

ORDINANCE NO. 2020 – 72 TC 431

TC-3-20

AN ORDINANCE TO ESTABLISH A SECOND REQUIRED NEIGHBORHOOD MEETING AFTER REZONING APPLICATION SUBMITTAL AND PRIOR TO PLANNING COMMISSION CONSIDERATION.

WHEREAS, the City of Raleigh wishes to increase the dialogue between applicants and the surrounding community;

WHEREAS, the Unified Development Ordinance currently requires a pre-submittal neighborhood meeting for all applications for rezonings and text changes to conditional use zoning conditions;

WHEREAS, the City of Raleigh recognizes that there is a need for applicants in large and/or impactful cases to work with the residents in the area where the proposed project will be located, in a forum other than the Planning Commission or City Council hearings; and

WHEREAS, a second neighborhood meeting, encompassing the broader community, later in the rezoning process would give the parties an additional opportunity to work together to resolve any potentially differences before the Planning Commission and City Council receive the request.

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

Section 1. Section 10.2.4.D of the Part 10 Raleigh Unified Development Ordinance, Neighborhood Meeting, is hereby amended by adding the following language shown in the underlined and removing the language shown in strikethrough:

D. Neighborhood Meetings

1. Pre-Submittal Neighborhood Meeting.

- a. A pre-submittal neighborhood meeting is required for all applications for zoning map amendments and text changes to conditional use zoning conditions, except for zoning map amendments where the City is the applicant. The applicant shall provide an opportunity to meet with property owners ~~within or adjacent to~~ of the development site and property owners within the mailing radius described in Sec. 10.2.1.C.1. The location of the neighborhood meeting must be at, or in close proximity to, the subject property.
- b. The required pre-submittal neighborhood meeting must be conducted prior to submittal of the application for a rezoning or text change to conditional use zoning conditions. The meeting may not occur more than 6 months prior to the submittal of the application. Notice of the neighborhood meeting must be provided in accordance with Sec. 10.2.1.C.1.
- c. A written report of the meeting, made by the applicant, shall be included with the ~~zoning~~ application given to City Planning. The report shall include at a minimum, a list of those persons and organizations contacted about the neighborhood meeting, the date, time and location of the meeting, a roster of the persons in attendance at the meeting and a summary of issues discussed at the meeting.

2. Second Neighborhood Meeting.

- a. A second neighborhood meeting shall be required for applications for a zoning map amendment or a text change to conditional use zoning conditions, which meet any of the following criteria:
 - i. The subject property is five acres or more;
 - ii. The proposed change increases the maximum building height to 5 stories or more, or increases the maximum building height by 5 stories or more;
 - iii. The proposed change increases residential density by an additional 10 dwelling units per acre;
 - iv. 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); or
 - v. The request seeks to create any type of PD district.
- b. The second required neighborhood meeting must be conducted after City Planning has confirmed that the application is complete, but no earlier than thirty days following the application submittal date. Notice of the second required neighborhood meeting must be provided in accordance with Sec. 10.2.1.C.1.; however, the notice radius shall be one thousand feet. In addition, the property shall be posted in accordance with Sec. 10.2.1.C.4.
- c. A report of the second meeting, made by the applicant, shall be delivered to City Planning no less than ten days prior to the first Planning Commission meeting at which the application is considered. The report shall include at a minimum, a list of those persons and organizations contacted about the neighborhood meeting, the date, time and location of the meeting, a roster of the persons in attendance at the meeting and a summary of issues discussed at the meeting. Any other person attending the second neighborhood meeting may submit written comments following the meeting; however, the written comments must be received by City Planning within the same time frame described above in order to be included in the Planning Commission agenda packet.

Section 2. All laws and clauses of laws in conflict herewith are repealed to the extent of such conflict.

Section 3. If this ordinance or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given separate effect and to this end the provisions of this ordinance are declared to be severable.

Section 4. This text change has been reviewed by the Raleigh City Planning Commission.

Section 5. This ordinance has been adopted following a duly advertised public hearing of the Raleigh City Council.

Section 6. This ordinance shall be enforced as provided in N.C.G.S. 160A-175 or as provided in the Raleigh City Code. All criminal sanctions shall be the maximum allowed by law notwithstanding the fifty-dollar limit in N.C.G.S. §14-4(a) or similar limitations.

Section 7. This ordinance is effective 5 days after adoption.

ADOPTED: 3/3/2020
EFFECTIVE: 3/8/2020

DISTRIBUTION: Planning – Bowers, Crane, Holland
Development Services – Bailey-Taylor, Rametta
City Attorney – Tatum, Hill, York, Hargrove-Bailey, Seymour
Department Heads
Transcription Svcs – Taylor