

REQUEST

Text amendment to the Charlotte Unified Development Ordinance (UDO), Section 15.4.BBB and Table 15-1

The purpose of this UDO text amendment is to make modifications to the principal use, "Land Clearing and Inert Debris (LCID) Landfill", permitting it only in the ML-2 (Manufacturing and Logistics) zoning district with a conditional zoning, and adjusting the prescribed conditions. The petition will amend the UDO which was adopted on August 22, 2022 and goes into effect on June 1, 2023.

PETITIONER

Charlotte Planning, Design & Development Department

AGENT/REPRESENTATIVE

Charlotte Planning, Design & Development Department

COMMUNITY MEETING

Meeting is not required.

**STAFF
RECOMMENDATION**

Staff recommends approval of this petition.

Plan Consistency

The text amendment is **consistent** with the *2040 Comprehensive Plan*.

Rationale for Recommendation

- The text amendment directly addresses community concerns about environmental and land use impacts of LCID landfills by limiting the areas where this use is allowed; and
- The text amendment enhances the required environmental protection standards for LCID landfills.

PLANNING STAFF REVIEW

• **Background**

- The UDO was adopted by City Council on August 22, 2022, and becomes effective on June 1, 2023.
- The proposed text amendment was presented to the Charlotte-Mecklenburg Planning Commission on March 13.
- The text amendment was reviewed and discussed with the UDO Advisory Committee on March 16.
- A high-level review of the proposed text amendment was presented to the Transportation, Planning and Development Committee of the City Council on April 3.
- The proposed text amendment was presented to the community via two virtual public information sessions on April 11.

• **Proposed Request Details**

The text amendment contains the following highlights:

- Reduces the number of zoning districts where LCID landfills are permitted with prescribed conditions from all zoning districts to only the ML-2 (Manufacturing and Logistics) zoning district, with a conditional zoning.
- Requires the actual LCID fill area to be at least 400 feet from any Neighborhood 1 or Neighborhood 2 Place Type or from an existing residential building in any other place type.
- An LCID landfill may not be operated for more than 12 months if any portion of the landfill is within 400 feet (increased from 300 feet) of any property located in a Neighborhood 1 or Neighborhood 2 Place Type.

- Removes the requirement to record, as part of the deed, the existence and extent of any part of an LCID landfill on any lot that contains any part of an LCID landfill. The location of the landfill shall still be indicated on any required final subdivision plat.
- Increases the distance requirement that an operational portion of an LCID landfill may be from any property lines from 15 feet to 50 feet.
- Requires that primary vehicular access be from a limited access roadway or arterial street and removes option of primary vehicular access from a collector street.
- Adds limited hours of operation of an LCID landfill from 7:00 a.m. to 7:00 p.m., Monday through Saturday, if the site is within 400 feet of any Neighborhood 1 or Neighborhood 2 Place Type or property with an existing residential building in any other place type.
- Adds a requirement that all LCID landfills be lined with a geomembrane liner and leachate collection system subject to the standards of the Code of North Carolina, Department of Environmental Quality, equal to or exceeding the criteria of municipal solid waste landfill units.
- Adds a requirement that all LCID landfills comply with the groundwater well and surface water requirements of municipal solid waste landfill units as defined by the Code of North Carolina, Department of Environmental Quality, equal to or exceeding the criteria for municipal solid waste landfill units.
- Removes the requirement for a zoning use permit.

The following changes were made after the public hearing:

- In section 15.4.BBB.2, inserted "300" and subsequently struck through this added language to correctly reflect the change from currently adopted text.
 - In section 15.4.BBB.7, corrected "landfills" in first sentence to read "landfills."
- **Public Plans and Policies**
 - The text amendment builds upon the vision and goals in the *2040 Comprehensive Plan*, refining the LCID landfill use to provide better functionality.
 - **TRANSPORTATION SUMMARY**
 - **Charlotte Department of Transportation:** CDOT supports the UDO amendment for Land Clearing and Inert Debris Landfills (RZ #2023-056).

DEPARTMENT COMMENTS

- **Charlotte Area Transit System:** CATS staff commented that this text amendment does not impact CATS.
- **Charlotte Fire Department:** No comments received.
- **Charlotte Planning, Design & Development - Zoning Administration:** Charlotte Zoning Administration supports the text amendment for Land Clearing and Inert Debris (LCID) Landfills (RZ #2023-056)
- **Charlotte Solid Waste Services:** No comments received.
- **Charlotte Water:** No comments received.
- **Erosion Control:** No comments received.
- **Mecklenburg County Parks and Recreation Department:** No comments received.
- **Storm Water Services:** No comments received.
- **Urban Forestry / City Arborist:** No comments received.

Additional information online at www.rezoning.org
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