

TC-2-2025
STORMWATER ITEMS TO REFLECT STATE LAW
ORDINANCE NO. (XXX-2025)

AN ORDINANCE TO AMEND PORTIONS OF ARTICLES 9.2 AND 12.2 OF PART 10
RALEIGH UNIFIED DEVELOPMENT ORDINANCE (UDO) RELATED TO
STORMWATER MANAGEMENT REGULATIONS

WHEREAS, the public has requested changes to the City’s stormwater regulations concerning any detached house or tiny house used for single-unit living or any attached house, tiny house or two-unit townhouse development used for two-unit living, and

WHEREAS, changes to the City’s stormwater regulations in the UDO are needed to comply with North Carolina Session Law 2024-49, which requires changes to the definition of built-upon area,

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

Section 1. Section 9.2.1.F.1. of Part 10 Raleigh Unified Development Ordinance, General Provisions, is hereby amended by adding the language shown in underline and deleting the language shown in strikethrough:

1. ‘Built-upon area’ means impervious surface ~~or~~ and partially impervious surface to the extent that the partially impervious surface does not allow water to infiltrate through the surface and into the subsoil. ~~that significantly reduces and prevents natural infiltration of water into the soil.~~ ‘Existing Built-Upon Area’ means built-upon area or impervious surface area that existed on a site prior to May 1, 2001. ~~Built-upon area includes but is not limited to roofs, patios, balconies, decks, streets, parking areas, driveways, sidewalks and any concrete, stone, brick, asphalt or compacted gravel surfaces.~~ The effective ~~impervious coverage~~ built-upon area for certain surfaces listed below are as follows:
 - a. Asphalt, concrete, crusher-run, ~~gravel~~, masonry, ~~marl~~, wood roofing materials, and other impervious impermeable surfaces that prevent land area from infiltrating stormwater are considered 100% impervious built-upon area unless otherwise specified below.
 - b. Number 57 stone, as designated by the American Society for Testing and Materials, laid at least four inches thick over a geotextile fabric shall be 0% built-upon area.

c. Gravel placed on areas that will not be compacted by the weight of a vehicle, shall be 0% built-upon area. These areas must be physically separated from gravel areas that will be compacted by the weight of a motor vehicle. Gravel shall be defined using either the American Society for Testing and Materials (ASTM) standard ASTM D 2487 for the Unified Soil Classification System, or American Association of State Highway and Transportation Officials (AASHTO) standard AASHTO M 145 "Classification of Soils and Soil-Aggregate Mixtures for Highway Construction Purposes" or AASHTO M 147 "Materials for Aggregate and Soil-Aggregate Subbase, Base and Surface Courses."

~~b. Porous surfaces that permit direct infiltration of unconcentrated stormwater into ground areas which are prepared in accordance with plans approved by the City so that the first one-half inch of stormwater infiltrates into the ground are 70% through 10% impervious, depending on:~~

- ~~i. Compaction;~~
- ~~ii. Condition of subgrade;~~
- ~~iii. Extent of land disturbance;~~
- ~~iv. Extent of porous openings;~~
- ~~v. Protection from siltation and clogging;~~
- ~~vi. Slope of the ground area; and~~
- ~~vii. Volume of stormwater stored.~~

~~d. e. Slatted wood decks that allow the drainage of water through the slats to an unpaved pervious surface below are 0% 50% impervious built-upon area. If the area covered by the deck is washed gravel, the deck is 30% impervious.~~

e. d. Ungraveled natural footpaths, Areas that receive pedestrian or bicycle traffic that will not be compacted by the weight of a motor vehicle and whose surfaces are composed of bare soil or landscaping material, including mulch, sand, and vegetation, shall be 0% built-upon area.

f. A trail as defined in G.S. 143B-135.94 that is either unpaved or paved as long as the pavement is porous with a hydraulic conductivity greater than 0.001 centimeters per second (1.41 inches per hour) shall be 0% built-upon area.

g. The water surfaces of swimming pools, and natural water bodies and drainfields are shall be 0% impervious built-upon area.

h. Artificial turf that is manufactured to allow water to drain through the backing of the turf, is installed per manufacturer's specifications, and is installed over a pervious surface shall be 0% built-upon area.

i. The surface of stormwater control measures, including permeable pavement, shall receive built-upon area credit as allowed by the NCDEQ.

~~j.-e.~~ All other ~~necessary~~ built-upon area determinations ~~about impervious surfaces~~ will be based on

- ~~i.~~ Infiltration hydrological tests based on of existing subgrade soils,
- ~~ii.~~ Proposed slope, rainfall intensity and rainfall duration.
- ~~iii.~~ Proposed compaction of subgrade soils,
- ~~iv.~~ Extent of porous openings in the surface material,
- ~~v.~~ Protection from siltation and clogging,
- ~~vi.~~ Volume of stormwater stored, and
- ~~vii.~~ Meeting the requirements for a stormwater control measure per Secs. 9.2.2.D, 9.2.2.G, and 9.2.2.H.

k. An applicant may choose to have a specific surface counted as a greater percentage of built-upon area when submitting a development application. The percentage of built-upon area for that specific surface may not be subsequently changed.

Section 2. Section 9.2.2.A.1.b. of Part 10 Raleigh Unified Development Ordinance, Active Stormwater Control Measures, is hereby amended by adding the language shown in underline and deleting the language shown in strikethrough:

b. Use Standards

- i. A grandfathered lot of one acre or less, including grandfathered lots that are recombined with other grandfathered lots, used for any detached house or tiny house used for single-unit living or any attached house, tiny house or two unit townhouse development used for two- unit living, including accessory uses and is not part of a larger common plan of development approved after May1, 2001.
- ii. A grandfathered lot of greater than one acre, including lots that are recombined with other grandfathered lots, used for any detached house ~~or tiny house~~ used for single-unit living or any attached house, tiny house or two unit townhouse development used for two- unit living, including accessory uses that is not part of a larger common plan of development approved after May 1, 2001 and with less than 5% built-upon area coverage in development or expansion of existing development.
- ~~iii.~~ A grandfathered lot of greater than one acre, including lots that are recombined with other grandfathered lots, used for any detached house or tiny house used for single-unit living or any attached house, tiny house or two unit townhouse development used for two- unit living, including accessory uses that is not part of a larger common plan of development approved after May 1, 2001 and that proposes a development with a limit of disturbance less than one acre.
- ~~iv. iii.~~ A grandfathered lot of one-half acre or less that has not been altered to be larger than one-half acre in size, used for any other lawful use requiring a site plan

and is not part of a larger common plan of development approved after May 1, 2001.

Section 3. Section 12.2. of Part 10 Raleigh Unified Development Ordinance, Defined Terms, is hereby amended by adding the language shown in underline and deleting the language shown in strikethrough:

Impervious Surface

Any material that does not allow water to infiltrate through the surface and into the subsoil. ~~significantly reduces and prevents natural infiltration of water into the soil.~~ Impervious surfaces include but are not limited to roofs, patios, balconies, ~~decks,~~ streets, parking areas, driveways, sidewalks and any concrete, stone, brick, or asphalt ~~or compacted gravel~~ surfaces. The effective impervious coverage for certain surfaces shall be based on the built-upon area as defined in Sec. 9.2.1.F.1. ~~listed below are as follows:~~

- ~~1. Asphalt, concrete, crusher run gravel, masonry, marl, wood and other impermeable surfaces that prevent land area from infiltrating stormwater are 100% impervious.~~
- ~~2. Porous surfaces that permit direct infiltration of unconcentrated stormwater into ground areas which are prepared in accordance with plans approved by the City so that the first one half inch of stormwater infiltrates into the ground are 70% through 10% impervious, depending on:
 - ~~a. Compaction;~~
 - ~~b. Condition of subgrade;~~
 - ~~c. Extent of land disturbance;~~
 - ~~d. Extent of porous openings;~~
 - ~~e. Protection from siltation and clogging;~~
 - ~~f. Slope of the ground area; and~~
 - ~~g. Volume of stormwater stored.~~~~
- ~~3. Slatted wood decks that allow the drainage of water through the slats to an unpaved surface below are 50% impervious. If the area covered by the deck is washed gravel, the deck is 30% impervious.~~
- ~~4. Ungraveled natural footpaths, water surfaces of swimming pools and drainfields are 0% impervious.~~
- ~~5. All other necessary determinations about impervious surfaces will be based on hydrological tests based on existing subgrade soils, slope, rainfall intensity and rainfall duration.~~

Section 4. 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 5. This text change has been reviewed by the Raleigh Planning Commission.

Section 6. This ordinance has been adopted following a duly advertised legislative hearing of the Raleigh City Council.

Section 7. This ordinance has been provided to the North Carolina Capital Planning Commission as required by law.

Section 8. This ordinance shall be enforced as provided in N.C.G.S. 160A-175 or as provided in the Raleigh City Code.

Section 9. This ordinance is effective 5 days after adoption.

ADOPTED:

EFFECTIVE:

DISTRIBUTION: