

AN ORDINANCE TO AMEND ARTICLE 9.23.9 (OFF-SITE LAND CLEARING AND INERT DEBRIS AND CONSTRUCTION & DEMOLITION LANDFILLS) - TO ALLOW THE CONTINUATION OF EXISTING LANDFILLS WITH THE ISSUANCE OF A SPECIAL USE PERMIT

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 and .10

~~9 An existing LCID landfill shall not be required to be brought into compliance with the provisions of this ordinance provided:~~

- ~~a). The landfill has been continuously operating since 1990 and was not within the zoning jurisdiction of the Town of Huntersville in 1991;~~
- ~~b). The landfill has a valid LCID or demolition landfill permit and/or obtains any renewals of the LCID or demolition landfill permit required by the State of North Carolina and/or Mecklenburg County;~~
- ~~c). The landfill has a closure plan approved by the State of North Carolina and/or Mecklenburg County; and~~
- ~~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.~~

~~10~~ **9** Any existing C&D **or LCID** landfill shall be permitted to continue operation in the zone in which it is located provided the landfill has an unexpired special use permit. Any expansion beyond the property boundary of an existing C&D **or LCID** landfill as approved on November 11, 2005 must be located in the SP district with a special use permit in accordance with the provisions of this Section.

New Text = Bold and Underlined