

## **TC-8-09 Mulch Processing Facilities**

Proposes to amend the Zoning Code to establish a new land use entitled “Mulch or compost processing facility” to be permitted to locate within the Agriculture Productive, Industrial-1 and Industrial-2 districts subject to Special Use Permit approval by the City Council.

**Definition: Mulch or compost processing facility.** A facility that is operated for the controlled biological decomposition of organic wastes or which mechanically reduces the size of organic matter in which the active operation for processing exceeds ten thousand (10,000) square feet of land area. Facilities engaged solely in the storage and sale of compost and mulch without on-site processing *shall* not be defined as a mulch or compost processing facility.

**Landscape Ordinance:** Classifies this use as a high impact use for transitional protective yard requirements.

### **Special Use Permit Standards:**

- No part of the facility is located within 300 feet of a residential zoning district, or the lot line of any dwelling, church, school, or day care facility with the exception of a residence of a caretaker or watchman accessory to a permitted industrial use.
- No storage pile or windrows shall exceed 15 feet in height or 30 feet in width. The length of windrows shall not be restricted so long as emergency fire equipment can adequately navigate the site.
- No storage pile or windrows shall be located within 75 feet of any watercourse and a minimum 50-foot vegetated area shall be provided adjacent to any watercourse to prevent unfiltered runoff of organics into the watercourse.
- The impact of the facility, including its size, equipment and machinery used, hours of operation, odor and appearance will not be injurious to properties in the affected area.

**AN ORDINANCE TO REQUIRE SPECIAL USE PERMIT APPROVAL BY THE CITY COUNCIL FOR MULCH PROCESSING FACILITIES AND TO CORRECT THE APPROVAL PROCESS FOR HELIPORTS**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA that:**

**Section 1.** Sections 10-2035(b)(2), 10-2036(b)(2), 10-2037(b)(2)b, 10-2040(b)(2), 10-2041(b)(2), 10-2042(b)(2), 10-2043(b)(2), 10-2045(b)(2), 10-2046(b)(2) and 10-2047(b)(2) are amended by deleting the language, “- Heliport for all uses, other than hospitals licensed by the State of North Carolina pursuant to N.C.Gen.Stat.§131E-176 et seq. and that operates acute care beds as defined by 10A N.C.A.C. 14C.3801,” and substituting in lieu thereof the following:

“- Heliport serving hospitals licensed by the State of North Carolina pursuant to N.C.Gen.Stat.§131E-176 et seq. and that operates acute care beds as defined by 10A N.C.A.C. 14C.3801”.

**Section 2.** Amend Sections 10-2035(b)(3)b., 10-2036(b)(3)b., 10-2037(b)(3)b., 10-2040(b)(3)b., 10-2041(b)(3)b., 10-2042(b)(3)b., 10-2043(b)(3)b., 10-2045(b)(3)b., 10-2046(b)(3)b. and 10-2047(b)(3)b. by deleting the term “- Heliport” from therein.

**Section 3.** Amend Section 10-2002, **DEFINITIONS**, to include the following definition in alphabetic order:

***Mulch or compost processing facility.*** A facility that is operated for the controlled biological decomposition of organic wastes or which mechanically reduces the size of organic matter in which the active operation for processing exceeds ten thousand (10,000) square feet of land area. Facilities engaged solely in the sale of compost and mulch without on-site processing *shall* not be defined as a *mulch or compost processing facility*.

**Section 4.** Amend Sections 10-2046(b)(3)b. and 10-2047(b)(3)b. by inserting the following term in alphabetic order:

“- *Mulch or compost processing facility*”.

**Section 5.** Amend Section 10-2071, **SCHEDULE OF PERMITTED LAND USES IN ZONING DISTRICTS**, within the **INDUSTRIAL** land use category, to include the following new land use listing in alphabetic order:

“*Mulch or compost processing facility*”

Furthermore, amend the row for this new land use listing by placing the “Special Use (City Council)” symbol (open square) within **ZONING DISTRICTS** columns AP, I-1 and I-2.

**Section 6.** Amend Section 10-2082.9(e)(1), **High impact uses**, subsection b., by including the words “*mulch or compost processing facility*,” immediately following the words “coal or lumber yard,”.

**Section 7.** Amend Section 10-2145, Special use permits – alphabetical listing, by including the following new special use listing in alphabetic order:

“*Mulch or compost processing facility.*”

**Section 8.** Amend Section 10-2145(b) by including the following new special use permit listing to immediate follow the “Heliport” listing:

“*Mulch or compost processing facility.*”

To permit a *mulch or compost processing facility* within the Agriculture Productive, Industrial-1 and Industrial-2 districts after the *City Council* finds that evidence presented at the hearing establishes each of the following:

- (1) No part of the *mulch or compost processing facility* is located within a 300 hundred (300) foot radius (determined by a straight line and not *street* distance) of a *residential zoning district*, or the *lot* line of any *lot* containing any *dwelling, congregate care or congregate living structure*, church, synagogue or religious education building, school (public or private), *specialty school* or day care facility with the exception of a residence of a caretaker or watchman *accessory* to a permitted industrial use.
- (2) No storage pile or windrows *shall* exceed fifteen (15) feet in height or thirty (30) feet in width. The length of windrows *shall* not be restricted so long as emergency fire equipment can adequately navigate the site.
- (3) A plan is approved by the *City* for permanent soil erosion control devices. No storage pile or windrows *shall* be located within seventy-five (75) feet of any watercourse and a minimum 50-foot vegetated area *shall* be provided adjacent to any watercourse to prevent unfiltered runoff of organics into the watercourse.
- (4) The impact of the *mulch or compost processing facility*, including its size, equipment and machinery used, hours of operation, odor and appearance will not be injurious to *property* or improvements in the *affected area*.

**Section 9.** All laws and clauses of laws in conflict herewith are hereby repealed to the extent of said conflict.

**Section 10.** If this ordinance or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given separate effect and to the end the provisions of this ordinance are declared to be severable.

**Section 11.** This ordinance has been adopted following a duly advertised joint public hearing of the Raleigh City Council and the City Planning Commission following a recommendation of the Planning Commission.

**Section 12.** This ordinance has been provided to the North Carolina Capital Commission as required by law.

**Section 13.** This ordinance shall be enforced by law as provided in N.C.G.S. 160A-175 or as provided in the Raleigh City Code. All criminal sanctions shall be the maximum allowed by law notwithstanding the fifty dollar limit in G.S. 14-4(a) or similar limitations.

**Section 14.** This ordinance shall become effective five (5) days following its adoption.

**ADOPTED:** November 3, 2009  
**EFFECTIVE:** November 8, 2009  
**DISTRIBUTION:** Inspections  
Planning