

TC-8-23
Appearance Commission Name Change Ordinance
ORDINANCE NO. (XXX-2024)

AN ORDINANCE TO AMEND THE
RALEIGH UNIFIED DEVELOPMENT ORDINANCE TO CHANGE THE NAME OF
THE APPEARANCE COMMISSION TO THE DESIGN REVIEW COMMISSION

WHEREAS, the Appearance Commission seeks a new name that better reflects their primary function; is changing the name to Design Review Commission; and

WHEREAS, the name change shall not change their powers and authority under the UDO or state law; and

WHEREAS, the new name shall be the Design Review Commission.

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

Section 1. The following sections of the Part 10 Raleigh Unified Development Ordinance is hereby amended by adding the language shown in underline and removing the language shown in strikethrough:

...

	Existing	Proposed
1.1.13	Representation shall be provided by appointing at least one resident of the entire extraterritorial planning and development regulation area to the Planning Commission, Board of Adjustment, and Appearance Commission, as well as the Raleigh Historic Development Commission if there are historic districts or designated landmarks in the extraterritorial area.	Representation shall be provided by appointing at least one resident of the entire extraterritorial planning and development regulation area to the Planning Commission, Board of Adjustment, and <u>Appearance Design Review Commission</u> , as well as the Raleigh Historic Development Commission if there are historic districts or designated landmarks in the extraterritorial area.
1.5.3.E	The Planning Commission or Appearance Commission performing the quasi-judicial duties of the Planning Commission (as designated by the City Council), after conducting a duly noticed quasi-judicial evidentiary hearing in accordance with Sec. 10.2.17.,	The Planning Commission or <u>Appearance Design Review Commission</u> performing the quasi-judicial duties of the Planning Commission (as designated by the City Council), after conducting a duly noticed quasi-judicial evidentiary

		hearing in accordance with Sec. 10.2.17.,
1.5.6.D	The Planning Commission or Appearance Commission performing the quasi-judicial duties of the Planning Commission (as designated by the City Council), after conducting a duly noticed quasi-judicial evidentiary hearing in accordance with Sec. 10.2.17.,	The Planning Commission or Appearance <u>Design Review</u> Commission performing the quasi-judicial duties of the Planning Commission (as designated by the City Council), after conducting a duly noticed quasi-judicial evidentiary hearing in accordance with Sec. 10.2.17.,
1.5.8.C	The Planning Commission or Appearance Commission performing the quasi-judicial duties of the Planning Commission (as designated by the City Council), after conducting a duly noticed quasi-judicial evidentiary hearing in accordance with Sec. 10.2.17.,	The Planning Commission or Appearance <u>Design Review</u> Commission performing the quasi-judicial duties of the Planning Commission (as designated by the City Council), after conducting a duly noticed quasi-judicial evidentiary hearing in accordance with Sec. 10.2.17.,
1.5.9.C	The Planning Commission or Appearance Commission performing the quasi-judicial duties of the Planning Commission (as designated by the City Council), after conducting a duly noticed quasi-judicial evidentiary hearing in accordance with Sec. 10.2.17.,	The Planning Commission or Appearance <u>Design Review</u> Commission performing the quasi-judicial duties of the Planning Commission (as designated by the City Council), after conducting a duly noticed quasi-judicial evidentiary hearing in accordance with Sec. 10.2.17.,
1.5.10.D	The Planning Commission or Appearance Commission performing the quasi-judicial duties of the Planning Commission (as designated by the City Council), after conducting a duly noticed quasi-judicial evidentiary hearing in accordance with Sec. 10.2.17.,	The Planning Commission or Appearance <u>Design Review</u> Commission performing the quasi-judicial duties of the Planning Commission (as designated by the City Council), after conducting a duly noticed quasi-judicial evidentiary hearing in accordance with Sec. 10.2.17.,

1.5.12.C.	The Planning Commission or Appearance Commission performing the quasi-judicial duties of the Planning Commission (as designated by the City Council), after conducting a duly noticed quasi-judicial evidentiary hearing in accordance with Sec. 10.2.17.,	The Planning Commission or Appearance <u>Design Review</u> Commission performing the quasi-judicial duties of the Planning Commission (as designated by the City Council), after conducting a duly noticed quasi-judicial evidentiary hearing in accordance with Sec. 10.2.17.,
3.3.3.D	The Planning Commission or Appearance Commission performing the quasi-judicial duties of the Planning Commission (as designated by the City Council), after conducting a duly noticed quasi-judicial evidentiary hearing in accordance with Sec. 10.2.17.,	The Planning Commission or Appearance <u>Design Review</u> Commission performing the quasi-judicial duties of the Planning Commission (as designated by the City Council), after conducting a duly noticed quasi-judicial evidentiary hearing in accordance with Sec. 10.2.17.,
7.1.7.I	The Planning Commission or Appearance Commission performing the quasi-judicial duties of the Planning Commission (as designated by the City Council), after conducting a duly noticed quasi-judicial evidentiary hearing in accordance with Sec. 10.2.17.,	The Planning Commission or Appearance <u>Design Review</u> Commission performing the quasi-judicial duties of the Planning Commission (as designated by the City Council), after conducting a duly noticed quasi-judicial evidentiary hearing in accordance with Sec. 10.2.17.,
7.2.3	The Planning Commission or Appearance Commission performing the quasi-judicial duties of the Planning Commission (as designated by the City Council), after conducting a duly noticed quasi-judicial evidentiary hearing in accordance with Sec. 10.2.17.,	The Planning Commission or Appearance <u>Design Review</u> Commission performing the quasi-judicial duties of the Planning Commission (as designated by the City Council), after conducting a duly noticed quasi-judicial evidentiary hearing in accordance with Sec. 10.2.17.,
7.4.12	The Planning Commission or Appearance Commission performing the quasi-judicial duties of the Planning Commission (as designated by the City Council), after conducting a duly noticed quasi-judicial evidentiary hearing in accordance with Sec. 10.2.17.,	The Planning Commission or Appearance <u>Design Review</u> Commission performing the quasi-judicial duties of the Planning Commission (as designated by the City Council), after conducting a duly noticed quasi-judicial evidentiary hearing in accordance with Sec. 10.2.17.,

8.1.1.D	<p>Variances to this Chapter are heard by the Board of Adjustment pursuant to Sec. 10.2.10. Pursuant to Sec. 10.2.18, design alternates where specifically authorized are heard by either the Planning Commission or Appearance Commission performing the quasi-judicial duties of the Planning Commission (as designated by the City Council).</p>	<p>Variances to this Chapter are heard by the Board of Adjustment pursuant to Sec. 10.2.10. Pursuant to Sec. 10.2.18, design alternates where specifically authorized are heard by either the Planning Commission or Appearance <u>Design Review</u> Commission performing the quasi-judicial duties of the Planning Commission (as designated by the City Council).</p>
8.3.6.A	<p>The Planning Commission or Appearance Commission performing the quasi-judicial duties of the Planning Commission (as designated by the City Council) shall conduct a duly noticed, evidentiary hearing, in accordance with Sec. 10.2.18,</p>	<p>The Planning Commission or Appearance <u>Design Review</u> Commission performing the quasi-judicial duties of the Planning Commission (as designated by the City Council) shall conduct a duly noticed, evidentiary hearing, in accordance with Sec. 10.2.18,</p>
8.4.1.H	<p>The Planning Commission or Appearance Commission performing the quasi-judicial duties of the Planning Commission (as designated by the City Council) shall, in accordance with Sec. 10.1.8,</p>	<p>The Planning Commission or Appearance <u>Design Review</u> Commission performing the quasi-judicial duties of the Planning Commission (as designated by the City Council) shall, in accordance with Sec. 10.1.8,</p>
8.5.1.A.3	<p>Design Alternates approved by the Planning Commission or Appearance Commission performing the quasi-judicial duties of the Planning Commission (as designated by the City Council) shall be approved when the applicant can prove the showings in a evidentiary hearing.</p>	<p>Design Alternates approved by the Planning Commission or Appearance <u>Design Review</u> Commission performing the quasi-judicial duties of the Planning Commission (as designated by the City Council) shall be approved when the applicant can prove the showings in a evidentiary hearing.</p>
8.5.1.B	<p>The Planning Commission or Appearance Commission performing the quasi-judicial duties of the Planning Commission (as designated by the City Council) shall, in accordance with Sec. 10.1.8,</p>	<p>The Planning Commission or Appearance <u>Design Review</u> Commission performing the quasi-judicial duties of the Planning Commission (as designated by the City Council) shall, in accordance with Sec. 10.1.8,</p>
10	<p>Sec. 10.1.5. Appearance Commission. 10 – 6</p>	<p>Sec. 10.1.5. Appearance <u>Design Review</u> Commission. 10 – 6</p>

10.2.17.A	<p>The Planning Commission or Appearance Commission performing the quasi-judicial duties of the Planning Commission (as designated by the City Council) has the authority to approve a request for a design alternate as set forth in this UDO. Additionally, the Planning Commission or Appearance Commission performing the quasi-judicial duties of the Planning Commission (as designated by the City Council) has the authority to approve a request for a design alternate to standards contained within the Raleigh Street Design Manual.</p>	<p>The Planning Commission or Appearance <u>Design Review</u> Commission performing the quasi-judicial duties of the Planning Commission (as designated by the City Council) has the authority to approve a request for a design alternate as set forth in this UDO. Additionally, the Planning Commission or Appearance <u>Design Review</u> Commission performing the quasi-judicial duties of the Planning Commission (as designated by the City Council) has the authority to approve a request for a design alternate to standards contained within the Raleigh Street Design Manual.</p>
10.2.17.D. 2	<p>Following the submission of a completed application, the Planning Commission or Appearance Commission, performing the quasi-judicial duties of the Planning Commission (as designated by the City Council), shall hold a quasi-judicial evidentiary hearing on the design alternate request that shall be noticed in accordance with the provisions of Sec. 10.2.1.C.</p>	<p>Following the submission of a completed application, the Planning Commission or Appearance <u>Design Review</u> Commission, performing the quasi-judicial duties of the Planning Commission (as designated by the City Council), shall hold a quasi-judicial evidentiary hearing on the design alternate request that shall be noticed in accordance with the provisions of Sec. 10.2.1.C.</p>
10.2.17.D. 3	<p>The Planning Commission or Appearance Commission, performing the quasi-judicial duties of the Planning Commission (as designated by the City Council)</p>	<p>The Planning Commission or Appearance <u>Design Review</u> Commission, performing the quasi-judicial duties of the Planning Commission (as designated by the City Council)</p>
10.2.17.E	<p>The Planning Commission or Appearance Commission performing the quasi-judicial duties of the Planning Commission (as designated by the City Council)</p>	<p>The Planning Commission or Appearance <u>Design Review</u> Commission performing the quasi-judicial duties of the Planning Commission (as designated by the City Council)</p>

Section 2. Section 10.1.5. of the Part 10 Raleigh Unified Development Ordinance, Appearance Commission, is hereby amended by adding the language shown in underline and removing the language shown in strike-through:

Sec. 10.1.5. ~~Appearance~~ Design Review Commission

A. In General

1. Establishment

The ~~Appearance~~ Design Review Commission is the appearance commission established pursuant to N.C.G.S. § 160D-304 to exercise any and all powers prescribed by North Carolina general and local law under N.C. Gen. Stat. Chapter 160D, Article 9, Part 5, including the City Charter, and to perform duties as lawfully directed by the City Council. When acting as a quasi-judicial board, the Design Review Commission preforms the quasi-judicial duties of the Planning Commission, as lawfully directed by the City Council, pursuant to N.C.G.S. § 160D-301 and §160D-705.

2. Composition

- a. Except as provided in Sec. 10.1.5.A.2.b., the ~~Appearance~~ Design Review Commission shall be composed of 15 members who shall reside either within the City corporate limits or within the extraterritorial jurisdiction of the City; however, at least one member shall reside outside of the City corporate limits, but within the extraterritorial jurisdiction of the City.
- b. When the ~~Appearance~~ Design Review Commission is performing the quasi-judicial duties of the Planning Commission, it shall be composed of 9 regular members and 6 alternate members, as appointed by the City Council. At least one regular member shall reside outside of the City corporate limits, but within the extraterritorial jurisdiction of the City.
- c. Members of the ~~Appearance~~ Design Review Commission residing within the City corporate limits, including those designated as alternates, shall be appointed by the City Council. Members of the ~~Appearance~~-Design Review Commission residing outside the City corporate limits, but within the extraterritorial jurisdiction of the City, including those designated as alternates, shall be appointed by the Board of Commissioners of Wake County. Each member shall be appointed for a term of 2 years.
- d. Where possible, appointments to the ~~Appearance~~ Design Review Commission shall be made in such manner as to maintain a majority of members with special training or experience in a field of design such as architecture, landscape design, horticulture, city planning, urban design or a closely-related field.
- e. Vacancies on the ~~Appearance~~ Design Review Commission will be filled in the same manner and by the same governing body as the original appointment.
- f. When the ~~Appearance~~ Design Review Commission is performing the quasi-judicial duties of the Planning Commission, alternate members so serving have

the same powers and responsibility as the regular members they are replacing.

3. Rules of Procedure

- a. The ~~Appearance~~ Design Review Commission shall establish its own rules of procedure, subject to approval by the City Council.
- b. The ~~Appearance~~ Design Review Commission shall, no later than April 15 of each year, submit to the City Council a written report of its activities, a statement of its expenditures to date for the current fiscal year and its requested budget for the next fiscal year. All accounts and funds of the ~~Appearance~~ Design Review Commission shall be administered in accordance with the requirements of all applicable State and local laws.
- c. The ~~Appearance~~ Design Review Commission may receive contributions from private agencies, foundations, organizations, individuals and the State or Federal government or any other source in addition to any sums appropriated for its use by the City Council. It may accept and disburse these funds for any purpose within the scope of its authority as specified in this section and under all applicable State and local laws.
- d. The rules, regulations, minutes and actions of the ~~Appearance~~ Design Review Commission shall be maintained by City Planning.

B. General Authority

1. The ~~Appearance~~ Design Review Commission shall make a careful study of the visual aspects of the City and its planning and zoning jurisdiction and shall make plans and carry out programs that will enhance and improve the visual quality and aesthetic characteristics of such areas within the ~~Appearance~~ Design Review Commission's scope of the powers.
2. The ~~Appearance~~ Design Review Commission may recommend to the City Council suitable arrangements for the procurement or provision of staff or technical services for the Commission and may establish an advisory council or other committee to aid it in its work.

C. Specific Approval Authority

The ~~Appearance~~ Design Review Commission when performing the quasi-judicial duties of the Planning Commission (as designated by the City Council) is responsible for final action regarding:

1. Design Alternates

Section 3. Section 10.1.8. of the Part 10 Raleigh Unified Development Ordinance, Summary of Review Authority, is hereby amended by adding the language shown in underline and removing

the language shown in strike-through:

Table -> Review Bodies → ~~Appearance~~ Design Review Commission

(4) Planning Commission or ~~Appearance~~ Design Review Commission, performing the quasi-judicial duties of the Planning Commission (as designated by the City Council).

Section 4. 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 5. This text change has been reviewed by the Raleigh Planning Commission.

Section 6. This ordinance has been adopted following a duly advertised legislative hearing of the Raleigh City Council.

Section 7. This ordinance has been provided to the North Carolina Capital Planning Commission as required by law.

Section 8. This ordinance shall be enforced as provided in N.C.G.S. 160A-175 or as provided in the Raleigh City Code.

Section 9. This ordinance is effective 30 days after adoption.

ADOPTED:

EFFECTIVE:

DISTRIBUTION: