

TC-8-10 Reformat of the Reservoir Watershed Protection Area Overlay District Regulations

Amends the City Code to relocate the current Reservoir Watershed Protection Area Overlay District regulations from Part 10 Chapter 5 and create a new chapter of the City Code, Part 10 Chapter 10. No regulatory changes are proposed with this text change, the ordinance relocates the existing language to a new chapter.



Certified Recommendation

Raleigh Planning Commission

CR# 11397

Case Information: TC-8-10/Watershed Regulations Reformat

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 relocate the current Reservoir Watershed Protection Area Overlay District regulations from Part 10 Chapter 5 and create a new chapter of the City Code, Part 10 Chapter 10. No regulatory changes are proposed with this text change, the ordinance relocates the existing language to a new chapter.
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Summary of Impacts

<i>Impacts Identified</i>	<p><u>Adoption of TC-8-10:</u></p> <ul style="list-style-type: none">No adverse impact. All Watershed Protection Area Overlay District Regulations will be located within its own separate Code Chapter, Part 10 Chapter 10. <p><u>No Action:</u></p> <ul style="list-style-type: none">The Reservoir Watershed Protection Area Overlay District and Urban Water Supply Watershed Protection Area Overlay District Regulations will remain imbedded within Part 10 Chapter 5, Soil Erosion and Sedimentation Control.
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Public Meetings

<i>Public Hearing</i>	<i>Committee</i>		<i>Planning Commission</i>	
10-19-10	Date	No committee review	10-26-10	Approval

Attachments

1. Staff report
2. Summary
3. Ordinance

Planning Commission Recommendation

<i>Recommendation</i>	That this text change be approved.
<i>Findings & Reasons</i>	That the proposed ordinance change represents a reformat of the Code with no changes to the regulations. The proposed change, establishing a new Chapter devoted solely to Watershed Protection Regulations, will provide an ease to navigating the Code.
<i>Motion and Vote</i>	Motion: Mullins Second: Haq In Favor: Bartholomew, Butler, Fleming, Harris Edmisten, Haq, Mattox, Mullins, Smith, Sterling Lewis

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	<u>10/26/10</u> Date
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Staff Coordinator: Greg Hallam: greg.hallam@raleighnc.gov



Zoning Staff Report – TC-8-10

Watershed Regulations Reformat Text Change

Request

<i>Section Reference</i>	Relocates existing Watershed Protection Overlay District Regulations from Soil and Sedimentation Control Chapter (Part 10 Chapter 5) to a new Chapter (Part 10 Chapter 10) solely devoted to Watershed Protection Overlay district Regulations.
<i>Basic Information</i>	No regulatory changes are proposed with this text change, the ordinance relocates the existing language to a new chapter.
<i>PC Recommendation Deadline</i>	February 2, 2010

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

When the City adopted the Secondary Watershed Reservoir Protection Area Overlay District Regulations in 1985, the regulations were inserted within a Chapter of the Code which was overseen by the Public Works Department (Part 10 Chapter 5, Soil and Sedimentation Control). At the time, this was the most logical place to insert these new regulations. Likewise, in 2008, the newly adopted Urban Water Supply Protection Area Overlay District Regulations were also inserted within Part 10 Chapter 5.

Purpose and Need

There are 3 Chapters of the City Code overseen by the Stormwater Division of the Public Works Department. They are: Part 10 Chapter 4, Floodprone Area Regulations, Part 10, Chapter 5, Soil and Sedimentation Control, and Part 10 Chapter 9, Stormwater Control and Watercourse Buffer Regulations. Currently, the Watershed Protection Overlay District Regulations are imbedded in Part 10 Chapter 5, Soil and Sedimentation Control. This is not an ideal code format for the property owner or citizen searching the Code for the Watershed Protection Overlay District Regulations. Creating a new **Part 10 Chapter 10, Reservoir Watershed Protection Area Regulations** will create an ease in navigating the Code.

Alternatives Considered

No alternative other than the No Action approach was considered.

Scoping of Impacts

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

No adverse impacts.

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

This results in confusion for the property owner or citizen searching the Code for the Watershed Protection Overlay District Regulations.

Impacts Summary

Adoption of Proposed Text Change

Adoption of TC-8-10 would relocate the current Reservoir Watershed Protection Area Overlay District regulations from Part 10 Chapter 5, Soli and Sedimentation Control, and create a new chapter of the City Code, Part 10 Chapter 10, Reservoir Watershed Protection Area Regulations. No regulatory changes are proposed with this text change, the ordinance relocates the existing language to a new chapter.

No action

Under the “no action” alternative, searching the City Code for the Watershed Protection Overlay District Regulations would continue to result in confusion for the property owner or citizen unfamiliar with the current format.

11/16/10

**ORDINANCE NO. (2010) 806 TC 338
TC-8-10**

**AN ORDINANCE TO CREATE A NEW CHAPTER 10 WITHIN
RALEIGH CITY CODE VOLUME II PART 10, SPECIFICALLY FOR
RESERVOIR WATERSHED PROTECTION AREA REGULATIONS;
AND TO RELOCATE THE RESERVOIR WATERSHED
PROTECTION AREA REGULATIONS WHICH ARE CURRENTLY
LOCATED WITHIN RALEIGH CITY CODE VOLUME II PART 10,
CHAPTER 5, SOIL EROSION AND SEDIMENTATION CONTROL
INTO NEWLY ESTABLISHED CHAPTER 10**

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

Section 1. Amend the following subsections to delete the Code references for “§10-5006(a)(11) et seq.” [as amended by Ordinance No. (2010) 791 TC 337 TC-5-10] and substitute in lieu thereof “§10-10021.” Existing City Code sections that reference 10-5006(a)(11) are corrected as follows: In §10-2056(f)(3)a. replace the Code reference to §10-5006(a)(11) and substitute in lieu thereof §10-10021, and change the Code reference in the cross reference from §10-5006(a)(11) b and c to read §10-10021(b) and (c). In §10-3051(c) replace the three Code references to §10-5006(a)(11)c with §10- 10021(c), and replace the Code reference §10-5006(a)(11)d [as amended by section 2 of Ordinance No. (2010) 791 TC 337 TC-5-10] to read §10-10021(e). In §10-3052(a) replace the four Code references to §10-5006(a)(11) with the following new Code references §10-10021(b) and (c), §10-10021(c), §10-10021(c)(3) and §10-10021(e) respectively. In §10-3052(a)(1) replace Code references §10-5006(a)(11)c and §10-5006(a)(11)d with new Code references §10-10021(c) and §10-10021(e) respectively. Replace the Code reference to §§10-5006(a)(11)b. and c contained in Raleigh City Code section 10-9041(a)(7), and in lieu thereof, substitute §10-10021(c) and §10-10022(c). In §10-9042(b) replace the language “subsections b and c of §10-5006(a)(11)” with the following: “subsections (b) and (c) of §§10-10021 and 10-10022.” In §10-9042(b)(3) replace the Code reference §10-5006(a)(11) with §§10-10021 and 10-10022.

Section 2. Amend the following subsections to delete the Code references for “§10-5006(a)(12) et seq.” [as amended by Ordinance No. (2010) 791 TC 337 TC-5-10] and substitute in lieu thereof “§10-10022.” Existing City Code sections that reference 10-5006(a)(12) are corrected as follows: In §10-2064(f)(3)a. replace the Code reference §10-5006(a)(12) to read §10-10022. In §10-2064(g) replace the Code reference to §10-5006(a)(12)b and substitute in

lieu thereof §10-10022(b), and change the Code reference in the cross reference from §10-5006(a)(12) b and c to read §10-10022(b) and (c). In §10-3052.1(a) replace the two Code references to §10-5006(a)(12)b and c to read §10-10022(b) and (c). In §10-3052.1(a)(1) replace Code references §10-5006(a)(12)c and §10-5006(a)(12)d with §10-10022(c) and §10-10022(d) respectively. Following 10-3052.1(c), change the Code reference in the cross reference from §10-5006(a)(12) to read §10-10022. In §§10-5006(a)(1) and 10-5006(a)(1)b. change the Code reference from 10-5006(a)(12) to read as follows: “§§10-10021 and 10-10022.”

Section 3. Amend Section 10-2064(f)(3)a., second sentence, to fill-in the blank with the following language: “(October 12, 2008)”.

Section 4. Amend Section 10-5006(a)(1), last sentence of the first paragraph, to delete the Code reference “§10-5006(a)(13)b” and substitute in lieu thereof “§10-5006(a)(11)b” and delete from the second paragraph Code reference §10-5006(a)(13) and substitute in lieu thereof §10-5006(a)(11) .

Furthermore, amend Section 10-5006(a)(1)c. to delete the Code reference “§10-5006(a)(13)(b)” and substitute in lieu thereof “§10-5006(a)(11)b”.

Section 5. Amend Section 10-5003, **DEFINITIONS**, to delete in their entirety the definitions “**Nonconforming lot of record**” and “**Redevelopment**”.

Section 6. Amend Section 10-5006, **MANDATORY STANDARDS FOR LAND-DISTURBING ACTIVITY**, by deleting subsections 10-5006(a)(11), **Reservoir Watershed Protection Area Overlay District and Conservation Management District Regulations**, and 10-5006(a)(12), **Urban Water Supply Watershed Protection Area Overlay District Regulations**, in their entirety and renumbering subsequent subsections (13), (14) and (15) as subsections (11), (12) and (13) accordingly.

Section 7. Amend Section 10-5010(a), first paragraph, to delete the third, fourth and fifth sentences in their entirety.

Section 8. Amend Raleigh City Code Volume II Part 10 to include a new Chapter 10 which shall read as follows:

**“CHAPTER 10.
RESERVOIR WATERSHED PROTECTION AREA REGULATIONS**

Article A. General Provisions.

Sec. 10-10001. Title; purpose.
Sec. 10-10002. Definitions.
Sec. 10-10003. Scope and exclusions.

Sec. 10-10004. Incorporation of Raleigh Stormwater Control and Watercourse Buffer Manual.
Sec. 10-10005. City inspection.
Sec. 10-10006. Enforcement.
Sec. 10-10007. Specific civil penalties.
Sec. 10-10008. Variances.
Sec. 10-10009. Appeals.
Secs. 10-10010 – 10-10020. Reserved.

Article B. Establishment of Reservoir Watershed Protection Area Regulations.

Sec. 10-10021. Reservoir Watershed Protection Area Overlay District regulations.
Sec. 10-10022. Urban Water Supply Watershed Protection Area Overlay District regulations.

**ARTICLE A.
GENERAL PROVISIONS.**

**Sec. 10-10001.
TITLE; PURPOSE.**

- (a) This chapter *shall* constitute and be known and *may* be cited as the “Reservoir Watershed Protection Area Regulations” of the City of Raleigh, North Carolina.
- (b) The purpose of this chapter is to protect, maintain, and enhance the public health, safety, and general welfare by establishing minimum requirements and procedures to control the adverse affect of *stormwater runoff* in the *City’s* Reservoir Watershed areas.
- (c) The application of this Chapter and the provisions contained herein *shall* be the minimum stormwater control requirements in the *City’s* Reservoir Watershed areas and *shall* not be deemed a limitation or repeal of any other obligations imposed by Federal or State regulations or judicial decisions.

**Sec. 10-10002.
DEFINITIONS.**

As used in this chapter, unless the context clearly indicates otherwise, the following definitions apply:

Buffer zone. *Buffer zone* means a strip of land adjacent to a lake or natural watercourse.

Completion of construction or development. *Completion of construction or development* means that no further *land-disturbing activity* is required on a phase of a project except that which is necessary for establishing a permanent ground cover.

Director. *Director* means the Director of the Division of Land Resources of the North Carolina Department of Environment, Health, and Natural Resources.

Discharge point. *Discharge point* means that point at which runoff leaves a tract of land.

Forestry. *Forestry* means activities undertaken on woodland areas where all of the following occur:

- (a) The growing of trees; and
- (b) The harvesting of timber, leaves or seeds; and
- (c) The regeneration of trees by the replanting of trees at a rate of one inch caliper tree measured six (6) inches above the ground per every two hundred (200) square feet of tree disturbing activity area, as defined in Part 10 chapter 2, within two hundred twenty (220) days of harvesting; and
- (d) The application of applicable "best management practices," including the N.C. Department of Environment, Health and Natural Resources "Forest Practice Guidelines Related to Water Quality" – Title 15A North Carolina Administrative Code subchapter 11, sections 1.010 – .0209 and all successor documents; and
- (e) A forest management plan is prepared or approved either by a professional forester registered in the State of North Carolina or by the Division of North Carolina Forest Resources.

(Ord. No. 2005-762-TC-264, §21, TC-7-04, 1-4-05)

Impervious surface. An *impervious surface* is any material that significantly reduces and prevents natural infiltration of water into the soil. *Impervious surfaces* include but are not limited to roof, patios, balconies, decks, *streets*, parking areas, driveways, sidewalks, and any concrete, stone, brick, asphalt or compacted gravel surface. For the purposes of this chapter, the effective impervious covers for certain surfaces listed below as follows:

- (a) Asphalt, concrete, crusher-run gravel, masonry, marl, wood, and other impermeable surfaces which prevent land area from infiltrating stormwater are one hundred (100) per cent impervious;
- (b) Porous surfaces which permit direct infiltration of unconcentrated stormwater into ground areas which are prepared in accordance with plans approved by the soil conservation division of the *City* so that the first one-half ($\frac{1}{2}$) inch of stormwater infiltrates into the

ground are seventy (70) per cent through ten (10) per cent impervious, depending on:

- (1) Volume of stormwater stored;
 - (2) Slope of the ground area;
 - (3) Extent of porous openings;
 - (4) Condition of subgrade;
 - (5) Compaction;
 - (6) Extent of land disturbance; and
 - (7) Protection from siltation and clogging;
- (c) Slatted wood decks that allow the drainage of water through the slats to the unpaved surface below are fifty (50) per cent impervious. If the area covered by the deck is washed gravel, the deck is thirty (30) per cent impervious.
- (d) Ungraveled natural footpaths, water surfaces of swimming pools, and drainfields are zero (0) per cent impervious.

All other necessary determinations above *impervious surfaces* will be based on hydrological tests based on existing subgrade soils, slope, rainfall intensity and rainfall duration.

(Ord. No. 1993-218-TC-60, §27, TC-10-93, 6-15-93; Ord. No. 1995-760-TC-122, §53, TC-20B-95, 11-21-95)

Lake or natural watercourses. *Lake or natural watercourse* means any natural or relocated stream, river, brook, swamp, sound, bay, creek, run, branch, canal, waterway, estuary, and any reservoir, lake or pond, natural or impounded, in which sediment *may* be moved or carried in suspension, and which could be damaged by an accumulation of sediment.

Land-disturbing activity. Any use of the land by any *person* in residential, recreational, industrial, educational, service, civic, office, institutional or commercial development, highway and road construction and maintenance that results in a change in the natural cover or topography or alters the natural structure of the land mass and that *may* cause or contribute to sedimentation.

Nonconforming lot of record. *Nonconforming lot of record* means any lot described by a plat or a deed that was recorded prior to the initial application of

the Urban Water Supply Watershed Protection Area Overlay District and at the time of initial application of the overlay district did not conform to the area and/or impervious coverage regulations contained in the schedule of Maximum Impervious Surface Limits in Urban Water Supply Watershed Protection Area Overlay District and Required Measures.

Person responsible for the violation. *Person responsible for the violation* means:

- (a) The developer or any other *person* who has or holds himself out as having financial or operational control over the *land-disturbing activity*; or
- (b) The landowner or *person* in possession or control of the land when he has directly or indirectly allowed the *land-disturbing activity* or has benefitted from it or he has failed to comply with any provision of this chapter, the act, or any order adopted pursuant to this chapter or the act that imposes a duty upon him.

Receiving watercourse. *Receiving watercourse* is a lake, natural watercourse, or other natural or man-made area into which *stormwater runoff* flows from a *land-disturbing activity* site.

Redevelopment. *Redevelopment* means any activity to a *lot* which already contains *impervious surfaces* or structures and which does one or more of the following:

- (a) Adds *impervious surfaces* as defined herein.
- (b) Reduces the permeability of partially *impervious surfaces*.
- (c) Otherwise decreases infiltration of precipitation into the soil.

Site. *Site* means all contiguous land or bodies of water being disturbed or to be disturbed as a unit, regardless of ownership.

Storm drainage facilities. *Storm drainage facilities* means the man-made system of inlets, conduits, channels, ditches or other such facilities and appurtenances which collect and convey stormwater.

Stormwater runoff. *Stormwater runoff* means the runoff of water resulting from precipitation in any form.

Ten-year storm. The stormwater runoff resulting from a rainfall of an intensity expected to be equaled or exceeded, on the average, once in ten (10) years, and

of a duration which will produce the maximum peak rate of runoff, for the watershed of interest under average antecedent wetness conditions.

Twenty-five-year storm. *Twenty-five-year storm* means the surface runoff resulting from a rainfall of an intensity expected to be equaled or exceeded, on the average, once in twenty-five (25) years and of a duration which will produce the maximum peak rate of runoff, from the watershed of interest under average antecedent wetness conditions.

Tract. *Tract* means the same as "site."

Undertake. *Undertake* means the initiating of, conducting of, or continuing of, or being financially responsible for any activity, or phase of activity, which results or will result in a change in the ground cover or topography of a *tract* of land.

Velocity. The average *velocity* of flow through the cross-section of the main channel at the peak flow of the storm of interest. The cross-section of the main channel, if any, *shall* be that area defined by the geometry of the channel plus the area of flow below the flood height defined by vertical lines at the main channel banks. Overbank flows are not to be included for the purpose of computing velocity of flow.

Sec. 10-10003.
SCOPE AND EXCLUSIONS.

No *person shall* develop any property, subdivide any property, place any *impervious surface* nor undertake any *land-disturbing activity* on any *property* without having provided for appropriate stormwater control measures, watercourse buffers, or both to control stormwater in conformity with the requirements of this chapter. Except as otherwise excluded by this chapter, this chapter *shall* apply to all *property* within the Reservoir Watershed Protection Areas of the *City*.

Sec. 10-10004.
**INCORPORATION OF RALEIGH STORMWATER CONTROL AND
WATERCOURSE BUFFER MANUAL.**

The ***Raleigh Stormwater Control and Watercourse Buffer Manual***, and amendments thereto, on file in the *City Clerk's Office*, is hereby adopted by referenced as fully as though set forth herein. If any standard, requirement, or procedure in this manual is in conflict with any provision of this *Code*, then the most stringent *shall* apply.

**Sec. 10-10005.
CITY INSPECTION.**

Agents and officials of the *City shall* have the right to inspect sites subject to the requirements of this chapter to determine whether the measures, devices and *open space areas* required by this chapter to control the quality of stormwater are installed and operating as approved, whether such measures, devices and *open space areas* are being *maintained*, and to determine if any encroachments or activities in any watercourse buffer area not permitted by this chapter have occurred. Notice of this right to make inspections *shall* be included in the watershed and watercourse buffer permits. No *person shall* obstruct, hamper, delay, resist or interfere with *City* agents or officials while in the process of carrying out their official duties.

**Sec. 10-10006.
ENFORCEMENT.**

(a) Civil Penalties.

- (1) Any *person* who violates any of the provisions of this chapter, any regulation, rule or order duly adopted pursuant to this chapter; or who *undertakes* or continues any activity for which a *stormwater control plan* is required except in accordance with the terms, conditions, and provisions of an approved plan *shall* be subject to the specific civil penalties set forth in §10-10008. Said penalties *shall* be assessed by the Public Works Department. The initial civil penalty *shall* be assessed from the date of the violation. No penalty *shall* be assessed until the *person* alleged to be in violation is served by registered mail, certified mail-return receipt requested, personal service notice of violation, or any other means authorized under G.S. 1A-1, Rule 4. The notice *shall* specify a time by which the *person* must comply with this chapter or any regulation, rule, or order, duly adopted pursuant to this chapter and inform the *person* of the actions that need to be taken to comply. In setting the time for compliance, the *City shall* take into consideration the quantity and complexity of the work, the consequences of delay, the effectiveness of action taken by the violator, and the staff investigative costs, but in no event *shall* the specified time limits be more than ten (10) consecutive calendar days for compliance, except a shorter time period *may* be required by the *City* inspector for an imminent threat to either severely degrade a watercourse or cause severe runoff. The notice *shall* state that failure to correct the violation within the specified time period will result in the additional civil and criminal penalties for a continuing violation. If, after the allotted time period has expired, corrective action has not been completed, the additional civil penalties *shall* be assessed from

the date of the initial violation. Each day of continuing violation thereafter *shall* constitute a separate violation.

- (2) The Public Works Department *shall* make *written* demand for payment upon the *person* in violation and *shall* set forth the amount of the penalty and the reason for assessing the penalty. Notice of the assessment *shall* be by registered or certified mail or any other means authorized under G.S. 1A-a, Rule 4. If the payment is not received within thirty (30) days after demand for payment is made, the matter *shall* be referred to the *City Attorney* for institution of a civil action in the name of the *City*, in the appropriate division of the general court of justice in Wake County for recovery of the penalty. Such civil actions must be filed within three (3) years of the date the assessment was due.

(b) Stop-work.

A stop-work order *may* be issued if an activity is being conducted or was conducted in violation of this chapter, any regulation, rule or order duly adopted pursuant to this chapter, or is being *undertaken* or continued for which a *stormwater control plan* is required except in accordance with the terms, conditions and provisions of an approved plan and that either:

- (1) The activity is being conducted without an approved plan, a permit, or both;
- (2) The violation endangers life, *property*, or both or that such endangerment is imminent;
- (3) The activity is being conducted without installing all protective measures and devices in accordance with the approved *stormwater control plan*.

All stop-work orders *shall* be in *writing* served on and directed to the *person* doing the work and *shall* state the specific work to be stopped, the specific reasons for the stoppage, and the conditions under which the work *may* be resumed. The stop-work order *shall* be rescinded by *written* notice if all the violations for which the stop-work order were issued are corrected, no other violations have occurred, and all measures necessary to abate the violations have been taken.

(c) Criminal penalties.

Any *person* who knowingly or willfully violates any provision of this chapter, rule, regulation, order duly adopted or issued pursuant to this

chapter or who knowingly or willfully *undertakes* or continues an activity for which a *stormwater control plan* is required, except in accordance with the terms, conditions, and provisions of an approved plan, *shall* be guilty of a misdemeanor punishable by imprisonment not to exceed ninety (90) days, or by a fine not to exceed five thousand dollars (\$5,000.00), or both, in the discretion of the court.

(d) Injunctive relief.

- (1) Whenever the *City Council* has reasonable cause to believe that any *person* is violating or threatening to violate this chapter, rule, regulation, or order duly adopted or issued pursuant to this chapter, or any term, condition or provision of an approved *stormwater control plan*, the *City may*, either before or after the institution of any other action or proceeding authorized by this *Code*, institute a civil action to restrain the violation or threatened violation. The action *shall* be brought in the Superior Court of Wake County.
- (2) Upon determination by a court that an alleged violation is occurring or is threatened, the court *shall* enter any order or judgment that is necessary to abate the violation, to ensure that restoration is performed, or to prevent the threatened violation. The institution of an action for injunctive relief under this subsection 10-10006(d) *shall* not relieve any party to the proceeding from any civil or criminal penalty prescribed for violations to this *Code*.

(e) Restoration.

Any *person* who violates any of the provisions of this chapter, any regulation, rule or order duly adopted pursuant to this chapter; or who *undertakes* or continues an activity except in accordance with the terms, conditions, and provisions of an approved *stormwater control plan* is required to restore the waters, land, and vegetation affected by the violation so as to minimize detrimental effects. The restoration plan *shall* first be approved by the *City*. This authority is in addition to any other civil or criminal penalty or injunctive relief authorized under this section.

Sec. 10-10007.

SPECIFIC CIVIL PENALTIES.

- (a) Civil penalties for specific violations of Part 10, Chapter 9 *shall* be assessed as follows:
 - (1) **Work without a permit.** Five thousand dollars (\$5,000.00) per day for failure to secure a valid required stormwater control permit

and/or watercourse buffer permit prior to conducting any *land-disturbing activity*, any *development* or expansion thereof, any placement of *impervious surfaces*, or any new use or construction.

- (2) **Failure to follow plan.** Three thousand dollars (\$3,000.00) per day for failure to conduct a *land-disturbing activity*, placement of *impervious surfaces*, *development* or expansion thereof in accordance with the provisions of an approved *stormwater control plan*.
- (3) **Failure to *Maintain Stormwater Control Facilities*.** Two thousand five hundred dollars (\$2,500.00) per day for failure to *maintain stormwater control facilities*.
- (4) **Failure to file inspections report.** Two thousand five hundred dollars (\$2,500.00) per day for failure to file required inspection report.
- (5) **Failure to submit as-built plans.** Two thousand five hundred dollars (\$2,500.00) per day for failure to submit required as-built plans.
- (6) **Failure to certify that installed stormwater measures and piped devices are in compliance.** Two thousand five hundred dollars (\$2,500.00) per day for failure to certify that installed stormwater measures and devices are in compliance with the **Raleigh Stormwater Control and Watercourse Buffer Manual** and *City* approved the *stormwater control plan*, including modifications thereto approved by the *City*.
- (7) **Falsified certification.** Three thousand dollars (\$3,000.00) for making a falsified certification.
- (8) **Failure to record, or timely record, with local register of deeds required plats, maintenance covenants, and escrow agreements.** Two thousand five hundred dollars (\$2,500.00) per day for failure to record, or timely record with the local register of deeds required plats identifying *stormwater control facilities* and/or required maintenance covenants, and/or required escrow agreements.
- (9) **Failure to revise plan.** Two thousand five hundred dollars (\$2,500.00) per day for failure to file an acceptable, revised *stormwater control plan* within the established deadline after being notified of the need to do so.

- (10) **Failure to correct a violation after notice.** Five thousand dollars (\$5,000.00) per day for failure to correct a violation within the time limitations established in a notice of violation.
- (11) **Failure to obey a stop-work order.** Five thousand dollars (\$5,000.00) per day for a violation of a stop-work order.
- (12) **Any other action or failure to act that constitutes a violation of this chapter.** Two thousand five hundred dollars (\$2,500.00) per day for any other action or failure to act that constitutes a violation of this chapter.

An additional civil penalty of one thousand dollars (\$1,000.00) per day *shall* be charged to any *person* assessed a civil penalty for any violation of this chapter within the prior two (2) *years*. No initial civil penalty *shall* exceed five thousand hundred dollars (\$5,000.00); this limitation *shall* be inapplicable to continuous violations.

Sec. 10-10008.
VARIANCES.

- (a) The *City Council* *may* grant an exception from the requirements of this chapter if:
 - (1) There are unique circumstances applicable to the *site* such that strict adherence to the provisions of the chapter will result in unnecessary hardship or create practical difficulties; and
 - (2) The variance is in harmony with the general purpose and intent of this chapter;
 - (3) The variance will not be violate any state or federal regulations; and
 - (4) In granting this variance, water quality has been protected, public safety and welfare has been assured, and substantial justice has been done.
- (b) A written request for an exception *shall* be submitted to the *City Clerk* and *shall* state the specific variance sought, the justification for the variance, and what measures will be taken to insure the requirements of this chapter have been met to the maximum extent practicable. It *shall* include descriptions, drawings, calculations and any other information that is necessary to evaluate the proposed variance.

- (c) No variance from §10-10021 and §10-10022), other than to reduce the width of the natural resource buffer yards, that would be inconsistent with either the Standards of the Water Supply Watershed Act, G.S. 143-214.5 or the regulations adopted pursuant thereto *shall* be granted without the prior approval of the North Carolina Environmental Management Commission. Upon receipt of such a variance request the *City shall* notify in writing, and in sufficient time to allow a reasonable comment period, all other local governments having jurisdiction within the water supply watershed. Each year the *City* will transmit to the North Carolina Environmental Management Commission a report on each variance request it receives from §10-10021 and §10-10022.

**Sec. 10-10009.
APPEALS.**

The disapproval or required modification of any proposed *stormwater control plan*, or the determination by the *City* of noncompliance, or failure to *maintain shall* entitle the aggrieved *person* to appeal this decision or lack of action to the *City Council*. Such appeal must be made in writing to the *City Clerk* and the *City Manager* within fifteen (15) days of *written* notice of disapproval or modification of a *stormwater control plan*, or determination of either noncompliance or failure to *maintain*.

**Sec. 10-10010 – 10-10020.
RESERVED.**

**ARTICLE B.
ESTABLISHMENT OF RESERVOIR WATERSHED PROTECTION AREA
REGULATIONS.**

**Sec. 10-10021.
RESERVOIR WATERSHED PROTECTION AREA OVERLAY DISTRICT
REGULATIONS.**

**(a) Natural Resource Buffer Yards within Reservoir Watershed
Protection Area Overlay Districts**

The establishment of and the uses permitted in the natural resource buffer yards are set forth in §§10-9040 through 10-9043. Within the Reservoir Watershed Protection Area Overlay District shown on the official zoning map, natural resource buffer yards are established along primary watercourses and secondary watercourses. These natural resource buffer yards provide an area where stormwater flows in a diffuse manner so that the runoff does not become channeled and infiltration of the stormwater and filtering of pollutants can take place.

(b) Impervious surface coverage in the Reservoir Watershed Area Protection Overlay District.

- (1) For all lots or portions of lots in existence prior to the application of this regulation* or lots established outside the subdivision process after that date, no additional *impervious surface* may be added to the *property*, which would result in greater coverage by *impervious surface* than allowed by the *following* table:

***Editor's note:** This regulation was made applicable by Ord. No. 1988-133-TC-305, TC-27-87, §§27, 28 3-1-88. See also: Ord. No. 1988-105-TC-304, TC-24-87, §§7, 8, 1-5-88; Ord. No.1985-511-TC-232, TC-270, §6, 3-5-85.

MAXIMUM IMPERVIOUS SURFACE LIMITS IN RESERVOIR WATERSHED PROTECTION AREA OVERLAY DISTRICT AND REQUIRED MEASURES*

Area	Without Stormwater Control Measures	With Retention Detention, or Capture First Half Inch of Runoff	With Wet Ponds Capturing First Inch of Rainfall
Primary water supply watershed protection areas of this Overlay District	6%; or 3,500 sq. ft. if this is not more than 12%	N/A	N/A
Secondary water supply watershed protection areas of this Overlay District not connected to both <i>City</i> water and sewer utilities	12%; or 3,500 sq. ft. if this is not more than 24%	N/A	N/A
Secondary water supply watershed protection areas of this Overlay District with connections to both <i>City</i> water and sewer utilities	12%; or 3,500 sq. ft. if this is not more than 24%	24%	30% or 3,500 sq. ft. if this is not more than 50%; 70% in areas designated in the Comprehensive Plan for higher impervious surfaces

*Exemptions see subsection e. below.

(Ord. No. 1993-297-TC-69, §2, 12-7-93; Ord. No. 2005-817-TC-267, §15, TC-7-05, 4-19-05)

- (2) *Impervious surfaces shall* include all proposed public and private *streets* within the development approved after application of this

ordinance*, and all *impervious surfaces* on any lot and common area. Calculation of the area of the development *shall* include all subdivision lots, new *street* rights-of-way established after application of this ordinance, and common areas, if any, within the watershed. Calculation of the area of the development *shall* exclude any widening of existing *street* rights-of-way, existing *street* rights-of-way and new *street* rights-of-way reserved in accordance with either §10-3019 or the Roadway Corridor Official Map Act, Chapter 136 Article 2E of the General Statutes.

***Editor's note:** This ordinance was first applied on June 20, 1993
(Ord. No. 1993-218-TC-60, §24, TC-10-93, 6-15-93)

- (3) All lots established under the subdivision ordinance after the application of this Overlay District, *shall* comply with the impervious lot coverage standards in §10-3052(a).
- (4) Substitutions of *impervious surfaces* done in accordance with §10-2146.2 (a)(5) are allowed.

(c) Required Stormwater Measures.

- (1) *Stormwater retention, detention, and capture.* Within any secondary watershed protection area of the Reservoir Watershed Protection Area Overlay District those lots which are connected to both *City* water and sewer utilities and have a total maximum *impervious surface* of more than three thousand five hundred (3,500) square feet *may* have an impervious coverage of more than twelve (12) per cent and less than twenty-four (24) per cent; provided that, the first one-half ($\frac{1}{2}$) inch of stormwater which directly or indirectly runs off the surfaces, in excess of twelve (12) per cent, from said lot is:
 - a. retained for either infiltration into the soil or for evaporation into the air; or
 - b. detained for at least a twelve-hour period; or
 - c. captured by a wet pond in accordance with the table in subsection 2. below, and applicable regulations.

Additional *impervious surface* coverage is allowed in secondary reservoir watershed protection areas when the first inch of rainfall (including the amount from the first twenty-four (24) per cent *impervious surface* coverage) is captured by a wet pond in accordance with all applicable regulations of subsection (3) below.

- (2) *Stormwater runoff from streets.* Where *impervious surface* coverage is equal to or less than twelve (12) per cent in any primary water supply watershed protection area or equal to or less than twenty-four (24) per cent in any secondary water supply watershed protection area of the Reservoir Watershed Protection Area Overlay District, the first one-half ($\frac{1}{2}$) inch of stormwater which directly or indirectly runs off any public or private *street shall* be contained within the development in accordance with the retention, or detention, or capture methods set forth in a. through c. of subsection (c)(1) above. Where *impervious surface* coverage is greater than twelve (12) per cent in any primary water supply watershed protection area, or greater than twenty-four (24) per cent in any secondary water supply watershed protection area of the Reservoir Watershed Protection Area Overlay District, the first one (1) inch of rainfall from public or private *streets*, including rights-of-way, *shall* be captured in a wet pond in accordance with subsection (3) below.

(Ord. No. 2005-817-TC-267, §16, TC-7-05, 4-19-05)

- (3) *Wet Ponds.* The first inch of rainfall within the development *shall* be captured in a wet pond of standing water when *impervious surfaces* exceed twenty-four (24) per cent in secondary reservoir watershed protection areas of the Reservoir Watershed Protection Area Overlay District. The capture of the first inch of rainfall *shall* be from the entire development, including all portions of *impervious surfaces*.

Except if located in areas designated in the Comprehensive Plan for higher *impervious surfaces*, the maximum per cent of *impervious surface* coverage in those portions of the secondary reservoir watershed protection areas connected to both *City* water and sewer utilities *shall* not exceed thirty (30) per cent unless the *impervious surface* coverage is three thousand five hundred (3,500) square feet per lot or less; in such instances the maximum *impervious [surface]* coverage allowed *shall* not exceed fifty (50) per cent. When the development is located in portions of secondary reservoir watershed protection areas that are specifically designated in the Comprehensive Plan for higher *impervious surfaces*, the maximum *impervious surface* coverage *shall* not exceed seventy (70) per cent; provided, that the property is connected to both *City* water and sewer utilities. No more than five (5) per cent of the land area within any one (1) secondary reservoir watershed protection area *may* be developed with an *impervious surface* coverage in excess of fifty (50) per cent unless approved by the North Carolina Environmental Management Commission.

Editor's note: As of August 1, 2002, the total estimated amount of acreage representing five (5) per cent of the land within the jurisdiction of the *City* in the secondary reservoir watershed protection area of the Swift Creek Watershed Basin

is two hundred thirty (230) acres, and within the secondary reservoir watershed protection area of the Falls Watershed Basin is ninety (90) acres. (Ord. No.1993-218-TC-60, §24 TC-10-93, 6-15-93; Ord. No. 2003-373-TC-231, §41, TC-23-02, 2-4-03)

1. All wet pond design specifications and requirements are found within the *City of Raleigh Stormwater Design Manual*.
(Ord. No. 691-TC-360, §§2—4, TC-12-90, 12-16-90; Ord. No. 2005-817-TC-267, §17, TC-7-05, 4-19-05)
2. The wet pond *shall* be designed to remove eighty-five (85) per cent of the total suspended solids from a one (1) inch rainfall.
3. Vegetative filters, of at least thirty (30) feet in length, are required for the overflow and discharge of the wet pond.
4. The design storage volume *shall* be above the permanent pool.
5. The discharge rate *following* the one (1) inch rainfall design storm *shall* be such that the runoff does not draw down to the permanent pool level in less than forty-eight (48) hours and that the pond is drawn to the permanent pool level within one hundred and twenty (120) hours.
6. The inlet structure minimizes turbulence by using baffles or other appropriate design features.
7. To minimize *sedimentation* and eutrophication of the detention pond, runoff *shall* be pretreated by the use of infiltration swales and other appropriate design features.
State law reference: Title 15A N.C. Admin. Code Chapter 2H.1000 subsections (g)(2), (i), (k), and (l).

(d) RESERVED.

(e) Maintenance of stormwater control measures.

When retention devices, detention devices, or wet ponds serve more than one (1) lot and are located on private property, there *shall* be recorded a maintenance covenant which complies with §10-9027(b) for sharing the maintenance costs. There *shall* also be recorded, after approval by the *City*, in the Wake County Registry, a map showing the location of the retention device, detention device, or wet pond on the lot; said map *shall* bear the *following* note:

" The stormwater control facilities, which serve more than one (1) lot, that are not accepted for maintenance by a governmental agency are required by the Raleigh City Code to be owned and maintained by a property owners association for which all lot owners shall be a member."

No retention device, detention device, or wet pond *shall* be installed except in accordance with the requirements of the Raleigh *City* Code.

In addition to the required maintenance covenant, any *person* who installs stormwater control facilities which serve more than one lot *shall* execute and record the *City* form declaration required by §10-3073(b) containing provisions for developments with common elements and common expenses as well as a subsequent recorded property owners association declaration conforming to either G.S. 47C or 47F or any successor statute.

Cross reference: Stormwater control measures in Reservoir Watershed Protection Overlay District for new subdivisions, §10-3051(c) and §10-3052.

(f) Exemptions.

- (1) The *impervious surface* coverage limitations and stormwater retention, detention, and capture requirements within the secondary watershed protection area of the Reservoir Watershed Protection Area Overlay District are inapplicable to any *street*, right-of-way, lot, or improvement thereon if its stormwater runoff flows by gravity to a watercourse located outside the Overlay District. All gravity flow drainage plans *shall* be approved by the Soil Conservation Division of the *City*.
- (2) The *impervious surface* coverage limitations and stormwater retention, detention, and capture requirements are inapplicable to a lot separated by deed conveyance prior to June 20, 1993; provided that, the lot is developed for a single-family dwelling with no more than three thousand five hundred (3,500) square feet of *impervious surfaces* and the *owner* does not own any other contiguous real *property* which could be recombined in accordance with §10-3005.

(g) Forestation of Lots Located Within Reservoir Watershed Protection Area Overlay Districts.

- (1) Except as otherwise provided in subsections 2. through 4. below, every lot located within a reservoir watershed protection area overlay district *shall* provide and maintain an area set aside for trees equal to at least forty (40) per cent of the lot area. Within this area, trees *shall* either be preserved or planted in accordance with this subsection. Tree areas *may* be one contiguous area or scattered areas

throughout the lot, but no required tree area *shall* be less than one-fifth (1/5) of the total gross land area required to be set aside for trees. All areas required herein to be set aside for trees *shall* be wooded. Wooded areas *may* consist of either areas where *active tree preservation* is observed or tree planting areas. Each *active tree preservation* area must contain a minimum of two (2) inches of tree caliper (6.25 inches of circumference) per every 100 square feet, and within such areas, *active tree preservation*, as defined in §10-2002(b), *shall* be followed. Areas that are set aside for trees that do not meet the standards for *active tree protection* areas must be planted with shade trees, as defined in §10-2002(b). The minimum size of new tree plantings used to fulfill this requirement shall be 3/8-inch caliper (1.17 inches of circumference), and such trees *shall* be planted at a rate of two (2) inches of tree caliper (6.25 inches of circumference) per every 100 square feet.

- (2) For lots located within areas designated "New Urban Residential" by the Swift Creek Land Management Plan of the *City's* Comprehensive Plan, the regulations for subparagraph 1. above *shall* apply with the exception that lots *shall* provide and maintain an area set aside for trees equal to at least twenty-five (25) per cent of the lot area.
- (3) For lots located within cluster unit developments, areas set aside for trees *may* in lieu of being situated on the individual dwelling lots *may* instead be located within open space lots which are common areas of the homeowners association, provided that, the overall acreage set aside for trees is not diminished.
- (4) The requirements of subsection f. *shall* not apply to lots devoted exclusively to stormwater control measures or to those lots located in those areas of the Comprehensive Plan designated for *impervious surfaces* in excess of thirty (30) per cent.

State law references: G.S.143-214.5 and 15A N.C. Admin. Code 2B; 1985 Sessions Laws, Chapter 556.

Sec. 10-10022.

URBAN WATER SUPPLY WATERSHED PROTECTION AREA OVERLAY DISTRICT REGULATIONS.

(a) Natural Resource Buffer Yards Within Urban Water Supply Watershed Protection Area Overlay Districts.

The establishment of and the uses permitted in the natural resource buffer yards are set forth in §§10-9040 through 10-9044. Within the Urban Water Supply Watershed Protection Area Overlay District shown on the official zoning map, natural resource buffer yards are established along all

perennial watercourses. These natural resource buffer yards provide an area where stormwater flows in a diffuse manner so that the runoff does not become channeled and infiltration of the stormwater and filtering of pollutants can take place.

(b) Impervious Surface Coverage in the Urban Water Supply Watershed Protection Area Overlay District.

- (1) For all lots or portions of lots in existence prior to the application of this regulation* or lots established outside the subdivision process after that date, no additional *impervious surface* may be added to the *property*, which would result in greater coverage by *impervious surface* than allowed by the following table:

***Editor's note:** This regulation was enacted on April 19, 2005, [Ord. No. 2005-817-TC-267, TC-7-05] and first became applicable on April 24, 2005.

MAXIMUM IMPERVIOUS SURFACE LIMITS IN URBAN WATER SUPPLY WATERSHED PROTECTION AREA OVERLAY DISTRICT AND REQUIRED MEASURES*

Area	Without Stormwater Control Measures	With Retention, Detention, or Capture First Inch of Rainfall
Primary water supply watershed protection areas of this Overlay District	24% or two dwelling units of a <i>single family</i> detached development per acre (or 20,000 square foot lot excluding road way right-of-way)	50%
Secondary water supply watershed protection areas of this Overlay District	24% or two dwelling units of a <i>single family</i> detached development per acre (or 20,000 square foot lot excluding roadway right-of-way) or three dwellings per acre or 36 per cent built upon area for projects without curb and gutter <i>street</i> systems	70%
* Exemptions see subsection e. below.		

Land *shall* be deemed compliant with the intensity requirements if the *following* condition is met: The intensity of all existing development at the time of reclassification does not exceed the density requirement when densities are averaged throughout the entire area.

- (2) *Impervious surfaces shall* include all proposed public and private streets within the development approved after application of this ordinance*, and all *impervious surfaces* on any lot and common area. Calculation of the area of the development *shall* include all subdivision lots, new *street* rights-of-way established after application of this ordinance, and common areas, if any, within the watershed. Calculation of the area of the development *shall* exclude any widening of existing *street* rights-of-way, existing street rights-of-way and new *street* rights-of-way reserved in accordance with either §10-3019 or the Roadway Corridor Official Map Act, Chapter 136 Article 2E of the General Statutes.

***Editor's note:** This ordinance was enacted on April 19, 2005, [Ord. No. 2005-817-TC-267, TC-7-05] and first became applicable on April 24, 2005.

- (3) All *lots* established under the subdivision ordinance after the application of this Overlay District, *shall* comply with the impervious lot coverage standards in §10-3052.1(a).
- (4) *Redevelopment* is permitted when the activity does not result in a net increase of *impervious surface* and provides equal or greater stormwater control than the previous development and substitutions of *impervious surfaces* is done in accordance with §10-2146.2(a)(5).
- (5) Any *lot* of record existing prior to the initial application of the overlay district that does not conform to the area and/or impervious coverage regulations contained in the schedule of Maximum Impervious Surface Limits in Urban Water Supply Watershed Protection Area Overlay District and Required Measures of §10-10022(b)(1) and which *lot* contains a detached *single family dwelling* is exempt from the regulations of this overlay district, except there *shall* be no exemption if the *lot* is contiguous to any other *lot* owned by the same *person*. Additions and expansions to existing structures *shall* comply with the requirements of this overlay district, however, *impervious surfaces* existing prior to the initial application of these regulations *shall* not be included in the *impervious surface* coverage calculations.

Editor's note: These regulations first became applicable on October 12, 2008.

(c) Required Stormwater Measures.

- (1) *Stormwater retention, detention, and capture.* Within any primary or secondary watershed protection area of the Urban Water Supply Watershed Protection Area Overlay District those lots which are connected to both *City* water and sewer utilities and have a total impervious coverage of more than twenty-four (24) per cent; provided that approved engineered stormwater controls *shall* control runoff

from the first one (1) inch of rainfall which directly or indirectly runs off the surface, in excess of twenty-four (24) per cent from said lots is:

- a. Retained for either infiltration into the soil or for evaporation into the air; or
- b. Detained for at least a twelve-hour period; or
- c. Captured by a wet pond in accordance with applicable regulations.

All engineered stormwater controls *shall* be in strict compliance with the *City of Raleigh Stormwater Design Manual* and *shall* be designed to control all the runoff they receive.

- (2) *Stormwater runoff from streets.* Where *impervious surface* coverage is greater than twenty-four (24) per cent, the first inch of stormwater which directly or indirectly runs off any public or private *street*, including rights of way, *shall* be contained within the development in accordance with the retention, or detention, or capture methods set forth in a. through c. of subsection (c)(1) above.

(d) Maintenance of Stormwater Control Measures.

When retention devices, detention devices, or wet ponds serve more than one (1) lot and are located on private *property*, there *shall* be recorded a maintenance covenant which complies with §10-9027(b) for sharing the maintenance costs. There *shall* also be recorded, after approval by the *City*, in the Wake County Registry, a map showing the location of the retention device, detention device, or wet pond on the lot; said map *shall* bear the *following* note:

“The *stormwater control facilities*, which serve more than one (1) lot, that are not accepted for maintenance by a governmental agency are required by the Raleigh City Code to be owned and maintained by a property owners association for which all lot owners shall be a member.”

No retention device, detention device, or wet pond *shall* be installed except in accordance with the requirements of the Raleigh *City Code*.

In addition to the required maintenance covenant, any *person* who installs stormwater control facilities which serve more than one lot *shall* execute and record the *City* form declaration required by §10-3073(b) containing provisions for developments with common elements and common

expenses as well as a subsequent recorded property owners association declaration conforming to either G.S. 47C or 47F or any successor statute.

Cross reference: Stormwater control measures in Water Supply Watershed Protection Overlay District for new subdivisions, §10-3051(c), §10-3052 and §10-3052.1.

(e) Exemptions.

- (1) The *impervious surface* coverage limitations and stormwater retention, detention, and capture requirements within the secondary water supply watershed protection area of the Urban Water Supply Watershed Protection Area Overlay District are inapplicable to any *street*, right-of-way, lot, or improvement thereon if its stormwater runoff flows by gravity to a watercourse located outside the Overlay District. All gravity flow drainage plans *shall* be approved by the Stormwater Services Division of the *City*.
- (2) Any *lot* of record existing prior to the initial application of the overlay district that does not conform to the area and/or impervious coverage regulations contained in the schedule of Maximum Impervious Surface Limits in Urban Water Supply Watershed Protection Area Overlay District and Required Measures and which *lot* contains a detached *single family dwelling* is exempt from the regulations of this overlay district, except there *shall* be no exemption if the *lot* is contiguous to any other *lot* owned by the same *person*. Additions and expansions to existing structures *shall* comply with the requirements of this overlay district, however, *impervious surfaces* existing prior to the initial application of these regulations *shall* not be included in the *impervious surface* coverage calculations.
Editor's note: These regulations first became applicable on October 12, 2008.
- (3) For all lots or portions of lots in existence prior to the application of this regulation* or lots established outside the subdivision process after that date, the *impervious surface* coverage limitations and stormwater retention, detention, and capture requirements within the Urban Water Supply Watershed Protection Area Overlay District are inapplicable to any single development that disturbs less than one (1) acre.

Editor's note: These regulations first became applicable on October 12, 2008.

State law references: G.S. 143-214.5 and 15A N.C. Admin. Code 2B, Section .0216; 1985 Sessions Laws, Chapter 556.

Section 9. All laws and clauses of laws in conflict herewith are hereby repealed to the extent of said conflict.

Section 10. 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 the end the provisions of this ordinance are declared to be severable.

Section 11. This ordinance has been adopted following a duly advertised joint public hearing of the Raleigh City Council and the City Planning Commission following a recommendation of the Planning Commission.

Section 12. This ordinance has been provided to the North Carolina Capital Commission as required by law.

Section 13. This ordinance shall be enforced by law 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 G.S. 14-4(a) or similar limitations.

Section 14. This ordinance shall become effective December 5, 2010.

ADOPTED: November 16, 2010

EFFECTIVE: December 5, 2010

DISTRIBUTION: Planning – Silver, Hallam, Brandon
Stormwater Management – Bowden, Brown
Inspections – Strickland
City Attorney – Hargrove
Transcription Svcs – Taylor