

2030 Comprehensive Plan Progress Report

September 2019



Raleigh

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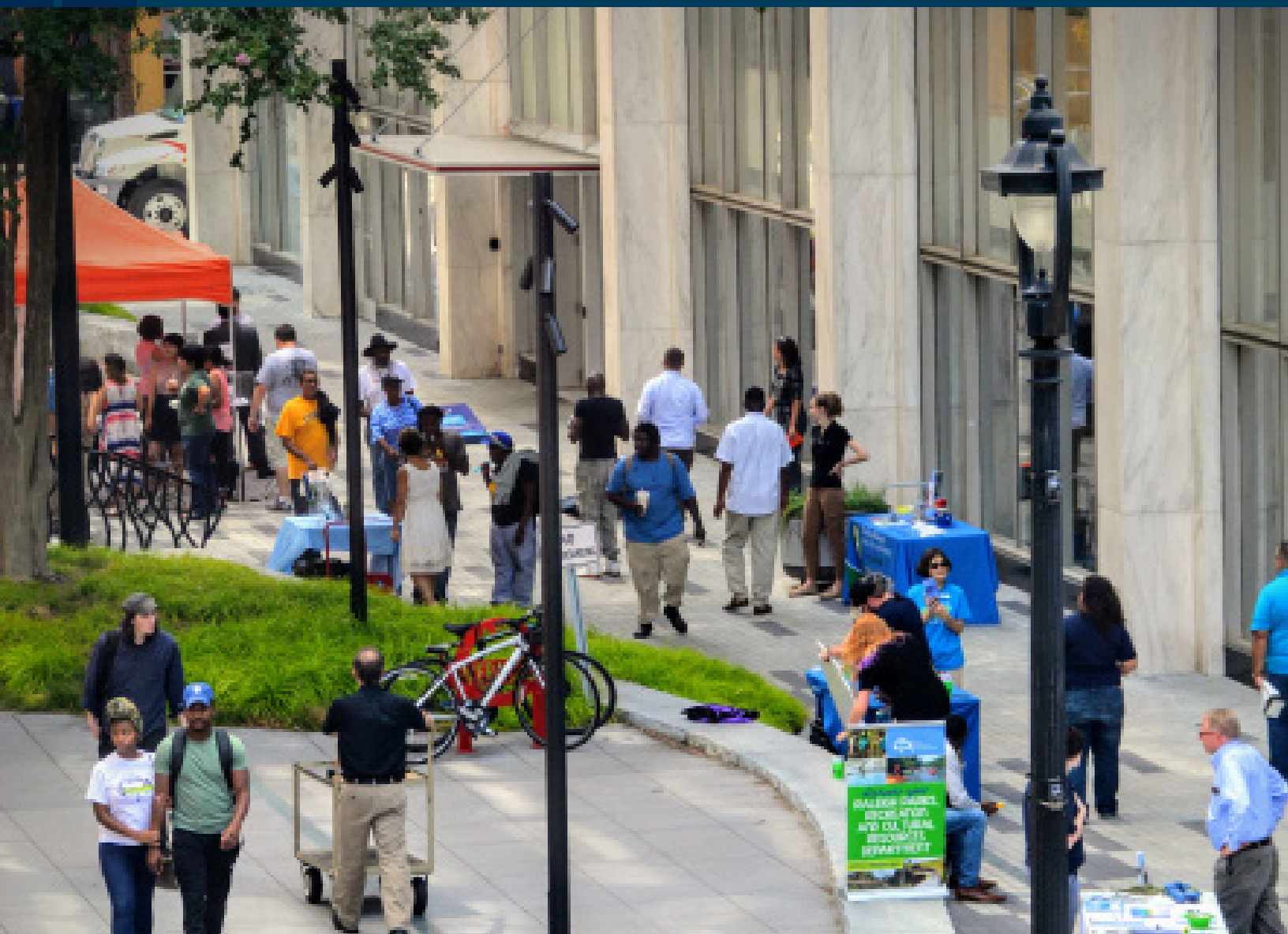


Table of Contents

| | |
|--|----------|
| Section 1 Introduction..... | 4 |
| Section 2 Emerging Trends | 4 |
| A. Rezoning Consistency Law | 4 |
| B. Submittal Window for Comprehensive Plan Amendments..... | 6 |
| C. Modifying Zoning Conditions by Text Amendment..... | 6 |
| D. Analysis of Housing and Energy Impacts in Rezoning Staff Report | 7 |
| Section 3 City Council Action Items | 8 |
| A. Rezoning Actions..... | 8 |
| B. Text Changes | 15 |
| C. Text Change - Zoning Conditions | 18 |
| D. Comprehensive Plan Amendments | 19 |

1 Introduction

The 2030 Comprehensive Plan was adopted by City Council in October 2009. During the adoption process, City Council and staff committed to an annual review so that recent trends could be analyzed and past decisions compared with the policy guidance contained within the plan. Additionally, Action Item IM 3.2 states that an annual progress report shall be prepared that includes key accomplishments, critical issues, and key implementing agencies. Each year, staff will provide a detailed account of the past year's actions, and how these actions align with policy direction contained within the plan. If recent actions or emerging trends shift policy, a recommendation to amend the plan may be provided.

This report examines the zoning decisions of calendar year 2018 and fiscal year 2019, covering the period from January 1, 2018, to June 30, 2019. Also included in this report is a survey of newly emerging trends. In the past, this report has included the status of action items in the 2030 Comprehensive Plan. That section has been omitted from this edition of the report because a five-year update to the Comprehensive Plan is pending at the time of publication of this report. The Comprehensive Plan Update proposes to revise a number of items that are tracked in this report. Reporting on these items at this time would be of diminished value because they are actively undergoing a public review and subject to change as a result.

2 Emerging Trends

Each year, staff reviews current trends that may impact the 2030 Comprehensive Plan. General maintenance of the plan is important; examination and inclusion of recent trends keeps the plan relevant. This year staff identified four emerging issues that may impact the Comprehensive Plan:

- *Changes to state law relating to rezoning consistency statements.*
- *The submittal window for Comprehensive Plan amendments.*
- *Modifying zoning conditions through text amendments.*
- *Analysis of housing impacts and carbon emissions in the rezoning staff report.*

There are no related Comprehensive Plan amendments recommended in association with these emerging issues at this time.

A. Rezoning Consistency Law

When a governing board takes action on a petition to amend the official zoning map of the jurisdiction, North Carolina general statutes require that governing boards adopt a statement indicating whether the requested amendment is consistent with the adopted comprehensive plan of the jurisdiction. The state law for these "consistency statements" requires the governing board to explain whether the decision being made is consistent with the adopted comprehensive plan and why the decision is reasonable and in the public interest.

In 2017, the state law mandating these consistency statements was modified to add new requirements when a rezoning request is approved despite being inconsistent with the jurisdiction's comprehensive plan. The consistency statement for approval of an inconsistent request must now state that the approval also constitutes an amendment to the comprehensive plan and an explanation of the circumstances of the request that make it appropriate.

The adoption of this new requirement for consistency statements has created two implementation challenges for City Planning staff. First, the language of the statute is unclear as to what changes to the comprehensive plan should accompany approval of an inconsistent request. Second, the state law does not provide a process for implementing its mandate. In response to these two areas of uncertainty, the City Attorney has provided interpretation of the law, and the City Planning department has developed an implementation process to ensure that the City Council's rezoning actions are in compliance.

The City Attorney issued a memo in early 2019 to clarify how Raleigh's 2030 Comprehensive Plan should be amended in cases where the City Council approves an inconsistent rezoning petition. The 2030 Comprehensive Plan includes a Future Land Use Map (FLUM) that describes the development pattern that would be appropriate in each geographic area of Raleigh. According to the City Attorney, *the FLUM will be amended any time that a rezoning request is approved that is inconsistent with the FLUM.*

In addition to the FLUM, the 2030 Comprehensive Plan contains a number of written policies, some of which offer guidance about the types of land development that are encouraged in various contexts. A rezoning request may be deemed inconsistent with these text policies as well as with the FLUM. The City Attorney's memo sets forth a protocol for amendments to these policies in instances where the request is either consistent or inconsistent with the FLUM. The essential aspect of this memo is that any amendment to a text policy is only applicable to the parcel or parcels included in the rezoning petition and for only as long as the newly approved zoning is mapped on the parcel or parcels.

While the City Attorney's memo made the city's legal obligations clear, there remained a question as to how staff would facilitate required amendments so that they are properly enacted and documented. City Planning staff has updated the rezoning staff report to include a section describing Comprehensive Plan amendments that may be triggered if the City Council approves the case. Potential amendments to the FLUM and text policies are listed in the new section.

This information can be used as a reference for the City Council in making their motion. It is also helpful to the City Council and the Planning Commission as an impact to consider as part of their review. For cases that may lead to a change in the FLUM designation, City Planning staff draft a resolution to approve the prospective change. The City Council receives the resolution with the materials they review for the rezoning public hearing.

In contrast to FLUM changes, where there is a finite set of previously defined designations, amendments to text policies allow for more variation in the Council's choice of what revisions would meet the requirements of the state law. Even so, the changes only apply to the site in question and only for the duration of the approved zoning. The policy impacts of triggered text policy amendments are therefore virtually inconsequential outside of the rezoning decision.

During the interim when the new state law was in effect but prior to the City Attorney's guidance, there were rezoning cases that were determined to be inconsistent with the FLUM, though none were approved that were found to be generally inconsistent with the Comprehensive Plan text policies. City Planning staff maintained a record of these cases and initiated a Comprehensive Plan amendment in 2019 to ensure that these formerly implicit changes to the FLUM would be more transparently recorded in the city's records in keeping with previously established process.

B. Submittal Window for Comprehensive Plan Amendments

Since the adoption of the 2030 Comprehensive Plan in 2009, the City Planning department has accepted petitions to amend the Comprehensive Plan at two points during the calendar year. Petitions could be submitted in May or November. The original purpose of limiting the filing calendar was related to rezoning requests that are inconsistent with the Comprehensive Plan. At the time the Comprehensive Plan was adopted, it was expected that a petitioner wishing to initiate an inconsistent rezoning request would preemptively petition for a Comprehensive Plan amendment to resolve the inconsistency. The limited filing window was intended to discourage amendments filed solely to facilitate an inconsistent rezoning case.

For inconsistent rezoning requests that were approved without a preemptive Comprehensive Plan amendment, City Planning staff would evaluate and report the circumstances of each case to the City Council in the annual progress report. If the City Council determined that any of the approved, inconsistent cases represented a substantial change to city policy that needed to be integrated into the Comprehensive Plan, then the Council would direct staff to initiate one or more Comprehensive Plan amendments to adjust the policy to recognize this change in real-world conditions.

These rationales for having a limited filing window have been undermined by a recent change in state law that requires the Comprehensive Plan to be immediately and automatically amended as part of the approval of an inconsistent rezoning case. Comprehensive Plan inconsistency no longer has the same deterrent effect on the filing of rezoning cases given the automatic incorporation of a Comprehensive Plan amendment into the rezoning process. There is also less reason to delay other Comprehensive Plan amendment activity to align with the progress report. Though it remains important to evaluate inconsistent cases after they have been approved, other amendments are regularly filed for unrelated reasons.

Due to the change in state law as well as the ongoing need for revisions to the Comprehensive Plan that are not related to rezoning cases, the Planning Director now recommends allowing petitions for Comprehensive Plan amendments at any time throughout the year. This change in policy does not require action by the City Council. Even so, this report will serve as documentation for the City Council that this process change is occurring. A continuous filing window is not expected to cause any procedural issues.

The rezoning and text amendment processes currently allow petitions at any time, and neither of these processes cause strain on staff time or difficulty in meeting procedural requirements. Rather, the rolling filing window is likely to lead to a more even distribution of petitions, which would alleviate concentrations of petitions that may require significant staff resources in a short period of time. More evenly distributed petitions can also allow review obligations of the Planning Commission and City Council to be more uniformly spread over the course of a year.

C. Modifying Zoning Conditions by Text Amendment

Requests to change the zoning applied to a site have historically been reviewed through the rezoning process, regardless of the magnitude of change requested. As such, requests to change existing conditional use districts effectively start out with a blank slate, and any of the existing conditions an applicant wishes to retain would need to be voluntarily offered as part of the new request. In 2017, the North Carolina Court of Appeals decided in *McDowell v. Randolph County* that there is a distinction between requests that do and do not alter the zoning map. In effect, requests that seek to change only zoning conditions applied to a conditional use district – and not the base district, frontage, or height – are deemed to be a change to the zoning ordinance rather than the zoning map. As such, these requests are text change requests rather than rezoning requests.

Text change TC-7-18, which went into effect on April 7, 2019, amended the Unified Development Ordinance (UDO) to align with this interpretation. Text change TC-7-18 identifies modifications of existing zoning conditions, when no change is requested to the zoning map, as a text change request and establishes a process for such requests. The process includes many of the requirements of the rezoning process, including neighborhood meeting, notice to property owners within 500 feet of the subject site, and property owner signatures, but also includes the requirement to receive authorization from City Council before applying. Requests are tracked via a case number beginning with 'TCZ-'. As of the end of June 2019, two text change requests for zoning conditions have been reviewed by the Department of City Planning.

D. Analysis of Housing and Energy Impacts in Rezoning Staff Report

The Department of City Planning produces staff reports that analyze rezoning requests, proposed Comprehensive Plan amendments, and other planning-related requests. These reports typically consider policy consistency and possible impacts of the request. The impact analysis provides objective information about the possible outcomes of the requested change, and the scope of the analysis spans trades, including transportation and transit, parks, cultural and historical resources, stormwater, public utilities, urban forestry, and community development.

To better capture the impact of planning decisions, and in light of community interest in housing affordability and the City's goal of an 80 percent reduction in greenhouse gas emissions by 2050, two new sections have been added to the staff report, starting with rezoning requests reviewed in the 2019-2020 fiscal year. The new sections will, to the extent possible, analyze the climate change and affordability impacts of a request. The climate analysis will consider the carbon-intensiveness of the building types permitted and the site's relationship to carbon-efficient transportation networks such as cycling

and pedestrian networks. The affordability analysis will consider the request's potential impact on housing supply in Raleigh.

While the theme of sustainability is woven throughout the Comprehensive Plan, analysis of policies that speak directly to climate change and housing affordability has been challenging without consistently established metrics. The addition of a climate change and housing affordability section to the staff reports addresses this information gap and will assist Planning Commission and City Council in making decisions that address these important community issues.



3 City Council Action Items

A. Rezoning Actions

Action item LU 1.4 states that the city should "Maintain the currency of the Future Land Use Map through periodic reevaluation and revision of the map based on analysis of growth and development needs and trends, small area studies and special area studies." One opportunity to review the Future Land Use Map is in concert with recent rezoning actions. North Carolina law requires that the City Council make a finding on each rezoning decision regarding consistency with the Comprehensive Plan and whether the amendment is reasonable and in the public interest. The City Council can and does approve rezoning requests deemed inconsistent with the Future Land Use Map and the 2030 Comprehensive Plan, but a finding of inconsistency places greater emphasis on showing how the decision advances the public interest.

This section presents a summary of the rezoning actions taken from January 1, 2018, to June 30, 2019, and additional information about rezoning cases that were deemed inconsistent with the Future Land Use Map, the Comprehensive Plan, or both. The period reported is 18 months rather than the 12 months that is typical for this report because this year's report will transition the reporting cycle from the calendar year to the fiscal year. Where the label "FY2018" is used in the remainder of this document, it will refer to the period of January 1, 2018, to June 30, 2018.

Rezoning Case Origins and Disposition

There were 19 rezoning cases submitted in the second half of fiscal year 2018 and 36 submitted for all of fiscal year 2019. Another 27 rezoning cases from 2017 were active as of January 1, 2018. Six rezoning requests submitted in this reporting period were withdrawn prior to a public hearing.

Five cases were denied. There were 23 pending cases as of July 1, 2019. Of the pending cases, one was from 2016, three were from 2017, and 19 were from fiscal year 2019. This information is summarized in Table 1 on page 9.

Fifty-two rezoning requests were decided by the City Council under the 2030 Comprehensive Plan during the period from January 1, 2018, to June 30, 2019. Staff performed an analysis of these requests, making determinations of the consistency of each request. Consistency is judged based on applicable policy guidance contained within the plan and the land use classification on the Future Land Use Map.

Figure 2: Zoning Cases FY2018

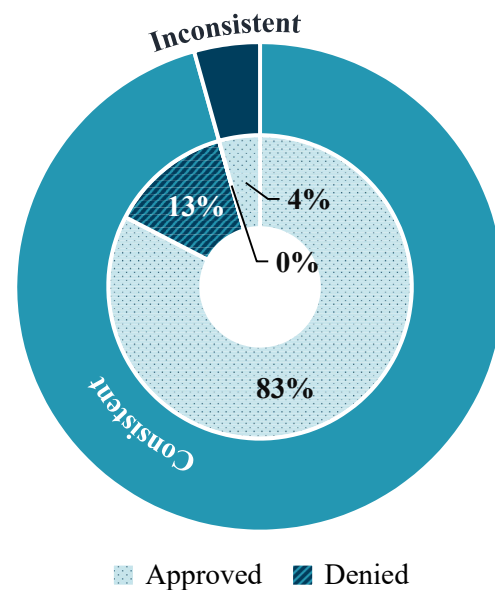


Table 1: Total Case Disposition from January 1, 2018 to June 30, 2019

| | Cases Originated |
|-------------------------------|------------------|
| Submitted 2016 | 1 |
| Submitted 2017 | 26 |
| Submitted Q3 and Q4 of FY2018 | 19 |
| Submitted FY2019 | 36 |
| Total | 82 |
| | |
| | Cases Resolved |
| Withdrawn Q3 and Q4 of FY2018 | 1 |
| Approved Q3 and Q4 of FY2018 | 20 |
| Denied Q3 and Q4 of FY2018 | 3 |
| Total | 24 |
| | |
| Withdrawn FY2019 | 6 |
| Approved FY2019 | 27 |
| Denied FY2019 | 2 |
| Total | 35 |
| | |
| | Cases Pending |
| Pending from 2016 | 1 |
| Pending from 2017 | 3 |
| Pending Q3 and Q4 of FY2018 | 0 |
| Pending from FY 2019 | 19 |
| Total | 23 |

Table 2: Zoning Cases: FY2018

| Disposition | Number | Consistent (% of Total) | Inconsistent (% of Total) |
|-------------|--------|-------------------------|---------------------------|
| Approved | 20 | 19 (83%) | 1 (4%) |
| Denied | 3 | 3 (13%) | 0 (0%) |
| TOTAL | 23 | 22 (96%) | 1 (4%) |

FY2018 Zoning Decisions

There were 20 approved rezoning requests in 2018. Of the 20 approved requests, six were inconsistent with the Future Land Use Map or the Comprehensive Plan overall. Table 2 on page 10 provides the number and percentage of consistent and inconsistent rezoning requests for this time period (withdrawn cases not included).

Approved Cases Found Inconsistent with the FLUM and /or the Comprehensive Plan for FY2018

Z-9-17 located on Edwards Mill Road approved Residential Mixed-Use zoning in an area identified as Moderate Density Residential on the Future Land Use Map. This request was considered inconsistent with the Future Land Use Map because it permitted a residential density greater than supported by Moderate Density Residential. The request was considered consistent with the plan overall.

Z-11-17 located on Capital Boulevard approved Industrial Mixed-Use zoning in an area identified as Community Mixed-Use on the Future Land Use Map. This request was considered inconsistent with the Future Land Use Map because it permitted more intense uses than envisioned in Community Mixed-Use. The request was considered consistent with the Plan overall.

Z-17-17 located on Peace Street approved Commercial Mixed-Use zoning in an area

identified as Neighborhood Mixed-Use on the Future Land Use Map. This request was considered inconsistent with the Future Land Use Map because more intense uses were permitted than are supported by Neighborhood Mixed-Use. The request was considered consistent with the plan overall.

Z-22-17 located on Trinity Road approved Office Mixed-Use Zoning in an area identified as Office/Research & Development on the Future Land Use Map. This request was considered inconsistent with both the Future Land Use Map and the Comprehensive Plan overall. The request permitted residential uses in Office/Research & Development, which does not envision residential uses.

Z-23-17 located on Litchford Road approved R-10 zoning in an area identified as Low Density Residential on the Future Land Use Map. This request was considered inconsistent with the Future Land Use Map because it permitted a residential density greater than envisioned by Low Density Residential. The request was considered consistent with the plan overall.













Z-3-18 located on Carson Street approved Residential Mixed-Use zoning in an area identified as Low Density Residential and Moderate Density Residential on the Future Land Use Map. This request was considered inconsistent with the Future Land Use Map because it permitted a residential density greater than supported by Low Density Residential. The request was considered consistent with the plan overall.

Information about approved inconsistent cases is summarized in Table 3 on page 11.

Future Land Use Map Changes Based on FY2018 Decisions

The approval of Z-3-18 Carson Street resulted in a change to the Future Land Use Map. With the approval of Z-3-18 Carson Street, the rezoning site was amended to Moderate Density Residential, a small portion of which had been designated as Low Density Residential.

Table 3: Approved Cases Found Inconsistent with the Future Land Use Map (FLUM) and/or the Comprehensive Plan in FY2018

| Case Number | Rezoned From | Rezoned To | FLUM Designation | FLUM Consistency | 2030 Comp Plan Consistency |
|------------------------------|----------------------|------------|--|---|---|
| Z-9-17 Edwards Mill Road | R-4 | RX-4-CU | Moderate Density Residential |  |  |
| Z-11-17 Capital Boulevard | R-6 | IX-7 | Community Mixed-Use |  |  |
| Z-17-17 Peace Street | NX-3-UG | CX-4-UG-CU | Neighborhood Mixed-Use |  |  |
| Z-22-17 Trinity Road | OX-3-PL w/ SHOD-1 | OX-4-PL-CU | Office/ Research & Development |  |  |
| Z-23-17 Litchford Road | R-1 | R-10-CU | Low Density Residential |  |  |
| Z-3-18 Carson Street | IX-3 and R-10 | RX-3-CU | Low Density Residential and Moderate Density Residential |  |  |

 Consistent

 Inconsistent

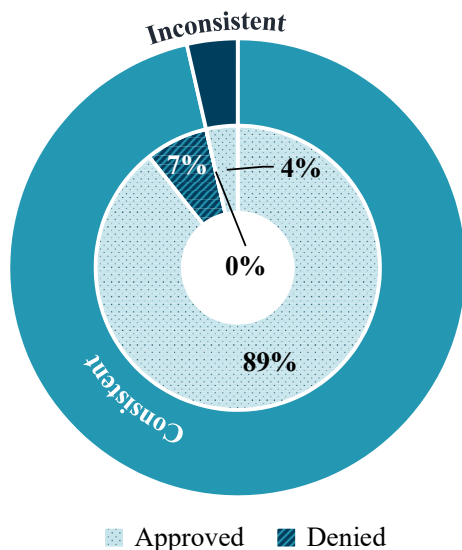
FY2019 Zoning Decisions

There were 26 approved rezoning requests in fiscal year 2019. Of the 26 approved requests, seven were inconsistent with the Future Land Use Map and one was inconsistent with the Comprehensive Plan overall. Table 4 provides the number and percentage of all rezoning requests decided (withdrawn cases not included) in the first half of 2019.

Table 4: Zoning Cases: FY2019

| Disposition | Number | Consistent (% of Total) | Inconsistent (% of Total) |
|-------------|--------|-------------------------|---------------------------|
| Approved | 26 | 25 (89%) | 1 (4%) |
| Denied | 2 | 2 (7%) | 0 (0%) |
| TOTAL | 28 | 27 (96%) | 1 (4%) |

Figure 2: Zoning Cases FY2019



Approved Cases Found Inconsistent with the FLUM and/or the Comprehensive Plan for FY2019

Z-15-17 located on Macaw Street approved a Planned Development in an area designated as Regional Mixed-Use and Public Parks & Open Space on the Future Land Use Map. This request was considered consistent with the Future Land

Use Map, but inconsistent with the plan overall for inconsistencies with urban design and pedestrian network policies.

Z-9-18 located on Kelford Street approved Residential Mixed-Use zoning in an area identified as Moderate Density Residential on the Future Land Use Map. This request was considered inconsistent with the Future Land Use Map because it permitted a residential density greater than supported by Moderate Density Residential. The request was considered consistent with the plan overall.

Z-14-18 located on Wake Forest Road approved a Planned Development in an area identified as Moderate Density Residential on the Future Land Use Map. This request was considered inconsistent with the Future Land Use Map because it permitted more intense uses than envisioned in Moderate Density Residential. The request was considered consistent with the plan overall.

Z-26-18 located on Trawick Road approved R-10 zoning in an area identified as Low Density Residential. The request was considered inconsistent with the Future Land Use Map because it permitted building types and residential density not envisioned by Low Density Residential. The request was considered consistent with the plan overall.

Table 5: Approved Cases Found Inconsistent with the Future Land Use Map (FLUM) and/ or the Comprehensive Plan in FY2019

| Case Number | Rezoned From | Rezoned To | FLUM Designation | FLUM Consistency | 2030 Comp Plan Consistency |
|-----------------------------|------------------------------------|---------------------|--|---|---|
| Z-15-17 Macaw Street | PD | PD | Regional Mixed-Use and Public Parks & Open Space |  |  |
| Z-9-18 Kelford Street | RX-3-CU w/ SRPOD and R-10 w/ SRPOD | RX-3-UL-CU w/ SRPOD | Moderate Density Residential |  |  |
| Z-14-18 Wake Forest Road | R-6 w/ Mordecai-1 NCOD | PD | Moderate Density Residential |  |  |
| Z-26-18 Trawick Road | R-6 | R-10-CU | Low Density Residential |  |  |
| Z-30-18 Poole Road | R-6 | NX-3-CU | Moderate Density Residential |  |  |
| Z-31-18 Ridge Road | OX-3 and R-6 | OX-3-UL-CU | Low Density Residential and Office & Residential Mixed-Use |  |  |
| Z-34-18 S. Boylan Avenue | R-10 w/ HOD-G | CX-3-CU w/ HOD-G | Moderate Density Residential |  |  |

 Consistent

 Inconsistent

Z-30-18 located on Poole Road approved Neighborhood Mixed-Use zoning in an area identified as Moderate Density Residential. The request was considered inconsistent with the Future Land Use Map because it permitted uses not envisioned in Moderate Density Residential. The request was considered consistent with the plan overall.

Z-31-18 located on Ridge Road approved Office Mixed-Use zoning in an area identified as Low Density Residential and Office & Residential Mixed-Use. The request was considered inconsistent with the Future Land Use Map because it permitted uses not envisioned in Low Density Residential. The request was considered consistent with the plan overall.

Z-34-18 located on S. Boylan Avenue approved Commercial Mixed-Use zoning in an area identified as Moderate Density Residential. The request was considered inconsistent with the Future Land Use Map because it permitted uses not envisioned in Moderate Density Residential. The request was considered consistent with the plan overall.

Information about approved inconsistent cases is summarized in Table 5 on page 13.

Future Land Use Map Changes Based on FY2019 Decisions

Approval of these six cases resulted in changes to the Future Land Use Map. The approval of Z-9-18 Kelford Street amended the site from Moderate Density Residential to Medium Density Residential. The site for Z-14-18 Wake Forest Road as amended from Moderate Density Residential to Community Mixed-Use. Z-26-18 Trawick Road resulted in a change from Low Density Residential to Moderate Density Residential. Z-30-18 Poole Road resulted in a change from Moderate Density Residential to Neighborhood Mixed-Use. Z-31-18 Ridge Road resulted in the portion designated as Low Density Residential be amended to Office & Residential Mixed-Use. Z-34-18 S Boylan Avenue resulted in a change from Moderate Density Residential to Community Mixed-Use.

Trends in Rezoning

The approval of rezoning requests that are inconsistent with the Future Land Use Map or Comprehensive Plan decreased over 2018 and the beginning of 2019. Approximately 42 percent of approved requests in 2017 were inconsistent with either FLUM or the plan. In 2018, that rate was approximately 30 percent. During the first half of 2019, the rate was 25 percent.

B. Text Changes

The City Council reviews alterations to the Unified Development Ordinance (UDO) through the text change process. In some instances, changes to the UDO may be a reaction to an existing deficiency. In other instances, a more proactive approach can address anticipated issues, guided by the adopted Comprehensive Plan Action Items.

A text change can be initiated by a citizen, City staff, the Planning Commission, or the City Council. With the adoption of the 2030 Comprehensive Plan, staff committed to analyze each text change in accordance with the policy directives of the Plan.

In the second half of fiscal year 2018, the City Council considered and approved one text change. In fiscal year 2019, the City Council considered 20 text changes. Fifteen were approved, and six were pending as of July 1, 2019. Table 6 provides information on the approved text amendments during fiscal years 2018 and 2019.

FY2018 Approved Text Changes

TC-11-17 Senior Housing permits a Life Care Community, renamed Continuing Care Retirement Community, with no minimum site area requirements, reduces open space requirements, and removes the requirement for a special use permit when a Life Care Community is located in R-10 or RX zoning district. It was adopted on May 15, 2018, and went into effect on May 20, 2018.

FY2019 Approved Text Changes

TC-17-16 Attics and Basements clarifies regulations related to attics and basements to establish the conditions under which an attic or basement should be counted as an additional story. It was adopted on July 3, 2019, and went into effect on September 1, 2019.

TC-3-17 Accessory Dwelling Overlay District defines a process for creating an Accessory Dwelling Unit Overlay District, which allows construction of an attached or detached accessory dwelling unit on the same lot as a principal residential building. It was adopted on February 19, 2019, and went into effect on May 20, 2019.

TC-7-17 Infill Issues – Setbacks improves the existing infill standards by addressing vacant lots, and corner lots. Increases flexibility in determining the front setback by allowing a variation from the median setback on the block face. Required new driveways and parking areas to have 2.5-foot setbacks from side or rear property lines. It was adopted on December 4, 2018, and went into effect on April 3, 2019.

TC-14-17 Modify City Departments and Job Titles revises titles of departments and personnel positions to be aligned with the city's current organizational structure. It was adopted on August 21, 2018, and went into effect on August 26, 2018.

TC-1A-18 Omnibus – Typos amends multiple sections of the UDO to correct typographical errors and formatting issues and modify certain noticing and review procedures. It is one of four Omnibus text changes brought forward by City staff. It was adopted on April 2, 2019 and went into effect on May 2, 2019.

TC-1B-18 Omnibus – Use amends multiple sections of the UDO to modify use regulations related to remote parking, produce stands, and breweries/wineries/distilleries/cideries. It is one of four Omnibus text changes brought forward by city staff. It was adopted on June 4, 2019, and went into effect on June 9, 2019.

TC-2-18 Accessory Structures modifies dimensional standards for accessory structures, including height, setbacks, coverage, and building separation. It was adopted on December 4, 2018, and went into effect on January 1, 2019.

Table 6: Approved Text Changes FY2018 and FY2019

| Case Number | Title | Initiated By | Status |
|-------------|--|----------------------|--------|
| TC-11-17 | Senior Housing | Petition of Citizens | ✓ |
| TC-17-16 | Attics and Basements | City Council | ✓ |
| TC-3-17 | Accessory Dwelling Unit Overlay District | Staff | ✓ |
| TC-7-17 | Infill Issues - Setbacks | City Council | ✓ |
| TC-14-17 | Modify City Departments and Job Titles | Staff | ✓ |
| TC-1A-18 | Omnibus - Typos | Staff | ✓ |
| TC-1B-18 | Omnibus - Use | Staff | ✓ |
| TC-2-18 | Accessory Structures | City Council | ✓ |
| TC-3-18 | Infill Notification | City Council | ✓ |
| TC-4-18 | North Ridge West NCOD | Petition of Citizens | ✓ |
| TC-5A-18 | Frontages | City Council | ✓ |
| TC-7-18 | Chapter 10 | Staff | ✓ |
| TC-1-19 | Homestay | City Council | ✓ |
| TC-2-19 | Alternates and Adjustments | Staff | ✓ |
| TC-3-19 | Fee Schedule | Staff | ✓ |

✓ Approved

⊖ Pending

✗ Denied

TC-3-18 Infill Notification provides for notice of the filing and approval of residential construction projects governed by the existing Residential Infill Compatibility standards. It was adopted on November 6, 2018, and went into effect on February 4, 2019.

TC-4-18 North Ridge West NCOD adds neighborhood built environmental characteristics and regulations for the North Ridge West neighborhood in the Neighborhood Conservation District. It was adopted on September 4, 2018, and went into effect on September 9, 2019. The NCOD was applied in rezoning case Z-33-18.

TC-5A-18 Frontages modifies multiple sections of the UDO related to street frontage, including criteria for primary street determination, tree conservation in certain cases, and building setbacks in the Parking Limited frontage. It was adopted on April 2, 2019, and went into effect on July 1, 2019.

TC-7-18 Chapter 10 modifies the regulations related to the rezoning process, waivers, and appeals of administrative decisions. It was adopted on April 2, 2019, and went into effect on April 7, 2019.

TC-1-19 Homestay establishes regulations concerning homestays, a type of overnight lodging, and allowed homestays in certain zoning districts that permit residential uses. It was adopted on May 21, 2019, and went into effect on August 19, 2019.

TC-2-19 Alternates and Adjustments requires Board of Adjustment review for Design Adjustment to Chapter 8 standards in the UDO. It was adopted on June 18, 2019, and went into effect on June 23, 2019.

TC-3-19 Fee Schedule changes references to the "Development Fee Schedule" to the "City of Raleigh Fee Schedule." It was adopted on June 4, 2019, and went into effect on July 1, 2019.

Table 6: Pending Text Changes July 1, 2019

| Case Number | Title | Initiated By | Status |
|-------------|-------------------------|---|--------|
| TC-1C-18 | Omnibus - Process | Staff | ⊖ |
| TC-1D-18 | Omnibus - Regulations | Staff | ⊖ |
| TC-5B-18 | Mobile Retail | City Council | ⊖ |
| TC-6-18 | Cottage Court | City Council | ⊖ |
| TC-4-19 | Stormwater Violations | Stormwater Management Advisory Commission | ⊖ |
| TC-5-19 | Plumbing and Electrical | Staff | ⊖ |



Approved



Pending



Denied

Pending Text Amendments as of June 30, 2019

TC-1C-18 Omnibus – Process modifies multiple sections of the UDO related to processes and review procedures, including review authority for stormwater-related variances and appeals of administrative decisions, notice requirements for certain subdivisions, and review process for Comprehensive Plan amendments. As of June 30, 2019, this text change was pending.

TC-1D-18 Omnibus – Regulations modifies multiple sections of the UDO to modify regulations including those related to townhouse and cottage court lots and frontages, amateur radio antennae, relocation of open space in compact and conservation developments, setback standards and signage in the Manufactured Housing district, bicycle parking for outdoor recreational uses, permitted reductions in required parking, screening of mechanical equipment, and setback standards for multifamily streets. As of June 30, 2019, this text amendment was pending.

TC-5B-18 Mobile Retail permits mobile retail and similar uses as a temporary use in certain districts. As of June 30, 2019, this text amendment was pending.

TC-6-18 Cottage Court permits fee simple ownership, increases allowed density, and adjusts dimensional standards of the Cottage Court development option. As of June 30, 2019, this text amendment was pending.

TC-4-19 Stormwater Violations broadens the applicability for soil erosion and sedimentation control violations. As of June 30, 2019, this text amendment was pending.

TC-5-19 Plumbing and Electrical updates local licensing requirements for plumbing and electrical journeymen given recent licensing requirements at the state level. As of June 30, 2019, this text amendment was pending.

C. Text Change Zoning Conditions

Litigation decided in North Carolina Appellate Court in 2017 established case law that enables previously adopted zoning conditions to be amended via a text amendment. Previously, revision of zoning conditions would have required a zoning map amendment (rezoning). To learn more about this change, see Section 2.C of this report. The following Text Change – Zoning Cases (TCZs) were initiated by the City Council in fiscal year 2019. Both are pending.

Pending TCZs as of June 30, 2019

TCZ-1-19 Spring Forest Road amends conditions associated with Z-47-08 that apply to 5001 Spring Forest Road. Amended conditions relate to prohibited uses, protective yard requirements, senior housing, peak trips generated by development, minimum unit size, cross access, building materials, and a cap on dwelling units.

TCZ-2-19 Duraleigh Road amend conditions associated with Z-40-01 which apply to 4501 Duraleigh Road. Amended conditions related to stormwater control and other conditions no longer applicable under the current UDO.

D. Comprehensive Plan Amendments

Part of the analysis of the Comprehensive Plan is to ensure accuracy of policy text and policy maps through regular review and maintenance. Amendments to the plan – from both staff and citizens – are considered twice a year except in conjunction with the adoption of area specific guidance. Ten amendments to the plan received City Council action in whole or in part in 2018 and early 2019. Ten Comprehensive Plan amendments remain pending, including portions of amendments filed in 2017 and 2019. One amendment filed during the reporting period was withdrawn.

FY2018 Approved Amendments

CP-5-17 Six Forks Road Corridor Study is a staff-initiated amendment to incorporate Street Plan and Future Land Use Map recommendations from the adopted Six Forks Road Corridor Study into the Comprehensive Plan. The amendment was adopted on June 5, 2018.

FY2019 Approved Amendments

CP-4A-17 RCRX Recommendations is a staff-initiated amendment to incorporate Street Plan, Future Interchange Location, and Future Land Use Map recommendations from the adopted Raleigh-Cary Rail Crossing (RCRX) Study into the Comprehensive Plan. The amendment was adopted on December 4, 2018.

CP-1-18 Falls North (Falls of Neuse) Area Plan is a staff-initiated amendment to incorporate the results of an area planning process and report for the Falls North area. The amendment was adopted on May 21, 2019.

CP-2-18 Triangle Drive is a citizen-initiated amendment to realign the Triangle Drive extension on the Street Plan and to amend the Future Land Use Map designations of parcels on either side of Glenwood Avenue. This amendment was approved on August 21, 2018.

CP-3-18 Vardaman Street is a citizen-initiated amendment to change the Future Land Use Map from Neighborhood Mixed-Use to Community Mixed-Use to allow for a Vehicle Service use in connection with a pending rezoning. The amendment was approved on August 21, 2018.

CP-4-18 Future Land Use Map Corrections is a staff-initiated amendment to apply Future Land Use Map designations to multiple parcels that erroneously had no future land use designation. The amendment was approved on May 21, 2019.

CP-5-18 Fayetteville Street is a staff-initiated amendment to extend the Street Plan on Fayetteville Street south to W. South Street in order to ensure appropriate public realm improvements upon disposition of city property in the amendment area. The amendment was approved on February 5, 2019.

CP-7-18 Corporate Center Drive is a citizen-initiated amendment to change the Future Land Use Map from Office/Research & Development to Office & Residential Mixed-Use to allow for residential development. The amendment was approved on May 7, 2019.

CP-2(A)-19 2030 Comprehensive Plan Update is a staff-initiated request that would implement the 5-year update to the 2030 Comprehensive Plan. The amendment is split into five sections (A-E). CP-2A-19 was adopted on June 4, 2019. The remaining sections are pending.

CP-4-19 Oak Forest Drive is a citizen-initiated request to amend the alignment of Oak Forest Drive on the Street Plan due to conflicts with electric power transmission infrastructure in the area. The amendment was approved on July 2, 2019.

Withdrawn

CP-6-18 Rock Quarry Road is a citizen-initiated request to amend the Future Land Use Map from Moderate Density Residential to Neighborhood Mixed-Use to allow for a retail use. The amendment was withdrawn.

Pending CP Amendments as of June 30, 2019

CP-4B-17 RCRX Recommendations (Jones Franklin Rd) is a staff-initiated amendment that would incorporate a Street Plan map recommendation from the adopted Raleigh-Cary Rail Crossing (RCRX) Study into the Comprehensive Plan.

CP-8-18 Rogers Farm is a citizen-initiated request to amend the Future Land Use Map from Moderate Density Residential to Community Mixed-Use, to amend the Street Plan map, and to remove designations from the Future Interchange Location Map in connection with a rezoning request for a mixed-use development. The amendment is pending.

CP-1-19 Avent Ferry Corridor Plan is a staff-initiated amendment to incorporate the results of a corridor planning process and report for Avent Ferry Road. The amendment is pending.

CP-2(B-E)-19 2030 Comprehensive Plan Update is a staff-initiated request that would implement the 5-year update to the 2030 Comprehensive Plan. The amendment is split into five sections (A-E). CP-2A-19 was adopted on June 4, 2019. The remaining sections are pending.

CP-3-19 Future Land Use Consistency is a staff-initiated request to amend the Future Land Use Map as required by state law for five previously approved rezoning cases (Z-3-18, Z-9-18, Z-14-18, Z-26-18, and Z-31-18) where the Future Land Use Map was amended with the approval of the inconsistent requests. The amendment is pending. For more information, please see Section 2.A of this report.

CP-5-19 Ponderosa Service Road is a citizen-initiated request to amend the Future Land Use Map from Office/Research & Development to Community Mixed-Use and Moderate Density Residential to allow for residential development in connection with a rezoning request. The request is pending.

CP-6-19 Needham Road is a citizen-initiated request to amend the Future Land Use Map from Rural Residential and Public Parks & Open Space to Moderate Density Residential and Public Parks & Open Space to allow for residential development in connection with a rezoning request. The amendment is pending.

CP-7-19 Sumner Boulevard is a citizen-initiated request to amend the alignment of Sumner Boulevard on the Street Plan map. The amendment is pending.

CP-8-19 Brier Creek Parkway is a staff-initiated request to amend the designation of Brier Creek Parkway on the Street Plan map to align with transportation planning of a connecting road in Durham County. The amendment is pending.

CP-9-19 Deboy Street is a staff-initiated request to remove the Neighborhood Street designation on the Street Plan Map from Deboy Street between Western Boulevard and the I-440 exit ramp to Melbourne Road. The amendment was filed in response to the I-440 widening project, which will close the exit ramp. The amendment is pending.

Trends in Comprehensive Plan Amendments

The adoption in 2017 of new legislative requirements related to rezoning requests and Comprehensive Plan consistency may lead to an increase in related Comprehensive Plan amendments. Although the FLUM must be amended regardless of whether the rezoning request is consistent with the Comprehensive Plan, amendment of other policies is dependent upon the overall consistency of the case.

For that reason, applicants may decide to petition to amend policies that they expect to be evaluated as inconsistent, such as the FLUM, prior to rezoning so that the likelihood of overall consistency is increased, avoiding any further amendments being triggered by the rezoning approval. Two such amendments have already been filed in FY2019 and are pending Council review.



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