



Certified Recommendation

Raleigh Planning Commission

CR# 11649

Case Information: TC-6-15 / Exemptions from Active Stormwater Control Measures

Comprehensive Plan Guidance

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

Summary of Text Change

<i>Summary</i>	Amends Sections 9.2.2.A. of the Part 10A Raleigh Unified Development Ordinance to amend those sites and uses that are exempted from the active stormwater control requirements of the code. This text change restores several exemptions that were previously allowed under the Part 10 Zoning Code as well as expanding the exemptions to allow for certain recombined lots to now qualify for an exemption.
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Summary of Impacts

<i>Impacts Identified</i>	<p><u>Adoption of TC-6-15:</u></p> <ol style="list-style-type: none"> The adoption of the text change would restore the exemption previously afforded to lots either recorded prior to May 1, 2001 or lawfully recorded later as part of a subdivision approved prior to May 1, 2001 used for a single-unit living detached house or a two-unit living attached house. The adoption of the text change would expand the range of exemptions to include recombinations of the lots mentioned in item number 1 above if certain parameters are met, including that the lot continues to be used for an existing detached house used for single unit living. <p><u>No Action:</u></p> <ol style="list-style-type: none"> Lots in excess of ½ acre that predated the City's stormwater control regulations would not be exempt from stormwater control measures as they had been since the inception of the regulations (pre-UDO). The recombination of lots described in item number 2 above would not be exempted from stormwater control measures.
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Public Meetings

<i>Submitted</i>	<i>Committee</i>		<i>Planning Commission</i>	
6-2-15			6-23-15	

Attachments

1. Draft Ordinance

Planning Commission Recommendation

<i>Recommendation</i>	Approval
<i>Findings & Reasons</i>	The City has exempted lots that were either recorded prior to May 1, 2001 or lawfully recorded later as part of a subdivision approved prior to May 1, 2001 if used for one or two-family uses since the inception of stormwater control measure regulations. When the Unified Development Ordinance was adopted, it erroneously neglected to include such exemption and should therefore be restored. Additionally, certain recombinations, which involve such lots as mentioned above should be exempted whenever there are no more than two lots involved, at least one dwelling will remain, and the potential density of the development is being reduced to only one detached house used for single-unit living. This change is proposed because two independent dwellings could have been constructed on the pre-recombination lots exempt from stormwater control measures, therefore exempt the resulting recombined lot that's used for single-unit living would be no worse.
<i>Motion and Vote</i>	Motion: Swink Second: Whitsett In favor: Alcine, Braun, Fluhrer, Lyle, Schuster, Swink, Terando and Whitsett

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

Planning Commission Chairperson Date

7/14/15

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



Zoning Staff Report – TC-6-15

Exemptions from Active Stormwater Control Measures

Request

<i>Section Reference</i>	Part 10A §9.2.2.A Active Stormwater Control Measures - Exemptions
<i>Basic Information</i>	Amends the UDO to amend those types of uses or sites that are exempted from active stormwater control measures.
<i>PC Recommendation Deadline</i>	

Comprehensive Plan Guidance

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

Contact Information

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

This text change was initiated by the City Council and City Staff to restore some of the exemptions previously afforded by the Part 10 Zoning Code and expand the exemptions to allow for certain recombinations of residential property to qualify.

Purpose and Need

This text change would eliminate the need for many properties that were exempted from active stormwater control measures to install stormwater controls in the event of redevelopment or expansion of impervious surfaces. It would also extend that exemption to properties that result from specific types of recombination with certain qualifying parameters.

Alternatives Considered

None

Scoping of Impacts

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

None.

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

Many single-unit and two unit residential properties would be subjected to compliance with the City's stormwater control measures.

Impacts Summary

Adoption of Proposed Text Change

The adoption of this text change will result in the restoration of some exemptions to stormwater control measures that were inadvertently omitted from the Unified Development Ordinance as well as expand the exemptions to include recombined lots, if exempted on their own individually, when used for single-unit living if they follow prescribed standards.

No action

The status quo will be maintained and more residential lots will be subjected to stormwater control measures than there were pre-UDO.

**ORDINANCE NO. 2015 – 483 TC 371
TC-6-15**

**AN ORDINANCE TO MODIFY THE EXEMPTIONS FROM
ACTIVE STORMWATER CONTROL MEASURES IN
THE CITY OF RALEIGH UNIFIED DEVELOPMENT ORDINANCE**

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

Section 1. Section 9.2.2.A of the Part 10A Raleigh Unified Development Ordinance, Active Stormwater Control Measures, is hereby amended by deleting it in its entirety and replacing it with the following underlined provisions:

A. Exemptions

The following uses are exempt from the active stormwater control requirements of this section:

1. Any detached house used for single-unit living or any attached house used for two-unit living, including accessory uses, placed on any lot which was either recorded prior to May 1, 2001 (the first application of the Stormwater Management Ordinance) or lawfully recorded later as part of a subdivision approved prior to May 1, 2001;
2. Any plot plan and site plan, including their accessory uses, situated on any lot of ½ acre or less in size which was either recorded prior to May 1, 2001 or lawfully recorded later as part of a subdivision approved prior to May 1, 2001;
3. Any detached house used for single-unit living or any attached house used for two-unit living, including their accessory uses, placed within any subdivision of one acre or less in aggregate size approved after May 1, 2001;
4. Any plot plan and site plan, including their accessory uses, placed within any subdivision of ½ acre or less in aggregate size approved after May 1, 2001 which cumulatively contains less than 12,000 square feet of impervious surface, including impervious surfaces of related on-site or off-site facilities;
5. The exemptions contained in subsections 1 through 4 above apply only when the boundaries of the lots existing prior to May 1, 2001, or lawfully recorded later as part of a subdivision approved prior to May 1, 2001 remain unchanged. However, recombinations of lots existing prior to May 1, 2001 or lawfully recorded later as part of a subdivision approved prior to May 1, 2001, are allowed whenever all of the following are met:
 - a. At least one of the recombined lots contains a detached house used for single-unit living which shall not be removed;
 - b. The lot is to be exclusively used for a detached house used for single-unit living, including accessory uses;

- c. The recombination involved is either no more than two lots or an aggregate of less than ½ acre and the recombined lot contains a maximum of 24,000 square feet of impervious surface.
- 6. Land-disturbing activities, not otherwise exempted, that do not require a land-disturbing permit under Sec. 9.4.6 are exempted provided that, upon application of any impervious surfaces this exemption shall not apply;
- 7. Substitution of impervious surfaces when all the standards of Sec. 10.3.4. are met; and
- 8. Substitution of impervious surfaces with approved pervious surfaces.

Section 2. All laws and clauses of laws in conflict herewith are repealed to the extent of such conflict.

Section 3. If this ordinance or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given separate effect and to this end the provisions of this ordinance are declared to be severable.

Section 4. This text change has been reviewed by the Raleigh City Planning Commission.

Section 5. This ordinance has been adopted following a duly advertised public hearing of the Raleigh City Council.

Section 6. This ordinance has been provided to the North Carolina Capital Commission as required by law.

Section 7. This ordinance shall be enforced as provided in N.C.G.S. 160A-175 or as provided in the Raleigh City Code. All criminal sanctions shall be the maximum allowed by law notwithstanding the fifty dollar limit in N.C.G.S. §14-4(a) or similar limitations.

Section 8. This ordinance is effective 5 days after adoption.

ADOPTED: September 1, 2015

EFFECTIVE: September 6, 2015

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

Prepared by the Planning and Development Department