



MECKLENBURG COUNTY  
Land Use & Environmental Services Agency

**Rezoning Petition and Plan Review Criteria, Procedures, and Standard  
Environmental Comments**

At the request of any municipal staff<sup>7</sup> in Mecklenburg County, the Land Use & Environmental Services Agency (LUESA) will review and provide comments in response to rezoning petitions and concept or construction plans. The review will be conducted by LUESA staff from the Water Quality, Groundwater & Wastewater Services, Air Quality, and Solid Waste Programs. This document describes the criteria and procedures that will be used by LUESA to review rezoning petitions, and also includes standard comments typically made in response to reviews. Since each development is unique, LUESA reserves the right to vary our responses from these standard comments based on site conditions, unforeseen environmental impacts, advances in technology/knowledge related to mitigating environmental impacts, and for other similar reasons.

Based on the limited information available in rezoning petitions and concept plans, LUESA staff will attempt to identify local environmental regulations that are potentially applicable to proposed projects; however, petitioners are advised that responses to rezoning petitions are not ordinance applicability determinations.

*The municipality and the applicant are urged to submit the minimum information identified herein (see **Attachment A**) to allow for the most accurate assessment possible by LUESA staff. The review will only be as good as the level of information provided.*

LUESA comments made in response to petition reviews may include requests for changes in site design or construction activities that exceed regulatory requirements to more thoroughly mitigate the environmental impacts of proposed projects. However, if a municipality's zoning ordinance or other regulations contain requirements that are more restrictive than LUESA's comments, the more restrictive requirements will apply.

Since this document is not an ordinance, it is subject to revision without notice. Planning Commission and Municipal staffs will be notified of changes immediately. The most current version of the document will be maintained on LUESA's web site at <http://luesa.charmeck.org>.

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Revision Date:

June 15, 2011

## **1.0 Information Receipt and Processing**

**1.1.1** LUESA review team comments are either as outlined in the following sections of this document or the consolidated comment letter provides a “No Comment” indication. The role of the Rezoning Coordinator is to provide a consolidation of comments to the municipality so that each petition/ application receives only one letter with regard to environmental issues. The review of rezoning and conceptual / construction plans for environmental comments are provided as a courtesy by Mecklenburg County to each municipality.

**1.1.2** City of Charlotte rezoning petitions are distributed to the LUESA review team as they are received (regardless of if it is a monthly first time submittal package or an individual resubmitted petition). The Rezoning Coordinator distributes the plans as follows:

- Monthly packets include the rezoning submittal form and typically a plan set. Either the information is forwarded electronically or the hard copy submittal form is scanned electronically and placed in a shared drive for the review team to access. A notice is forwarded to the review team requesting comments two days prior to the City’s internal staff meeting regarding the monthly petition package. The LUESA reviews are consolidated and delivered to the City at their monthly meeting.
- Resubmitted petitions typically arrive as an electronic plan set without a new submittal form. The plan set is circulated to the review team with a request for comment deadline based on the City’s requested deadline (so review time varies). Comments are submitted to the Rezoning Coordinator and consolidated for electronic submission to the City.

**1.1.3** Town rezoning and plan reviews are distributed to the LUESA review team as they are received. If the Town and/or petitioner fails to provide the requested submittal form, the Rezoning Coordinator must verify that the minimum required information is provided on the plans. The Rezoning Coordinator then distributes the submittal to the LUESA review team with a request for comments within a two week period or within the deadline requested by the Town on the submittal. The LUESA reviews are consolidated and submitted to the LUESA Project Manager for distribution to the Town.

## **2.0 Mecklenburg County Water Quality Program (MCWQP)**

### **2.1 Criteria for Providing Comments**

2.1.1 MCWQP will review all petitions and provide comments on developments likely to be subject to local water quality regulations (Surface Water Improvement and Management (SWIM) and Watershed Protection regulations).

2.1.2 MCWQP will comment on all petitions involving residential development unless the development cumulatively disturbs less than one acre and cumulatively creates less than 24 % built upon area based on lot size or the lot is less than 20,000 square feet and not part of a larger development.

2.1.3 MCWQP will comment on all petitions involving commercial and industrial development (includes multi-family) unless the development cumulatively disturbs less than one acre and cumulatively creates less than 20,000 square feet of built upon area (including gravel and other partially impervious materials).

2.1.4 MCWQP will comment on redevelopment projects unless the projects disturb less than 20,000 square feet and does not decrease existing storm water controls.

## 2.2 MCWQP Review Procedure

- 2.2.1 Review site plan noting total acreage, proposed zoning classification, and proposed development layout (amount of built upon area, building locations, etc.).
- 2.2.2 Review stream locations, S.W.I.M. buffers, and location of site with respect to Watershed Protection areas using POLARIS.

## 2.3 MCWQP Standard Comments

### 2.3.1 Impaired Streams

The property represented in this rezoning drains to surface waters listed on North Carolina's Department of Natural Resources 303(d) list of impaired streams. **NAME CREEK** is listed for **PARAMETER(S)** due to **REASON FOR RATING(S)**. By properly controlling pollutants both during and after construction you can help restore these surface waters. More information on North Carolina's impaired waters and 303(d) list can be found at <http://portal.ncdenr.org/web/wq/ps/mtu/assessment>.

### 2.3.2 Post-Construction Ordinance

At a minimum, the standard comment for all rezonings is as follows:

“The requirements of the post-construction storm water ordinance for the (name of jurisdiction) should be applied to the proposed rezoning. More detailed information regarding ordinance requirements is available at the following website: (website address as indicated below).”

City of Charlotte Post-Construction Storm Water Ordinance

<http://charmeck.org/stormwater/regulations/Pages/Post-ConstructionStormWaterOrdinances.aspx> and click on City of Charlotte.

Mecklenburg County Post-Construction Storm Water Ordinance

<http://charmeck.org/stormwater/regulations/Pages/Post-ConstructionStormWaterOrdinances.aspx> and click on Mecklenburg County.

Town of Cornelius Post-Construction Storm Water Ordinance

<http://charmeck.org/stormwater/regulations/Pages/Post-ConstructionStormWaterOrdinances.aspx> and click on Cornelius.

Town of Davidson Post-Construction Storm Water Ordinance

<http://charmeck.org/stormwater/regulations/Pages/Post-ConstructionStormWaterOrdinances.aspx> and click on Davidson.

Town of Huntersville Post-Construction Storm Water Ordinance

<http://charmeck.org/stormwater/regulations/Pages/Post-ConstructionStormWaterOrdinances.aspx> and click on Huntersville.

Town of Matthews, Post-Construction Storm Water Ordinance  
<http://charmeck.org/stormwater/regulations/Pages/Post-ConstructionStormWaterOrdinances.aspx> and click on Matthews.

Town of Mint Hill Post-Construction Storm Water Ordinance  
<http://charmeck.org/stormwater/regulations/Pages/Post-ConstructionStormWaterOrdinances.aspx> and click on Mint Hill.

Town of Pineville Post-Construction Storm Water Ordinance  
<http://charmeck.org/stormwater/regulations/Pages/Post-ConstructionStormWaterOrdinances.aspx> and click on Pineville.

### 2.3.3 S.W.I.M. Stream Buffers

At a minimum, the standard comment for all rezonings is as follows:

“S.W.I.M. stream buffer requirements apply as described on the following website:  
<http://charmeck.org/stormwater/regulations/Pages/SWIMOrdinances.aspx>.

In addition, the buffer requirements specified in the post-construction storm water ordinance, as described on the website indicated above, also apply. In the event that different requirements occur in the post-construction ordinance compared to the S.W.I.M. stream buffer ordinance, the more stringent will apply.”

### 2.3.4 Watershed Overlays

Check POLARIS and if the requested rezoning is located in a water supply watershed protection area the standard comment is as follows:

“Water supply watershed protection requirements apply as described on the following website:

<http://charmeck.org/stormwater/regulations/Pages/WaterSupplyWatershedOrdinances.aspx>.

However, the storm water controls specified in the post-construction storm water ordinance, as described on the website indicated above, are more restrictive and will therefore supersede the watershed protection rules. The exception is that the built-upon-area caps in the water supply watershed will continue to apply along with any buffer requirements that are more restrictive.”

### 2.3.5 Enhanced Erosion Control Requirement

Check Attachment 1 and if the requested rezoning is located in a designated erosion control critical area the standard comment is as follows:

“Enhanced erosion control measures are to be installed for the proposed project as described below:

1. Surface water draw down devices (risers or skimmers) shall be installed in all sediment basins. Forebays shall be used in conjunction with all sediment basins. Rock forebay embankments may be used in lieu of porous baffles.

2. Polyacrylamides (PAM) shall be used to reduce turbidity and suspended solids whenever a sediment trap, basin, pit, hole or building foundation is being pumped out to remove sediment laden water. PAM is not required when any of the above is being pumped to an approved sediment basin on site. This activity must be inspected and approved by the City of Charlotte/Mecklenburg County erosion control inspector.
3. Double silt fence shall be used along wetlands, streams, lakes or other surface water bodies as well as adjacent to all S.W.I.M. or other Water Quality Buffers. High hazard silt fence with wire backing and washed stone will be installed as determined necessary by the City/County Engineer or field inspector.
4. The amount of uncovered area at any one time shall be limited to no more than 20 acres, unless approved by the County/ City Engineer.
5. A 10-foot undisturbed buffer shall be provided around the outside edge of drainage features such as intermittent and perennial streams, ponds and wetlands. Incidental drainage improvements or repairs will be permitted within the buffer as approved by city/county staff.
6. Installation of temporary ground cover or seeding must be performed within five (5) working days or slope drains installed after fill slopes are brought up in height.
7. Permanent terraces shall be installed on 2:1 or steeper slopes over 19 feet in height to reduce runoff velocity coming down the slopes.

### **3.0 Mecklenburg County Groundwater & Wastewater Services (GWS) Program**

#### **3.1 Criteria for Providing Comments**

- 3.1.1 GWS will review all petitions and provide comments for inclusion in the site plan notes with regard to the applicability of the local Groundwater Well Regulations.
- 3.1.2 GWS will review all petitions and provide informational comments with regard to the protection, alteration, change in use, or abandonment of existing water supply wells and, the installation of new water supply wells.
- 3.1.3 GWS will review all petitions and provide informational comments with regard to modification, relocation or closure of existing on-site wastewater systems and, the installation of new on site waste water systems.
- 3.1.4 All properties contained within the bounds of the rezoning petition will be reviewed to evaluate if known or suspected soil and/or groundwater contamination is located on the properties or in close proximity to the properties.
- 3.1.5 All properties contained within the bounds of the rezoning petition will be reviewed to evaluate if underground storage tanks (USTs) are known or suspected to be located on the properties.

#### **3.2 Review Procedure**

- 3.2.1 Review GWS Electronic Data Management System (EDMS) to determine if a well or on-site wastewater treatment system is known to be located on the properties or in the

- vicinity of the properties.
- 3.2.2 Review EDMS to determine whether soil and/or groundwater contamination is known to be located on or in close proximity to the properties .
  - 3.2.3 Review the North Carolina Department of Environment and Natural Resources (NCDENR) Inactive Hazardous Sites Branch records, , and UST incident management databases to determine the regulatory status of soil and/or groundwater contamination known to be located on or in the close proximity to the site.
  - 3.2.4 Review pertinent Brownfields property reuse agreements to determine if proposed uses are suitable based on the limitations outlined in the redevelopment agreement.
  - 3.2.5 Review building description information for current properly usage and building age(s) information as provided on POLARIS.
  - 3.2.6 Other data that may be evaluated as part of the review includes historical deed information and current and historical aerial photos.

### **3.3 Example Standard Comments**

- 3.3.1 Sites with known water supply wells and/or on site waste water systems or sites located in areas not served by public water supply or sewer:

*Records indicate that a residential structure exists on parcel 03109501. A review of GWS and Charlotte Mecklenburg Utilities (CMU) records indicate a water supply well and an individual waste water disposal system serves this residence. GWS records do not indicate that the water supply well has been permanently abandoned.*

*GWS recommends that the petitioner identify any water supply wells within the project boundary and either protected the wells from damage by flagging and fencing during site development or permanently abandon the wells per the Mecklenburg County Groundwater Well Regulations prior to any demolition or grading activity occurring and conduct survey to locate the septic systems. A permit from GWS is required for permanent well abandonments. The abandonments must be completed by a North Carolina Certified Well Contractor.*

*No regulation governs the abandonment of septic systems; however, GWS does recommend that septic tanks be pumped by a licensed waste hauler to removal any residual contents then subsequently crushed and backfilled. This recommendation is made because tanks that collapse pose a safety hazard and improperly abandoned septic tanks may not be able to support the weight of vehicular traffic, structural foundations, or people.*

*Groundwater & Wastewater Services request the following statements be added to the site plan notes:*

*The properties shall be inspected for water supply wells. Any water supply wells identified shall be protected from damage by flagging and fencing during site development or permanently abandoned per the Mecklenburg County Groundwater Well Regulations prior to any demolition or grading activity occurring.*

*The properties shall be inspected for septic systems prior to any site development. Any septic tanks identified shall be pumped by a licensed waste hauler to removal residual contents, crushed and backfilled with suitable materials before site development begins.*

3.3.2 Sites with known or suspected heating oil underground storage tanks (UST) or other USTs:

*Information from property records indicates that the home on parcel 053-083-07 uses or previously utilized oil heat. Based on this the property may contain an underground or above ground fuel oil storage tank. The tank and its contents should be removed, following applicable NCDENR guidance, prior to any demolition or grading activity.*

*Groundwater & Wastewater Services request the following statement be added to the notes of the site plan:*

*All fuel oil storage tanks shall be removed and any related soil contamination remediated to NCDENR standards prior to redevelopment of the property.*

3.3.3 Sites with known soil and/or groundwater contamination:

*Review of the North Carolina Department of Environment and Natural Resources (NCDENR) Division of Waste Management Underground Storage Tank Incident database shows parcel 093-092-01 is the location of contamination incident 36085. Any development on this parcel should comply with applicable NCDENR requirements for management of this contamination site. The Groundwater & Wastewater Services Program (GWS) will assist the Planning Commission with review of specific site conditions upon request. Please contact Dennis Tyndall, P.G., Hydrogeologist, at 704-336-5454 to request assistance.*

*The Groundwater & Wastewater Services Program cannot support rezoning of contaminated sites until sufficient information is provided indicating that the change in use will not pose unacceptable health and safety risks.*

**4.0 Reviews by the Mecklenburg County Air Quality (MCAQ) Program**

**4.1 Criteria for Providing Comments**

- 4.1.1 Review all petitions with respect to the regulatory applicability of the Mecklenburg County Air Pollution Control Ordinance (**MCAPCO**) including transportation facility and industrial source air quality permitting, and the National Emission Standard for Hazardous Air Pollutants (NESIAP) for asbestos.
- 4.1.2 Review all petitions to identify proximity to incompatible land uses (residences in close proximity to industry), sources of toxic air pollutants, proximity to facilities maintaining Risk Management Plans, and proximity to sites with known nuisance conditions.
- 4.1.3 Air Quality staff will review all new rezoning petitions received by LUESA and re-submitted (revised) rezoning petitions as requested by the LUESA Environmental Policy Administrator. The petitions will be reviewed with respect to:
  - Transportation Facility Permitting

- Industrial Source Permitting
- Asbestos NESHAP
- Incompatible Land Uses (nearby residential and industrial developments)
- Sources of Toxic Air Pollutants (TAPs)
- Proximity to Risk Management Plan facilities
- Proximity to sites with known nuisance conditions
- Potential for Clean Commuter Parking

## 4.2 Review Procedure

### 4.2.1 Transportation Facility Permitting

Site plans will be reviewed to assess whether proposed developments are likely to exceed the parking thresholds requiring Transportation Facility permitting.

### 4.2.2 Industrial Facility Permitting

Site plans will be reviewed to assess whether proposed developments are likely to require an air pollution facility permit. The comments can cover general permitting requirements.

### 4.2.3 Asbestos NESHAP

Site plans will be reviewed to evaluate whether structures that may be renovated or demolished are located on the site.

Methodology: Site plans, aerial photographs/building footprints of each site will be reviewed on Polaris

### 4.2.4 Incompatible Land Uses - nearby residential and industrial developments

The zoning of properties nearby the subject site will be evaluated noting if the rezoning will result in residential and industrial development being located on nearby parcels or the potential for future incompatible land uses.

Methodology: Polaris and the Air Pollution Facility database will be reviewed to determine if sites with regulated air emissions will be located near residential development as a result of the rezoning.

### 4.2.5 Sources of Toxic Air Pollutants

MCAQ will review each proposed rezoning site to evaluate if the rezoning involves subdivision of a site on which a source of Toxic Air Pollutants (TAPs) is located.

Methodology: Review Air Pollution Facility database.

### 4.2.6 Proximity to Risk Management Plan Facilities

MCAQ will review each proposed rezoning site to evaluate if the rezoning involves subdivision of a site on which a source required to maintain Risk Management Plan (RMP) in accordance with 40 CFR 112r is located and will evaluate if the rezoning will result in a residential development being located near an RMP site.

Methodology: Review Air Pollution Facility database

### 4.2.6 Proximity to Sites with Known Nuisance Conditions



MCAQ staff will evaluate if the proposed development is likely to be impacted by the nuisance condition from known existing operations – odors, dust (based on the locations of previous complaints). The review will not include sites with temporary nuisance conditions such as asphalt paving activities (odor) or land grading activities (dust).

Methodology: Review Polaris and Air Pollution Facility database.

#### 4.2.7 Potential for Clean Commuter Parking

MCAQ will review all proposed developments with associated parking and evaluate the potential for commuter trips to the proposed project. If the project will likely result in commuter trips, MCAQ will recommend preferred parking for “Clean Commuters” (carpool, vanpool, hybrid vehicles and/or electric vehicles)

Methodology: Review parking plans and land use.

#### 4.2.8 Other Conditions

MCAQ will document in an internal memo any other air quality concerns that may arise after reviewing the petitions.

### 4.3 Standard Comments

Comments will be submitted as applicable. If criteria are not applicable then no comment will be made. If no criteria are applicable, a memo stating no comments will be filed. Examples of standard comments are as follows:

#### 4.3.1 Transportation Facility Permitting:

“The proposed project may be subject to certain air quality permit requirements in accordance with Mecklenburg County Air Pollution Control Ordinance (MCAPCO) Regulation 2.0805 - “Parking Facilities”. A letter of notification and copy of the regulations will be mailed directly to the petitioner by MCAQ.”

#### 4.3.2 Industrial Facility Permitting:

“The proposed project may be subject to certain air quality permit requirements in accordance with Mecklenburg County Air Pollution Control Ordinance (MCAPCO) Section 1.5200 - “Air Quality Permits.” A letter of notification and copy of the regulations will be mailed directly to the petitioner by MCAQ.”

#### 4.3.3 Asbestos NESHAP Requirements:

“Development of this site may require submission of an asbestos Notification of Demolition and Renovation to MCAQ due to possible demolition or relocation of an existing structure. A letter of notification and the required forms have been mailed directly to the petitioner by MCAQ.”

#### 4.3.4 Incompatible Land Uses (nearby residential and industrial developments)

“The proposed development will result in residential property being located near to property zoned for industrial use (I-1 or I-2). Many industrial uses can be considered incompatible with residential uses due to regulated air emissions and other common features of industrial uses such as odors, dust, noise, and truck traffic.”

(Describe the arrangement of land uses. Identify facilities with existing air quality permits located adjacent to residential development and state whether the permitted facilities are small, synthetic minor or major facilities.)

“MCAQ recommends that the Planning Commission consider that the arrangement of land uses that will result from this rezoning may be incompatible currently or in the future considering the intensive uses allowed on the industrial zoned property.”

#### 4.3.5 Sources of Toxic Air Pollutants

“The \_\_\_\_\_ facility located on/near the subject site has been issued an air quality permit and emits Toxic Air Pollutants (TAPs) at rates high enough to require air quality modeling. Modeling is conducted to demonstrate that ambient TAP concentrations do not exceed acceptable levels beyond the facility’s fence line.”

“Since the property is being subdivided, confirmation that the ambient concentrations of TAPs at the facility’s new fence line will not exceed acceptable ambient levels should be verified.”

#### 4.3.6 Risk Management Plan Facilities

“This rezoning will result in residential development being located near the \_\_\_\_\_ facility. The \_\_\_\_\_ facility is required by Section 112(r) of the Clean Air Act to prepare a Risk Management Plan (RMP). RMPs are required for facilities that handle, manufacture, store or use toxic substances listed in the Code of Federal Regulations at 40 CFR 68.130 in amounts above specified threshold quantities. The goal of RMPs is to prevent accidental releases (to water, air or land) of chemicals that could cause serious harm to human health or the environment. The RMP must include an analysis of potential offsite consequences of a worst-case accidental release, a five-year accident history, a release prevention program and emergency planning. MCAQ recommends that Planning Commission consider the intensity of this industrial use in relation to residential property when evaluating if this rezoning will result in incompatible land uses.”

#### 4.3.7 Known Nuisance Conditions

“Mecklenburg County Air Quality investigated (odor, dust) complaints on (date) from the \_\_\_\_\_ facility near the subject site that is proposed for residential development. MCAQ routinely deals with recurring air nuisance problems when residential development is located in close proximity to an industrial use with a tendency to produce nuisance conditions. The Mecklenburg County Air Pollution Control Ordinance (MCAPCO) has limited ability to remedy these situations, and no ability to deny air quality permits to industrial facilities as long as all requirements of the ordinance are met.

“MCAQ recommends that based on the record of nuisance (odor, dust) complaints, the Planning Commission consider that a rezoning resulting in locating residential development in close proximity to the \_\_\_\_\_ facility constitutes an incompatible land use.”

“MCAQ further recommends that if this rezoning request is approved that the petitioner and subsequent developers and builders be required to disclose the proximity and nature of nuisance complaints generated by said facility to all potential buyers.”

#### 4.3.8 Potential for Clean Commuter Parking

Because the proposed development will likely attract commuter trips, MCAQ recommends that the petitioner be required to provide “preferred” (attractive,

conveniently located, or reduced cost) parking for “Clean Commuters” (carpool, vanpool, hybrid vehicles and/or electric vehicles).

As a point of reference, the LEED (Leadership in Energy Efficiency and Design) standard for Alternative Transportation requires developers to provide preferred parking for 5% of total parking spaces for car/vanpools or fuel efficient, low emitting vehicles. More information on these standards can be found in *LEED 2009 for New Construction and Major Renovations* located at: [www.usgbc.org](http://www.usgbc.org) .

#### 4.3.9 Other Comments

MCAQ anticipates that the air quality issues associated with most rezoning petitions will be addressed by the review criteria presented above. However, since it is impossible to foresee all possible air quality concerns related to land use, MCAQ will note other concerns in an internal memo and draft comments to Planning Commission explaining environmental concerns on an individual basis as necessary. MCAQ will also document occasions when standard comments are not provided to Planning Commission when a rezoning petition meets one of the criteria listed above.

### ***NOTIFICATION CORRESPONDENCE***

Correspondence notifying petitioners of regulatory requirements such as permitting and/or asbestos NESHAP notification requirements will be sent to petitioners whose site plans indicate these regulations may be triggered by the proposed development.

## **5.0 Review by the Mecklenburg County Solid Waste (MCSW) Program**

### **5.1 Criteria for Providing Comments**

- 5.1.1 MCSW will review petitions with respect to existing or closed solid waste facilities located on or adjacent to the parcel(s) and their proximity to residential developments.
- 5.1.2 MCSW will review petitions with respect to the potential for the rezoned development to significantly increase the generation of construction and demolition waste as compared to build-out under existing zoning.

### **5.2 Review Procedures**

- 5.2.1 Review **the EPIC database** by tax parcel number to assess whether solid waste facilities are located on the subject site.
- 5.2.2 Review the Solid Waste tiles for any parcel identified by the EPIC database search.
- 5.2.3 Review building description information, aerial and building photos (for current property usage) and building age information as well as adjacent property uses on POLARIS.

### **5.3 Standard Comments**

- 5.3.1 Comments for sites with existing Solid Waste Facilities that are not sufficiently addressed in site plans

*Mecklenburg County Solid Waste Landfill Permit (number) issued on (date), indicates that (stumps, limbs, leaves, concrete, masonry, wood, uncontaminated earth, building*

*debris or other materials) were disposed (on/adjacent to) the subject site.*

Provide additional information as applicable such as:

- *Permit required hit/firs (dependent upon type of facility)*
- *Deed recorded buffers*
- *7/ no buffer requirements were specified in the permit or deed, MCSW will recommend buffers consistent with those required by the regulation at the time the facility was in operation.*
- *Options to reclaim landfill areas.*
- *Facility regulatory compliance history and known nuisance conditions as it relates to compatible land uses.*

*MCSW requests that the petitioner submit additional information regarding how the landfill areas will be addressed if the site is to be redeveloped. MCSW must oppose rezoning of this site until a suitable plan that addresses the possible public health risks associated with (residential) development located in the vicinity of the solid waste facility is included as a condition of the rezoning.*

### 5.3.2 Comments for sites with the potential to generate large amounts of construction and demolition waste

*Mecklenburg County Solid Waste requests the petitioner submit a Solid Waste Management Plan prior to initiating demolition and or construction activities to include, at a minimum, the procedures that will be used to recycle all clean wood, metal, and concrete generated during demolition and construction activities. The Plan shall specify that monthly reporting of all tonnage disposed and recycled will be made to the Mecklenburg County Solid Waste Program. The report shall include the identification and location of facilities receiving disposed or recycled materials.*

*The plan should be submitted to:*

*Joe Hack*

*Mecklenburg County Solid Waste Program*

*700 North Tryon Street*

*Charlotte, North Carolina 28202*

*Mecklenburg County is committed to reduction of construction/demolition waste. Technical assistance is available at no charge to those companies willing to partner with the County in this effort. Please contact Michael Bogart at (704) 353-0141 for more information regarding the County's technical assistance services.*

***Attachment A  
Rezoning / Plan Submittal Form***

***(The submittal form in this Attachment requests the minimum information required in order for LUESA staff to provide comment.)***

TOWN OF \_\_\_\_\_

Action/Submission:    Concept Plan                       Rezoning

OWNERSHIP INFORMATION:

Project Name: \_\_\_\_\_

Property Owner: \_\_\_\_\_ Owners Address:(City, State, Zip): \_\_\_\_\_

Date Property Acquired: \_\_\_\_\_ Utilities Provided: (Water) \_\_\_\_\_ (Sewer) \_\_\_\_\_  
(CMU), Private, Other                      (CMU), Private, Other

LOCATION OF PROPERTY: (Address or Description): \_\_\_\_\_  
\_\_\_\_\_

Tax Parcel Number(s): \_\_\_\_\_ (Sq.Ft. or Acres): \_\_\_\_\_

Current Land Use: \_\_\_\_\_

IF ZONING REQUEST:

Existing Zoning: \_\_\_\_\_ Proposed Zoning: \_\_\_\_\_

Purpose of Zoning Change (Include the maximum # of residential units or non-residential square footages and intended future use, e.g., residential, industrial, etc.):

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Name of Agent

\_\_\_\_\_  
Name of Petitioner(s)

\_\_\_\_\_  
Agent Address

\_\_\_\_\_  
Address of Petitioner(s)

\_\_\_\_\_  
City, State, ZIP

\_\_\_\_\_  
City, State, Zip

\_\_\_\_\_  
Telephone Number

\_\_\_\_\_  
Telephone Number

\_\_\_\_\_  
E-mail Address

\_\_\_\_\_  
E-mail Address

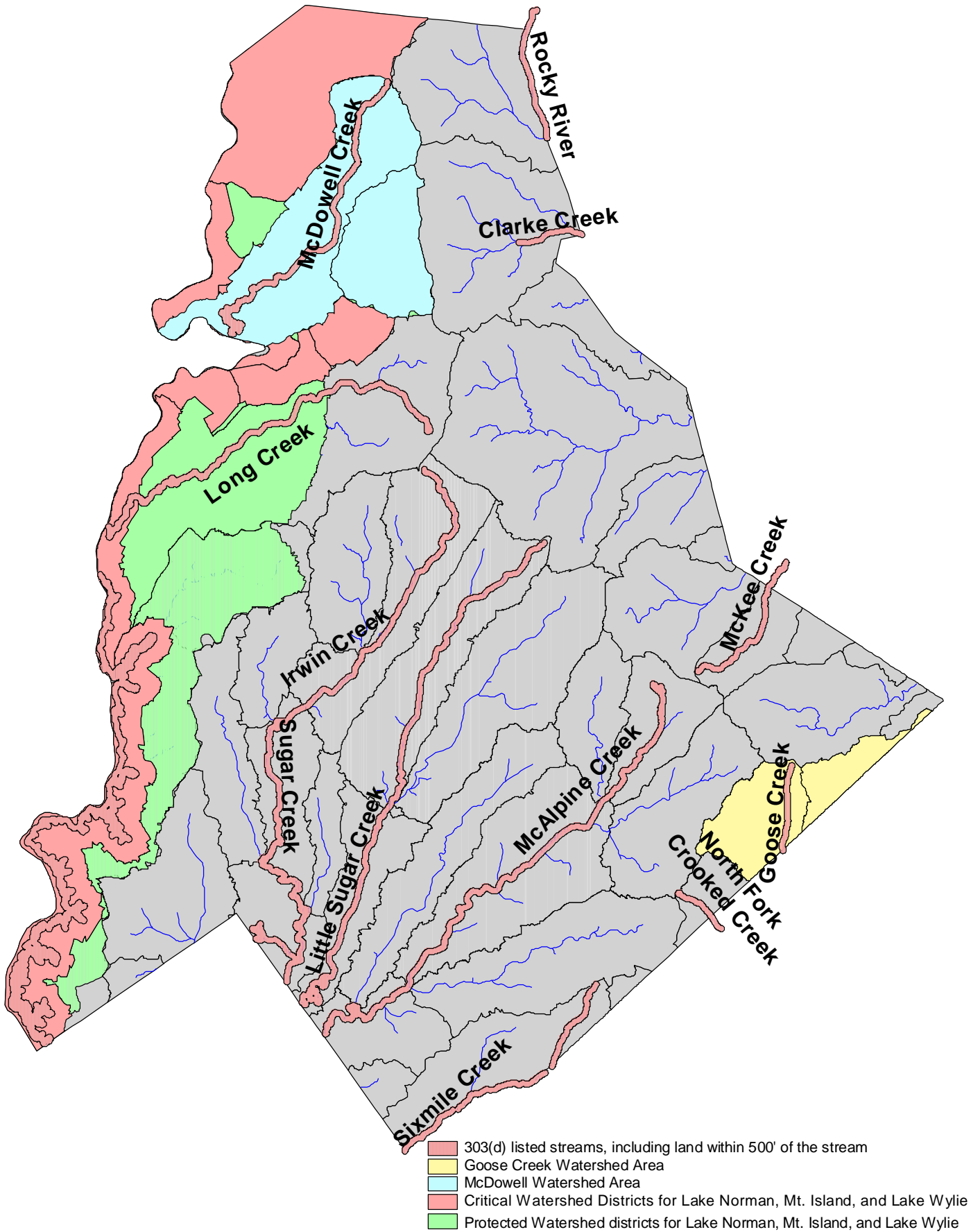
Attach digital copy of sketch or zoning plan when available, or tax map of site.

Complete form and fax or email to Heidi Pruess, Mecklenburg County LUESA:  
704-336-3846 (fax)    or    [heidi.pruess@mecklenburgcountync.gov](mailto:heidi.pruess@mecklenburgcountync.gov)

*Attachment B*

*Summary of Buffer Requirements*

# Attachment 1: Enhanced Erosion Control Requirement Areas





<b>Jurisdiction</b>	<b>S.W.I.M. Buffer Requirements</b>	<b>Other buffer requirements</b>
Cornelius	Drainage area > 50 acres - 35-ft undisturbed >300 acres - 50-ft. undisturbed >640 acres - 100-ft. undisturbed	Watershed Protection Overlay District - no explicit buffer requirements in ordinance
Davidson	Drainage area > 50 acres equal to the lesser of 100-ft or to a ridge line which changes the runoff flow to away from the stream.  Stream side, managed use and upland zones of 30-ft, 45-ft. and 25-ft, respectively, allowed within the buffer.	Watershed Protection Overlay District - vegetated buffer requirements on perennial streams: low-density 40-ft; high density 100-ft.
Huntersville	Drainage area $\geq$ 100 acres – 35 ft (20-ft stream side, 15-ft. upland) $\geq$ 300 acres – 50-ft. (20 ft. stream side, 20-ft. managed use, 10-ft. upland) $\geq$ 640 acres – Floodway plus 100% of flood fringe but no less than 100 feet (30-ft stream site, 45-ft. managed use, balance of flood way plus 100% of flood fringe but no less than 100 feet)	Watershed Protection Overlay Districts – Undisturbed buffers on perennial streams (and shorelines) MIL Critical Areas 1-3 – 100-ft or 100-year flood plain whichever is greater MIL Critical Area 4 – 100-ft LN Critical Area: low density – 50-ft; high density- 100-ft
Charlotte	Drainage area $\geq$ 100 acres – 35 ft (20-ft stream side, 15 ft upland) $\geq$ 300 acres - 50-ft (20-ft. stream side, 20-ft. managed use, 10-ft. upland) $\geq$ 640 acres – 100 ft plus 50% of the area of the FEMA fringe beyond 100 feet (30-ft streamside, 45-ft managed use, 25-ft plus 50% of the area of the FEMA fringe beyond 100 feet managed use)	Watershed Protection Overlay Districts undisturbed buffers on perennial steams (and shorelines) MIL Critical Area 100-ft or the 100-year flood plain, whichever is greater MIL Protected Area 1: low density - 50-ft; high feet 100-ft MIL Protected Area 2: low density- 30-ft; high density - 100 feet CR/LW Critical Area low or high density - 100-ft CR/LW Protected Area low density - 40-ft; high density – 100-ft LLW Critical Area – low density – 50-ft; high density – 100-ft LLW Protected Area – low density – 40-ft; high density – 100-ft LLW – buffers increased by 50% for new high-density developments along lakeshore with average slopes equal or greater than 50% within the buffer.
Pineville	Same as Charlotte	
Mecklenburg County	Same as Charlotte	
Matthews	Drainage area $\geq$ 50 acres - 35-ft (20-ft stream side, 15-ft upland) $\geq$ 300 acres - 50-ft (20-ft stream side, 20-ft managed use, 10-ft upland) $\geq$ 640 acres - Floodway plus 100% of the flood fringe, but no less than 100 feet (30-ft stream side, 45-ft managed use, balance of floodway plus 100% of flood fringe, but no less than 25 feet)	
Mint Hill	Drainage area > 50 acres - 35-ft (20-ft	

	stream side, 15-ft upland) >300 acres - 50-ft (20-ft stream side, 20-ft managed use, 10-ft upland) >640 acres - Floodway plus 100% of the flood fringe, but no less than 100 feet (30-ft stream side, 45-ft managed use, balance of floodway plus 100% of flood fringe, but no less than 25 feet)	
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- LN** Lake Norman
- MIL** Mountain Island Lake
- CR/LW** Catawba River/Lake Wylie
- LLW** Lower Lake Wylie