



Certified Recommendation

Raleigh Planning Commission

CR# 11656

Case Information: TC-8-15 / Street Connectivity and Access

Comprehensive Plan Guidance

<p><i>Applicable Policy Statements</i></p>	<p>Policy LU 4.2 - Transportation in Support of Walkable Neighborhoods Make the design and scale of transportation facilities compatible with planned land uses and with consideration for the character anticipated by this Comprehensive Plan for the surrounding neighborhood.</p> <p>Policy LU 4.5 - Connectivity New development and redevelopment should provide pedestrian and vehicular connectivity between individual development sites to provide alternative means of access along corridors.</p> <p>Policy LU 5.2 - Managing Commercial Development Impacts Manage new commercial development using zoning regulations and through the conditional use zoning and development review processes so that it does not result in unreasonable and unexpected traffic, parking, litter, shadow, view obstruction, odor, noise, and vibration impacts on surrounding residential areas.</p> <p>Policy LU 6.3 - Mixed-Use and Multi-Modal Transportation Promote the development of mixed-use activity centers with multi-modal transportation connections to provide convenient and accessible residential and employment areas.</p> <p>Policy LU 7.6 - Pedestrian-Friendly Development New commercial developments and redeveloped commercial areas should be pedestrian-friendly.</p> <p>Policy LU 8.8 - Finer-Grained Development Large oversized blocks in new neighborhoods and subdivisions should be avoided in favor of smaller blocks and enhanced pedestrian networks that create better connections and help facilitate walking and reduce driving.</p> <p>Policy T 1.3 - Multi-modal Transportation Design Offer residents safe and attractive choices among modes including pedestrian walkways, bikeways, public transportation, roadways, railways, and aviation. The street patterns of newly developed areas should provide multi-modal transportation alternatives for access to and circulation between adjacent neighborhoods, parks, shopping centers, and employment areas.</p>
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	<p>Policy T 2.3 - Eliminating Gaps Eliminate “gaps” in the roadway system and provide a higher roadway grid density that will increase mobility options and promote the accessibility of nearby land uses.</p> <p>Policy T 2.4 - Road Connectivity The use of cul-de-sacs and dead-end streets should be minimized.</p> <p>Policy T 2.6 - Preserving the Grid Existing street grid networks should be preserved and extended where feasible and appropriate to increase overall connectivity.</p> <p>Policy T 5.4 - Pedestrian and Bicycle Network Connectivity Continuous pedestrian and bicycle networks should be provided within and between existing and new developments to facilitate safe and convenient pedestrian and bicycle travel free of major barriers and impediments such as cul-de-sacs and large parking lots.</p> <p>Policy UD 5.3 - Improving Neighborhood Connectivity Explore opportunities to conveniently connect existing neighborhoods to adjacent commercial centers and community facilities and services.</p> <p>Policy DT 2.2 - Protect the Downtown Street Grid Preserve, protect, and extend the downtown grid pattern of small blocks and interconnected streets. Maintain existing rights-of-way to the greatest extent possible. Explore the creation of new roadway connections within and adjacent to downtown, including opportunities to extend the grid north of Peace Street and along Capital Boulevard.</p>
<i>Action Items</i>	Not applicable

Summary of Text Change

<i>Summary</i>	<p>Amends Section 8.3.1. Blocks, Lots, Access – Intent, Section 8.3.2. Blocks, 8.3.4.C.8. Stub Streets, 8.3.5.C. Driveways, 8.3.5.D. Cross Access, and Section 10.2.4.e.2. Additional Requirements for Conditional Use Applications, of the Part 10A Raleigh Unified Development Ordinance to allow zoning conditions to be submitted that prohibit cross-access or public street connections or extensions and be approved by the City Council. Furthermore, the text change allows the City Council to alter the maximum block standards in <i>Sec. 8.3.2</i>, the stub streets standards in <i>Sec. 8.3.4 C</i> and the driveway standard for Residential Uses, Mixed Use and Nonresidential Uses in <i>Sec. 8.3.5.C. 2 and 3</i> when it makes a determination that the offered zoning conditions provide for safe, efficient and convenient vehicular and pedestrian access within developments and between adjacent developments and do not adversely affect traffic congestion.</p>
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Summary of Impacts

<i>Impacts Identified</i>	<p><u>Adoption of TC-3-15:</u></p> <ol style="list-style-type: none"> 1. The adoption of the text change would allow the City Council to approve conditional use zoning cases that contain zoning conditions prohibiting cross-access or public street connections or extensions. 2. The adoption of the text change would allow the City Council to alter the maximum block standards in the UDO. 3. The adoption of the text change would allow the City Council to alter the stub street standards in the UDO. 4. The adoption of the text change would allow the City Council to alter the driveway standards for Residential Uses, Mixed Use and Nonresidential Uses in the UDO. <p><u>No Action:</u></p> <ol style="list-style-type: none"> 1. Applicants for conditional use rezonings are prohibited from submitting zoning conditions that prohibit cross-access or public street connection or extensions.
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Public Meetings

<i>Submitted</i>	<i>Committee</i>		<i>Planning Commission</i>	
April 7, 2015	8-18-15 8-28-15	Text Change Deferred Approval	9-8-15	Approval

Attachments

1. Draft Ordinance

Planning Commission Recommendation

<i>Recommendation</i>	Approval
<i>Findings & Reasons</i>	That when a conditional use rezoning applicant can demonstrate that offered zoning conditions provide for safe, efficient and convenient vehicular and pedestrian access within developments and between adjacent developments and do not adversely affect traffic congestion, the City Council should be allowed to accept and adopt zoning conditions that prohibit cross-access or public street connections or extensions as a means of mitigating the impacts of a proposed conditional use rezoning request.

<i>Motion and Vote</i>	Motion: Braun Second: Swink In favor: Alcine, Braun, Buxton, Fluhrer, Hicks, Lyle, Schuster, Swink and Whitsett Opposed: Terando
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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.

	Date		Date
Planning Director		Planning Commission Chairperson	9/8/15

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



Zoning Staff Report – TC-8-15

Street Connectivity and Access

Request

<p><i>Section Reference</i></p>	<p>Part 10A §8.3.1. Blocks, Lots, Access - Intent Part 10A §8.3.2. Blocks. Part 10A §8.3.4.C.8. Stub Streets Part 10A §8.3.5.C. Driveways Part 10A §8.3.5.D. Cross Access Part 10A §10.2.4.E.2. Additional Requirements for Conditional Use Applications</p>
<p><i>Basic Information</i></p>	<p>Amends the Part 10A Raleigh Unified Development to allow the City Council to approve conditional use zoning cases that contain zoning conditions prohibiting cross-access or public street connections or extensions when it makes a determination that the offered zoning conditions provide for safe, efficient and convenient vehicular and pedestrian access within developments and between adjacent developments and do not adversely affect traffic congestion.</p>
<p><i>PC Recommendation Deadline</i></p>	<p>October 13, 2015</p>

Comprehensive Plan Guidance

<p><i>Applicable Policies</i></p>	<p>Policy LU 4.2 - Transportation in Support of Walkable Neighborhoods Make the design and scale of transportation facilities compatible with planned land uses and with consideration for the character anticipated by this Comprehensive Plan for the surrounding neighborhood.</p> <p>Policy LU 4.5 - Connectivity New development and redevelopment should provide pedestrian and vehicular connectivity between individual development sites to provide alternative means of access along corridors.</p> <p>Policy LU 5.2 - Managing Commercial Development Impacts Manage new commercial development using zoning regulations and through the conditional use zoning and development review processes so that it does not result in unreasonable and unexpected traffic, parking, litter, shadow, view obstruction, odor, noise, and vibration impacts on surrounding residential areas.</p> <p>Policy LU 6.3 - Mixed-Use and Multi-Modal Transportation Promote the development of mixed-use activity centers with multi-modal transportation connections to provide convenient and accessible residential and employment areas.</p>
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	<p>Policy LU 7.6 - Pedestrian-Friendly Development New commercial developments and redeveloped commercial areas should be pedestrian-friendly.</p> <p>Policy LU 8.8 - Finer-Grained Development Large oversized blocks in new neighborhoods and subdivisions should be avoided in favor of smaller blocks and enhanced pedestrian networks that create better connections and help facilitate walking and reduce driving.</p> <p>Policy T 1.3 - Multi-modal Transportation Design Offer residents safe and attractive choices among modes including pedestrian walkways, bikeways, public transportation, roadways, railways, and aviation. The street patterns of newly developed areas should provide multi-modal transportation alternatives for access to and circulation between adjacent neighborhoods, parks, shopping centers, and employment areas.</p> <p>Policy T 2.3 - Eliminating Gaps Eliminate “gaps” in the roadway system and provide a higher roadway grid density that will increase mobility options and promote the accessibility of nearby land uses.</p> <p>Policy T 2.4 - Road Connectivity The use of cul-de-sacs and dead-end streets should be minimized.</p> <p>Policy T 2.6 - Preserving the Grid Existing street grid networks should be preserved and extended where feasible and appropriate to increase overall connectivity.</p> <p>Policy T 5.4 - Pedestrian and Bicycle Network Connectivity Continuous pedestrian and bicycle networks should be provided within and between existing and new developments to facilitate safe and convenient pedestrian and bicycle travel free of major barriers and impediments such as cul-de-sacs and large parking lots.</p> <p>Policy UD 5.3 - Improving Neighborhood Connectivity Explore opportunities to conveniently connect existing neighborhoods to adjacent commercial centers and community facilities and services.</p> <p>Policy DT 2.2 - Protect the Downtown Street Grid Preserve, protect, and extend the downtown grid pattern of small blocks and interconnected streets. Maintain existing rights-of-way to the greatest extent possible. Explore the creation of new roadway connections within and adjacent to downtown, including opportunities to extend the grid north of Peace Street and along Capital Boulevard.</p>
<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 Council so that zoning conditions prohibiting cross-access or public street connections or extensions could be considered as part of a conditional use rezoning case.

Purpose and Need

This text change would allow the City Council to make a determination that offered zoning conditions provide for safe, efficient and convenient vehicular and pedestrian access within developments and between adjacent developments and do not adversely affect traffic congestion and as such authorizes the City Council to alter the maximum block standards in Sec. 8.3.2, the stub streets standards *in* Sec. 8.3.4 C and the driveway standard for Residential Uses, Mixed Use and Nonresidential Uses in Sec. 8.3.5.C. 2 and 3.

Alternatives Considered

Option 1:

- Change UDO to allow zoning conditions that restrict street connections
- Would repeal several sections of UDO related to connectivity, such as block perimeter standards
- May require amendment to Comprehensive Plan to remove policy language related to street connectivity

Option2:

- Change UDO to allow zoning conditions that restrict street access
- Zoning conditions could be offered that specify where driveways can (and cannot) connect
- Block perimeter standards would remain
- Must meet site access standards in UDO

Option3:

- Change UDO to allow zoning conditions that restrict street connections and site access, but only in limited situations
- Only allowed if property has more than one street stub
- Adjacent street stubs must be maintained by NCDOT
- Block perimeter standards would remain
- Must meet site access standards in UDO

Scoping of Impacts

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

The maximum block standards in Sec. 8.3.2, the stub streets standards *in* Sec. 8.3.4 C and the driveway standard for Residential Uses, Mixed Use and Nonresidential Uses in Sec. 8.3.5.C. 2 and 3 could be compromised.

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

The City Council is precluded from accepting zoning conditions that prohibit cross-access or public street connections or extensions even when the applicant can demonstrate that

subsequent development of the site could provide for safe, efficient and convenient vehicular and pedestrian access within developments and between adjacent developments and do not adversely affect traffic congestion.

Impacts Summary

Adoption of Proposed Text Change

The text change allows zoning conditions to be submitted that prohibit cross-access or public street connections or extensions by also granting the City Council the authority to alter the maximum block standards in *Sec. 8.3.2*, the stub streets standards *in Sec. 8.3.4 C* and the driveway standard for Residential Uses, Mixed Use and Nonresidential Uses in *Sec. 8.3.5.C. 2* and 3 when the City Council makes a determination that offered zoning conditions provide for safe, efficient and convenient vehicular and pedestrian access within developments and between adjacent developments and do not adversely affect traffic congestion.

No action

Conditional Use Rezoning applicants are prohibited from offering zoning conditions that prohibit cross-access or public street connections or extensions.

**ORDINANCE NO. 2015 – 518 TC 375
TC-8-15**

AN ORDINANCE TO MODIFY THE STREET CONNECTIVITY AND STREET ACCESS STANDARDS IN THE CITY OF RALEIGH UNIFIED DEVELOPMENT ORDINANCE TO PERMIT THE CITY COUNCIL TO ACCEPT ZONING CONDITIONS TO ALTER BLOCK PERIMETER AND SITE ACCESS STANDARDS IN CONJUNCTION WITH A REZONING CASE

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

Section 1. Section 8.3.1 of the Part 10A Raleigh Unified Development Ordinance, Intent, is hereby amended by inserting the following underlined text and removing the strikethrough text:

- A.** 4. The intent of the maximum block perimeter and connectivity regulations is to provide a well-connected street network.
- B.** 2. 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.** 3. 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.** 4. Administrative design adjustments to the requirements of this Article may be appropriate where topographic changes are too steep, where existing buildings, streams or other natural or man-made obstructions or site layout of developed properties prevent cross access, where adjoining uses are incompatible or where strict compliance with this UDO would pose a safety hazard.
- E.** 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

Section 2. Section 8.3.2 of the Part 10A Raleigh Unified Development Ordinance, Blocks, is hereby amended by inserting the following underlined text and removing the strikethrough text:

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 either an administrative design adjustment authorized in this UDO, or 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'

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~~ 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. The Public Works Director may waive the block perimeter requirements or maximum dead-end street length consistent with *Sec. 8.3.6.*, when steep slopes in excess of 25%, freeways, waterways, railroad lines, preexisting development, tree conservation areas, stream buffers, cemeteries, open space or easements would make the provision of a complete block infeasible or does not advance the intent of this Article.
7. 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 ½ of the maximum block perimeter.

Section 3. Section 8.3.4.C.8 of the Part 10A Raleigh Unified Development Ordinance, Stub Streets, is hereby amended by inserting the following underlined text and removing the strikethrough text:

C. Stub Streets

Unless modified by either an administrative design adjustment authorized in this UDO, or 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 ~~streets~~ 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 Public Works 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.
8. The Public Works Director may eliminate the requirement for a stub street consistent with *Sec. 8.3.6.*, when:
 - a. Steep slopes in excess of 25%; freeways, waterways, railroad lines, preexisting development, tree conservation areas, stream buffers, cemeteries, open space or easements would make the provision of a stub street infeasible; or
 - b. A high intensity nonresidential use is located adjacent to a proposed residential subdivision.

Section 4. Section 8.3.5 C of the Part 10A Raleigh Unified Development Ordinance, Driveways, is hereby amended by inserting the following underlined text and removing the strikethrough text:

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 Public Works Director may require wider driveways where unusual traffic, grade or site conditions exist.

2. Driveways for Residential Uses

Unless modified by either an administrative design adjustment authorized in this UDO, or 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. Driveways must be located a minimum of 3.5 feet from the side lot line. However, a driveway may be located on the lot line closer than 3.5 feet if it is shared with an adjacent lot.
- f. 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 either an administrative design adjustment authorized in this UDO, or 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 Public Works 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 nonresidential 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.

Section 5. Section 8.3.5.D of the Part 10A Raleigh Unified Development Ordinance, Cross Access, is hereby amended by inserting the following underlined text and removing the strikethrough text:

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. When cross-access is waived by the Public Works Director in accordance with *Sec. 8.3.6.*, bicycle and pedestrian connections shall be provided between abutting properties except where there is a perennial wet stream crossing greater than 15 feet in width that interferes with such access.
4. 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 Planning and Development 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.
5. 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 Public Works Director ~~in violation of the Raleigh City Code~~ 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.

Section 6. Section 10.2.4.E.2 of the Part 10A Raleigh Unified Development Ordinance, Additional requirements for Conditional Use Applications, is hereby amended by inserting the following underlined text and removing the strikethrough text:

2. Additional Requirements for Conditional Use Applications

- a. An application for a conditional use rezoning may specify the use or uses prohibited or the use or uses allowed, including the maximum number of dwelling units and all development regulations which are requested for the property submitted for rezoning. The requested use or uses must be permitted in the corresponding general use district.

- b. All those regulations which apply to the corresponding general use zoning district are the minimum requirements in the conditional use district.
- c. Conditions which represent greater restrictions on development and use of the property than would apply in the corresponding general use district or which involve subdivision, stormwater control, flood protection or other limitations on land which may be regulated by City and State law, may be specified in the application. The City Council may accept zoning conditions that alter the maximum block standards in Sec. 8.3.2, the stub streets standards in Sec. 8.3.4 C and the driveway standard for Residential Uses, Mixed Use and Nonresidential Uses in Sec. 8.3.5.C. 2 and 3. Such zoning conditions shall only be approved by the City Council when the City Council, concurrent with the adoption of the conditional use zoning ordinance, makes a determination that the offered zoning conditions provide for safe, efficient and convenient vehicular and pedestrian access within developments and between adjacent developments and do not adversely affect traffic congestion. These zoning conditions shall be accompanied by additional information as required on the official rezoning application.
- d. Zoning conditions associated with a lot line common to the subject property and an adjacent property shall reference the Deed Book / Page Number or recorded Book of Maps / Page Number of the associated adjacent property.
- e. No condition may be made part of the petition which specifies ownership status, race, religion or character of occupant, minimum value of improvements or any other exclusionary device.
- f. No condition shall be submitted that proposes to regulate right-of-way reimbursement values, ~~prohibit cross access or public street connections or extensions~~, prohibit submittal of a traffic impact analysis. Nor shall any site plans, renderings or other images be submitted as part of the conditional use rezoning application unless all elements of the site plan, rendering or image graphically illustrate the written text of the conditions in which case the written zoning conditions shall remain as the controlling instrument. Any condition that prohibits street access or public street connections or extensions shall comply with subsection c above.
- g. No condition may be made part of the petition which duplicates an existing City code requirement.
- h. For any condition specified on the petition that may affect potential compliance with the requirements of this UDO or any other City ordinance on the property requested for rezoning, proper submittal of information and review shall be requested by Planning and Development, prior to a City Council decision on the rezoning.
- i. No condition may be made part of the petition which specifies the establishment and protection of tree conservation areas or tree protection areas unless the condition ensures that 100% of the critical root zones of trees proposed for protection and located on the subject rezoned property shall also be undisturbed areas.

Section 7. All laws and clauses of laws in conflict herewith are repealed to the extent of such conflict.

Section 8. 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 9. This text change has been reviewed by the Raleigh City Planning Commission.

Section 10. This ordinance has been adopted following a duly advertised public hearing of the Raleigh City Council.

Section 11. This ordinance has been provided to the North Carolina Capital Commission as required by law.

Section 12. 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 13. This ordinance is effective 5 days after adoption, however, this ordinance shall be applicable to all pending zoning cases.

ADOPTED: November 17, 2015

EFFECTIVE: November 22, 2015

DISTRIBUTION: Department Heads

Prepared by the Department of City Planning