



Planning & Development

Zoning Division
One Exchange Plaza, Suite 300
Raleigh, North Carolina 27601
Phone 919-996-2626

City of Raleigh Official Zoning Code Interpretation

Requested Interpretation		Case Number
Please confirm an interpretation of Master Plan MP-1-12 which would allow development of Phase 2 in general accordance with the attached Proposed Site Concept or other site plan (following the normal site plan approval process) which although different from the Site Plan contained in the Master Plan Drawings is in compliance with the approved Master Plan for the reasons stated above. (See attached for complete request and exhibits)		UI-2-2015
Site Address/PIN: N/A		
Date Submitted: 2 March 2015	Date Issued: 13 March 2015	Code Sections Affected: 4.7.6 of Part 10A Raleigh Unified Development Ordinance

STAFF ANALYSIS

Master Plan MP-1-12 was approved under the Part 10 zoning code. The master plan contains language regarding amendments to the master plan. When the Unified Development Ordinance was adopted, the adopting ordinance stated that master plans in existence as of the date of adoption could only be amended in accordance with the UDO. The UDO provides two potential paths for amendments: administrative and legislative through a rezoning.

Section 4.7.6.A.5. limits administrative amendments to "*Minor adjustments in location of building, parking, recreation or sporting facilities and open space areas. A minor adjustment shall be a modification in orientation or distance to property line; however, the adjustment shall not exceed 100 feet in distance from the approved location....*". Language from the Master Plan MP-1-12 itself states that adjustments may be allowed to "*exact building and parking locations shall be allowed so long as the proposed orientation, height maximum, square footage maximums and minimums and required setbacks*". The proposed site plan, as compared to the allowed changes set forth by the code and the language of the Master Plan MP-1-12, preclude the changes requested because they do not represent the same orientation, building relationships or prescribed differences in measurement as compared to the master plan drawings submitted and approved with MP-1-12.

STAFF INTERPRETATION

The changes in the proposed site plan for the remaining development of MP-1-12 cannot be approved by administrative because the proposed differences in building locations exceed the measurement of adjustment allowed. Furthermore, the language of the Master Plan MP-1-12 itself requires the orientation and general location of the proposed buildings, parking structures and parking fields as well as their inter-relationships between these features and public rights of way to be maintained. The proposed site plan changes exceed the administratively approved allowances set forth in the Unified Development Ordinance and those specified in the MP-1-12 Master Plan document itself. Lastly, the adopting ordinance of the Unified Development Ordinance notes that all changes to Planned Developments must be processed in accordance with section of Sec. 4.7.6 of the Unified Development Ordinance, regardless of language contained in the master plan related to amendments.

SIGNATORY

Travis R. Crane, Planning and Zoning Administrator