

CHAPTER 3

FORSYTH COUNTY AIR QUALITY CONTROL¹

SUBCHAPTER 3D - AIR POLLUTION CONTROL REQUIREMENTS

SECTION .0800 - TRANSPORTATION FACILITIES

Section .0801 Purpose and Scope

(a) The purpose of this Section is to set forth requirements of the Forsyth County Board of Commissioners relating to construction or modification of a transportation facility which may result in an ambient air quality standard being exceeded.

(b) For purposes of this Section any transportation facility that was under construction or was the subject of a contract for construction prior to November 15, 1973, shall not be considered to be a new air pollution source.

(c) Approval to construct or modify a transportation facility shall not relieve any owner or developer of the transportation facility of the responsibility to comply with the state control strategy and all local and state regulations which are part of the North Carolina State Implementation Plan for Air Quality. (Ord. No. 9-94, 12-19-94)

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¹**Cross references**--Buildings and building regulations, Ch. 7; erosion control, Ch. 9; fire prevention and protection, Ch. 10; zoning ordinance, Ch. 23.

State law references--Air pollution control, G.S. §143-215.105 *et seq.*; authority of Board of County Commissioners to establish, administer, and enforce a local air pollution control program. G.S. §143-215.112(c); authority to levy taxes to maintain and administer such program, G.S. §153A-149(c)(3).

Section .0802 Definitions

For the purposes of this Section, the following definitions apply:

- (1) "Construction" means any activity following land clearing or grading that engages in a program of construction specifically designed for a transportation facility in preparation for the fabrication, erection, or installation of the building components which are a part of the transportation facility, e.g. curbing, footings, conduit, paving, etc.
- (2) "Modify" or "modification" means to alter or change the facility resulting in an increase in parking capacity as defined in Rule .0805 of this Section or the number of aircraft operations from an airport as defined in Rule .0804 of this Section.
- (3) "Peak-hour aircraft operation" means the hour during the calendar year when the maximum number of aircraft operations (one operation equals one takeoff or one landing) occur.
- (4) "Owner or developer" means any person who owns, leases, develops, or controls a transportation facility.
- (5) "Transportation facility" means a complex source [(means any facility which is or may be an air pollutant source which will induce or tend to induce development or activities which will or may be air pollution sources, and which shall include , but not be limited to, shopping centers; sports complexes; drive-in theaters; parking lots and garages; residential, commercial, industrial or institutional developments; amusement parks and recreation areas; highways; and any other facilities which will result in increased emissions from motor vehicles or stationary sources)]² which is subject to the requirements of this Section. (Ord. No. 9-94, 12-19-94)

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²See 3B .0102(a)(11); "as defined in G.S. 143-213(22)" replaced in the County Code with the definition contained in G.S. 143-213(22).

Section .0803 Highway Projects

Environmental assessments regarding highway projects shall be reviewed in accordance with the National Environmental Policy Act and the North Carolina Environmental Policy Act. If there is no assessment, or if an assessment shows that there may be a problem in complying with an ambient air quality standard, or if the environmental impact assessment fails to show that the highway project will not result in violations of applicable portions of the control strategy, and will not interfere with attainment or maintenance of a national standard, then the following regulatory provisions shall apply:

- (1) A person shall not construct or modify any highway if that highway will result in a contravention of ambient air quality standards;
- (2) Before construction or modification of any highway with an expected maximum traffic volume of 2,000 vehicles per hour or more within 10 years, a person shall apply for and have received a permit as described in Forsyth County Code, Subchapter 3Q .0600, and shall comply with any terms and conditions therein. (Ord. No. 9-94, 12-19-94)

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Section .0804 Airport Facilities

Before constructing or modifying any airport facility designed to have at least 100,000 annual aircraft operations, or at least 45 peak-hour aircraft operations (one operation equals one takeoff or one landing), the owner or developer of the airport facility shall apply for and have received a permit as described in Forsyth County Code, Subchapter 3Q .0600, and shall comply with all terms and conditions therein. (Ord. No. 9-94, 12-19-94)

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Section .0805 Parking Facilities

(a) The owner or developer of a transportation facility shall not construct or modify a parking area or associated buildings until he has applied for and received a permit under Forsyth County Code, Subchapter 3Q .0600 where the parking area is for:

- (1) construction of a new or expansion of an existing parking lot or combination of parking lots resulting in a parking capacity of at least 1500 spaces or a potential open parking area of at least 450,000 square feet (1500 spaces at 300 square feet per stall);
- (2) modification of an existing parking lot or combination of parking lots with a parking capacity of at least 1500 spaces that will be expanded by at least 500 spaces beyond the last permitted number of spaces;
- (3) construction of a new or expansion of an existing parking deck or garage resulting in a parking capacity of at least 750 spaces or a potential parking area of at least 225,000 square feet (750 spaces at 300 square feet per stall);
- (4) modification of an existing parking deck or garage with a parking capacity of at least 750 spaces that will be expanded by at least 250 spaces beyond the last permitted number of spaces;
- (5) construction of a new or expansion of an existing combination of parking lots, decks, and garages resulting in a parking capacity of at least 1000 spaces or a potential parking area of at least 300,000 square feet; or
- (6) modification of an existing combination of parking lots, decks, and garages with a parking capacity of at least 1000 spaces that will be expanded by at least 500 spaces beyond the last permitted number of spaces.

(b) Parking lots, decks, or garages that are connected such that a person may drive from one to another without having to travel on a public street or road shall be considered one lot or deck. Parking lots, decks, or garages of common ownership separated by a public street or road but within 150 feet of one another and with no existing physical barrier (e.g. buildings, terrain, etc.) will be considered one facility for permit and modeling purposes.

(c) Temporary barriers shall not be used to reduce the capacity of an otherwise affected transportation facility to less than the amount which requires permitting. The design and plan shall clearly show the total parking capacity.

(d) Phased construction shall be evaluated and permitted for a period not to exceed five years from the date of application. (Ord. No. 9-94, 12-19-94)

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Section .0806**Ambient Monitoring and Modeling Analysis**

(a) The Director may require the owner or developer of a transportation facility subject to the requirements of this Section to conduct ambient air quality monitoring if dispersion modeling, traffic analysis, or other ambient air quality monitoring data indicates that there is a potential for the ambient air quality standard for carbon monoxide to be exceeded. If ambient air quality monitoring is required, the permit shall specify the duration of such monitoring.

(b) The Director may require the owner or developer of a transportation facility subject to the requirements of this Section to perform dispersion modeling analyses to predict the impact of proposed construction or modification of a transportation facility on ambient air quality if ambient air quality monitoring, traffic analysis, or other dispersion modeling analysis indicates that there is a potential for the ambient air quality standard for carbon monoxide to be exceeded. (Ord. No. 9-94, 12-19-94)

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