

CHAPTER 8. SUBDIVISION & SITE PLAN STANDARDS

Article 8.1. General Provisions	8 – 3	Sec. 8.3.6. Administrative Design Adjustment Findings	8 – 14
Sec. 8.1.1. Applicability	8 – 3	Article 8.4. New Streets	8 – 15
Sec. 8.1.2. Phasing	8 – 3	Sec. 8.4.1. General Provisions	8 – 15
Sec. 8.1.3. Construction Surety	8 – 3	Sec. 8.4.2. Street Types	8 – 16
Sec. 8.1.4. Warranty	8 – 3	Sec. 8.4.3. Sensitive Area Streets	8 – 17
Sec. 8.1.5. Acceptance	8 – 3	Sec. 8.4.4. Local Streets	8 – 19
Sec. 8.1.6. Reservation of Public Land	8 – 4	Sec. 8.4.5. Mixed Use Streets	8 – 21
Sec. 8.1.7. Easements	8 – 4	Sec. 8.4.6. Major Streets	8 – 24
Sec. 8.1.8. Names and Numbering	8 – 4	Sec. 8.4.7. Industrial and Service Streets	8 – 28
Sec. 8.1.9. Subdivision Monuments	8 – 4	Sec. 8.4.8. Private Accessways	8 – 30
Sec. 8.1.10. Fee in Lieu	8 – 5	Article 8.5. Existing Streets	8 – 31
Article 8.2. Infrastructure Sufficiency	8 – 6	Sec. 8.5.1. General Provisions	8 – 31
Sec. 8.2.1. In General	8 – 6	Sec. 8.5.2. Streetscape Types	8 – 33
Sec. 8.2.2. Streets	8 – 6	Sec. 8.5.3. Nonconforming Streetscapes	8 – 36
Sec. 8.2.3. Water Supply	8 – 7	Sec. 8.5.4. Existing Private Streets	8 – 36
Sec. 8.2.4. Wastewater Disposal	8 – 7	Article 8.6. Reimbursements	8 – 38
Sec. 8.2.5. Fire Suppression	8 – 7	Sec. 8.6.1. Greenways	8 – 38
Sec. 8.2.6. Stormwater	8 – 7	Sec. 8.6.2. Minor Utility Lines	8 – 38
Sec. 8.2.7. Transit Infrastructure	8 – 7	Sec. 8.6.3. Streets	8 – 39
Article 8.3. Blocks, Lots, Access	8 – 8	Sec. 8.6.4. Expiration of Reimbursement	8 – 39
Sec. 8.3.1. Intent	8 – 8	Sec. 8.6.5. Stormwater Infrastructure	8 – 40
Sec. 8.3.2. Blocks	8 – 8	Article 8.7. Utilities	8 – 41
Sec. 8.3.3. Lots	8 – 10	Sec. 8.7.1. Water Supply	8 – 41
Sec. 8.3.4. Subdivision Access	8 – 10		
Sec. 8.3.5. Site Access	8 – 11		

Sec. 8.7.2. Sewage Disposal..... 8 – 41

Sec. 8.7.3. Public Water and Sewer Stubs..... 8 – 42

Sec. 8.7.4. Underground Utilities..... 8 – 42

Article 8.8. Surface Water Drainage 8 – 44

Sec. 8.8.1. Connection to Sanitary Sewer Prohibited..... 8 – 44

Sec. 8.8.2. Piping of Watercourses 8 – 44

Sec. 8.8.3. Stormwater Control Plans 8 – 44

Article 8.9. Facility Fees 8 – 45

Sec. 8.9.1. Facility Fees Imposed on New Construction 8 – 45

Sec. 8.9.2. Facility Fee Exceptions 8 – 45

Sec. 8.9.3. Computation of Fees..... 8 – 45

Sec. 8.9.4. Funds Collected 8 – 46

Sec. 8.9.5. Penalties..... 8 – 47

Article 8.10. Enforcement 8 – 48

Sec. 8.10.1. Violations and Violators..... 8 – 48

Sec. 8.10.2. Remedies and Penalties 8 – 48

Article 8.11. Transit Infrastructure 8 – 50

Sec. 8.11.1. General Provisions..... 8 – 50

Sec. 8.11.2. Requirement Thresholds 8 – 50

Sec. 8.11.3. Determining the Required Transit Infrastructure..... 8 – 50

Sec. 8.11.4. Determining the Location of the Required Transit Stop 8 – 51

Sec. 8.11.5. Fees In Lieu of Construction 8 – 51

Article 8.1. General Provisions

Sec. 8.1.1. Applicability

- A. This Chapter applies to all development within the City or within the City's extraterritorial jurisdiction as set forth in *Sec. 10.2.5.* and *Sec. 10.2.8.*
- B. No construction shall commence until all required plans, profiles and specifications have been reviewed and approved by the City or other governmental approving agency.
- C. No City services or utilities shall be extended or furnished to any development until the applicant has installed the improvements specified in this UDO or guaranteed their installation as provided for in this UDO.
- D. Variances to this Chapter are heard by the Board of Adjustment pursuant to *Sec. 10.2.10.* The Board of Adjustment where specifically authorized may approve design adjustments pursuant to *Sec. 10.2.18.*
- E. All improvements must conform with all adopted City plans.

Sec. 8.1.2. Phasing

- A. If not otherwise set out as part of the preliminary subdivision plan, lots may be recorded and public improvements may be constructed in phases.
- B. A phasing plan shall be submitted in accordance with *Sec. 10.2.5.E.7.*

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.
- B. All development-related improvements that are secured by a surety shall be installed prior to the issuance of the first certificate of occupancy within the subdivision phase or prior to the issuance of the first certificate of occupancy for the site plan, whichever event first occurs on the property. Except the final coat of asphalt for street improvements and the installation of sidewalks,

- street trees, street lights and permitted street furniture may at the option of the applicant be installed within 36 months following the issuance of the first certificate of occupancy provided surety in the amount of 125% of these improvements are first provided to the City. Where improvements are required on a State-maintained road, a 100% construction surety is required. In this instance, proof of bond or surety with the State must be supplied to the City.
- C. Where the Development Services Director determines that circumstances out of the control of the applicant have prohibited substantial progression of construction, an extension of not more than 2 years on the completion of the final coat of asphalt and installation of sidewalks, street trees, street lights and permitted street furniture may be granted. A surety in the amount of 125% of these improvements shall remain in place during the extension and the warranty period shall not commence until the outstanding items have been installed and inspected.
- D. Where the Development Services Director determines that landscaping in the public right-of-way cannot be installed due to inclement weather conditions, a surety in the amount of 125% of the value of the landscaping shall be provided to the City, in accordance with *Sec. 8.5.1.B.* The landscaping improvements shall be installed within 30 days of the start of the next October 1 to April 30 planting period.

Sec. 8.1.4. Warranty

- A. All development-related improvements must have a warranty guaranteeing the work against defects for a period of 1 year from the date of warranty period commencement for the respective infrastructure system.
- B. The warranty shall list the City as a beneficiary.
- C. A warranty surety shall be provided in an amount of 15% of the estimated value of the warranted development-related improvements. The surety shall expire 6 months after the expiration of the warranty period.

Sec. 8.1.5. Acceptance

Any development-related improvements shall not be officially accepted until the improvements have been inspected by the City, corrections are made in the field and on the approved infrastructure construction plans, a reproducible copy of the as-built drawings is provided to the Development Services Department and the warranty required in the previous section is completed.

Sec. 8.1.6. Reservation of Public Land

- A. Where a proposed park, greenway, open space, school, fire station or other public use shown in the Comprehensive Plan is located in whole or in part in a development, the City Council may require the reservation of the land for future use.
- B. The reservation shall continue in effect for a period of not more than 1 year from the date of approval of the preliminary plan or site plan. This reservation period may be extended for an additional year upon submission of a letter to the City Council of intent to purchase by the appropriate governmental agency. Further extensions may be permitted upon mutual agreement between the land owner and the City Council, each of which shall not exceed 2 years.

Sec. 8.1.7. Easements

- A. Platted easements and deed of easements shall be provided in the locations and dimensions required by the City in order to:
 1. Allow for adequate storm drainage facilities;
 2. Allow for proper installation of water and sewer lines, whether immediately proposed or necessary for adequate service in the future;
 3. Allow for cross-access between properties;
 4. Allow for adequate transit facilities and access;
 5. Allow for adequate pedestrian and bicycle access;
 6. Allow for adequate right-of way for street types;
 7. Allow for adequate public access; and
 8. Allow for adequate slope for roadway construction.
- B. Easement widths shall be specified by the City as necessary to accommodate existing and future needs as well as construction and repair of facilities. For drainage easements, the widths should be sufficient to accommodate areas anticipated to be inundated by stormwater.

Sec. 8.1.8. Names and Numbering

- A. The proposed name of a subdivision, site plan and proposed street names shall not duplicate or too closely approximate, phonetically, the name of any other subdivision, site plan or street.

- B. Words that are part of a name and are generic in their meaning (e.g. "river," "woods," "hills") shall not be considered as duplicates of other similar uses of words.
- C. House or building numbers shall conform to the system established for the City.

Sec. 8.1.9. Subdivision Monuments

A. Permanent Markers

1. Permanent markers shall be placed at locations of the subdivision in accordance with *Sec. 8.1.9.B*.
2. Permanent markers must be made of concrete at least 3 feet long and 4 inches square or in diameter with appropriate markings on top. The location and coordinates of each of these markers shall be shown on the subdivision plat.

B. Coordinate System

1. Permanent markers shall be placed at one or more corners of the subdivision that are coordinated with a horizontal control monument of some United States or State agency survey system, such as the North Carolina Geodetic Survey System, where such monument is within 2,000 feet of a corner.
2. Where the North Carolina Grid System coordinates of the monument are on file with the state, the coordinates of both the referenced corner and the monuments used shall be computed and shown in X (easting) and Y (northing) coordinates on the map.
3. The coordinates shall be identified as based on "NAD 83" indicating North American datum of 1983, or as "NAD 27," indicating North American datum of 1927. Where such a monument is not available, the tie shall be made to some pertinent and permanent recognizable landmark or identifiable reference point.

C. Corner Markers

Corner markers shall be set at the corners of all lots and shall consist of metal pipes not less than $\frac{3}{4}$ of inch in diameter and 2 feet long.

D. Reference Mark

1. Whenever any portion of any lot in the subdivision lies within a floodprone area, a reference mark in the form of an "X" indicating the elevation in relation to mean sea level to the nearest $\frac{1}{10}$ of 1 foot shall be located on a permanent marker or structure such as a culvert, bridge, head wall or wing wall or as otherwise approved by the Engineering Services Director.
2. The elevation and a description of the location of the reference mark shall be indicated on the subdivision plats, which contain lots in floodprone areas.

Sec. 8.1.10. Fee in Lieu

Where the Development Services Director determines that construction of public improvements would not be feasible, a fee in lieu may be permitted. In this instance, right-of-way dedication and all necessary easements shall be dedicated to the City. Infrastructure construction plans may be required to determine the extent of public improvements and easements.

Article 8.2. Infrastructure Sufficiency

Sec. 8.2.1. In General

- A. To lessen congestion in the streets and to facilitate the efficient and adequate provision of transportation, water and sewage and to secure safety from fire, every subdivision plan and site plan shall be subject to a determination of the sufficiency of infrastructure, as defined below according to the established levels of service in this Article.
- B. Infrastructure shall be considered sufficient where it is demonstrated to have available capacity to accommodate the demand generated by the proposed development as well as other approved developments and PD Master Plans.
- C. In order to avoid undue hardship, the applicant may propose to construct or secure sufficient funding for the facilities necessary to provide capacity to accommodate the proposed development at the adopted level of service. The commitment for construction or advancement of necessary facilities shall be included as a condition of development.

Sec. 8.2.2. Streets

- A. Required street capacity shall be measured based on the methodology of the Highway Capacity Manual.
- B. The impact of proposed development shall be measured by AM and PM peak trips based on the methodology of the Institute of Transportation Engineers (ITE).
- C. Adequate streets shall be provided consistent with the requirements of this Chapter provided a level of service E or better is maintained.
- D. There are 3 required traffic impact assessment thresholds:
 1. Trip Generation Report (a test of AM/PM peak hour traffic);
 2. Traffic Assessment (where the AM/PM peak hour traffic fails to meet adequate levels of service, this study reviews queueing and delays); and
 3. Traffic Impact Analysis (where queueing and delays are unacceptable, this full analysis includes calculation of trips, delay, queueing and capacity at intersections).
- E. Where a trip generation report or traffic impact analysis demonstrates a degradation of overall intersection level of service below level of service E or

impacts to an existing intersection operating at level of service F, the proposed site plan may be approved provided that:

1. The residential density does not exceed 50 units per acre; or
 2. The office floor area ratio does not exceed 0.5; or
 3. The floor area ratio for commercial uses does not exceed 0.25; or
 4. The peak hour delay at the intersection does not exceed what would be produced by development consistent with paragraphs 1., 2. or 3. above as shown by a Traffic Impact Analysis.
 5. Where paragraphs *Sec. 8.2.2.E.1.*, *Sec. 8.2.2.E.2.*, *Sec. 8.2.2.E.3.* or *Sec. 8.2.2.E.4.* are selected, the applicant shall prepare and submit a traffic mitigation plan to the Transportation Director. The mitigation plan shall identify capital projects and phasing strategies that would bring the development impact to within the acceptable threshold specified in paragraph E.4 above. This plan may identify improvements undertaken by the private sector, the public sector or both. Site plan approval shall not be granted until the Transportation Director determines that the plan provides reasonable and adequate mitigation. Factors to be considered by the Transportation Director include whether: the cost of the mitigation measures exceeds the value of the proposed development; transportation demand management strategies including multi-modal improvements are included; alternative access strategies are considered; and new street connections are evaluated.
- F. An exception to *Sec. 8.2.2.E.* shall be granted for one or more of the following situations:
1. The City has a capital improvement project within the adopted 5-year Capital Improvement Program that would improve the level of service above level F;
 2. NCDOT has proposed a project within the first 4 years of the adopted 7-year Transportation Improvement Program that would improve the level of service above level F;
 3. There is within $\frac{1}{4}$ mile of the site plan an existing or funded transit stop that is served by one of the following: fixed or dedicated-guideway transit, 5 vehicles an hour on a single route in 1 direction during peak commuting hours or 10 vehicles an hour in any direction during peak commuting hours;
 4. The site is mapped with a conditional use district approved within the prior 20 years that includes a trip budget as a zoning condition; or

5. If the property is zoned Downtown Mixed Use (DX-).

Sec. 8.2.3. Water Supply

- A. Water supply shall be determined based on system capacity and average and peak flows.
- B. The minimum size of any water line shall meet current Public Utilities Handbook requirements and may require off-site improvements.

Sec. 8.2.4. Wastewater Disposal

- A. Wastewater disposal shall be determined based on system capacity and average and peak flows.
- B. The minimum size of any wastewater line shall meet current Public Utilities Handbook requirements and may require off-site improvements.

Sec. 8.2.5. Fire Suppression

- A. Required fire flow shall be determined using the methodology of the Insurance Services Office (ISO).
- B. In determining the impact of the proposed development on fire suppression, the City shall consider water pressure available to the development.

Sec. 8.2.6. Stormwater

- A. The minimum configuration of any stormwater facility shall meet current Stormwater Manual requirements and may require off-site improvements.
- B. When development of an area changes the flow regime from sheet flow to concentrated flow, the drainage system shall be designed to minimize impacts of the flow on adjoining properties.

Sec. 8.2.7. Transit Infrastructure

- A. Transit infrastructure shall be provided in accordance with *Article 8.11*.
- B. The size and type of the infrastructure required shall be in accordance with *Sec. 8.11.3*.

Article 8.3. Blocks, Lots, Access

Sec. 8.3.1. Intent

- A. The intent of the maximum block perimeter and connectivity regulations is to provide a well-connected street network.
- B. Large blocks with limited connectivity discourage walking, contribute to street congestion and add driving distance that can negatively impact emergency services. New streets should be designed to consider future development.
- C. The access regulations are intended to provide a means for safe, efficient and convenient vehicular and pedestrian access within developments and between adjacent developments and to lessen traffic congestion. Pedestrian, bike and vehicular access should be safe, direct and convenient.
- D. A conditional use zoning applicant may in accordance with *Sec 10.2.4 E.2* offer zoning conditions and supporting documents sufficient to demonstrate to the City Council that development plans submitted to the City will provide for safe, efficient and convenient vehicular, bicycle and pedestrian circulation.

Sec. 8.3.2. Blocks

A. Block Perimeters

1. Applicability

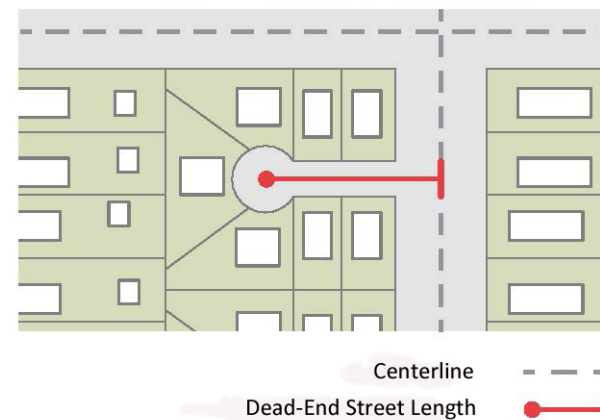
The block perimeter standards apply to preliminary subdivision plans, final plats and site plans submitted in accordance with *Sec. 10.2.5.* and *Sec. 10.2.8* unless modified by a zoning condition contained in an adopted conditional use zoning ordinance.

2. Block Standards

- a. Residential blocks must have sufficient width to provide for 2 tiers of residential lots, except where single tier lots are required to accommodate single-loaded streets where across from a public park or open space, to allow for unusual topographical conditions or when adjacent to the outer perimeter of a subdivision.
- b. The following table establishes the maximum block perimeter and maximum length for a dead-end street by zoning district. In the event that a single block contains more than 1 zoning district, the most restrictive requirement applies.

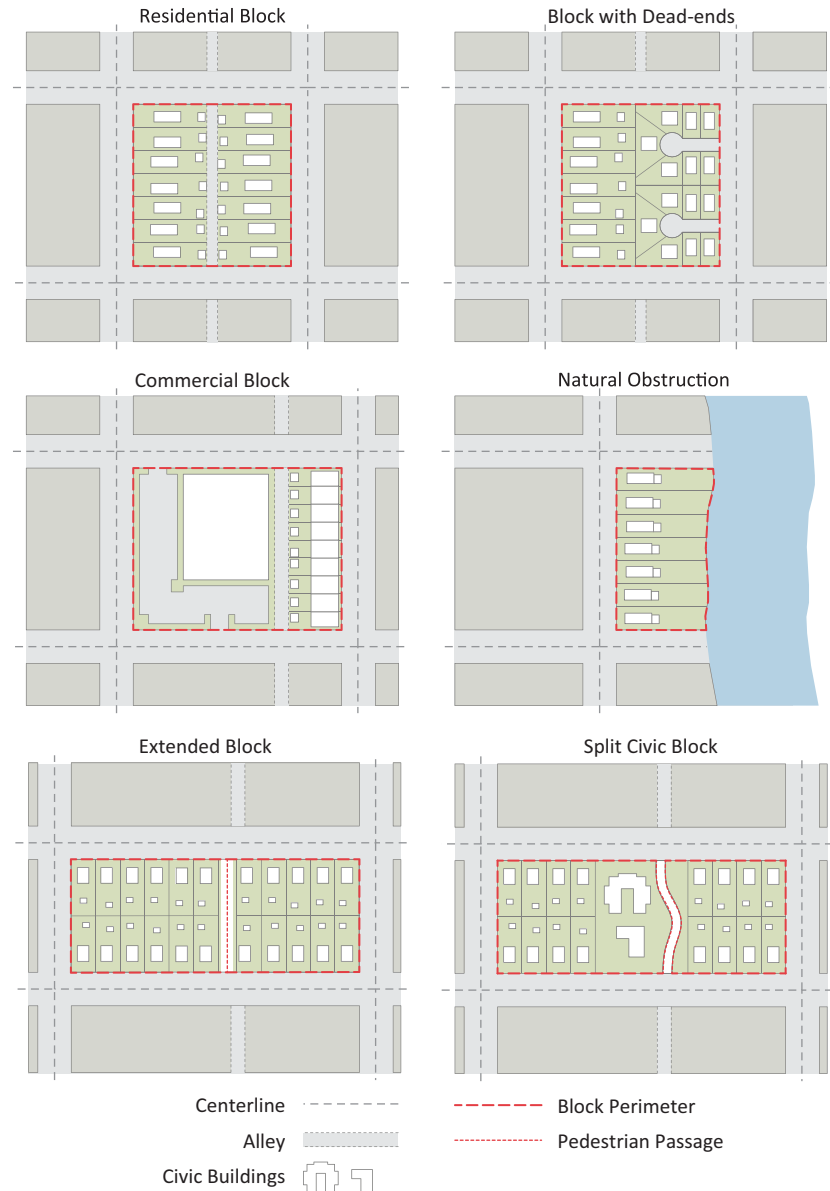
	Block Perimeter (max)	Dead-End Street (max)
R-1, R-2, R-4, R-6: By Average Lot Size on Block		
40,000+ sf	8,000'	1,000'
20,000 - 39,999 sf	6,000'	750'
10,000 - 19,999 sf	5,000'	600'
6,000 - 9,999 sf	4,500'	550'
up to 5,999 sf	3,000'	400'
R-10: By District		
R-10	2,500'	300'
Mixed Use Districts		
DX-, -TOD	2,000'	Not allowed
RX-, NX-, CX-, OX-: up to 4 stories	3,000'	400'
RX-, NX-, CX-, OX-: 5+ stories	2,500'	300'
OP-, IX-	4,000'	500'
Special Districts		
CM, AP	n/a	n/a
IH	6,000'	400'
MH	3,000'	400'
CMP, PD	4,000' or based on master plan	400' or based on master plan

Measurement of Dead-End Street Length



B. Block Measurement

1. A block is bounded by a public right-of-way (not including an alley). All public rights-of-way proposed as part of a development must be improved with a street.
2. Block perimeter is measured along the edge of the property adjoining the public right-of-way, except for the measurement of dead-end streets, which are measured from intersecting centerlines.
3. The maximum block perimeter may be extended by 50% where the block includes a pedestrian passage (see Sec. 8.4.8.) or an alley (Sec. 8.4.7.) that connects the 2 streets on opposing block faces. Pedestrian passages and alleys may connect dead-end streets.
4. A block may be broken by a civic building or open lot, provided the lot is at least 50 feet wide and deep and provides a pedestrian passage meeting the requirements of Sec. 8.4.8. that directly connects the 2 streets on each block face.
5. Within a single phase of any subdivision or development, individual block perimeters may exceed the maximum by 25% provided that the average of all block perimeters in the phase does not exceed the maximum.
6. Where the block pattern is interrupted by public parkland, including greenways, that is open and accessible to the public, pedestrian access points shall be provided with a minimum spacing equal to $\frac{1}{2}$ of the maximum block perimeter.



Sec. 8.3.3. Lots

A. Lot Frontage

Every lot shall have frontage on a public street, except those developments which were approved for private streets prior to the effective date of this UDO. Except as otherwise stated in this UDO, all lots must front on a street that has a pavement width of at least 20 feet.

B. Lot Arrangement

1. Lots shall be subdivided to permit conformance with all laws and ordinances and to ensure for orderly urban growth, proper building arrangement and to provide City services and facilities.
2. Lot dimensions shall provide for the potential development of all lots and future compliance with the development standards of this UDO.

C. Principal Structures Per Lot

In the R-1, R-2, R-4 and R-6 districts, only 1 principal structure is permitted per lot. This does not include cottage courts, townhomes and apartments, condominiums or specifically allowed nonresidential uses as set forth in Sec. 6.1.4.

D. Lot Dimensions

Lots that are occupied or are intended to be occupied shall conform with the minimum lot size, lot width and lot depth requirements provided under *Chapter 2. Residential Districts, Chapter 3. Mixed Use Districts and Chapter 5. Overlay Districts.*

E. Recombination of Lots

The recombination of lots shall be done in accordance with Sec. 10.2.6.

Sec. 8.3.4. Subdivision Access

A. Open Access

Subdivisions must provide roadways that remain permanently open to the public and provide community-wide access as part of an overall connected street network.

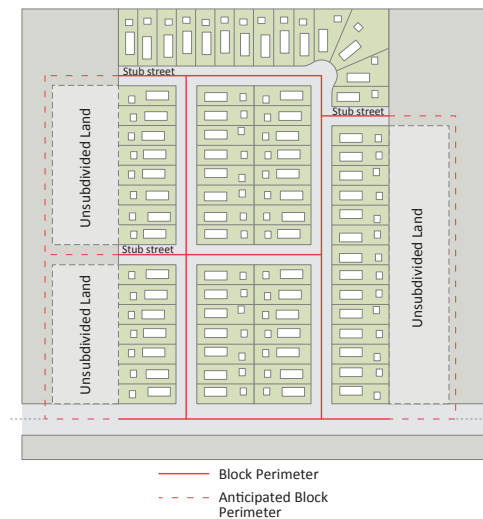
B. Connectivity Required

Proposed streets must be interconnected and must connect with adjacent streets external to the subdivision in order to provide multiple routes for pedestrian and vehicle trips from, to and within the subdivision.

C. Stub Streets

Unless modified by a zoning condition contained in an adopted conditional use zoning ordinance the regulations in *subsection C* shall apply.

1. Where a development adjoins unsubdivided land, stub streets within the new subdivision shall be extended to the meet maximum block perimeter standards of Sec. 8.3.2.
2. The stub street must be extended to the boundary of the abutting property to the point where the connection to the anticipated street is expected.
3. Stub streets must be located so that the portion of the block perimeter located on the subject property does not exceed 50% of the applicable block perimeter maximum.



4. If a stub street exists on an abutting property, the street system of any new subdivision must connect to the stub street to form a through street.
5. When the entirety of a creek crossing is in the subdivision, the crossing must be in a single phase in its entirety.

6. When stubbing to the edge of the site, the stub street will be built to the furthest point possible without NCDWQ approval and a fee in lieu of construction is paid for the remainder. Any right-of-way and slope easements needed to build the connection shall be dedicated.
7. Where a stub street is provided, a barricade using a design approved by the Development Services Director must be constructed at the end of the stub street, pending the extension of the street into abutting property. A sign noting the future street extension shall be posted at the applicant's expense.

Sec. 8.3.5. Site Access

A. General Access Requirements

1. All existing and proposed development must provide a satisfactory means of vehicular, pedestrian and bicycle ingress and egress to and from a street or an abutting site.
2. All on-site parking areas must have vehicular access from a street, an alley, a drive aisle or a cross-access easement.
3. All on-site parking areas must be designed to allow vehicles to enter and exit the parking area in a forward motion, unless otherwise approved by the Development Services Director. An improved alley may be used as maneuvering space for access to on-site parking areas.

B. Pedestrian Access

1. All existing and proposed development must provide safe, direct and convenient pedestrian access connecting main entrances of buildings, establishments or uses on a site that allows for public access, with all other such entrances and with available access points including parking, streets, sidewalks and transit stops with the exception of the following uses which are exempt:
 - a. Single- or two-unit living;
 - b. Multi-unit living with 6 or fewer dwelling units;
 - c. Agricultural use;
 - d. Parks, open space and greenways;
 - e. Cemetery;
 - f. Telecommunication tower;

- g. Off-premise sign;
 - h. Minor utilities; and
 - i. Other uses not containing a principal building on the premise (with the exception of a parking facility).
2. Pedestrian access shall consist of an accessible, easily-discernible and ADA-compliant walkway or multi-use path with a minimum width of 5 feet.
 3. The pedestrian access surface located on private property shall be constructed of concrete, asphalt or other fixed, firm and nonslip material as approved by the Development Services Director.
 4. Pedestrian access routes between buildings and public rights-of-way shall be physically separated from vehicular surface areas, except where required to cross a drive aisle; such crossings shall be perpendicular wherever practicable.
 5. Site plans containing multiple principal buildings shall submit a phasing plan. The phasing plan shall include all necessary elements to address phasing of walkway construction for the existing principal buildings and uses on the site as new buildings and building expansion occurs in the future.

C. Driveways

1. All Driveways

- a. All driveway design and construction must comply with the Raleigh Street Design Manual, or the Fire Code when conflict exists.
- b. Driveway dimensions measured at the street right-of-way shall be in accordance with the following table:

	Width (min)	Width (max)	Radius (max)
Residential on a local street, up to 6 off-street parking spaces	10'	18'	10'
Residential 7+ off-street parking spaces (one way)	12'	16'	10'
Residential 7+ off-street parking spaces (two-way)	20'	24'	10'
Mixed Use/Commercial (one-way)	12'	18'	10'

Mixed Use/Commercial (two-way)	20'	32'	15'
Industrial/Service	30'	40'	30'

- c. The Development Services Director may require wider driveways where unusual traffic, grade or site conditions exist.

2. Driveways for Residential Uses

Unless modified by a zoning condition contained in an adopted conditional use zoning ordinance 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, 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.
- 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.

3. Driveways for Mixed Use and Nonresidential Uses

Unless modified by a zoning condition contained in an adopted conditional use zoning ordinance the regulations in *subsection C.3* shall apply.

- a. If on-site parking areas can be accessed from an improved alley with a right-of-way of at least 24 feet in width, access from the alley is required and new curb cuts along the public right-of-way are not allowed.
- b. Driveways are allowed based on the property frontage of any street. Additional driveways require approval from the Development Services Director.
- c. Driveways accessing up to 80-foot wide street rights-of-way must be spaced 200 feet apart centerline to centerline and driveways accessing

more than an 80-foot wide street right-of-way must be spaced 300 feet apart centerline to centerline.

- d. A driveway serving any non-residential use or multi-unit living shall not be permitted to access neighborhood yield or neighborhood local streets unless the proposed access point is the lesser of 300' from an avenue, boulevard or parkway, or the intersection of another public street.
- e. Offers of cross-access shall be prohibited where a proposed non-residential use or multi-unit living may potentially obtain access from a neighborhood or residential street, unless the resulting access meets the provisions of subsection d above.
- f. Driveways may intersect a street no closer than 50 feet from the intersection of 2 street rights-of-way, not including an alley.
- g. Nothing in this section shall prevent all site access to any property.

D. Cross-Access

All lots abutting a street other than a local street shall comply with the following standards:

- 1. Internal vehicular circulation areas shall be designed and installed to allow for cross-access between abutting lots.
- 2. When an abutting owner refuses in writing to allow construction of the internal vehicular circulation on their property, a stub for future cross-access shall be provided as close as possible to the common property line.
- 3. Rights of vehicular and pedestrian access shall be granted to all abutting properties contemporaneously with the recording of the final subdivision plat or prior to issuance of a building permit for an approved site plan, whichever event first occurs on the property after September 1, 2013. This right of cross-access shall be recorded by plat in the register of deeds office in the county where the property is located. By the end of the next business day following the recordation, the applicant shall provide to Development Services evidence of recordation of the cross-access agreement. No building permit will be issued until evidence of recordation of the cross-access agreement is provided to the City.
- 4. The content of the cross-access agreement required by the City shall be as follows:

- a. Pedestrian and vehicular access is granted to all properties on the same block face as the property owner establishing the cross-access. The owner may make the pedestrian and vehicular access contingent upon the granting of reciprocal vehicular and pedestrian access right to the granting property.
- b. The location of the pedestrian and vehicular access is described as over all sidewalks, vehicular drives and driveways located on the property or by specific metes and bounds.
- c. The beneficiaries granted access rights include the lot owners, their successors, heirs and assigns, tenants and subtenants, lenders, employees, customers and guests.
- d. Each lot owner is required to maintain the vehicular and pedestrian access areas on their lot. Maintenance shall include, but not be limited to repair, fixing potholes and repaving.
- e. All lot owners and tenants granted vehicular and pedestrian access rights shall have the right together with their contractors, but not obligation, to maintain all portions of pedestrian vehicular and access ways. If such owners, tenants and their contractors engage in any maintenance activities off their lot, they shall have the right of contribution to be reimbursed for their actual expenses from the defaulting lot owner, provided at least 30 days prior written notice is first provided to the defaulting lot owner.
- f. A temporary construction easement is granted to the abutting lot owner and tenants and their contractors to enter the adjoining property to install connecting internal drives not previously extended to the property line.
- g. A notice provision explaining how and where to send written notice.
- h. A provision prohibiting the erection of fences walls and other obstructions that prevent the use of vehicular and pedestrian access ways.
- i. A statement that the cross access agreement runs with the land and it is binding on all successors, heirs and assigns and that the easement rights are perpetual.
- j. A statement that the cross access agreement is a requirement of the Raleigh City Code and that it may not be terminated or amended without

the written consent of the Development Services Director and such amendments and terminations that are in violation of the Raleigh City Code are void ab initio.

- k. The cross access agreement shall be signed by all of owners of the granting property.
- l. All lenders and their trustees with interests in the granting property shall subordinate their security interests to the cross access agreement.
- m. The cross access agreement must be certified by an attorney licensed to practice law in the State of North Carolina, confirming compliance with all of all provisions of *Sec 8.3.5.D*.

Sec. 8.3.6. Administrative Design Adjustment Findings

- A. The Board of Adjustment shall, in accordance with Sec. 10.2.18, approve a design adjustment from the provisions of Article 8.3 relating to blocks, lots and access, upon a showing of all of the findings set forth below.
 1. The approved design adjustment meets the intent of this Article;
 2. The approved design adjustment conforms with the Comprehensive Plan and adopted City plans;
 3. The approved design adjustment does not increase congestion or compromise safety;
 4. The approved adjustment does not create any lots without direct street frontage;
 5. The approved design adjustment does not conflict with an approved or built roadway construction project adjacent to or in the vicinity of the site (no design adjustment shall be approved when the City Council has authorized a roadway project in the vicinity, where the roadway design has not yet been finalized); and
 6. The design adjustment is deemed reasonable due to one or more of the following:
 - a. Topographic changes are too steep;
 - b. The presence of existing buildings, stream and other natural features;
 - c. Site layout of developed properties;
 - d. Adjoining uses or their vehicles are incompatible;
 - e. Existing buildings, streams or other natural or man-made obstructions or site layout of developed properties prevent cross access;
 - f. There are steep slopes in excess of 25%;
 - g. Freeways, waterways, railroad lines, pre-existing development, tree conservation areas, stream buffers, cemeteries, open space or easements would make the provisions of a complete block or a stub street infeasible; or
 - h. With respect to the requirement for a stub street, a high intensity non-residential use is located adjacent to a proposed residential subdivision.
- B. If a design adjustment is granted from the requirement to provide cross-access, then bicycle and pedestrian connections shall be provided between abutting properties, except where there is a perennial wet stream crossing of greater than 15 feet in width that interferes with such access.

Article 8.4. New Streets

Sec. 8.4.1. General Provisions

This Article describes guidelines for the construction of new streets throughout the City and is intended to provide a catalog of pre-approved street types that are appropriate to use. The City has approved a separate Street Design Manual which provides further details.

A. Intent

1. The intent of the new streets regulations is to provide a palette of street typologies and design elements that reflect the character of different areas within the City.
2. The new street regulations provide adequate travel lanes for vehicles, cyclists and pedestrians.
3. Gated public streets shall not be permitted.

B. Applicability

1. When a preliminary plan, final plat or site plan proposes the construction of a new street the requirements of this Article apply.
2. Sidewalks, streets and street trees must be installed and constructed in accordance with this Article.
3. Existing streets may remain serving existing development in their current configuration; however, they shall not be extended or substantially rebuilt except in conformance with this Article (see also *Article 8.5. Existing Streets*)

C. Letter of Acceptance Required

1. Sidewalks, streets and street trees must be installed prior to the issuance of a letter of final acceptance.
2. A conditional letter of acceptance may be issued in accordance with *Sec. 8.1.3.* where the Development Services Director determines that landscaping in the public right-of-way cannot be installed due to inclement weather conditions, a surety in the amount of 125% of the value of the landscaping shall be provided to the City, in accordance with *Sec. 8.5.1.B.* The landscaping improvements shall be installed within 12 months of issuance of the conditional letter of acceptance.

3. Where determined appropriate by the Development Services Director, the sidewalk and street tree planting area may occur on private property subject to an easement for public access.

D. Tree Planting

1. Unless otherwise noted below, all trees planted in accordance with this Article must be shade trees.
2. Where overhead utilities exist, 1 understory tree shall be planted every 20 feet on center, on average. Required understory trees may be installed within GSI practices. Up to 20% of required understory trees may be offset by installing vegetated GSI practices, such as stormwater planter boxes. A maintenance plan must be approved for the GSI practice according to *Sec. 9.2.2.D.*
3. All required street trees must meet the design and installation requirements of *Sec. 7.2.7.* If a GSI practice is part of an approved stormwater management plan for the site, required street trees may be installed within the GSI practice. A maintenance plan must be approved for the GSI practice according to *Sec. 9.2.2.D.*
4. Where development abuts a street controlled by the North Carolina Department of Transportation, street trees may not be required in the right-of-way, at the discretion of the North Carolina Department of Transportation. In this instance, a Type C2 street protective yard is required in accordance with *Sec. 7.2.4.*

E. Design Adjustments Relating to New Streets (Article 8.4).

The Board of Adjustment shall, in accordance with *Sec. 10.2.18.*, approve a design adjustment from the provisions of Article 8.4 relating to new streets, upon a showing of all of the findings set below.

1. The approved adjustment meets the intent of this Article;
2. The approved adjustment conforms with the Comprehensive Plan and adopted City plans;
3. The approved adjustment does not increase congestion or compromise safety;
4. The approved adjustment does not create additional maintenance responsibilities for the City;

5. The approved adjustment has been designed and certified by a Professional Engineer;
6. The approved adjustment addresses stormwater collection and conveyance and does not adversely impact stormwater collection; and
7. One or more of the following conditions are present:
 - a. an existing building would impede roadway expansion; or
 - b. transitioning from a different street section.

Sec. 8.4.2. Street Types

A. Sensitive Area Streets

1. Sensitive Area Parkway
2. Sensitive Area Avenue
3. Sensitive Area Residential Street

B. Local Streets

1. Neighborhood Yield
2. Neighborhood Local
3. Neighborhood Street
4. Multifamily Street

C. Mixed Use Streets

1. Avenue 2-Lane, Undivided
2. Avenue 2-Lane, Divided
3. Avenue 3-Lane, Parallel Parking
4. Main Street, Parallel Parking
5. Main Street, Angle Parking

D. Major Streets

1. Avenue 4-Lane, Parallel Parking
2. Avenue 4-Lane, Divided
3. Avenue 6-Lane, Divided
4. Multi-Way Boulevard, Parallel Parking
5. Multi-Way Boulevard, Angle Parking

E. Industrial and Service Streets

1. Industrial Street

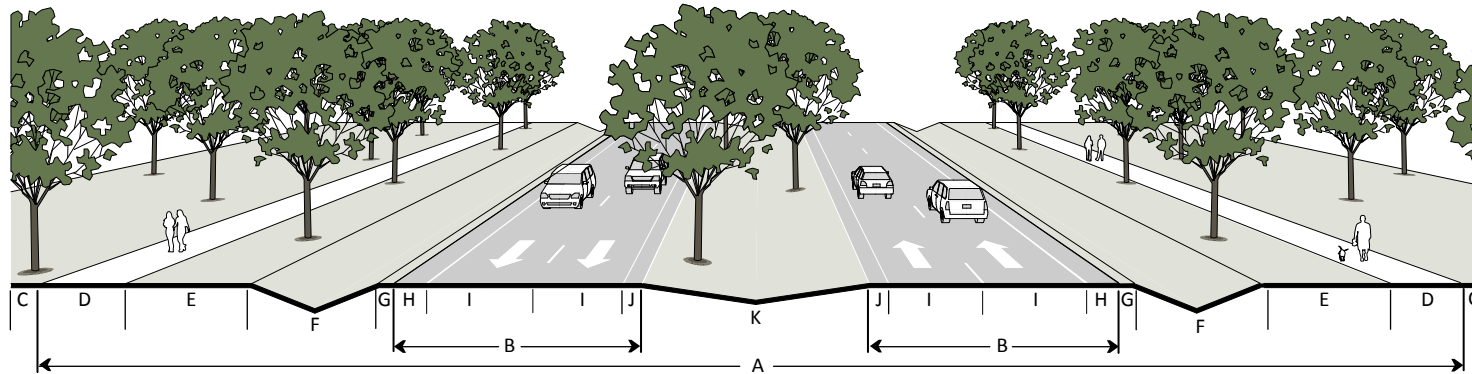
2. Alley, Residential
3. Alley, Mixed Use

F. Accessways

- a. Primary Internal Access Drive
- b. Pedestrian Passage

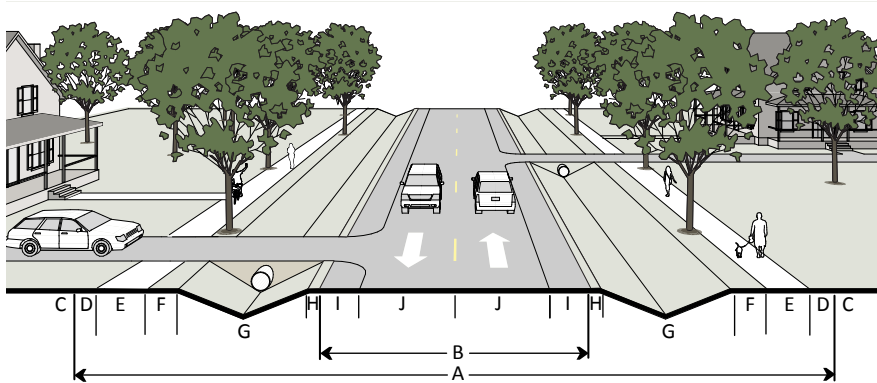
Sec. 8.4.3. Sensitive Area Streets

A. Sensitive Area Parkway



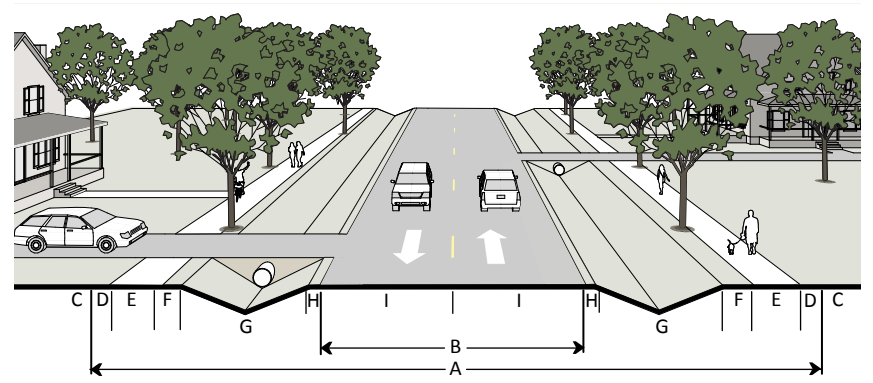
Width	
A Right-of-way width	154'
B Pavement width	32'
Streetscape	
C Maintenance strip (min)	2'
D Multi-use trail (min)	10'
E Planting area (min)	6'
F Drainage (min)	10'
Travelway	
G Grassed shoulder	2'
H Paved shoulder/bicycle lane	8'
I Travel lane	11'
J Paved shoulder	2'
K Median (min)	30'
General	
Walkway type	Multi-use path
Planting type	Tree lawn
Tree spacing	50' o.c. avg

B. Sensitive Area Avenue



Width	
A Right-of-way width	80'
B Pavement width	30'
Streetscape	
C Utility placement, easement (min)	5'
D Maintenance strip (min)	2'
E Sidewalk (min)	5'
F Planting area (min)	6'
G Drainage (min)	10'
Travelway	
H Grassed Shoulder	2'
I Paved Shoulder	4'
J Travel lane	11'
General	
Walkway type	Sidewalk
Planting type	Tree lawn
Tree spacing	50' o.c. avg

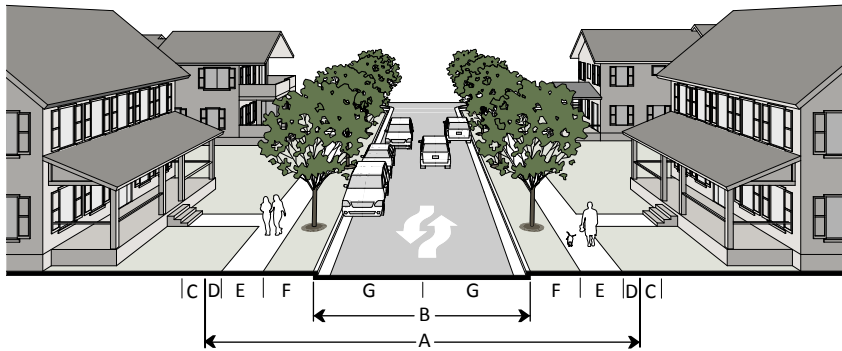
C. Sensitive Area Residential Street



Width	
A Right-of-way width	70'
B Pavement width	20'
Streetscape	
C Utility placement, easement (min)	5'
D Maintenance strip (min)	2'
E Sidewalk (min)	5'
F Planting area (min)	6'
G Drainage (min)	10'
Travelway	
H Grassed Shoulder	2'
I Travel lane	10'
General	
Walkway type	Sidewalk
Planting type	Tree lawn
Tree spacing	50' o.c. avg

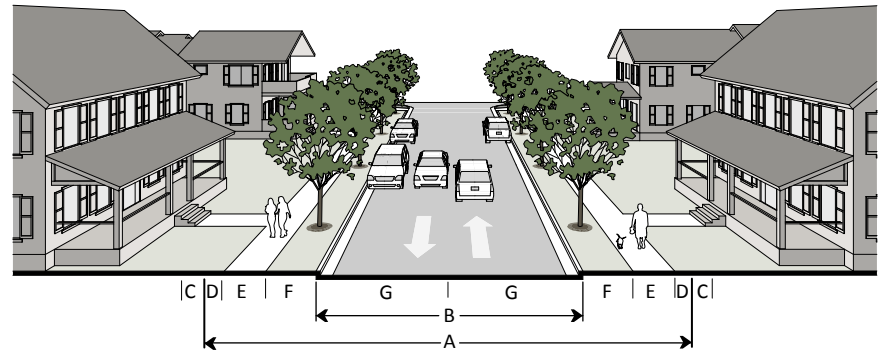
Sec. 8.4.4. Local Streets

A. Neighborhood Yield



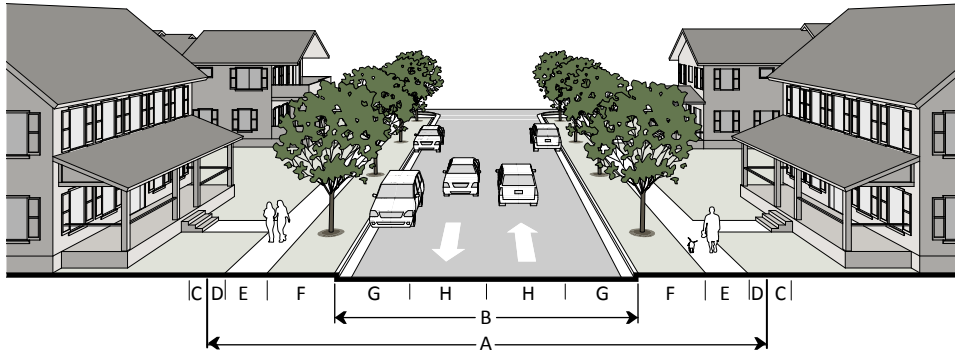
Width	
A Right-of-way width	55'
B Back-of-curb to back-of-curb	27'
Streetscape	
C Utility placement, easement (min)	5'
D Maintenance strip (min)	2'
E Sidewalk (min)	6'
F Planting area (min)	6'
Travelway	
G Parallel parking/travel lane	13.5'
General	
Walkway type	Sidewalk
Planting type	Tree lawn
Tree spacing	40' o.c. avg
Parking type	Parallel

B. Neighborhood Local



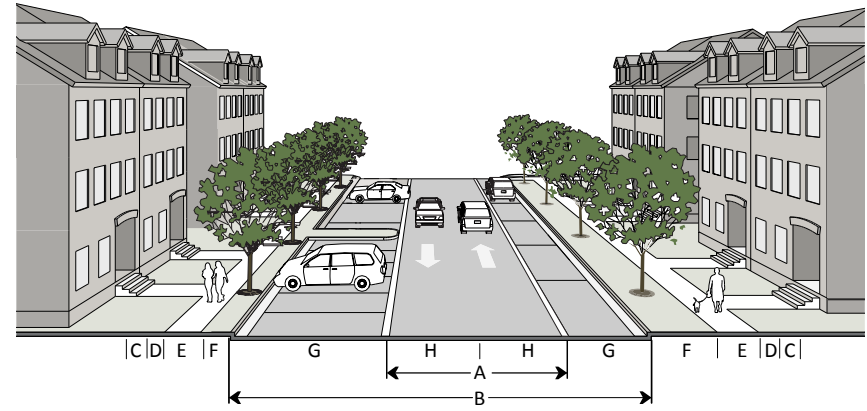
Width	
A Right-of-way width	59'
B Back-of-curb to back-of-curb	31'
Streetscape	
C Utility placement, easement (min)	5'
D Maintenance strip (min)	2'
E Sidewalk (min)	6'
F Planting area (min)	6'
Travelway	
G Parallel parking/travel lane	15.5'
General	
Walkway type	Sidewalk
Planting type	Tree lawn
Tree spacing	40' o.c. avg
Parking type	Parallel

C. Neighborhood Street



Width	
A Right-of-way width	64'
B Back-of-curb to back-of-curb	36'
Streetscape	
C Utility placement, easement (min)	5'
D Maintenance strip (min)	2'
E Sidewalk (min)	6'
F Planting area (min)	6'
Travelway	
G Parallel parking lane	8'
H Travel lane	10'
General	
Walkway type	Sidewalk
Planting type	Tree lawn
Tree spacing	40' o.c. avg
Parking type	Parallel

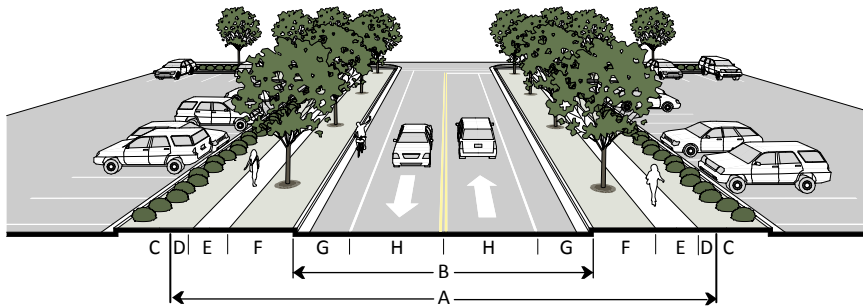
D. Multifamily Street



Width	
A Right-of-way width	22'
B Back-of-curb to back-of-curb	varies
Streetscape	
C Utility placement, easement (min)	5'
D Maintenance strip, easement (min)	2'
E Sidewalk, easement (min)	6'
F Planting area (min)	6'
Travelway	
G Parking lane	
Parallel (either side)	8'
Head-in (either side)	18'
60° angle (either side)	19.8'
H Travel lane	11'
General	
Walkway type	Sidewalk
Planting type	Tree lawn
Tree spacing	40' o.c. avg
Parking type	Parallel, head-in, angle

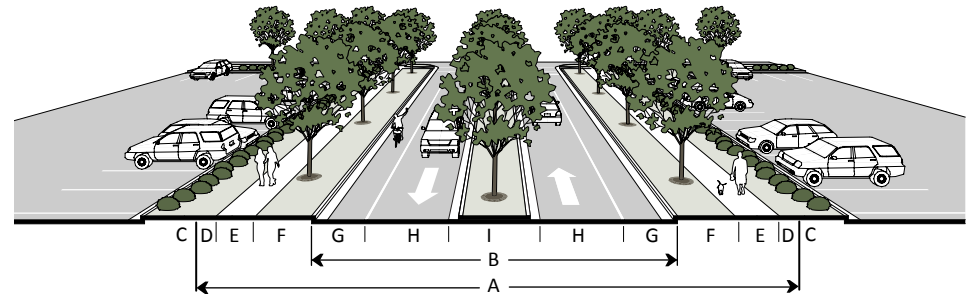
Sec. 8.4.5. Mixed Use Streets

A. Avenue 2-Lane, Undivided



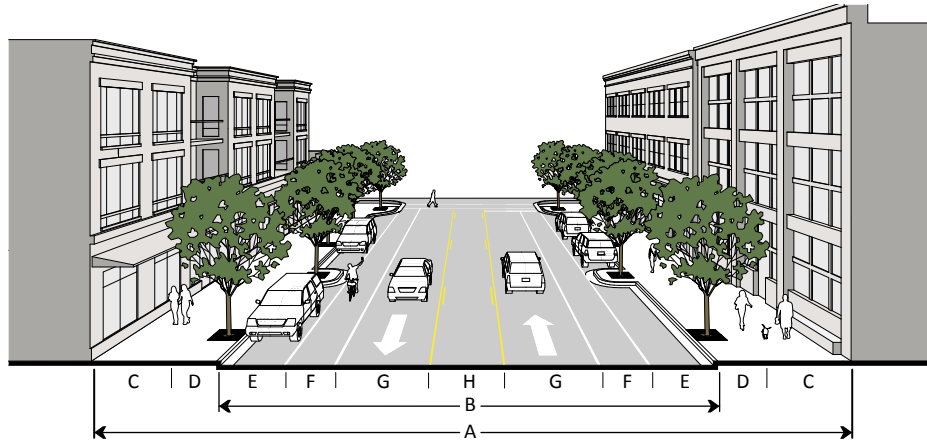
Width	
A Right-of-way width	64'
B Back-of-curb to back-of-curb	36'
Streetscape	
C Utility placement, easement (min)	5'
D Maintenance strip (min)	2'
E Sidewalk (min)	6'
F Planting area (min)	6'
Travelway	
G Bike lane	7'
H Travel lane	11'
General	
Walkway type	Sidewalk
Planting type	Tree lawn
Tree spacing	40' o.c. avg

B. Avenue 2-Lane, Divided



Width	
A Right-of-way width	
With center turn lane	75'
With median	79'
B Back-of-curb to back-of-curb	
With center turn lane	48'
With median	52'
Streetscape	
C Utility placement, easement (min)	5'
D Maintenance strip (min)	2'
E Sidewalk (min)	6'
F Planting area (min)	6'
Travelway	
G Bike lane	7'
H Travel lane	11'
I Center lane	
Striped turn lane	11'
Median	15'
General	
Walkway type	Sidewalk
Planting type	Tree lawn
Tree spacing	40' o.c. avg

C. Avenue 3-Lane, Parallel Parking



Width	
A Right-of-way width	
With center turn lane	90'
With median	94'
B Back-of-curb to back-of-curb	
With center turn lane	62'
With median	66'
Streetscape	
C Sidewalk (min)	8'
D Planting area (min)	6'
Travelway	
E Parallel parking lane	8.5'
F Bike lane	6'
G Travel lane	11'
H Center lane	
Striped turn lane	11'
Median	15'
General	
Walkway type	Sidewalk
Planting type	Tree grate / lawn
Tree spacing	40' o.c. avg
Parking type	Parallel

D. Main Street, Parallel Parking



Width	
A Right-of-way width	73'
B Back-of-curb to back-of-curb	41'
Streetscape	
C Sidewalk (min)	10'
D Planting area (min)	6'
Travelway	
E Parallel parking lane	8.5'
F Travel lane	12'
General	
Walkway type	Sidewalk
Planting type	Tree grate
Tree spacing	40' o.c. avg
Parking type	Parallel

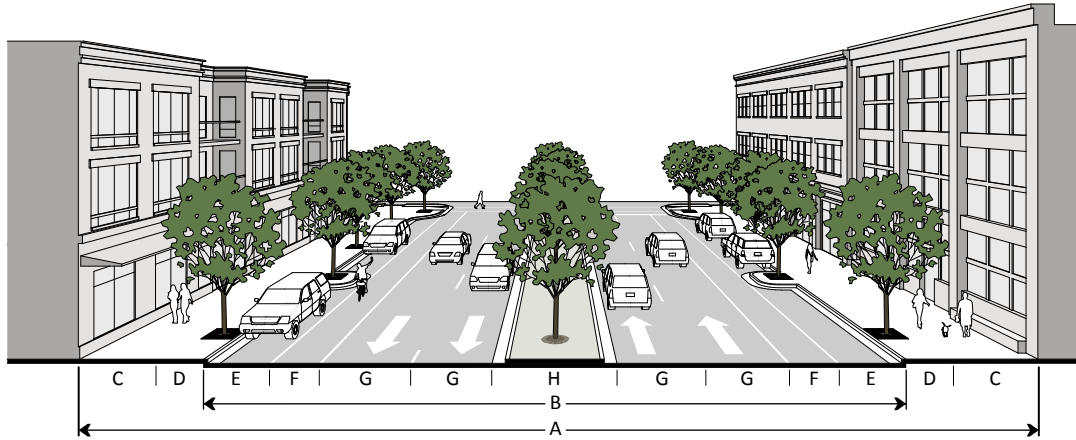
E. Main Street, Angle Parking



Width	
A Right-of-way width	96'
B Back-of-curb to back-of-curb	64'
Streetscape	
C Sidewalk (min)	10'
D Planting area (min)	6'
Travelway	
E 60° angle parking lane	20'
F Travel lane	12'
General	
Walkway type	Sidewalk
Planting type	Tree grate
Tree spacing	40' o.c. avg
Parking type	60° angle

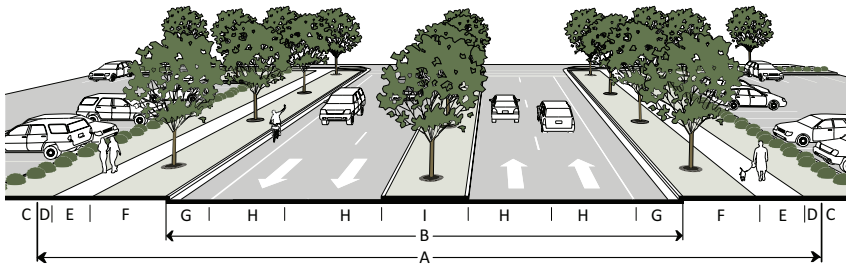
Sec. 8.4.6. Major Streets

A. Avenue 4-Lane, Parallel Parking



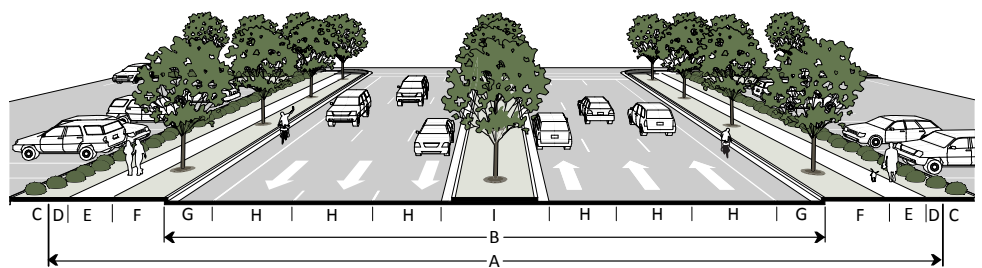
Width	
A Right-of-way width	122'
B Back-of-curb to back-of-curb	90'
Streetscape	
C Sidewalk (min)	10'
D Planting area (min)	6'
Travelway	
E Parallel parking lane	8.5'
F Bike lane	6'
G Travel lane	11'
H Median	17'
General	
Walkway type	Sidewalk
Planting type	Tree grate / lawn
Tree spacing	40' o.c. avg
Parking type	Parallel

B. Avenue 4-Lane, Divided



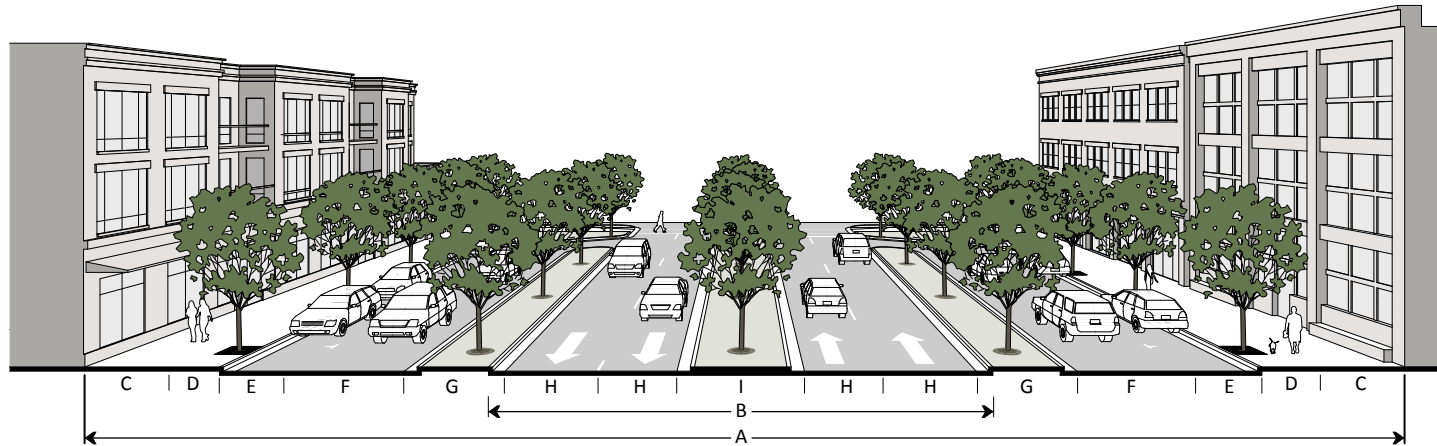
Width	
A Right-of-way width	104'
B Back-of-curb to back-of-curb	76'
Streetscape	
C Utility placement, easement (min)	5'
D Maintenance strip (min)	2'
E Sidewalk (min)	6'
F Planting area (min)	6'
Travelway	
G Bike lane	7.5'
H Travel lane	11'
I Median	17'
General	
Walkway type	Sidewalk
Planting type	Tree grate / lawn
Tree spacing	40' o.c. avg

C. Avenue 6-Lane, Divided



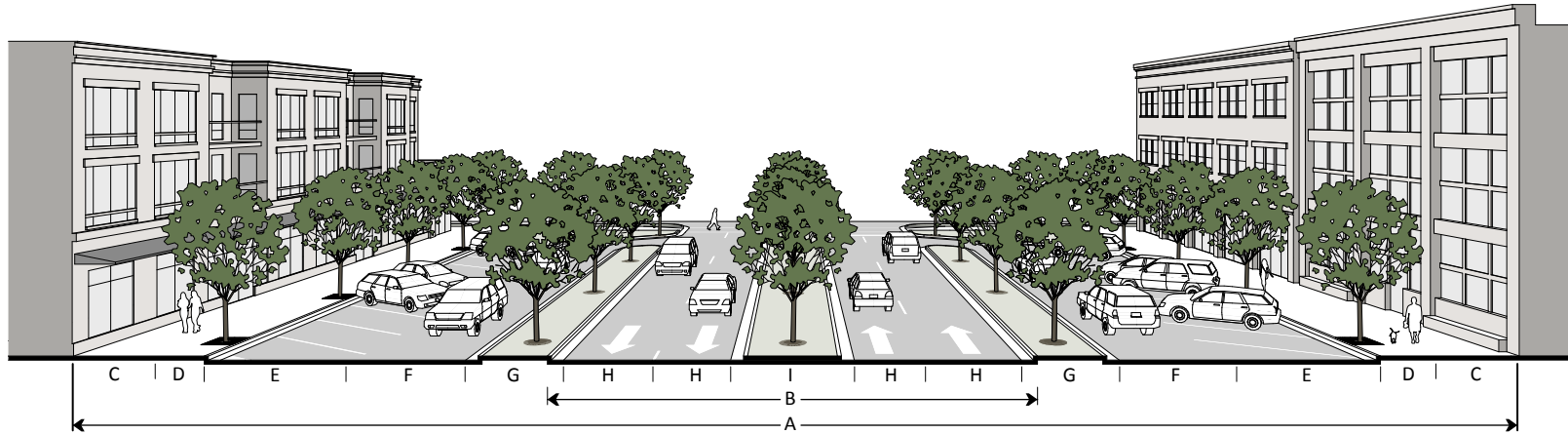
Width	
A Right-of-way width	126'
B Back-of-curb to back-of-curb	98'
Streetscape	
C Utility placement, easement (min)	5'
D Maintenance strip (min)	2'
E Sidewalk (min)	6'
F Planting area (min)	6'
Travelway	
G Bike lane	7.5'
H Travel lane	11'
I Median	17'
General	
Walkway type	Sidewalk
Planting type	Tree grate / lawn
Tree spacing	40' o.c. avg

D. Multi-Way Boulevard, Parallel Parking



Width	
A Right-of-way width	154'
B Back-of-curb to back-of-curb	66'
Streetscape	
C Sidewalk (min)	10'
D Planting area (min)	6'
Access Lane	
E Parallel parking	8.5'
F Access lane	11'
G Median	11'
Travelway	
H Travel lane	11'
I Median	17'
General	
Walkway type	Sidewalk
Planting type	Tree grate / lawn
Tree spacing	40' o.c. avg
Parking type	Parallel in access lane

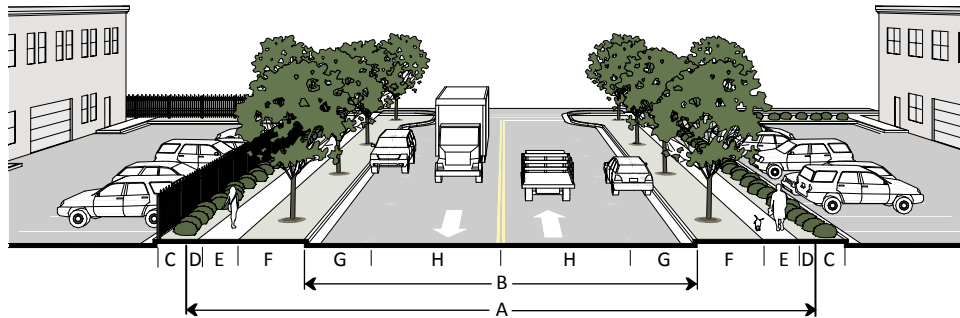
E. Multi-Way Boulevard, Angle Parking



Width	
A Right-of-way width	177'
B Back-of-curb to back-of-curb	66'
Streetscape	
C Sidewalk (min)	10'
D Planting area (min)	6'
Access Lane	
E 60° angle parking	20'
F Access lane	11'
G Median	11'
Travelway	
H Travel lane	11'
I Median	17'
General	
Walkway type	Sidewalk
Planting type	Tree grate / lawn
Tree spacing	40' o.c. avg
Parking type	60° angle in access lane

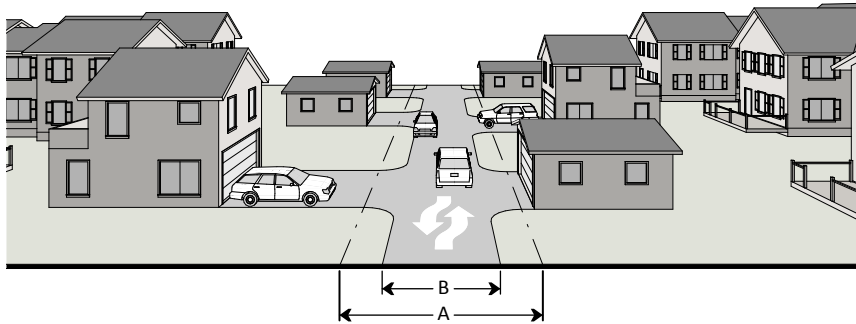
Sec. 8.4.7. Industrial and Service Streets

A. Industrial Street



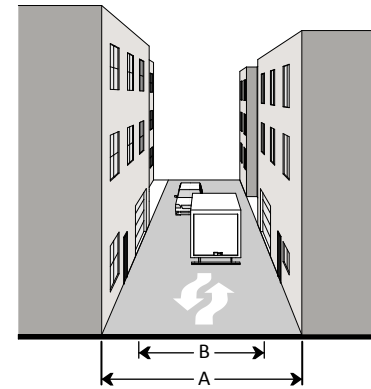
Width		
A	Right-of-way width	69'
B	Back-of-curb to back-of-curb	41'
Streetscape		
C	Utility placement, easement (min)	5'
D	Maintenance strip (min)	2'
E	Sidewalk (min)	6'
F	Planting area (min)	6'
Travelway		
G	Parallel parking lane	8.5'
H	Travel lane	12'
General		
	Walkway type	Sidewalk
	Planting type	Tree lawn
	Tree spacing	40' o.c. avg
	Parking type	Parallel

B. Alley, Residential



Width	
A Easement width	20'
Travelway	
B Travel lane	16'
B Travel lane, fire service route	20'

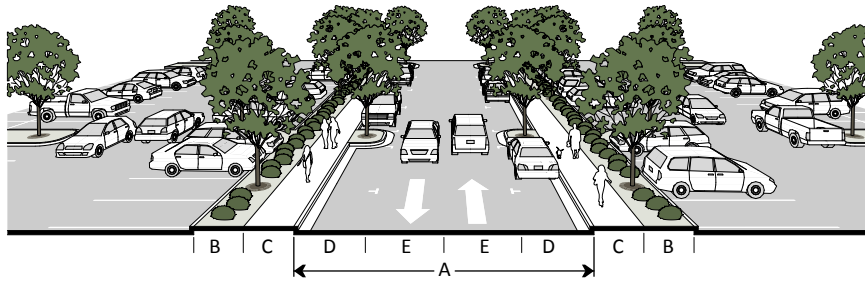
C. Alley, Mixed Use



Width	
A Easement width	24'
Travelway	
B Travel lane	20'

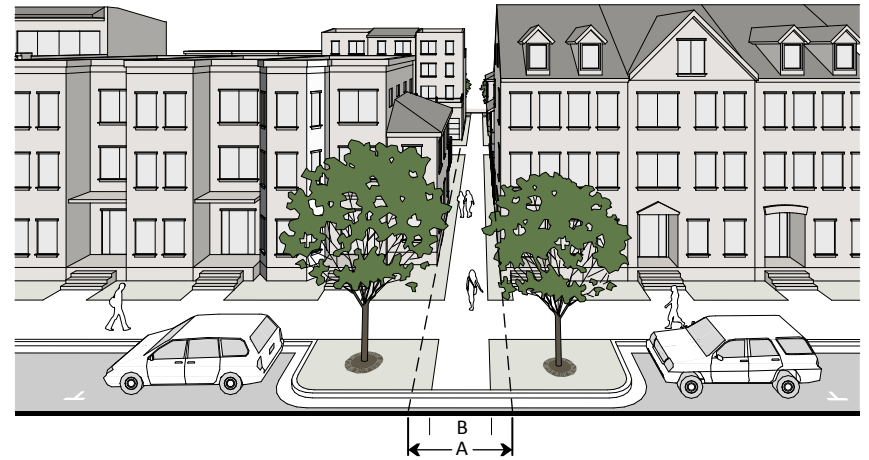
Sec. 8.4.8. Private Accessways

A. Primary Internal Access Drive



Width	
A	Back-of-curb to back-of-curb 36'
Streetscape	
B	Planting strip (min) 5'
C	Sidewalk (min) 6'
Travelway	
D	Parallel parking lane 8'
E	Travel lane 10'
General	
Walkway type	Sidewalk
Parking type	Parallel

B. Pedestrian Passage



Width	
A	Public access easement (min) 20'
Travelway	
B	Paved area (min) 10'
General	
Walkway type	Sidewalk

Article 8.5. Existing Streets

Sec. 8.5.1. General Provisions

This Article describes guidelines for the construction of street improvements and streetscapes for existing streets throughout the City. It is intended to address when street and streetscape improvements are appropriate through the application of the pre-approved street types in this chapter. The City has an approved Street Design Manual which provides further details.

A. Intent

1. The intent of the existing streets regulations is to provide the application of the street typology map and the streetscapes to existing streets to reflect the character and context of areas in the City.
2. The existing street regulations provide adequate travel lanes for vehicles, cyclists and pedestrians.

B. Applicability

1. General

- a. Any new development activity and any addition or repair subject to the requirements of *Sec. 10.2.5.* and *Sec. 10.2.8.* must meet street type and streetscape standards of this Article for existing streets abutting the subject property.
- b. The streetscape types of *Sec. 8.5.2.* shall be applied based on the zoning and frontage type applied to the subject property.
- c. Unless otherwise specifically provided, no permit for the construction, reconstruction, extension, repair or alteration of any building, structure or use of land and no building or land or any part of any building or land, may be occupied or used until the streetscape requirements of this Article have been met.
- d. Gated public streets shall not be permitted.
- e. Administrative design adjustments approved by the Development Services Director pursuant to *Sec. 10.2.18.* may be appropriate when an existing building would impede roadway expansion; when transitioning from a different street section; or where strict compliance with this UDO and the Raleigh Street Design Manual would pose a safety hazard.

2. Additions and Repairs

- a. A building or site may be renovated or repaired without meeting the streetscape standards, provided there is no increase in gross floor area or improved site area.
- b. When a building or site is increased in gross floor area or improved site area cumulatively by more than 10%, the streetscape provisions of this Article must be met.

3. Change in Use Exempt

A change in use does not trigger application of the streetscape requirements of this Article.

C. Letter of Acceptance

1. Sidewalks, streets and street trees must be installed prior to the issuance of a letter of final acceptance.
2. A conditional letter of acceptance may be issued in accordance with *Sec. 8.1.3.* where the Development Services Director determines that landscaping in the public right-of-way cannot be installed due to inclement weather conditions, a surety in the amount of 125% of the value of the landscaping shall be provided to the City, in accordance with *Sec. 8.5.1.B.* The landscaping improvements shall be installed within 12 months of issuance of the conditional letter of acceptance.
3. Where determined appropriate by the Development Services Director, the sidewalk and street tree planting area may occur on private property subject to an easement for public access.

D. Tree Planting

1. Unless otherwise noted below, all trees planted in accordance with this Article must be shade trees.
2. Where overhead utilities exist, 1 understory tree shall be planted every 20 feet on center, on average. Required understory trees may be installed within GSI practices. Up to 20% of required understory trees may be offset by installing vegetated GSI practices, such as stormwater planter boxes. A maintenance plan must be approved for the GSI practice according to *Sec. 9.2.2.D.*
3. All a required street trees must meet the design and installation

requirements of *Sec. 7.2.7*. If a GSI practice is part of an approved stormwater management plan for the site, required street trees may be installed within the GSI practice. A maintenance plan must be approved for the GSI practice according to *Sec. 9.2.2.D*.

4. Where development abuts a street controlled by the North Carolina Department of Transportation, street trees may not be required in the right-of-way, at the discretion of the North Carolina Department of Transportation. In this instance, a Type C2 street protective yard is required in accordance with *Sec. 7.2.4*.

E. Fee-in-Lieu

Where the Development Services Director determines that construction of improvements would result in the improvement of less than ½ of a linear block face; an equivalent payment in lieu of construction may be required.

F. Adopted Streetscape Plans

1. In the event an adopted streetscape plan regulates streetscape improvements, the adopted Plan shall control. The adopted streetscape plans are contained within the Raleigh Street Design Manual.
2. The requirements of this Article are intended to serve as minimum standards. Where a streetscape plan adopted before the effective date of this UDO sets a lower standard, the standard in this Article shall prevail.
3. The City Council may modify an adopted Streetscape Plan following written notice to property owners along the street.

G. Design Adjustments Relating to Existing Streets (Article 8.5).

The Board of Adjustment shall, in accordance with *Sec. 10.2.18.*, approve a design adjustment from the provisions of Article 8.5 relating to existing streets, upon a showing of all of the findings set below.

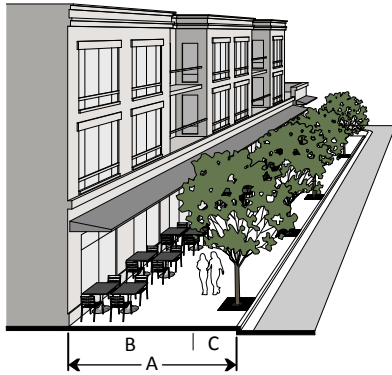
1. The approved adjustment meets the intent of this Article;
2. The approved adjustment conforms with the Comprehensive Plan and adopted City plans;
3. The approved adjustment does not increase congestion or compromise safety;
4. The approved adjustment does not create additional maintenance responsibilities for the City;

5. The approved adjustment has been designed and certified by a Professional Engineer; and
6. One or more of the following conditions are present:
 - a. an existing building would impede expansion; or
 - b. transitioning from a different street section impedes compliance.

Sec. 8.5.2. Streetscape Types

The required streetscape type is determined by the zoning district or by the designated frontage. Where there is conflict between a designated frontage and the zoning district, the designated frontage standard applies. Dimensional standards for planting area, tree spacing, and utility placement and the planting type may be varied to accommodate GSI practices. The Planning Director and the Parks and Cultural Resources Director and the Urban Forester shall make the final determination. Design specifications for streetscape improvements can be found in the Raleigh Street Design Manual, the City Tree Manual, and the City Stormwater Design Manual.

A. Main Street



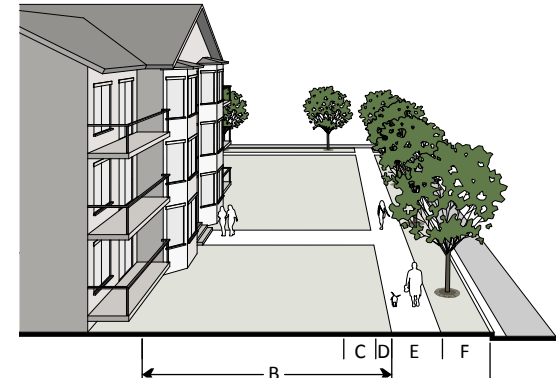
Frontages	
Applicable frontages	-SH, -UG, -UL, -GR, -PL
Zoning Districts	
Applicable zoning districts	Mixed use districts
Width	
A Streetscape width (max)	35'
Streetscape	
B Sidewalk (min)	10'
C Planting area (min)	6'
General	
Walkway type	Sidewalk
Planting type	Tree grate
Tree spacing	40' o.c. avg

B. Mixed Use



Frontages	
Applicable frontages	-UG, -UL, -GR, -PL
Zoning Districts	
Applicable zoning districts	Mixed use districts
Width	
A Streetscape width (max)	35'
Streetscape	
B Sidewalk (min)	8'
C Planting area (min)	6'
General	
Walkway type	Sidewalk
Planting type	Tree grate / lawn
Tree spacing	40' o.c. avg

C. Commercial



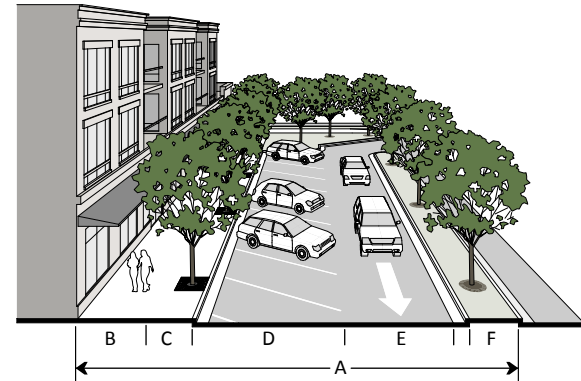
Frontages	
Applicable frontages	-GR, -PL
Zoning Districts	
Applicable zoning districts	Mixed use districts
Width	
A Streetscape width (max)	65'
Streetscape	
B Building setback (min/max)	20' / 50'
C Utility placement	5'
D Maintenance strip (min)	2'
E Sidewalk (min)	6'
F Planting area (min)	6'
General	
Walkway type	Sidewalk
Planting type	Tree lawn
Tree spacing	40' o.c. avg
No on-site parking permitted between the building and the street	

D. Residential



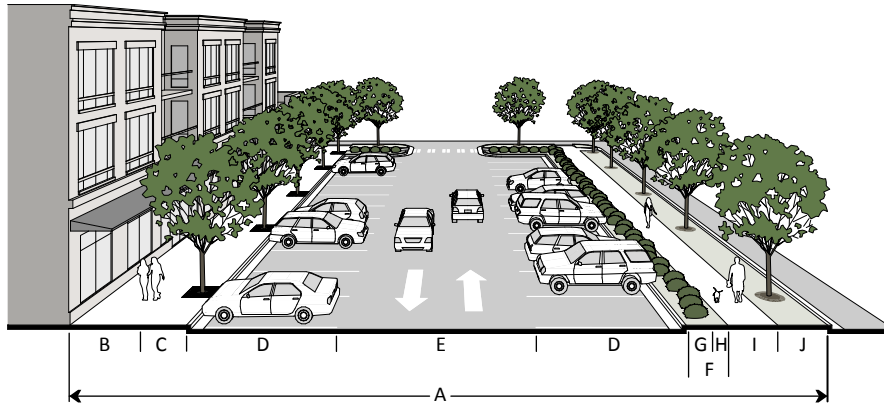
Frontages	
Applicable frontages	-DE
Zoning Districts	
Applicable building types	All districts: detached & attached house
Applicable zoning districts	Residential Districts, MH
Streetscape	
A Building setback (min)	varies
B Utility placement	5'
C Maintenance strip (min)	2'
D Sidewalk (min)	
Typical	6'
Sensitive area	5'
E Planting area (min)	6'
General	
Walkway type	Sidewalk
Planting type	Tree lawn
Tree spacing	40' o.c. avg

E. Multi-Way



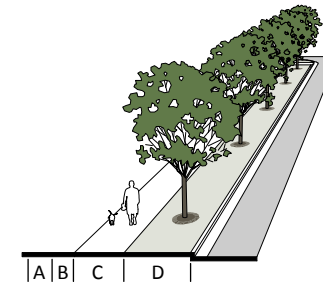
Frontages	
Applicable frontages	-PL
Zoning Districts	
Applicable zoning districts	Mixed Use Districts
Width	
A Streetscape width (max)	65'
Streetscape	
B Sidewalk (min)	10'
C Planting area (min)	6'
D 60° angle parking	20'
E Access lane	11'
F Median (min)	11'
General	
Walkway type	Sidewalk
Planting type	Tree grate / lawn
Tree spacing	40' o.c. avg

F. Parking



Frontages	
Applicable frontages	-PL
Zoning Districts	
Applicable zoning districts	Mixed Use Districts
Width	
A Streetscape width (max)	120'
Streetscape	
B Sidewalk (min)	8'
C Planting area (min)	6'
D 90° head-in parking (min)	18'
E Access lane (min)	22'
F Planting area (min)	10'
G Utility placement	5'
H Maintenance strip (min)	2'
I Sidewalk (min)	6'
J Planting area (min)	6'
General	
Walkway type	Sidewalk
Area F planting type	36" min hedge/wall (see Sec. 7.2.4.)
Areas C & J planting type	Tree grate / lawn
Tree spacing	40' o.c. avg

G. Sidewalk and Tree Lawn



Zoning Districts	
Required zoning districts	All districts: Existing streets where no other streetscape applies
Streetscape	
A Utility placement	5'
B Maintenance strip (min)	2'
C Sidewalk (min)	6'
D Planting area (min)	6'
General	
Walkway type	Sidewalk
Planting type	Tree lawn
Tree spacing	40' o.c. avg

Sec. 8.5.3. Nonconforming Streetscapes

- A. Where a streetscape along an existing street is constrained by an existing building, the Planning Director may adjust the streetscape standards to the minimum extent necessary to accommodate the existing area between the face of the building and back of curb.
- B. The standards shall be modified in the following order.
 1. Reduce or eliminate the planting area.
 2. If necessary, replace large canopy trees with small trees that are more appropriate for the reduced area. If the planting zone is eliminated, create a bumpout to provide for tree planting.
 3. Reduce the sidewalk to the minimum width necessary to accommodate ADA accessibility.

Sec. 8.5.4. Existing Private Streets

A. General

1. No new private streets are allowed.
2. All existing private streets must remain under maintenance of the homeowners' association and must be maintained to equivalent public street standards.
3. Private alleys must be constructed to the standards in *Sec. 8.4.7.* and the construction standards specified in the Raleigh Street Design Manual.
4. Private alleys are not dedicated to the public and shall not be publicly maintained.

B. Homeowners' Association

1. In no case shall the City be responsible for failing to provide any emergency or regular fire, police or other public service when such failure is due to lack of access to such areas due to inadequate design or construction, blocking of access routes, inadequate maintenance or any other factor within the control of the developer, homeowners' association or occupants.
2. In no case shall any approval, permit or certificate granted be valid unless the homeowners' association documents clearly indicate the limitations of governmental responsibility and unless all conveyances indicate those limitations provided, however, the provisions of this section and all other

provisions of the homeowners' declaration are applicable to the portions of the development conveyed and the owners of the conveyed portion, whether or not any such provisions are incorporated into the conveying documents.

C. Locked Gate Access

1. Any private street in existence or approved prior to September 1, 2013 may be considered for gated access.
2. All private streets and drives with access limited by locked gates or similar devices must provide a pass-key and lock-box of a type, at a location and installed in a manner as may be required by the City Fire Department for the provision of emergency access.
3. The owner, including any homeowners' association, shall maintain the lock-box, gate and gate lock in a working order so as to ensure accessibility by emergency personnel and vehicles.
4. The City and other applicable governmental entities and their respective emergency personnel shall be granted in writing the right, without liability, to break the locked gate or such similar device when emergency personnel reasonably believe that doing so is necessary to save life, prevent serious bodily harm, put out a Fire, to prevent a crime or to apprehend an apparent lawbreaker or to avert or control a public catastrophe.

D. Traffic Flow

It shall be the responsibility of the homeowners' association to establish speed limits and to maintain uninterrupted traffic flow along all private streets. If it is necessary for "no parking" signs to be erected, for street lights to be installed, for repairs to be made or towing of vehicles to be undertaken, this is all to be done at the expense of the homeowners' association.

E. Street Signs

All streets must contain identification as required in *Sec. 7.3.13.H.*

F. Setbacks and Lot Widths

All private streets shall be treated as public street rights-of-way for purposes of determining required setbacks and lot widths.

G. Maintenance

The final plat shall be conditioned as follows:

1. Require perpetual maintenance of private streets by a homeowners' association to the same standards as connecting public streets for the safe use of persons using the streets; and
2. State that the City has absolutely no obligation or intention to ever accept such streets as public right-of-way.

Article 8.6. Reimbursements

Sec. 8.6.1. Greenways

A. Required Greenway Dedication

Subject to the limitations of *Sec. 8.6.1.C.* below, whenever a tract of land included within any proposed residential subdivision or residential site plan includes any part of a greenway designated on the Comprehensive Plan, the greenway shall be platted and dedicated as a greenway easement.

B. Greenway Easement Width

Subject to the limitations of *Sec. 8.6.1.C.* below, the greenway required to be platted shall at a minimum, be the product of the following dimensions:

1. Minimum standard width multiplied by the length of the boundary along the banks of the adjoining watercourse;
2. Plus that portion of the watercourse contained within the development when property lines extend to the centerline of the watercourse:
 - a. Neuse River: 150 feet from each bank.
 - b. Crabtree & Walnut Creeks: 100 feet from each bank.
 - c. All other tributaries: As established by the current City Council-approved Raleigh Parks Plan.

C. Limitation on Dedication

1. No dedication shall be required for greenway lying outside of any floodplain, floodprone or flood hazard area, but such area shall be reserved in accordance with *Sec. 8.1.6.* for possible City acquisition.
2. The amount of greenway required to be dedicated shall not exceed the total obligation of the development to pay an open space facility fee, as determined by *Article 8.9. Facility Fees*, the number and type of dwelling units allowed by law for the development and the schedule of greenway land values listed in the City of Raleigh Fee Schedule, kept on file by the City and is updated and adopted by the City Council.

D. Method and Conditions of Reimbursement

1. The City Council may, in its discretion, change the general term of payment for individual projects and authorize payment in 1 sum immediately or in fixed payments.
2. No payment will be allowed if the dedicated open space is being used to satisfy a requirement for open space based on the underlying zoning district. Reimbursements will be reduced by any open space facility fee credits.
3. The dedicators shall waive their statutory right to withdraw the dedication prior to receiving any payment.
4. Reimbursements shall be fixed at the rate in effect when the dedication occurs.

Sec. 8.6.2. Minor Utility Lines

Reimbursement for utility lines shall be made in accordance with §8-2075, §8-2076, §8-2077, §8-2091, §8-2094 and §8-2095 of the Raleigh City Code.

A. Inside City Limits

1. For developments inside the corporate limits of the City or developments which have agreed to be annexed by the City, the City will reimburse the developer for costs incurred over and above those required to serve the immediate development.
2. The reimbursement shall be made in 10 equal annual installments with interest at 4% per annum beginning January 1 following the time of final inspection and final acceptance of the improvement by the City, but the first installment payment shall not become payable until the second January 1 following final inspection and final acceptance or contract execution, whichever is later.
3. The City Council may in its discretion authorize reimbursement to be paid in one sum immediately or in installments over a period of less than 10 years.
4. The following installations are subject to reimbursement:
 - a. Differential unit costs between a water main 6 inches in diameter and a water main 12 inches in diameter when required by the City and not necessary to serve the subject property.

- b. Differential unit costs between a sewer main over 8 inches in diameter and sewer mains 12 inches in diameter, when required by the City and not necessary to serve the subject property.
- c. Unit cost of off-site utility lines less than 12 inches in diameter constructed by the developer to reach the boundary of the development whether the lines are installed inside or outside the corporate limits of the City.

B. Outside City Limits

1. For developments outside the corporate limits of the City, the City will reimburse the developer for the unit cost of off-site utilities less than 12 inches in diameter constructed within the corporate limits of the City by the developer to reach the boundary of the development.
2. The reimbursement shall be made in 10 annual equal installments, without interest. The first payment to become due and payable on the second January 1 following the date of final inspection and final acceptance of the improvement and approval of the cost by the City Council.
3. Current reimbursement fees are listed in the City of Raleigh Fee Schedule, kept on file by the City and are updated and adopted by the City Council.

C. Procedural Conditions for Reimbursement

1. Following completion of the improvements acceptable to the City, the developer shall furnish the City an itemized list of costs identified in the City of Raleigh Fee Schedule to be reimbursed by the City. The City Council shall approve a contract with the developer, setting forth the terms for reimbursement.
2. The City shall pay such other costs incidental to the development of the general area which, in the opinion of the City Council, should properly be borne by the City. The City shall set forth the terms of such payment.

Sec. 8.6.3. Streets

A. Improvements Eligible for Reimbursement

1. The City will pay to the developer unit costs in the City of Raleigh Fee Schedule for development-related improvements over and above the unit costs for applicable streets.

2. The following installations are eligible for reimbursement:
 - a. Any street construction in excess of the minimum standard needed to serve the development;
 - b. Any right-of-way dedication in excess of the minimum standard needed to serve the development; and
 - c. Right-of-way for controlled-access freeways.
3. Reimbursements are subject to availability of funds and eligibility for reimbursement through the City's facility fee program.

B. Method and Conditions of Reimbursement

1. All general and development-related improvement costs shall be based on the City of Raleigh Fee Schedule, provided that the City Council shall grant alternative mitigation when the total expenditures for both the thoroughfare facility fees and road improvement costs in excess of the applicable street improvements exceed the costs attributable to the development for Thoroughfare construction within the benefit area as indicated in *Article 8.g. Facility Fees*.
2. Current reimbursement fees are listed in the City of Raleigh Fee Schedule, kept on file by the City and are updated and adopted by the City Council.
3. No monetary payments will be allowed if the developer utilizes the dedicated right-of-way for impervious surface coverage in the -FWPOD, -SWPOD or -UWPOD.
4. The dedicators shall waive their statutory right to withdraw dedications prior to receiving any payment.
5. Reimbursements shall be paid at the rate in effect when dedication occurs or construction costs are incurred.
6. The City shall pay such other costs incidental to the development of the general area which, in the opinion of the City Council, should properly be borne by the City. The City Council shall set forth the terms of such payment.

Sec. 8.6.4. Expiration of Reimbursement

Any request for reimbursement for street, greenway or utility installation must be submitted to the City within 2 years of completion and final acceptance by the City or State, whichever is applicable.

Sec. 8.6.5. Stormwater Infrastructure

A. Improvements Eligible for Reimbursement

The City may reimburse a developer for stormwater infrastructure improvements that are over and above improvements needed for the development to comply with any ordinance or regulation.

1. The following improvements may be eligible for reimbursement:
 - a. Stormwater treatment practices, including GSI practices, for treating stormwater otherwise conveyed within street rights-of-way; and
 - b. Stormwater conveyances, including pipes, culverts, ditches, swales, and channels, associated with and needed for such stormwater treatment practices.
2. Eligibility for reimbursement shall be subject to availability of funds and to prior determination of eligibility for reimbursement by the Engineering Services Director or a designee in accordance with the requirements of G.S. 160A-309.

B. Method and Conditions of Reimbursement

The obligations of the parties and reimbursement schedule shall be established in a written agreement between the developer and the City.

Article 8.7. Utilities

Sec. 8.7.1. Water Supply

A. All Public Water Mains

All public water mains shall be installed in all public road rights-of-way, except as allowed by the Raleigh Public Utilities Director to address existing water quality problems or severe topographic or subsurface constraints.

B. Within City Limits

1. When a development is located within the corporate limits of the City, the developer shall connect with the City water system and install all water lines, in accordance with this UDO, required to provide public water service to every lot within the development.
2. The developer shall extend water lines along the public road frontage of the tract to the periphery of the development unless otherwise approved by the Raleigh Public Utilities Director.

C. Outside City Limits

1. When a development is located outside the corporate limits of the City, but water facilities are available or are made available at the boundary of the development within 1 year after approval, the developer shall connect to the City water system and install all water lines required to provide water service to every lot within the development, as required in Raleigh City Code §8-2063(b).
2. If connection is made, the developer shall extend water lines along the public road frontage of the tract to the periphery of the development unless otherwise approved by the Raleigh Public Utilities Director.

D. Construction Inside a CM District or Protective Yard

1. Water lines that traverse a CM District or a protective yard for a distance of at least 50 feet or more shall be built with a bend to prevent direct sight view through the district or yard provided that such bend does not exceed a 90-degree angle.
2. The requirement of a bend within a CM District or a protective yard may be

waived or modified by the Raleigh Public Utilities Director where the CM District or a protective yard fails to contain a vegetative screen.

E. Community Water Systems

1. Developments located outside the corporate limits of the City but within the extra-territorial jurisdictional area of Raleigh and located within the utility service area as shown on Map PU-1 of the Raleigh 2030 Comprehensive Plan that install or propose to install community sanitary sewer systems must install the system in accordance with the City design, materials and construction standards and methods.
2. The design, materials and construction standards and methods are subject to the same regulations as if the community water system was connected to the City of Raleigh water system.
3. If the conditions of N.C. Gen. Stat. §160A-374 are met by the City, full dedication of a community water system, including all wells, pumps and utility lines, is required.

Sec. 8.7.2. Sewage Disposal

A. Within City Limits

1. When a development is located within the corporate limits of the City, the developer shall connect to the City sewer system of the City in accordance with this UDO and install all sewer lines required to provide sewer service to every lot within the development.
2. The developer shall extend sewer lines to the periphery of the development as required by the Public Utilities Director.

B. Outside City Limits

1. When a development is located outside the corporate limits of the City, but sewer facilities are available or are made available at the boundary of the development within 1 year after approval, the developer shall connect to the City sewer system and install all sewer lines required to provide sewer service to every lot within the development, unless:
 - a. Grades are such that the sewer facilities would not be of service to the development; or
 - b. There is insufficient off-site sewer capacity to serve the development.

2. If a connection is made, the developer shall extend sewer lines to the periphery of the development unless otherwise approved by the Raleigh Public Utilities Director.

C. Crossing a CM District or Protective Yard

1. Sewer lines that traverse a CM District or a protective yard for a distance of at least 50 feet or more shall be built with a bend to prevent direct sight view through the district or protective yard provided that such bend does not exceed a 90-degree angle.
2. All sewer lines 12 inches or less within a CM District or a protective yard shall be constructed of ductile iron.
3. The requirement of a bend within a CM District or a protective yard may be waived or modified by the Raleigh Public Utilities Director where the gradient will not permit gravity flow or where the CM District or a protective yard fails to contain a vegetative screen.

D. Community Sewer System

1. Development located outside the corporate limits of the City but within the extra-territorial jurisdictional area of Raleigh and located within the utility service area as shown on Map PU-1 of the Raleigh 2030 Comprehensive Plan, developers that install or propose to install community sanitary sewer system must install the system in accordance with the City design, materials and construction standards and methods.
2. The design, materials and construction standards and methods are subject to the same regulations as if the community sewer system was connected to the system of the City of Raleigh.

Sec. 8.7.3. Public Water and Sewer Stubs

- A. In a residential development or subdivision located in a Residential District, the developer shall extend water and sewer service stubs to the property line on each side of the development where the locations of the service stub connections are known before the streets are paved.
- B. If curbs are installed, the location of service stubs shall be stamped on the curbs.
- C. In all other developments, the responsibility for making and paying for water and sewer service stub extensions shall be borne by the owner of the property to be served by the extension.
- D. Extensions shall be made according to City standards and specifications. Supp. No. 9

Sec. 8.7.4. Underground Utilities

A. Extension of Utility Systems

Electrical and telephone service shall be extended by the developer to each lot within a development.

B. Primary Services

All new primary electrical, telephone, fiber optic and cable distribution lines installed to serve a project shall be placed underground within the entire development to serve each parcel or building, without expense to the City.

C. Secondary Services

1. Within the development, all new secondary utilities installed to serve the project shall be placed underground without expense to the City.
2. Secondary utilities shall be underground from the point they enter the site and shall include but not be limited to pad mounted or subterranean transformers, secondary electrical, telephone, fiber optic and cable distribution lines.
3. Underground secondary electrical services shall originate from a ground mounted or subterranean electrical transformer. Ground mounted transformers shall not be located in the public right-of-way.

D. Street Lights

1. When installing underground electrical and telephone service, underground terminal facilities for street lighting shall be installed along public streets. All street light designs must follow the Standards for Roadway Illumination as established by the Illuminating Engineering Society of North America.
2. The average maintained footcandle level for outlying and rural roads as defined by Illuminating Engineering Society of North America shall be no less than $\frac{3}{10}$ and the uniformity ratio shall be no greater than 64.
3. The City will not take responsibility for any street lighting system until it meets the above standards.

E. Inside a CM District or Protective Yard

1. Underground utilities that traverse a CM District or a protective yard for a distance of at least 50 feet or more shall be built with a bend to prevent direct sight view through the district or yard provided that such a bend does not exceed a 90-degree angle.
2. The requirement of a bend may be waived or modified by the Raleigh Public Utilities Director where the gradient will not permit gravity flow or where the CM District or protective yard fails to contain a vegetative screen.
3. In tree conservation areas adjacent to the street that are zoned -MPOD, CM or -SHOD, or contain a Parkway Frontage, utilities serving the development shall be located within driveways and other authorized incursions of the tree protected area.

Article 8.8. Surface Water Drainage

Sec. 8.8.1. Connection to Sanitary Sewer Prohibited

No surface water drainage shall empty into a sanitary sewer.

Sec. 8.8.2. Piping of Watercourses

- A. This section applies to all storm drainage piping of watercourses except those crossing public or private streets.
- B. The City encourages retaining stormwater onsite through rainwater harvesting, infiltration, and/or evaporation and through preserving natural drainage features. All natural watercourses shall remain open and unaltered unless piping, enclosing or altering is requested and justified by the developer or required by the Engineering Services Director, but then only when the following conditions are met:
 1. Where the Engineering Services Director has determined that an existing public or private storm drainage system is reasonably available, the developer must either connect the development pipe system to said storm drainage system or, during the administrative site review meeting for the development, propose options for using GSI practices as a part the site's stormwater management plan;
 2. The developer must do all grading and provide all structures necessary to properly connect to the existing storm drainage system;
 3. All design and construction must be to City standards;
 4. Pipes and open channels must be designed in accordance with the Stormwater Management Design Manual;
 5. Storm drains and culverts used in conjunction with streets must meet the standards of *Sec. 9.3.6.* and *Sec. 9.3.7.*;
 6. To preserve the screening function of CM Districts and protective yards, pipes which traverse any CM District or protective yard for a distance of at least 50 feet or more shall be built with a bend to prevent direct sight view through the yard provided that the bend must not exceed a 90-degree angle. The requirement of a bend within a CM District or a protective yard may be waived or modified waived or modified by the City Council where the gradient will not permit gravity flow or where the CM District or a protective yard fails to contain a vegetative screen;

7. Where natural drainage systems are used or where an approved pipe drainage system cannot be connected to an existing public pipe drainage system, a developer must grade to assure positive flow of runoff from design storms and provide drainage structures that are necessary to properly carry stormwater to locations which are acceptable to the Engineering Services Director. Such grading shall not preclude the use of practices that retain the stormwater onsite;
8. The watercourse is located outside natural resource buffer yards of a -FWPOD, -SWPOD, UWPOD, -MPOD or CM District and outside riparian water surface buffers unless a variance is granted; and
9. The watercourse buffer standards of *Sec. 9.2.3.*, whenever applicable, are met.

Sec. 8.8.3. Stormwater Control Plans

- A. For all subdivisions subject to *Article 9.2. Stormwater Management* through *Article 9.5. Watershed Protection Areas*, a stormwater control plan must be submitted and approved as part of the preliminary plan.
- B. This requirement may not apply to a subdivision where all proposed lots exceed 1 acre in size.
- C. If all lots exceed 1 acre in size, a stormwater control plan must be submitted for the streets, utilities and storm drainage areas for the entire subdivision, but no stormwater control plan is required to be submitted for each lot within the subdivision.
- D. A stormwater control plan must be approved for each individual lot within a subdivision at the time any permit is requested.

Article 8.9. Facility Fees

Sec. 8.9.1. Facility Fees Imposed on New Construction

- A. No person shall make any improvement until all applicable thoroughfare or open space facility fees have been paid in full.
- B. No building permit or other City permit for those improvements not requiring a building permit, shall be issued for any activity requiring the payment of a facility fee until the required facility fees have been paid in full.
- C. Current facility fees are listed in the City of Raleigh Fee Schedule, kept on file by the City and are updated and adopted by the City Council.

Sec. 8.9.2. Facility Fee Exceptions

Facility fees shall not be imposed in the following circumstances.

- A. Governmental authorities that are exempted by law from paying the fees.
- B. Alterations, repairs, renovations or expansion of a residential building where no additional residential units are created and use, as shown within the fee schedule, is not changed.
- C. Replacement of a building or structure or manufactured home with a new building or structure or manufactured home of the same dwelling type or non-residential use. Nonresidential alterations, repairs, renovations or replacement buildings or structures must be of the same size and use as the original building or structure and must meet the same parking, acreage, bed or other fee basis requirements. If the alterations or replacement change of use or alteration or expansion payment rule in *Sec. 8.9.3.A.* or *Sec. 8.9.3.B.* shall apply. No facility fee credit will be given under this section or under *Sec. 8.9.3.A.* or *Sec. 8.9.3.B.* unless the structure for which the credit is sought was standing at some time in the 6 year period immediately preceding the date on which the facility fee for the new project is calculated.
- D. The construction of walls, fences, monuments, billboards, poles, pipelines antennas, transmission lines, advertising signs, unmanned utility stations or substations, wells, water towers, off-street parking decks, parking garages or parking lots as the primary use on the lot or similar structures and improvements.
- E. Accessory uses listed in *Sec. 6.7.3.*

- F. Incidental water sports, play courts, play fields provided that there is no solicitation of off-site traffic or business, there is no separate charge or membership fee associated with the use of such facilities and no special use permit is required.
- G. Temporary structures or uses.
- H. Croplands or pasturelands and incidental sheds and barns. But processing facilities and residences shall pay their respective industrial and residential facility fees.

Sec. 8.9.3. Computation of Fees

The Development Services Director shall compute and collect all facility fees.

A. Alterations, Expansions or Redevelopment

In the case of an alteration, expansion, renovation or redevelopment of an existing development, facility fees shall be levied based upon the net increase, if any, above that which the existing development would pay.

B. Change of Use or the Addition of Other Uses

1. In the case of a change of use, which increases the fee rate or total fee above that which the existing use would pay, facility fees shall be paid based upon the net increase in the fee for the new use as compared to the previous use.
2. There shall be no reimbursement of any facility fee due to a change of use which has a lower fee than the current use, nor shall there be any reimbursement if a use is terminated.

C. Change of Use Status from Illegal to Legal

In the case of a use that was previously illegal under the Raleigh City Code being made legal other than by terminating the use, the use shall be liable for the payment of a facility fee equal to the fee that would be paid if the use were a new use.

D. Mixed Use

In the case of mixed use developments or multiple tenants or unit owners each separate occupancy of tenant space shall be charged a fee based on the prevailing use or function of that space.

E. Shell/Foundation Permits

1. In the case of a “shell or foundation” permit, the facility fee amounts shall be based on the use or uses used to determine the amount of required off-street parking or as shown on the building permit when no off-street parking is required.
2. If it is found during review of the “fit-up” permit that the uses differ from these uses for the shell, a determination shall be made as to whether or not an additional fee or refund is due. If any additional fee is due, it shall be paid prior to the issuance of the fit-up permit.

F. Size of Retail Establishments

In the case of retail uses which share common drives or parking areas and which are eligible shared parking requirements, all such retail uses, including those located on separate outparcels, shall pay a thoroughfare facility fee based on the appropriate square footage range of all the retail uses located within the development even if this is a greater fee than for any single retail use or other combinations of retail uses.

G. Unscheduled Activity

1. If the type of new construction activity is not specified on the thoroughfare fee schedule, the Development Services Director shall use the thoroughfare fee applicable to the most nearly comparable type of land use on the thoroughfare fee schedule.
2. If the applicant disagrees with the determination of the Development Services Director, then the applicant shall use the alternate thoroughfare facility fee calculation, except that the cost per trip end factor shall be the same referred to in the alternative thoroughfare fee calculation schedule.

Sec. 8.9.4. Funds Collected**A. Creation of Trust Funds**

1. The facility fees collected by the City shall be kept separate from other revenue of the City.
2. There shall be 1 trust fund established for each of the benefit areas, shown on maps labeled “Thoroughfare and Collector Street Benefit Areas” and

“Open Space Benefit Areas,” respectively; copies are on file with the City Clerk and are made a part of this UDO.

3. All facility funds collected shall be properly identified by the appropriate benefit area and transferred for deposit in the appropriate trust account.
4. A portion of these funds shall be allocated and assigned to a separate account for each benefit area for the purpose of providing funds for reimbursements required per *Sec. 8.9.1.* and *Sec. 8.9.3.*
5. These funds shall be allocated into the appropriate reimbursement accounts as follows:
 - a. Thoroughfare and collector street fees as defined in this UDO:
 - i. Benefit Zone 1: 50% of the funds collected.
 - ii. Benefit Zone 2: 27% of the funds collected.
 - iii. Benefit Zone 3: 27% of the funds collected
 - b. Open space fees: All Benefit Zones: 20% of the funds collected.
6. Funds may be transferred from reimbursement accounts to project accounts for each benefit area at the end of each fiscal year, to the extent that the account balance in each benefit area exceeds the contractual reimbursement obligations for the area.

B. Limitation on Expenditure of Funds Collected

1. Funds expended from facility fee trust accounts shall be made for no other purpose than for thoroughfare and collector street capital costs or open space capital costs associated with projects undertaken by the City or by the City in conjunction with other units of government.
2. No funds shall be used for periodic or routine maintenance or for administration of the facility fee program.
3. Expenditures from the trust fund shall be matched by an equal sum of money approved from non-fee sources and shall be spent for projects located in the same zone in which the fees were collected.
4. All funds shall be used exclusively for capital improvements within the benefit area from which the funds were collected.
5. A report of the collection activity from application of facility fees shall be made to City Council and once every 2 years.

6. The report shall show where fees have been collected and what projects have been constructed or reimbursed with fee monies.
7. The City Council shall review this report and consider whether within each benefit area fees are being spent so that no area of new construction is not being benefited by the fees.
8. If the City Council determines that areas of new construction within benefit areas are not being benefited, then it shall readjust capital improvements program to correct this condition.
9. Funds shall be expended in the order in which they were collected. But in no event shall funds not be expended within 6 years after their collection except when the City, in conjunction with any other unit of government, provides the facility; in such cases, the funds must be expended within 10 years after their collection.

C. Disbursal of Funds

Funds withdrawn from these trust accounts must be used solely in accordance with the provisions of this UDO. The disbursal of funds require the approval of the City Council upon recommendation of the City Manager.

D. Interest on Funds

1. Any funds on deposit not immediately necessary for expenditure shall be invested as allowed in N.C. Gen. Stat. §159-30 for other public monies.
2. All income derived shall be deposited in the applicable trust account.

E. Return of Fees

1. If the development for which the fees were paid was never begun or if begun, the property is restored to an undeveloped state, a reimbursement will be allowed within 7 months following the issuance of a building permit provided such permit is surrendered to the City or within 7 months following the payment of the facility fee in the case when no building permit is required.
2. Any funds not expended within the time limits established in *Sec. 8.9.4.B.9.* above shall be returned to the feepayor or the landowner if the address of the feepayor provided to the City is not current with interest at the rate of 6% per annum. A refund of permit fees is allowed for shell permits if it is

determined during review of the “fit-up” permits, the uses have changed to a use with a lower fee then a refund is owed.

Sec. 8.9.5. Penalties

- A. In addition to any other remedy allowed by N.C. Gen. Stat. §160A-175, the failure to pay a facility fee is a civil penalty.
- B. The amount of the penalty shall equal the amount of the unpaid facility fee, plus an interest charge of ½% per month compounded monthly and a service charge of \$100.
- C. The City may assess the penalty against the developer or the landowner where new construction has occurred without payment of a facility fee; but no service charge will be assessed when City staff has made an error in the fee calculations.
- D. No penalty shall be assessed until the person or persons alleged to be in violation are served by registered mail, certified mail—return receipt requested or personal service with notice to pay.
- E. The City Attorney is authorized to institute a civil action in the name of the City, in the appropriate division of the general court of justice in Wake County for recovery of the penalty.
- F. All monies recovered shall be deposited in the appropriate trust fund.

Article 8.10. Enforcement

Sec. 8.10.1. Violations and Violators

Each of the following are declared to be violations of the Raleigh City Code.

- A. It shall be unlawful for any person to design, construct or open, any street, drainage structure or utility line unless and until such street, drainage structure or utility line shall be platted, laid out, graded and improved in accordance with the provisions of this UDO, plans approved under this UDO and conditions of approval.
- B. Any owner, tenant, architect, attorney, contractor, designer, engineer, lender, real estate broker, surveyor, agent or any other person who acts in concert, participates, directs or assists in the creation or continuation of a violation of this Chapter, any regulation, rule, order or condition of approval adopted pursuant to this Chapter, or contrary to any plan approved under this UDO are each declared to be violators of the Raleigh City Code.
- C. It shall be unlawful for any person to record a plat without the approval of the City, to make any change to an approved plat or to record a document beyond its expiration date for recording without the specific written consent of the City. The Clerk of the Superior Court of Wake County shall not order or direct the recording of a plat where such recording would be in conflict with this Chapter.
- D. It shall be unlawful for any person to subdivide real property by deed, will, security instrument, partition or by map, contrary to this Chapter, any rule, regulation, order, condition of approval adopted pursuant to this Chapter, or any plan approved under this UDO.
- E. It shall be unlawful for any person to fail, neglect or refuse to make any dedication as required by this UDO, any rule, regulation, order or condition of approval adopted pursuant to this UDO or any plan approved under this UDO.
- F. It shall be unlawful for any person to own, manage, lease or occupy real property, the subdividing of which is an unlawful subdivision by virtue of this UDO, when such person knows or has reasonable grounds to believe that the property was subdivided contrary to this UDO, any regulation, rule, order or condition of adopted approval or contrary to any plan approved under this UDO. The enumeration of these declared violations shall not be deemed exclusive or all-inclusive. All persons who shall commit violations shall be held responsible and shall be subject to the penalties and remedies provided in Sec. 1.1.10. and

Sec. 8.10.2. Each day's continuing violation shall be a separate and distinct violation or offense.

Sec. 8.10.2. Remedies and Penalties

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

A. Unauthorized Streets Closed

The Transportation Director is authorized and directed to take necessary action to cause to be closed any street opened and constructed in violation of this Chapter.

B. Water and Sewer Service Not Provided to Violating Property

No water or sewer service shall be furnished by the City to any lot, owner or occupant of any land abutting upon any street or connected to a City public utility which is opened, not opened, laid out or constructed contrary to any plan approved under this UDO or in violation of this Chapter.

C. Construction Permits Withheld

1. Development Services shall not issue any construction permit for any proposed structure upon any land abutting upon any street which is opened, not opened, laid out or constructed contrary to any plan approved under this UDO or in violation of this Chapter and written policies which are approved by the City Council and filed with the City Clerk.
2. The filing or recording of a deed, a will, a security interest, a plat of a subdivision, other division or land or recombination contrary to this Chapter shall not be recognized by the City. All administrative actions relating to such land, including the issuance of any grading, construction, building or occupancy permit will be suspended. To properly enforce the provisions of this Chapter, prior to the beginning of any construction, grading, reconstruction, use or alteration of any land, building or structure, Development Services shall first determine that the requirements of this Chapter are met.

D. Assessment of 100% Cost of Incomplete Improvements

1. In the event the developer either fails to install any improvement required under this UDO or under a plan approved under this UDO or makes an installation contrary to this UDO or plan approved under this UDO, the City may assess 100% of the costs of the incomplete improvements required to some or all of the owners of the property within the subdivision or development and make the required installations.
2. Assessments must follow the procedures of N.C. Gen. Stat. Chapter 160A, Article 10 or other statutory authorization where the City may do the work and assess the costs to the landowners inside and outside the corporate limits of the City.
3. When deciding which lots to assess, the City Council shall consider, among other things, the extent to which the lots are benefitted by the assessment project, the extent to which the lots may have paid for the improvement and the extent the improvements were installed by the developer.

E. Forfeiture of Reimbursements

Failure by the developer to comply with all requirements of the regulations in this Chapter shall result in forfeiture of any and all reimbursements of *Article 8.6. Reimbursements*

F. Civil Penalty

1. General

- a. Any act constituting a violation of this Chapter shall subject the offender to a civil penalty to be recovered by the City in a civil action in the nature of a debt.
- b. All violations shall be subject to a civil penalty in the amount of \$50 per day of continuous violation. In addition, the City Manager may authorize a civil penalty of up to \$250 per day if it is determined that this larger penalty will contribute toward correction of the violation.

2. Citation Contents

- a. No civil penalty shall be assessed until the person alleged to be in violation is served by either registered mail, certified mail-return receipt

requested, personal service notice or other means reasonably calculated to give actual notice.

- b. The notice shall set forth in detail a description of the violation for which the penalty has been invoked.
- c. The notice shall also set forth the measures needed to come in compliance and shall state the time within such measures must be completed.
- d. The notice shall state that failure to correct the violation within the specified time will result in the assessment of a civil penalty and other enforcement action.
- e. If, after the allotted time period has expired, corrective action has not been completed, the penalty shall be assessed from the date of receipt of notice of violation and each day of continuing violation thereafter shall constitute a separate violation against those persons who have the ability to correct this violation and fail to do so.

3. Collection

- a. The City Manager is authorized to accept payment in full and final settlement of the claim or claims right or rights of action which the City may have to enforce such penalty by civil action in the nature of debt. Acceptance of a penalty shall be deemed a full and final release of any and all claims or right of action arising out of contended violations, only if the activities or non-activities which gave rise to the violations are abated or otherwise made lawful.
- b. If the payment is not received or equitable settlement reached within 30 days after demand for payment is made, the matter shall be referred to the City Attorney for institution of a civil action in the name of the City in the appropriate division of the General Court of Justice in Wake County for recovery of the penalty

Article 8.11. Transit Infrastructure

Sec. 8.11.1. General Provisions

A. Intent

In order to maintain and improve access to the local and regional transit systems, development subject to site plan review per *Sec. 10.2.8.* and located along existing or planned transit routes is required to provide for new transit amenity infrastructure. The required improvements may include a transit easement, shelter, bench or other amenities as described in *Sec. 8.11.3.*

B. Applicability

1. Where a site 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.
2. The type, quantity and location of transit infrastructure to be provided are based upon trip generation rate of the proposed development. When a suitable location for the transit stop cannot be provided on-site due to physical constraints, a fee in lieu of construction shall be paid to the City for the design and construction of a comparable stop location nearby. Physical constraints are defined as:
 - a. Steep slopes in excess of 15%;
 - b. Potential intersection or driveway sight distance conflicts; or,
 - c. The proposed location poses an unsafe condition for the transit system, motor vehicles, or pedestrians.

C. Land Use and Daily Trips

Accepted trip generation standards will be analyzed to determine whether or not dedication or installation of a transit stop and associated infrastructure shall be required. These standards are a function of land use, size of building or use and total daily site trips. This determination will be made pursuant to *Sec. 8.11.3.*

D. Operational Considerations

A transit stop will be constructed on-site when it facilitates the efficient and safe operation of the transit service and allows for safe vehicular and pedestrian movements.

Sec. 8.11.2. Requirement Thresholds

- A. Transit infrastructure, in accordance with *Sec. 8.11.3.*, is required when all of the following conditions are present:
 1. The site has frontage along an existing public transit route operated either by a public transit agency, or the site has frontage along a planned transit route as illustrated in the City's adopted Comprehensive Plan; and
 2. The site will generate a minimum of 500 daily vehicular trips as calculated per the current edition of the Institute of Transportation Engineers' Trip Generation Handbook.
 3. If site development generates a minimum of 2,500 daily vehicular trips as calculated per the current edition of the Institute of Transportation Engineers' Trip General Handbook, and the site has frontage on more than one public street and is served by more than one public transit, two transit stops with infrastructure will be required.
- 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 site plans that serve a hospital, senior housing, life care community or congregate care facility.

Sec. 8.11.3. Determining the Required Transit Infrastructure

When the provisions of *Sec. 8.11.1.B.* are met, the following transit infrastructure will be required. The infrastructure elements shall meet the typical specifications as shown in the Raleigh Street Design Manual.

A. Transit Easement

When the transit stop is located outside of the right-of-way, a permanent 15' x 20' transit easement dedicated to the City of Raleigh shall be required on the development site.

B. Landing Pad

A concrete pad is required in all cases between the public sidewalk and the back of curb. The minimum width of the landing pad requirement for a transit stop (the area from which passengers board the bus and onto which passengers alight from the bus) is 30 feet. Landing pads shall fill the entire depth between the back of the curb and the public sidewalk. In cases where

the depth of this area exceeds 10 feet, or in cases where curb does not exist, special accommodations may be considered on a case-by-case basis. Where placement of the landing pad conflicts with an existing or proposed street tree, the installation of a landing pad shall take precedence.

C. Transit Stop Pad

A concrete pad measuring 15' x 20' behind the public sidewalk, upon which all transit infrastructure is permanently installed.

D. Sidewalk Connectivity

Sidewalks should be constructed to connect the transit stop to the nearest existing sidewalk or public street intersection.

E. Trash Receptacle

Trash receptacles shall be provided at the transit stop in all cases.

F. Seating

Seating shall be provided in all cases where a transit stop is required.

G. Transit Shelter

A transit shelter shall be provided at the required transit stop.

Notwithstanding the foregoing, the Transportation Director may approve an equivalent alternate design.

Sec. 8.11.4. Determining the Location of the Required Transit Stop

- A. The Transportation Director shall make a final determination of stop location suitability in accordance with this section and in consideration of the following:
 1. A suitable transit stop shall allow for safe connectivity with the pedestrian network including access to sidewalks, the presence of crosswalks within 1,320 feet from the stop, and suitable visibility.
 2. A suitable transit stop shall be designed to accommodate efficient bus operations including bus stop spacing, curb clearance, placement in relation to the roadway, abutting property owner/tenant parking restrictions and regulations at and near the stop, vehicle turning radii, roadway lane width and surfaces, intersection design topography and other physical constraints as specified in *Sec. 8.11.1.B.2.*

- B. When required, a transit stop and required infrastructure shall be provided and installed on the development site by the developer in all cases except for the following:

1. When the site is located in a DX use district, or
2. The site is zoned with an Urban Limited, Urban General or Shopfront frontage.

In these instances, the transit stop and infrastructure shall still be required, but may be installed within the public right-of-way. If a suitable location cannot be identified by the Transportation Director in accordance with the Raleigh Street Design Manual either on the development site or in the adjacent right-of-way, a fee in lieu of construction of the subject transit amenities shall be required in accordance with *Sec. 8.11.5.*

Sec. 8.11.5. Fees In Lieu of Construction

- A. Where the Transportation Director determines that construction of a transit stop and infrastructure would not be feasible, a fee in lieu of construction may be permitted in accordance with *Sec. 8.1.10.*
- B. If the development site is within 1,320 feet of an existing and accessible bus stop on the same side of the street, the Transportation Director shall determine if the developer shall pay a fee in lieu towards the upgrading of the existing stop, or if the existing stop shall be relocated onto or adjacent to the development site. This determination shall be made based on which site has the best balance of the following criteria:
 1. Pedestrian and vehicular safety.
 2. Operational safety and efficiency.
 3. Proximity to the transit trip generators.

PAGE INTENTIONALLY LEFT BLANK