



Certified Recommendation

Raleigh Planning Commission

CR#

Case Information: TC-4-14 / Notifications Large-Scale Zoning Map Amendments

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 10.1.8, 10.2.1.C.4 and 10.2.4.C.1 of the Part 10A Raleigh Unified Development Ordinance to amend posted and mailed notice requirements for zoning map amendments that directly affect more than 50 properties owned by a total of at least 50 different property owners.
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Summary of Impacts

<i>Impacts Identified</i>	<p><u>Adoption of TC-4-14:</u></p> <ol style="list-style-type: none"> The adoption of the text change would require sign posting only for the public hearing for zoning map amendments that directly affect more than 50 properties owned by a total of at least 50 different property owners as opposed to posting signs for the Planning Commission meetings as well. The adoption of the text change would permit postcard mailings for the Planning Commission Meetings for zoning map amendments that directly affect more than 50 properties owned by a total of at least 50 different property owners. The adoption of TC-4-14 would reduce the costs associated with these types of large-scale rezonings. <p><u>No Action:</u></p> <ol style="list-style-type: none"> The time and cost associated with zoning map amendments that directly affect more than 50 properties owned by a total of at least 50 different property owners would increase substantially.
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Public Meetings

<i>Submitted</i>	<i>Committee</i>	<i>Planning Commission</i>
6-17-14	Text Change Committee	

	7-14-14,	Recommended Approval		
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Attachments

1. Draft Ordinance

Planning Commission Recommendation

<i>Recommendation</i>	Approval
<i>Findings & Reasons</i>	That the time and costs associated with notifications for zoning map amendments of this scale are substantial and that the notifications still occur, albeit in a modified fashion, it is reasonable to allow a different approach to notifying the public about zoning map amendments of this type.
<i>Motion and Vote</i>	Approval: Unanimous

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.

Planning Director

Date

Planning Commission Chairperson

Date

Staff Coordinator: Eric Hodge: eric.hodge@raleighnc.gov



Zoning Staff Report – TC-4-14

Notifications for Large Scale Zoning Map Amendments

Request

<i>Section Reference</i>	Part 10A §10.1.8 Summary of Review Authority Part 10A §10.2.1.C.4 Posted Notice Part 10A §10.2.4.C.1 Mailed Notice
<i>Basic Information</i>	Amends the UDO to amend posted and mailed notice requirements for zoning map amendments that directly affect more than 50 properties owned by a total of at least 50 different property owners.
<i>PC Recommendation Deadline</i>	September 30, 2014

Comprehensive Plan Guidance

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

Contact Information

<i>Staff Coordinator</i>	Eric Hodge: eric.hodge@raleighnc.gov ; 919.996.2639
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History/Overview

This text change was initiated by the City Staff to reduce the costs associated with these types of large-scale zoning map amendments.

Purpose and Need

This text change would greatly reduce the costs to the City when a large-scale zoning map amendments of this type is initiated. The upcoming Citywide UDO zoning map amendment project is triggering the urgency of this text change.

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 cost to the City for these types of large-scale zoning map amendments would increase.

Impacts Summary

Adoption of Proposed Text Change

The adoption of this text change will result in a decrease in the cost to the City for these types of large-scale zoning map amendments.

No action

The status quo will be maintained.

**ORDINANCE NO. (2014) 345 TC 361
TC-4-14**

AN ORDINANCE TO REVISE THE UNIFIED DEVELOPMENT ORDINANCE POSTED NOTICE REQUIREMENTS FOR ZONING MAP AMENDMENTS THAT DIRECTLY AFFECT MORE THAN 50 PROPERTIES OWNED BY A TOTAL OF AT LEAST 50 DIFFERENT PROPERTY OWNERS

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

Section 1. Section 10.1.8; Part 10A of the Raleigh Unified Development Ordinance, Summary of Review Authority table, is hereby amended by the insertion of the following underlined provisions as an additional footnote, numbered (6). The Summary of Review Authority Chart shall be updated to include a footnote (6) in the “Site Posted” column at the “Rezoning Map Amendment” row.

- (1) Historic Development Commission reviews applications in -HOD-G, -HOD-S or properties with Historic Landmarks.
- (2) Staff to provide mailed notice to non-applicant property owners of proposed future land use map alterations in accordance with Comprehensive Plan.
- (3) Published notice is only required for the Public Hearing.
- (4) Appearance Commission review as specified in this UDO.
- (5) Site posting and mailed notice provided only for written interpretations associated with a specific site plan or subdivision.

(6) Site Posting is only required for Public Hearing in accordance with section 10.2.1.C.4.

Section 2. Section 10.2.1.C.4.; Part 10A of the Raleigh Unified Development Ordinance, Public Notice Requirements – Posted Notice, is hereby amended by the insertion of the following underlined provisions as item e.:

- a. When posted notice of any public meeting is required, signage shall be posted by the City on the property at a point visible from the nearest public street or streets if the property fronts on multiple streets.
- b. In the case of multiple parcels, a posting on each individual parcel is not required, but sufficient signage shall be posted to provide reasonable notice to interested persons.
- c. The sign shall not measure less than 18 inches x 24 inches. Signage shall be posted at least 10 calendar days prior to the date of the public meeting.
- d. The posted sign shall be returned to Planning and Development by the applicant either at the public meeting or within 3 business days following the public meeting
- e. Posted notice shall not be required for Planning Commission meetings for zoning map amendments that directly affect more than 50 properties owned by a total of at least 50 different property owners.**

Section 3. Section 10.2.1.C.1; Part 10A of the Raleigh Unified Development Ordinance, Public Notice Requirements Mailed Notice, is hereby amended by the insertion of the following underlined provisions:

- a. Whenever mailed notice is required by Sec. 10.1.8., at the time of submission of the application, the applicant shall deliver to Planning and Development first class stamped envelopes addressed to the property owners of the property included in the proposed application and the owners of all property within 100 feet on all sides of the subject property at the time of submittal. **For zoning map amendments that directly affect more than 50 properties owned by a total of at least 50 different property owners, the applicant may elect to provide mailed notice of the Planning Commission public meeting by postcard instead of first class mail.**
- b. When mailed notice is required for pre-submittal public meetings, the applicant may provide to the City return receipts from the mailing notification by the applicant to the required property owners by certified mail, returned receipt requested.
- c. Mailed notice shall be provided to all property owners as listed in the Wake County tax records that own property within 100 feet of the application at the time of submittal. Additionally, all property owners in the area of request shall receive mailed notice. In calculating this 100- foot radius, adjacent right-of-way shall not be counted, unless the right-of-way is at least 100 feet in width.
- d. Mailed notices must be sent to the addressees at least 10 calendar days prior and not more than 25 calendar days prior to the date of any public meeting.
- e. Except as otherwise directed by the City Council, the City Board or Commission reviewing the matter shall not require additional notification.
- f. For zoning map amendments that directly affect more than 50 properties owned by a total of at least 50 different property owners, the City may elect to forego mailed notice and instead give notice of the public hearing by publication provided that the newspaper advertisement is not less than ½ of a newspaper page in size. Property owners who reside outside of the newspaper circulation area, according to the addresses listed in the most recent property tax listing for the affected properties, shall be notified by first class mail.
- g. Except for a City-initiated zoning map amendment, when an application is filed to request a zoning map amendment and that application is not made by the owner of the parcel of land to which the amendment would apply, the applicant shall certify to the City Council that the owner of the parcel of land, as shown on the county tax listing, has received actual notice of the proposed amendment and a copy of the notice of public hearing. The applicant shall certify to the City Council that proper notice has been provided in fact and such certification shall be deemed conclusive in the absence of fraud.
- h. Actual notice of the proposed amendment and a copy of the notice of public hearing shall be by any manner permitted under N.C. Gen. Stat. §1A-1, Rule 4(j).
- i. If notice with due diligence cannot be achieved by personal delivery, registered or certified mail or by a designated delivery service, notice may be given by publication consistent with N.C. Gen. Stat. §1A-1, Rule 4(j1). (See N.C. Gen. Stat. §160A-384).

- j. For quasi-judicial hearings, mailed notice shall be provided to all other persons with an ownership interest in the subject property as set forth in all applicable State and local laws.

Section 4. All laws and clauses of laws in conflict herewith are hereby repealed to the extent of said conflict.

Section 5. 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 6. This text change has been reviewed by the Planning Commission and recommended for approval as presented at the City Council public hearing.

Section 7. This ordinance has been adopted following a duly advertised public hearing of the Raleigh City Council following a recommendation of the Planning Commission.

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

Section 9. 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 10. This ordinance shall become effective five (5) days following its adoption.

ADOPTED: September 16, 2014

EFFECTIVE: September 21, 2014

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