



ITEM SUMMARY

MEETING DATE: November 7, 2022

FROM: Caryn Gardner-Young, Zoning Administrator

SUBJECT: **Ordinance 2022-29, ZTA-22-13**
Drainage Between Properties

BACKGROUND

This Zoning Text Amendment is at the request of the City's Development and Neighborhood Services Department to address drainage issues on private properties. There are several reasons a homeowner could have water drainage problems. Sometimes the land where a structure will sit has to be built up, or the land around an existing structure sloped away, in order for rainwater to drain away properly. Grading is a landscaping technique that gently slopes the yard away from the home. It is at such a slight angle that people may not even know their yard is sloping at all.

Why is drainage so important? It may take time for water to get absorbed by the soil, so when there are heavy rains, the water sits on top of the lawn. If the lawn is flat, the water will stay there, pooling. If there is any grading, the water will flow in the direction of the slope. If the yard slopes toward the home instead of away from it (negative grading), then you have an even bigger issue than pooling. Or the water may flow off site and impact upon a neighbor's property. In fact, neighbors have gone to court over just this issue. Before it gets to that point, City Staff is proposing stronger onsite water retainage.

ANALYSIS

The principal intent of these proposed text amendments to the Zoning Code is to address stormwater impacts upon a neighbor's property when work is conducted on a property that may impact grading. It is not uncommon for government to regulate such activities especially if complaints are received from the residents impacted. The proposed zoning code modifications are to establish regulations to avoid stormwater runoff issues, which are harmful and otherwise detrimental to neighbors in the enjoyment of their life.

The proposed amendments are consistent with the City's Comprehensive Plan and will further the purposes of the City's Zoning Code regulations and other City Codes.

The City Council approved Ordinance 2022-29 on first reading October 17, 2022, by a vote of 5-0.

FINANCIAL INFORMATION

N/A.

LEGAL

Ordinance 2022-29 was prepared in accordance with all applicable state statutes and City Code Requirements and has been reviewed by the City Attorney.

STAFF RECOMMENDATION

Approval of ZTA-22-13 through the adoption of Ordinance 2022-29.