

September 20, 2002

Martin Marietta Aggregates
c/o R. Dean Hardy
P. O. Box 18565
Greensboro, NC 27419

RE: ZONING TEXT AMENDMENT UDO-91

Dear Mr. Hardy:

The attached report of the Planning Board to the Forsyth County Board of Commissioners and City of Winston-Salem Board of Aldermen is sent to you at the request of the Commissioners and Aldermen.

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

Sincerely,

A. Paul Norby, AICP
Director of Planning

Attachment

pc: Jane Cole, County Manager's Office
Renee Rice, City Secretary
William E. Ayers, 2865 Wesleyan Lane, Winston-Salem, NC 27106

UDO 91 Sep 2002

FORSYTH COUNTY
BOARD OF COMMISSIONERS

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

SUBJECT:-

Request for Public Hearing on Zoning Text Amendment proposed by Martin Marietta Aggregates to amend the UDO to permit nighttime loading of aggregate materials under the UDO use classification "Mining, Quarry, or Extractive Industry" (UDO-91).

COUNTY MANAGER'S RECOMMENDATION OR COMMENTS:-

SUMMARY OF INFORMATION:-

Zoning Text Amendment proposed by Martin Marietta Aggregates to amend the UDO to permit nighttime loading of aggregate materials under the UDO use classification "Mining, Quarry, or Extractive Industry" (UDO-91).

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

ATTACHMENTS:- YES NO

SIGNATURE: _____ **DATE:** _____

ACTION REQUEST FORM

DATE: September 20, 2002
TO: The Honorable Mayor and Board of Aldermen
FROM: A. Paul Norby, AICP, Director of Planning

BOARD ACTION REQUEST:

Request for Public Hearing on zoning map amendment by Martin Marietta
Aggregates

SUMMARY OF INFORMATION:

Zoning Text Amendment proposed by Martin Marietta Aggregates to amend the
UDO to permit nighttime loading of aggregate materials under the UDO use
classification "Mining, Quarry, or Extractive Industry" (UDO-91).

PLANNING BOARD ACTION:

MOTION ON PETITION: APPROVAL
FOR: UNANIMOUS
AGAINST: NONE
SITE PLAN ACTION: NOT REQUIRED

STAFF REPORT

DOCKET #: UDO-91

STAFF: David Reed

REQUEST

Zoning Text Amendment proposed by Martin Marietta Aggregates to modify the conditions for the Mining, Quarry, or Extractive Industry use.

BACKGROUND

The petitioners have proposed this text amendment as a result of changes which have occurred in the road building procedure of the North Carolina Department of Transportation (NCDOT). NCDOT now does much of its road building at night to best avoid traffic conflicts and as a result, needs to acquire crushed stone, concrete, and asphalt during the night. After the UDO was adopted on December 31, 1994, the petitioner's existing quarry was rezoned to accommodate an expansion of the site. The quarry became subject to all of the UDO requirements for quarries including language which states that quarries cannot be operated between the hours of 6:00 p.m. and 7:00 a.m. This puts the petitioner at a competitive disadvantage with other quarries which were approved prior to the adoption of the UDO and therefore are not subject to restriction in hours of operation.

ANALYSIS

The UDO regulations regarding hours of operation were intended primarily to prohibit blasting and other intense activities unique to the quarry industry. The language in the UDO, however, has been interpreted by the Zoning Officer to prohibit all activities at a quarry site including activities which are allowed in other industrial operations 24 hours a day. Staff proposes amending the condition regarding hours of operation for quarries to specifically prohibit drilling, blasting, and crushing during the hours indicated which addresses the intent of the original condition without prohibiting other activities which are not unique to the mining industry and are allowed elsewhere without the restriction on hours of operation.

RECOMMENDATION

Zoning Text Amendment: **APPROVAL**.

David Reed presented the staff report.

PUBLIC HEARING

FOR:

Bill Ayers, 2865 Wesleyan Lane, Winston-Salem, NC 27106

Representative of Martin Marietta. Here to answer any questions. We appreciate staff's support.

AGAINST: None

WORK SESSION

Terry Powell asked why there were no citizens interested in this amendment. Staff explained that it had been advertised as required.

MOTION: Dara Folan moved approval of the text amendment.

SECOND: John Bost

VOTE:

FOR: Avant, Bost, Clark, Doyle, Folan, King, Norwood, Powell

AGAINST: None

EXCUSED: None

A. Paul Norby, AICP
Director of Planning

UDO-91
AN ORDINANCE AMENDING
THE *UNIFIED DEVELOPMENT ORDINANCES*
REGARDING THE USE CONDITIONS FOR MINING, QUARRY,
OR EXTRACTIVE INDUSTRY

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

Section 1. Chapter C, Section 2-5.47 (E) is hereby revised by deleting the following items indicated with a strikethrough (~~as indicated here~~) and adding those items indicated with an underscore (as indicated here):

(E) **Hours of Operation**

~~Quarries and other mining sites~~ Quarry drilling, blasting, and crushing, except in cases of emergency involving safety on the site, shall not be operated on Sunday and may not be operated earlier than 7:00 a.m. nor later than 6:00 p.m. on any other day.

Section 3. The ordinance shall be effective upon adoption.

UDO-91
AN ORDINANCE AMENDING
THE *UNIFIED DEVELOPMENT ORDINANCES*
REGARDING THE USE CONDITIONS FOR MINING, QUARRY,
OR EXTRACTIVE INDUSTRY

Be it resolved, by the Board of Aldermen of the City of Winston-Salem, North Carolina that the *Unified Development Ordinances* (UDO) is hereby amended as follows:

Section 1. Chapter C, Section 2-5.47 (E) is hereby revised by deleting the following items indicated with a strikeout (~~as indicated here~~) and adding those items indicated with an underscore (as indicated here):

(E) **Hours of Operation**

~~Quarries and other mining sites~~ Quarry drilling, blasting, and crushing, except in cases of emergency involving safety on the site, shall not be operated on Sunday and may not be operated earlier than 7:00 a.m. nor later than 6:00 p.m. on any other day.

Section 3. The ordinance shall be effective upon adoption.

UDO-91
AN ORDINANCE AMENDING
THE *UNIFIED DEVELOPMENT ORDINANCES*
REGARDING THE USE CONDITIONS FOR MINING, QUARRY,
OR EXTRACTIVE INDUSTRY

Be it resolved, by the Board of Aldermen of the Town of Kernersville, North Carolina that the *Unified Development Ordinances* (UDO) is hereby amended as follows:

Section 1. Chapter C, Section 2-5.47 (E) is hereby revised by deleting the following items indicated with a strikeout (~~as indicated here~~) and adding those items indicated with an underscore (as indicated here):

(E) **Hours of Operation**

~~Quarries and other mining sites~~ Quarry drilling, blasting, and crushing, except in cases of emergency involving safety on the site, shall not be operated on Sunday and may not be operated earlier than 7:00 a.m. nor later than 6:00 p.m. on any other day.

Section 3. The ordinance shall be effective upon adoption.

UDO-91
AN ORDINANCE AMENDING
THE *UNIFIED DEVELOPMENT ORDINANCES*
REGARDING THE USE CONDITIONS FOR MINING, QUARRY,
OR EXTRACTIVE INDUSTRY

Be it resolved, by the Village Council of the Village of Clemmons, North Carolina that the *Unified Development Ordinances* (UDO) is hereby amended as follows:

Section 1. Chapter C, Section 2-5.47 (E) is hereby revised by deleting the following items indicated with a strikeout (~~as indicated here~~) and adding those items indicated with an underscore (as indicated here):

(E) **Hours of Operation**

~~Quarries and other mining sites~~ Quarry drilling, blasting, and crushing, except in cases of emergency involving safety on the site, shall not be operated on Sunday and may not be operated earlier than 7:00 a.m. nor later than 6:00 p.m. on any other day.

Section 3. The ordinance shall be effective upon adoption.

UDO-91
AN ORDINANCE AMENDING
THE *UNIFIED DEVELOPMENT ORDINANCES*
REGARDING THE USE CONDITIONS FOR MINING, QUARRY,
OR EXTRACTIVE INDUSTRY

Be it resolved, by the Town Council of the Town of Lewisville, North Carolina that the *Unified Development Ordinances* (UDO) is hereby amended as follows:

Section 1. Chapter C, Section 2-5.47 (E) is hereby revised by deleting the following items indicated with a strikeout (~~as indicated here~~) and adding those items indicated with an underscore (as indicated here):

(E) **Hours of Operation**

~~Quarries and other mining sites~~ Quarry drilling, blasting, and crushing, except in cases of emergency involving safety on the site, shall not be operated on Sunday and may not be operated earlier than 7:00 a.m. nor later than 6:00 p.m. on any other day.

Section 3. The ordinance shall be effective upon adoption.