

TC-4-11 Plot Plan Land Use Categories

Expands the list of use categories defined as plot plans to include the following:

- The construction of one single family detached dwelling unit on a lot that predates the effective date of this ordinance.
- The demolition and replacement of a building provided that all of the following are met:
 - a. The amount and extent of building square footage is not increased.
 - b. The use of the building remains the same.
 - c. The replacement building conforms to all Code requirements.
 - d. Building permits are issued and foundations are installed for the replacement building within one-year of issuance of the demolition permit.
 - e. All site improvements, not limited to, off-street parking, landscaping, internal pedestrian walkways, driveway closings are made in accordance with this Code.

Defining these uses as plot plans, and not site plans, will exempt these developments from required right-of-way dedication and public infrastructure improvements.



Certified Recommendation

Raleigh Planning Commission

CR# 11416

Case Information: TC-4-11 / Plot Plans

Comprehensive Plan Guidance

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

Summary of Text Change

<i>Summary</i>	Expands the list of use categories defined as plot plans to include single family detached dwellings and demolition/reconstruction having no increased demand on public infrastructure.
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Summary of Impacts

<i>Impacts Identified</i>	<p><u>Adoption of TC-4-11:</u></p> <ul style="list-style-type: none"> Allows single family dwellings on existing lots and commercial redevelopment which fronts on substandard streets without requiring the property owner to dedicate r-o-w and/or construct required improvements or payment in lieu of construction. <p><u>No Action:</u></p> <ul style="list-style-type: none"> The City may be in violation of recent State law which requires a clear relationship between required public infrastructure improvements and a proposed use's increased demand on the associated infrastructure.
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Public Meetings

<i>Public Hearing</i>		<i>Committee</i>		<i>Planning Commission</i>	
4-19-11	5-17-11	Text Change Committee		5-24-11	Action

Attachments

- Staff report
- Summary
- Ordinance



Zoning Staff Report – TC-4-11

Plot Plans Text Change

Request

<i>Section Reference</i>	§10-2132.1 Plot Plan
<i>Basic Information</i>	Expands the list of use categories defined as plot plans to include single family detached dwellings and demolition/reconstruction having no increased demand on public infrastructure.
<i>PC Recommendation Deadline</i>	August 2, 2011

Comprehensive Plan Guidance

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

Contact Information

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History/Overview

This text change was initiated by the City Council following a Request and Petition of Citizens. The citizen request was reviewed by the Council's Public Works Committee and the text change was authorized for public hearing.

TC-4-11 expands the list of use categories defined as plot plans to include the following:

- The construction of one single family detached dwelling unit on a lot that predates the effective date of this ordinance.
- The demolition and replacement of a building, other than a detached single family dwelling, provided that all of the following are met:
 1. The amount of required off-street parking spaces is not increased by more than ten off-street parking spaces, or by more than ten percent, whichever number of off-street parking spaces is less.
 2. The replacement building conforms to all Code requirements.
 3. Building permits are issued and foundations are installed for the replacement building within one-year of issuance of the demolition permit.

4. All site improvements, not limited to, off-street parking, tree protection, landscaping, internal pedestrian walkways, driveway closings are made in accordance with this Code.

Defining these uses as plot plans, and not site plans, will exempt these developments from required right-of-way dedication and public infrastructure improvements.

Purpose and Need

As stated by the Public Works Committee, a proposal to replace an existing structure with no increases in impacts is inconsistent with the City's ordinance regarding what constitutes requirements for public infrastructure improvements. The City Attorney's office also questioned whether the existing Code may conflict with recent State law governing the property owner's requirement for public infrastructure improvements

Alternatives Considered

No alternative other than the No Action approach was considered.

Scoping of Impacts

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

- Allows more residential infill and commercial redevelopment which fronts on substandard streets without requiring the property owner to dedicate r-o-w and/or construct required improvements or payment in lieu of construction.

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

- The City may be in violation of recent State law which requires a clear relationship between required public infrastructure improvements and a proposed use's increased demand on the associated infrastructure.

Impacts Summary

Adoption of Proposed Text Change

TC-4-11 addresses the relationship between a proposed use's demand on public infrastructure and the City's ability to require r-o-w dedication and/or improvements to the subject infrastructure. This relates to a single family detached dwelling located within an existing neighborhood or an existing structure which is demolished and the new building and use has no increased demand on the associated public infrastructure. Adoption of this text change addresses this relationship of when, or when not, to require the property owner to be responsible for public infrastructure improvements and ensures the City Code is in accordance with recent State law.

No action

Under the "no action" alternative, the City may be in violation of recent State law which requires a clear relationship between required public infrastructure improvements and a proposed use's increased demand on the associated infrastructure.

**ORDINANCE NO. (2011) 901 TC 345
TC-4-11**

AN ORDINANCE TO ADD ADDITIONAL PLOT PLANS

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

Section 1. Raleigh City Code subsections §10-2131.1(a) (1), §10-2131.1(a) (2) b and §10-2131.1(a)(3) b are amended to replace the words “an increase”, and in lieu thereof, insert the words “a net increase”.

Section 2. Raleigh City Code section 10-2132.1(a) is amended to add two new subsections, (10) and (11). Said new subsections shall read as follows:

“(10) The construction of a detached *single family dwelling* on any vacant *lot* that was lawfully established, including the lawful recombination of *lots*. Construction of detached *single family dwellings* on *lots* that were created in violation of the *City’s* subdivision regulations or on recombined *lots* not approved by the *City* are not *plot plans*.

Cross reference: Yard setbacks and public streets, §10-2075(c) (3).

- (11) The demolition and replacement of a building, other than a detached *single family dwelling*, provided that all of the following are met:
- a. The amount of required off-street parking spaces, as determined by from section 10-2081(a), notwithstanding any variance, credit, nonconformity, exception, any other reduction in parking or the existence of any surplus off-street parking, is not increased by more than ten off-street parking spaces, or by more than ten percent, whichever number of off-street parking spaces is less.
 - b. The replacement building conforms to all *Code* requirements.
 - c. Building permits are issued and foundations are installed for the replacement building within one-year of issuance of the demolition permit.
 - d. All site improvements, not limited to, off-street parking, tree protection, landscaping, internal pedestrian walkways, driveway closings are made in accordance with this *Code*.

Cross reference: Yard setbacks and public streets, §10-2075(c) (3).”.

Section 3. Amend Raleigh City Code section 10-2074 to add a new subsection, subsection (g), which shall read as follows:

“(g) Governmental Acquisition of Street Rights-of- way.

Notwithstanding the acquisition of any street right-of-way by condemnation or threat of condemnation no resulting *lot area shall* prevent the construction of a detached *single-family dwelling.*”

Section 4. Amend Raleigh City Code section 10-2081(a), first sentence, to insert the language: “replacement,” between the language “construction,” and the word “alteration”.

Section 5. Amend the first sentence of Raleigh City Code section 10-2082.10(b) to insert between the words new and loading the following language: “,including demolition replacements,”. Amend the third sentence of Raleigh City Code section 10-2082.10(b) to insert after the word “when” the following language: “there is demolition and replacement of the existing facility and/or”.

Section 6. The next to the last paragraph of Raleigh City Code section 10-2091 is amended to insert in the first sentence, between the word “construction” and the word “of” the following language: “, including demolition and replacement,”.

Section 7. Amend Raleigh City Code section 10-7002(f)(2) to insert after the words “abutting property” the following language: “ or the closing of one or more multiple driveways on the lot achieves greater safety or conformance with the standards Streets, Sidewalk, and Driveway Access Handbook “.

Section 8. All laws and clauses of laws in conflict herewith are hereby repealed to the extent of said conflict.

Section 9. 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 8. 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 10. This ordinance has been provided to the North Carolina Capital Commission as required by law.

Section 11. 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 G.S. 14-4(a) or similar limitations.

Section 12. This ordinance shall become effective five days following its adoption.

ADOPTED: June 7, 2011

EFFECTIVE: June 12, 2011

DISTRIBUTION: Planning – Silver, Brandon, Bowers, Hallam

This ordinance prepared by the Raleigh City Attorney's Office