

AN ORDINANCE TO AMEND ARTICLE 9.23.9 (OFF-SITE LAND CLEARING AND INERT DEBRIS AND CONSTRUCTION & DEMOLITION LANDFILLS) - TO EXTEND THE CLOSURE DEADLINE FOR EXISTING LCID LANDFILLS

Section 1. Be it ordained by the Board of Commissioners of the Town of Huntersville that the **Zoning Ordinance** is hereby amended as follows:

ARTICLE 9.23.9

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). In no event shall a landfill operate under an LCID landfill permit later than March 3, 2028 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. Recycling from an LCID landfill shall be considered an LCID activity and shall not be considered an expansion for purposes of determining nonconformance.

f). A landfill operating under an LCID landfill permit as described in e) shall meet the following requirements to the extent reasonably practicable without violating County, State, or Federal regulations:

- 1. In the event that, after September 5, 2017, a driveway is permitted to replace an existing permitted driveway for the facility, the new driveway shall be paved for a distance of 100 feet from the public right of way, or, if the Planning Director determines that 100 feet of pavement is not reasonable due to topographic conditions, for such lesser distance as is determined by the Planning Director;**
- 2. Landscaping along street frontages to the extent commercially reasonable; and**
- 3. The landfill operator will be responsible for removal of any and all debris, dirt, or other materials which fall from trucks entering or leaving the landfill from all adjoining streets on at least a weekly basis.**

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Section 2. That this ordinance shall become effective upon adoption.

PUBLIC HEARING DATE: **August 7, 2017**

PLANNING BOARD MEETING: **August 22, 2017**

PLANNING BOARD RECOMMENDATION: **Denial (5-1 vote)**

TOWN BOARD DECISION: **TBD**

TOWN BOARD MEETING: **September 5, 2017**