ORDINANCE NO. (2009) – 593 TC 324
TC-8-08

AN ORDINANCE TO INCREASE STORMWATER CONTROL STANDARDS FOR PROJECTS UPSTREAM OF DOCUMENTED STRUCTURAL FLOODING CASES

WHEREAS, The Raleigh City Council finds that projects upstream of documented cases of structural flooding should not increase this flooding problem, and

WHEREAS, the current City of Raleigh Code does not require this,

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

Section 1. Amend Raleigh City Code Section 10-9002 to insert a new definition for Structural Flooding which reads as follows:

"***Structural flooding***. Crawlspace, finish floor, garage, and basement flooding caused by concentrated stormwater flows and not groundwater infiltration. *Structural flooding* also includes sheds and outbuildings on a permanent, enclosed foundation that cannot be easily moved. Sheds and outbuildings not on permanent, enclosed foundations, or that can be easily moved, and where moving the structure is the least cost alternative to prevent flood damage to the structure, are not defined as having *structural flooding*. *Structural flooding* does not include those portions of residential and commercial structures located in a floodplain area and designed and constructed to flood or a commercial structure that has a City approved floodproofing plan."

Section 2. Amend Raleigh City Code Section 10-9023(c) to insert a new paragraph at the end of the section which reads as follows:

"A stormwater impact analysis *shall* be submitted to the City's Public Works Department that are upstream of documented *structural flooding* cases for all rezoning applications except those which initially zones property added to the territorial coverage of Part 10 Chapter 2 as a result of annexation, extraterritorial jurisdictional expansion or otherwise or application of any overlay zoning districts, other than Planned Development Conditional Use Overlay Districts. A stormwater impact analysis *shall* also be submitted to the City's Public Works Department for all *subdivision* and *site plan* applications that are upstream of documented *structural flooding* cases. This analysis *shall* look at the flood level differences between *pre-development* and *post-development conditions* for the twenty-five (25), fifty (50) and *one hundred (100) year storm events*. If the analysis shows an increase greater than 0.04 feet between pre-development and

post-development flood levels at the site of *structural flooding* then offsite and/or onsite mitigation to pre-development flood conditions will be required to prevent further damage to the affected property. In the case where the area of the subject property is less than five (5) percent of the drainage area, measured to the location of the documented *structural flooding*, then this analysis *shall* not be required.” In the event flood levels are increased, then the affected property owners will notified in writing of any increase by the applicant.”

Section 3. Amend Raleigh City Code Section 10-2165(a) to insert a cross reference following this subsection which reads as follows:

“ **Cross reference:** See §10-9023(c), for requirement of a structural flooding analysis for rezoning cases.”.

Section 4. All laws and clauses of laws in conflict herewith are hereby repealed to the extent of said conflict.

Section 5. 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 6. 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 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 G.S. 14-4(a) or similar limitations.

Section 8. This ordinance shall become effective thirty days following its adoption, and it shall apply to all rezoning, subdivision and site plan applications submitted to the City on and after the effective date.

This ordinance was prepared by the Raleigh City Public Works Department.

ADOPTED: May 19, 2009
EFFECTIVE: June 18, 2009
DISTRIBUTION: Inspections
Public Works
Planning