



# Certified Recommendation

Raleigh Planning Commission

CR# 11616

## Case Information: TC-2(A)-15 / Use Regulations

### Comprehensive Plan Guidance

<i>Applicable Policy Statements</i>	Not applicable
<i>Action Items</i>	Not applicable

### Summary of Text Change

<i>Summary</i>	Amends Sections 6.1.4. and 6.4.10.B. of the Part 10A Raleigh Unified Development Ordinance to amend the Allowed Principal Use Table and certain use regulations to reflect issues and concerns raised during the initial utilization period of the Unified Development Ordinance and during the UDO Citywide Zoning Map Amendment review process.
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### Summary of Impacts

<i>Impacts Identified</i>	<p><u>Adoption of TC-2-15:</u></p> <ol style="list-style-type: none"> <li>1. The adoption of the text change would exclude Pawnshops as a permitted use in the CX- District.</li> <li>2. The adoption of the text change would allow "Overnight Lodging, except as permitted below:" as a permitted use in the OP- District.</li> <li>3. The adoption of the text change would allow "Dance, martial arts, music studio or classroom" as a permitted use in the OX- District.</li> <li>4. The adoption of the text change would allow "Civic, except as permitted below:", Cemetery and "School, public or private (K-12) as Limited Uses in the MH- District.</li> <li>5. The adoption of the text change would exclude "Outdoor Sports or Entertainment Facility (<math>\leq</math>250 seats) as a permitted use in the CM- District.</li> <li>6. The adoption of the text change would allow Office as a permitted use in the IH- District.</li> <li>7. The adoption of the text change would allow "Bar, nightclub, tavern and lounge" as a limited use in the NX- District.</li> <li>8. The adoption of the text change would require a set of use standards to be met for "Bar, nightclub, tavern, lounge" in the NX- District.</li> </ol>
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	<p><u>No Action:</u></p> <ol style="list-style-type: none"> <li>1. The Chapter 6 Use Regulations of the Part 10A Raleigh Unified Development Ordinance would remain as originally adopted in 2013.</li> <li>2. The City is in the process of remapping the legacy districts. Certain decisions were based upon the mutually-understood premise that the permitted use chart would be amended to address these deficiencies. If this text change were not approved, some of the decisions made on the UDO zoning map would need to be revisited.</li> </ol>
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## Public Meetings

<i>Submitted</i>	<i>Committee</i>		<i>Planning Commission</i>	
Jan. 5, 2015	2-19-15	Modified TC to remove fuel sales from this text change and recommended approval	2-10-15	

### Attachments

1. Draft Ordinance

## Planning Commission Recommendation

<i>Recommendation</i>	Approval
<i>Findings &amp; Reasons</i>	That the Use Regulation issues and concerns raised during the UDO Citywide Zoning Map Amendment process and during the initial utilization period were significant enough to warrant the changes reflected herein. There were several differences between the UDO and the Part 10 Zoning Code that weren't intended and this would bring the UDO more into alignment with certain aspects of the Part 10 Zoning Code's Schedule of Permitted Land Uses in Zoning Districts. The proposed changes would reflect more variations amongst the mixed use zoning districts so as to provide the City with a more distinguished set of zoning districts from which the City and property owners could utilize.
<i>Motion and Vote</i>	Motion: Terando Second: Buxton In Favor: Braun, Buxton, Fleming, Fluhrer, Hicks, .Lyle, Schuster, Swink, Terando and Whitsett

This document is a true and accurate statement of the findings and recommendations of the Planning Commission. Approval of this document incorporates all of the findings of the attached Staff Report.

_____	_____	_____	3/10/15
Planning Director	Date	Planning Commission Chairperson	Date

Staff Coordinator: Eric Hodge: [eric.hodge@raleighnc.gov](mailto:eric.hodge@raleighnc.gov)



# Zoning Staff Report – TC-2(A)-15

## Use Regulations

### Request

<i>Section Reference</i>	<b>Part 10A §6.1.4 Allowed Principal Use Table Part 10A §6.4.10.B. Bar, Nightclub, Tavern, Lounge</b>
<i>Basic Information</i>	Amends the Part 10A Raleigh Unified Development Ordinance's Allowed Principal Use Table and certain use regulations to reflect Use Regulation issues and concerns raised during the initial utilization period of the Unified Development Ordinance and during the UDO Citywide Zoning Map Amendment review process.
<i>PC Recommendation Deadline</i>	

### Comprehensive Plan Guidance

<i>Applicable Policies</i>	Not applicable
<i>Action Items</i>	Not applicable

### Contact Information

<i>Staff Coordinator</i>	Eric Hodge: <a href="mailto:eric.hodge@raleighnc.gov">eric.hodge@raleighnc.gov</a> ; 919.996.2639
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### History/Overview

This text change was initiated by the City Staff, the City of Raleigh Planning Commission and The City of Raleigh City Council to address the Use Regulation issues and concerns that came about during the initial utilization period of the Unified Development Ordinance as well as those discussed during the UDO Citywide Zoning Map Amendment review process.

### Purpose and Need

This text change would bring the UDO Use Regulations more into alignment with certain aspects of the Part 10 Zoning Code's Schedule of Permitted Uses in Zoning Districts. The proposed changes would reflect more variations amongst the mixed use zoning districts so as to provide the City with a more distinguished set of zoning districts from which the City and property owners could utilize.

### Alternatives Considered

None

## Scoping of Impacts

Potential adverse impacts of the proposed text change have been identified as follows:

None.

The adverse impacts of taking no action (retaining the existing regulations) have been identified as follows:

The issues and concerns regarding the Use Regulations raised during the initial utilization period as well as those expressed during the UDO Citywide Zoning Map Amendment process wouldn't be addressed.

## Impacts Summary

### Adoption of Proposed Text Change

The adoption of this text change will result in Use Regulations that address the issues and concerns raised during the UDO Citywide Zoning Map Amendment process and those that City Staff became aware of during the initial utilization period of the Part 10A Raleigh Unified Development Ordinance.

### No action

The status quo will be maintained and the Part 10A Raleigh Unified Development Ordinance's Chapter 6 Use Regulations will remain unchanged from what was originally adopted in 2013. Certain aspects of the UDO zoning map would need to be revisited so non-conforming uses are not established.

**ORDINANCE NO. (2015) 461 TC 369  
TC-2(A)-15**

**AN ORDINANCE TO MODIFY THE ALLOWED PRINCIPAL USE REGULATIONS  
IN THE CITY OF RALEIGH UNIFIED DEVELOPMENT ORDINANCE**

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

**Section 1.** Section 6.1.4 of the Part 10A Raleigh Unified Development Ordinance, Allowed Principal Use Table, is hereby amended by removing the following allowed uses within the CX-district to exclude: Pawnshop as a Permitted Use.

**Section 2.** Section 6.1.4 of the Part 10A Raleigh Unified Development Ordinance, Allowed Principal Use Table, is hereby amended by expanding the allowed uses within the OP- district to include: "Overnight Lodging, Except as Listed Below:" as a Permitted Use.

**Section 3.** Section 6.1.4 of the Part 10A Raleigh Unified Development Ordinance, Allowed Principal Use Table, is hereby amended by expanding the allowed uses within the OX- district to include: "Dance, martial arts, music studio or classroom" as a Permitted Use.

**Section 4.** Section 6.1.4 of the Part 10A Raleigh Unified Development Ordinance, Allowed Principal Use Table, is hereby amended by expanding the allowed uses within the MH- district to include: "Civic, Except as listed below", "Cemetery" and "School, public or private (k-12)" as Limited Uses.

**Section 5.** Section 6.1.4 of the Part 10A Raleigh Unified Development Ordinance, Allowed Principal Use Table, is hereby amended by removing the following allowed uses within the CM-district to exclude: "Outdoor Sports or Entertainment Facility ( $\leq$ 250 seats)" as a Permitted Use.

**Section 6.** Section 6.1.4 of the Part 10A Raleigh Unified Development Ordinance, Allowed Principal Use Table, is hereby amended by expanding the allowed uses within the IH- district to include: "Office" as a Permitted Use.

**Section 7.** Section 6.1.4 of the Part 10A Raleigh Unified Development Ordinance, Allowed Principal Use Table, is hereby amended by expanding the allowed uses within the NX district to include: "Bar, nightclub, tavern, lounge" as a Limited Use.

**Section 8.** Section 6.4.10.B of the Part 10A Raleigh Unified Development Ordinance, Bar, Nightclub, Tavern, Lounge, is hereby amended by inserting the following underlined section numbered "**2. Use Standards:**

- a. A bar, nightclub, tavern or lounge in the NX- District is subject to the following:
  - i. No live performances.
  - ii. No dance floor.
  - iii. No outdoor seating in excess of 8 seats."

**Section 9.** All laws and clauses of laws in conflict herewith are repealed to the extent of such conflict.

**Section 10.** If this ordinance or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given separate effect and to this end the provisions of this ordinance are declared to be severable.

**Section 11.** This text change has been reviewed by the Raleigh City Planning Commission.

**Section 12.** This ordinance has been adopted following a duly advertised public hearing of the Raleigh City Council.

**Section 13.** This ordinance has been provided to the North Carolina Capital Commission as required by law.

**Section 14.** This ordinance shall be enforced as provided in N.C.G.S. 160A-175 or as provided in the Raleigh City Code. All criminal sanctions shall be the maximum allowed by law notwithstanding the fifty dollar limit in N.C.G.S. §14-4(a) or similar limitations.

**Section 15.** This ordinance is effective five (5) days after adoption.

**ADOPTED:** June 16, 2015

**EFFECTIVE:** June 22, 2015

**DISTRIBUTION:** Planning – Bowers, Crane, Hodge  
City Attorney – Botvinick, Hargrove-Bailey  
Department Heads  
Transcription Svcs – Taylor

*Prepared by the Planning and Development Department*