

## ATTACHMENT TO TEXT AMENDMENT

**Ordinance:** Huntersville Zoning Ordinance

**Article:** Article 9 – Condition for Certain Use

**Section:** 9.23.9 (d) – Off-Site Land Clearing and Inert Debris (LCID)

**Party Proposing the Amendment:** Piedmont Wrecking and Grading Company, Inc. is proposing this Text Amendment as the owner of a disposal facility for land clearing and inert debris at 11898 Everette Keith Road in Huntersville, North Carolina. Tax Parcel Number: 01932108.

### Reason for Requested Change:

1. Disposal facilities for land-clearing and inert debris ("Greenfills") benefit the environment because they facilitate and encourage the recycling of waste generated from land-clearing activities and material that is inert, such as gravel, rock, untreated soil and untreated and unpainted wood.
2. Greenfills support the building industry by taking in land-clearing and inert debris and providing opportunities for transfer of these materials to appropriate recycling facilities.
3. Materials brought to a Greenfill facility are often transferred to appropriate recycling facilities and, as a result, the time required to fill the facility can be significantly delayed. Allowing the continued operation of Greenfills that have not reached full capacity would encourage the recycling of Greenfill materials because Greenfill operators would be incentivized to recycle in order to continue operation of their Greenfill facilities.
4. Local zoning and land use ordinances that require closure of landfills prior to the date the landfills would otherwise be closed under state law also apply to Greenfills and so reduce the benefits of Greenfills to the public and private sector by requiring early closure of these environmentally beneficial facilities and removing a resource for recycling from the building industry.
5. The proposed text amendment would allow Greenfills to benefit the public, providing a valuable resource for recycling to the building industry, until they are required by state law to close.

### Current Text:

*d). In no event shall the landfill operate under a LCID or demolition landfill permit later than December 4, 2016 and further provided that on the earlier of the final date permitted for operation of the landfill or the date the landfill permanently ceases operation, the owner and/or operator of the landfill shall immediately commence and continuously pursue to completion*

closure of the landfill according to the provisions of the then current closure plan approved by the State of North Carolina and/or Mecklenburg County. Failure to complete closure according to such approved plan shall be a violation of this ordinance enforceable by all remedies and penalties available to the Town.

### Proposed Text:

d). In no event shall the landfill operate under a ~~LCID or~~ demolition landfill permit later than December 4, 2016 and further provided that on the earlier of the final date permitted for operation of the landfill or the date the landfill permanently ceases operation, the owner and/or operator of the landfill shall immediately commence and continuously pursue to completion closure of the landfill according to the provisions of the then current closure plan approved by the State of North Carolina and/or Mecklenburg County. Failure to complete closure according to such approved plan shall be a violation of this ordinance enforceable by all remedies and penalties available to the Town.

e). A landfill operating under an LCID landfill permit ("Greenfill") shall meet the following requirements ("Maintenance Requirements") to the extent reasonably practicable without violating County, State, or Federal regulations:

- Paving of the driveway entering the facility for a distance of        feet from the public right of way;
- Landscaping along street frontages to the extent commercially reasonable;
- Installation of gravel within the driveway to the facility; and
- Regular cleaning, maintenance, and repair of the driveway to the facility.

Formatted: Highlight

So long as the Maintenance Requirements are met, or, if not met, any failure is remedied within thirty (30) days after receipt of written notice from the Town of Huntersville (or if such failure cannot be cured in such a thirty (30) day period, within a reasonable period thereafter) the Greenfill shall be allowed to operate until closure pursuant to state regulations; provided, however, on or before ~~January 1, 2028~~December 31, 2027 and on the expiration of every successive ten (10) year period thereafter, the Greenfill shall be reviewed ~~administratively by the Planning Director~~ to confirm regular compliance with the Maintenance Requirements over the past ten (10) year period. ~~If the record reveals that~~ If the Greenfill has failed to comply with Maintenance Requirements after receipt of written notice from the Town as described above on at least three (3) occasions over the prior ten (10) year period, then the Planning Director may make a determination that the Greenfill shall be closed and within one hundred twenty (120) days after receipt of such determination, the owner and/or operator must begin landfill of the Greenfill shall immediately commence and continuously pursue to completion ~~closure procedures outlined of the Greenfill~~ according to the provisions of the then current closure plan approved by the ~~state~~ State of North Carolina and/or Mecklenburg County. Failure to complete closure according to such approved plan shall be a violation of this ordinance enforceable by all remedies and penalties available to the Town. Appeals of the decision of the Planning Director shall be made to the Town Board.

