

ORDINANCE 2019 – 6 TC-423

AN ORDINANCE TO AMEND SECTION 9.4.4. OF THE PART 10 RALEIGH UNIFIED DEVELOPMENT ORDINANCE TO CORRECT REGULATIONS RELATED TO STORMWATER

WHEREAS, the Unified Development Ordinance is a regulatory document and in order to properly regulate development, the document should be clear and understandable;

WHEREAS, errors and inconsistencies in the document can undermine the consistency and application of the regulations;

WHEREAS, after application of certain standards, staff has identified areas of need to improve and correct the errors; and

WHEREAS, staff has identified a need to enhance or clarify certain processes contained within the document;

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

Section 1. Section 9.4.4.A.1 of the Part 10 Raleigh Unified Development Ordinance, Prior Plan Approval, is hereby amended by insertion of the following underlined language and deletion of the following strikethrough language:

1. Prior Plan Approval

- a. An erosion and sedimentation control plan must be approved by the Engineering Services Director at least 30 days prior to any regulated land-disturbing activity ~~of more than 12,000 square feet~~. This does not restrict the initiation of land-disturbing activities when the plan is approved and the permit is issued in less than 30 days from initial submission. Failure to approve, approve with modifications, or disapprove a completed draft erosion and sedimentation control plan within 30 days of receipt shall be deemed approval of the plan.
- b. ~~In any Reservoir Watershed Protection Area or for relocation of any natural watercourse or when off-site sedimentation occurs, an approved erosion and sedimentation control plan is required for land-disturbing activity in areas below 12,000 square feet.~~
- b. When determining the area of land-disturbance, the square footage of land-disturbance of all land and bodies of water disturbed or to be disturbed shall be aggregated, regardless of whether under single or diverse ownership.

- c. A surety equal to the cost of clearing, grubbing and reseeding a site shall be paid to the City prior to grading permit issuance. If the property is subject to a continuing violation the City may cash the surety.
- d. An approved erosion and sedimentation control plan is required for any land-disturbing activity of 12,000 square feet or greater.
- e. An approved erosion and sedimentation control plan is required for any land-disturbing activity below 12,000 square feet for the following:
 - i. Land-disturbing activity in any Reservoir Watershed Protection Area;
 - ii. Relocation of any natural watercourse;
 - iii. Upon the occurrence of off-site sedimentation; or
 - iv. When a person conducting a land-disturbing activity has been issued two or more Notices of Violation, within the last 2 years, for failure to comply with the provisions of Article 9.4. For purposes of this subsection, an applicant's record is considered for the 2 years prior to the development permit application date.

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 Planning 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 17, 2019
EFFECTIVE: SEPTEMBER 22, 2019

Prepared by the Department of City Planning