

**ORDINANCE 2020 – 155 TC 439**  
**TC-11-20 Tenant Notification**

**AN ORDINANCE TO PROVIDE NOTICES TO TENANTS OF REAL PROPERTY IN SEC. 10.2.1.**

**WHEREAS**, neither the Unified Development Ordinance (“UDO”) nor state law requires that notification be given to tenants of property proximate to property subject to land use and land development review and decisions; and

**WHEREAS**, the City Council finds it in the public interest and equitable that tenants be notified of such matters similar to proximate property owners so that tenants may be part of the public engagement element of the land use and land development review process;

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

**Section 1.** Section 10.2.1.C.1 of the Part 10 Raleigh Unified Development Ordinance, Mailed Notice, is hereby amended by adding the following language shown in the underlined and removing the language shown in strikethrough:

**1. Mailed Notice**

- a. Whenever mailed notice is required by *Sec. 10.1.8.* or elsewhere in this UDO, at the time of submission of the application, the applicant shall deliver to the City first class stamped envelopes addressed to the property owners of the property included in the proposed application and the owners of all property within 100 feet on all sides of the subject property at the time of submittal. If a portion of a property is requested for rezoning, the notification radius shall be calculated from the property lines, and not the requested zoning boundary. For zoning map amendments, the mailing radius shall be increased to 500 feet. The mailing radius for neighborhood meetings is that set forth in Section 10.2.4.D. For zoning map amendments that directly affect more than 50 properties owned by a total of at least 50 different property owners, the applicant may elect to provide mailed notice of the Planning Commission public meeting by postcard instead of first-class mail. Envelopes shall be provided, and notice given to non-owner tenants in accordance with subsection b.
- b. Mailed notice shall be provided to all property owners and tenants as reflected in the Wake County tax records at the time of submittal. Additionally, all property owners and tenants in the area of request shall receive mailed notice.
- c. Where the tax records reflect a mailing address for an owner of property under subsection a. to be different than the address of the property owned, then notification shall also be mailed to the address of the property itself. The applicant shall comply with the Section 10.2.1.C.1.a. requirements, except if the individual mailing addresses of tenants in any type multi-tenant properties are not readily available, the multi-tenant property shall be posted in accordance with Section 10.2.1.C.4(f).
- ~~b~~d. When mailed notice is required for pre-submittal public meetings, the applicant may provide to the City return receipts from the mailing notification by the applicant to the required property owners and tenants by certified mail, returned receipt requested.

- ~~e.~~ Mailed notice shall be provided to all property owners as listed in the Wake County tax records that own property at the time of submittal. Additionally, all property owners in the area of request shall receive mailed notice.
- de. Mailed notices must be sent to the addressees at least 10 calendar days prior and not more than 25 calendar days prior to the date of any public meeting.
- ef. Except as otherwise directed by the City Council, the City Board or Commission reviewing the matter shall not require additional notification.
- fg. For zoning map amendments that directly affect more than 50 properties owned by a total of at least 50 different property owners, the City may elect to forego mailed notice and instead give notice of the public hearing by publication provided that the newspaper advertisement is not less than ½ of a newspaper page in size. Property owners who reside outside of the newspaper circulation area, according to the addresses listed in the most recent property tax listing for the affected properties, shall be notified by first class mail.
- gh. Except for a City-initiated zoning map amendment, when an application is filed to request a zoning map amendment and that application is not made by the owner of the parcel of land to which the amendment would apply, the applicant shall certify to the City Council that the owner of the parcel of land, as shown on the county tax listing, has received actual notice of the proposed amendment and a copy of the notice of public hearing. The applicant shall certify to the City Council that proper notice has been provided in fact and such certification shall be deemed conclusive in the absence of fraud. Actual notice shall be achieved as follows:
  - i. Actual notice of the proposed amendment and a copy of the notice of public hearing shall be by any manner permitted under N.C. Gen. Stat. §1A-1, Rule 4(j).
  - ii. If notice with due diligence cannot be achieved by personal delivery, registered or certified mail or by a designated delivery service, notice may be given by publication consistent with N.C. Gen. Stat. §1A-1, Rule 4(j1). (See N.C. Gen. Stat. §160A-384).
- hi. For quasi-judicial hearings, mailed notice shall be provided to all other persons with an ownership interest in the subject property as set forth in all applicable State and local laws.

**Section 2.** Section 10.2.1.C.4 of the Part 10 Raleigh Unified Development Ordinance, Posted Notice, is hereby amended by adding the following language shown in the underlined and removing the language shown in strikethrough:

**4. Posted Notice**

- a. When posted notice of any public meeting is required, signage shall be posted by the City on the property at a point visible from the nearest public street or streets if the property fronts on multiple streets.
- b. In the case of multiple parcels, a posting on each individual parcel is not required, but sufficient signage shall be posted to provide reasonable notice to interested persons.
- c. The sign shall not measure less than 18 inches x 24 inches, and constructed of durable materials sufficient to withstand the effects of weather. Signage shall be posted at least 10 calendar days prior to the date of the public meeting.
- d. The posted sign shall be returned to the City by the applicant either at the public meeting or within 3 business days following the public meeting.

- e. Posted notice shall not be required for Planning Commission meetings for zoning map amendments that directly affect more than 50 properties owned by a total of at least 50 different property owners.
- f. When multi-tenant properties are required to be posted pursuant to Sec. 10.2.1.C.1. b., signage shall be posted by the applicant, and shall comply with the following:
  - i. Signage shall be posted in the right-of-way immediately adjacent to the multi-tenant property at a conspicuous location visible from the nearest public street or streets if the property fronts on multiple streets.
  - ii. The sign shall not measure less than 18 inches x 24 inches, and constructed of durable materials sufficient to withstand the effects of weather. Signage shall be posted at least 10 calendar days prior to the date of the meeting.
  - iii. The content of the required posted notice shall be as follows:
    - (a) a case number (if one has been assigned);
    - (b) a description of application type;
    - (c) the address to the City’s web portal where more information about the application can be obtained; and
    - (d) a phone number and email to contact the Applicant.
  - i.v. The Applicant shall provide the City with documentation (photo and attestation as to date of posting) establishing compliance with the posting requirements of this subsection.

**Section 3.** Section 10.2.4.D of the Part 10 Raleigh Unified Development Ordinance, Neighborhood Meetings, 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 of the development site and property owners and tenants 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 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 requiring a pre-submittal neighborhood meeting, ~~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 4.** This text change has been reviewed by the Raleigh Planning Commission.

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

**Section 6.** This ordinance has been provided to the North Carolina Capital Planning Commission as required by law.

**Section 7.** 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 8.** This ordinance is effective 30 days after adoption.

**ADOPTED: November 4, 2020**

**EFFECTIVE: December 4, 2020**

**DISTRIBUTION: Planning and Development - Young, Bowers, Crane, Waddell, Rametta, Holland, Bailey-Taylor**

