

**FORSYTH COUNTY**  
**BOARD OF COMMISSIONERS**

**MEETING DATE:** \_\_\_\_\_ **AGENDA ITEM NUMBER:** \_\_\_\_\_

**SUBJECT:-**

Request for Public Hearing on Zoning Text Amendment to amend the Erosion Control Regulations

**COUNTY MANAGER'S RECOMMENDATION OR COMMENTS:-**

**SUMMARY OF INFORMATION:-**

Zoning Text Amendment proposed by the City-County Planning Board to amend Chapter C Article VII of the *Unified Development Ordinances* to amend the Erosion Control Regulations to bring them into compliance with changes made to the Sedimentation Pollution Control Act (UDO-69).

After consideration, the Planning Board recommended approval of the rezoning petition.

**ATTACHMENTS:-**     YES         NO

**SIGNATURE:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

**ACTION REQUEST FORM**

**DATE:** January 24, 2001  
**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 Text Amendment to amend the Erosion Control Regulations

**SUMMARY OF INFORMATION:**

Zoning Text Amendment proposed by the City-County Planning Board to amend Chapter C Article VII of the *Unified Development Ordinances* to amend the Erosion Control Regulations to bring them into compliance with changes made to the Sedimentation Pollution Control Act (UDO-69).

**PLANNING BOARD ACTION:**

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

## **STAFF REPORT**

**DOCKET #** UDO-69

**STAFF:** David Reed

### **REQUEST**

Text Amendment proposed by the City-County Planning Board to amend Chapter C Article VII of the *Unified Development Ordinances* to amend the Erosion Control Regulations to bring them into compliance with amendments made to the Sedimentation Pollution Control Act and amendments to the Sedimentation Control Rules.

### **GENERAL BACKGROUND**

The North Carolina Division of Land Resources processes amendments to the Sedimentation Pollution Control Act and oversees the Sedimentation Control Rules. Local governments are notified by the Land Quality Section Central Office whenever amendments are made. The subject text amendment is proposed to incorporate recent changes into the UDO.

### **ANALYSIS**

The proposed changes are all within Article VII of the Environmental Ordinance and involve Sections 7-7 (Mandatory Standards for Land Disturbing Activity), 7-18 (Erosion and Sedimentation Control Plans), and 7-22 (Penalties).

The changes to Section 7-7 include the shortening of time which the developer has to establish a permanent ground cover, and two new requirements involving a pre-construction conference and required notification of the date land disturbing activities will begin.

Changes to Section 7-18 include adding language which indicates plan approval is conditioned on compliance with Federal and State laws, regulations, and rules. A separate proposed addition to Section 7-18 would require plans which include ditches designed for de-watering or lowering the water table to be forwarded to the Director of the Division of Water Quality.

Section 7-22 is proposed to be changed to increase the maximum daily fine, expand the time period for which civil penalties can be assessed, and establish a one-time civil penalty for the day the violation is first detected.

Implementation of these changes in the UDO is necessary to insure consistency between local regulations (UDO) and State laws and regulations.

### **RECOMMENDATION**

Planning staff recommends approval of the proposed changes.

David Reed presented the staff report.

**PUBLIC HEARING**

FOR: None

AGAINST: None

**WORK SESSION**

MOTION: Kem Schroeder moved approval of the zoning map amendment.

SECOND: James Rousseau

VOTE:

FOR: Avant, Bost, Johnson, King, Powell, Rousseau, Schroeder, Snelgrove

AGAINST: None

EXCUSED: None

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A. Paul Norby, AICP  
Director of Planning

**UDO-69**  
**AN ORDINANCE AMENDING**  
**ARTICLE VII, EROSION CONTROL, OF CHAPTER C**  
**"ENVIRONMENTAL ORDINANCE" OF THE**  
**UNIFIED DEVELOPMENT ORDINANCES**

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. Section 7-7.3(A) "Mandatory Standards for Land Disturbing Activity" is revised by replacing "within thirty (30) working days or one hundred twenty (120) calendar days" with "within fifteen (15) working days or ninety (90) calendar days".

Section 2. Section 7-7 is revised by creating a new Section 7-7.7 as follows:

"7-7.7 PRIOR TO LAND DISTURBING ACTIVITIES

**(A) Notification**

No person may initiate a land-disturbing activity before notifying the agency that issued the plan approval of the date that the land-disturbing activity will begin.

**(B) Preconstruction Conference**

When deemed necessary by the approving authority a preconstruction conference may be required."

Section 3. Section 7-18.5 "Notice of Approval, Rejection, Etc." is revised by adding the following after the last sentence:

"The approval of an Erosion Control Plan is conditioned on the applicant's compliance with Federal and State water quality laws, regulations, and rules. A copy of the Erosion Control Plan for any land disturbing activity that involves the utilization of ditches for the purpose of de-watering or lowering the water table must be forwarded to the Director of the Division of Water Quality."

Section 4. Section 7-22.1 (A) is revised by replacing "five hundred dollars (\$500)" with "five thousand dollars (\$5,000)", replacing "from the date of receipt of the notice of violation." with "from the day the violation is first detected." and by adding the following after the last sentence: "A person may be assessed a one-time civil penalty of up to five thousand dollars (\$5,000) for the day the violation is first detected."

Section 5. This ordinance shall become effective upon adoption.

**UDO-69**  
**AN ORDINANCE AMENDING**  
**ARTICLE VII, EROSION CONTROL, OF CHAPTER C**  
**"ENVIRONMENTAL ORDINANCE" OF THE**  
**UNIFIED DEVELOPMENT ORDINANCES**

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

Section 1. Section 7-7.3(A) "Mandatory Standards for Land Disturbing Activity" is revised by replacing "within thirty (30) working days or one hundred twenty (120) calendar days" with "within fifteen (15) working days or ninety (90) calendar days".

Section 2. Section 7-7 is revised by creating a new Section 7-7.7 as follows:

"7-7.7 PRIOR TO LAND DISTURBING ACTIVITIES

**(A) Notification**

No person may initiate a land-disturbing activity before notifying the agency that issued the plan approval of the date that the land-disturbing activity will begin.

**(B) Preconstruction Conference**

When deemed necessary by the approving authority a preconstruction conference may be required."

Section 3. Section 7-18.5 "Notice of Approval, Rejection, Etc." is revised by adding the following after the last sentence:

"The approval of an Erosion Control Plan is conditioned on the applicant's compliance with Federal and State water quality laws, regulations, and rules. A copy of the Erosion Control Plan for any land disturbing activity that involves the utilization of ditches for the purpose of de-watering or lowering the water table must be forwarded to the Director of the Division of Water Quality."

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**"ENVIRONMENTAL ORDINANCE" OF THE**  
**UNIFIED DEVELOPMENT ORDINANCES**

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

Section 1. Section 7-7.3(A) "Mandatory Standards for Land Disturbing Activity" is revised by replacing "within thirty (30) working days or one hundred twenty (120) calendar days" with "within fifteen (15) working days or ninety (90) calendar days".

Section 2. Section 7-7 is revised by creating a new Section 7-7.7 as follows:

"7-7.7 PRIOR TO LAND DISTURBING ACTIVITIES

**(A) Notification**

No person may initiate a land-disturbing activity before notifying the agency that issued the plan approval of the date that the land-disturbing activity will begin.

**(B) Preconstruction Conference**

When deemed necessary by the approving authority a preconstruction conference may be required."

Section 3. Section 7-18.5 "Notice of Approval, Rejection, Etc." is revised by adding the following after the last sentence:

"The approval of an Erosion Control Plan is conditioned on the applicant's compliance with Federal and State water quality laws, regulations, and rules. A copy of the Erosion Control Plan for any land disturbing activity that involves the utilization of ditches for the purpose of de-watering or lowering the water table must be forwarded to the Director of the Division of Water Quality."

Section 4. Section 7-22.1 (A) is revised by replacing "five hundred dollars (\$500)" with "five thousand dollars (\$5,000)", replacing "from the date of receipt of the notice of violation." with "from the day the violation is first detected." and by adding the following after the last sentence: "A person may be assessed a one-time civil penalty of up to five thousand dollars (\$5,000) for the day the violation is first detected."

Section 5. This ordinance shall become effective upon adoption.

**UDO-69**  
**AN ORDINANCE AMENDING**  
**ARTICLE VII, EROSION CONTROL, OF CHAPTER C**  
**"ENVIRONMENTAL ORDINANCE" OF THE**  
**UNIFIED DEVELOPMENT ORDINANCES**

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

Section 1. Section 7-7.3(A) "Mandatory Standards for Land Disturbing Activity" is revised by replacing "within thirty (30) working days or one hundred twenty (120) calendar days" with "within fifteen (15) working days or ninety (90) calendar days".

Section 2. Section 7-7 is revised by creating a new Section 7-7.7 as follows:

"7-7.7 PRIOR TO LAND DISTURBING ACTIVITIES

**(A) Notification**

No person may initiate a land-disturbing activity before notifying the agency that issued the plan approval of the date that the land-disturbing activity will begin.

**(B) Preconstruction Conference**

When deemed necessary by the approving authority a preconstruction conference may be required."

Section 3. Section 7-18.5 "Notice of Approval, Rejection, Etc." is revised by adding the following after the last sentence:

"The approval of an Erosion Control Plan is conditioned on the applicant's compliance with Federal and State water quality laws, regulations, and rules. A copy of the Erosion Control Plan for any land disturbing activity that involves the utilization of ditches for the purpose of de-watering or lowering the water table must be forwarded to the Director of the Division of Water Quality."

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Section 5. This ordinance shall become effective upon adoption.



**UDO-69**  
**AN ORDINANCE AMENDING**  
**ARTICLE VII, EROSION CONTROL, OF CHAPTER C**  
**"ENVIRONMENTAL ORDINANCE" OF THE**  
***UNIFIED DEVELOPMENT ORDINANCES***

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

Section 1. Section 7-7.3(A) "Mandatory Standards for Land Disturbing Activity" is revised by replacing "within thirty (30) working days or one hundred twenty (120) calendar days" with "within fifteen (15) working days or ninety (90) calendar days".

Section 2. Section 7-7 is revised by creating a new Section 7-7.7 as follows:

"7-7.7 PRIOR TO LAND DISTURBING ACTIVITIES

**(A) Notification**

No person may initiate a land-disturbing activity before notifying the agency that issued the plan approval of the date that the land-disturbing activity will begin.

**(B) Preconstruction Conference**

When deemed necessary by the approving authority a preconstruction conference may be required."

Section 3. Section 7-18.5 "Notice of Approval, Rejection, Etc." is revised by adding the following after the last sentence:

"The approval of an Erosion Control Plan is conditioned on the applicant's compliance with Federal and State water quality laws, regulations, and rules. A copy of the Erosion Control Plan for any land disturbing activity that involves the utilization of ditches for the purpose of de-watering or lowering the water table must be forwarded to the Director of the Division of Water Quality."

Section 4. Section 7-22.1 (A) is revised by replacing "five hundred dollars (\$500)" with "five thousand dollars (\$5,000)", replacing "from the date of receipt of the notice of violation." with "from the day the violation is first detected." and by adding the following after the last sentence: "A person may be assessed a one-time civil penalty of up to five thousand dollars (\$5,000) for the day the violation is first detected."

Section 5. This ordinance shall become effective upon adoption.