

## **TC-4-09 2030 Comprehensive Plan – Concurrent Actions**

**An ordinance to revise the City’s Zoning Code and Subdivision Regulations as they relate to the proposed update of the City’s Comprehensive Plan. Proposed changes include:**

- Adds Zoning Code definition of the Comprehensive Plan.
- Replaces specific references to Comprehensive Plan elements, such as “Raleigh Downtown Urban Design Guidelines”, and replacing with the general reference “as embodied in the Raleigh Comprehensive Plan”.
- Incorporates new language for “principal arterial gateways”.
- Eliminates references to Urban Design Guidelines for Mixed Use Neighborhood and Village Centers and other references to Village Centers and Neighborhood Centers. Eliminates the “Concept Plan” option for uniformly applying the Urban Design Guidelines to conditional use rezoning petitions.
- Eliminates the performance standards for allowing additional retail development to be approved within “over-sized” Community and City Focus Areas.
- Revises the definition of “sensitive area thoroughfares”.
- Includes Map references for the City’s Utility Service Area and Future Land Use Map as embodied in the Comprehensive Plan.

**ORDINANCE NO. (2009) - 661 TC 327  
TC-4-09**

**AN ORDINANCE TO REVISE THE CITY'S ZONING CODE AND SUBDIVISION REGULATIONS AS THEY RELATE TO THE RECENTLY-ADOPTED UPDATE OF THE CITY'S COMPREHENSIVE PLAN BY REMOVING COMPREHENSIVE PLAN REFERENCES WHICH ARE NO LONGER APPLICABLE TO THE PLANNING AND DEVELOPMENT PROCESS AND TO ESTABLISH CONSISTENCY WITH TERMINOLOGY BETWEEN THE TWO DOCUMENTS**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA that:**

**Section 1.** Amend Section 10-2002(b), **DEFINITIONS**, to include the following new definition in alphabetic order which shall read as follows:

***"Comprehensive plan.** A Plan adopted by the *City Council* as a land management tool and guide for the *development* of the *City* and territory surrounding the *City*, consisting of maps, charts and text."*

**Section 2.** Amend Section 10-2011(b)(3)b., Downtown Overlay District, by deleting "Downtown Urban Design Guidelines" from the last sentence therein and substituting in lieu thereof "*Comprehensive Plan*".

**Section 3.** Amend Section 10-2051(d)(2) by deleting "Downtown Urban Design Guidelines" from therein and substituting in lieu thereof "*Comprehensive Plan*".

**Section 4.** Amend Section 10-2051(d)(3)c. by deleting "current Raleigh Downtown Urban Design Guidelines" from therein and substituting in lieu thereof "*Raleigh Comprehensive Plan*".

**Section 5.** Amend Section 10-2051(d)(4)b. by deleting "current Raleigh Downtown Urban Design Guidelines" from therein and substituting in lieu thereof "*Raleigh Comprehensive Plan*".

**Section 6.** Amend Section 10-2051(d)(5)b. by deleting "current Raleigh Downtown Urban Design Guidelines" from the last paragraph therein and substituting in lieu thereof "*Raleigh Comprehensive Plan*".

**Section 7.** Amend Section 10-2051(e)(1)g. by deleting "Downtown Urban Design Guidelines" from therein and substituting in lieu thereof "*Comprehensive Plan*".

**Section 8.** Amend Section 10-2057(f)(4)g. by adding “and” to the end of subsection 3., by deleting subsection 4. in its entirety and by renumbering subsection 5. as subsection 4.

**Section 9.** Amend Section 10-2057(f)(5) by deleting the words “and if necessary the Comprehensive Plan amendment” from the second sentence of the last paragraph.

**Section 10.** Amend Section 10-2059(f)(1) by deleting “and near *principal arterials* as designated in the City’s Comprehensive Plan.” and substituting in lieu thereof “limited access interstate or divided highway approaches to the City, near or adjacent to metro-parks, airports, research parks or Wake County Special Highway Overlay Districts.”

**Section 11.** Amend Section 10-2064(b) by deleting “and reflected in the Comprehensive Plan” from the last sentence of the first and second definition.

**Section 12.** Amend Section 10-2072(a) by deleting “Comprehensive Plan,” from the second sentence of the third paragraph.

**Section 13.** Amend Section 10-2072(b), **Office, agency, or studio of a professional or business agent, or political, labor or service association**, subsection (5), by deleting “Downtown Urban Design Guidelines” from therein and substituting in lieu thereof “*Comprehensive Plan*”.

**Section 14.** Amend Section 10-2075(c)(3)a. by deleting “*principal arterial gateways*” from the first paragraph and substituting in lieu thereof “*principal arterials*”.

**Section 15.** Amend Section 10-2075(c)(3)b. by deleting “*principal arterial gateways*” from the first and fourth sentences and substituting in lieu thereof “*principal arterials*”.

Furthermore, amend Section 10-2075(c)(3)b. by deleting “*principal arterial gateway*” from the second, third and sixth sentences and substituting in lieu thereof “*principal arterial*”.

**Section 16.** Amend Section 10-2075(d), by deleting subsection (9) in its entirety and renumbering subsection (10) as subsection (9) accordingly.

**Section 17.** Amend Section 10-2075(d), newly renumbered subsection (9) (renumbered by the above Section), **Downtown Overlay District**, by deleting “Downtown Urban Design Guidelines” from therein and substituting in lieu thereof “*Comprehensive Plan*”.

**Section 18.** Amend Section 10-2076(c)(5), Downtown Overlay District, by deleting “Downtown Urban Design Guidelines” from therein and substituting in lieu thereof “*Comprehensive Plan*”.

**Section 19.** Amend Section 10-2081(c)(6)c.7. by deleting “Downtown Urban Design Guidelines” from therein and substituting in lieu thereof “*Comprehensive Plan*”.

**Section 20.** Amend Section 10-2082.5(d)(3)b. by deleting the word “gateway”.

**Section 21.** Amend Section 10-2132.2(c)(1)b. by deleting the last paragraph and cross-reference of this subsection.

**Section 22.** Amend Section 10-2132.2(c)(1)m. by deleting the words “to apply the Raleigh Downtown Urban Design Guidelines or requests”.

**Section 23.** Amend Section 10-2132.2(d)(2) by deleting this subsection in its entirety and substitute in lieu thereof the following:

“(2) The plan is in accordance with the general plans for the physical development of the City as embodied in the Comprehensive Plan, Redevelopment Plans, Streetscape Plans, manuals, handbooks or other *City Council* - adopted plans and standards. If there are conflicts between the plan and Code restrictions, the more stringent shall apply.”

**Section 24.** Amend Section 10-2132.2 by deleting subsection **(d.1)** in its entirety.

**Section 25.** Amend Section 10-2132.2(e) by adding “; and” to the end of subsection (3), by deleting subsection (4) and (5) in their entirety and adding a new subsection (4) to read as follows:

“(4) Applicable conditional use zoning district conditions requiring *site plans* to comply with elements of the Urban Design Guidelines for Mixed Use Neighborhood and Village Centers, adopted 4/16/02.”.

Furthermore, amend Section 10-2132.2(e), by deleting “or (5)” from the first sentence of the last paragraph and by deleting “and (5)” from the sixth sentence of the last paragraph.

**Section 26.** Amend Section 10-2132.2(i)(2)a. by deleting subsections 6. and 7. in their entirety and substituting in lieu thereof the following:

“7. The use is not required to comply with the Urban Design Guidelines for Mixed Use Neighborhood and Village Centers as required by a conditional use zoning district.”.

**Section 27.** Amend Section 10-2132.2(i)(2) by deleting subsection h. in its entirety.

**Section 28.** Amend Section 10-2165(b), 4<sup>th</sup> paragraph, 3<sup>rd</sup> sentence, by deleting the words “compliance with the requirements of the Comprehensive Plan, applicable redevelopment plans, or” and substituting in lieu thereof “consistency with the Raleigh Comprehensive Plan or applicable redevelopment plans or potential compliance with the requirements of”.

**Section 29.** Amend Section 2165(d) by deleting subsection (8) in its entirety and renumbering subsection (9) as subsection (8) accordingly.

**Section 30.** Amend Section 10-3003, **DEFINITIONS**, by deleting the definition for “**Sensitive area thoroughfares**” in its entirety and substituting in lieu thereof the following:

“**Sensitive area thoroughfares.** *Thoroughfares* designed with a shoulder/swale within the Reservoir Watershed Protection Area Overlay District or within the Metro-Park Protection Overlay District.”.

**Section 31.** Amend Section 10-3032(d)(4) by deleting the language “(including the design standards contained therein)”.

**Section 32.** Amend Section 10-3055(d), first sentence, by deleting the language “utilities planning area as provided in the *Comprehensive Plan*” and substituting in lieu thereof “utility service area as shown on Map PU-1 of the *Raleigh Comprehensive Plan*”.

**Section 33.** Amend Section 10-3056(d), first sentence, by deleting the language “utilities planning area as provided in the *Comprehensive Plan*” and substituting in lieu thereof “utility service area as shown on Map PU-1 of the *Raleigh Comprehensive Plan*”.

**Section 34.** Amend Section 10-4002, **Definitions**, the definition of “Future conditions hydrology”, by deleting the words “comprehensive land-use plan” and substituting in lieu thereof “the Comprehensive Plan’s Future Land Use Map”.

**Section 35.** Amend Section 10-5006(11)a., second sentence, by deleting the following words in their entirety: “and reflected on the current comprehensive plan of the City”.

**Section 36.** Amend Section 10-5006(12)a., second sentence, by deleting the following words in their entirety: “and reflected on the current comprehensive plan of the City”.

**Section 37.** Amend Section 10-8001, third sentence, by deleting the words “transportation, parks and open space” therein and substituting in lieu thereof “transportation and parks, recreation and open space”.

**Section 38.** Amend Section 10-9040(a), first sentence of the first paragraph, by deleting the words “and reflected on the current comprehensive plan of the *City*,” therein.

**Section 39.** Amend Section 10-9040(c), first sentence of the first paragraph, by deleting the words “and reflected on the current comprehensive plan of the *City*,” therein.

**Section 40.** All laws and clauses of laws in conflict herewith are hereby repealed to the extent of said conflict.

**Section 41.** 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 the end the provisions of this ordinance are declared to be severable.

**Section 42.** This ordinance has been adopted following a duly advertised joint public hearing of the Raleigh City Council and the City Planning Commission following a recommendation of the Planning Commission.

**Section 43.** This ordinance has been provided to the North Carolina Capital Commission as required by law.

**Section 44.** This ordinance shall be enforced by law as provided in N.C.G.S. 160A-175 or as provided in the Raleigh City Code. All criminal sanctions shall be the maximum allowed by law notwithstanding the fifty dollar limit in G.S. 14-4(a) or similar limitations.

**Section 45.** The effective date of this ordinance shall be November 1, 2009.

**ADOPTED: 10/7/09**

**EFFECTIVE: 11/1/09**

**DISTRIBUTION:** Department Heads

Planning – Hallam, Darges, Bowers, Crane