

FORSYTH COUNTY
BOARD OF COMMISSIONERS

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

SUBJECT:-

- A. Public Hearing on Zoning Text Amendment proposed by the City-County Planning staff to amend various sections of the UDO to make changes regarding the restrictions and approval procedure for Asphalt and Concrete Plants. (UDO-112).

- B. Ordinance Amending the *Unified Development Ordinances*

COUNTY MANAGER'S RECOMMENDATION OR COMMENTS:-

SUMMARY OF INFORMATION:-

See attached staff report.

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

ATTACHMENTS:- YES NO

SIGNATURE: _____ **DATE:** _____

County Manager

ACTION REQUEST FORM

DATE: January 14, 2004
TO: The Honorable Mayor and City Council
FROM: A. Paul Norby, AICP, Director of Planning

BOARD ACTION REQUEST:

Request for Public Hearing on zoning text amendment regarding Asphalt and Concrete Plants

SUMMARY OF INFORMATION:

Zoning Text Amendment proposed by the City-County Planning staff to amend various sections of the UDO to make changes regarding the restrictions and approval procedure for Asphalt and Concrete Plants. (UDO-112).

PLANNING BOARD ACTION:

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

STAFF REPORT

DOCKET #: UDO-112

STAFF: Suzy Gallaway

REQUEST

Zoning Text amendment proposed by City-County Planning staff in response to a City Council request to amend various sections of the UDO making changes regarding the restrictions and approval procedure for Asphalt and Concrete Plants.

BACKGROUND

Currently Asphalt and Concrete Plants are allowed in the General Industrial (GI) zoning jurisdiction by right. There are no special conditions beyond the minimum requirements of the UDO these facilities must adhere to for development. A lack of more stringent requirements or conditions as well as the ease of approval has created a less than ideal situation for both industrial and residential neighbors of these facilities.

ANALYSIS

Staff conducted a survey of some of the other jurisdictions in North Carolina to determine how those communities handled Asphalt and Concrete Plants. Greensboro, Guilford County, Charlotte, and Durham City and County were included in the survey. Winston-Salem/Forsyth County regulations appeared to be the least restrictive of those analyzed.

Currently, the UDO allows Asphalt and Concrete Plants in the GI zoning district. GI zoning does require a bufferyard where adjacent to less intense zoning districts, but not for districts of similar intensity. There are no other conditions in the UDO relating to Asphalt and Concrete Plants.

Staff recommends the UDO be amended to require a Special Use Permit from the elected body for Asphalt and Concrete Plants. Under the proposal, certain performance criteria must be met including a minimum fifty foot wide type IV bufferyard around the perimeter of the property. Within that buffer there must be a six-foot high security fence. There must be a 100-foot setback of any building or operations from any property line. Staff also recommends that any Asphalt or Concrete Plant operations be at least 500 feet from schools, libraries, churches and the following zoning districts: RS, RM, AG, YR, IP, and C. Such operations may include storage and processing areas, loading areas, truck operations and parking areas.

Increasing the protection to neighbors of these facilities may actually encourage other industries to locate closer to these facilities than they may have previously desired. Industrial areas where asphalt plants are currently located are at risk of not getting more fully developed due to the lack of protection from these facilities.

Staff is of the opinion the previously mentioned changes to the UDO would do much to protect neighbors from the undesirable impacts of Asphalt and Concrete Plants. The changes could also encourage developers to consider Winston-Salem/Forsyth County for other industrial development, recognizing that such operations would be protected from the negative impacts of Asphalt and Concrete Plants.

RECOMMENDATION

APPROVAL.

Suzy Gallaway presented the staff report.

PUBLIC HEARING

FOR: None

AGAINST: None

WORK SESSION

MOTION: Paul Mullican moved approval of the zoning text amendment.

SECOND: Jimmy Norwood

VOTE:

FOR: Bost, Clark, Eickmeyer, Glenn, King, Lambe, Mullican, Norwood

AGAINST: None

EXCUSED: None

A. Paul Norby, AICP
Director of Planning

UDO-112
AN ORDINANCE AMENDING CHAPTER B
OF THE *UNIFIED DEVELOPMENT ORDINANCES*
REGARDING ASPHALT AND CONCRETE PLANTS

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

Section 1. Chapter B, Table 2.6 PERMITTED USES is amended by removing the “Z” in the column under the GI zoning classification for “Asphalt and Concrete Plants.” Table 2.6 is further amended by adding an “E” to the column under the GI zoning classification for “Asphalt and Concrete Plants.” Table 2.6 is further amended by adding the corresponding number under the CONDS. column.

Section 2. Chapter B, Section 2-5 USE CONDITIONS is amended by adding the following use conditions for Asphalt and Concrete Plant in the GI Zoning District

- (A) Setbacks for buildings and related operations which may include: storage and processing areas; loading areas; truck operation; and parking areas
 - (1) All buildings and operations must be a minimum of 100 feet from any adjacent property.
 - (2) All buildings and operations must be a minimum of 500 feet from any school, library or church property or from any property zoned RS, RM, AG, YR, IP, or C.
- (B) Bufferyard
There shall be a minimum fifty (50) foot wide undisturbed type IV bufferyard around the perimeter of the property. Within said buffer shall be a six (6) foot security fence. Said fence shall not have any barbed wire, razor wire, or electrification.
- (C) Access
Site shall be accessed by a major or minor thoroughfare or another access route approved by WSDOT or NCDOT.

Section 3. This ordinance shall be effective upon adoption.

UDO-112
AN ORDINANCE AMENDING CHAPTER B
OF THE *UNIFIED DEVELOPMENT ORDINANCES*
REGARDING ASPHALT AND CONCRETE PLANTS

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

Section 1. Chapter B, Table 2.6 PERMITTED USES is amended by removing the “Z” in the column under the GI zoning classification for “Asphalt and Concrete Plants.” Table 2.6 is further amended by adding an “E” to the column under the GI zoning classification for “Asphalt and Concrete Plants.” Table 2.6 is further amended by adding the corresponding number under the CONDS. column.

Section 2. Chapter B, Section 2-5 USE CONDITIONS is amended by adding the following use conditions for Asphalt and Concrete Plant in the GI Zoning District

- (A) Setbacks for buildings and related operations which may include: storage and processing areas; loading areas; truck operation; and parking areas
 - (1) All buildings and operations must be a minimum of 100 feet from any adjacent property.
 - (2) All buildings and operations must be a minimum of 500 feet from any school, library or church property or from any property zoned RS, RM, AG, YR, IP, or C.
- (B) Bufferyard
There shall be a minimum fifty (50) foot wide undisturbed type IV bufferyard around the perimeter of the property. Within said buffer shall be a six (6) foot security fence. Said fence shall not have any barbed wire, razor wire, or electrification.
- (C) Access
Site shall be accessed by a major or minor thoroughfare or another access route approved by WSDOT or NCDOT.

Section 3. This ordinance shall be effective upon adoption.

UDO-112
AN ORDINANCE AMENDING CHAPTER B
OF THE *UNIFIED DEVELOPMENT ORDINANCES*
REGARDING ASPHALT AND CONCRETE PLANTS

Be it ordained, 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 B, Table 2.6 PERMITTED USES is amended by removing the “Z” in the column under the GI zoning classification for “Asphalt and Concrete Plants.” Table 2.6 is further amended by adding an “E” to the column under the GI zoning classification for “Asphalt and Concrete Plants.” Table 2.6 is further amended by adding the corresponding number under the CONDS. column.

Section 2. Chapter B, Section 2-5 USE CONDITIONS is amended by adding the following use conditions for Asphalt and Concrete Plant in the GI Zoning District

- (A) Setbacks for buildings and related operations which may include: storage and processing areas; loading areas; truck operation; and parking areas
 - (1) All buildings and operations must be a minimum of 100 feet from any adjacent property.
 - (2) All buildings and operations must be a minimum of 500 feet from any school, library or church property or from any property zoned RS, RM, AG, YR, IP, or C.
- (B) Bufferyard
There shall be a minimum fifty (50) foot wide undisturbed type IV bufferyard around the perimeter of the property. Within said buffer shall be a six (6) foot security fence. Said fence shall not have any barbed wire, razor wire, or electrification.
- (C) Access
Site shall be accessed by a major or minor thoroughfare or another access route approved by WSDOT or NCDOT.

Section 3. This ordinance shall be effective upon adoption.

UDO-112
AN ORDINANCE AMENDING CHAPTER B
OF THE *UNIFIED DEVELOPMENT ORDINANCES*
REGARDING ASPHALT AND CONCRETE PLANTS

Be it ordained, 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 B, Table 2.6 PERMITTED USES is amended by removing the “Z” in the column under the GI zoning classification for “Asphalt and Concrete Plants.” Table 2.6 is further amended by adding an “E” to the column under the GI zoning classification for “Asphalt and Concrete Plants.” Table 2.6 is further amended by adding the corresponding number under the CONDS. column.

Section 2. Chapter B, Section 2-5 USE CONDITIONS is amended by adding the following use conditions for Asphalt and Concrete Plant in the GI Zoning District

- (A) Setbacks for buildings and related operations which may include: storage and processing areas; loading areas; truck operation; and parking areas
 - (1) All buildings and operations must be a minimum of 100 feet from any adjacent property.
 - (2) All buildings and operations must be a minimum of 500 feet from any school, library or church property or from any property zoned RS, RM, AG, YR, IP, or C.
- (B) Bufferyard
There shall be a minimum fifty (50) foot wide undisturbed type IV bufferyard around the perimeter of the property. Within said buffer shall be a six (6) foot security fence. Said fence shall not have any barbed wire, razor wire, or electrification.
- (C) Access
Site shall be accessed by a major or minor thoroughfare or another access route approved by WSDOT or NCDOT.

Section 3. This ordinance shall be effective upon adoption.

UDO-112
AN ORDINANCE AMENDING CHAPTER B
OF THE *UNIFIED DEVELOPMENT ORDINANCES*
REGARDING ASPHALT AND CONCRETE PLANTS

Be it ordained, 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 B, Table 2.6 PERMITTED USES is amended by removing the “Z” in the column under the GI zoning classification for “Asphalt and Concrete Plants.” Table 2.6 is further amended by adding an “E” to the column under the GI zoning classification for “Asphalt and Concrete Plants.” Table 2.6 is further amended by adding the corresponding number under the CONDS. column.

Section 2. Chapter B, Section 2-5 USE CONDITIONS is amended by adding the following use conditions for Asphalt and Concrete Plant in the GI Zoning District

- (A) Setbacks for buildings and related operations which may include: storage and processing areas; loading areas; truck operation; and parking areas
 - (1) All buildings and operations must be a minimum of 100 feet from any adjacent property.
 - (2) All buildings and operations must be a minimum of 500 feet from any school, library or church property or from any property zoned RS, RM, AG, YR, IP, or C.
- (B) Bufferyard
There shall be a minimum fifty (50) foot wide undisturbed type IV bufferyard around the perimeter of the property. Within said buffer shall be a six (6) foot security fence. Said fence shall not have any barbed wire, razor wire, or electrification.
- (C) Access
Site shall be accessed by a major or minor thoroughfare or another access route approved by WSDOT or NCDOT.

Section 3. This ordinance shall be effective upon adoption.

UDO-112
AN ORDINANCE AMENDING CHAPTER B
OF THE *UNIFIED DEVELOPMENT ORDINANCES*
REGARDING ASPHALT AND CONCRETE PLANTS

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

Section 1. Chapter B, Table 2.6 PERMITTED USES is amended by removing the “Z” in the column under the GI zoning classification for “Asphalt and Concrete Plants.” Table 2.6 is further amended by adding an “E” to the column under the GI zoning classification for “Asphalt and Concrete Plants.” Table 2.6 is further amended by adding the corresponding number under the CONDS. column.

Section 2. Chapter B, Section 2-5 USE CONDITIONS is amended by adding the following use conditions for Asphalt and Concrete Plant in the GI Zoning District

- (A) Setbacks for buildings and related operations which may include: storage and processing areas; loading areas; truck operation; and parking areas
 - (1) All buildings and operations must be a minimum of 100 feet from any adjacent property.
 - (2) All buildings and operations must be a minimum of 500 feet from any school, library or church property or from any property zoned RS, RM, AG, YR, IP, or C.
- (B) Bufferyard
There shall be a minimum fifty (50) foot wide undisturbed type IV bufferyard around the perimeter of the property. Within said buffer shall be a six (6) foot security fence. Said fence shall not have any barbed wire, razor wire, or electrification.
- (C) Access
Site shall be accessed by a major or minor thoroughfare or another access route approved by WSDOT or NCDOT.

Section 3. This ordinance shall be effective upon adoption.