



Certified Recommendation

Raleigh Planning Commission

CR# 11441

Case Information: TC-9-11 / Storage Height

Comprehensive Plan Guidance

<i>Applicable Policy Statements</i>	Not applicable
<i>Action Items</i>	Not applicable

Summary of Text Change

<i>Summary</i>	Amends the City Code to adopt increased regulations for the height and setback of outdoor materials stored in piles or mounds.
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Summary of Impacts

<i>Impacts Identified</i>	<p><u>Adoption of TC-9-11:</u></p> <ul style="list-style-type: none"> Requires property owners proposing to create material piles or mounds in excess of 25 feet in height to receive Special Use Permit approval by the Board of Adjustment. Limits the allowable height of storage piles or mounds to a maximum of 50 feet. <p><u>No Action:</u></p> <ul style="list-style-type: none"> Allow the creation of piles or mounds of materials to be governed by the current regulation and without a public hearing process for piles in excess of 25 feet in height.
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Public Meetings

<i>Public Hearing</i>	<i>Committee</i>		<i>Planning Commission</i>	
10/18/11	11/15/11	Text Change	10/25/11	Referred to Text Change Committee
	1/17/12	Committee	1/24/12	Approved

Attachments

1. Staff report
2. Summary
3. Ordinance

Planning Commission Recommendation

<i>Recommendation</i>	That this text change be approved, as revised.
<i>Findings & Reasons</i>	That although visual impacts for industrial areas should be

	<p>considered, the regulations as initially proposed for these industrial uses were overly restrictive. After significant consultation with the industry trade, the Planning Commission determined that due to site constraints within urban areas and the economics associated with the industry, unnecessary hardships would be encumbered.</p> <p>That the height of these storage piles vary depending on the season and construction demand and flexibility for the storage of these materials is necessary. Good proportions of these stored materials are recycled and benefit the local economy as they decrease waste in landfills and reduce the cost of the finished product.</p> <p>That these uses are currently highly regulated for safety and many of the initially proposed regulations were a redundancy of existing Federal and State Environmental and Fire Prevention Codes.</p> <p>Therefore, the Planning Commission has proposed the following revisions to the text change:</p> <ul style="list-style-type: none"> • Included text within the setback section of the TD, I-1 and I-2 districts stipulating the required 10-foot setback; • Eliminated the requirement for Special Use Permit Approval for storage piles in excess of 25 feet. • Increased the allowable height of storage piles to 50 feet with an additional setback of one foot for each one foot of height in excess of 50 feet.
<i>Motion and Vote</i>	<p>Motion: Buxton Second: Terando</p> <p>In Favor: Batchelor, Butler, Buxton, Fleming, Harris Edmisten, Haq, Mattox, Schuster, Sterling Lewis, Terando</p>

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

Planning Director Date

1/24/12
Planning Commission Chairperson Date

Staff Coordinator: Greg Hallam: greg.hallam@raleighnc.gov



Zoning Staff Report – TC-9-11

Outdoor Storage

Request

<i>Section Reference</i>	10-2045(d)(2) and (3), 10-2046(d)(2) and (3) and 10-2047(d)(2) and (3)
<i>Basic Information</i>	Amends the City Code to adopt increased regulations for the height and setback of outdoor materials stored in piles or mounds.
<i>PC Recommendation Deadline</i>	February 1, 2012

Comprehensive Plan Guidance

<i>Applicable Policies</i>	Not applicable
<i>Action Items</i>	Not applicable

Contact Information

<i>Staff Coordinator</i>	Greg Hallam: greg.hallam@raleighnc.gov ; 516.2636
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History/Overview

This text change was initiated by the City Council in regard to pile of recycled asphalt on property within the City.

Currently, outdoor storage of building materials is a permitted use within the Thoroughfare, Industrial-1 and Industrial-2 zoning districts with no special setback or height provisions.

Purpose and Need

This enables the City to regulate the visual impact of materials stored in piles or mounds.

Alternatives Considered

No alternative other than the No Action approach was considered.

Scoping of Impacts

- Requires property owners proposing to create material piles or mounds in excess of 25 feet in height to receive Special Use Permit approval by the Board of Adjustment and limits the allowable height of storage piles or mounds to a maximum of 50 feet.

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

- Allow the creation of piles or mounds of materials to be governed by the current regulation and without a public hearing process for piles in excess of 25 feet in height.

Impacts Summary

Adoption of Proposed Text Change

- TC-9-11 requires property owners proposing to create material piles or mounds in excess of 25 feet in height to receive Special Use Permit approval by the Board of Adjustment and limits the allowable height of storage piles or mounds to a maximum of 50 feet.

No action

- Allow the creation of piles or mounds of materials to be governed by the current regulation and without a public hearing process for piles in excess of 25 feet in height.

1/18/12

PC Revised

ORDINANCE NO. 2012 - ____ TC - ____

TC-9-11

AN ORDINANCE TO AMEND THE ZONING REGULATIONS OF THE CITY OF RALEIGH RELATING TO THE OUTDOOR STORAGE OF CERTAIN MATERIALS.

Whereas, this ordinance applies to the storage of bulk or raw materials in association with a principle use permitted within the Thoroughfare and Industrial zoning districts, and

Whereas, this ordinance is not applicable to the temporary piling of construction materials where the intention is the removal of the pile; this situation is in association with an active grading or building permit, subject to compliance with applicable soil and sedimentation control regulations and not industrial uses.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA: that

Section 1. Sec. 10-2045(d)(2), Sec. 10-2046(d)(2), and Sec. 10-2047(d)(2) of the Raleigh City Code are hereby amended by adding the following language to the end of those sections:

“Notwithstanding anything else in this section, no bulk material, raw material, construction material, stone, or any other material that *may* be stored in piles or mounds greater than six feet in height *may* be stored in such piles or mounds unless the toe of the slope of any such pile or mound is at least ten (10) feet from any adjacent property line.”

Section 2. Sec. 10-2045(d)(3), Sec. 10-2046(d)(3), and Sec. 10-2047(d)(3) of the Raleigh City Code are hereby amended by adding the following language to the end of each of those sections:

“Notwithstanding anything else in this section, no non-combustible bulk material, raw material, construction material, stone, asphalt, or any other non-combustible material stored in piles or mounds *may* exceed a height of fifty (50) feet, as measured at the ten (10) foot minimum setback required per subsection (d)(2) above, unless one (1) foot of additional setback is provided for each one (1) foot of additional height in excess of fifty (50) feet. The maximum height for outdoor storage of combustible piled material shall not exceed twenty (20) feet.”

“Notwithstanding anything else in this section, no bulk material, raw material, construction material, stone, or any other material that *may* be stored in piles or mounds *may* be stored in such piles or mounds unless the pile or mound is twenty five (25) feet or less in height and the toe of the slope of any such pile or mound is at least ten (10) feet from any adjacent property line. Piles and mounds *may* exceed twenty five (25) feet in

~~height if issued a special use permit by the Board of Adjustment. Before granting such a special use permit the Board of Adjustment shall find that the evidence presented at the hearing establishes each of the following:~~

- ~~(a) The applicant shall provide adequate measures between the pile or mound and adjoining properties to prevent material from eroding, washing, or leaching onto adjacent properties.~~
- ~~(b) The lot on which the pile or mound is located must be large enough so that the slope of the pile or mound is not a danger to slide or collapse onto adjoining property.~~
- ~~(c) Any retaining walls or structures used to support any such pile or mound shall be certified by a registered professional engineer licensed in North Carolina to restrain the bulk material and be structurally sound.~~
- ~~(d) Any pile or mound containing toxic material shall have a sign indicating the nature of the material stored there.~~
- ~~(e) No pile or mound shall exceed the underlying base height for a building or structure in the applicable zoning district.”~~

Section 3. That all laws and clauses of laws in conflict herewith are repealed to the extent of such conflict.

Section 4. The provisions of this ordinance are declared to be severable according to the provisions of Part 14 of the Raleigh City Code.

Section 5. This ordinance has been adopted following a duly advertised joint public hearing of the Raleigh City Council and the Raleigh Planning Commission following a recommendation by the Planning Commission.

Section 6. This ordinance is effective five (5) days following its adoption.

Adopted:
Effective: