

STAFF REPORT

DOCKET #: UDO-100

STAFF: David Reed

REQUEST

Text Amendment proposed by the City-County Inspections Division to amend Chapter C Article VII Sections 7-16.2 and 7-22.1 of the Unified Development Ordinances (UDO). The amendment would allow for the Erosion Control fees to be modified by the Elected Bodies without having to amend the UDO each time those fees are adjusted.

BACKGROUND

When the UDO was adopted, most of the fees that are subject to change over time were not listed specifically in the ordinance but rather referred to as “to be established by the elected board.” The permit fees and civil penalties for Erosion Control permits were, however, specifically listed within the Environmental Ordinance. This Text Amendment would take those specific fee references out of the UDO and make the language consistent with all other references in the UDO relating to fees.

ANALYSIS

Several different types of fees are mentioned in the present UDO including submittal fees for various types of projects and advertising fees. All fees with the exception of the above mentioned Erosion Control fees are currently referenced as being established and modified by the elected body. Approval of this text amendment will make the erosion control fees consistent with other fees in the UDO.

Generally, the Civil Penalty fees are spelled out in the UDO because they are not changed very frequently. The Civil Penalty fees for the Erosion Control permits, however, are tied to the permit fees so they will fluxuate as frequently as the erosion control fees and therefore should be excluded from being specified in the UDO.

RECOMMENDATION

Approval.

**UDO-
AN ORDINANCE AMENDING
THE *UNIFIED DEVELOPMENT ORDINANCES*
REGARDING FEES FOR
EROSION CONTROL PERMITS**

Be it resolved, by the _____ of _____, North Carolina that the *Unified Development Ordinances* (UDO) is hereby amended as follows **(strikeouts are to be deleted and underlines are to be inserted)**:

Section 1. CHAPTER C - ENVIRONMENTAL ORDINANCE, ARTICLE VII EROSION CONTROL is revised by the following changes:

7-16.2 FEE

The fee for permits required by this section shall be ~~two hundred twenty dollars (\$220) per site, plus one hundred ten dollars (\$110) for each acre or part of an acre to be graded up to a maximum fee of three thousand eight hundred fifty dollars (\$3,850)~~ established by the Elected Body. When permits are requested for incremental grading in sections, the fee established by this section shall apply to each permit. The fee for sites where grading begins before a permit is obtained shall be as outlined in Section 7-22.1(C).

7-22.1 CIVIL PENALTIES

(C) Erosion Control Plan

Any person who commences grading activities without a permit shall be subject to a single, noncontinuing civil penalty equal to double the normal permit fee, ~~not to exceed one thousand dollars (\$1,000)~~. Any person who is subject to a civil penalty under this section may be subject to additional civil penalties for violation of any other provision of this chapter, or rules or orders adopted or issued pursuant to this Ordinance.

Section 2. This ordinance shall become effective July 1, 2003.