any parking in the front setback must have sufficient depth so that parked cars do not encroach on the adjacent sidewalk.
- 2. Additional parking regulations may be applied with the Special Residential Parking Overlay District (see *Sec. 5.6.1.*).

## Sec. 1.5.6. Build-to

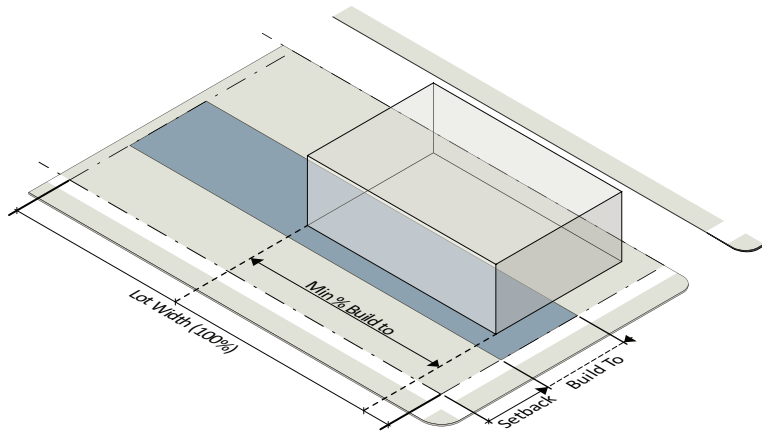
### A. Defined

- 1. The build-to is the area on the lot where a certain percentage of the front principal building facade must be located, measured as a



minimum and maximum setback range from the edge of the proposed or existing right-of-way, whichever is greater.

2. The required percentage specifies the amount of the lot width that must be occupied by front building facade within the build-to range, measured based on the width of the building divided by the width of the site or lot.
3. There are 2 types of build-to -- primary street build-to and side street build-to. Through lots are considered to have at least 1 primary street build-to. The designation of the primary street build-to shall follow the rules of Sec. 1.5.4.C. No build-to is required on the non-primary street frontage of a through lot.



## B. Intent

1. The build-to is intended to provide a range for building placement that strengthens the street edge along the right-of-way, establishing a sense of enclosure by providing spatial definition adjacent to the street.
2. The building edge can be supplemented by architectural elements and certain tree plantings aligned in a formal rhythm. The harmonious placement of buildings to establish the street edge is a principal means by which the character of an area or district is defined.
3. The build-to range is established to accommodate some flexibility in specific site design while maintaining the established street edge.

## C. General Requirements

1. On corner lots, a building facade must be placed within the build-to for the first 30 feet along the street extending from the block corner.
2. With the exception of parking areas, all structures and uses customarily allowed on the lot are permitted in the build-to area.
3. Any common area is not required to meet the build-to requirements.
4. Riparian Buffers, Floodways, areas of steep slope (defined as slopes in excess of 25%), pre-established and recorded Tree Conservation Areas and portions of property encumbered by overhead electric transmission lines rated to transmit 230 Kv, for any second driveway required by this code that must cross the build-to area, the additional width of the driveway up to a maximum of 25', and City of Raleigh utility easements shall not be considered when calculating the build-to percentage or build-to range.

## D. Administrative Alternate Findings

The Planning Director may in accordance with Sec. 10.2.17. reduce the build-to requirement, subject to all of the following findings:

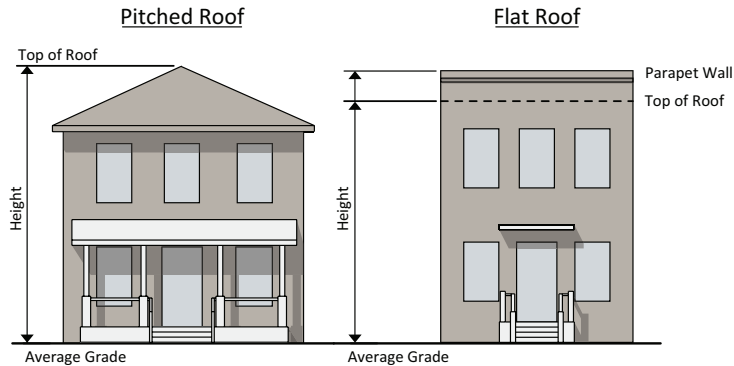
1. The approved alternate meets the intent of the build-to regulations;
2. The approved alternate conforms with the Comprehensive Plan and adopted City plans;
3. The approved alternate does not substantially negatively alter the character-defining street wall or establish a build-to pattern that is not harmonious with the existing built context;
4. The change in percentage of building that occupies the build-to area or increased setback does not negatively impact pedestrian access, comfort or safety; and
5. Site area that would have otherwise been occupied by buildings is converted to an outdoor amenity area under Sec. 1.5.3.B.

## Sec. 1.5.7. Height

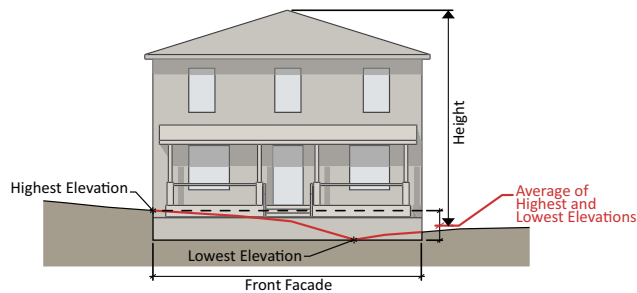
### A. Building Height

1. Building height is measured from average grade in both number of stories and feet to the top of the highest point of a pitched or flat roof, not including a maximum parapet wall encroachment. The maximum height

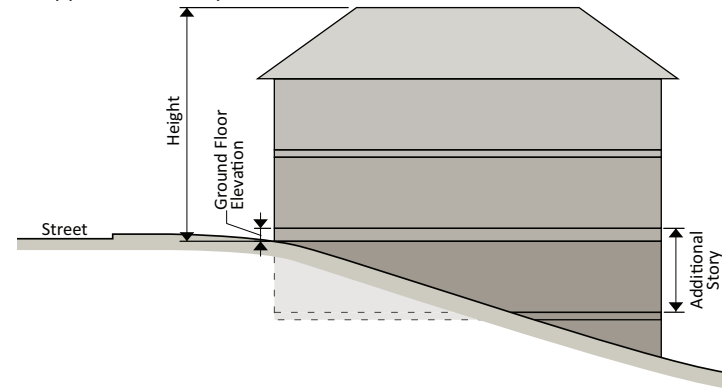
encroachment for a parapet wall is 4 feet for a 3-story building, with 1 additional foot of parapet wall allowed for each additional story thereafter. In no case shall a parapet encroachment be taller than 12 feet.



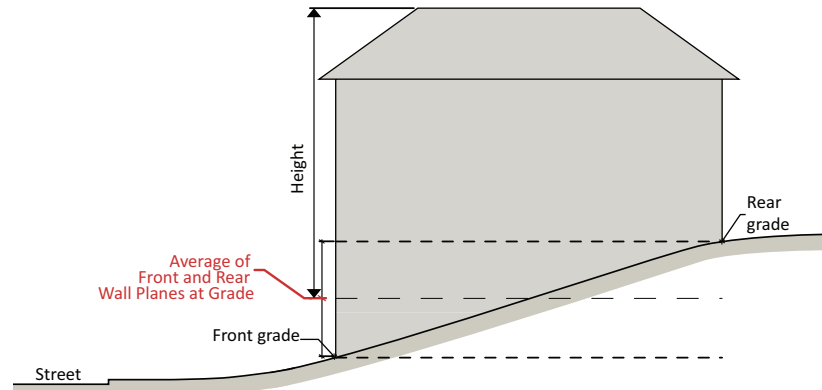
2. Average grade is determined by calculating the average of the highest and lowest elevation along pre-development grade or improved grade (whichever is more restrictive) along each building elevation and averaging all elevations. Where land disturbance has been approved by the City through the mass-grading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



3. For a detached or attached building type only, for any building type located within the Downtown Mixed Use District, or for any building that is zoned for a maximum of three stories, where a lot slopes downward from any primary street, one story that is additional to the specified maximum number of stories may be built on the lower portion of the lot. This provision shall not be applicable for any structure that includes a basement.

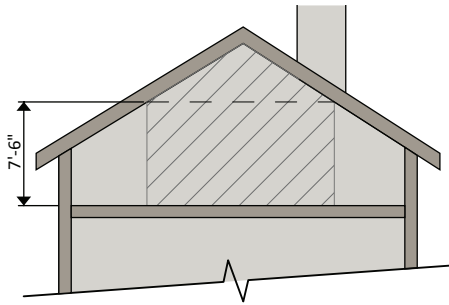


4. Where the property slope increases to the rear, building height is measured from the average point at grade of the front and rear wall plane.



5. For a detached or attached building type only, an attic does not count as

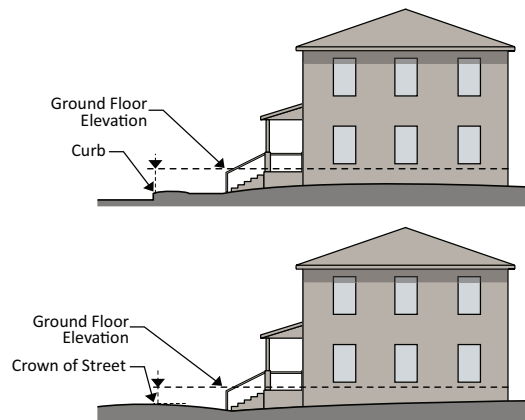
a story where 50% or more of the attic floor area has a clear height of less than 7.5 feet; measured from the finished floor to the finished ceiling. To be classified as an attic, the space must also meet the specifications as provided in the defined term in *Article 12.2, Defined Terms*.



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

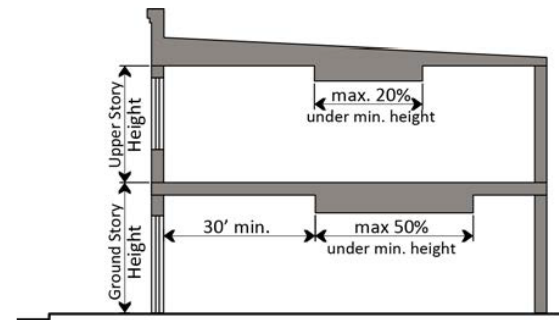
### B. Ground Floor Elevation

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



### C. Story Height

- Story height is measured from the top of the finished floor to top of the finished floor above.
- Minimum ground story height applies to the first 30 feet of the building measured inward from the street facing facade. At least 50% of the ground story must meet the minimum ground story height provisions.
- Where applicable, at least 80% of each upper story must meet the required minimum upper story height provisions.



### D. Height Encroachments

Any height encroachment not specifically listed is expressly prohibited except where the Planning Director determines that the encroachment is similar to a permitted encroachment listed below.

- The maximum height limits of the district do not apply to spires, belfries, cupolas, domes, bell towers, monuments, water tanks/towers or other similar structures not intended for human occupancy which, by design or function, must exceed the established height limits.
- The following accessory structures may exceed the established height limits, except when located within an -AOD, provided they do not exceed the maximum building height by more than 12 feet:
  - Chimney, flue or vent stack;
  - Unenclosed deck, patio or shade structure;
  - Rooftop garden, landscaping;
  - Flagpole;

- e. Parapet wall;
  - f. Rainwater collection or harvesting system; and
  - g. Solar panels, wind turbines.
3. The following accessory structures may exceed the established height limits, except when located within an -AOD, provided they do not exceed the maximum building height by more than 12 feet, do not occupy more than 25% of the roof area and are set back at least 10 feet from the edge of the roof:
- a. Amateur communications tower;
  - b. Cooling tower;
  - c. Elevator penthouse or bulkhead;
  - d. Greenhouse;
  - e. Mechanical equipment;
  - f. Skylights;
  - g. Elevator or stairway access to roof; and
  - h. Tank designed to hold liquids, except as otherwise permitted.
4. An accessory structure located on the roof must not be used for any purpose other than a use incidental to the principal use of the building except for telecommunication facilities.

## Sec. 1.5.8. Pedestrian Access

### A. Intent

1. The street-facing entrance regulations are intended to concentrate pedestrian activity along the street edge and provide an easily identifiable and conveniently-located entrance for residents, visitors and patrons accessing a building as pedestrians from the street.
2. Access points should be located or identified in a manner visible to the pedestrian from the street and be accessible via a direct path.

### B. General Requirements

1. An entrance installed after September 1, 2013 providing both ingress and egress, operable to residents or customers at all times, is required to meet

the street facing entrance requirements. Additional entrances from another street, pedestrian area or internal parking area are permitted.

2. The entrance spacing requirements must be met for each building, but are not applicable to adjacent buildings.
3. An angled entrance may be provided at either corner of a building along the street to meet the street-facing entrance requirements.

### C. Administrative Alternate Findings

The Planning Director may in accordance with *Sec. 10.2.17*. allow a non-street-facing entrance, subject to all of the following findings:

1. The approved alternate meets the intent of the street-facing entrance regulations;
2. The approved alternate conforms with the Comprehensive Plan and adopted City plans;
3. The pedestrian access point is easily identifiable by pedestrians, customers and visitors;
4. Recessed or projecting entries or building elements have been incorporated into the design of the building to enhance visibility of the street-facing entrance; and
5. The pedestrian route from the street and bus stops and other modes of public transportation to the entrance is safe, convenient and direct.

## Sec. 1.5.9. Transparency

### A. Intent

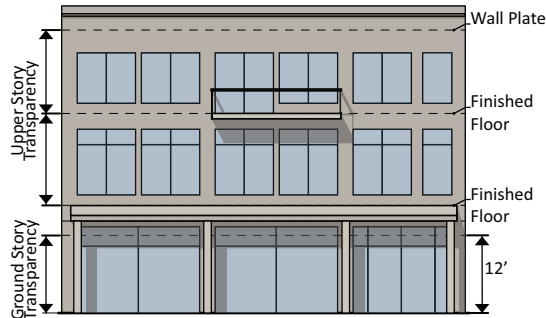
The transparency requirements are intended to lend visual interest to street-facing building facades for both pedestrians and building occupants and minimize blank wall areas. This is not applicable to residential uses.

### B. General Requirements

1. The minimum percentage of windows and doors that must cover a ground story facade is measured between 0 and 12 feet above the adjacent sidewalk. More than 50% of required the transparency must be located between 3 and 8 feet of the building facade.
2. The minimum percentage of windows and doors that must cover an upper story facade is measured from top of the finished floor to the top of the

finished floor above. When there is no floor above, upper story transparency is measured from the top of the finished floor to the top of the wall plate.

3. In a mixed use building, or general building where an Urban Frontage is applied, a minimum of 60% of the street-facing, street-level window pane surface area must allow views into the ground story use for a depth of at least 8 feet. Windows shall not be made opaque by non-operable window treatments (except curtains, blinds or shades within the conditioned space).
4. Glass shall be considered transparent where it has a transparency higher than 80% and external reflectance of less than 15%. Glass on upper stories may have any level of transparency and external reflectance.



### C. Administrative Alternate Findings

The Planning Director may in accordance with *Sec. 10.2.17.* reduce the required transparency, subject to all of the following findings:

1. The approved alternate meets the intent of the transparency requirements;
2. The approved alternate conforms with the Comprehensive Plan and adopted City plans; and
3. The street-facing building facade utilizes other architectural treatments to create visual interest to offset the reduction in transparency.

## Sec. 1.5.10. Blank Wall Area

### A. Defined

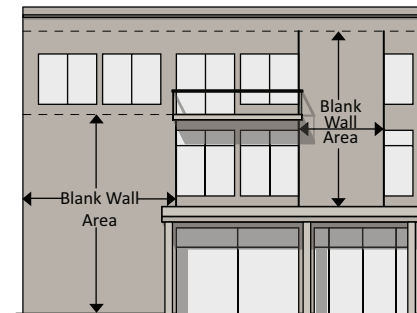
1. Blank wall area means any portion of the exterior facade of the building that does not include a substantial material change; windows or doors; or columns, pilasters or other articulation greater than 12 inches in depth.
2. Substantial material change means a change between materials such as wood, metal, glass, brick, architectural block, stone or stucco. Substantial material change should occur at an inside corner, where feasible. Paint color is not a substantial material change.

### B. Intent

1. The blank wall area regulations are intended to prevent large, monotonous expanses of undifferentiated building mass.
2. The level of architectural detail should be most intense at the street level, where it is within view of the pedestrians on the sidewalk.

### C. General Requirements

1. Blank wall area applies in both a vertical and horizontal direction.
2. Blank wall area applies to both ground and upper stories.



### D. Administrative Alternate Findings

The Planning Director may in accordance with *Sec. 10.2.17.* approve additional blank wall, subject to all of the following findings:

1. The approved alternate meets the intent of the blank wall area regulations;

2. The approved alternate conforms with the Comprehensive Plan and adopted City plans;
3. The increase in blank wall area is offset by additional architectural treatments and increased vertical landscaping; and
4. The amount of blank wall area for buildings located on an Urban Frontage should not be more than 40%.

### **Sec. 1.5.11. Reserved**

### **Sec. 1.5.12. Private Residential Garage Parking Options**

#### **A. Intent**

1. The intent of the residential garage options is to minimize the visual impact of street-facing garage doors.
2. Where garage doors can be seen from the street, measures should be taken to reduce the visual impact of the doors.
3. Measures include garage doors set back from the front wall plane, architectural treatments, translucent garage doors, single doors, projecting elements over the garage doors (such as bay windows) and limits on the total number of doors that face the street.
4. Where garage doors are located perpendicular to the street, measures should be taken to reduce the visual impact of the side wall that faces the street. Measures include architectural treatments, changes in material, landscaping, vegetation or the installation of windows.

#### **B. Applicability**

1. Any private residential garage constructed after September 1, 2013 must meet the standards of this section. Alternative compliance may be considered by the Planning Director, consistent with the intent of this section.
2. In addition to the standards provided in this section, attached and detached garages must meet all applicable requirements for either principal buildings or accessory structures as set forth in this UDO.
3. Any garage constructed prior to September 1, 2013 that does not comply with these private residential garage parking options is not considered non-conforming. If a pre-existing garage is voluntarily demolished, any new

garage must be constructed in compliance with these regulations. If a pre-existing garage that does not meet these regulations is destroyed following a casualty, the garage may be reconstructed to its previous state.

#### **C. Administrative Alternate Findings**

The Planning Director may in accordance with *Sec. 10.2.17* approve an alternate garage option, subject to all of the following findings:

1. The approved alternate meets the intent of the garage option regulations;
2. The approved alternate conforms with the Comprehensive Plan and adopted City plans;
3. The approved alternate does not negatively impact pedestrian circulation and safety;
4. Measures are taken to mitigate the visual impact of the garage design; and
5. The required garage setbacks are met.

#### **D. Detached House and Attached House**

On lots of less than 1 acre, garage placement must match one of the following standards.

##### **1. Front-facing, Attached to House**

- a. Garage doors are oriented towards the front wall plane.
- b. For garage doors positioned 6 feet or less behind the front wall plane of habitable space, garage doors may not comprise more than 50% of the overall width of the front-facing wall planes of the house.
- c. For garage doors positioned more than 6 feet behind the front wall plane of habitable space, garage doors may not comprise more than 66% of the overall width of the front-facing wall planes of the house.

##### **2. Side-facing, Attached to House**

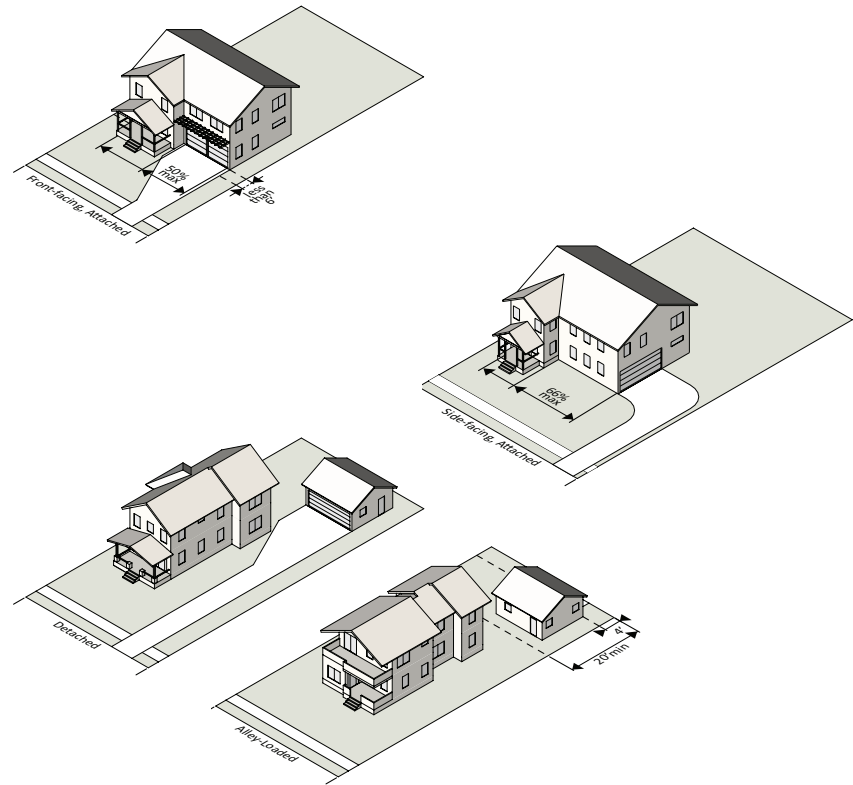
- a. Garage doors are oriented perpendicular to the front wall plane.
- b. The garage may not comprise more than 66% of the overall width of all front-facing wall planes of the house.

**3. Detached**

Garage is placed no closer to the primary street or the side street than the principal structure's closest wall plane to the street.

**4. Alley-Loaded**

- a. Garage is placed entirely to the rear of the house and is alley-accessed.
- b. Garage doors must face the alley.
- c. The garage must either be located 4 feet from the alley right-of-way or be a minimum of 20 feet from the alley right-of-way.
- d. Where parking spaces are located between the garage and the alley, the garage must be located at least 20 feet from the alley right-of-way.





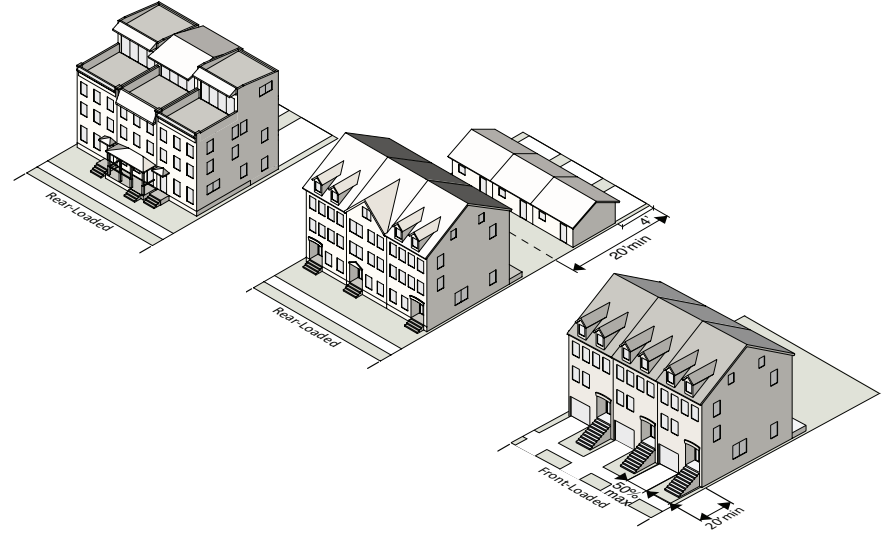
## E. Townhouse

### 1. Rear-Loaded

- a. Garage is placed entirely to the rear of the townhouse and is rear-accessed. Garage can be attached or detached.
- b. The garage must either be located 4 feet from the alley right-of-way or easement or rear access drive or be a minimum of 20 feet from the alley right-of-way or easement or rear access drive.
- c. 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 alley or rear access drive.

### 2. Front-Loaded

- a. Garage doors may constitute no more than 50% of the width of the individual townhouse unit.
- b. Combined parking and driveway area shall not constitute more than 50% of the area between the front building facade and the front property line.
- c. Any parking in the front setback must have sufficient depth so that parked cars do not encroach on the adjacent sidewalk. To provide sufficient depth, the garage doors must be set back at least 20 feet from the sidewalk.
- d. Garage doors must be recessed at least 1 foot behind the front wall plane or a second-story element over the garage doors must be provided that extends at least 1 foot beyond the front wall plane.



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