



MEMO

To: Applicants Requesting UDO Interpretations

From: Gary D. Mitchell, Planning & Zoning Administrator

Date: June 21, 2017

Re: Interpretation Requests

General

If the UDO specifically requires or prohibits something within a development plan (i.e. site plan) and the applicant has been so advised by the plan reviewer, the applicant may file for an interpretation or appeal the decision directly to the Board of Adjustment. However, if the issue is a requirement in the UDO, the interpretation will explain that the relief sought is not available by an interpretation and the zoning administrator will concur with the plan reviewer's comments. In these instances a variance from the Board of Adjustment is the appropriate path to seek relief from a requirement of the UDO provided the applicant can demonstrate hardship unique to their property.

Submission Requirements

Interpretations can be either site specific or generic (city-wide). For a site specific interpretation request to be deemed a complete submission the applicant must provide the following:

- The issue(s) must be stated in the form of questions and reference a specific code section.
- Applicant must supply addressed and stamped envelopes for all properties within 100-feet of the subject property

The City will perform the following:

- The subject property must be posted with a sign
- Notices shall be mailed to the all properties within 100 feet of the subject property
- The interpretation will also be posted to the City Website.
- There is a 30-day appeal period where anyone aggrieved by the interpretation may appeal the administrative decision to the Board of Adjustment.

For a generic interpretation request to be deemed a complete submission the applicant must provide the following:

- The issue(s) must be stated in the form of questions and reference a specific code section.

The City will perform the following:

- The interpretation will also be posted to the City Website.
- There is a 30-day appeal period where anyone aggrieved by the interpretation may appeal the administrative decision to the Board of Adjustment.

Process

- City staff will examine the interpretation request and the UDO
- Staff will provide a brief analysis of the issue and write the interpretation accordingly
- If the applicant is aggrieved by the administrative decision the applicant may appeal to the Board of Adjustment.

Official Zoning Code Interpretation



Department of City Planning | 1 Exchange Plaza, Suite 300 | Raleigh, NC 27601 | 919-996-2626

Requested Interpretation		Case Number
<p>Do the standards set forth in UDO Section 5.4.3.F control over the standards set forth in the underlying zoning? (In this case NCOD South Park & R-10 respectively) Specifically, do the required lot width dimensions set forth in UDO Section 5.4.3.F control over those referenced in UDO Section 2.2.1?</p> <p>UDO Section 5.4.3.F: "Following the adoption of both neighborhood built environmental characteristics and regulations by the City Council and the approval of a -NCOD in accordance with this section for properties located within the specifically designated neighborhood listed below, the following neighborhood built environmental characteristics and regulations for properties located within the applicable neighborhood shall control."</p>		<p>UI-11-2017 NCOD Control</p>
<p>Site Address/PIN: 1117 S. Person Street; PIN 1703831980</p>		
<p>Date Submitted: 7/13/2017</p>	<p>Date Issued: 7-20-2017</p>	<p>Code Sections UDO Section 5.4.3.F UDO Section 5.4.3.F.16 UDO Section 2.1.1.F UDO Section 2.2.1</p>

STAFF ANALYSIS

When a community proposes a NCOD and the City Council adopts the NCOD and its associated regulations then the newly adopted regulations override and control the specific areas covered by the NCOD. The areas that NCOD regulations may address are as follows; required minimum net area for any dwelling unit, maximum residential density, setbacks, height, and vehicular surface areas. The override of the base zoning regulations is specified in the UDO Section 5.4.3.F.

STAFF INTERPRETATION

The NCOD regulations override the base zoning regulations and control the neighborhood built environmental characteristics and regulations within the particular NCOD designation(s).

SIGNATORY

Gary D. Mitchell, Planning & Zoning Administrator