

April 25, 2007

Forsyth County Department of Public Health
Larry A. Bunn, Water & Wastewater Section
P. O. Box 686
Winston-Salem, NC 27102-0686

Division of Environmental Health
c/o Wade B. MacDonald, Jr., PE
Public Water Supply Section
585 Waughtown Street
Winston-Salem, NC 27107

RE: ZONING TEXT AMENDMENT UDO-173

Dear Mr. Bunn and Mr. MacDonald:

The attached report of the Planning Board to the Forsyth County Board of Commissioners is sent to you at the request of the Commissioners. After consideration by the Commissioners, the report will be forwarded to the City Council for their consideration.

When the text amendment is scheduled for public hearing, you will be notified by Jane Cole, Clerk to the County Commissioners and Renee Henderson, City Secretary, of the date on which the Commissioners and City Council will hear this petition.

Sincerely,

A. Paul Norby, FAICP
Director of Planning

Attachment

pc: Jane Cole, County Manager's Office

FORSYTH COUNTY
BOARD OF COMMISSIONERS

MEETING DATE: _____ **AGENDA ITEM NUMBER:** _____

SUBJECT:-

- A. Public Hearing on Zoning Text Amendment proposed by City-County Planning Staff and the County Health Department to amend Chapter B of the *Unified Development Ordinances* to clarify language for minimum lot sizes needed for septic tanks in designated water-supply watersheds, regardless of the underlying zoning (UDO 173).

- B. Approval of Ordinance

COUNTY MANAGER'S RECOMMENDATION OR COMMENTS:-

SUMMARY OF INFORMATION:-

See attached staff report.

After consideration, the Planning Board recommended approval of the rezoning text amendment.

ATTACHMENTS:- YES NO

SIGNATURE: _____ **DATE:** _____

STAFF REPORT

DOCKET #: UDO 173

STAFF: Jesse Beckom III

REQUEST

UDO Text Amendment proposed by the City-County Planning Board Staff in collaboration with the Forsyth County Department of Public Health, and the North Carolina Division of Environmental Health, Public Water Supply Section to amend Chapter B Zoning Ordinance, Article III section 3-1.2 of the *Unified Development Ordinances*. Specifically this ordinance proposes to clarify language related to minimum lot size for Septic Tanks in Water Supply Watersheds designated by the State pursuant to G.S. 15A NCAC 18C.1211

BACKGROUND

Currently the North Carolina Division of Environmental Health, Public Water Supply Section pursuant to G.S. 15A NCAC 18C.1211 requires a minimum lot size of 40,000 sq. ft. for septic systems in identified Water Supply Watersheds. However in areas zoned RS, RM, and MH the UDO requires a minimum lot size of 20,000 sq. ft. for septic systems when public sewer is not available.

This difference in requirements leaves open possible situations where properties located in RS, RM, or MH zoning may also lie within an identified Water Supply Watershed. In such situations the effective minimum lot size would go from 20,000 sq. ft to 40,000 sq. ft. for the use of a septic system where public sewer is not supplied. However, the UDO does not clearly state this fact. Instead it defers to the Forsyth County Public Health Department to determine the minimum lot size requirements for septic disposal. If not initially recognized, this could lead to the creation of an unusable 20,000 sq. ft. lot approved by the City-County Planning Board that is unable to be built upon according to the State of North Carolina Division of Environmental Health, Public Water Supply Section.

ANALYSIS

Existing Staff members are aware of the State's requirements, but clarification is needed for the public and future staff who may be less informed of the differences in regulations. Therefore staff recommends that a direct reference be made in the UDO to cite existing language from the North Carolina Division of Environmental Health, Public Water Supply Section pursuant to G.S. 15A NCAC 18C.1211. This text amendment simply clarifies the effect of the State requirements on what can be allowed through the UDO and **does not** create any new rules or laws.

RECOMMENDATION

APPROVAL.

Jesse Beckom presented the staff report.

PUBLIC HEARING

FOR:

Larry Bunn, Health Department, explained that the intent of this amendment is to do away with confusion for contractors about this issue.

AGAINST: None

WORK SESSION

MOTION: Clarence Lambe moved approval of the zoning text amendment.

SECOND: Jerry Clark

VOTE:

FOR: Jerry Clark, Wesley Curtis, Carol Eickmeyer, Arnold King, Arthur King, Clarence Lambe, Lynne Mitchell, Paul Mullican, Brenda Smith

AGAINST: None

EXCUSED: None

A. Paul Norby, FAICP
Director of Planning

UDO-173
AN ORDINANCE AMENDING
CHAPTER B OF THE *UNIFIED DEVELOPMENT ORDINANCES*
TO ADD CLARIFYING LANGUAGE RELATED TO MINIMUM LOT SIZES FOR
SEPTIC TANKS IN DESIGNATED WATER SUPPLY WATERSHEDS

Be it ordained by the Board of Commissioners of Forsyth County, North Carolina that the *Unified Development Ordinances* is hereby amended as follows:

Section 1. Chapter B - Zoning Ordinance, Article III – Other Development Standards is amended as follows (Requires City-County Planning Board and Elected Body Approval):

3-1 DIMENSIONAL REQUIREMENTS

3-1.2 Supplemental Dimensional Requirements

(P) Minimum Lot Size

- (1) **RS and RM Zoning Districts.** In all RS and RM zoning districts, the minimum area of a zoning lot to be used for a single family dwelling where public or community water supply and sewage disposal systems are not available for connection shall be as determined by the Public Health Department, but in no case shall the area of such lot be less than the greater of twenty thousand (20,000) square feet or the minimum lot size required in the zoning district. In watersheds designated by the Public Water Supply Section of the NC Division of Environmental Health pursuant to 15A NCAC 18C.1211, the minimum lot size shall be forty thousand (40,000) square feet. Exceptions to the 40,000 square foot requirement must be approved by the NC Division of Environmental Health.

- (2) **MH Zoning District.** In all the MH zoning district, the minimum area of a zoning lot to be used for a manufactured home park where public or community water supply and sewage disposal systems are not available for connection shall be as determined by the Public Health Department, but in no case shall the area of such lot be less than four (4) acres. The minimum area of a zoning lot to be used for a single family dwelling where public or community water supply and sewage disposal facilities are not available and used shall be as determined by the Public Health Department, but in no case shall be less than twenty thousand (20,000) square feet. In watersheds designated by the Public Water Supply Section of the NC Division of Environmental Health pursuant to 15A NCAC 18C.1211, the minimum lot size shall be forty thousand (40,000) square feet. Exceptions to the 40,000 square foot requirement must be approved by the NC Division of Environmental Health.

Section 2. This ordinance shall become effective upon adoption.