



Certified Recommendation

CR#11865

City of Raleigh Planning Commission

Case Information: TC-3-18 Infill Notification

Comprehensive Plan Guidance

<i>Applicable Policy Statements</i>	<p>Policy LU 8.10 Infill Development Encourage infill development on vacant land within the City, particularly in areas where there are vacant lots that create “gaps” in the urban fabric and detract from the character of a commercial or residential street. Such development should complement the established character of the area and should not create sharp changes in the physical development pattern.</p> <p>Policy LU 8.12 Infill Compatibility Vacant lots and infill sites within existing neighborhoods should be developed consistently with the design elements of adjacent structures, including height, setbacks, and massing through the use of zoning tools including Neighborhood Conservation Overlay Districts.</p>
<i>Action Items</i>	None

Summary of Text Change

<i>Summary</i>	This text change will provide for notice of the filing and of the approval of residential construction projects governed by the existing Residential Infill Compatibility standards.
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Summary of Impacts

<i>Impacts Identified</i>	<p>The text change would improve awareness among nearby property owners of residential infill projects. As the code provides for an appeals process of administrative decisions, the text change would provide for a greater ability to be aware of and potentially appeal such decisions.</p> <p>Many of the negative impacts would be borne by staff. There may be an increase in conversations with adjacent property owners. These conversations may be frustrating, as any appeal of an administrative review would need to be based on a code deficiency. Staff may not be able to identify whether or not a project is classified as “infill” at the point of intake. This may cause the review time to be extended.</p>
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Public Meetings

<i>Submitted</i>	<i>Committee</i>		<i>Planning Commission</i>	
8/28/18			8/28/18; 9/1/18	Defer for additional information; recommend approval

Attachments

1. Draft Ordinance

Planning Commission Recommendation

<i>Recommendation</i>	Approval
<i>Findings & Reasons</i>	By providing notification of infill projects, the text change will enhance conversation in the city about infill and give neighbors more of an opportunity to participate in and learn about the infill process.
<i>Motion and Vote</i>	Motion: Jeffreys Second: Geary In Favor: Alcine, Braun, Geary, Hicks, Jeffreys, Novak, Queen Opposed: None

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.

_____ 9/11/18 _____ 9/11/18
 Planning Director Date Planning Commission Chairperson Date

Staff Coordinator: Travis Crane travis.crane@raleighnc.gov



Zoning Staff Report

TC-3-18 Infill Notification

<i>Section Reference</i>	Alter sections 10.1.8 and 10.2.7.
<i>Basic Information</i>	This would provide mailed and posted notice of residential construction projects that are governed by existing residential infill standards and involve structures at least seven feet tall.
<i>Planning Commission Recommendation Deadline</i>	November 26, 2018

Comprehensive Plan Guidance

<i>Applicable Policies</i>	<p>Policy LU 8.10 Infill Development Encourage infill development on vacant land within the City, particularly in areas where there are vacant lots that create “gaps” in the urban fabric and detract from the character of a commercial or residential street. Such development should complement the established character of the area and should not create sharp changes in the physical development pattern.</p> <p>Policy LU 8.12 Infill Compatibility Vacant lots and infill sites within existing neighborhoods should be developed consistently with the design elements of adjacent structures, including height, setbacks, and massing through the use of zoning tools including Neighborhood Conservation Overlay Districts.</p>
<i>Action Items</i>	N/A

Contact Information

<i>Staff Coordinator</i>	Travis Crane travis.crane@raleighnc.gov
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History/Overview

This text change stemmed from statements from residents that they were unaware of nearby residential construction projects until work began and therefore had little or no opportunity to appeal administrative decisions. The text change would require mailed notice when an application is filed and posted notice upon a decision.

Purpose and Need

This ordinance would provide greater information about planned residential infill projects to nearby residents and would provide opportunity for residents to appeal administrative decisions regarding those projects.

Alternatives Considered

The decision involved is straightforward, with little opportunity for alternative means of addressing the goal. Either notice is provided of residential infill projects or it is not. The text change as written aligns the distance for mailed notification (100') with all non-rezoning matters. That distance could be modified if desired.

Scoping of Impacts

Staff in City Planning has coordinated with staff in Development Services to identify the impacts associated with this text change. The Development Services staff will implement these provisions at time of permit review.

This text change would increase the public awareness of residential infill construction, which is a topic of interest to many. From a public awareness standpoint, this would produce positive impacts.

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

The change would require additional staff time to administer. Staff may not be able to determine whether or not an application is considered "infill" at the point of intake. As a result, staff may identify this review path during the first review cycle. The applicant may be required to provide stamped, addressed envelopes after the first review. During the time of notification, staff may receive additional contact from surrounding property owners. These conversations may be frustrating to the interested parties, as any appeal of an administrative review must be grounded in a deficiency in permit issuance.

This text change would result in a budgetary impact. Additional "public notice" signs may need to be ordered. The cost of the mailed notice would be borne by the applicant. There may be an additional burden on staff for the retrieval of signs. Staff may explore an opportunity to shift this task to the applicant.

Staff also recommends an effective date of 90 days following adoption in order to create and implement a process for handing the notifications in a timely manner.

Impacts Summary

Apart from the impact on staff resources, there are no identified negative impacts of adopting the ordinance.

TC-3-18 INFILL NOTIFICATION / ORDINANCE NO. (xxx-2018)

AN ORDINANCE TO ESTABLISH REGULATIONS FOR NOTIFICATION FOR RESIDENTIAL INFILL CONSTRUCTION

WHEREAS, the City of Raleigh strives to create a land development process that is transparent and provides opportunity for public review; and

WHEREAS, the Unified Development Ordinance includes regulations addressing review and appeal procedures for a range of development types; and

WHEREAS, the Unified Development Ordinance provides the opportunity for the appeal of a Plot Plan approval; and

WHEREAS, effectively exercising the right to appeal requires a reasonable degree of notice about a proposed project;

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

Section 1. Section 10.1.8. Summary of Review Authority table is hereby amended by inserting a “Y⁽⁷⁾” on the “Plot Plan Review” row within the “Site Posted” and “Mailed” columns, indicating that site posted and mailed notice are both required elements of the Plot Plan Review process. The footnotes accompanying the table are amended by adding the language shown in underline:

⁽⁷⁾ Site posting and mailed notice only required when specified in Section 10.2.7. E.

Section 2. Section 10.2.7. Plot Plan Review is hereby amended by and inserting the following underlined text and deleting the text shown with a strike-through:

D. Planning and Development Officer Action

5. Notice of a decision on an administratively reviewed plot plan shall be provided to the applicant within 3 days following the date of the final action as set forth in Sec. 10.2.1.C.6.

E. Notification Requirements

1. When a plot plan, excluding improvements described in Sec. 1.5.4 D. Setback Encroachments, meets both of the following criteria, site posting and mailed notice are required.

a. It involves the construction of or addition to a principal building or an accessory structure that is 7 or more feet in height.

b. The property meets the applicability standards for Residential Infill Compatibility in Sec. 2.2.7.

2. Unsealed, stamped and addressed envelopes shall be submitted with the plot plan application. Mailed notice must be provided in accordance with Sec. 10.2.1.C.1.a. Letters shall be mailed as soon as the application is technically complete.

3. A sign shall be posted by the property owner on the property for 30 consecutive days, beginning the day of issuance or the next working day following the issuance of a zoning permit or site permit. Signage shall be posted on the property at a point visible from the nearest public street or streets if the property fronts on multiple streets. The sign shall not measure less than 18 inches x 24 inches. The sign shall include the following information:

- a. The case number;
- b. The address of the subject property;
- c. The date the application was decided;
- d. A description of the action requested;
- e. The address for the City's web portal; and
- f. A phone number and e-mail address to contact Development Services.

EF. Expiration

Section 3. This text change has been reviewed by the Raleigh City Planning Commission.

Section 4. This ordinance has been adopted following a duly advertised public hearing of the Raleigh City Council.

Section 5. This ordinance has been provided to the North Carolina Capital Commission as required by law.

Section 6. 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 7. This ordinance is effective 90 days after adoption.

ADOPTED:

EFFECTIVE:

DISTRIBUTION:

Prepared by the Department of City Planning