

**ORDINANCE NO. 2018 – 892 TC 409**

**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<sup>(7)</sup>” 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:

<sup>(7)</sup> 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: November 6, 2018**

**EFFECTIVE: February 4, 2019**

**DISTRIBUTION: Management Team; Hargrove; Seymour; Crane**

*Prepared by the Department of City Planning*