

2030 Comprehensive Plan **FY2020 Progress Report**

January 2021



Raleigh

raleighnc.gov



Table of Contents

Section 1 Rezoning Cases	4
FY2020 Zoning Decisions	4
Approved Cases Found Inconsistent with the FLUM and/or Comprehensive Plan	5
Future Land Use Map Changes Based on 2020 Decisions	6
Trends in Rezoning.....	8
Section 2 Text Changes	8
Resolved Text Changes	10
Pending Text Changes.....	11
Resolved Approved Text Change Zoning Conditions (TCZ)	13
Pending TCZs	14
Trends in Text Changes	14
Section 3 Comprehensive Plan Amendments	15
Approved Amendments.....	17
Withdrawn Amendments.....	18
Pending Amendments.....	18
Approved Amendments.....	19
Section 4 Emerging Issues.....	20
Public engagement practices	20
Bus Rapid Transit planning and implementation	21
Implications of Chapter 160D	22
Area Plan sunseting	22
Issues Identified with Future Land Use Categories	24
Equity.....	28
Housing Policy.....	29
Section 5 Recommended Amendments to Action Items.....	30

1 Rezoning Cases

Comprehensive Plan action item LU 1.4 states that the city should “Maintain the currency of the Future Land Use Map through periodic re-evaluation 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. Staff performs an analysis of rezoning requests to make two determinations on the consistency of each request based on the land use classification in the Future Land Use Map and any applicable policy guidance contained within the Plan.

An inconsistent request is for a zoning district that is different from what is envisioned in the Future Land Use Map or the Comprehensive Plan overall. The Council can and does approve rezoning requests deemed inconsistent with the Future Land Use Map and/or 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 July 1, 2019 to June 30, 2020 (Fiscal Year 2020), and additional information about rezoning cases that were deemed inconsistent with the Future Land Use Map, the Comprehensive Plan, or both.

FY2020 Zoning Decisions

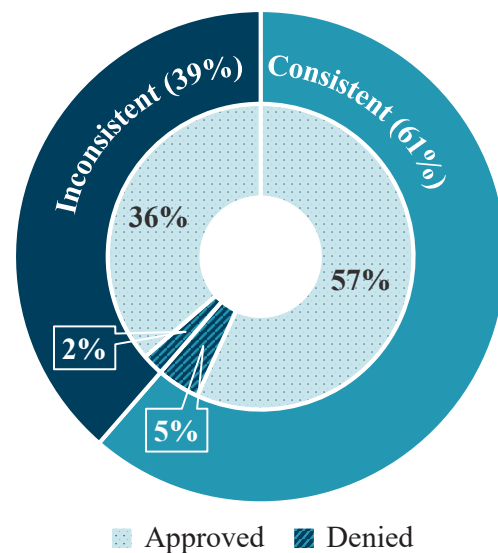
Fifty-six complete rezoning requests were submitted in Fiscal Year 2019-2020, of which 29 (52%) were resolved (approved, denied, or withdrawn) within the fiscal year. Another 21 rezoning cases that were submitted in previous years and still pending in FY20 were resolved before July 1, 2020; three cases submitted before FY20 remain unresolved.

Table 1: Rezoning Requests Originated or Resolved During FY2019-2020

	Active Cases
Submitted before July 1, 2019; Pending on July 1, 2019	24
Submitted after July 1, 2019	56
Total	80
	Resolved Cases
Approved FY2020	41
Denied FY2020	3
Withdrawn FY2020	3
Total	47

The City Council took action (approval or denial) on 44 rezoning requests in FY 2020. Of the 41 approved requests, 16 (39%) were deemed inconsistent with the Future Land Use Map and/or the Comprehensive Plan overall.

Figure 1: Consistency of Approved and Denied Rezoning During FY2019-2020



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

Z-32-18 (S Saunders Street) City Council approved a Planned Development in an area designated as Regional Mixed Use and Public Parks & Open Space on the Future Land Use Map. Although this request was considered consistent with the FLUM, it was considered inconsistent with the Comprehensive Plan overall because it included many exemptions from UDO standards without commensurate detail about project design.

Z-4-19 (Freedom Drive) City Council approved Industrial Mixed Use zoning. This request was considered inconsistent with the Future Land Use Map because the majority of the site was designated for Moderate Density Residential. Moderate Density Residential does not envision office, commercial, or industrial uses as proposed by the approved IX zoning. Community Mixed Use is also shown on the FLUM for a portion of the rezoning site, a designation that does recommend many of the uses allowed in IX. The request was considered consistent with the Plan overall because IX zoning permits light industrial uses that are not recommended by the Community Mixed Use designation.

Z-6-19 (Harrington Street between Martin Street and Davie Street) City Council approved Downtown Mixed Use zoning in a block designated as Community Mixed Use on the Future Land Use Map. The Community Mixed Use designation envisions medium-sized shopping centers and pedestrian-oriented retail districts with maximum building heights of 12 stories. While the requested zoning was consistent with this guidance in terms of permitted uses, the requested height of 40 stories made the case inconsistent with the FLUM and with the Comprehensive Plan overall.

Z-7-19 (Rock Quarry Road) City Council approved Neighborhood Mixed Use zoning in an area designated as Moderate Density Residential on the Future Land Use Map. This request was considered inconsistent with the FLUM because it permitted commercial uses in an area envisioned

for residential uses only, and prohibited building types that are common within areas of this designation. It was considered consistent with the Plan overall.

Z-10-19 (S Bloodworth Street) City Council approved Industrial Mixed Use zoning in an area designated as Office & Residential Mixed Use on the Future Land Use Map. This request was considered inconsistent with the FLUM because the designation does not envision the industrial uses permitted under Industrial Mixed Use zoning. The request was considered consistent with the Plan overall.

Z-12-19 (Sunnybrook Road) City Council approved Neighborhood Mixed Use zoning in an area designated as Low Density Residential on the Future Land Use Map. This request was considered inconsistent with the FLUM because it permitted commercial uses in an area envisioned for residential uses only. It was considered consistent with the Plan overall.

Z-13-19 (Louisburg Road) City Council approved Residential Mixed Use zoning in an area designated as Low Density Residential on the Future Land Use Map. This request was considered inconsistent with the FLUM because it permitted residential density of up to 15 units/acre in an area envisioned for up to 6 units/acre. It was considered consistent with the Plan overall.

Z-29-19 (Rock Quarry Road and Pearl Road) City Council approved Residential Mixed Use zoning in an area designated as Low Density Residential on the Future Land Use Map. This request was considered inconsistent with the FLUM because it permitted residential density of up to 11 units/acre in an area envisioned for up to 6 units/acre. It was considered consistent with the Plan overall.

Z-30-19 (Louisburg Road) City Council approved Neighborhood Mixed Use zoning in an area designated as Moderate Density Residential on the Future Land Use Map. This request was considered inconsistent with the FLUM because it permitted commercial uses in an area envisioned for residential uses only. It was considered consistent with the Plan overall.

Z-32-19 (Sunnybrook Road) City Council approved Office & Residential Mixed Use zoning in an area designated as Office/Research and Development on the Future Land Use Map. Office/Research and Development does not envision residential uses, which were permitted under the approved district. The request was considered inconsistent with the FLUM but consistent with the Plan overall.

Z-35-19 (Capital Boulevard) City Council approved Commercial Mixed Use zoning. While many of the uses allowed by the requested CX district are recommended in the Business & Commercial Services Future Land Use Map designation, the request allowed residential units on the ground floor. Ground-floor housing is expressly not recommended in this FLUM designation. However, the request was considered consistent with the Plan overall.

Z-38-19 (New Hope Road) City Council approved Residential zoning at 10 units/acre (R-10-CU) in an area designated as Low Density Residential on the Future Land Use Map. The request was considered inconsistent with the FLUM because it permitted residential densities above those called for by the designation. It was considered consistent with the Plan overall.

Z-52-19 (Jones Franklin Road) City Council approved Office & Residential Mixed Use zoning in an area designated as Moderate Density Residential on the Future Land Use Map, which envisions residential development up to 14 units/acre. Due to the exclusively non-residential development that existed in the area and the approval for a higher amount of residential density, it was considered inconsistent with the FLUM but consistent with the Plan overall.

Z-54-19 (Kelley Austin Drive) approved Commercial Mixed Use zoning in an area designated as Moderate Density Residential on the Future Land Use Map. This request was considered inconsistent with the FLUM because it permitted commercial uses in an area envisioned for residential uses only. It was considered consistent with the Plan overall.

Z-2-20 (Jones Franklin Road) City Council approved Office & Residential Mixed Use zoning in an area designated as Moderate Density Residential on the Future Land Use Map, which envisions residential development up to 14 units/acre. Due to the exclusively non-residential development that existed in the area and the approval for a higher amount of residential density, it was considered inconsistent with the FLUM but consistent with the Plan overall.

Z-5-20 (New Bern Avenue) City Council approved Office & Residential Mixed Use zoning in an area designated as Institutional on the Future Land Use Map. This request was considered inconsistent with the FLUM because it permitted residential uses in FLUM category that envisions non-residential uses only. It was considered consistent with the Plan overall.

Future Land Use Map Changes Based on 2020 Decisions

The approval of rezoning requests that are inconsistent with the Future Land Use Map or Comprehensive Plan increased between FY2019 and FY2020. Approximately 24 percent of approved requests in FY19 were inconsistent with either FLUM or the Plan. In FY20, that rate was approximately 37 percent.

The most common inconsistent requests were for commercial entitlement in areas designated as residential only on the Future Land Use Map. The second most common were requests for an increased intensity of uses; for example, a greater number of units per acre of residential development than originally envisioned on the Future Land Use Map. The third most common category of requests were for zoning districts that permit residential in places where residential development was explicitly discouraged or limited, such as industrial areas or office parks; there are few FLUM designations for which this is the case.

Table 2: Future Land Use Map Amendments

Case	Original FLUM Designation	New FLUM Designation
Z-4-19 Freedom Dr	Moderate Density Residential	Business & Commercial Services
Z-6-19 Harrington, Martin, Davie St	Community Mixed Use	Central Business District
Z-7-19 Rock Quarry Rd	Moderate Density Residential	Neighborhood Mixed Use
Z-10-19 S Bloodworth Ave	Office & Residential Mixed Use	Business & Commercial Services
Z-12-19 Sunnybrook Rd	Low Density Residential	Office & Residential Mixed Use
Z-13-19 Louisburg Rd	Low Density Residential	Medium Density Residential
Z-29-19 Rock Quarry Rd	Low Density Residential	Moderate Density Residential
Z-30-19 Louisburg Rd	Moderate Density Residential	Neighborhood Mixed Use
Z-32-19 Sunnybrook Rd	Office/Research & Development	Office & Residential Mixed Use
Z-35-19 Capital Blvd	Business & Commercial Services	Community Mixed Use
Z-38-19 New Hope Rd	Low Density Residential	Moderate Density Residential
Z-52-19 Jones Franklin Rd	Moderate Density Residential	Office & Residential Mixed Use
Z-54-19 Kelley Austin Dr	Medium Density Residential	Community Mixed Use
Z-2-20 Jones Franklin Rd	Moderate Density Residential	Office & Residential Mixed Use
Z-5-20 New Bern Ave	Institutional	Medium Density Residential

Trends in Rezoning

There were a large number of large-scale rezoning requests approved in or near downtown between July of 2019 and June of 2020. Six cases involved the Downtown Mixed Use (DX) zoning district wherein four included a 40-story height limit with three of these cases located in or near the Depot National Register Historic District. Two of these cases (Z-3-19 and Z-19-19) included voluntary conditions requiring a minimum percentage of new units be set aside for affordable housing, a first in the City of Raleigh.

Two new Planned Development districts were approved, one in north Raleigh and one just south of downtown. Three requests removing properties from PD districts were also approved; two cases represented the final disaggregation of the Olde Towne PD in southeast Raleigh and one eliminated the final piece of the Stanhope PD near NCSU.

2 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 resident, 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.

Table 3: Resolved Text Changes FY20

Case Number	Title	Initiated By	Status
TC-1(C)-18	Ordinance to Modify Certain Processes and Procedures	Staff	Approved
TC-1(D)-18	Omnibus List Regulations	Staff	Approved
TC-5(B)-18	Mobile Retail	City Council	Approved
TC-6-18	Cottage Courts	Staff	Approved
TC-4-19	Stormwater Regulations	Staff	Approved
TC-6-19	Design Alternates	Staff	Approved
TC-7-19	Infill Subdivisions	City Council	Denied
TC-8-19	Mechanical and Plumbing Board and Housing Appeals Board	Staff	Approved
TC-10-19	Willow Run South NCOD	Petition of Citizens	Approved
TC-11-19	Shopping Centers	Petition of Citizens	Approved
TC-12-19	Unsafe Buildings	Staff	Approved
TC-13-19	Building Heights	Petition of Citizens	Approved
TC-3-20	Additional Neighborhood Meeting	City Council	Approved

Table 4: Pending Text Changes FY20			
Case Number	Title	Initiated By	Status
TC-5-19	Homestay Violations	City Council	Pending
TC-14-19	Site Plan and Plot Plan	Staff	Pending
TC-15-19	Building Height for Civic Buildings	Petition of Citizens	Pending
TC-16-19	Accessory Dwelling Units Development Option	City Council	Pending
TC-17-19	Design Alternates to UDO Articles 8.4 & 8.5	Staff	Pending
TC-18-19	Cottage Court Modifications	City Council	Pending
TC-19-19	Administrative Alternates	Staff	Pending
TC-1(A)-20	Parking Requirements	Staff	Pending
TC-1(B)-20	Building Height and Cottage Courts	City Council	Pending
TC-2-20	Manufactured Home Public Access	Petition of Citizens	Pending
TC-4-20	Infill Setback and Building Height	Staff	Pending
TC-5-20	Expanded Housing Options	Staff	Pending
TC-6-20	Neighborhood Transition Requirements and Continuing Care Retirement Community Lot Size	Petition of Citizens	Pending
TC-7-20	Mezzanine	Petition of Citizens	Pending
TC-8-20	Short Term Rental	City Council	Pending
TC-9-20	Grading and Infill	Petition of Citizens	Pending
TC-10-20	Text Change Authorization	Staff	Pending
TC-11-20	Tenant Notification	City Council	Pending

Resolved Text Changes

Approved Text Changes

TC-1(C)-18 Ordinance to Modify Certain Processes and Procedures amends multiple Sections of the Part 10A Raleigh Unified Development Ordinance to:

- modify regulations related to setbacks for permanently installed residential generators,
- allow A-Frame Signs in the right-of-way with a minor encroachment,
- give the City Council review authority over stormwater-related variances and appeals of administrative decisions,
- require site posting and published notice for subdivisions for properties in a Metro-Park Overlay District (other than single-unit living),
- require site posting and published notice for subdivisions for properties in a Historic Overlay District (General or Streetside) or of a Historic Landmark,
- make clarifications to the table showing review authority,
- clarify that the timeline required for Planning Director action on Comprehensive Plan amendments is based on receipt of a completed application, and
- align the number of copies of a final plat that must be submitted to the city with the requirements of the Register of Deeds Office.

TC-1(D)-18 Omnibus List Regulations amends multiple sections of the Part 10A Raleigh Unified Development Ordinance to modify regulations related to: townhouse and cottage court lots/structures and their respective frontages; amateur radio antennae; relocation of open space in compact and conservation developments; setback standards and signage in the Manufactured Housing district; bicycle parking requirements for outdoor recreational uses; permitted reductions in required vehicle parking; screening of mechanical equipment; and setback standards for multifamily streets. In addition, the text change clarifies

regulations related to: transparency; building height requirements; separation and protective yard criteria in the Metro Park Overlay district; maintenance of private street tree plantings; and tree conservation area criteria. Lastly, the text change corrects typos and updates various terms/titles.

TC-5(B)-18 Mobile Retail expressly permits mobile retail and similar uses as a temporary use in certain zoning districts. A site could host mobile retail no more than 20 days in one year.

TC-6-18 Cottage Courts modifies the requirements for the Cottage Court development option in the R-6, R-10, and Mixed Use districts by reducing some minimum site dimensions, providing a density bonus, and increasing the total number of units allowed per site.

TC-4-19 Stormwater Regulations requires the submittal of an erosion and sedimentation control plan for any activities disturbing land at less than 12,000 square feet, or if two or more Notices of Violation have been issued to an individual conducting a land disturbing activity within the last 2 years for failure to comply with the provisions of Article 9.4. Article 9.4 clarifies which land is to be included when calculating the total area of land-disturbance. Reorganizes Section 9.4.4. to make it more readable and user friendly.

TC-6-19 Design Alternates replaces the option for a design adjustment from the provisions of UDO Article 8.3. (relating to block perimeter, cross-access, driveways and stub streets) with: 1) objective criteria that staff can apply administratively to limit application of certain requirements of Article 8.3; and 2) a new quasi-judicial process and standard for applicants to obtain a design alternate from the requirements of Article 8.3. Creates objective criteria that staff can apply administratively to limit application of block perimeter, cross-access, driveway and stub street regulations. The objective criteria are intended to address situations when, among other reasons, a physical obstruction or neighboring use prevents the ability to comply with the requirement. The text amendment also creates subjective criteria for a quasi-judicial design alternate from the requirements of Article 8.3, which align with the intent and purpose of the regulations.

TC-8-19 Mechanical and Plumbing Board and Housing Appeals Board dissolves the Housing Appeals Board and shifts appeals related to minimum housing code standards to the Board of Adjustment. The text change also dissolves the Mechanical and Plumbing Examining Boards.

TC-10-19 Willow Run South NCOD amends Part 10 of the Raleigh Unified Development Ordinance Neighborhood Conservation District, to add neighborhood built environmental characteristics and regulations for the Willow Run South neighborhood that set a minimum lot size of 32,670 square feet (0.75 acre).

TC-11-19 Shopping Centers creates a use classification and specific parking standards for shopping centers equivalent to one vehicle space per 350 square feet of gross floor area. It also allows for tenant changes without triggering a site plan submittal process.

TC-12-19 Unsafe Buildings proposes to amend the Raleigh Unified Development Ordinance to incorporate current statutory authority for property that the Council declares to be within "community development target areas" based on statutory criteria. It brings the city's unsafe code provisions in line with the current statutory language of the N.C.G.S., incorporates the community development target area authority of the N.C.G.S., and provides a procedure for the City Council to use to designate target areas.

TC-13-19 Building Heights amends the Part 10A Raleigh Unified Development Ordinance to remove the height cap measurement in feet for buildings above seven stories. In addition, the text change clarifies that structured parking counts towards the allowed maximum number of stories.

TC-3-20 Additional Neighborhood Meeting requires an additional neighborhood meeting for large and/or impactful rezonings and text changes to conditional use zoning conditions, as described in the ordinance. This additional meeting takes place after staff confirms submittal of a completed application and before Planning Commission consideration. The property owner notification radius for this additional neighborhood meeting is one thousand feet (double that of the required

pre-submittal neighborhood meeting). TC-3-20 specifically provides for written comments submitted in a timely manner by neighborhood meeting attendees to be included in the Planning Commission agenda backup materials.

Denied Text Changes

TC-7-19 Infill Subdivisions proposed a regulatory framework to address the subdivision of lots in existing residential neighborhoods wherein new lots be relatively similar in terms of size and dimension with the lots in the neighborhood around them to further enhance the compatibility of new infill development. The proposed text change relaxed the dedication and streetscape improvements normally required with subdivisions so that resulting infill subdivision streetscapes align with the surrounding neighborhood context. Future sidewalk improvements along the street were to be accommodated. The text change draft ordinance clarified that changes that require Certificates of Appropriateness from the Raleigh Historic Development Commission are not subject to the residential infill compatibility standards of Section 2.2.7.

Pending Text Changes

TC-5-19 Homestay Violations This text change was authorized on May 21, 2019 during the City Council's discussion of the approval of TC-1-19 Homestay. It was noted that the penalty for violating component standards within the new ordinance permitting short term residential lodging was \$500 per day. The penalty for violating the ordinance completely by establishing a "whole house rental" would incur a penalty of \$100 per day. The City Council authorized this text change to reconcile the disparate penalties. City Council later directed staff to hold this item to allow for deliberation of TC-8-20 Short Term Rental, which is authorized to make more comprehensive changes to the short-term residential lodging ordinances.

TC-14-19 Site Plan and Plot Plan This amendment was authorized on October 30, 2019. Its intent is to revise the standards which determine whether a development plan falls into the category of Administrative Site Review ("site plan"). An Administrative Site Review entails the full breadth of UDO development regulation, or Plot Plan, which exempts the development from improvements to the public right-of-way. TC-14-19 is also authorized to define the term Plot Plan, as it is used in the UDO but not formally defined.

TC-15-19 Building Height for Civic Buildings The UDO sets a maximum height of 40 feet for Civic buildings in Residential districts. The City Council authorized this text change on November 19, 2019 to revise this standard to allow for additional height, with public school facilities being an anticipated application.

TC-16-19 Accessory Dwelling Units Development Option This text amendment was authorized on December 3, 2019 with the stated purpose of removing barriers to the construction of accessory dwelling units (ADU). The draft ordinance removes the existing ADU Overlay District and rezoning process. ADUs would be permitted in all districts on the same lot as an existing Detached or Attached house. The proposed text change would allow attached and internal ADUs. It was reviewed by the Planning Commission and received by the City Council at their meeting on June 16, 2020.

TC-17-19 Design Alternates to UDO Articles 8.4 & 8.5 The City Council authorized this text amendment during a closed session. It would change the name of Design Adjustments to Design Alternates and require quasi-judicial review by the Planning Commission or Appearance Commission, as directed by the City Council. Code language to append streetscape plans to the UDO is clarified. The amendment was reviewed by the Planning Commission and received by the City Council.

TC-18-19 Cottage Court Modifications
[See TC-1(B)-20.]

TC-19-19 Administrative Alternates Authorized in closed session. Proposes to change the eligibility of certain items for Administrative Alternates and the process through which they are approved.

TC-1(A)-20 Parking Requirements Authorized on January 7, 2020. Amends the Part 10A Raleigh Unified Development Ordinance to reduce the amount of required parking for multi-unit residential development citywide, for residential development in the Transit Overlay District, and for all uses in the Downtown Mixed Use (DX) zoning district.

TC-1(B)-20 Building Height and Cottage Courts Authorized January 21, 2020 and originally numbered TC-18-19 before being combined with TC-1(A)-20. It proposes to increase the maximum number of dwelling units in any one Cottage Court from 15 to 30. As drafted, it will also allow Cottage Courts by-right within the R-2 and R-4 zoning districts with an accompanying 50% density bonus. Additionally, TC-1(B)-20 proposes to increase the maximum allowable building height in four- and five-story zoning districts. The text change has been reviewed by the Planning Commission and is scheduled to be received by the City Council.

TC-2-20 Manufactured Home Public Access Authorized on January 21, 2020, this text amendment removes the requirement that individual lots in manufactured home developments have frontage on a public street meeting the requirements of Articles 8.4 and 8.5.

TC-4-20 Infill Setback and Building Height This amendment was authorized on February 4, 2020. As drafted, it amends the front setback standard for lots subject to Residential Infill Compatibility requirements. The text change would also reinstate a height measurement method that was modified by TC-7-17.

TC-5-20 Expanded Housing Options The City Council authorized this text change at their meeting on February 4, 2020. The intent of the amendment is to increase housing development options, particularly by removing barriers to housing types that can offer a range of densities and blend visually with a variety of existing neighborhood contexts. This type of housing is often described as "missing middle".

TC-6-20 Neighborhood Transition Requirements and Continuing Care Retirement Community Lot Size The City Council authorized this text change on February 4, 2020. The draft amendment modifies the applicability of Neighborhood Transitions to remove transition requirements between similar uses. The amendment revises standards for the Continuing Care Retirement Community use to align with federal law and clarify the allowed residential density.

TC-7-20 Mezzanine This text amendment was authorized at the City Council's February 18 meeting. The amendment modifies standards regulating mezzanines to allow them in more locations within a building and allow them to occupy a greater portion of the building footprint. The definition of mezzanine is also revised to more closely match the North Carolina building code. The Planning Commission made a recommendation to approve the item at their June 30 meeting.

TC-8-20 Short Term Rental was authorized at the March 3, 2020 City Council meeting. This text change renames the Homestay use to "Short Term Rental" and modifies regulations to permit additional types of short-term rental that were not previously allowed.

TC-9-20 Grading and Infill This case number was created in error after text change TC-4-20 was assigned to this item. Refer to TC-4-20 for additional information about this topic.

TC-10-20 Text Change Authorization This amendment was authorized on February 4, 2020. It streamlines the City Council process for authorizing UDO text amendments. The text change would also revise Chapter 10 to apply the review process for conditional use rezoning cases to zoning condition text amendments (TCZs).

TC-11-20 Tenant Notification The City Council authorized this text change on June 2, 2020. It requires tenants (renters) to be notified of legislative and quasi-judicial proceedings in instances where nearby property owners are required to be notified.

Resolved Approved Text Change Zoning Conditions (TCZ)

TCZ-1-19 5001 Spring Forest Road The previous zoning conditions were from zoning case Z-47-08. The text change removed or revised zoning conditions that duplicate or conflict with UDO requirements related to allowed uses and lighting controls. Other conditions added new restrictions or requirements for allowed uses, landscaping, building materials, and age of occupants. Other conditions were made less restrictive. These conditions included maximum number of dwelling units, a cross access requirement, and a minimum square footage for dwelling units. The intent of the request was to allow a subsidized affordable housing development for seniors.

TCZ-2-19 4501 Duraleigh Road Two of the conditions on the site related to stormwater and right-of-way reimbursement were superseded by changes in the UDO since the approval of the previous zoning, Z-40-01. Those two conditions were removed. Also removed were conditions that could still be enforced and were more restrictive than the UDO standards for the R-6 zoning of the site. One of these conditions required a setback and landscaped yard along Duraleigh Road. Another required cross access be offered to an adjacent parcel. The final removed conditions required a landscaped yard along the site boundary with an adjacent neighborhood.

TCZ-3-19 3800 Glenwood Avenue Amended the conditions associated with zoning case Z-67-05 to remove a square footage maximum for individual commercial uses.

TCZ-4-19 Olde Towne Amended the conditions associated with zoning case Z-7-18 for the development identified as Olde Towne located at the northeast corner of the intersection of S New Hope Road and Rock Quarry Road. The TCZ allows an increase in the number of dwelling units permitted within the Apartment building type from 300 to 360 units but did not increase the overall maximum of 1,700 dwellings. It would require at least 100 units to be age-restricted units. It also realigns the required greenway trail to connect the city's planned off-site greenway trail and establish the timing of its construction.

TCZ-5-19 3708 Rock Quarry Road This TCZ amended the conditions associated with zoning case Z-19-17 for the property located at 3708 Rock Quarry Road. The amendment modifies the condition limiting the density to 14 dwelling units per acre and increase the density to 29 dwelling units per acre. The increase in density could result in a maximum entitlement of 66 dwelling units on the 2.35-acre property.

TCZ-6-19 2923 Edwards Mill Road Allows new construction on the subject property to be developed without meeting the Parking Limited (-PL) standards as stated in UDO Section 3.4.5.

TCZ-7-19 4251 Parklake Avenue This request amended the conditions associated with zoning case Z-25-17. The TCZ removed a condition requiring an offset of permitted square footage for Eating Establishment and/or Retail Sales uses with Medical, Office, and Research and Development uses. It removed a condition that required all Eating Establishment and Retail Sales uses to be located on the ground floor of a multi-story building. A condition was removed which limited temporary parking along Edwards Mills Road and limited parking along Parklake Avenue to a single row of parking between the right-of-way and the façade of any building. The TCZ clarified a requirement that a special use permit be sought for a monument-type ground sign.

Pending TCZs

TCZ-1-20 Crabtree Village Proposes to amend the conditions associated with master plan, MP-1-12, and rezoning, Z-19-12. Would allow the construction of Phase II of the development as a single building encompassing all or a portion of Lot 2 and Lot 3 and revise additional relative language accordingly. Building 7 and Buildings 8-10 could be combined into as few as one building or as many as four distinct buildings. A limitation of 39,000 square feet of floor area for a single retail user or retail tenant is proposed to be removed. The TCZ allows parking decks to be constructed at a minimum setback of 20 feet from Homewood Banks Drive and a maximum height of 65 feet for the parking deck on Lots 2 and 3. The amended

conditions would add flexibility for placement of building entrances to account for steep slopes. Required building materials would only apply to those facades that can be viewed from the public right-of-way.

Trends in Text Changes

Text Changes

The 2019-2020 fiscal year was an active year for text changes. The approved and initiated text changes reveal two main themes: several text changes make improvements to the processes by which the UDO is applied, and a significant number of text changes are the product of new policy priorities emerging from Raleigh residents and the City Council.

Several text amendments were authorized and/or approved that address public and administrative review process that are regulated by the UDO. Some of these changes were in response to observations from staff over the six years since the UDO was adopted. While changes to the UDO are made every year to correct minor errors or inconsistencies, this year's amendments dealt with larger procedural questions that took time to fully define. TC-4-19 "Stormwater Regulations" is an example of this type of amendment.

Other procedural amendments ensure that the UDO is fully aligned with the city's authority, as granted and defined in North Carolina statutes. The City Attorney's Office monitors planning review processes on an ongoing basis for conformity with state law. In the process, it sometimes becomes apparent that the wording of the UDO has not perfectly translated the state enabling statutes. In these cases, a text change is needed to bring the UDO language into clear alignment with the UDO as it is put into practice. Other times state statutes change, requiring the city to amend the UDO to ensure legality. TC-8-19 "Mechanical and Plumbing Board and Housing Appeals Board" exemplifies a process adjustment to align with state law and current practice.

The second trend in recent text amendments is their reflection of evolving policy goals espoused by the people of Raleigh and their elected representatives. Public opinion has shifted on planning issues such as short-term residential lodging, accessory dwelling units, and "missing middle" housing in the last year or two. The 2019 City Council election resulted in turnover of half of the City Council seats, and the text changes that have been approved and authorized since the current City Council term began demonstrate how new policy directions are being legislated.

Planning and Development staff are providing the administrative facilitation for the continuing volume of text amendments. Staff are also evaluating any potential aggregate or spillover impacts of these code changes. This evaluation will help staff to advise the City Council of any conflicts or new issues that may result from this series of amendments. Some initial outcomes of this evaluation are described in the Emerging Issues section of this report.

Text Change for Zoning Conditions

There are two trends which are apparent in the Text Change for Zoning Conditions (TCZ) cases that were decided in 2019-2020. First, some of the proposed amendments to zoning conditions in these cases remove zoning conditions that are derived from outdated code standards. Applicants in conditional use rezoning cases are advised by staff to try to model their conditions on existing code language or standards, as the existing content is assumed to be clearly worded and enforceable.

There are dozens of conditional use zoning districts in Raleigh that refer to standards that emanated from the "Part 10" zoning code, which was replaced by the Unified Development Ordinance (UDO) in 2013. Many of these conditions relate to stormwater controls and right-of-way reimbursement. The UDO contains language in Sec. 1.2.3 that makes it clear that zoning conditions of this nature are not valid if they conflict with the UDO. Therefore, the inclusion of these conditions in TCZ cases is unnecessary. While removing void conditions may reduce confusion for interested parties or development plan reviewers, there is a risk that their inclusion in the TCZ cases may be a

distraction from substantive changes to other zoning conditions.

The second trend in TCZs is the removal of valid zoning conditions from relatively recent zoning cases. For some cases, there were changes to the surrounding context or to the UDO that make a zoning condition difficult to apply or less beneficial to public health and safety. However, some of the cases included removal or weakening of zoning conditions that had been negotiated as part of the public process of a recent rezoning case. Four of the seven TCZ cases decided in 2019-2020 applied to sites where the conditional use zoning district had been applied within the last five years. This pattern raises a question as to whether the TCZ process is being pursued by applicants as an attempt to re-litigate a zoning case with the expectation that affected community members will be less informed, less familiar, or less motivated to participate in the TCZ process.

3 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 residents – were previously only considered twice a year except in conjunction with the adoption of area specific guidance. Applications are now accepted on a rolling basis. Eighteen amendments to the plan received City Council action in whole or in part in the reporting period. Nine Comprehensive Plan amendment remains pending. One amendment filed during the reporting period was withdrawn.

Table 5: Comprehensive Plan Amendments

CP Amendment Case	Status	Comp Plan Consistency
CP-1A-19 Avent Ferry Area Plan Policies	Approved	Consistent
CP-1B-19 Avent Ferry FLUM	Approved	Consistent
CP-1C-19 Avent Ferry Street Plan	Approved	Consistent
CP-1D-19 Avent Ferry FLUM	Approved	Consistent
CP-2B-19 Comp Plan Update	Approved	Consistent
CP-2C-19 Comp Plan Update	Approved	Consistent
CP-2D-19 Comp Plan Update	Approved	Consistent
CP-2E-19 Comp Plan Update	Approved	Consistent
CP-2F-19 Comp Plan Update	Approved	Consistent
CP-3-19 FLUM Consistency	Approved	Consistent
CP-4-19 Oak Forest Road	Approved	Consistent
CP-5-19 Ponderosa Service Road	Approved	Consistent
CP-6-19 Blue Run Lane	Withdrawn	Inconsistent
CP-7-19 Sumner Blvd	Approved	Consistent
CP-8-19 Brier Creek Pkwy	Approved	Consistent
CP-9-19 Deboy St	Approved	Consistent
CP-10-19 Falls of Neuse Pkwy	Approved	Consistent
CP-11-19 W Morgan St Extension (Wakefield to Ashe)	Approved	Inconsistent
CP-12-19 Kindley St	Approved	Consistent

Approved Amendments

CP-1A-19 Avent Ferry Area Plan Policies This text change was authorized on May 21, 2019 during the City Council's discussion of the approval of TC-1-19 Homestay. It was noted that the penalty for violating component standards within the new ordinance permitting short term residential lodging was \$500 per day. The penalty for violating the ordinance completely by establishing a "whole house rental" would incur a penalty of \$100 per day. The City Council authorized this text change to reconcile the disparate penalties. City Council later directed staff to hold this item to allow for deliberation of TC-8-20 Short Term Rental, which is authorized to make more comprehensive changes to the short-term residential lodging ordinances.

CP-1B-19 Avent Ferry FLUM is a staff-initiated amendment to Map LU-3: Future Land Use Map (FLUM) which reflects the recommendations contained within the Avent Ferry Road Corridor Study. The proposed amendment changed approximately 38 acres of property generally located on the south side of Avent Ferry Road between its intersections with Centennial View Lane and Brigadoon Drive. The amendment was approved on September 17, 2019.

CP-1C-19 Avent Ferry Street Plan is a staff-initiated amendment to Map T-1: Street Plan. The amendment reflects the recommendations contained within the Avent Ferry Road Corridor Study. The amendment required the dedication of right-of-way and the construction of new streets when and if the underlying properties are redeveloped. The amendment was approved on September 17, 2019.

CP-1D-19 Avent Ferry FLUM is a staff-initiated amendment to Map LU-3: Future Land Use Map (FLUM). The proposed amendment changed approximately 60 acres of property generally located along Gorman Street and Avent Ferry Road from Moderate Density Residential to Medium Density Residential. The amendment was approved on September 17, 2019.

CP-2B-19 2030 Comprehensive Plan Update is a staff-initiated request that implemented the 5-year update to the 2030 Comprehensive Plan. This portion of the 2030 Comprehensive Plan Update amendment altered narrative text, policies, actions, maps, and other content of the Land Use, Transportation, and Urban Design sections of the Plan. The amendment was approved on November 6, 2019.

CP-2C-19 2030 Comprehensive Plan Update is a staff-initiated request that implemented the 5-year update to the 2030 Comprehensive Plan. This portion of the 2030 Comprehensive Plan Update amendment altered narrative text, policies, actions, maps, and other content of the Economic Development, Housing and Participation in Planning sections of the Plan. The amendment was approved on November 12, 2019.

CP-2D-19 2030 Comprehensive Plan Update is a staff-initiated request that implemented the 5-year update to the 2030 Comprehensive Plan. This portion of the 2030 Comprehensive Plan Update amendment altered narrative text, policies, actions, maps, and other content of the Environmental, Parks, Recreation, and Open Space, Public Utilities, and Community Facilities and Services sections of the Plan. The amendment was approved on November 6, 2019.

CP-2E-19 2030 Comprehensive Plan Update is a staff-initiated request that implemented the 5-year update to the 2030 Comprehensive Plan. This portion of the 2030 Comprehensive Plan Update amendment altered narrative text, policies, actions, maps, and other content of the Historic Preservation, Arts and Culture, Downtown, and Area Specific Guidance sections of the Plan. The amendment was approved on November 12, 2019.

CP-2F-19 2030 Comprehensive Plan Update is a staff-initiated request that implemented the 5-year update to the 2030 Comprehensive Plan. This portion of the 2030 Comprehensive Plan Update amendment altered narrative text, policies, actions, maps, and other content of the Historic Preservation and Arts and Culture sections of the Plan. The amendment was approved on October 1, 2019.

CP-3-19 FLUM Consistency is a staff-initiated request to officially amend the Future Land Use Map to reflect the new designation for rezoning cases that were adopted by the City Council but did not have an official Future Land Use Map designation stated in the motion to adopt. This amendment was intended to be a matter of housekeeping. The amendment was approved on September 3, 2019.

CP-4-19 Oak Forest Drive is a resident-initiated request to amend Street Plan Map segments of Oak Forest Dr and Triangle Town Blvd and add a new proposed segment to the Street Plan Map between Sumner Blvd and Oak Forest Dr. The amendment was approved on July 2, 2019.

CP-5-19 Ponderosa Service Road is a resident-initiated amendment to Map LU-3: Future Land Use Map from Office/Research and Development to Moderate Density Residential and Community Mixed Use for approximately 23.5 acres of property. The amendment was approved on October 1, 2019.

CP-7-19 Sumner Blvd is a resident-initiated amendment to Map T-1: Street Plan that realigned a proposed segment of Sumner Boulevard that passes between Capital Boulevard and Old Wake Forest Rd. The segment requested to be realigned was previously proposed to be constructed as Avenue 4-Lane, Divided. The amendment changed the designation of the segment to Avenue 2-Lane, Divided. The amendment was approved December 3, 2019.

CP-8-19 Brier Creek Pkwy is a staff-initiated amendment to Map T-1: Street Plan that modified the designations of two portions of Brier Creek Parkway. Between Glenwood Avenue and TW Alexander Drive was modified from Avenue 6-Lane, divided to Avenue 4-Lane, divided. North of TW Alexander Drive was modified from Avenue 4-Lane, divided to Avenue 2-Lane, divided. The amendment was approved on October 1, 2019.

CP-9-19 Deboy St is a staff-initiated amendment to Map T-1: Street Plan which removed the existing Neighborhood Street designation from Deboy Street and portions of Melbourne Road between Melbourne Road and Western Boulevard. The amendment was approved on October 1, 2019.

CP-10-19 Falls of Neuse Pkwy is a staff-initiated amendment to Map UD-1: Urban Form that applied the Parkway Corridor designation to Falls of Neuse Road and Raven Ridge Road beyond where it was applied as part of the adoption of the Falls North Corridor Plan in May of 2019. It also amended a policy of the Falls North Area Specific Guidance that describes where Parkway Corridors should be mapped in the area. The amendment was approved on November 6, 2019.

CP-11-19 W Morgan St Extension (Wakefield to Ashe) is a resident-initiated amendment to Map T-1: Street Plan that removed an approximately 550-foot portion of the West Morgan St Extension between Wakefield Avenue and Ashe Avenue. The amendment was deemed inconsistent with the Comprehensive Plan but was approved on May 5, 2020.

CP-12-19 Kindley St is a resident-initiated amendment to Map T-1: Street Plan. The amendment added an extension of Kindley Street from its previous terminus at 120 Kindley Street to intersect with Martine Luther King Jr. Boulevard. The amendment also modified the interchange at Martin Luther King Jr. Boulevard and South Dawson/South McDowell Street. The amendment was approved on June 2, 2020.

Withdrawn Amendments

CP-6-19 Blue Run Lane is a resident-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 request was withdrawn on January 27, 2020.

Pending Amendments

CP-8-18 Rogers Farm is a resident-initiated amendment to Map LU-3: Future Land Use, Map T-1: Street Plan, and Map T-5: Planned interchanges and Grade Separations in the area on the north side of New Bern Avenue to the east and west of North Rogers Lane.

CP-1-20 Swift Creek is a resident-initiated amendment to revise the language of Policy AP-SC 8 in the Swift Creek Area Specific Guidance section to replace a percentage metric of Raleigh's planning jurisdiction with a flat acreage metric. The amendment is pending.

CP-2A-20 Midtown Area Specific Guidance is a staff-initiated amendment to incorporate new area plan policies and actions to implement the Walkable Midtown Area Plan. The amendment would add a new Midtown (MT) subsection to the area-specific guidance section. The amendment is pending.

CP-2B-20 Midtown Addition to Map AP-1 is a staff-initiated amendment to Map AP-1: Area Plan Locations which would add the plan boundary of the new area plan AP-Midtown. The amendment is pending.

CP-2C-20 Midtown Future Land Use Map is a staff-initiated amendment for multiple parcels to change designations on Map LU-3: Future Land Use to reflect recommendations of the Walkable Midtown area plan. The amendment is pending.

CP-2D-20 Midtown Street Plan is a staff-initiated amendment to Map T-1: Street Plan which will reflect the Street Plan recommendations that implement the goals and specific recommendation of the Walkable Midtown plan. The amendment is pending.

CP-2E-20 Midtown Urban Form is a staff-initiated amendment to change designations on Map UD-1: Urban Form to reflect recommendations of the Walkable Midtown area plan. The amendment is pending.

CP-2F-20 Midtown Planned Interchanges and Grade Separation is a staff-initiated amendment to change designations on Map T-5: Planned Interchanges and Grade Separation to reflect recommendations of the Walkable Midtown area plan. The proposed change would add a new grade-separated crossing of the I-440 Beltline. The amendment is pending.

CP-2G-20 Planned Bicycle Facilities is a staff-initiated amendment to change designations on Map T-3: Planned Bicycle Facilities to reflect recommendations of the Walkable Midtown area plan. The proposed change would add new Separated Bikeway designations to the map to reflect key plan recommendations.

Approved Amendments

Many of amendments in this review cycle were associated with implementing the policies of broader efforts, such as the Avent Ferry Corridor Study and the Comprehensive Plan Update. The majority of resident-initiated amendments modified the Street Plan Map to facilitate development projects.

There were two amendments of street plan connections to Capital Boulevard near Triangle Town Center. Further study of the street connections in this area have been conducted through the Capital Boulevard North Corridor Study. The final report will likely have recommendations for further amendments to the street plan in this area.

Staff-initiated amendments, outside of the Avent Ferry and Comprehensive Plan Update amendments, largely were in response to changes in conditions of the existing street network, such as the Deboy Street and Brier Creek Parkway amendments. This may indicate a need to take a broader look at changes in the street network based on streets outside of Raleigh's jurisdiction.

4 Emerging Issues

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 seven emerging issues that may impact the Comprehensive Plan:

- Changes to public engagement practices, including virtual meetings
- Bus Rapid Transit planning and implementation
- Implications of Chapter 160D
- Area Plan sunseting
- Issues Identified with Future Land Use Categories
- Equity
- Housing Policy

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

Public engagement practices

In August of 2019, the Planning and Development Department began a study to create a standard process for community outreach and engagement in department projects. Titled "Community Engagement Process Development" (CEPD), the goals of the study are as follows:

- Research best practices in public engagement from a variety of municipalities across the country that have conducted comprehensive engagement studies for their communities. The study looked at efforts in Durham, Indianapolis, Madison, New Orleans, Portland, Seattle, and Washington D.C. Best practices and guiding principles were taken from each case study.
- Survey public engagement preferences through a public survey, pop-up events, a community forum, and community conversations.

- Assess current practices by looking at the current engagement process for the Planning and Development projects. This was accomplished through interviews with staff and audits of public meetings by the consultant to understand how staff is currently doing engagement.

- Create a Participation Playbook based on the insights and lessons learned throughout the study. This playbook will be the basis for staff training to implement the policies and recommendations formed through the study. While this study looked particularly at the Planning and Development Department, the Playbook can apply to any public process undertaken by other departments.

As of June 30, 2020, the CEPD Participation Playbook is set to be published in late July 2020 and presented to Council for adoption in August of 2020. Staff training is scheduled for September of 2020.

On February 4, 2020 the City Council voted to cease funding and staff support of Raleigh Citizen Advisory Council (RCAC) and its nineteen Citizen Advisory Councils (CAC). This action removed the reporting of CAC votes from the rezoning staff reports. At the same meeting, the City Council also voted to hire a consultant to provide recommendations on public engagement strategies with the ultimate goal of establishing an Office of Community Engagement. While this action has not had any direct impacts for the rezoning process yet, it is anticipated that changes are possible as a result of the consultant's recommendations.

On March 3, 2020, the City Council adopted a text change that adds an additional neighborhood meeting to the rezoning process. The meeting would require notice to be posted on-site and mailed to property owners within 1,000 feet of the property to be rezoned, which is an increase from the pre-submittal meeting requirement of 500 feet. The meeting would occur after staff's initial review and at least 10 days prior to the Planning Commission meeting where the case will be discussed. Applicants would be required to host this meeting for any request that meets any of the following criteria:

- The subject property is 5 acres or more in size.
- The proposed change increases the maximum building height to 5 stories or more, or increases the maximum building height by 5 stories or more.
- The proposed change increases residential density by 10 dwelling units per acre.
- The request is to change from a Residential or Conservation Management (CM) zoning district to a mixed use or special zoning district (other than CM).
- The request seeks to create any type of PD district.

Significant changes to the rezoning program were adopted beginning in March of 2020, to keep the program operational in response to the tremendous impacts of the COVID-19 pandemic. Neighborhood meetings are now allowed to be held virtually. Virtual neighborhood meeting guidelines were created to ensure that virtual meetings meet code requirements and provide equitable opportunities for all residents to participate.

The guidelines recommend virtual meetings to be accessible via internet or phone, and a higher level of information to be included in the mailing. They also lay out a process for virtual verification of mailing addresses and include an attestation form to ensure recourse if the UDO requirements are not met.

In addition to the required neighborhood meetings, Planning Commission meetings were transitioned to a virtual format. While virtual Planning Commission committee meetings have been discussed, as of June 30, 2020, the Text Change Committee was the only Planning Commission committee that had met virtually.

Area Planning projects have also been significantly impacted by the pandemic. The extensive public engagement that is required for these projects is difficult to replicate through a virtual meeting environment. While many area planning project activities have been delayed, staff is actively looking for solutions to allow safe and equitable public participation.

Bus Rapid Transit planning and implementation

In November of 2016, Wake County voters approved new sales tax which put the implementation of the Wake County Transit Plan in motion. The plan calls for focused investment in public transit through building approximately 20 miles of transit lanes along four bus rapid transit (BRT) corridors within Wake County.

In February of 2020, the BRT project received a "Medium-High" rating from the Federal Transit Administration (FTA), an important milestone making it eligible for future federal funding. The 30% design phase for the first corridor along New Bern Avenue was completed in March; review and approval of the 65% design phase is expected in December. The selection of Locally Preferred Alternatives for the southern and western routes are anticipated for July, to be followed by those corridors' own design phases.

Alongside the engineering work for the BRT corridors, the Planning and Development Department has been leading the Equitable Development Around Transit (EDAT) initiative. The study seeks to answer two major questions related to Raleigh's investments in transit: 1) "How much should Raleigh grow around the BRT corridors in the future?", and 2) "How does Raleigh ensure the benefits created by transit investments in BRT are shared broadly and equitably?" The answers to these questions will require Comprehensive Plan policy and map amendments.

Following adoption of the final EDAT report by the City Council, Planning and Development will proceed with more granular land use planning for individual BRT stations. The city recently received a \$600,000 grant from the FTA, to be matched by \$150,000 from the city, to undertake this work. By definition, station area planning will result in recommended changes to the Future Land Use Map.

Implications of Chapter 160D

In July of 2019, S.L. 2019-111 was signed into law. This session law was initiated in 2014 by the North Carolina Bar Association to restructure the state's enabling statute for how cities and counties are to regulate planning and development. The session law has taken on the shorthand title of "160D" due to its creation of a new chapter, numbered 160D, of the North Carolina General Statutes.

Chapter 160D replaces N.C.G.S. chapters 153A and 160A which provided planning and development authority for counties and cities, respectively. The new chapter rearranges the municipal planning authority to improve the comprehensibility of the statutes. It also clarifies the scope of the granted authority and delineates where city and county authorities differ.

In addition to reorganizing the state's planning and development regulations for cities and counties, S.L. 2019-111 made a number of specific changes to the planning and development regulations. The most significant substantive change is that municipalities in North Carolina must have an adopted comprehensive plan or land use plan in order to have the authority to enforce zoning regulations.

A second substantial change from S.L. 2020-111 is that it is now illegal for a private party to downzone someone else's property. Downzoning is rezoning that allows less development or fewer land uses. It is legal in North Carolina for a person to petition to rezone property that they do not own, also known as a "third-party rezoning." The new law makes it illegal for anyone other than the local government to downzone. It also removes the requirement that the owner of property that is subject to a "third party rezoning" be notified via "actual notice." Actual notice is a higher standard of notification than a mailed letter.

Other specific changes from S.L. 2020-111 are listed below.

- The petitioner in a zoning case must consent to all zoning conditions in writing.

- A local government cannot impose additional taxes and fees as a condition of a special use permit.
- Existing laws on permit choice and vested rights are clarified.
- Certain development terms are defined.
- The ability to require right-of-way acquisition was clarified.
- Appeals processes for planning decisions were clarified.

The passage of S.L. 2019-111 included an initial effective date of January 1, 2021, at which point the law officially becomes part of the general statutes. The primary reason for this delay was to allow the General Assembly time to reconcile the new law with any related legislation. A second bill with title S.L. 2020-25 was passed which accomplished this reconciliation and set a new effective date for S.L. 2020-111 on June 19, 2020. In addition, S.L. 2020-25 also extended the deadline for municipalities to amend local ordinances to July 1, 2021. For jurisdictions that do not have an existing comprehensive plan, this deadline is set for July 1, 2022 to provide time for development and adoption of a comprehensive plan.

Planning and Development staff are working with the City Attorney's Office to draft a text amendment that will correct any conflicts between the city's ordinances and 160D. Staff do not anticipate that substantial changes to the city's planning and development review processes will be necessary to comply with the provisions of 160D.

Area Plan sunseting

The 2030 Comprehensive Plan provides generalized guidance for Raleigh's growth and infrastructure planning as well as location-specific policies such as the Future Land Use Map or Street Plan Map. This citywide guidance is supplemented by Area Specific Guidance (ASG). Area Specific Guidance is any long-range plan adopted by the city and appended to the Comprehensive Plan such that the policies in the ASG are also considered Comprehensive Plan

policies. Area plans and corridor studies are the most common types of ASGs. Additionally, the policies from ASGs are often given greater emphasis than citywide Comprehensive Plan policies in the evaluation of rezoning cases and capital expenditures. There are currently 28 ASGs in the 2030 Comprehensive Plan.

When the 2030 Comprehensive Plan was adopted in 2009, there were adopted ASGs that had been attached to the previous comprehensive plan, adopted in 1989, but were not included with the new 2030 Comprehensive Plan. The decision to retire some ASGs was based on whether the ASG was still relevant in light of changes to the area over time. In some cases, the majority of action items from an ASG had been completed, and the plan was thus considered implemented. This same process occurred with the update to the 2030 Comprehensive Plan which concluded in 2019. As part of the Comprehensive Plan Update, multiple ASGs with overlapping or proximate geography were combined into a single ASG. One ASG was considered complete and retired. Others were supplanted by new ASGs between 2009 and 2019, which rendered them duplicative or in conflict with newer policies.

The historical practice of retaining ASGs until the Comprehensive Plan is rewritten or updated is one possible method of monitoring the relevance of ASGs. Another method is to prescribe a "sunset" period for ASGs. A sunset period is a predetermined length of time from the adoption of an ASG after which the ASG is re-evaluated for its value as a planning document. The length of time would likely be in the range of five to ten years. The effect of the sunset period is flexible and could take the form of an "opt-in" or "opt-out" decision making process.

For instance, at the end of the sunset period, an ASG could automatically be retired, meaning its policies are no longer applied, unless the City Council takes action to keep it active. If the City Council chose to retain the plan, a new sunset period would begin. That would be an "opt-in" sunset process. Alternatively, the end of the sunset period could trigger a review of the plan. If the City Council took no action during that review, then the ASG would remain adopted policy and a

new sunset period would begin. This type of sunset can be described as "opt-out." In either an "opt-in" or "opt-out" process, a third option could be included to update the plan before the City Council acts.

The concept of a sunset period for ASGs may be perceived by community stakeholders as undermining the ASG by making it less permanent. As described above, however, ASGs are not permanent. Despite the possible perception of ASGs becoming weaker through sunset, the opposite may be true. Regular review of ASGs allows the City Council to reaffirm their support for them, if that is the case. Moreover, the review can remind the City Council and the wider community of the action items that were originally planned. That reminder presents an opportunity to consider implementation strategies.

A sunset review can also enable updates to an ASG that make it more relevant and thus have greater longevity. If the ASG has become obsolete or even contradictory to newly arisen community preferences, then a sunset process provides the opportunity to retire it. Maintaining the Comprehensive Plan in this way ensures that planning policies provide an accurate depiction of the city's priorities and intentions.

Table 6: Issues Identified with Future Land Use Categories

Category	Share of FLUM Map
Private Open Space	2.24%
High Density Residential	0.42%
Office Research and Development	1.34%
Institutional	3.66%
TOTAL	7.67%

Issues Identified with Future Land Use Categories

Private Open Space: When the 2030 Comprehensive Plan was adopted in 2009, a category was included in the Future Land Use Map called Private Open Space (POS). The POS designation recommends that an area be protected as open space and left undeveloped. Areas that are mapped with the POS designation tend to one of the following characteristics.

In some cases, they are protective yards that have been zoned with the Conservation Management (CM) zoning district. Prior to the city's use of conditional use zoning districts, CM zoning was frequently used as a regulatory tool to ensure protective buffers between uses of different intensities. Conditional use zoning districts are authorized and now commonly used in Raleigh. Zoning conditions can provide the same zoning requirements, or more specially tailored requirements, as the CM zoning district. Furthermore, the Comprehensive Plan contains multiple policies that address buffering between incompatible uses. These policies provide specific guidance depending on the relation to existing Future Land Use designations, zoning, or development pattern in the vicinity of a rezoning request.

The second type of POS area is where a sensitive natural feature occurs on private property. The most common example is riparian areas along bodies of water. In a few rare cases, the city has some intent to acquire or otherwise gain some legal control of these areas for the purpose of environmental protection, flood control, or greenway trail construction. In most cases, the city has no intention to acquire the POS property. For almost all of these POS-designated properties, federal, state, and local laws provide protection for the environmental feature.

The third common form of POS is private property devoted to a principal or accessory use that is mostly open in character, such as a cemetery or golf course.

The primary issue that arises from the application of the POS designation is that many areas with the designation are open space solely by the volition of the property owner or current user. In these areas, the city does not have legal authority to prohibit development or has available policy and regulatory alternatives to ensure development is sensitive to natural features. Considering these factors, the presence of the POS areas on the Future Land Use Map raises the possibility of legal challenges from property owners who have difficulty rezoning property mapped with POS.

Another, somewhat less pressing issue with POS is that it institutionalizes contextual features that are not permanent. By doing so, the Future Land Use Map functions not as a forward-looking planning tool but as documentation of a point in time in the past.

Planning and Development staff created an inventory of all the properties with POS designations that fit within the three categories described above. The inventory also lists a possible replacement Future Land Use designation based on the surrounding context. This information may be useful if the City Council wishes to amend any of those designations.

High Density Residential: The Future Land Use Map includes a range of residential designations that describe the spectrum of housing from large-lot, single-family areas to urban neighborhoods with multi-story apartment buildings. The lower density designations recommend the appropriate level of residential density in terms of dwelling units per acre. For the higher density designations, the measure of density is height in stories. These two measures, units per acre and stories, match the way that density is controlled in the UDO. Density in residential districts is legally capped at a certain number of units per acre, and height is limited to three stories. In mixed use districts, there is no maximum number of units per acre; instead, each zoning district is assigned a maximum height.

The High Density Residential (HDR) FLUM designation is envisioned for areas where buildings of up to 12 stories would be appropriate. The description of the category states that 12 story heights may be considered, and this guidance is affirmed in Table LU-2. What is unusual about HDR is that it does not call for significant commercial uses. The most direct corresponding zoning district is Residential Mixed Use (RX), which allows up to 4,000 square feet of commercial space in an apartment building.

This guidance contrasts with the Office and Residential Mixed Use (ORMU) category on the Future Land Use Map. While ORMU is limited to five stories in even the most urban parts of Raleigh, such as near downtown, development in the corresponding zoning district, Office Mixed Use (OX), could have up to 15% of the floor area of a building devoted to non-office commercial uses like restaurants and retail stores. In a five-story building, this amount would be most of the first floor.

The question raised by the HDR designation is, "what is the envisioned context where a 12-story apartment building is compatible with surrounding uses, but an office building is not?" Another question that it raises is, "why may a residential building be up to 12 stories, but an office building should be limited to five stories unless it is in an area where standalone retail is recommended?" If the thought behind these designations is that the corresponding zoning districts may allow commercial uses at scales that are not compatible, then it may be beneficial for the policy, the zoning, or both to be more refined.

Office Research and Development: The 2030 Comprehensive Plan provides two Future Land Use designations that are oriented toward office uses. One is Office & Residential Mixed Use (ORMU) and the other is Office/Research & Development (ORD). The key difference between these two designations is that ORMU recommends residential uses while ORD does not.

ORMU is generally mapped around the edges of commercial and mixed-use nodes as a transition between retail uses and neighborhoods. It is common to see Community Mixed Use or Neighborhood Mixed Use on one side of an ORMU area and Moderate or Low Density Residential on the other side.

ORD is typically found near the intersection of major transportation routes such as highways and railroads. Industrial and heavy commercial designations are frequently found adjacent to ORD. The intent of ORD is to provide land for office parks or other office uses that form the region's economic base. Offices in ORD can be expected to be more associated with nearby, region-serving uses or employers.

The 2030 Comprehensive Plan includes themes and policies that support mixing land uses in order to promote a variety of transportation options and create vibrant urban nodes. The ORMU designation aligns with these recommendations by encouraging offices and residences to be developed together. ORD expressly discourages integration of offices and residences where it is mapped.

Areas mapped with ORD tend to be less suited to residential uses because of their proximity to high-impact transportation corridors and/or more intense land uses. While this proximity can make ORD inappropriate for residential uses, it suggests that a wider range of uses may be appropriate, particularly in areas where ORD does not serve as a transition between higher- and lower-intensity uses.

There is a Future Land Use designation that recommends offices, heavy commercial uses, and some light industrial uses, called Business & Commercial Services (BCS). The BCS description indicates that residential uses are not encouraged in these areas but may be established on upper stories of commercial or light industrial developments.

The spectrum of Future Land Use guidance offered by ORMU and BCS overlaps significantly with the ORD designation. The significance of this overlap raises a question of whether ORD provides a distinct or necessary set of future land use recommendations. The policy direction provided by ORD is that there are parts of Raleigh where offices plus their accessory uses and only offices are appropriate. The case can be made that office uses can be mixed with residential uses in lower-intensity neighborhoods and can be mixed with commercial uses in higher-intensity areas.

Institutional: The Institutional use designation from the Future Land Use Map indicates that a subject property is used by an organization with a public-serving or civic purpose, such as a church or hospital. In so doing, this category specifies the nature of the property owner or tenant that is desired for a site. To some degree, this level of specificity is contrary to the purpose of land use policy guidance.

In addition to considering infrastructure concurrency, spatially explicit land use guidance is intended to reduce adverse impacts between incompatible land uses. Adverse impacts are not dependent on ownership. A company that mines uranium can have a satellite office that is compatible with residential neighborhoods. A church can operate a thrift store that draws thousands of visitors a day.

Institutional users sometimes seek new locations for their facilities. In order to do so, they often need to find a buyer for their existing property. This scenario has played out in recent years for properties mapped with the Institutional designation. Due to the designation's prescription for civic ownership, prospective buyers have found in some cases that their desired use, and consequently the zoning that would allow it, is not recommended for the property, even if it is similar to the former institutional use or generally compatible with the area. The prospective buyer may therefore need to rezone because the institutional use predates Raleigh's zoning code or because some civic uses are allowed in residential districts.

From a land use planning perspective, institutional uses tend to be as intense or more intense than office uses. One way of reducing the complications that arise from new users of institutional properties would be to add language to the Institutional designation that clarifies what uses would be appropriate if the institutional user is no longer the owner or tenant of the property.

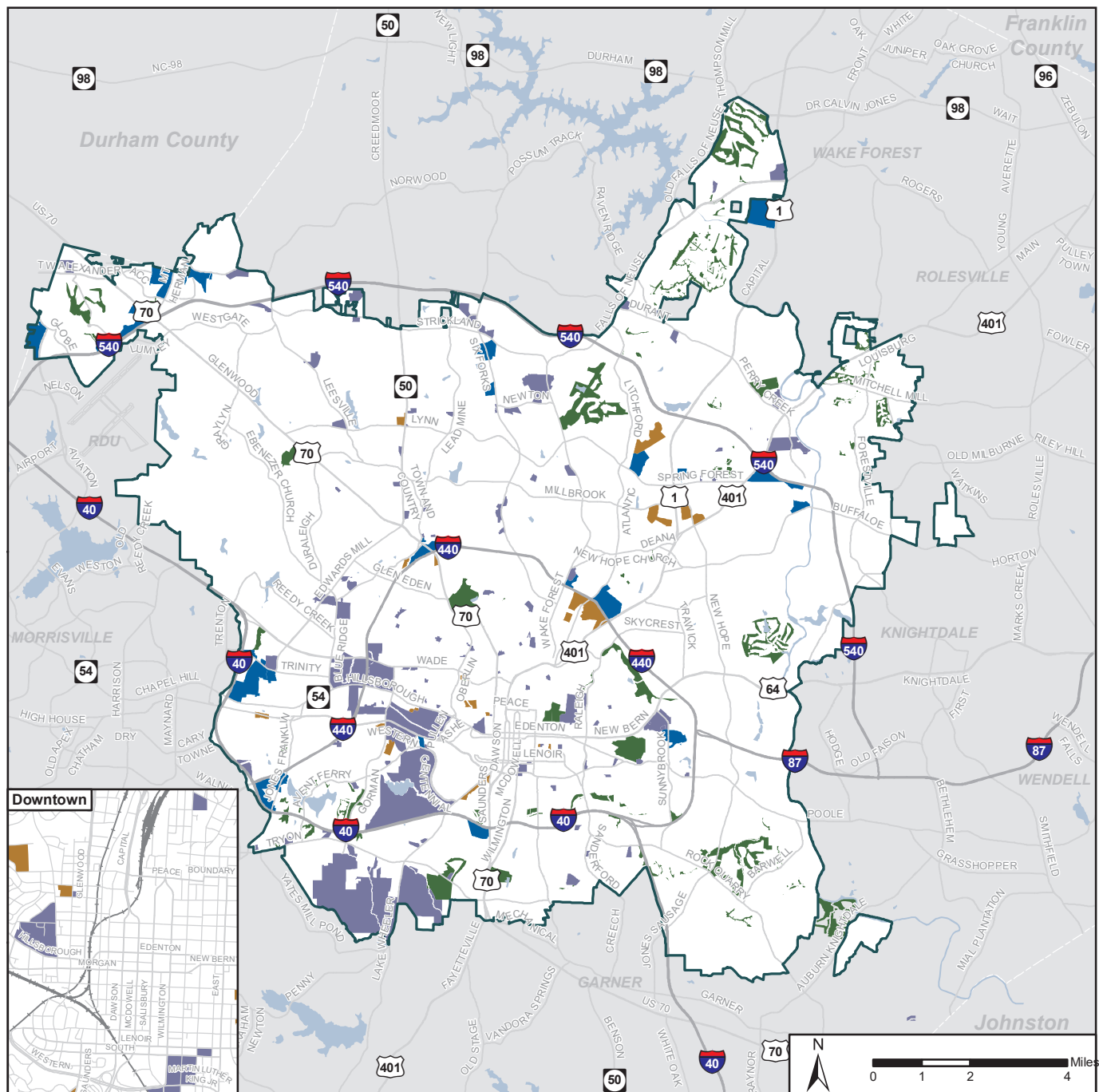
The current wording of the Institutional designation is shown below.

"This category identifies land and facilities occupied by colleges and universities, large private schools, hospitals and medical complexes, religious organizations, and similar institutions. Smaller institutional uses such as churches are generally not mapped unless they are sites that are more than 2 acres in size. Institutional properties may be public or private. While institutional uses are permitted in a variety of zoning districts, large institutions in a campus setting such as universities and major hospitals are appropriately zoned CMP."

The description could be modified as follows to allow for a rezoning request to be consistent if an institutional user is no longer associated with a property:

"This category identifies land and facilities occupied by colleges and universities, large private schools, hospitals and medical complexes, religious organizations, and similar institutions. Smaller institutional uses such as churches are generally not mapped unless they are sites that are more than 2 acres in size. Institutional properties may be public or private. While institutional uses are permitted in a variety of zoning districts, large institutions in a campus setting such as universities and major hospitals are appropriately zoned CMP. When an institutional use vacates a site that is designated Institutional, zoning districts allowing office and residential uses may be considered appropriate depending on context. Acceptable zoning districts for non-institutional uses are Office Park, Office Mixed Use, Residential Mixed Use, and any residential district. Allowed building heights should not exceed four stories except within centers identified on the Urban Form Map and should generally reflect the character of the surrounding area."

Issues Identified with Future Land Use Categories



Map created 11/18/2020 by the
Raleigh Department Planning and Development

Equity

On May 25, 2020 a Black man named George Floyd was killed as a result of the actions of a white officer of the Minneapolis Police Department. In the weeks that followed, protests occurred in all 50 states and dozens of cities across the United States. The subject of the protests was initially limited to police brutality against people of color. However, the goals of the protests in many communities soon evolved to include calls for several social and legal reforms to guarantee the rights of women of color, indigenous people, and LGBTQ people. The demand for police reforms also expanded into questions of public expenditures, representation in culture and media, and the how the history of racial discrimination in the United States permeates our society and economy today.

While the protest activity described above was most immediately predicated on the death of George Floyd, as well as the deaths of Ahmaud Arbery and Breonna Taylor which occurred around the same time, the underlying problems identified by the protests are deeply intertwined with the racial history of the United States. The British colonies that would become the United States explicitly condoned and perpetuated racial, sexual, and gender discrimination. Those discriminatory and unjust principles were then enshrined in the U.S. Constitution and assiduously employed through federal and state-level policies. The most brutal and inhumane expressions of the nation's discriminatory origins have been and arguably continue to be visited upon Black people.

In the 231 years since the Constitution became effective, the legal basis for discrimination has largely been repealed and repudiated through amendments to the Constitution, notably the 13th and 14th Amendments, and federal statutes, such as the Civil Rights Act. Even so, discrimination has not ceased, and racial discrimination remains a legitimate legal, economic, and social obstacle for the self-actualization of people of color.

Despite statutory mandates for racial equality, institutional and systemic structures in the United States have ingrained processes and

cultures that lead to people of color being denied access to resources and services to which they have a right. In some cases, this systemic racism also leads to direct, forcible attacks on the lives and property of people of color.

Systemic and institutional racism continues in the United States and is compounded by the legacy of historic racism which places people of color, especially Black people, at a social and economic disadvantage. The deprivation of educational, economic, and social opportunities for generations of Black families positions white families at an educational, economic, and social advantage that is carried on, and often augmented, with each generation.

Raleigh is not only an exception to the history outlined, it is exemplary of it. While the protest activity has decreased since May, communities across the country remain focused on the political underpinnings of the protests. Individuals, businesses, civic organizations, media outlets, and lawmakers are engaging in the most substantive conversations about racial equity in decades. White people in Raleigh are also beginning to think about the city's racist past and present. Demands by Black residents for a more equitable and just city, which have long been expressed but often ignored, are now being given greater attention and credence.

One such demand came recently from a member of the Planning Commission, who asked that the 2030 Comprehensive Plan be evaluated for its role in perpetuating racial inequity and for its potential to promote racial equity. That motion was carried by the Commission and transmitted to the City Council. The City Council has been focusing resources on the topic of equity in recent years, including through the creation of a new Office of Equity and Inclusion. Additionally, the city has funded intensive training for numerous managerial and supervisory employees through the Government Alliance on Race and Equity (GARE), a joint project by Race Forward and the Haas Institute for a Fair & Inclusive Society. An Equity Statement was drafted by GARE trainees, and the City Council subsequently approved funding for all city employees to receive equity training.

These recent activities show political and material support for a more equitable Raleigh, but they are focused so far mainly on the city government itself. The intention to apply equitable policies in the larger community has been communicated by both the City Manager's Office and the Planning and Development Department and is in its initial phases. Re-evaluating the 2030 Comprehensive Plan for equity considerations may be one practical way of implementing that intention for Planning & Development.

The Comprehensive Plan Update that was adopted by the City Council in 2019 created a new process for updating the 2030 Comprehensive Plan. This new process prescribes a focused and limited update every one to two years as opposed to the previous mandate for a holistic update every five years. The next two-year update will begin in late FY21 or early FY22. This timing presents an opportunity to use the two-year update as a means for performing the equity analysis requested by the Planning Commission.

Housing Policy

Housing policy is an essential facet of any jurisdiction's long-term planning. The City of Raleigh's approach to housing evolved with the adoption of the 2030 Comprehensive Plan in 2009. The previous comprehensive plan, adopted in 1989, generally saw housing as separate from commercial uses. The 2030 Comprehensive Plan and the Unified Development Ordinance encourage a greater integration of housing and commercial uses, along with support for a public realm that facilitates multi-modal travel between land uses.

The emphasis on mixed-use, walkable development in the 2030 Comprehensive Plan was focused on existing commercial nodes in Raleigh. Neighborhoods characterized by detached houses, including those directly adjacent to downtown, were still treated as somewhat distinct from nearby mixed-use areas. The 2030 Comprehensive Plan contains multiple policies that preclude single-family areas from blending with more intense development patterns. This policy framework creates a stark dichotomy of land uses in Raleigh.

The Comprehensive Plan Update adopted in 2019 reoriented the 2030 Comprehensive Plan towards housing policies that encourage some amount of densification of existing lower-density neighborhoods, particularly in proximity to planned bus rapid transit routes. Newly adopted and revised policies recommend that new housing units be enabled in established residential areas using specific housing types that can visually emulate the existing development pattern or provide a gradual transition between housing densities. These housing types are often referred to as "missing middle," and the Comprehensive Plan Update uses this term explicitly. The additional housing types envisioned by the new and revised policies in the Update include accessory dwelling units (ADUs), attached houses, cottage courts, small apartments, and small townhouse developments.

Despite embracing residential building styles that can increase housing supply in existing neighborhoods, the Comprehensive Plan Update did not remove or significantly revise other policies that support preservation of established neighborhood character. For example, the Low Density Residential designation of the Future Land Use Map states that townhouses and apartments are not suitable for low density residential districts unless the development site is large enough for significant land to be conserved as open space. At the time of the update, this policy balance was deemed appropriate by the community and the City Council. In general, Comprehensive Plan policies do not have to agree completely, and modest conflicts between policies have always existed in the 2030 Comprehensive Plan. The application of these policies varies depending on context and represents a diversity of values within Raleigh's population.

In FY20, multiple text amendments were authorized which implement the policy direction found in the Update. TC-16-19 was authorized to allow construction of ADUs without the need of an overlay zoning district. Two other text changes have been authorized to make the cottage court development option more flexible and able to achieve greater density. The City Council has also

directed staff to draft other amendments to the UDO that facilitate missing middle housing, which will be combined in TC-5-20. The City Council direction was preceded by staff presentations offering possible avenues for allowing more missing middle housing types, such as:

- Allowing duplexes and triplexes on conforming lots in residential districts.
- Allowing townhouses in the Residential-6 district.
- Allowing a density bonus for townhouses.
- Modifying building type regulations to differentiate apartment buildings with three or four units from larger apartment buildings.

Going beyond the expanded policy support for missing middle housing in the Comprehensive Plan Update, the authorized text changes represent an even more substantial embrace of the "missing middle" concept. This discrepancy between policy and regulation may be detrimental to the internal coherency of the city's planning activities. The most immediate impact of this potential incoherence may be that authorized text changes have weak or mixed policy support from the Comprehensive Plan. A longer-term negative impact may be that rezoning cases receive seemingly conflicting policy evaluations.

For example, the Future Land Use Map may indicate that a requested zoning district is appropriate for a particular site, but the type of development allowed in the requested district is explicitly not supported by the same Future Land Use designation. The City Council may wish to consider authorizing Comprehensive Plan amendments to ensure that the city's adopted policies recognize and reflect changes to the UDO. Such amendments can improve the policy foundation for City Council actions and make it clear what level of balance between housing options and character preservation is right for Raleigh.

Additionally, the City Council may find it desirable to authorize text amendments that reframe the city's regulatory approach to housing. Existing

zoning regulations for residential districts primarily use building type and density to distinguish between zoning districts. The missing middle housing paradigm is based on the perspective that housing types in lower-density areas should be managed through controls on the size of buildings and their placement on a lot rather than the number of households within them. As with the policy considerations described above, the regulation of housing types should give a clear and consistent indication of the degree to which density of dwelling units defines the character of a district.

5 Recommended Amendments to Action Items

The 2030 Comprehensive Plan includes action items that are specific tasks for the city to undertake to implement the Plan's policies. The action items appear throughout each section and are consolidated into an "Action Matrix" in an appendix to the Comprehensive Plan. The matrix identifies additional key information about each action item:

- time horizon for completion;
- responsible agency(s);
- action type; and
- whether or not capital funding is required for implementation.

The Plan contains four different time horizons for the action items (short-, mid-, long-term, and on-going) and six types of actions (Development regulations, Study/plan, Coordination/outreach, Systems/support, Program/organization, and Financial).

There are 434 active action items currently in the Comprehensive Plan.

Table 7: Action Timeframes

Term	Description	Number
Short-term	1 to 2 years	156
Mid-term	3 to 5 years	76
Long-term	6 to 10 years	68
On-going	No pre-determined start/end time	134

Table 8: Action Types

Term	Description	Number
Coordination/outreach	Convening and coordinating; educating, promoting, marketing	76
Development regulations	Zoning, codes, ordinance-related; site planning and development	29
Financial	Issues of funding and financing	13
Program/organization	Programmatic changes/additions; development of new tools, processes, and programs; creation of new institutions	62
Study/plan	Studies, plans, evaluations, research into options, inventories, demonstration projects	110
Systems/support	Adjustments to or expansion of current core systems; continuing support to systems currently in place; implementation of pre-existing plans/programs; improvements to infrastructure, community facilities	144

For each Annual Progress Report, Planning and Development staff coordinate with other city departments to review the progress of all action items in the Plan. Staff asks a few basic questions regarding the progress and implementation of each action item, how well it aligns with the responsible agency's other work plans, and if it should be amended in any way.

Starting with the FY19-20 Progress Report, Planning and Development switched to using an online strategic planning software called ClearPoint to request and collect information from other departments. The city already uses ClearPoint to manage the Strategic Plan. Moving forward, ClearPoint will increase the efficiency of drafting the Annual Progress Report and allow more advanced reporting techniques.

In response to the data collected, staff is recommending changes to the action items in the Plan. These recommendations take the form of:

- Removal of implemented or obsolete action items.
- Replacement of an action with a policy.
- Changes to the content or characteristics of an action item.

Noteworthy events that led to some of the proposed changes include:

- Adoption of the Dix Park Master Plan.
- Launch of the Citrix Cycle bikeshare system.
- Completion of the Moore Square renovation project.
- Groundbreaking for the Bio-Energy Recovery Project at the Neuse River Wastewater Treatment Plant.
- Advances in implementing the Wake Transit Plan, including ongoing bus rapid transit planning.

- Adoption of other studies and reports such as the Community Engagement Process Development study, Waste Reduction Task Force Final Report, and Historic Resources and Museum Program Strategic Plan.
- Various UDO text changes, capital improvement projects, and new city initiatives.
- Merger of the City Planning and Development Services departments, plus the creation of the Office Equity and Inclusion.

Any amendment to the Comprehensive Plan must follow a process outlined in the city's Unified Development Ordinance. Briefly, the steps of this process are:

1. Staff analysis of the proposed amendment
2. Review and recommendation by Planning Commission
3. Public hearing and final action by City Council

The full details of the recommended amendments can be found in the attached staff report labeled CP-5-20.



Raleigh

raleighnc.gov