

**ORDINANCE NO. 2016 – 630 TC 384
TC-13-16**

**AN ORDINANCE TO AMEND SECTIONS 10.2.4.E.2 AND 10.2.17 OF THE
RALEIGH UNIFIED DEVELOPMENT ORDINANCE TO PROHIBIT
ADMINISTRATIVE ALTERNATES TO ZONING CONDITIONS.**

WHEREAS, the City of Raleigh recognizes the importance of carefully crafted, negotiated and adopted zoning conditions to the neighbors and to the City as a whole; and

WHEREAS, the Planning Director, in recognition of said importance, should not be put in a position to consider administrative alternates to zoning conditions.

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

Section 1. Section 10.2.4.E.2. of the Raleigh Unified Development Ordinance, Additional Requirements for Conditional Use Applications, is hereby amended by inserting the following underlined text at the end of the section:

- j. No condition may be made part of the petition which specifies the authorization or consideration of an Administrative Alternate.

Section 2. Section 10.2.17.A. of the Raleigh Unified Development Ordinance, Administrative Alternate – Applicability, is hereby amended by deleting the following text shown with a strikethrough and inserting the following underlined text:

A. Applicability

The Planning ~~and Development Officer~~ Director has the authority to approve a request for an administrative alternate as set forth in this UDO. All administrative alternates shall be reviewed in accordance with the provisions of this section and the applicable administrative alternate findings. Administrative alternates are not available for anything set forth in a zoning condition.

Section 3. All laws and clauses of laws in conflict herewith are repealed to the extent of such conflict. Notwithstanding any language in a zoning condition indicating administrative alternates are allowed, this ordinance hereby repeals such language.

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 City Planning Commission.

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

Section 7. This ordinance has been provided to the North Carolina Capital 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. 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 9. This ordinance is effective five (5) days after adoption.

ADOPTED: September 6, 2016
EFFECTIVE: September 11, 2016

DISTRIBUTION: Planning – Bowers, Crane, Hodge
City Attorney – Botvinick, Hargrove-Bailey
Department Heads
Transcription Services – Taylor

Prepared by the Department of City Planning



Certified Recommendation

Raleigh Planning Commission

CR# 11715

Case Information: TC-13-16 Prohibit Administrative Alternates for Zoning Conditions

Comprehensive Plan Guidance

<i>Applicable Policy Statements</i>	
<i>Action Items</i>	

Summary of Text Change

<i>Summary</i>	Amends the Unified Development Ordinance to prohibit access to administrative alternates from items associated with a zoning condition. .
----------------	---

Summary of Impacts

<i>Impacts Identified</i>	<p><u>Adoption of TC-12-16:</u></p> <ol style="list-style-type: none"> The adoption of the text change would eliminate uncertainty from the perspective of city staff and government and ensure that zoning conditions are not modified through the administrative alternate process. <p><u>No Action:</u></p> <ol style="list-style-type: none"> Development of parcels with zoning conditions may request administrative alternates to said conditions, which may thereby alter agreed upon conditions associated with the approval of the zoning case.
---------------------------	---

Public Meetings

<i>Submitted</i>	<i>Committee</i>		<i>Planning Commission</i>	
7-19-16			7-26-16	Approval

Attachments

- Draft Ordinance

Planning Commission Recommendation

<i>Recommendation</i>	Approval
<i>Findings & Reasons</i>	
<i>Motion and Vote</i>	<p>Motion: Terando Second: Hicks In favor: Braun, Fluhrer, Hicks, Jeffreys, Terando, Tomasulo and Schuster</p>

--	--

This document is a true and accurate statement of the findings and recommendations of the Planning Commission. Approval of this document incorporates all of the findings of the attached Staff Report.

_____	_____	_____	<u>7/26/16</u>
Planning Director	Date	Planning Commission Chairperson	Date

Staff Coordinator: Eric Hodge: eric.hodge@raleighnc.gov



Zoning Staff Report – TC-13-16

Prohibit Administrative Alternates to Zoning Conditions

Request

<i>Section Reference</i>	Unified Development Ordinance §10.2.4.E.2, Additional Requirements for Conditional Use Applications and §10.2.17, Administrative Alternates
<i>Basic Information</i>	Amends the Unified Development Ordinance to prohibit access to administrative alternates from items associated with a zoning condition.
<i>PC Recommendation Deadline</i>	

Comprehensive Plan Guidance

<i>Applicable Policies</i>	
<i>Action Items</i>	

Contact Information

<i>Staff Coordinator</i>	Eric Hodge: eric.hodge@raleighnc.gov ; 919.996.2639
--------------------------	---

History/Overview

As a result of Strategic Planning Committee review, the Planning Commission recommended a series of revisions to the code including the need to make conformance with zoning conditions certain and remove the option of seeking administrative alternates to said zoning conditions. The City Council reviewed this recommendation during a Council Work Session on July 19, 2016 and subsequently authorized the text-change at their afternoon Council meeting on July 19, 2016.

Purpose and Need

Zoning conditions are carefully crafted, negotiated and considered when a rezoning case is adopted. The Planning Director should not be put in a position to be pressed to consider a request for an administrative alternate to a zoning condition that was publically vetted and approved by the City Council specific to a piece of property.

Alternatives Considered

None.

Scoping of Impacts

Potential adverse impacts of the proposed text change have been identified as follows:

None.

The adverse impacts of taking no action (retaining the existing regulations) have been identified as follows:

Administrative Alternates could be sought for zoning conditions thereby providing some uncertainty as to the eventual outcome.

Impacts Summary

Adoption of Proposed Text Change

The adoption of the text change would assure compliance with zoning conditions by eliminating the administrative alternate method of compliance. Zoning Map Amendments for conditional use cases may be more easily approved by giving the Council more certainty as to the outcome of subsequent development on the property .

No action

Administrative alternates by be sought for eligible items that are part of a condition use zoning condition.