

**ZONING ORDINANCE
TEXT AMENDMENT APPLICATION**

CITY OF CHARLOTTE

JANUARY 20, 1998 PUBLIC HEARING

Petition #:	<u>98-12</u>
Date Filed:	_____
Received By:	<u>SLS</u>

Section #: Various sections dealing with the following land uses:
(Title)

Purpose of Change: To change existing standards and/or create additional standards and conditions related to off-site land clearing and inert debris landfills, quarries, sanitary landfills, medical waste disposal facilities and solid waste transfer stations; and to provide for a public notification process for these uses.

Name of Agent

Agent's Address

Telephone Number

Signature of Agent

Charlotte-Mecklenburg Planning Commission
Name of Petitioner(s)

600 East Fourth Street, Charlotte, NC 28202
Address of Petitioner(s)

(704) 336-2205
Telephone Number

Signature

APPROVED BY CITY COUNCIL

July 15, 1997
Revised 7/29/97
Revised 8/19/97
Revised 2/16/98

DATE FEBRUARY 16, 1998

Petition No. 98-12
Petitioner: Charlotte-Mecklenburg Planning Commission

ORDINANCE NO. _____ AN ORDINANCE AMENDING APPENDIX A
OF THE CITY CODE - ZONING ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

Section 1. Appendix A, "Zoning" of the Code of the City of Charlotte is hereby amended as follows:

1. Amend CHAPTER 4: DEVELOPMENT APPROVAL, by adding a new section as follows:

Section 4.106. Public notification process for certain land uses.

(1) Purpose

There are certain land uses which, because of their nature or scale, may have particular impacts on both the immediate area and the community as a whole. While these uses may be permitted under prescribed conditions, the neighboring property owners as well as the general public should have the opportunity to learn about these uses, present relative information that may affect the extent or design of the project, to rebutt information supplied by the permit applicant, to ask questions, and to present any pertinent evidence regarding the petition and the requirements of this ordinance. Part of this process will be accomplished through the means of a public forum.

(2) Notification process

In order to facilitate the exchange of information and dialogue, the following process is established for certain land uses so specified:

- (a) The Zoning Administrator will cause the subject site to be posted with a notice stating that the proposed use has been requested, where additional information may be obtained, and establishing a date, time and place for a public forum. The Zoning

Administrator will also mail a notice to affected property owners, as shown on the current City tax abstracts, within 100 feet of the proposed site including those across a street as well as those neighborhood leaders, as listed by the Planning department, within one mile of the proposed site. Such notice will be posted and mailed within 10 working days from the time that the Zoning Administrator determines that the application is complete. The public forum should be held within 30-calendar days of the posting of the sign(s) and the mailing of the notices.

- (b) Any applicant shall be responsible for supplying the Zoning Administrator with postage paid envelopes addressed to adjacent property owners and neighborhood leaders as noted above. Any error in an owner's or neighborhood leaders' list or any other procedural error or omission shall not invalidate the issuance of an otherwise properly issued permit.
- (c) The Zoning Administrator shall not render a decision on the proposed use until a minimum of 21 calendar days has elapsed following the date of the forum. The 21-day period may be used by all parties to submit written statements of rebuttal to the Zoning Administrator. The Zoning Administrator will consider only those rebuttal statements that relate to the compliance of the proposed use with the provisions of this ordinance.
- (d) Within five business days after making a decision on the issuance of a permit, the Zoning Administrator will mail a notice of his decision to the affected property owners and any other persons who commented on the proposed issuance of the permit whose addresses are known.

2. Amend CHAPTER 9: GENERAL DISTRICTS, PART 1: TABLE OF USES AND HIERARCHY OF DISTRICTS, Section 9.101. Table of Uses, as follows:

- a. Add the following to the list of INDUSTRIAL USES in proper alphabetical order;

Medical waste disposal facilities as a principal use.

Solid waste transfer station

And place the symbol "PC" in the I-2 district for both uses.

- b. Add the following to the ACCESSORY USES AND STRUCTURES in proper alphabetical order

Medical waste disposal facilities as an accessory use

And place the symbol "PC" in the Institutional, Office (O-1, O-2, O-3), Business (B-1, B-2, B-D and BP), and Industrial (I-1, I-2) districts.

3. Amend CHAPTER 9: GENERAL DISTRICTS, PART 11: INDUSTRIAL, Section 9.1103. Uses permitted under prescribed conditions as follows:

Add the following uses to the end and assign them the next sequential numbers:

Medical waste disposal facilities, as a principal use (I-2 only), subject to Section 15.525.

Solid waste transfer stations (I-2 only), subject to Section 15.526.

4. Amend CHAPTER 12: DEVELOPMENT STANDARDS OF GENERAL APPLICABILITY, PART 5: SPECIAL REQUIREMENTS FOR CERTAIN USES, as follows:

- a. Amend Section 12.503. Land clearing and inert debris landfill (LCID): off site, by

- (1) Inserting a new paragraph after the section title as follows:

Section 12.503. Land clearing an inert debris landfill (LCID): off-site.

Application. Applications for an off-site LCID zoning permit must be submitted to the Zoning Administrator, who will consider and determine entitlement to the permit based upon the regulations contained in this Section 12.503. Before a decision is rendered there shall be a notification period and a public forum as described in Section 4.106. Public notification process for certain land uses. Applications for minor changes or modifications which will not alter the basic relationship to surrounding properties will be submitted to the Zoning Administrator who will consider and determine entitlement based upon these same regulations. Additions to any existing building or structure of 10% or 1,000 square feet, whichever is less, will not require the notification period and public forum. However, if additional land is being considered as part of the request, the notification period and public forum requirements will apply.

A land clearing and inert debris landfill (LCID): off-site, may be established in any district subject to the following specific conditions:

- (2) Deleting the entire subsection (9) which reads as follows:
 - (9) The applicant must provide a list of the names and addresses, as shown on the County tax abstracts, for all property owners which adjoin or are across the street from the proposed use, and envelopes with the names, addresses, and proper postage affixed. The Zoning Administrator will mail a notification to the affected property owners advising them of the proposed development and when and where the plans may be inspected. The Zoning Administrator will not determine whether a permit will be issued for the proposed use until at least 15 working days from the date of mailing of the notices. The Zoning Administrator will consider all comments received on the application in making a determination on the application. The Zoning Administrator will cause the site to be posted with a notice stating that the proposed use has been requested and where additional information about the request can be obtained. The applicant will be responsible for the cost of the posting of the site. Within five business days after making a decision on the issuance of a permit, the Zoning Administrator will mail a notice of his decision to the affected property owners and any other persons who commented on the proposed issuance of the permit whose addresses are known.

b. Amend Section 12.505. Quarries, as follows:

- (1) Insert a new paragraph immediately after the section title as follows:

Section 12.505. Quarries.

Application. Applications for a quarry zoning permit must be submitted to the Zoning Administrator, who will consider and determine entitlement to the permit based upon the regulations contained in this Section 12.505. Before a decision is rendered there shall be a notification period and a public forum as described in Section 4.106.

Public notification process for certain land uses. Applications for minor changes or modifications which will not alter the basic relationship to surrounding properties will be submitted to the Zoning Administrator who will consider and determine entitlement based upon these same regulations but without the notification period and public forum. Additions to any existing building or structure of 10% or 1,000 square

feet, whichever is less, will not require the notification period and public forum. However, if additional land is being considered, the notification period and public forum requirements will apply.

Quarries may be established in the General Industrial (I-2) district subject to the requirements of this Section:

- (2) Amend subsection (1), by changing the minimum size for a quarry from the current 20 acres to 100 acres.

Amend subsection (3) Dimensional requirements, by deleting the entire subsection which reads as follows:

- (3) Dimensional requirements for quarries are specified below.

<u>Required minimum distance from any public right-of-way or from adjacent property that is zoned:</u>	<u>Residential, Institutional, Research, Office, or Business</u>	<u>Industrial</u>
To any building or extraction area, road, or pit	100 feet	50 feet
To any crushing of rock, processing of stone gravel or other material	300 feet	200 feet
To any blasting	500 feet	400 feet

and replacing it with the following:

(3) Dimensional requirements for quarries are specified below.

Required minimum distance from any public right-of-way or from adjacent property <u>that is zoned:</u>	<u>Residential</u>	<u>Institutional, Research, Office, or Business</u>	<u>Industrial</u>
To any building or extraction area, road, driveway or pit	200 feet *	100 feet *	50 feet *
To any crushing of rock, processing of stone gravel or other material	300 feet	300 feet	200 feet
To any blasting	500 feet	500 feet	400 feet

* All existing trees and vegetation are to remain in an undisturbed condition. Where the natural growth is inadequate to materially screen the quarry site from the view of adjoining properties and from a public street, vegetation will be provided according to Class A buffer requirements. When the site is adjoining residentially zoned property, the exterior 100 feet of the 200 foot separation must contain vegetation equivalent to a Class A buffer adjacent to the exterior property. When adjacent to any nonresidential zoning district, a 50-foot Class A buffer will be provided at the exterior property lines. This 50-foot buffer can be the same minimum distance separation as stated above. The access to the site and utilities serving the site may cross all of these areas, however, underground utility areas will be replanted after installation. It is the intent of this provision that these driveways and utilities be basically in a straight line and as nearly perpendicular to the property line as possible.

(3) Amend subsection (5) by deleting the entire paragraph which reads as follows:

(5) The quarry and all its buildings, pits, and processing equipment must provide a Class A buffer to any abutting property in a residential district. Existing trees and vegetation must be maintained within 100 feet of abutting property lines and any public street right-of-way. This buffer may be reduced to Class C buffer if the site is located in an industrial district. Where the natural growth within 100 feet of the abutting property line or right-of-way is inadequate to materially screen the quarry site

from the view of abutting properties, screening, in accordance with the requirements of Section 12.303, must be provided. Access to the site and utilities serving the site may cross this 100 foot area. However, underground utility areas should be replanted after installation to the extent possible.

After the above paragraph is deleted for subsection (5), replace with the word "Reserved".

- (4) Amend subsection (8) by adding the following after the first sentence:

Acceleration/deceleration lanes will be provided unless the appropriate transportation department determines they are not suitable at that particular location.

and deleting the last sentence which reads as follows:

All driveways which serve the site must be wide enough to accommodate two-way traffic at all times and an area on the site must be provided to accommodate vehicles entering the site so that no traffic waiting to enter the site will be backed up on any public right-of-way.

and replacing it with the following:

All access driveways which serve the site for ingress or egress must be wide enough to accommodate two lanes of traffic. An area on the site must be provided between the entrance off the street and the quarrying operation to accommodate ten vehicles and no vehicles will be allowed to back up on any public right-of-way.

- (5) Delete the entire subsection (9) which reads as follows:

- (9) An application for a quarry site must provide a list of the names and addresses, as shown on the County tax abstracts, for all property owners which abut or are across the street from the proposed use and envelopes with the names, addresses, and proper postage affixed. The Zoning Administrator will mail a notification to the affected property owners advising them of the proposed development and when and where the plans may be inspected. The Zoning Administrator will not determine whether a permit will be issued for the proposed use until at least 15

working days from the date of mailing of the notices. The Zoning Administrator will consider all comments received on the application in making a determination on the application. The Zoning Administrator will cause the site to be posted with a notice stating that the proposed use has been requested and where additional information about the request can be obtained. The applicant will be responsible for the cost of the posting of the site. Within five business days after making a decision on the issuance of a permit, the Zoning Administrator will mail a notice of his decision to the affected property owners and any other persons who commented on the proposed issuance of the permit whose addresses are known.

- c. Amend Section 12.507. Sanitary landfills, by adding the following new paragraph after the first paragraph:

Applications for a sanitary landfill zoning permit must be submitted to the Zoning Administrator, who will consider and determine entitlement to the permit based upon the regulations contained in this Section 12.507. Before a decision is rendered there shall be a notification period and public forum as described in Section 4.106. Public notification process for certain land uses. Applications for minor changes or modifications which will not alter the basic relationship to surrounding properties will be submitted to the Zoning Administrator who will consider and determine entitlement based upon these same regulations. Additions to any existing building or structure of 10% or 1,000 square feet, whichever is less, will not require the notification period and public forum. However, if additional land is being considered, the notification period and public forum requirements will apply.

and deleting the entire subsection (7) which reads as follows:

- (7) The applicant must provide a list of the names and addresses, as shown on the County tax abstracts, for all property owners which abut or are across the street from the proposed use and envelopes with the names, addresses, and proper postage affixed. The Zoning Administrator will mail a notification to the affected property owners advising them of the proposed development and when and where the plans may be inspected. The Zoning Administrator will not determine whether a permit will be issued for the proposed use until at least 15 working days from the date of mailing of the notices. The Zoning Administrator will consider all comments received on the application in making a determination on the application. The Zoning Administrator will cause the site to be posted

with a notice stating that the proposed use has been requested and where additional information about the request can be obtained. The applicant will be responsible for the cost of the posting of the site. Within five business days after making a decision on the issuance of a permit, the Zoning Administrator will mail a notice of his decision to the affected property owners and any other persons who commented on the proposed issuance of the permit whose addresses are known.

- d. Add a new section 12.525 as follows:

Section 12.525. Medical waste disposal facilities

- (1) **Intent.** Thousands of cubic feet of medical waste are handled in Mecklenburg County and its environs in pursuit of health care for area citizens each year. Therefore, it is incumbent upon local government to assume its responsible role in the management of these materials. Starting from this premise, the purposes of these regulations are:
- (a) To assure that medical waste disposal facilities are sited in a manner consistent with the public health, safety and welfare;
 - (b) To assure that the risks to the community are minimized to the greatest extent reasonably possible; and
 - (c) To assure that the decisions with regard to the siting of medical waste disposal facilities are made in an objective fashion.
- (2) **Definitions.** For purposes of these regulations the following terms are defined:
- (a) **Medical waste** means any solid waste which is generated in the diagnosis, treatment, or immunization of human beings or animals, in research pertaining thereto, or in the production or testing of biological mater, but does not include any hazardous waste identified or listed pursuant to the most current North Carolina General Statutes, radioactive waste, household waste as defined in Federal Regulations or those substances excluded from the definition of "Solid Waste" in the latest General Statutes. In the event that the definition of "Medical Waste" as defined therein is amended to include additional wastes within the definition of "Medical Waste" as defined therein is amended to include additional wastes within the definition of "Medical Waste", this definition shall be automatically amended to include

said additional wastes;

- (b) A medical waste disposal facility is a building, structure or use of land devoted, or intended to be devoted, to the storage, treatment or disposal of medical waste and that contains process equipment for the treatment of medical waste;
 - (c) Process equipment means any equipment or device for treating medical waste which requires any type of state or local permit in order to treat medical waste; and
 - (d) Treatment means any process, including steam sterilization, chemical treatment, incineration or other methods approved by the North Carolina Commission for Health Services which changes the character or composition of medical waste so as to render it noninfectious.
- (3) Application. Applications for medical waste disposal facility zoning permit must be submitted to the Zoning Administrator, who will consider and determine entitlement to the permit based upon the regulations contained in this Section. Before a decision is rendered there shall be a notification period and a public forum as described in Section 4.106. Public notification process for certain land uses. Applications for minor changes or modifications which will not alter the basic relationship to surrounding properties will be submitted to the Zoning Administrator who will consider and determine entitlement based upon these same regulations but without the notification period and public forum. Additions to any existing building or structure of 10% or 1,000 square feet, whichever is less, will not require the notification period and public forum. However, if additional land is being considered, the notification period and public forum requirements will apply.

Applications for medical waste disposal facility must include the following information:

- (a) Maps of the area within 500 feet of the exterior property lines of the proposed site, and including the proposed site, which show:
 - (i) all dwelling units, places of public assembly, other principal buildings and structures and streets;
 - (ii) all significant topographical features;

- (iii) all surface water;
 - (iv) all sanitary sewer systems;
 - (v) all storm water management system; and
 - (vi) all wells.
- (b) An engineering certification for the proposed site concerning the factors of:
- (i) surface water drainage;
 - (ii) flooding; and
 - (iii) prevailing wind direction.
- (c) Copies of applications (or permits if they have been received) to the appropriate local, State and/or federal agencies for any of the following permits which are required for the facility:
- (i) air quality permits;
 - (ii) solid waste permits; and
 - (iii) waste water disposal permits.
- (d) A certification from the Mecklenburg County Director of Environmental Protection that the facility and its operations as proposed are consistent with the best commercially available design specifications and operating practices.
- (4) Special Requirements. Medical waste disposal facilities as a principal use may be permitted within the General Industrial (I-2) district and are subject to all appropriate provisions of these regulations and the following supplementary requirements. Medical waste disposal facilities as an accessory use may be permitted within the institutional district, office districts, business districts and industrial districts, and are subject to all appropriate provisions of this ordinance and the following supplementary requirements.
- (a) All storage, treatment and loading facilities handling medical waste as a principal use must be located at least 300 feet from

any property zoned residential or used for residential purposes;
as an accessory use, 100 feet;

- (b) Fences which are not easily climbed and are a minimum of 7 feet high must be installed as safety devices around all portions of the facility directly involved in the storage and handling of medical waste;
 - (c) Access to medical waste disposal facilities must not make use of any residential collector or residential local streets;
 - (d) All surface water and ground water on the site must be controlled so as to minimize to the greatest extent reasonable the probability of contamination from medical waste;
 - (e) All sanitary sewer and storm water management systems on the site must be protected so as to minimize to the greatest extent reasonable the probability of contamination by medical waste; and
 - (f) After approval for the zoning permit, the facility must be operated in accordance with all applicable provisions of the appropriate State and federal legislation and must hold the proper valid permit(s) issued by the appropriate State and federal agencies governing the facility's operation.
- (5) Factors. As a prerequisite to approval of an application for a medical waste disposal facility zoning permit, the Zoning Administrator will take into consideration in reviewing the application and submitted material that:
- (a) That safe and adequate access to the facility for general, service and emergency purposes will not require the use of any residential collector or residential local streets;
 - (b) That the operation of the facility will not produce fumes, odors, noise, dust, smoke or gases which will substantially adversely affect nearby properties; and
 - (c) That all surface water, ground water, sanitary sewer systems and storm water management systems will be controlled so as to minimize to the greatest extent reasonable the probability of contamination by medical waste.

- e. Add a new section 15.526 as follows:

Section 12.526. Solid Waste Transfer Stations

A solid waste transfer station is a facility which receives and temporarily stores solid waste as defined by this ordinance at a location other than the generation site, and which facilitates the transfer of accumulated solid waste to another facility for further processing or disposal. This term does not include recycling centers nor portable storage containers used for the collection of municipal waste.

Solid waste transfer stations may be established in the General Industrial (I-2) district subject to the requirements of this section:

1. Applications for a solid waste transfer station must be submitted to the Zoning Administrator, who will consider and determine entitlement to the permit based upon the regulations contained in this Section. Before a decision is rendered there shall be a notification period and public forum as described in Section 4.106. Public notification process for certain land uses. Application for minor changes or modifications which will not alter the basic relationship to surrounding properties will be submitted to the Zoning Administrator who will consider and determine entitlement based upon these same regulations. Additions to any existing building or structure of 10% or 1,000 square feet, whichever is less, will not require the notification period and public forum. However, if additional land is being considered, the notification period and public forum requirements will apply.
2. Minimum site size is 10 acres.
3. All on-site processing and transferring of solid waste will be conducted entirely within an enclosed building(s). An enclosed building for these purposes is one in which the walls, doors and roof are made of solid materials but may contain windows and skylights.
4. Doors to the building(s) shall remain closed except to temporarily allow transport trucks to enter and exit the building.
5. Vehicle access to the site will be paved and will be provided only from any Class I, II, III, III-C or IV street or from any street built to commercial or industrial standards which leads directly from a Class I, II, III, III-C or IV street. Acceleration/deceleration lanes will be provided unless the appropriate transportation department determines

they are not suitable at that particular location. All access driveways which serve the site for ingress or egress must be wide enough to accommodate two lanes of traffic. An area on the site must be provided between the entrance off the street and the solid waste transfer building to accommodate a minimum of ten vehicles and no vehicles will be allowed to back up on any public right-of-way.

6. All activities of a solid waste transfer station must be located a minimum of 50 feet from any exterior property line, except the minimum shall be increased to 500 feet from any residential zoning district or from any lot line of property used for a residential dwelling unit.
7. All existing trees and vegetation on the solid waste transfer station site are to remain in an undisturbed condition for the distances specified in item 6 above. Where the natural growth is inadequate to materially screen the site from the view of adjoining properties and from a public street, vegetation will be provided according to Class A buffer requirements. When the site is adjoining residentially zoned property, the exterior 100 feet must contain vegetation equivalent to a Class A buffer adjacent to the exterior property. When adjacent to any nonresidential zoning district, a 50-foot Class A buffer will be provided at the exterior property line. This 50-foot buffer can be the same minimum distance separation as stated above. The access to the site and utilities serving the site may cross all of these areas, however, underground utility areas will be replanted after installation. It is the intent of this provision that these driveways and utilities be basically in a straight line and as nearly perpendicular to the property line as possible.
8. When solid waste transfer stations are adjoining any residential zoning district, the facility may not be operated on Sunday or earlier than 7:00 a.m. or later than 6:00 p.m. on any other day.
9. Solid waste transfer stations must be served by public water and sewer facilities.

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

Approved as to form:

J. D. [Signature]
City Attorney

I, _____, _____ City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 16th day of FEBRUARY, 1998, the reference having been made in Minute Book _____, and recorded in full in Ordinance Book _____, Page(s) _____.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the _____ day of _____, 19__.
