An Analysis of the 2013 Raleigh Unified Development Ordinance

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INTRODUCTION

Over the last decade, many large cities across the United States have gone through the process of re-writing their zoning and subdivision codes to better fit modern development practices. Major cities that are currently undergoing or have recently completed this process include Los Angeles, Washington D.C., Memphis, and Denver.

Locally, North Carolina’s capital city of Raleigh completed a zoning and development code update last year. Like many other cities, Raleigh chose to bundle their updated codes into one document, termed a unified development ordinance (UDO). In brief, a unified development ordinance is a comprehensive document that contains all of a municipality’s land use and development regulations; it is structured to enhance public understanding of the development process, ease bureaucratic challenges, and reduce overall redundancies.

As a case study of that process, this paper seeks to document and learn lessons from the Raleigh UDO’s creation, adoption and initial implementation efforts. It is divided into three general sections. The first part documents historical changes in Raleigh which led to the UDO’s creation and gives contextual relevance to its various elements. The second part of this paper uses source documents, articles written about the UDO, and interviews with key stakeholders in order to chronicle the code-creation process. This is particularly useful because stakeholders were interviewed almost one-year removed from the ordinance adoption and thus have some of the benefits of hindsight. Finally, the third section will provide an in-depth overview of the new codes and stakeholder views of the changes contained in them. Discussion following that will focus on lessons learned and potential obstacles for the City regarding future implementation.

In terms of goals for this paper, it is hoped that it will serve as an important historical record of the code-creation process and provide insight into stakeholder reactions to it. In addition, in a tangible sense the lessons learned from this process can inform the work of other cities who find themselves in a similar position of re-writing their codes. The lessons may be particularly useful for cities using the same consultants as Raleigh since those consultants are fairly prolific in assisting cities nationwide in code re-writing overhauls.
LITERATURE REVIEW

BRIEF HISTORY OF DEVELOPMENT CODES IN THE U.S.

Although government intervention in development occurred in the United States prior to the twentieth-century, it was largely concerned with development decisions on the macro-scale, such as the siting of major civic and religious facilities. Less commonly did it concern itself with how individuals used their properties or what they built on them. This shifted abruptly in the early twentieth century with the widespread adoption of Euclidean zoning by most municipalities.

Under a Euclidean zoning scheme, each property is given a designation that specifies the allowable uses and intensities of use that may occur. This type of government regulation was deemed constitutional by the U.S. Supreme Court in Village of Euclid v. Ambler Realty Company in 1926. Subsequent rulings, such as Nectow v. City of Cambridge (1928), constrained municipal zoning somewhat by requiring that zoning decisions be made for comprehensible reasons that relate to the promotion of “public health, safety, morals, or general welfare.”

The original zoning codes were often times fairly straightforward and simple, reflecting the laissez-faire regulatory norms of the time-period. For example, the entirety of Raleigh’s first zoning code, drafted in 1923, fit into a pocket-sized pamphlet convenient for carrying around [Code Studio DAR, 2010]. However, as cities boomed in the mid twentieth-century, there was a need for more nuanced and detailed development regulation.

MID-CENTURY CODES

In the late 1940s and 1950s, the United States transitioned from an economy centered around war-time manufacturing to a consumer economy; this manufacturing boom and the resulting wealth it created led to a burgeoning middle class intent on the new American Dream of a home in the suburbs. In order to manage this building boom, many municipalities including Raleigh
developed new and increasingly complex planning regulatory regimes. Major cities that passed zoning and subdivision ordinances in this decade include Philadelphia (1952), Washington D.C. (1958), Denver (1956), and Raleigh (1959). Virtually all of these codes, including Raleigh’s, were based in strict Euclidean zoning, which advocated separating land uses (retail, residential, industrial, and others) in order to prevent incompatibilities that may harm human health and welfare. This type of restrictive zoning is also much more favorable to creating suburban residential districts separated from the industrial and retail-oriented city center.

**CRITICISMS OF MID-CENTURY ZONING CODES**

However, Euclidean zoning has come under extensive criticism over the past 50 years. Zoning codes based on it have been decried as a drain on public infrastructure budgets, an enabler of socioeconomic segregation, and a monotonously boring form of urbanism.

Although many scholars have attacked Euclidean zoning and the codes that rely on it, few have had as large of an effect on contemporary planning as the Canadian intellectual Jane Jacobs. In her seminal book *The Death and Life of Great American Cities*, she provided a strong critique of conventional zoning by comparing it to what (in her opinion) constituted ideal urban spaces. Jacobs’ four principles that are fundamental for vibrant and diverse cities were: 1) There should be a mixture of primary uses; 2) City blocks should be short and pedestrian-oriented; 3) There should be an assortment of new and old buildings; and 4) People and activities should be densely concentrated [Jacobs, 1961]. Euclidean zoning as it is practiced in the U.S. most often violates all four of those principles.

The negative effects of conventional zoning are largely borne out in studies. For example, urban elements commonly associated with Euclidean zoning practices such as large residential lot requirements and high parking stipulations are linked to sprawling urban form [Pendall et al., 2006; Willson, 1995]. Other studies have also found that segregation of land uses are associated with increases in the cost of providing public services such as water and sewer access, utilities, and road-ways [Freilich & Peshoff, 1997; Burchell et al., 2005]. Burchell et al, conservatively estimate that sprawling (suburban) land use patterns result in an 11% premium for infrastructure
per dwelling unit as compared to more compact urban forms. Finally, some researchers have blamed conventional zoning for rising socioeconomic segregation. Rothwell and Massey found a strong association between socioeconomic segregation and municipalities that operated by a large-lot suburban zoning regime [Rothwell & Massey, 2010].

**EVOLUTION AWAY FROM CONVENTIONAL CODES**

In response to the perceived failures of codes designed around Euclidean zoning concepts, many planning practitioners developed new ways of crafting codes. Changes to development codes were made in two ways: by changing the codes content and by changing how the Code is presented. Oftentimes, though not always, the changes are made together.

The most prevalent change in terms of content, especially recently, has been to integrate form-based concepts into municipal codes. These concepts rely on physical form as the code’s organizing principle as opposed to the traditional separation of uses, and they are more focused on how buildings relate to each other and the surrounding urban fabric. As such, form-based codes “address the relationship between building facades and the public realm, the form and mass of buildings in relation to one another, and the scale and types of streets and blocks” [Definition of a Form-Based Code, 2010].

In many ways form-based codes are an evolution in planning that are enabled by the country’s transition from a manufacturing to a service-oriented economy. Whereas in the past strict segregation of land uses shielded residential neighborhoods from the pollution of industrial and commercial areas, today that is much less necessary. As a result, cities are freer to concentrate their planning efforts towards aesthetics and livability.

In addition to form-based codes, planners have also experimented with ways to make municipal codes more clear and concise. One innovation that has caught on is the unified development ordinance. This concept originated in Carrboro, North Carolina in the early 1980s. There, the town planner Michael Brough unveiled the concept in response to what he saw as the unnecessary complexity and redundancy of typical zoning and subdivision codes.
His conception of the UDO, which he detailed in a 1985 book titled *A Unified Development Ordinance*, was to combine all “subjects of local land use regulations” into one document including the zoning laws, subdivision ordinances, and building regulations. According to Brough, good UDOs share a few characteristics: among other things, they should be flexible for developers, avoid excessive regulation, pay attention to the administration and enforcement of land use ordinances, and be written in terms that the public can understand [Brough, 1985].

Since Brough’s pioneering of the unified development ordinance, it has caught on across the nation. Many municipalities in North Carolina have adopted it and it is codified in much of the state’s statutory language regarding municipal planning ordinances. Besides Carrboro and Raleigh, other North Carolina municipalities that have adopted the concept include Durham, Fayetteville, Winston-Salem and Greensboro.

Raleigh’s recently re-done code recognizes the inadequacies of strict Euclidean zoning and partially adopts form-based concepts within an ordinance structured according to Brough’s best practices. Raleigh’s use of these elements will be discussed later in this paper.
INTRODUCTION TO RALEIGH: “MAYBERRY TO METRO”

Before examining the new Code, it is useful to provide a brief synopsis of Raleigh’s historical trends and current conditions in terms of the City’s economy, demographics, land use patterns, and transportation dynamics. This will help to clarify the reasoning behind certain elements of the new Code, as well as the motivations of various stakeholders involved in the process.

Raleigh, known as the “City of Oaks,” is a mid-sized capital located in North Carolina’s central Piedmont region. With a 2012 population of approximately 423,000 residents, it serves as the central city for the larger Raleigh Metropolitan Statistical Area (MSA), which contains roughly 1.2 million people [U.S. Census Bureau, 2012]. Twelve municipalities including Cary (pop. 145,693), Apex (pop. 40,420), and Garner (pop. 25,745) are included within the Raleigh MSA making it the 42nd most populous City in the U.S. and the 47th most populous MSA.

However, despite its middle-of-the-pack size, Raleigh and its suburbs are growing fast. Between 1980 and 2010, Raleigh averaged an annual growth rate of 3.4%, and this rate has increased in recent years. Since the 2010 Census, Raleigh has grown 4.8% annually, which is more than double the rate of North Carolina’s growth (2.2%). The Raleigh MSA has grown at an estimated 7.4% annual rate, which is the 2nd-fastest rate among the top 50 most populous MSAs in the U.S. [U.S. Census Bureau, 2012].

| CURRENT AND FUTURE RALEIGH GROWTH |
|-----------------|-----------------|-----------------|
|                 | Raleigh         | Raleigh (MSA)   | Raleigh in 2040* |
| Population      | 423,179         | 1,188,564       | 683,035          |
| (2012)          |                 |                 |                 |
| Density         | 2,959           | 216             | 3,226            |
| (2012)          |                 |                 |                 |
| Growth Rate     | 4.8%            | 7.4%            | 2.1% annually    |
| (2010-2012)     |                 |                 |                 |

PHYSICAL GEOGRAPHY

Raleigh was founded in 1790 as North Carolina’s state capital and was originally built according to a master plan conceived by William Christmas. The Christmas Plan laid the City out on a grid structure of roads and parcels, which surrounded five public squares and the Capitol building. The original City, laid out on 0.63 square miles, grew relatively little in the next century-and-a-half. In 1950, only 65,679 people lived within the City’s expanded 10.9 square mile limits, equating to a population density of 6,035 people per square mile [2030 Comprehensive Plan, 2009].

However, in the sixty years since then, both the City’s population and physical footprint have grown rapidly. Today’s population is about 6.5 times what it was in the 1950s and that growth has been accommodated by a City largely intent on building outwards as opposed to upwards. The City’s current municipal boundary encompasses 143 square miles, sprawling outwards from central Wake County and into Durham County in the northwest. For comparative purposes, both Philadelphia, Pennsylvania (pop. 1,548,000) and Portland, Oregon (603,106) have the same physical dimensions as Raleigh.

Raleigh’s growth from a small city in the 1950s to a mid-sized metropolitan region has exhibited all the classic characteristics of suburban sprawl. Like other cities following a similar trajectory, construction of single-family homes has dominated the market; as of 2012, they comprised 47% of the total housing stock [American Community Survey, 2008-2012].

In addition, the majority of recent single-family home developments are built on disconnected street frameworks with high proportions of cul-de-sacs. This lack of street connectivity isolates neighborhoods from nearby areas, which then makes non-car trips relatively difficult. Out of the 50 largest cities in the U.S., Raleigh is ranked 46th in terms of walkability by WalkScore.com, a company that ranks city walkability through a combination of population density, street connectivity, and accessibility to nearby amenities. Raleigh also scores low in terms of public transit and bikeability [WalkScore, 2014].
This suburban construction boom has separated Raleigh into two distinct areas. Whereas Raleigh was once outlined by Interstate-440 which ran the perimeter of the City, now it is divided between an inner beltway area inside I-440 and an outer beltway area defined by I-540. Although areas in the inner beltway have once again begun to grow in recent years, many of the fastest growing neighborhoods in Raleigh, including Brier Creek and Wakefield, are in the suburbs.

However, bucking its history of single-family residential development, Raleigh has slowly begun to transition towards a higher proportion of dense, multi-family housing. From 2008 to 2012, 57% of issued residential building permits were for apartments, and that number has grown even higher in the past few years – in 2012, 72% of all issued building permits were for apartments. Over that same four-year period, single-family homes comprised only 15% of all building permits issued [Raleigh Data Book, 2013].

DEMOGRAPHICS

Recent demographic trends in Raleigh should further increase this recent movement away from single-family home development. Those trends have made Raleigh more ethnically diverse, better educated, younger, and wealthier. These are all traits that demographers associate with the so-called “Creative Class,” who are posited to prefer more vibrant, dense neighborhoods within cities as opposed to previous generations.

This divergence from the past is seen in Raleigh’s racial composition. In prior decades, Raleigh – like many areas in North Carolina – was a majority white city with a significant African-American population. However, in recent years this distribution has been shifting as a variety of people from different racial and ethnic groups have moved into the area. Although whites still make up the majority of Raleigh citizens, other groups have grown dramatically in the past few decades.

The largest growth in recent years has been from the Hispanic and Asian communities. In 2010, Hispanics made up an estimated 11.3% of Raleigh citizens, which is an increase of 3% from the 2000 Census and significantly more than the statewide average of 8.4%. In addition, the
proportion of people of Asian heritage has also grown quickly. As of 2010, they make up 4.3% of Raleigh citizens (approximately double the state average), which is up from 3.3% in 2000. Those with Indian (South Asian) heritage comprise the largest group (1.0%), but Vietnamese (0.9%), Chinese (0.8%), and Koreans (0.6%) also have significant presences.

This influx of new residents has contributed to a city which is somewhat younger, more educated, and wealthier than the state on average. In terms of the age distribution of citizens, Raleigh has a higher proportion of children 5 years or younger than the state as a whole and a smaller share of people 65 and older. In 2011, Raleigh residents’ median age of 31.8 years old is much less than North Carolina’s median age of 37.3.

In addition, Raleigh residents have higher educational attainments. In Raleigh, 90.4% of adult residents attain a high school degree and 46.8% hold a bachelor’s degree. This is a significant increase over the state as a whole where 84.5% of adult residents hold a high school degree and 26.8% have obtained a bachelors or higher.
Finally, at $53,699, Raleigh’s median annual household income for 2008-2012 was $7,249 higher than the statewide average [ACS Survey, 08-12]. Looking at the metropolitan region as a whole this gap grows even wider. In 2011, the Raleigh-Cary MSA had the highest median family income in the state at $79,900 [Raleigh Growth & Development Report, 2013].

**ECONOMY**

The primary reason for Raleigh’s robust population growth is that its economic growth and employment rates have been strong. Raleigh has weathered the recent economic downturn better than the state as a whole. According to the Bureau of Labor Statistics, in December 2013 the City’s unemployment rate stood at 5.6%, well under the state’s 6.9% rate. In addition, estimates from the City’s Comprehensive Plan indicate that employment in Raleigh will increase from 260,000 jobs in 2005 to approximately 430,000 jobs by 2035 [Raleigh 2030 Comprehensive Plan, 2006].

This growth can be attributed to a few factors. First, Raleigh is located within the fast-growing Research Triangle region, which is anchored by Durham, Raleigh, and Chapel Hill and has its center at the Research Triangle Park (RTP). This area, internationally-known as a hub of high-tech research and development, draws off the brainpower of nearby universities including Duke, UNC-Chapel Hill, and North Carolina State. As a result, many multinational corporations including IBM, GlaxoSmithKline, and Cisco have chosen to locate in the area.

In addition, Raleigh and its surrounding suburbs is a draw for both domestic and foreign immigrants. New highly-educated residents are drawn to high-paying jobs in R&D and medical care, while lower-skilled workers are attracted by the attendant construction jobs associated with the expanding urban fabric. Although the state and county governments are the biggest employers in the City, two hospitals, two financial services corporations, and an energy company are also within the top 10 largest employers in Raleigh [Raleigh Comprehensive Annual Financial Report, 2012]. Other companies, such as the open source software-maker Red Hat, have also flocked to downtown Raleigh in recent years, providing proof of the City’s varied and dynamic economy.
Finally, larger national trends favor continued growth of Raleigh’s population and economy. Among other things, Raleigh benefits from what demographers term the Sunbelt Migration. As part of this nationwide migration, population has shifted over the course of recent decades from states in the northeast and Midwest to the mid-Atlantic and southern states. Among the reasons given for this migration include the more favorable climate (courtesy of modern air conditioning) and a lower cost of doing business.

**TRANSPORTATION**

Finally, as was alluded to previously Raleigh’s pattern of development has contributed to a high rate of car commuting and relatively low rates of walking and biking. However, in addition to this, Raleigh’s low-density development also makes it much harder to have an effective and popular public transportation system. Although Raleigh has both local and regional bus authorities in the area (Capital Area/NCSU Wolfline and Triangle Transit, respectively), they have relatively low ridership. This has resulted in Raleigh having the third lowest rate of public transportation usage of the 50 largest metropolitan areas in the U.S [U.S. Census Bureau, 2009].

Instead the majority of Raleigh residents rely on single-occupancy vehicles for commuting and day-to-day errands. According to Census estimates, more than 8 in 10 Raleigh residents drive to work alone, about 1 in 10 carpool, and only 1 in 50 either walk or take public transit to work [American Community Survey, 2007-2011]. While Raleigh residents still have a lower mean travel-to-work time (21.4 minutes) compared to the statewide average (23.5 minutes), congestion is expected to increase dramatically under the status quo given future population projections.
American Community Survey, 2007-2011

Partially due to shifting perceptions of transit as well as a growing realization of the negative impacts of cars on Raleigh, there are signs that the City is becoming more amenable to public transit. All three bus lines serving Raleigh have seen ridership increases over the past eight years with ridership up from approximately 6.5 million total passenger boardings in 2006 to almost 11 million in 2012\(^1\) [WakeGov Dashboard, 2013]. This represents an 8.9% annual average growth rate, which greatly outpaces the national bus ridership increase of 2.2% in 2012.

In addition, there has been ample public discussion in recent years about building a commuter rail system that would connect up with light-rail planned for nearby Durham and Orange County. For now, Wake County Commissioners have resisted putting rail funding to the voters via a referendum, but many in Raleigh see commuter rail in terms of “when” it will come as opposed to “if” it will come.

\(^1\) These figures include Cary’s bus line (C-Tran), which accounted for ~2% of boardings in 2012.
RALEIGH PLANNING CONTEXT

Throughout this period of enormous growth and change in Raleigh, the City managed development through two key documents: a development code, known as Part 10, and a series of long-range comprehensive plans. By the new millennium both documents were badly dated and did a poor job of managing the development process.

The Part 10 Code was originally crafted in 1959 and was adapted reactively over the following 50 years through amendments to the Code’s language. As with most codes from the 1950s, Part 10 was based in classic Euclidean-zoning that defines properties according to land use and intensity guidelines. This organizing principle helped to contribute to Raleigh’s sprawling, unconnected urban form.

In addition to its regulatory approach, the administrative process that dealt with development severely skewed outcomes. The main impediment in this regard was the unbalanced way that the Part 10 Code dealt with infill and greenfield development. As opposed to greenfield development which had a relatively smooth permitting process, almost all infill development had to have site plan approval by either the Planning Commission or the City Council because it tripped one (or more) of twenty-two trigger clauses that mandated public review. This process was often used as a venue for anti-development neighbors to fight an infill project, which then lengthened review time and made the final result more unpredictable. As a result, oftentimes it was simply easier for developers to look outside of the Beltline for projects.

Finally, the lack of overall structure in the Code constrained its effectiveness. Due to the continuous evolution and adaption of the Part 10 Code over its fifty-plus year history, these codes were considered overly complex and unfocused. As opposed to ideal codes, which are carefully constructed to fulfill a City’s planning goals, the Part 10 Code was a reactionary document of rules that had built up over multiple generations to fit development problems. This accretion of amendments over the years has also caused it to grow to its current 784 pages, which is sure to turn off everyone but those absolutely required to work with the document.
In addition to an outdated code, growth management was further impaired near the turn-of-the-century by the fact that Raleigh was still operating according to the 1989 Comprehensive Plan. This plan was crafted when the City was less diverse, more politically conservative, and suburban development was the norm; over the years as Raleigh grew more progressive and metropolitan, the 1989 Comprehensive Plan became increasingly antiquated.

In addition, the 1989 Plan was also much amended, which diluted its utility in providing a clear vision for the City going forward. By the time it was retired, approximately two-thirds of the 1989 Plan was devoted to area-specific plans, which gave very clear instructions for certain places, but left little room for citywide guidance. This lack of overall clarity for the City in-turn made it a weaker and more ineffective document. Former Planning Commission chairman Bob Mulder agreed with this characterization of the Plan, stating that that “the old comp plan was mightily abused”[Geary, 2007].

Thus, as recently as a decade ago, Raleigh – one of the nation’s fastest developing cities – was managing its skyrocketing growth with an outdated and increasingly irrelevant comprehensive plan and a development code conceived of in a bygone era.

**CHANGES OVER THE PAST DECADE**

However, as Raleigh began the new millennium an increasingly progressive political climate helped to spur a similarly progressive planning climate. The *Indy Week* identified this shift, writing in 2007… “If recent Raleigh elections are any indication, most voters are ready for the change. Since 2001, they've steadily replaced the laissez-faire, mostly Republican members who controlled the city council in the '90s with progressive-minded Democrats and one independent who favor stronger planning and neighborhood protections” [Geary, 2007]. This changing climate was personified in the new Planning Director, Mitchell Silver, who took the mantle from long-time Director George B. Chapman, a fixture of Raleigh Planning since being hired for that position in 1981.
Silver came from a job as Deputy Director of Planning in Washington D.C. and immediately began to push for changes that would better adapt Raleigh for twenty-first century challenges. In his first year, he successfully reopened Raleigh’s main street, Fayetteville, to car traffic. This corrected a 1970’s era mistake of converting Fayetteville into a pedestrian mall (a common practice at the time), and it clearly showed that Silver was breaking from previous planning practices in the City.

In addition, he began to set a new course away from Raleigh’s historically suburban building trends. In town and nationally (as an influential member and then President of the American Planning Association) he argued for denser, more livable development. In an article in Time Magazine titled “Reigning in Sprawleigh,” Silver laid out point-by-point why the suburban orthodoxy (still prevalent in Raleigh) is bad for the City.

"First and foremost it's the cost. As you start to expand your network, there's more cost for infrastructure, there's more cost to maintain it, and in many cases you don't get the highest yield per acre in terms of your tax base… There's added travel time and issues to air quality because you produce more in terms of emissions and greenhouse gases. There are quality of life issues and real tangible economic issues."

[Goldberg, 2011]

Silver also combined this push for more infill development with an institutional shift in how the Planning Department interacts with development stakeholders, whose cooperation is vital to revitalize the downtown area. Department veteran Christine Darges spoke of this change, describing planner-developer relations in the past as sometimes “adversarial,” but getting better recently due to Silver’s emphasis on a better “customer service” ethic [C. Darges, personal communication, February 20, 2014].

2030 COMPREHENSIVE PLAN

When he came to Raleigh, one of the first things that Silver lobbied for was resources for a new comprehensive plan. He understood that operating with a vision created for Raleigh in the 1980s was no longer appropriate and a new plan was vital to modernize the City’s planning regime. In
2006, the City Council appropriated the necessary funds and the Planning Department began the process of gathering public feedback and formulating a vision for the City.

At the start of the process, the City laid the groundwork for informed public participation by hosting future-thinking presentations by planning scholars that were open to everyone. These talks with titles such as “What are the Hidden Costs of Free Parking?” and “How do we Design a 21st Century City?” were held to get Raleigh residents to think critically about the City’s direction and how it can be made more vibrant and livable.

From there, the planning process officially began in November 2007 with the first of three rounds of public workshops. These workshops (three per round) were designed to elicit the public’s hopes, concerns, and ideas for the City and then use those responses to craft a consensus guiding vision. This first round of workshops was attended by approximately 400 participants with another 150 people providing input online. The second round of workshops in March 2008 also had substantial participation with 250 attendees completing questionnaires in-person and another 30 completing them online. Finally, between the second and third round of workshops, the City unveiled a Public Review Draft of the comprehensive plan.

Following that, the final round of workshops was designed to elicit feedback and make appropriate changes to the document. The Plan was discussed in an Open House workshop, which had 230 attendees and was also made available online, where it received approximately 1,200 comments. These public workshops combined with a variety of smaller events - at bars, museums, and Citizen Advisory Councils (CACs) – helped the City craft a plan that was forward-looking but also realistic.2

The Comprehensive Plan touched on a number of subjects including: land use, transportation, environmental protection, economic development, and housing. The common link throughout all of these elements was the desire for long-term sustainability to guide the City’s actions. In order to tie these elements together, the Plan established a Vision for Raleigh that read:

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2 In addition, this rich public feedback on the Comprehensive Plan can be compared to the later-discussed more muted public reception to the Code re-writing process.
“Raleigh will be a city that values and fosters development that provides economic prosperity, housing opportunity, and equity for all Raleigh residents. Raleigh will embody environmental conservation, energy efficiency, and sustainable development. Raleigh will be a great place to live with distinctive and attractive neighborhoods, plentiful parks and green spaces, quality schools and educational opportunities, and a vibrant downtown.” (p. 28)

In addition to the Vision, the Plan also established hundreds of Policy and Action Items informed by the text. The Policy elements are intended to guide the City’s policies generally, whereas the Action Items are more specific instructions for how the City can carry out a given policy. In the 2030 Plan approximately 100 of these guidance policies specifically stated that they should be implemented as regulations in the development code [K. Bowers, personal communication, 1/15/14]. This further underscored the need for at least major revisions to the City’s codes.

Beyond its role as a vision-setting document, the Comprehensive Plan has real, tangible effects for Raleigh. It establishes where and how the City would like to grow with those decisions in-turn informing zoning judgments and the funding of public infrastructure, among other things. Among the more consequential elements of the Plan in this respect was the creation of a new Future Land Use Map (on the following page). This map concretely lays out how Raleigh envisions the City in 2030 in terms of land uses and intensities per property. The City uses this map to inform policy decisions and re-zoning applications. Notable in the 2030 FLUM is Raleigh’s introduction of multiple mixed-use categories. This clearly indicated their desire to change the development codes to permit more mixed-uses by-right, which was not an element of the Part 10 Code.

Finally, the 2030 Comprehensive Plan also introduced some new concepts into the City’s planning paradigm. For example, using a Growth Framework map, the City planned to target 60% of future growth into 12 high-density transit-oriented nodes.³ In Raleigh, growth is

³ Transit-oriented development, a planning strategy formally conceptualized by Peter Calthorpe in 1993, promotes concentrated, moderate to high-density mixed-use development within 0.25-0.5 miles of public transit stops (The Next American Metropolis). It has become a popular approach internationally in recent decades to promote public transit and high-density development.
envisioned around a future commuter rail line, which would have its center at a new transit hub located in the downtown Warehouse district (2030 Comprehensive Plan, 2006, pg. 18).

Due to these innovative ideas and its forward-looking nature, the 2030 Comprehensive Plan has been seen as a model around the nation. However, while the updated Plan provided a new vision and guidance for Raleigh’s growth, that optimistic future could not be realized without major changes to its Part 10 development regulations. Thus, even before adoption of the Plan in October, 2009, the City began contemplating how its Code could be restructured to fulfill the goals of the 2030 Plan.
INTRODUCTION TO THE NEW CODES

During the summer prior to the adoption of the Comprehensive Plan in 2009, the City began to move on to its next overhaul: re-writing the development code. A Request for Qualifications was sent out for consultants to spearhead the project and from the pool of candidates Raleigh chose Austin-based Code Studio. In addition to Code Studio, a few sub-consultants were also hired to provide specific expertise in certain subjects. Those consultants included the Lawrence Group (specializing in urban design architecture), Winter & Company (conservation preservation), Fuss & O’Neill (transportation and parking), and Lewis, Stroud & Deutsch (legal analysis and land use expertise).

What followed was a multi-year process whereby a core team of consultants and city planners crafted a new code document and then edited it as a result of feedback from City officials, industry and other groups, and the general public. This culminated in February 2013, when the eight-member City Council officially adopted the 459-page unified development ordinance. Seven months later on September 1, 2013 select portions of the UDO took effect. The following section discusses the code-writing process and stakeholder participation and reactions to it.

The content in this section was gathered from primary source documents including the old and new Codes and accompanying documents, as well as contemporary news articles written about the process. Additional information was gained by interviewing seven stakeholders who were heavily involved, as well as through participating in workshops and informal conversations while interning in the Raleigh Planning Department. The following tables clarify the major procedural stakeholders and the individuals who took part in one-on-one interviews.
<table>
<thead>
<tr>
<th>Stakeholder</th>
<th>Organization</th>
<th>Role in UDO-creation</th>
<th>Participation Level</th>
</tr>
</thead>
<tbody>
<tr>
<td>City of Raleigh</td>
<td>Raleigh Planning Department</td>
<td>Worked with consultants to craft language; main point-of-contact for public, City.</td>
<td>High</td>
</tr>
<tr>
<td></td>
<td>Raleigh Planning Commission (PC)</td>
<td>Hosted public review of document and passed recommended changes on to Council.</td>
<td></td>
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<tr>
<td></td>
<td>Raleigh City Council</td>
<td>Hosted public review and ultimately decided language and composition of document.</td>
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<tr>
<td>Development</td>
<td>Advisory Committee</td>
<td>Official committee (appointed by City Council) composed of development professionals and public reps; advised Planning Department, Planning Commission, and Council.</td>
<td>High</td>
</tr>
<tr>
<td>Industry</td>
<td>Technical Review Group</td>
<td>Industry group, created near the end of the Comprehensive Plan process and transitioned over to work on UDO; advocated for industry concerns.</td>
<td></td>
</tr>
<tr>
<td>Public</td>
<td>Neighborhood Citizens Advisory Councils (CACs)</td>
<td>Held educational events; involved members in public review meetings.</td>
<td>Medium-Low</td>
</tr>
<tr>
<td></td>
<td>WakeUp Wake County</td>
<td>Educated members; lobbied for smart growth principles; sent comments to Planning Commission and City Council.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Public Bloggers (Phil Poe, Jason Hibbets, others)</td>
<td>Educated public about process; provided informed commentary.</td>
<td></td>
</tr>
<tr>
<td>Consultants</td>
<td>Code Studio and secondary consultants</td>
<td>Code Studio led much of the process, crafted language for the UDO, and were involved in education forums.</td>
<td>High</td>
</tr>
<tr>
<td>Media</td>
<td><em>Indy Week, Raleigh Record, Raleigh Television Network (RTN), News and Observer</em></td>
<td>Participated in varying degrees, but usually less involved than during Comprehensive Plan process; <em>Raleigh Record</em>'s in-depth commentary of UDO in 2012 was most comprehensive.</td>
<td>Low</td>
</tr>
<tr>
<td>Name</td>
<td>Professional Affiliation</td>
<td>Role in UDO-Creation</td>
<td></td>
</tr>
<tr>
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<td></td>
</tr>
<tr>
<td>Ken Bowers</td>
<td>Deputy Director (Raleigh Planning Department)</td>
<td>Acted in a special-projects, oversight capacity; in charge of ensuring Comp Plan elements were included in document; currently helping to oversee UDO re-mapping effort.</td>
<td></td>
</tr>
<tr>
<td>Travis Crane</td>
<td>Planning and Zoning Administrator (Raleigh Planning Department)</td>
<td>Leadership role; liaison with public about content; currently helping to oversee UDO re-mapping effort.</td>
<td></td>
</tr>
<tr>
<td>Christine Darges</td>
<td>Development Services Manager (Raleigh Planning Department)</td>
<td>Leadership role; liaison with public about content; currently heavily involved with initial implementation.</td>
<td></td>
</tr>
<tr>
<td>Lee Einsweiler</td>
<td>Principal (Code Studio)</td>
<td>Principle of consultant group charged with crafting UDO; public face of Code Studio to public.</td>
<td></td>
</tr>
<tr>
<td>Suzanne Harris</td>
<td>Vice President of Gov. Affairs (Wake County Home Builders Association)</td>
<td>Advocated for the home builders and developers in public review process; member of TRG.</td>
<td></td>
</tr>
<tr>
<td>Mack Paul</td>
<td>Land Use and Zoning Lawyer (Morningstar Law Group)</td>
<td>Leading figure in TRG; advocated for development industry in the public review process.</td>
<td></td>
</tr>
<tr>
<td>Karen Rindge</td>
<td>Executive Director (WakeUp Wake County)</td>
<td>Advocated for environmental, sustainable elements in the public review process; educated membership and encouraged them to participate.</td>
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</tbody>
</table>
THE CODE-WRITING PROCESS

In researching this Code and discussing it with stakeholders, it was sometimes hard to pin down where the Comprehensive Plan process stopped and the UDO coding process began. In fact, as mentioned before there was significant overlap in timing between the two processes and they were viewed by many as one long effort to update Raleigh’s planning regime. This coupling of the two processes is evident in one of Director Silver’s common refrains: “the Plan defines the vision and the Codes implement them.”

Certainly, long before the Comprehensive Plan’s adoption, the Planning Department had decided that it necessitated a new Code. Travis Crane, the current Planning and Zoning Administrator and a leader of the UDO-creation process, described the idea as “a fairly old one… from at least 2006 or 2007,” which came from Planning Department leadership. According to Crane, Mitchell Silver and Ken Bowers “started looking at the Comprehensive Plan and the [old] Code together… and realized that they weren’t doing a good job of addressing modern development” [T. Crane, personal communication, 1/15/14].

As a result of that decision, the City formulated a work plan and began a search for consultants in the summer of 2008. Consultants were deemed to be necessary for a few reasons, the main one being that the project was simply too large and complex for City Staff to handle themselves. As Crane put it, “from a workload perspective it would have been entirely burdensome on Staff,” if they had to “completely stop [their] regular jobs to focus solely on the Code.” In addition, Crane identified a secondary political benefit for why consultants can be useful on a project such as this – “it’s easier to deliver difficult messages to your elected officials when it’s coming from a consultant” [T. Crane, personal communication, 1/15/14].

About 8-10 consultant groups replied to the City’s Request for Qualifications, but Code Studio stood out for a few reasons. Ken Bowers, who was involved in the search committee, listed off some of the reasons they were deemed to be the most qualified. First, they seemed pragmatic and efficient with a “lean” team without “any members on it that didn’t have an obvious role.” In addition, “their approach seemed very refreshing and no nonsense.” Finally, they had a good
proposal that was “concise, to the point, and it covered what [Raleigh] needed” \[K. Bowers, personal communication, 1/15/14\]. All-in-all, Planning Staff seemed to have no second-thoughts about the decision to hire Code Studio.

2009 – EDUCATION & PREPARING FOR THE KICK-OFF

Upon hiring primary consultants, the Planning Department put together a core group of City Staff to be their primary partners throughout the process. That group consisted of Travis Crane from the Long-Range Planning Division, Christine Darges from Development Services, Kenneth Bowers who is Deputy Director of the Planning Department, and Ira Botvinick who is Deputy Attorney for Raleigh. Each of these people provided specialized expertise from their role in City government, which was supplemented by a wider range of 40-50 others who were brought in as-needed for expertise in niche areas.

The official kick-off for the Code occurred in October 2009 with Code Studio visiting Raleigh to host a series of three public listening sessions and additional stakeholder meetings. The listening sessions, held in the City Council Chambers, were led by Lee Einsweiler, the head of Code Studio. They were organized to introduce the public to the consultants who would be working on the project, acquaint them with the multi-year process of updating the development regulations, and give them a forum for providing input. At that meeting, Einsweiler identified eight project goals that Raleigh’s new Code should address [Einsweiler, 2009]. Those were:

1. Implement the policies and goals of the 2030 Comprehensive Plan.
2. Address market trends, incorporate best practices and consider contextual issues throughout the City.
3. Where appropriate, [the codes] should focus on form and character rather than use and density.
4. Remove barriers to infill and redevelopment.
5. Increase predictably, citizens, developers, and Staff.

\[\text{\textsuperscript{4} It should also be noted that Code Studio is well-qualified for the project having done similar re-write projects for Denver, Colorado and Memphis, Tennessee.}\]
6. Streamline the development review [process].
7. Reformat/reorganize [the document] into a more user-friendly format; and
8. Broadcast, make it easy to do the right thing.

The stakeholder meetings in-turn were with development industry professionals - attorneys, developers, engineers, and others - and were more of a back-and-forth to help the consultants gain a better understanding about regulatory problems from an industry perspective.

Following those meetings, Code Studio began work on the first phase of the project. During this phase, they conducted a diagnostic of the City’s current conditions in terms of development and other relevant factors and then began to craft an appropriate work plan. In order to do that, they collected a wide range of materials from the Planning Department including the old Part 10 Code, multiple Comprehensive Plans, all Small Area Plans, Streetscape Plans, and other documents. Then using these, they identified the strengths and weaknesses of the current coding regime and proposed methods for fixing those weaknesses.

Choosing what to keep and what to jettison from the old Part 10 Code was, according to Staff, among the most difficult tasks and one that would plague the Department throughout the process. For one thing, many stakeholders within the City had used the Part 10 Codes for years if not decades and had trouble letting them go. As project leader, Crane claimed that he often had to “play defense” as much as he could with Staff, developers, and the public who kept saying, “that’s not what the Part 10 Code says!” [T. Crane, personal communication, 1/15/14].

However, as a veteran of the Department Christine Darges had more mixed feelings about the way in which the old Part 10 Codes were phased out. She stated that she wished there had been a more cooperative auditing process, whereby the Department could more clearly communicate to the consultants what they would like to keep. The Part 10 Code and other documents were sent to the consultants to read, but “they [Code Studio] don’t have the benefit of knowing what you want to keep”; instead, the consultants did their review and then brought alternative visions which the City could accept or reject. Of that process, she comments that now “we’re finding that maybe… we should have gone back and said ‘there are some good things in these old
regulations that we feel worked and we want to bring them over and try to fit them in if we can. But we didn’t do that” [C. Darges, personal communication, 2/20/14]. However, in reference to those things that should have been transitioned into the new document but were not, she was quick to note they could be re-integrated with text changes if needed.

2010 – DIAGNOSING PROBLEMS, FORMULATING PROJECT, CRAFTING THE CODES

In the beginning of 2010, Code Studio was busy working on the Diagnostic and Approach Report, which they unveiled to the public in early February. This document is essentially like a road map for the City, offering a detailed audit of Raleigh’s current regulations and the suggested routes forward. The audit of the Part 10 Code revealed serious problems. According to the Report, “of the 450+ action items under the 13 elements of the [Comprehensive] Plan approximately 145 of them are either expressly prohibited or obstructed by the requirements” of the Code [Code Studio DAR, 2010].

The Report included the following sections, which helped to guide the UDO-creation process:

1) An Introduction, which explained the concept of a unified development ordinance and why it would be appropriate for the City’s purposes.
2) A chapter on Mixed use places, which detailed the incompatibility of the old Code to accommodate mixed-use areas, argues for the utility of form-based and context-sensitive zoning, and suggests regulatory mechanisms such as requiring increased public space in mixed-use high-density projects to make them more palatable to the public.
3) A chapter titled Communities, not subdivisions, which focused on better policies for protecting neighborhoods through the regulation of transition areas. It also encouraged allowing for increased cluster-developments and a wider range of housing types.
4) Resource protection, which primarily focused on the need for promoting natural systems through improved tree regulations and green stormwater infrastructure.5

5 Green stormwater infrastructure refers to infrastructure that uses natural systems as opposed to structural engineering projects to accommodate runoff. Examples include rainwater gardens and permeable pavement.
5) *Transportation and mobility*, which identifies Raleigh’s problems with non-automobile transit and poor street connectivity. It promotes increased biking and walking features, improving block length and perimeter standards to ensure connectivity, and the allowance of more flexible parking requirements.

6) *Retaining and attracting jobs* pinpoints Raleigh’s pyramidal\(^6\) zoning structure as being detrimental for industry. It also advocates tailored approaches to Raleigh’s plentiful campus areas.

7) *Rules for older areas* promote decreasing barriers to infill subdivisions while ensuring new developments’ compatibility through the use of contextual infill regulations.

8) *Process and administration* pinpoints the confusing nature of the Part 10 Code, as well as the unpredictability and inefficiencies of the current site plan review and approval processes. It also promotes by-right zoning as opposed to the historically-popular use of conditional zoning.

9) Finally, the last and largest section was the *Coding approach*, in which the consultants propose an organizational framework for how they believe the UDO should be written. It firmly proposed regulating by context as opposed to conventional zones, which is exemplified by the “right rules, right place” mantra. This form-based approach, used by Code Studio in past projects, is tailored to each property through a combination of building type, frontage, and height. In addition, this chapter also promotes “context-sensitive” street cross-section schemes that better adapt to their surroundings.

Because this draft structured the framework of the UDO and proposed major innovations, this report proved to be very influential in the overall UDO-creation process. However, even though it mentioned many specific elements, including accessory dwelling units and density limits that would cause later controversy, it was largely ignored by the public. As Mack Paul wrote in the *News and Observer* at the time, “the UDO consultants’ initial document entitled the "Diagnostic and Approach Report" has mostly elicited yawns” [Paul, 2010].

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\(^6\) A pyramidal zoning structure allows all uses permitted in less intense districts, so that the more intensely a district is zoned the more possibilities there area. This drives the price of those parcels up, which can negatively effect industrial users.
While the public-at-large may have had a subdued reaction to the document, there were certainly avenues in the coming months for people to get involved. Two days after its release (on February 1) Code Studio held a Form-Based Zoning educational workshop in the City Council Chambers that was open to the public. In addition, a little over one month later (on March 15\textsuperscript{th}) Einsweiler and Bowers teamed up to host a UDO public learning and review session.

These workshops were held in-part to elicit public feedback on the DAR. Feedback was taken via an online forum for two months until the end of March and then revisions were made to the document before presenting it to City Council. Council reviewed the report at its May 4\textsuperscript{th} (2010) meeting and gave its approval to Code Studio to start drafting a new development code.

\textbf{UDO WRITING}

That summer, Code Studio and the core team from the Planning Department worked together to draft the document. Code Studio visited the City every few weeks for in-person discussions, but mostly sent their work in installments to the Department. These installments were read and commented on by the core team, which met at least every week during this time to review work, answer questions, and debate how to tailor regulations to best fit Raleigh’s context [T. Crane, personal communication, 1/15/14].

In addition, during that summer the Department hosted several 1.5-hour public workshops that focused on the topic of neighborhood transitions and infill regulations. During the comprehensive planning process, citizens in established neighborhoods had expressed concern with these two topics, and particularly with the phenomenon of builders tearing down houses in older neighborhoods and then building so-called McMansions.\footnote{The term McMansion entered the planning lexicon in the 1980s and it usually refers to a large, seemingly-mass produced house that is incongruous with surrounding development.} In anticipation of a robust public reaction on these topics, the Department brought in extra expertise in the form of conservation preservation consultants Winter & Company.
However, by the Department’s own account the response was underwhelming. Of those workshops, which occurred in June and September, Bowers noted that “they were very sparsely attended.” Considering the passion expressed earlier, he was “genuinely surprised that when the time came to actually address the issue with real legal standards, there wasn’t more interest” [K. Bowers, personal communication, 1/15/14].

This lack of interest from the public, especially during the beginning of the project, was a common lament heard from multiple stakeholders. The Department and the consultants held multiple meetings throughout the year in a variety of locations; despite this, most of the public was either uninterested or did not know that the project was ongoing.

Stakeholders involved in the process agreed on a few reasons why this might be. First, the comprehensive planning process had just ended what had been three years of intensive community participation. The public was bound to have a certain amount of fatigue after that process. In addition, as Crane aptly notes, “when you start talking about development regulations, it’s typically not a very sexy conversation” [T. Crane, personal communication, 1/15/14]. Whereas the visioning exercises of the comprehensive planning process were generally fun and idealistic, most people simply didn’t understand enough to converse knowledgeably about development regulations. For these and other reasons, the public generally disregarded the UDO-creation process early-on.

2011 – RELEASE OF INITIAL DRAFTS AND SOLICITATION OF PUBLIC FEEDBACK

Going into 2011, the consultants continued to prepare the initial draft of the UDO, sending periodic installments (modules) to the City who would then pass them on to the City-appointed Advisory Group for feedback. That feedback was combined with the Department’s and was then sent back to the consultants for revisions. Crane notes that the Advisory Group met with Staff about twenty times early-on in the process and commends their commitment as “[playing] a vital role in helping to shape and form the document” [T. Crane, personal communication, 1/15/14]. In addition, the Group also acted as a go-between for the City Council, who periodically received updates on the project’s progress.
FIRST-DRAFT RELEASE

In April of 2011, the initial draft of the UDO was released for public review. This debut was followed by three Open Houses in late April, during which the consultants presented the document and responded to questions and concerns from the public. Based on that feedback, the consultants went back to the drawing board and specifically revised Chapters 8 (dealing with subdivisions) and 12 (definitions). They then released a new draft on May 6, 2011.

Leading up to a June 6, 2011 deadline, the City took feedback both online, through special events, and via Twitter and Facebook pages. Among the events they engaged in during this two-month comment period was the RaleighUDO Countdown (May 24), a special 3.5-hour event hosted by the Five Points, Hillsborough and Wade CACs. That event featured exhibits, chat groups with City Planners, refreshments, and even prizes for filling out a comment form.

As of the deadline, the Planning Department had received almost 400 comments. Of those, the most popular topic (62% of the comments) had to do with development standards and residential development. The group as a whole were more critical than supportive (which perhaps was to be expected) with 47 comments in support of a certain UDO component, 114 objecting to something, 82 observations (neutral), and 148 classified as “other” [Monti, 2011].

The volume of comments forced the Advisory Group to request additional time to reconcile all of them, which put the project slightly behind schedule. Originally, the City had planned for the UDO draft to be presented at a July public hearing after which it would go to the Planning Commission for review. However, given the extension Mayor Charles Meeker told the Raleigh Public Record that it probably wouldn’t reach public hearing until early 2012. Christine Darges, one of the members of the core team stated at the time that, “we do need enough time to vet those details because that’s when the rubber hits the road, and this is law and we have to be careful and not rush it” [Monti, 2011].

Throughout the rest of the year, the Planning Department and consultants worked with various stakeholders to iron out the details and revise some of the contentious portions of the Code. They
also continued to engage in educational forums such as one hosted by the *Independent Weekly* newspaper in Pullen Auditorium in September.

**2012 – COMMENCEMENT OF OFFICIAL PUBLIC REVIEW OF THE UDO**

On January 3rd, 2012 Code Studio and the City released a 2nd Public Draft of the UDO. This followed months of revisions and represented a significant step forward in the process. The following month, on February 21, 2012, they presented it to a special joint meeting of City Council and the Planning Commission and so began the official public review of the UDO. As part of this public review, the Planning Commission received the document first, conducted a detailed reading, engaged in public meetings with stakeholders, and then recommended changes to the City Council.

According to both City Staff and stakeholders from the development industry, the Planning Commission did a very thorough job of reviewing the document. Beginning at their March 20 meeting, they reviewed it chapter-by-chapter during thirty (almost weekly) public meetings during which the public could provide feedback. In doing so, they reviewed 170 public comments and made over 200 changes to the document [Raleigh Planning Commission Annual Report, 2012].

However, while the Commission got high-marks for their thoroughness, some participants did have small criticisms as to how they handled the process. One criticism had to do with the setting and structure of the meetings. Originally it was thought that the meetings would take place in a smaller conference room, which would promote a dialogue between the stakeholders and the Commission. However, the venue was changed in anticipation of having a larger number of people participating, which largely did not materialize.

Suzanne Harris, of the Wake Homebuilders Association, found that to be “a little frustrating.” In her recollection, the large room and the physical separation between the Commission and the public created a “division in the way that [we] had the conversation.” In addition, the structure of the meeting made it harder to have a dialogue. According to Harris, “the Commission would...
[have] the discussion but they wouldn’t open it up until a bunch of items had been discussed. So it would’ve been a lot nicer if it had been more participatory” [S. Harris, personal communication, 2/25/14].

In addition, the Commission’s attention-to-detail caused the project to fall further behind schedule. They had originally been allocated three months to review, but they had to request two 45-day extensions to complete it. According to Crane, this meticulousness was “honestly a bit difficult” for Staff because they wanted to get the framework right, make sure there wasn’t anything fatal to the Code and then let it move through the process [T. Crane, personal communication, 1/15/14]. However, regardless of the timing Staff still gave the Commission high marks. Bowers stated that, “we were fortunate that the Planning Commission did an excellent job resolving outstanding issues. It’s very valuable to have an appointed body like that reconciling stakeholder opinions” [K. Bowers, personal communication, 1/15/14].

As for the Planning Commission themselves, one of the reasons for the delay was that some of them had concerns with the portions of the UDO that pertained to their future role in the planning process. As mentioned previously, under the old Code many development projects were subject to site plan review by the Planning Commission. Under the new UDO however, virtually all site plans will be approved administratively by City Staff, thereby cutting out the Planning Commission from that part of the process. As a result, some Commission members were worried that they would lose their purpose under the new codes. To mollify these concerns, the Planning Department had to have multiple conversations with members to convince them that they would still have much to do in terms of Small Area Plans and Corridor Studies [T. Crane, personal communication, 1/15/14].

Around this time, as the Planning Commission was getting towards the end of its role in the process, things began to heat up from a public participation standpoint. The catalyst for increased citizen engagement was a portion of the new Code concerning the construction of accessory dwelling units (ADUs). ADUs are subordinate units that are either attached to a primary residential dwelling (as an apartment) or detached (as a backyard cottage). They are meant for one or two people and are sometimes called “granny flats” because they are commonly used to
house an elderly parent (or alternatively an adult child). They have precedent in other North American cities including Portland and Vancouver.

Some established neighborhood groups strongly opposed ADUs, protesting that they would be a disruptive force in their communities. The most common argument against ADUs was that they would be utilized by landlords to provide housing to renters who don’t share a neighborhood’s values. Specifically, student renters were cited as a potentially problematic group that would be detrimental to established neighborhoods.

Linda Watson, the Chair of the Glenwood CAC, was one of the leaders protesting the ADU provision. As part of a campaign against them, she created an event called the “Extreme Design Contest: How Far Can You Go with the UDO?” This public event was held at a Glenwood CAC meeting and it was meant to highlight what the organizers believed were the extreme building types allowed by the ADU provision. Participants were urged to “show how far you can go with the UDO using 3-D models, illustrations, [and] short videos” and they had several categories for applicants to enter their renderings into including “sardine, bunker… crime boss, extended family, party time, tiny house” and others [Watson, 2012]. Although the drawings were somewhat crude (as seen in the entry below, dubbed the “Student Party Palace”), this and other efforts got a lot of attention and convinced many that ADUs were not a good idea.

(http://raleighudo.com/blog-guides-and-example-how-far-can-you-go-udo-design-contest)
In addition, a recent court decision from Wilmington, NC hampered the Planning Department’s ability to strike a compromise on the issue. In that decision, a judge struck down an ordinance that required properties with ADUs to have the owner living on-site (City of Wilmington v. Hill, 2008). As a result of that ruling, Raleigh could not mandate an ownership-occupancy requirement for ADUs and the opposition cited this as a reason for why ADUs would become a rental nightmare.

Councilors and Staff debated other compromise options, including a voluntary neighborhood opt-in program, but all of those options were deemed insufficient or fatal to the cause. As a result in mid-February (2013), the City Council voted to remove all language about ADUs from the document. The vote to remove detached ADUs was a lopsided 7-1 and surprisingly the Council decided 6-2 to also remove language about ADUs that were attached to the primary dwelling unit. This vote was even more surprising given the fact that attached ADUs had been allowed under the previous Part 10 Code; by disallowing attached ADUs from the new UDO, they thus made a number of existing homes non-conforming with the new regulations.

2013 –UDO ADOPTION, RE-MAPPING PROCESS BEGINS

On February 18, 2013 after six months of discussion and revisions, the Raleigh City Council unanimously approved the UDO. However, that did not end the process for either them or the Planning Department. Heeding Staff’s advice, the City Council decided to adopt the UDO and set a September 1st implementation date before fully figuring out the details of six sticking point issues, known as the omnibus items. These items involved difficult topics such as rules about residential garage placement (a big issue for the Homebuilders Association) and tree conservation. Staff was directed to deliver a revised version of the UDO on or before May 31st with the requested changes.

From there, the Planning Department had seven months before the UDO came into effect for certain zones and certain chapters began to be implemented. The changes that occurred as of September 1st were:
1) All low to medium-density residential districts (R-1, R-2, R-4, R-6, R-10) were automatically brought under the new UDO rules. In addition, the Rural Residential zone (one unit per acre maximum) was converted to R-1 and the Special R-6 zone, which allowed for housing of up to 6 units per acre in cluster unit developments, was folded into the UDO’s R-6 designation.

2) All of the overlay districts were grandfathered into the UDO, except for a handful which were phased out.

3) Chapters 1.1 (Legal Provisions), 1.2 (Zoning Map), 8 (Subdivision & Site Plan Standards), 9 (Natural Resource Protection), and 10 (Administration) take effect.

4) Voluntary re-zoning to new UDO districts officially began.

PREPARING FOR IMPLEMENTATION

Over the summer, the Department went into overdrive to prepare for implementation. The first priority was getting Raleigh ready to deal with the Code. Among the stakeholders who needed intensive education were members of the development industry, City officials who would play a part in the Code’s implementation (including the Planning Commission, the Board of Adjustment, the Board of Appearance, and others), and the Planning Department’s Staff. Among the Staff, many had dealt with the UDO tangentially but not yet in a comprehensive manner.

In previous months, Staff had begun to prepare for this educational push by producing new fact sheets and FAQs, which were available online and in hard-copy. However, they knew that making materials was alone not enough; as a result, they took a much more proactive approach to education and began UDO Training Labs. This program was open to the public but geared towards development professionals and it consisted of a few sessions every week from June through August. Each Lab began with an overview of the Code, went into important changes that it instituted, and then gave over a substantial portion of time to questions from the participants. Staff encouraged participants to bring their own development site plans so that they could see how the UDO tangibly affected those projects.
In order to show their commitment to helping developers learn the process, City Staff – usually Christine Darges or Travis Crane – would also visit developers and do the workshops at their headquarters. This was beneficial to both parties. It helped the developers because they were able to learn the Code from those who knew it best, and it also benefited the Planning Department by giving them the opportunity to build better relationships with the development community. Darges attests to the success of the trainings in both these respects, saying “I think the training sessions were really good and if we hadn’t done that, we would’ve been really behind… but also it was nice to get out of the office, go to somebody else’s office, eat lunch together, [and] talk back and forth together very informally” [C. Darges, personal communication, 2/20/14].

This proactive program was useful because it reminded people that the new Code was soon to be the law-of-the-land and it put an impetus on learning it. This helped to disengage people from the old Part 10 Code, which was like second-nature to many in the development community. While all of the stakeholders agreed that the new Code was an improvement over the previous one, they also admitted that many people had trouble letting it go.

Harris, of the Homebuilders Association, saw it as a fear-of-the-unknown phenomenon: “people have comfort with what they know. Even though they don’t like something at least they have expectation for what they have to do, so they can plan accordingly. So there’s that fear factor that comes in when they have new variables to deal with” [S. Harris, personal communication, 2/25/14].

Similarly, Darges noted that some in the Planning Department struggled with the new Code. During the lead-up to implementation, the Department instituted a public hotline for people to get UDO questions answered; however, Darges recalled that oftentimes staff manning the hotline would pass the message on to one of the core team members immediately instead of trying to answer it themselves. Eventually, Darges and Crane had to “be like parents, telling [staff members] to quit telling people to come to us, answer the questions yourself” [C. Darges, personal communication, 2/20/14].
This confusion among Staff is understandable in light of a few reasons mentioned by Darges. For one thing, the Staff has had to operate under two codes since September 1st. Although the UDO went into effect for residential districts and certain other chapters, the Part 10 Code continues to operate for many of the old districts which haven’t yet been phased out. In addition, there are some instances of similar terms being used between the codes, but they have different definitions. This has caused some consternation with Staff who have had to juggle back-and-forth between the Codes and it will continue to confuse until Part 10 is fully retired when re-mapping is complete. As of February, 2014 Staff confusion is becoming less commonplace but in the months prior to and after implementation, it was widespread [C. Darges, personal communication, 2/20/14].

2014 – IMPLEMENTATION AND RE-MAPPING EFFORT

Although there were a lot of development approval applications before the UDO’s implementation took effect (with developers rushing to get projects approved under the old Code), it has been relatively quiet since that time. This has given Staff and developers much-needed time to better acquaint themselves with the intricacies of the Code. It has also allowed a select group of Staff to concentrate on their task of re-mapping all the old Code’s legacy districts into new UDO designations.

The fact that re-mapping is underway now after the UDO’s text was adopted was a significant source of disagreement among major stakeholders. Early on in the process, the Planning Department had begun to draft an initial in-house map with new UDO designations in anticipation that they would adopt the UDO and the map concurrently; however, they soon decided to separate the two and table the mapping effort. The reason for this, as Crane explained, was to ensure that a solid text framework is in place prior to the mapping effort. This was to make certain that the UDOs framework was set so that the mappers knew the exact repercussions of their decisions. He described the alternative as having “shifting sands below their feet” which would cause a lot of uncertainty and make mapping much more difficult [T. Crane, personal communication, 1/15/14].
As a result of this decision, the Department only took up the project again in late-Summer 2014. That project, led by Crane and Bowers, now has five small teams choosing appropriate UDO designations for each property that currently has a discontinued Part 10-zone and must be re-zoned to a new district. This re-zoning of a third of the City will take place according to the same process used to create the Future Land Use Map of the Comprehensive Plan.

Staff will decide on initial individual designations by taking into consideration a property’s current use and zone, as well as guidance from the Comprehensive Plan. After they have completed a draft map, the City will send a mass mailing to every Raleigh resident to get feedback during a 4-6 month review period. Then they will revise it accordingly and pass it on to the Planning Commission for entry into the official process. Similar to the UDO text adoption process, the Planning Commission will take up the proposed map, hold public hearings on it, and then give recommendations to City Council. The Council will then hold their own public meetings and make final decisions about the re-zoning designation given to each property. This process is likely to be both contentious and lengthy with Planning officials estimating it to take at least 1 ½ years.

While the City had hoped to introduce a draft map to the public by December 2013, the release date has been pushed back. The Department is now hoping to have a map for public release by April, 2014.
STAKEHOLDER REACTIONS TO PROCESS

Researching this case, I gained an understanding that although the major stakeholders agreed that the UDO is an improvement over the previous codes, they had varying levels of satisfaction with it and different perspectives on the process. Those differing viewpoints will be discussed here before moving into an in-depth discussion of the Code.

THE PLANNING DEPARTMENT

Of all the stakeholders interviewed, the Planning Department seemed to be most pleased with the process and the final product. They set out to make a Code which was more contextually-based, customizable, and predictable and they were successful in doing that. They were also successful in getting most of what they wanted into the Code. Out of the approximately 100 Comprehensive Plan action items that explicitly said “put this in the Code,” they were able to fulfill approximately 63 of those directives [T. Crane, personal communication, 1/15/14].

In addition, some of the Code’s main elements – including a lack of density caps in mixed use areas and the residential infill compatibility standards – are very innovative for Raleigh. Crane expressed some surprise that the City was willing to abandon density maximums in some areas considering the emphasis placed on density in Raleigh in past development decisions [T. Crane, personal communication, 1/15/14]. Finally, the Department also saw a benefit in the Code-creation process of being able to break out of a traditional adversarial relationship with the development community. Through training workshops and stakeholder meetings, they were able to pursue a more positive, cooperative relationship with the development community in an informal setting.

That being said, the City did have some disappointments. Specifically, there was significant “regret” over the removal of ADUs from the UDO. However, while disappointed, Darges was able to put a positive spin on the loss, positing that the City simply wasn’t ready for ADUs and that if allowed they would have been under great scrutiny that could be unnecessarily distracting [C. Darges, personal communication, 2/20/14].
THE DEVELOPMENT INDUSTRY

The development industry was largely united under the Technical Review Group (TRG), a confederation of developers, engineers, land use lawyers, and planners. The group came together near the end of the comprehensive planning process and then was revived to give input on Code Studio’s Diagnostic and Approach Report. From that time till the UDO adoption, they met regularly to discuss, draft comments, and make their opinions known to Staff and City officials.

Although they obviously had a wide variety of opinions, Mack Paul (one of the group’s founders and a primary leader) believed they were generally satisfied with the final document. As previously mentioned, development in Raleigh, especially downtown, was fraught by controversy and often at the whim of elected officials; so most developers were pleased to transition to a more predictable by-right regime that less commonly involved legislative decisions.

In addition, Paul found the Planning Department to be “cooperative” and “receptive” to feedback, positing that “they [the City] did not want [industry] to be an impediment.” However, at the same time he also remembers many times when the group “would submit fairly comprehensive comments and the draft would come out and not one thing would be included” [M. Paul, personal communication, 2/7/14].

Still, on most of the major issues Paul found that the City was willing to work with the group. He specifically cited the Urban Design Guidelines, which require development in certain areas to have appropriate “urban” contextual elements such as ground-level windows and wide sidewalks. The development community was concerned that the Urban Design Guidelines would be applied to retail projects in suburban areas where they would be expensive (and he considered unnecessary) for developers. He was pleased that Staff addressed their concerns by creating an Urban Form Map that constrained the potential locations affected by the guidelines. Paul stated that, “that was very important to the development community… and was a major deal for [developers]” [M. Paul, personal communication, 2/7/14].

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8 He does remember that later in the process, Darges came out with a list of all the submitted comments and replied to each one, which was appreciated.
Finally, the development community did have some qualms with the official process in front of City Council. Because of the breadth of the document, the number of changes proposed, and the amount of attention City Council could devote to the project, the development community had to constrain the number of issues to make a stand on. During the official feedback sessions with Council, they would often narrow down their concerns to a “top 10” or “top 4” list, so that those concerns would hold more weight [M. Paul, personal communication, 2/7/14].

Since they couldn’t fight on all fronts, this allowed many smaller issues to slip through, thereby giving a large amount of uncontested power to the Code’s writers. In Paul’s opinion, the Planning Department’s sway with Council was compounded during the omnibus cleanup period in the summer of 2013. In his view, City Staff gained “supreme leverage” during that time because Council had generally “become tired of [the UDO]” and wanted to just get it over with before upcoming elections. So they “rejected pretty much doing anything unless Staff suggested it” [M. Paul, personal communication, 2/7/14].

**HOMEBUILDERS ASSOCIATION**

Although the home builders were a part of the TRG and share many common views with the rest of the development community, they also have some notable differences. The home builders by-and-large are more suburban-based than the average developer and they mostly specialize in a product – single-family homes – which the Planning Department is trying to move Raleigh away from. Whereas the UDO makes projects easier for many developers, it seems to be a more mixed-bag for the home builders.

Suzanne Harris, of Wake Homebuilders Association, felt that Staff and City officials “were very willing to listen” but that their receptiveness did not yield favorable actions as much as the Homebuilders would have preferred. While Harris attested that the document was better than its predecessor, she was dissatisfied with a few things in the final document. First, from an overall standpoint she disagreed with the increased regulations put on builders, especially from a form-based perspective. She questioned the need to put “mandates on all builders because of a few bad
apples;” instead, preferring to let the housing market determine what should and shouldn’t be built.

In particular, she was unhappy with a few elements, which she believed would raise the cost of doing business for home builders. She disagreed with the residential infill standards, which though somewhat softened in the final document, still result in significantly increased regulation of homes built in established neighborhoods. In addition, she argued against a surety requirement, which mandates that developers post a bond to the City prior to starting a project to ensure there are necessary funds to complete the project’s infrastructure. She felt that those increased costs would hasten the arrival of deep-pocketed regional and national builders and drive the smaller builders out of the area. [S. Harris, personal communication, 2/25/14].

Finally, Harris mentioned an easily overlooked factor that affected the process. The bulk of the UDO-creation occurred during the largest housing crash in decades. In her view of the situation, this tangibly affected the Homebuilders ability to marshal their resources and lobby effectively against parts of the UDO that they didn’t like. Harris recalled that:

“So many of [the homebuilders] had laid off the majority of their workforce… So they didn’t have the time [to engage in the process]… whereas in the past, [the Association] has leaned on our builders and developers and asked them to have their engineers look at an old project and see how this new ordinance might affect things… we just couldn’t do that. They didn’t have the ability to do that sort of stuff”

[S. Harris, personal communication, 2/25/14].

This decreased the home builders’ effect on the process and gave increased leverage to other stakeholders, such as the Planning Department, which were less affected by the downturn.

PUBLIC GROUPS

Finally, though the general public did not engage in the process as much as other stakeholders, some of their interests were represented by WakeUp Wake County, a non-profit smart-growth oriented group. That group gave feedback during the public comment process and was often
present in official input sessions. According to Karen Rindge, the group’s Executive Director, WakeUp was happy with the overall process and the final document. Like other groups she found the Planning Commission to be very thorough and thoughtful, and unlike some other groups was mostly happy with the City Council’s performance. Rindge notes that she was somewhat disappointed that more of the public didn’t participate in the process (beyond the ADU controversy), but realized that the subject matter was difficult to comprehend and that there was some burnout after the comprehensive planning process [K. Rindge, personal communication, 3/21/14].

Rindge’s complaints largely centered on things that weren’t discussed during the process. Particularly, she was disappointed in the ambiguity of the proposed transit overlay districts. Since no areas have been officially mapped out yet, the TOD rules do not yet apply anywhere. This means that the areas that are currently considered for TOD could develop in a low-density manner that would spoil them for transit in the future. In addition, she was disappointed that stormwater regulations were largely left untouched in the document. She spoke with the Planning Department about incorporating more green infrastructure mechanisms into the regulations, but was told that the City was waiting until later to have that conversation [K. Rindge, personal communication, 3/21/14].
IN-DEPTH ANALYSIS OF NEW CODE

Since passage of the UDO in February, many Raleigh residents have puzzled over the 458-page document to figure out how it is different from the previous Codes and how that will affect development in the City. This section is a primer for those people, outlining the framework of the new Code and discussing major elements and how they are expected to affect development.

GENERAL FRAMEWORK OF THE CODE

The UDO consists of the following twelve chapters and elements, which contain the City’s zoning, subdivision, administrative, and building and housing code standards. Most of those elements have been significantly revised from the Part 10 Codes. According to Bowers, prior to the project the City planned to only make changes to the zoning and subdivision codes and largely leave the administrative section alone. However, based on advice from the consultants, they expanded the original scope of the project [K. Bowers, personal communication, 1/15/14].

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ZONING IN THE CODE

Unlike the old Codes which mainly relied on strict Euclidean zoning, the new UDO institutes a hybrid form-based zoning regime. In practice, this means that it melds Euclidean zones which proscribe uses and intensities with form-based regulations. The form regulations that apply to a property are in-turn determined through the constructed building type (each base district has certain allowable types), height, and frontage requirements. Some of the form elements that are now regulated include the building’s relationship with the street, fenestration (windows), a building’s exterior walls, and the building add-ons (such as a porch or stoop).

Although some of the zones from the previous Code have transitioned over to the UDO, others have been discontinued and will be replaced by newly created zones or folded into pre-existing ones. As can be seen on the following page adapted from Planning Department materials, the districts that will transition from the old to new Code are largely residential, agricultural, and conservation, whereas the remainder of the districts will be discontinued and replaced with new designations as part of the re-mapping process.

9 Anything starting with “R” indicates residential with the number after it indicating how many dwelling units per acre can be built in that zone. For example, R-2 indicates that 2 units per acre is allowable.
<table>
<thead>
<tr>
<th>Current District(s)</th>
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<tr>
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<td>R-2</td>
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<td>R-4</td>
<td>R-4</td>
</tr>
<tr>
<td>R-6; Special R-6 (SpR-6)</td>
<td>R-6</td>
</tr>
<tr>
<td>R-6 (developed for townhouse or multifamily)</td>
<td>R-6 or R-10</td>
</tr>
<tr>
<td>R-10</td>
<td>R-10</td>
</tr>
<tr>
<td>R-15, R-20, R-30</td>
<td>RX (Residential Mixed Use)</td>
</tr>
<tr>
<td>Special R-30 (SpR-30)</td>
<td>R-10 or RX w/ Neighborhood Conservation Overlay District</td>
</tr>
<tr>
<td><strong>Districts Transitioning to Mixed Use</strong></td>
<td></td>
</tr>
<tr>
<td>Residential Business (RB)</td>
<td>R-10, Office Mixed Use (OX), Neighborhood Mixed Use (NX)</td>
</tr>
<tr>
<td>Office and Institutional (O&amp;I-1)</td>
<td>OX, RX, OP, Campus</td>
</tr>
<tr>
<td>Office and Institutional (O&amp;I-2)</td>
<td>OX, RX, OP, Campus</td>
</tr>
<tr>
<td>Office and Institutional (O&amp;I-3)</td>
<td>OX</td>
</tr>
<tr>
<td>Buffer Commercial (BC)</td>
<td>R-10, OX, NX</td>
</tr>
<tr>
<td>Shopping Center (SC)</td>
<td>NX, Commercial Mixed Use (CX)</td>
</tr>
<tr>
<td>Neighborhood Business (NB)</td>
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</tr>
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<td>Thorough Fare District (TD)</td>
<td>RX, CX, IX, OX w/ -PK frontage on thoroughfares</td>
</tr>
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<td>Industrial-1 (I-1)</td>
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<td>Industrial-2 (I-2)</td>
<td>CX, IX, OP, IH</td>
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<tr>
<td><strong>Other Districts</strong></td>
<td></td>
</tr>
<tr>
<td>Conservation Management (CM)</td>
<td>Conservation Management (CM)</td>
</tr>
<tr>
<td>Agriculture Productive (AP)</td>
<td>Agriculture Productive (AP)</td>
</tr>
</tbody>
</table>
MAJOR CODE ELEMENTS

Residential Districts

By and large, the new Code retains the low to medium-density residential districts according to their old designations while shrinking their minimum allowable lot sizes. This change is meant to allow slightly more density within those districts, but still maintain their overall character. The exceptions to this are that rural residential (RR) will be folded into R-1 (one unit per acre) and special R6 will be folded into R-6 (6 units to an acre).

In addition, another change to the low to medium-density residential districts is the disallowance of townhouses in the R-6 district. This change, which was vigorously opposed by the home building community, was made because the City believed that townhouses were not entirely compatible with some of the neighborhoods covered by R-6. However, a new permutation of housing – the Cottage Court – is now allowed in R-6, R-10, and Mixed Use districts. This housing type allows for dense development by clustering a group of small houses around a common open space.

Contrary to the lower-density districts, the designations for high-density residential districts – R-15, R-20, R-30, Special R-30 – will be consolidated into one new residential Mixed Use category (RX). This category, like other Mixed Use designations in the Code will be subject to a frontage and height limit requirement, but will have no density cap.

Furthermore, significant regulations were instituted on development in or near established residential neighborhoods. These changes take the form of residential infill compatibility standards and neighborhood transition regulations. They were made at the behest of neighborhood groups concerned that incompatible development was eroding neighborhood character.

The infill compatibility standards apply to any new development in an R-4, R-6, or R-10 district in which the property meets three requirements: 1) “Total site area is 5 acres or less;” 2) “At least
50% of the side and rear property lines abut existing detached or attached building types;” and 3) “The lot must have been recorded for at least 20 years” [p. 38]. When all these conditions apply, then the infill standards regulate the street setback of the building, the height, and the side wall length so that all three elements are in better accordance with surrounding development.

As for the neighborhood transition standards, they regulate a required buffer area for any Mixed Use or Campus districts that abut an R-1, R-2, R-4, R-6, or R-10 district. The standards require the affected property to have a three-tiered transition zone made up of: 1) A protective yard immediately abutting the adjacent property (Zone A) which has vegetative landscaping and a wall or fence to buffer the property; 2) A “Use Restricted” area (Zone B) which can only contain certain permitted activities such as a “garden,” “outdoor dining,” “surface parking lot,” or other activities; and 3) A zone (Zone C), which allows “all structures and uses allowed in the zoning district,” but regulates the height of those structures relative to the boundary line and their wall articulation [pg. 81-84].

Not surprisingly, most developers and homebuilders disliked these new regulations. Harris regarded the infill standards as a big “part of the UDO that [she] wasn’t ultimately satisfied with,” saying that they “were too restrictive” [S. Harris, personal communication, 2/25/14]. However, she did note that the Association was ultimately happier with the language that went into the document compared to the original proposed language, which would have considered a greater percentage of development to be infill. Bowers corroborated this, saying that “the City had never had any design standards at all for single-family dwellings, so when we introduced some design standards as part of Code those were subject to a lot of scrutiny. And they ended up getting either removed or softened from original language” [K. Bowers, personal communication, 1/15/14].
Finally, some form requirements were also added to how residentially-zoned buildings could be constructed. One of the more controversial elements in that respect was the residential garage standards, which were decided during the post-adoption omnibus process. Those standards are intended to “minimize the visual impact of street-facing garage doors” and they set standards by which the garage door cannot take up more than a certain proportion of the front of the house unless the garage is “entirely to the rear of the house” or alley-loaded [UDO, pgs. 25-26]. The Homebuilders Association have fought these provisions intensely as well and Bowers believes that the NC General Assembly “will probably invalidate what’s left of [those] standards” [K. Bowers, personal communication, 1/15/14].

Non-Residential Categories

Although there are a few conventional districts such as Conservation Management and Agricultural Productive in the new Code, most of the new non-residential districts are Mixed Use. This plethora of Mixed Use districts is one of the most significant changes in the new Codes and also one of the more difficult changes to understand. That is because these zones, as opposed to the ‘residential’ and ‘other’ districts will be zoned with context-sensitive frontages and height limits depending on the desired character and use-intensity of the property and neighborhood. These additional elements tagged onto the base zone allow for greater customization. In total, there are approximately 230 different permutations that can be created with this scheme. The UDO graphic below shows how the base designation, height, and frontage can be combined to achieve a customized Mixed Use zone [pg. 61].

<table>
<thead>
<tr>
<th>Use and Base Dimensions</th>
<th>Height</th>
<th>Frontage</th>
<th>Examples</th>
</tr>
</thead>
<tbody>
<tr>
<td>RX = Residential Mixed Use</td>
<td>3 = 3 stories max</td>
<td>PK = Parkway</td>
<td>RX-3: Residential Mixed Use, up to 3 stories, no frontage required</td>
</tr>
<tr>
<td>OP = Office Park</td>
<td>4 = 4 stories max</td>
<td>DE = Detached</td>
<td>OX-5: Office mixed use, up to 5 stories, shopfront frontage required</td>
</tr>
<tr>
<td>NX = Neighborhood Mixed Use</td>
<td>5 = 5 stories max</td>
<td>PL = Parking Limited</td>
<td></td>
</tr>
<tr>
<td>CX = Commercial Mixed Use</td>
<td>7 = 7 stories max</td>
<td>GR = Green</td>
<td></td>
</tr>
<tr>
<td>DX = Downtown Mixed Use</td>
<td>12 = 12 stories max</td>
<td>UL = Urban Limited</td>
<td></td>
</tr>
<tr>
<td>IX = Industrial Mixed Use</td>
<td>20 = 20 stories max</td>
<td>UG = Urban General</td>
<td></td>
</tr>
<tr>
<td></td>
<td>40 = 40 stories max</td>
<td>SH = Shopfront</td>
<td></td>
</tr>
</tbody>
</table>

[UDO, pgs. 25-26]
The frontages affect a property’s relationship with the street and they “place different requirements from the base dimensional standards” for a given zone. There are seven different frontages as seen in the graphic below [pg. 72].

In addition to the frontages, each Mixed Use district is also given one of seven height classes (seen in adjacent graphic), which regulates the maximum height a building can be built [pg. 70]. So for example, a property zoned as DX-20 would permit a building that is 20 stories and a maximum of 250 feet high. Certain zones, such as Downtown Mixed Use (DX) will be allowed higher maximum heights, whereas other districts such as Neighborhood Mixed Use (NX) will have lower maximums to fit into their intended surroundings.
Finally, although these frontage and height requirements do impose additional automatic constraints on developers, they do receive a major perk in that Mixed Use categories will have no density limits. Instead, according to Planning Department officials, a density will naturally be “backed into” based on the height limit and impacts (traffic, stormwater, and others) that constrain it. This was an aspect of the Code that some in the Planning Department (and most people outside of it) had difficulty comprehending. When the consultants first proposed the idea to Crane, he “thought it was too radical for the City,” but he was brought on-board by their rationale [T. Crane, personal communication, 1/15/14]. Code Studio’s explanation, which rang true with the developers interviewed, was that focusing on density confounds the development process because people get focused on a number when what really matters are the impacts. As a result, for future Mixed Use projects the Department will do their own modeling to determine impacts and then base project permissions on those figures.

**Urban Form**

As mentioned previously, there are a few different factors that determine what form regulations apply to a property. The primary determinant is the type of building that is constructed. Only certain buildings are allowed in each district, with more building types being allowed in Mixed Use districts (as seen in the graphic below) and very few types being allowed in low-density residential and special districts [pg. 13]. Among the important elements that a building type determines are the lot dimensions, the building and parking setbacks, the ground and upper-story fenestration (percentage window requirements), the maximum exterior blank wall area, and allowed building elements. Mixed Use buildings have the strictest form requirements (for example a requirement that 66% of the ground-story of DX Mixed Use buildings be windows), whereas detached and attached housing types have more relaxed form standards.
Any property that is zoned with an Urban Frontage, which include the Green, Urban, Urban Limited, Urban General and Shopfront categories have additional requirements on them to ensure pedestrian-friendly form. Among the additional requirements are that they have a “primary street-facing entrance,” the building must be located within a certain distance of the primary street, and they are subject to specific Streetscape Requirements (discussed below).

In addition, only certain building types are allowed on properties with urban frontages. For example, a property with a Shopfront frontage would only be able to build a Mixed Use or Civic building. Since a Mixed Use building has strict transparency and exterior wall form requirements, properties with Shopfront frontages are forced to abide by those standards. Additional height requirements also apply to zones with urban frontages and no building under two stories can be built in one of those zones.

These added standards, particularly in terms of restrictions on parking areas and sidewalks, were opposed by developers. According to Paul, they were worried that urban frontages would be applied to suburban areas where the transparency and build-to requirements would be unnecessarily onerous and would counter their car-centric business model. As a result of their
protestations, the Planning Department created and adopted into the 2030 Comprehensive Plan an Urban Form map (see Appendix). This map defines (and thus constrains) those areas where growth and intense urbanization are expected and thus eases the minds of developers that Urban Frontages could be applied widespread throughout the City. Paul stated that this was “very important to the development community” [M. Paul, personal communication, 2/7/14].

**Parking Requirements**

Raleigh’s parking regime has also changed as a result of the UDO. Some of the parking requirements have increased, whereas others have decreased or become more flexible. Overall, multi-family and institutional parking requirements have increased, while minimum requirements for commercial have been slightly reduced, especially for the Downtown District (DX) and areas in which an Urban Frontage applies. Downtown Districts are exempted from providing parking for ground floor retail and requirements for residential parking in the DX district have also been lowered. In addition, areas that fall under the Transit Overlay District (TOD) also have decreased parking requirements because it is thought that the presence of nearby mass transit will reduce automobile demand. For the most part, TOD parking requirements are similar to or slightly lower than for downtown areas.

**Street Design**

Unanimously, members of the Planning Department agreed during interviews that new street standards were among the most consequential changes in the UDO. Changes to streets in the document involved the adoption of a new street typology, block perimeter standards, cross-section requirements, and a rule that disallows the development of private streets in the future.
In adopting a new street typology the UDO scrapped the old roadway functional classification system, which designated roadways as either arterials, thoroughfares, or collectors. In its place, it implemented a typology that had six major categories, each of which contains multiple subcategories. These categories are: sensitive area streets (for environmentally sensitive areas), local streets (for residential areas), mixed use streets (for areas with ground floor commercial uses), major streets (major commuting roads with some access to adjacent land uses), industrial and service streets (low volume streets for industrial and commercial activities), and limited access highways (regional commuting roadways serving high volumes). This greater amount of street types and sub-types will allow the City to better contextualize their regulations so that streets appropriately fit into the surrounding urban form.

In addition, the UDO also has different streetscape types that are determined by the zoning district or the designated frontage. These streetscape types regulate the walkway, tree spacing, and planting type as seen in the example below. Importantly, these changes mandate larger sidewalks (the minimum width will be six feet), which are meant to make the City more walkable. The requirements for a mainstreet frontage are seen here [p. 252].

Finally, the block perimeter and connectivity requirements are one of the least heralded, but most important parts of the Code. Of those elements, Bowers said, “I’d be willing to give up a lot of things in the UDO before giving up the block standards” [K. Bowers, personal communication, 1/15/14]. The block perimeter standards apply to all new development and they establish the maximum block perimeter and maximum length for a dead-end street by zoning district. As an example, an area zoned R-10 cannot have a block perimeter, defined as “the perimeter around the edge of the property adjoining the right of way,” of more than 2,500 feet [pg. 228].
addition, that R-10 property cannot have a dead-end street (cul-de-sac) that exceeds 300 feet. Essentially, by these standards the long cul-de-sacs and the large lot stores that define suburban Raleigh are no longer possible by the strict definition of the Codes.

**Administrative Actions**

The administrative part of Raleigh’s Codes has changed radically in the new UDO. Whereas the Part 10 Codes were a morass of obstacles, public-hearing triggers, and reviews by elected bodies, the new Codes facilitate an easier process. This is done by streamlining approvals and entitling landowners to develop under their zoning as opposed to putting them at the whim of elected officials. The decision-making hierarchy for approvals is seen in the table below [pg. 329].

The following table summarizes the review and approval authority of the various review bodies with regard to this UDO.

<table>
<thead>
<tr>
<th>APPROVAL PROCESS</th>
<th>ADMINISTRATION</th>
<th>REVIEW BODIES</th>
<th>PUBLIC NOTICE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Comprehensive Plan Amendment</td>
<td>Sec. 10.2.2.</td>
<td>RR</td>
<td>Y</td>
</tr>
<tr>
<td>Text Amendment to UDO</td>
<td>Sec. 10.2.3.</td>
<td>RR</td>
<td>D-PH</td>
</tr>
<tr>
<td>Rezoning Map Amendment</td>
<td>Sec. 10.2.4.</td>
<td>R(1)</td>
<td>Y(1)</td>
</tr>
<tr>
<td>Subdivision Review</td>
<td>Sec. 10.2.5.</td>
<td>D</td>
<td>R(1)</td>
</tr>
<tr>
<td>Final Subdivision Plan</td>
<td>D</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Subdivision Waiver</td>
<td>R</td>
<td>D-QH</td>
<td>Y</td>
</tr>
<tr>
<td>Subdivisions in an MPUD (other than single-unit living)</td>
<td>R</td>
<td>D-QH</td>
<td>Y</td>
</tr>
<tr>
<td>Subdivisions in a HDO-6 or HDO-5 or properties with Historic Landmarks</td>
<td>R</td>
<td>D-QH</td>
<td>Y</td>
</tr>
<tr>
<td>Other Map Approvals</td>
<td>D</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Non-Subdivision Final Plat and Recorded Instruments</td>
<td>Sec. 10.2.6.</td>
<td>D</td>
<td></td>
</tr>
<tr>
<td>Plot Plan Review</td>
<td>Sec. 10.2.7.</td>
<td>D</td>
<td>A-QH</td>
</tr>
<tr>
<td>Site Plan Review</td>
<td>Sec. 10.2.8.</td>
<td>D</td>
<td></td>
</tr>
<tr>
<td>Special Use Permit</td>
<td>Sec. 10.2.9.</td>
<td>R</td>
<td>D-QH</td>
</tr>
<tr>
<td>Variance</td>
<td>Sec. 10.2.10.</td>
<td>R</td>
<td>D-QH</td>
</tr>
<tr>
<td>Common Signage Plan</td>
<td>Sec. 10.2.12.</td>
<td>D</td>
<td>A-QH</td>
</tr>
<tr>
<td>Temporary Use Permit</td>
<td>Sec. 10.2.13.</td>
<td>D</td>
<td>A-QH</td>
</tr>
<tr>
<td>Written Interpretation of UDO</td>
<td>Sec. 10.2.14.</td>
<td>D</td>
<td>A-QH</td>
</tr>
<tr>
<td>Certificate of Appropriateness</td>
<td>Sec. 10.2.15.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Minor</td>
<td>D</td>
<td>A-QH</td>
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</tr>
<tr>
<td>Major</td>
<td>R</td>
<td>D-QH</td>
<td>A-QH</td>
</tr>
<tr>
<td>Historic Landmark Designation</td>
<td>Sec. 10.2.16.</td>
<td>R</td>
<td>R(1)</td>
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<tr>
<td>Administrative Alternative</td>
<td>Sec. 10.2.17.</td>
<td>D</td>
<td>RR(1) A-QH</td>
</tr>
<tr>
<td>Design Adjustment</td>
<td>Sec. 10.2.18.</td>
<td>D</td>
<td>A-QH</td>
</tr>
<tr>
<td>Vested Rights</td>
<td>Sec. 10.2.19.</td>
<td>R</td>
<td>D-QH</td>
</tr>
</tbody>
</table>

**KEY**

- R = Review
- RR = Review & Recommendation
- D = Final Decision
- A = Appeal
- PH = Public Hearing
- QH = Quasi-Judicial Public Hearing

- **(1)** Historic Development Commission reviews applications in HDO-6, HDO-5 or properties with Historic Landmarks.
- **(2)** Staff to provide mailed notice to non-applicant property owners of proposed future land use map alterations in accordance with Comprehensive Plan.
- **(3)** Published notice is only required for the Public Hearing.
- **(4)** Appearance Commission review as specified in this UDO.
- **(5)** Site posting and mailed notice provided only for written interpretations associated with a specific site plan or subdivision.
Site Plan Review

Changes to the site plan review process have been extensive. By far, the UDO’s most important administrative change is the elimination of the twenty-two trigger clauses that required Planning Commission or City Council approval for a site plan review. From now on, all site plan approvals will be handled administratively by the Planning Department.

In addition, there are two more changes to the process which are meant to streamline it. In the old Code, developers had to get their site, construction drawing, and building plan reviews approved one-at-a-time, but under the new UDO they can be done simultaneously. In addition, obtaining an alternate for a site plan or street cross section has largely been made easier through the inclusion of an administrative alternates process. For site plans, this process allows a developer to deviate from certain design-based regulations by presenting a plausible substitute design to the Appearance Commission. The Commission then considers the matter, makes a recommendation to the Planning Director, and the Director then decides whether or not to approve the alternate. These alternates can be used to propose different designs on residential garages, building massing, pedestrian access, and a handful of other regulations.

According to Paul, these were welcome changes for developers because they will make the process more clear and predictable. However, he did mention the “trade-off” being “that it’s going to invest a tremendous amount of authority in the Planning Director… and you’ll never know who that person’s going to be. So you can’t rely on your other levers that you’ve used in the past – to go to elected officials… It’s taken away your ability to do that” [M. Paul, personal communication, 2/7/14].

Property Re-Zoning Process

The UDO also makes significant changes to the re-zoning process, which is outlined in the graphic below [pg. 339]. The first change is the timing when zoning applications can be submitted. Under the previous regime there were only four specific windows annually when this
could be done, but under the new structure zoning cases can be submitted any time. Then, upon Staff review of the re-zoning request and approval of all technical documents such as the various impact analyses, Staff is required to pass it on to the Planning Commission within 45 days. The Planning Commission will provide a recommendation on the matter to the City Council, who must then have a public hearing date within 60 days and make a ruling on whether or not to approve the re-zoning request.

In addition, public participation in the process has been enhanced in a few ways. As with the old process, re-zoning applicants are required to notify all residents within 100 feet of their property and hold a neighborhood meeting to discuss their re-zoning application. However, the new Code then adds an additional notification to those landowners prior to the Planning Commission meeting by sending another mailing to them and posting a sign on the re-zoning applicant’s property that contains meeting details.

Finally, whereas under the old Code the public hearing in front of City Council was at the front-end of the process, it is now the last step. According to Crane, the City hopes that this set-up will ensure that “the public hearing will be very meaningful” because it will be preceded by neighborhood and Planning Commission meetings and thus will have time to mature [T. Crane Presentation to CAC, 5/16/2013].

**Miscellaneous Administrative Changes**

Finally, there are a few miscellaneous administrative changes that are worth mentioning. First, the UDO now requires a “surety” from a developer upon the commencement of a project. Briefly, a surety is a bond that is held aside in a bank and is worth a certain percentage of a project’s cost. If the project fails, then this bond is given over to the City for them to finish the development’s public improvements. This was described as a common-sense, much-needed
mechanism by Raleigh Planning officials that is vital to the City’s interests, especially in lieu of projects that went bankrupt and abandoned during the recent housing downturn. In Raleigh, developers must now post surety “in an amount of 125% of the estimated construction cost of the development-related improvements” [pg. 223]. This is not an uncommon regulatory tool in North Carolina and the developers interviewed seemed to understand the reasons for the surety even if they weren’t happy about it.
DISCUSSION

As should be quite obvious by now, the lead-up to and writing of Raleigh’s new development Codes was an enormous undertaking. This is befitting of a document that will likely be used for decades to come and will guide Raleigh’s development as it transitions from a mid-size state capital into a modern metropolis. In order to better understand and learn from this project, the remainder of this paper will be used to discuss some of the take-away lessons learned, as well as the obstacles still ahead.

TRANSITIONAL STATES ALLOWED THE PLANNING DEPARTMENT TO GAIN MORE POWER IN THE PROCESS

Although all of the stakeholders claimed to be pleased with the UDO and agreed that it is an improvement over the Part 10 Code, some groups got more of what they wanted than others. In particular, the Planning Department came out ahead in a few key areas. This was evident comparing interviews between stakeholders; whereas the Planning Department largely talked about elements that they were pleased with, the developer talked about the pros and cons relatively equally and the homebuilder representative spent more time talking about the negative aspects of the Code. The smart-growth advocate from WakeUp Wake County seemed to share a similar enthusiasm for the new UDO as the Planning Department officials, which further confirms this narrative.

The evidence of the City’s success is seen in the laundry-list of modern development management tools they successfully incorporated into the document. Among the new regulatory tools at-hand are: mixed use designations, connectivity standards, infill and neighborhood transition standards, and changes to the administrative process. Although they were bound to make some gains over the previous code, the City was able to capitalize on changing political, economic, and development trends to make particularly big gains.

As mentioned previously, demographic and associated changes in the last few decades have altered Raleigh’s political power dynamics. Whereas the City’s politics could be defined as
business-oriented Republican-lite through the 1990s, it is increasingly becoming dominated by more liberally-minded technocratic Democrats. This changing political dynamic is seen in the rise of current Mayor Nancy McFarlane, who defeated pro-business Republican Tommy Craven in 2007. Craven, like notable Councilors Neal Hunt and Tom Fetzer before him, is an ally of the development community and was cited by Mack Paul as being the originator of the idea for the Technical Review Group. Therefore, his defeat left the development industry without a strong, natural ally on the Council during the coding process.

Fortunately for the development community their general aims did not differ too much from those advocated by the City, so a strong ally wasn’t absolutely necessary. This is because increasingly the market has demanded mixed-use, dense downtown units as opposed to suburban building. This shift is in sync with ideas favored by planners who advocate for dense, urban building as a more efficient use of government infrastructure and a guard against increased environmental damage and congestion. This similarity of interests would not have been true as little as ten or twenty years ago and thus, the overhaul of the codes in recent years was more favorable to the planning community than it would have been 10-20 years ago.

One last element gave the City additional power in successfully implementing their desired regulations and that was their role in writing the Code itself. The act of writing the regulations allowed the City to define the terms of the debate during the push-and-pull of the negotiation stage. In addition, the sheer breadth of the Code (over 400 pages) meant that other stakeholders could not possibly fight every single regulation and standard, thereby giving the City (and the consultants) power through small details and regulations. Paul mentioned that the TRG had vigorous internal debates on whether to fight for certain issues (for example separating the mapping and text writing portions of the process), but ultimately had to decide to stand-down on certain issues [M. Paul, personal communication, 2/7/14].

**Prepare for a Contentious Re-Mapping Process**

However, there is no time for stakeholders to take a step-back and celebrate their accomplishments because the process is not over yet. Although the Code has been written and
adopted, the next two years of the re-mapping process are likely to be particularly contentious. It is both a huge opportunity and a big risk.

The opportunity in terms of the re-mapping process is obvious: the City will be re-zoning almost a third of properties and can make significant strides towards syncing up the zoning map with the Future Land Use Map (the City’s long-term planning goal). However, there are two potential downsides in the re-zoning process. The first is that Raleigh residents, who have historically taken an aggressive posture in regards to changes to their neighborhoods, will come out in force and strongly oppose the City’s draft map. This scenario could convince City Council to dodge tough decisions and instead decide to re-zone cautiously and conservatively, essentially maintaining the status quo. This would result in a re-zoned map that does not make significant progress towards the goals in the FLUM.

However, while this is a bad outcome, the flip-side to this would also be detrimental to the City. In that scenario, Raleigh residents settle into the passive stance they maintained throughout much of the UDO process and leave the re-zoning to the development elite. This could spur the City to go too far in re-zoning according to the FLUM by promoting higher-density, more intense zonings than the City can accommodate. If the re-zoning map isn’t calibrated correctly and developers and the City are allowed free rein, then development could occur in places where it is currently incompatible. This scenario would engender bitterness towards the Planning Department and developers that could harm the City’s interests.

Of these two scenarios, the first one is much more likely. Raleigh residents have shown many times in the past, including during public feedback for the FLUM, that they will vigorously fight for what they want in the planning process. Because of this reputation, Planning officials will have to practice both fortitude and empathy with a public that will probably be very anxious about the task at-hand. This was the take-away from a panel of Denver experts who had gone through a similar re-mapping process in 2010. In a write-up of that panel by Phil Poe of The Raleigh Chamber of Commerce, one of the main pieces of advice given by the panelists was that:
“A lot of what you will be dealing with is fear. The most important things to remember in adoption are (1) really listening and (2) having patience. In Denver, mapping the districts was the place for Councilors to engage and not back away. Be able to explain why having a code that is less complicated and less time-consuming is better for neighborhoods.”

In addition, during that panel Peter Park, the former Denver Planning Director, advocated for Raleigh to “make sure that you develop a mechanism for locking in the zoning districts that you have, that you don't get into the habit that Denver got into of adjusting it site, by site, by site” [Poe, 2011].

Denver, unlike Raleigh, wrote the Code and adopted a map concurrently. This resulted in situations in which public concerns with the map forced revisions to the Code, the exact problem that Raleigh is hoping to avoid. As Park suggests, the Planning Department should be prepared to strongly fight the City’s urge to change text during the re-mapping process and should do its best to reassure the Council of the documents efficacy.

**Stakeholders should be open to continual revisions of the Code**

However, while rash reconsiderations of the text should be avoided, the Code will surely need to be revised to fix actual problems that do arise. Fortunately, this is a piece of advice that is not lost on the Raleigh Planning Department. Throughout interviews Staff reiterated that they would continually bring amendments and adjustments before City Council to better optimize the Code where necessary. Of that, Bowers said, “we expect there will be things we want to change, we expect we’ll amend it several times a year every year” [K. Bowers, personal communication, 1/15/14]. Right now Staff is collecting issues that they have had with the UDO and expect to bring an “omnibus text change” before City Council sometime this summer. While there is always a risk that the Code won’t fit Raleigh or its development patterns, this willingness to adapt the Code bodes well for its eventual success.
Be Cautious of the Council

In making decisions regarding the UDO, the City Council has a very difficult job. They don’t necessarily have technical expertise in all the subjects being discussed, but they are tasked with making important decisions on them. This disconnect can lead to decisions being made without due thought or without knowledge of their unintended consequences. One example of this was during the discussion of tree conservation standards in the UDO. These standards were decided during the omnibus summer session and to the surprise of all were made stricter than recommended by the Planning Department or other major stakeholders.

In addition, the handling of ADUs could have been handled more judiciously. As mentioned previously, in removing all language about ADUs from the document, the Council disallowed attached accessory dwelling units which had previously been allowed in the City under the Part 10 Code. This made a number of homes within city limits non-conforming with the new Code, which can detrimentally affect a homeowner’s ability to do future renovations or rebuild following storm destruction.

These examples underscore that city authorities can be unpredictable when dealing with massive Code re-writes. Since they oftentimes have limited technical knowledge of development standards and must decide on hundreds of pages of regulations within a compressed time-frame, they are bound to make some questionable decisions. Departments considering re-writes should keep this in mind and have contingency plans for what to do when faced with these challenges.

How Will the Departure of Director Silver Affect Implementation?

Finally, the City was thrown a curveball in the beginning of 2014 when it was announced that Director Silver was on the short-list for the Planning Director position in New York City. While he did not get that job, the City was jolted by the announcement a few months later that Silver was leaving to head the NYC Parks Department. Although there are multiple skilled planners in the Raleigh Department to guide the UDO through implementation, the departure of Silver leaves a big hole in the City’s planning dynamic. His presence and the trust that City officials
have in him will be sorely missed in the upcoming re-mapping efforts, which need a steady hand to guide the process. It remains to be seen if and how this hole will be fixed in the coming months.
CONCLUSION

In the pantheon of southeastern cities, Raleigh has long been over-shadowed by its larger neighbors to the west, Charlotte and Atlanta. However, over the past few decades Raleigh has begun to shed its sleepy-state capital image in favor of a reputation as an up-and-coming metropolis. The last quarter-century in Raleigh has seen dramatic shifts in terms of population demographics, its economy, and its political landscape.

Mitch Silver was brought in to head the City’s Planning Department in 2005 and immediately began to re-orient Raleigh’s planning regime to better accommodate these changes. At that time, the City was operating under the assumptions of a Comprehensive Plan created in 1989 and managing development using a Code crafted in 1959. Silver set about to update these antiquated frameworks by updating both. From 2006 to 2009, the City’s vision and planning goals were modernized, which resulted in the 2030 Comprehensive Plan. Following that, the Department set to the equally herculean task of updating the City’s Codes to better fulfill the Plan’s aspirations.

As detailed here, the following four-year effort involved working with consultants to craft appropriate language, educating and receiving feedback from the public through numerous listening sessions, reconciling the views of major stakeholders, and then navigating the official public process. The resulting hybrid form-based unified development ordinance, adopted in 2013, has many innovative elements that will hopefully facilitate better development outcomes via an easier process. From an analysis of this process and the resulting document, we can draw conclusions, which include that:

1. Due to shifting inter-City economic, political, and development dynamics, the City succeeded in getting much of what it wanted into the UDO, including new zoning designations, form-based regulations, and administrative changes. However, it did not get everything it wanted, most notably a provision for accessory dwelling units. The removal of ADUs is a cautionary testament to the power of the public when they become organized against something.
2. The process shows the sometimes capricious-nature of decision-making authorities in dealing with large planning projects. Several times throughout the process the Council made questionable decisions that were hard to comprehend. This is an element of code-writing that other departments should be aware of and have contingency plans to combat.

3. Although much has been done, there is still much to do. Re-mapping was one of the most difficult parts of the Denver process and it should be expected to be no less difficult in Raleigh. This is especially true given the coming departure of Director Silver, which is likely to change the City’s planning paradigm.

In conclusion, it can be said that the City has come very far in the last few years. It has modernized its vision with a forward-looking Comprehensive Plan and it has created a new Code that provides many of the tools necessary to achieve that progressive vision. Although Director Silver is leaving in the coming months, he has done much in his near-decade tenure to ensure that Raleigh grows responsibly and sustainably into the future.
Bibliography

This bibliography is structured in chronological order of each reference’s mention within the paper.


Interview Questions

Travis Crane & Ken Bowers (each interviewed separately)

1. First of all, can you please briefly explain your current role in the Department and your role throughout the process of creating the UDO?
2. Getting into the initial stages of the UDO, who first proposed the idea? When?
3. Why a UDO? Were benefits seen in other municipalities? Anecdotal accounts, studies?

4. When was it first proposed in public? To Planning Commission?
5. How/when was it decided to use consultant firm?
   a. Why was Code Studio chosen?
6. What were seen as the greatest opportunities and potential challenges in the beginning of the process? Were these hopes/fears borne out?
7. What were the initial reactions to the idea among stakeholders? Planning staff, developers, City Council, citizens, etc.?
   a. Any major differences in how different stakeholders viewed the purpose of the document
      (i.e. Staff, consultants, Planning Commission, City Council)
9. What caused the most problems during the UDO creation?
   a. How were these addressed? Were these interventions successful?
10. Multiple people (including Dir. Silver) have indicated that the most similar code is the one adopted by Denver in 2010… how much did that code figure into the preparation and creation of the UDO?
11. What are the major goals that the UDO hopes to accomplish? (in terms of land use patterns, developer/citizen satisfaction, economic promotion?)
12. Any disappointments about what got left out of final product? Was this foreseeable?  
   a. What could have been done differently to change outcome?  
13. In an ideal world, how would UDO be different? What additional components would be included or existing ones taken out?  
14. Are there metrics that will be used to quantify the effect of the UDO? (i.e. tracking average development approval time? Developer satisfaction? Percentage of development that’s infill?)  
   a. Do these metrics have a timetable associated with objectives?  
15. In terms of amending the UDO, do you think the document and the amending process are flexible enough to adapt when necessary?  
16. What have been the greatest challenges of the implementation process so far? What do you predict will be major challenges in the upcoming months, especially as relates to the remapping effort? When is re-mapping expected to be done? How are you preparing for these challenges?  

**Mack Paul**

1. First of all, could you briefly talk about your professional role as it has to do with development in Raleigh? What was your role in the UDO-creation process? Have you previously worked with the Planning Department?  
2. What are your general thoughts on the old development Code? What were some difficulties of working with it? Some of its strengths?  
3. Did it inhibit or skew development in Raleigh? If so, what were the main impediments that it caused?  
   a. Were opinions of the Code decidedly one way or the other among the development community?  
4. Do you remember your initial reaction to the idea of re-doing the codes? How about the opinion of others in the development community?  
5. In the initial stages, what did you see as the opportunities and potential challenges of developing a new code? Were these hopes/fears borne out in any way?
6. How would you characterize the UDO-creation’s participatory process? Was the Planning Department receptive to feedback and concerns? Who were the most active and interested groups/stakeholders? What were their concerns?

7. In your view, what were some of the positive aspects of the final document? What were some of the negative aspects? What is still unresolved? Were you disappointed with anything left out?

8. What sense do you get about people’s reactions to the UDO currently? Are some stakeholders having difficulties understanding parts of the document?

9. What’s your view of the decision to separate the document’s adoption from the re-mapping process? Are property owners/developers you talk to concerned about the re-mapping process?

10. Do you think the document will change development patterns, trends in Raleigh? If so, how? If not, why not?

Christine Darges

1. First of all, can you please briefly explain your current role in the Department and your role throughout the process of creating the UDO?

2. What were some of the main impediments to development and good planning caused by the old Part 10 Code? Why, in your view, was a new Code necessary?

3. What was the inter-departmental view of the idea of drafting a new Code originally? Especially given that some people had used the Part 10 code for many years…

4. What were the views of developers you work with to the idea of a new Code?

5. Beyond your role in the process, how much participation did Development Services have with writing new Code?

6. What were the main and specific concerns you heard most from developers during the Code creation process (sureties, block standards, etc.)? Did certain types of developers have more problems with the Code elements than others (single-family developers?)
   a. What are the main concerns now? (Re-mapping?)
   b. During Code creation, was there anything proposed that you specifically thought would not work given Raleigh’s development trends/styles?
7. Overall, how are developers doing in terms of learning the new Code? Have there been any specific difficulties?

8. How is your team coming along in learning the new Code?
   a. Any major concerns or difficulties with specific parts?

9. How does the new Code help the development process along?

10. What are difficulties encountered thus far in project approvals, etc.?

11. Have you seen any divergence in development trends since the Code has been implemented (i.e. more interest in dense, downtown development?)
   a. Do you expect trends to differ in the future based on what you hear from developers?
   b. Have development approvals so far under new UDO designation been faster than under previous Code?
   c. Now that transit-oriented development guidelines are codified do you see more interest in building in the prospective areas where it may occur?

Suzanne Harris

1. First of all, could you briefly talk about your professional role as it has to do with development in Raleigh? What was your role in the UDO-creation process? Have you previously worked with the Planning Department?

2. What are your general thoughts on the old development Code? What were some difficulties of working with it? Some of its strengths?

3. Do you remember your/your organization’s initial reaction to the idea of re-doing the Codes? How about the opinion of others in the development community?

4. In the initial stages, what did you see as the opportunities and potential challenges of developing a new code? Were these hopes/fears borne out in any way?

5. How would you characterize the UDO-creation’s participatory process? Was the Planning Department receptive to feedback and concerns?

6. In your view, what were some of the positive aspects of the final document? What were some of the negative aspects? What is still unresolved? Were you disappointed with anything left out?
7. Have you had any trouble with specific elements of the UDO so far? If so, have you had discussions with the Planning Department about these concerns?
8. What sense do you get about people’s reactions to the UDO currently? Are some stakeholders having difficulties understanding/interpreting parts of the document?
9. Do you think the document will change development patterns, trends in Raleigh? If so, how? If not, why not?

Lee Einsweiler

1. You got your master’s in Chapel Hill, first of all do you remember your recollections of Raleigh back then? Has the City changed much from that time?
2. Could you please explain what your company does and what your position in it is?
3. What reasons did you have for wanting to work in Raleigh?
4. Coming into the process, what impressions did you have of Raleigh and how did these impressions change throughout the process?
5. What were some of the inefficiencies and weaknesses you saw in Raleigh’s development regulations prior to the Code re-write?
6. How does Raleigh compare to other cities for which you have done Code re-writes? How did this inform your decision-making process? Alternatively, what unique qualities did Raleigh bring to the table and how did you deal with that?
7. What were some of the most challenging aspects of working in Raleigh? What were some of the easiest aspects?
8. How did Raleigh compare to other cities in terms of stakeholder involvement in the process (especially among major groups – development community, Council, citizen groups)?
   a. How did you perceive the relative strengths of the various stakeholder groups in Raleigh that deal with development (Planning staff, development industry, City Council, neighborhood groups)? And is this balance of power similar to/different from other cities that you’ve worked in?
9. Were there specific elements of the UDO that you expected more resistance to, but which went over relatively easily? Alternatively were there instances where you got major resistance on certain elements, which was unexpected?

10. Based on the implementation of previous Codes, do you have any tips for Raleigh as to what to expect? Especially in terms of the re-mapping process?

Karen Rindge

1. First of all, could you briefly talk about your professional role as it has to do with WakeUp Wake County and how that led to working on the UDO? What was your role in the UDO-creation process? Have you previously worked with the Planning Department?

2. Do you remember your/your organization’s initial reaction to the idea of re-doing the Codes?

3. In the initial stages, what did you see as the opportunities and potential challenges of developing a new code? Were these hopes/fears borne out in any way?

4. How would you characterize the UDO-creation’s participatory process? Was it balanced between the stakeholders (development industry, public, politicians, etc.)? Was the Planning Department receptive to feedback and concerns?
   a. Did you find any natural allies among other organizations during the process or were you able to team up with other groups to press concerns?

5. What are your thoughts on the structure of the UDO-creation process? Did it allow for enough opportunities to participate? Was it conducive to good public participation?

6. In your opinion, how did the Planning Commission and City Council each do in reviewing and making changes to the document? Do you think they were more concerned with certain issues than others (i.e. economic growth versus environmental protection, etc.)?

7. In your view, what were some of the positive aspects of the final document? What were some of the negative aspects? What is still unresolved? Were you disappointed with anything left out?

8. What sense do you get of people’s current reactions to the UDO and the re-mapping process?
9. Do you think the document will change development patterns, trends in Raleigh? If so, how? If not, why not?