



RALEIGH PLANNING COMMISSION CERTIFIED RECOMMENDATION

CR-13410

CASE INFORMATION: TC-2-2025 STORMWATER ITEMS TO REFLECT STATE LAW

COMPREHENSIVE PLAN GUIDANCE

<p>Applicable Policy Statements</p>	<p>Policy EP 3.1 Water Quality Stormwater Control Measures</p> <p>To complement structural controls, use non structural Stormwater Control Measures (SCMs) to improve water quality, such as public education programs, monitoring and control of illicit discharges, expansion of the greenway concept to include safe floodplain connection and activation, and ongoing implementation of the city’s sediment control program.</p> <p>Policy EP 3.2 Protection of Local Streams and the Neuse River</p> <p>Protect and preserve local streams and the Neuse River, primary channel, major tributaries, intermittent headwaters streams, floodplains, and topography to improve overall water quality for drinking, fish and wildlife habitat, and fishing, boating, and other recreational uses.</p> <p>Policy EP 3.12 Mitigating Stormwater Impacts</p> <p>Potential stormwater impacts from new development on adjoining properties should mimic pre-development conditions and control the peak rate of runoff and/or volume of runoff so as to avoid flooding of adjoining and downstream properties, erosion of stream banks, and to allow the recharging of groundwater. The intent is to avoid environmental and economic damage to the adjacent properties, city infrastructure, and receiving surface waters.</p>
<p>Action Items</p>	<p>N/A</p>

SUMMARY OF TEXT CHANGE

<p>Amends Part 10 Unified Development Ordinance (UDO) to:</p> <ul style="list-style-type: none"> • When the City adopted the new Neuse Nutrient Strategy as TC-1-23, the stormwater regulations for one 1- or 2-unit dwelling on a parcel greater than one acre were changed. To better align with the NC Administrative Code Section 15A
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NCAC 02B .0711, the trigger should be based on “limits of disturbance” rather than parcel size. This would affect UDO Section 9.2.2.A.1.

- North Carolina Session Law 2024-49 changed the definition of “built-upon area”. This created discrepancies between the City’s UDO and the State statutes. Updates would impact UDO Section 9.2 Stormwater Management and UDO Chapter 12 Definitions.

SUMMARY OF IMPACTS

Adoption of TC-2-2025 would:

- Allow one 1- or 2-unit dwelling on parcels over one acre to avoid the full stormwater regulations when the project limits of disturbance are one acre or less. They would instead be subject to zoning-based impervious area limits.
- Change the definition of built-upon area, which is the State’s term for impervious area. Slatted decks, certain gravel installations, and artificial turf over pervious land would be considered 0% built-upon area.

PUBLIC MEETINGS

Submitted	Committee	Planning Commission
6/10/25		6/10/25, 6/24/25

PLANNING COMMISSION RECOMMENDATION

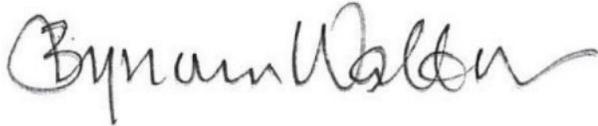
The proposed text amendment is **Consistent** with the relevant policies in the Comprehensive Plan and **Approval** of the proposed text amendment is reasonable and in the public interest.

Reasonableness and Public Interest	The action taken is reasonable and in the public interest because it aligns Raleigh’s stormwater regulations with updated state law (Session Law 2024-49), ensuring legal compliance while providing clearer standards for managing stormwater on residential properties
Recommendation	Approval
Motion and Vote	Motion: Cochrane Second: Neptune In Favor: Bennett, Cochrane, Fox, Miller, Neptune, O’Haver, Omokaiye, Otwell and Shelburne

ATTACHMENTS

1. Staff Report
2. Draft Ordinance

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 and Comprehensive Plan Analysis.



Bynum Walter
Assistant Planning Director

Date: 6/24/25

Staff Coordinator: Sally Hoyt, sally.hoyt@raleighnc.gov



STAFF REPORT – TC-2-25

STORMWATER ITEMS TO REFLECT STATE LAW

Section Reference	Sections 9.2 and 12.2
Basic Information	Amends Part 10 Unified Development Ordinance (UDO) to allow one 1- or 2-unit dwelling on parcels over one acre to avoid the full stormwater regulations when the project limits of disturbance are one acre or less, and to change the definition of built-upon area, which is the State’s term for impervious area.
Planning Commission Recommendation Deadline	8/9/2025

COMPREHENSIVE PLAN GUIDANCE

Applicable Policy Statements	<p>Policy EP 3.1 Water Quality Stormwater Control Measures</p> <p>To complement structural controls, use non structural Stormwater Control Measures (SCMs) to improve water quality, such as public education programs, monitoring and control of illicit discharges, expansion of the greenway concept to include safe floodplain connection and activation, and ongoing implementation of the city’s sediment control program.</p> <p>Policy EP 3.2 Protection of Local Streams and the Neuse River</p> <p>Protect and preserve local streams and the Neuse River, primary channel, major tributaries, intermittent headwaters streams, floodplains, and topography to improve overall water quality for drinking, fish and wildlife habitat, and fishing, boating, and other recreational uses.</p> <p>Policy EP 3.12 Mitigating Stormwater Impacts</p> <p>Potential stormwater impacts from new development on adjoining properties should mimic pre-development conditions and control the peak rate of runoff and/or volume of runoff so as to avoid flooding of adjoining and downstream properties, erosion of stream banks, and to allow the recharging of groundwater. The intent is to avoid environmental and economic damage to the</p>
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	adjacent properties, city infrastructure, and receiving surface waters.
Action Items	N/A

CONTACT INFORMATION

Staff Coordinator	Sally Hoyt, sally.hoyt@raleighnc.gov
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OVERVIEW AND PURPOSE

History and Background

Issue 1: One 1- or 2-unit dwelling on a parcel greater than one acre

The City of Raleigh submitted the UDO changes adopted in TC-1-23 to the State for review and approval in 2022. The proposed changes were reviewed by staff at the North Carolina Department of Environmental Quality (NCDEQ) and by the State’s Environmental Management Commission, whose approval includes public input. The program was deemed compliant with the State’s regulations. TC-1-23 then went through the City’s Text Change process and became effective on May 1, 2023. Any proposed change will require review by NCDEQ staff which will take one to two months.

In December 2024, Raleigh Stormwater staff met with members of the Wake County Home Builders Association who raised the issue of the discrepancy between the City UDO and the NC Administrative Code. Per the UDO, the Full Stormwater Requirements (UDO Sections 9.2.2.B through H) are triggered when the parcel used for one 1- or 2-unit dwelling is greater than an acre. Per the NC Administrative Code, the Full Stormwater Requirements would be triggered only when the limits of disturbance for a project on a lot used for one 1- or 2-unit dwelling is greater than an acre. Note that the State’s “Neuse and Tar-Pamlico Local Program Development Guide” encourages the local governments to adopt strict tracking of project over time and thresholds greater than the Administrative Code in order to ensure long-term compliance.

Stormwater staff have heard from residents and the Home Builders Association that the parcel size requirement is onerous because it can result in construction of a stormwater control measure for one home. The requested change will provide some relief, particularly to homeowners that are doing improvements to existing homes. The change will require additional detailed record-keeping by the City in order to comply with the State’s rules.

The difference between triggering the rules based on limits of disturbance rather than parcel area will affect approximately 1000 properties in the City and ETJ. Of these properties, 88% currently contain one 1- or 2-unit dwellings; the remainder are vacant. Of the approximately 1000 properties, 83% are greater than 1 acre but less than 2 acres in parcel size; an additional 10% are greater than or equal to 2 acres but less than 3 acres.

Issue 2: Built Upon Area Definition

North Carolina Session Law 2024-49 changed the definition of “built-upon area”. Built-upon area was once synonymous with impervious area, but SL2024-49 deemed that the following could no longer be considered built-upon area in stormwater programs, regardless of their physical properties:

- Decks (currently considered 30-50% impervious by the UDO)
- Artificial Turf (currently considered 0-100% impervious by the UDO)
- Gravel that will not be compacted by a vehicle and specific gravel (Number 57 stone) when 4” deep or greater when laid over geotextile fabric (currently 100% impervious by the UDO)

The Session Law allows property owners to “opt out of any exemptions”. We believe this means that at the times of development, the property owner could elect whether these surfaces are considered built-upon area.

Current and Past Regulations

Issue 1: One 1- or 2-unit dwelling on a parcel greater than one acre

Currently, UDO Section 9.2.2.A.1 gives two options for these lots to comply with the stormwater regulations:

- Parcel contains less than 5% built-upon area, excluding areas built before May 1, 2001.
- Parcel is subject to the Full Stormwater Requirements in UDO Sections 9.2.2.B through 9.2.2.H.

For example, under the current regulations, the owner of a 1.05 acre lot would be limited to 2287 sf of impervious area before the Full Stormwater Requirements would be required. Full Stormwater Requirements typically result in construction of stormwater control measures that must be maintained in perpetuity.

Issue 2: Built Upon Area Definition

Currently, built-upon area is equivalent to impervious area. Specific items are treated as follows:

- Asphalt, concrete, crusher run, masonry, wood – 100% Impervious
- Gravel – 100% Impervious
- Slatted decks – 30-50% Impervious
- Water surface (swimming pool, hot tub, pond) – 0% Impervious
- Natural surface (dirt) trails – 0% Impervious
- Permeable pavement, artificial turf, sports courts:
 - If meeting the requirements of the NCDEQ Minimum Design Criteria for infiltrating permeable pavement: 0% Built-Upon Area

- If not meeting the NCDEQ Minimum Design Criteria for infiltrating permeable pavement: 100% Impervious

Proposed Changes

Issue 1: One 1- or 2-unit dwelling on a parcel greater than one acre

A third option would be added for these lots in addition to the two current options. Those three options would be:

- Parcel contains less than 5% built-upon area, excluding areas built before May 1, 2001.
- When the limits of disturbance for the proposed development are less than one acre, the project will be subject to the zoning-based impervious limits in UDO Section 9.2.2.A.4.
- Parcel is subject to the Full Stormwater Requirements in UDO Sections 9.2.2.B through 9.2.2.H.

Table from Section 9.2.2.A.4: Zoning District Maximum Percentage of Impervious Surface Coverage

Zoning District	Maximum Allowable % Impervious Area
R-1	20%
R-2	25%
R-4	38%
R-6	51%
R-10 and all other base zoning districts	65%

For example, under the proposed regulations, the owner of a 1.05 acre lot would be limited to 2287 sf of impervious area if they were disturbing the full lot. However, if they disturbed less than one acre, their limit would be 20% to 65%, depending on the zoning. Typically, the zoning-based limit is sufficient for owners to build a new home or complete other projects. When the limits of disturbance are less than one acre, the proposed regulations for one 1- or 2-unit dwelling on a parcel over one acre will be similar to one 1- or 2-unit dwelling on a parcel one acre or less.

Note that the regulations for projects involving development other than one 1- or 2-unit dwelling remain unchanged.

Issue 2: Built Upon Area Definition

The proposed definition for built-upon area depends on the definitions in SL 2024-49.

Specific items are proposed to be treated as follows:

- Asphalt, concrete, crusher run, masonry, wood – 100% Built-Upon Area
- Gravel – number 57 stone at least 4 inches deep over geotextile – 0% Built-Upon Area
- Gravel – not compacted by the weight of a vehicle – 0% Built-Upon Area
- Slatted decks over pervious surface – 0% Impervious
- Water surface (swimming pool, hot tub, pond) – 0% Built-Upon Area
- Natural surface (dirt) trails – 0% Built-Upon Area
- Permeable pavement and sports courts:
 - If meeting the requirements of the NCDEQ Minimum Design Criteria for infiltrating permeable pavement: 0% Built-Upon Area
 - If not meeting the NCDEQ Minimum Design Criteria for infiltrating permeable pavement: 100% Built-Upon Area
- Artificial turf:
 - If infiltrating into a pervious surface below: 0% Built-Upon Area
 - If installed on an impervious surface: 100% Built-Upon Area

IMPACTS

ADOPTION OF TC-2-2025

Adoption of TC-2-2025 would:

- Allow one 1- or 2-unit dwelling on parcels over one acre to avoid the full stormwater regulations when the project limits of disturbance are one acre or less. They would instead be subject to zoning-based impervious area limits.
- Change the definition of built-upon area, which is the State's term for impervious area. Slatted decks, certain gravel installations, and artificial turf over pervious land would be considered 0% built-upon area.

NO CHANGE

Issue 1: One 1- or 2-unit dwelling on a parcel greater than one acre

Homeowners with parcels over an acre may have to install stormwater control measures to meet the requirements associated with additions or accessory structures. The Board of Adjustment would continue to see variance cases. The City could face legal action due to disagreements in the interpretation of the NC Administrative Code.

Issue 2: Built Upon Area Definition

Adoption of these changes is required by Session Law 2024-49.

ALTERNATIVES CONSIDERED

Not applicable.

PUBLIC ENGAGEMENT

The draft ordinance was posted to the public engagement portal from May 7, 2025 through May 21, 2025. A detailed report is attached.

REVISIONS

Not applicable.