April 20, 2005

East Coast Capital, Inc.
c/o Chad Davis
301 Brookstown Avenue, Suite 300
Winston-Salem, NC  27101

RE: ZONING TEXT AMENDMENT UDO-132

Dear Mr. Davis:

    The attached report of the Planning Board to the Forsyth County Board of Commissioners and City of Winston-Salem City Council is sent to you at the request of the Commissioners and Council Members.

    When the text amendment is scheduled for public hearing, you will be notified by Jane Cole, Clerk to the County Commissioners and Renee Henderson, City Secretary, of the date on which the Commissioners and City Council will hear this petition.

Sincerely,

A. Paul Norby, AICP
Director of Planning

Attachment

pc: Jane Cole, County Manager's Office
    Renee Henderson, City Secretary
FORSYTH COUNTY
BOARD OF COMMISSIONERS

MEETING DATE: _________________ AGENDA ITEM NUMBER: ____________

SUBJECT:-

A. Public Hearing on Zoning Text Amendment proposed by East Coast Capital, Inc. to amend Chapters A and B of the Unified Development Ordinances to create a new Use Classification of “Medical Waste Treatment Facility” to be allowed in CI, LI, and GI zoning districts (UDO 132)

B. Approval of Ordinance

COUNTY MANAGER’S RECOMMENDATION OR COMMENTS:-

SUMMARY OF INFORMATION:-

See attached staff report.

After consideration, the Planning Board recommended approval of the rezoning text amendment.

ATTACHMENTS:-     X  YES     ___  NO

SIGNATURE: _________________________________ DATE:
**ACTION REQUEST FORM**

<table>
<thead>
<tr>
<th>DATE:</th>
<th>April 20, 2005</th>
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</thead>
<tbody>
<tr>
<td>TO:</td>
<td>The Honorable Mayor and City Council</td>
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<tr>
<td>FROM:</td>
<td>A. Paul Norby, AICP, Director of Planning</td>
</tr>
</tbody>
</table>

**COUNCIL ACTION REQUEST:**

Request for Public Hearing on Zoning Text Amendment proposed by East Coast Capital, Inc.

**SUMMARY OF INFORMATION:**

Zoning Text Amendment proposed by East Coast Capital, Inc. to amend Chapters A and B of the *Unified Development Ordinances* to create a new Use Classification of “Medical Waste Treatment Facility” to be allowed in CI, LI, and GI zoning districts (UDO 132)

**PLANNING BOARD ACTION:**

<table>
<thead>
<tr>
<th>MOTION ON PETITION:</th>
<th>APPROVAL</th>
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</thead>
<tbody>
<tr>
<td>FOR:</td>
<td>UNANIMOUS</td>
</tr>
<tr>
<td>AGAINST:</td>
<td>NONE</td>
</tr>
<tr>
<td>SITE PLAN ACTION:</td>
<td>NOT REQUIRED</td>
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</table>

NOTE: Items to be deleted are indicated with a **strikeout**; items to be added are indicated with an **underscore**.
REQUEST

UDO Text amendment proposed by East Coast Capital, Inc to amend Chapters A and B of the Unified Development Ordinances to create a new Use Classification of “Medical Waste Treatment Facility” to be allowed in the CI, LI, and GI zoning districts. Further this amendment proposes to clarify the existing definition of “Hazardous Waste Management Facility”, conforming it to current federal and State regulatory standards and requirements.

BACKGROUND

Recently a business specializing in the treatment of medical wastes sought zoning permits to locate such a facility in a GI, General Industrial, zoning district. Specifically, the petitioner proposed to build an autoclave, steam sterilization facility which receives non-hazardous medical waste, as defined by State and federal authorities, and renders it innocuous and therefore, suitable for conventional handling, disposal or recycling. However, according to the City-County Inspections Division the closest UDO Use Classification for such an operation is “Hazardous Waste Management Facility”.

Although “Hazardous Waste Management Facility” is allowed in GI, the UDO also requires a Special Use Permit from the elected body and further requires an extensive set of site development, or “Use Conditions” (UDO Chapter B, Article II, Section 2-5.35) which go beyond standard UDO requirements. Such conditions include a minimum ten acre lot size, a minimum 200 foot setback of any operational facilities (including internal streets) from exterior property lines (1,200 feet from residential or institutional zoning), as well as other stringent development requirements intended to protect the public from the handling or processing of hazardous waste. While such onerous UDO requirements may be necessary and appropriate for the processing of hazardous materials, such requirements made the proposed site for the autoclave treatment of non-hazardous medical wastes (as defined by the State) unworkable.

Alternatively, the petitioner has proposed a text amendment to create a new UDO Use Classification of “Medical Waste Treatment Facility” to accommodate a stand-alone treatment facility that renders “non-hazardous” medical waste, as defined by State statutes and federal regulations, safer for transport, amenable for recovery and storage or reduced in volume. Staff notes that most locally generated medical waste is disposed of, or rendered innocuous, through on-site treatment and disposal operations as an accessory use associated with hospitals or medical centers. Disposal or neutralization processes may include incineration, sterilization through high pressure steam autoclave operations, or other State and/or federally approved methods. The result is a waste product which is devoid of biological pathogens or other harmful contaminants. Such waste products can then be handled, compacted, transported and/or disposed of in a conventional manner.
The basic purpose of this text amendment is to recognize State and federal regulatory distinctions between “Medical Waste” and “Hazardous Waste” and update the UDO to conform to such distinctions for appropriate land use regulation. In other words, “Medical Waste” as defined by State and federal statutes and regulations may not require the same level of land use control, such as extraordinary setback and minimum acreages, as “Hazardous Waste”. This text amendment simply proposes to allow the treatment of medical waste in the GI, LI, and CI zoning districts as a “use by right” without the additional use conditions or special use permits required for hazardous wastes.

ANALYSIS

The NC Department of Environment and Natural Resources – Division of Waste Management is responsible for permitting and monitoring all waste-related facilities, including landfills, incinerators, radioactive treatment facilities, scrap tire processing plants, crematoriums, medical waste incinerators, medical waste non-incineration facilities, etc. The NC Division of Waste Management uses the federal definition of hazardous waste to determine the classification of waste as either hazardous or non-hazardous. In order to be considered “hazardous” a waste must be on one of four lists found in the federal Resource Conservation Recovery Act (RCRA) hazardous waste regulations, or exhibit any of the following characteristics of hazardous waste: corrosivity, ignitability, reactivity or chemical toxicity. As confirmed by consultations with officials with the NC Division of Waste Management, medical waste generally falls in the realm of non-hazardous waste and is regulated by the Division’s Solid Waste Section rather than its Hazardous Waste Section.

Obviously, a facility classified as “hazardous” is subject to significant scrutiny, more onerous regulations, and a more difficult and lengthy permitting process, all of which is designed to safeguard the public. The State legislature makes the hazardous / non-hazardous distinction with guidance from established federal regulations in the North Carolina General Assembly Statutes - Chapter 130A (Public Health Chapter), the North Carolina Administrative Code Subchapter 13B - Solid Waste Management, the North Carolina Administrative Code Subchapter 13A – Hazardous Waste Management.

The key consideration in this proposed text amendment is that the medical waste proposed for treatment under the new UDO Use Classification “Medical Waste Treatment Facility” is not considered hazardous medical waste by the federal government or the State of North Carolina. Specifically, radioactive, chemotherapeutic and infectious waste, which is considered "hazardous" to people and the environment is not proposed to be permitted under the new UDO classification. Radioactive and chemotherapeutic wastes are those used in cancer treatments primarily. Infectious waste is highly infectious waste, such as anthrax or the Ebola virus. These "hazardous" wastes must be treated by a hazardous waste treatment facility permitted under RCRA among other regulations. Locally, such hazardous wastes would continue to be defined under the current UDO classification “Hazardous Waste Treatment Facility” and would still require a “Special Use Permit” from the elected body and would still be subject to the substantial set of site development “Use Conditions” previously cited.

NOTE: Items to be deleted are indicated with a strikeout, items to be added are indicated with an underscore.
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For reference, the following documentation is included to support Planning staff’s findings and recommendations:

(1) NCGS §Chapter 130A - Article 9 regulates Solid Waste Management. This article defines medical waste as follows:

“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 biologicals, but does not include any hazardous waste identified or listed pursuant to this Article, radioactive waste, household waste as defined in 40 Code of Federal Regulations § 261.4(b)(1) in effect on 1 July 1989, or those substances excluded from the definition of "solid waste" in this section.”

(2) 15A North Carolina Administrative Code (NCAC) Subchapter 13B deals with Solid Waste Management. It addresses non-hazardous waste treatment facilities and specifically references medical waste in NCAC 13B Section .1200 - Medical Waste Management. This section details regulations regarding medical waste. Notably, there are no provisions for extraordinary setbacks as referenced below in the citation governing hazardous waste.

(3) The North Carolina Administrative Code (NCAC) Subchapter 13A - Hazardous Waste Management specifies that a hazardous waste facility be separated a minimum distance of 0.25 mile from certain adjacent properties. Additionally this document defines hazardous waste in Section 0106. It specifically refers to the Code of Federal Regulations 40CFR 261. 40CFR 261.30-38 lists the full array of regulated hazardous materials, primarily chemical by-products from industrial processes, but does not include non-hazardous medical waste.

Staff notes that the current UDO definition for “Hazardous Waste Management Facility” is also proposed to be modified to clarify its intent in accordance with above mentioned references.

Given the need to clarify the UDO with respect to the distinction the State of North Carolina make regarding the definitions for “Hazardous Waste” and “Medical Waste” and the petitioner’s request to locate a non-hazardous, medical waste treatment facility on industrially zoned land, Planning staff supports the proposed text amendment.

**RECOMMENDATION**

**APPROVAL.**

Glenn Simmons presented the staff report.
PUBLIC HEARING

FOR: None

AGAINST: None

WORK SESSION

MOTION: Jimmy Norwood moved approval of the zoning text amendment.
SECOND: Dara Folan
VOTE: FOR: Clark, Folan, Glenn, King, Mullican, Norwood
       AGAINST: None
       EXCUSED: None

A. Paul Norby, AICP
Director of Planning
UDO-132
AN ORDINANCE AMENDING CHAPTERS A AND B
OF THE UNIFIED DEVELOPMENT ORDINANCES REGARDING THE NEW USE
“MEDICAL WASTE TREATMENT FACILITY”

Be it ordained by the Board of Commissioners of Forsyth County, North Carolina, that the Unified Development Ordinances is hereby amended as follows:

Section 1. Chapter A, Definitions Ordinance is amended by modifying the existing definition for “Hazardous Waste Treatment Facility” to read as follows:

HAZARDOUS WASTE MANAGEMENT FACILITY. Any commercial hazardous waste facility which accepts hazardous waste from the general public or from another person for a fee, but does not include any facility owned or operated by a generator of hazardous waste solely for his own use. A hazardous waste facility means a facility for the collection, storage, processing, treatment, recycling, recovery, or disposal of hazardous waste as defined by North Carolina General Assembly Statutes - Chapter 130A (Public Health Chapter) and the North Carolina Administrative Code Subchapter 13A – Hazardous Waste Management, but does not include any facility owned or operated by a generator of hazardous wastes as a by-product of the principal use. Generally, hazardous waste means a solid waste, or combination of solid wastes, which because of its quantity, concentration, or physical, chemical or infectious characteristics, exclusive of “Medical Waste” as defined by the North Carolina Administrative Code Subchapter 13B - Solid Waste Management, may:

(A) Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or,

(B) Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of or otherwise managed.

Section 2. Chapter A, Definitions Ordinance is further amended by adding alphabetically a new definition as follows:

MEDICAL WASTE TREATMENT FACILITY. Any facility which accepts and treats any solid waste generated in the diagnosis, treatment, or immunization of human beings or animals, in research pertaining thereto, or in the production or testing of biologicals as defined as “Medical Waste” in the North Carolina Administrative Code, Subchapter 13B - Solid Waste Management, and which expressly excludes any materials defined as “Hazardous Waste” in the North Carolina Administrative Code Subchapter 13A – Hazardous Waste Management. Medical Waste Treatment Facility, but does not include any facility owned or operated by a generator of medical wastes as a by-product of the principal use.

NOTE: Items to be deleted are indicated with a strikeout; items to be added are indicated with an underscore.

UDO 132 February 2005
Section 3. Chapter B, Table 2.6 PERMITTED USES shall be revised by adding alphabetically under the column “Use Type” and under the subcategory “Manufacturing and Mining” the new use classification “Medical Waste Treatment Facility”. The Permitted Use Table shall be further amended by adding a “Z” in the row “Medical Waste Treatment Facility” and under the columns “GI”, “LI”, and “CI”.

Section 4. Chapter B, Table 3.8 OFF-STREET PARKING REQUIREMENTS is further amended by adding alphabetically in the column “Principal Uses” and under the heading “Manufacturing and Mining” the new use classification “Medical Waste Treatment Facility”. “Off Street Parking Requirements” shall be further amended by adding under the column “Minimum Requirements”, “1 space per 1,000 SF GFA*”

Section 5. This ordinance shall be effective upon adoption.
UDO-132
AN ORDINANCE AMENDING CHAPTERS A AND B OF THE UNIFIED DEVELOPMENT ORDINANCES REGARDING THE NEW USE “MEDICAL WASTE TREATMENT FACILITY”

Be it ordained by the City Council of the City of Winston-Salem, North Carolina, that the Unified Development Ordinances is hereby amended as follows:

Section 1. Chapter A, Definitions Ordinance is amended by modifying the existing definition for “Hazardous Waste Treatment Facility” to read as follows:

HAZARDOUS WASTE MANAGEMENT FACILITY. Any commercial hazardous waste facility which accepts hazardous waste from the general public or from another person for a fee, but does not include any facility owned or operated by a generator of hazardous waste solely for his own use. A hazardous waste facility means a facility for the collection, storage, processing, treatment, recycling, recovery, or disposal of hazardous waste as defined by North Carolina General Assembly Statutes - Chapter 130A (Public Health Chapter) and the North Carolina Administrative Code Subchapter 13A – Hazardous Waste Management, but does not include any facility owned or operated by a generator of hazardous wastes as a by-product of the principal use. Generally, hazardous waste means a solid waste, or combination of solid wastes, which because of its quantity, concentration, or physical, chemical or infectious characteristics, exclusive of “Medical Waste” as defined by the North Carolina Administrative Code Subchapter 13B - Solid Waste Management, may:

(A) Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or,

(B) Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of or otherwise managed.

Section 2. Chapter A, Definitions Ordinance is further amended by adding alphabetically a new definition as follows:

MEDICAL WASTE TREATMENT FACILITY. Any facility which accepts and treats any solid waste generated in the diagnosis, treatment, or immunization of human beings or animals, in research pertaining thereto, or in the production or testing of biologicals as defined as “Medical Waste” in the North Carolina Administrative Code, Subchapter 13B - Solid Waste Management, and which expressly excludes any materials defined as “Hazardous Waste” in the North Carolina Administrative Code Subchapter 13A – Hazardous Waste Management. Medical Waste Treatment Facility, but does not include any facility owned or operated by a generator of medical wastes as a by-product of the principal use.
Section 3. Chapter B, Table 2.6 PERMITTED USES shall be revised by adding alphabetically under the column “Use Type” and under the subcategory “Manufacturing and Mining” the new use classification “Medical Waste Treatment Facility”. The Permitted Use Table shall be further amended by adding a “Z” in the row “Medical Waste Treatment Facility” and under the columns “GI”, “LI”, and “CI”.

Section 4. Chapter B, Table 3.8 OFF-STREET PARKING REQUIREMENTS is further amended by adding alphabetically in the column “Principal Uses” and under the heading “Manufacturing and Mining” the new use classification “Medical Waste Treatment Facility”. “Off Street Parking Requirements” shall be further amended by adding under the column “Minimum Requirements”, “1 space per 1,000 SF GFA*”

Section 5. This ordinance shall be effective upon adoption.
UDO-132
AN ORDINANCE AMENDING CHAPTERS A AND B
OF THE UNIFIED DEVELOPMENT ORDINANCES REGARDING THE NEW USE
“MEDICAL WASTE TREATMENT FACILITY”

Be it ordained by the Town Council of the Town of Lewisville, North Carolina, that the Unified Development Ordinances is hereby amended as follows:

Section 1. Chapter A, Definitions Ordinance is amended by modifying the existing definition for “Hazardous Waste Treatment Facility” to read as follows:

HAZARDOUS WASTE MANAGEMENT FACILITY. Any commercial hazardous waste facility which accepts hazardous waste from the general public or from another person for a fee, but does not include any facility owned or operated by a generator of hazardous waste solely for his own use. A hazardous waste facility means a facility for the collection, storage, processing, treatment, recycling, recovery, or disposal of hazardous waste as defined by North Carolina General Assembly Statutes - Chapter 130A (Public Health Chapter) and the North Carolina Administrative Code Subchapter 13A - Hazardous Waste Management, but does not include any facility owned or operated by a generator of hazardous wastes as a by-product of the principal use. Generally, hazardous waste means a solid waste, or combination of solid wastes, which because of its quantity, concentration, or physical, chemical or infectious characteristics, exclusive of “Medical Waste” as defined by the North Carolina Administrative Code Subchapter 13B - Solid Waste Management, may:

(A) Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or,

(B) Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of or otherwise managed.

Section 2. Chapter A, Definitions Ordinance is further amended by adding alphabetically a new definition as follows:

MEDICAL WASTE TREATMENT FACILITY. Any facility which accepts and treats any solid waste generated in the diagnosis, treatment, or immunization of human beings or animals, in research pertaining thereto, or in the production or testing of biologicals as defined as “Medical Waste” in the North Carolina Administrative Code, Subchapter 13B - Solid Waste Management, and which expressly excludes any materials defined as “Hazardous Waste” in the North Carolina Administrative Code Subchapter 13A – Hazardous Waste Management. Medical Waste Treatment Facility, but does not include any facility owned or operated by a generator of medical wastes as a by-product of the principal use.
Section 3. Chapter B, Table 2.6 PERMITTED USES shall be revised by adding alphabetically under the column “Use Type” and under the subcategory “Manufacturing and Mining” the new use classification “Medical Waste Treatment Facility”. The Permitted Use Table shall be further amended by adding a “Z” in the row “Medical Waste Treatment Facility” and under the columns “GI”, “LI”, and “CI”.

Section 4. Chapter B, Table 3.8 OFF-STREET PARKING REQUIREMENTS is further amended by adding alphabetically in the column “Principal Uses” and under the heading “Manufacturing and Mining” the new use classification “Medical Waste Treatment Facility”. “Off Street Parking Requirements” shall be further amended by adding under the column “Minimum Requirements”, “1 space per 1,000 SF GFA*”

Section 5. This ordinance shall be effective upon adoption.
AN ORDINANCE AMENDING CHAPTERS A AND B
OF THE UNIFIED DEVELOPMENT ORDINANCES REGARDING THE NEW USE
“MEDICAL WASTE TREATMENT FACILITY”

Be it ordained by the Board of Aldermen of the Town of Kernersville, North Carolina, that the Unified Development Ordinances is hereby amended as follows:

Section 1. Chapter A, Definitions Ordinance is amended by modifying the existing definition for “Hazardous Waste Treatment Facility” to read as follows:

HAZARDOUS WASTE MANAGEMENT FACILITY. Any commercial hazardous waste facility which accepts hazardous waste from the general public or from another person for a fee, but does not include any facility owned or operated by a generator of hazardous waste solely for his own use. A hazardous waste facility means a facility for the collection, storage, processing, treatment, recycling, recovery, or disposal of hazardous waste as defined by North Carolina General Assembly Statutes - Chapter 130A (Public Health Chapter) and the North Carolina Administrative Code Subchapter 13A – Hazardous Waste Management, but does not include any facility owned or operated by a generator of hazardous wastes as a by-product of the principal use. Generally, hazardous waste means a solid waste, or combination of solid wastes, which because of its quantity, concentration, or physical, chemical or infectious characteristics, exclusive of “Medical Waste” as defined by the North Carolina Administrative Code Subchapter 13B - Solid Waste Management, may:

(A) Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or,

(B) Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of or otherwise managed.

Section 2. Chapter A, Definitions Ordinance is further amended by adding alphabetically a new definition as follows:

MEDICAL WASTE TREATMENT FACILITY. Any facility which accepts and treats any solid waste generated in the diagnosis, treatment, or immunization of human beings or animals, in research pertaining thereto, or in the production or testing of biologicals as defined as “Medical Waste” in the North Carolina Administrative Code, Subchapter 13B - Solid Waste Management, and which expressly excludes any materials defined as “Hazardous Waste” in the North Carolina Administrative Code Subchapter 13A – Hazardous Waste Management. Medical Waste Treatment Facility, but does not include any facility owned or operated by a generator of medical wastes as a by-product of the principal use.
Section 3. Chapter B, Table 2.6 PERMITTED USES shall be revised by adding alphabetically under the column “Use Type” and under the subcategory “Manufacturing and Mining” the new use classification “Medical Waste Treatment Facility”. The Permitted Use Table shall be further amended by adding a “Z” in the row “Medical Waste Treatment Facility” and under the columns “GI”, “LI”, and “CI”.

Section 4. Chapter B, Table 3.8 OFF-STREET PARKING REQUIREMENTS is further amended by adding alphabetically in the column “Principal Uses” and under the heading “Manufacturing and Mining” the new use classification “Medical Waste Treatment Facility”. “Off Street Parking Requirements” shall be further amended by adding under the column “Minimum Requirements”, “1 space per 1,000 SF GFA*”

Section 5. This ordinance shall be effective upon adoption.
UDO-132
AN ORDINANCE AMENDING CHAPTERS A AND B
OF THE UNIFIED DEVELOPMENT ORDINANCES REGARDING THE NEW USE
“MEDICAL WASTE TREATMENT FACILITY”

Be it ordained by the Village Council of the Village of Clemmons, North Carolina, that the Unified Development Ordinances is hereby amended as follows:

Section 1. Chapter A, Definitions Ordinance is amended by modifying the existing definition for “Hazardous Waste Treatment Facility” to read as follows:

HAZARDOUS WASTE MANAGEMENT FACILITY. Any commercial hazardous waste facility which accepts hazardous waste from the general public or from another person for a fee, but does not include any facility owned or operated by a generator of hazardous waste solely for his own use. A hazardous waste facility means a facility for the collection, storage, processing, treatment, recycling, recovery, or disposal of hazardous waste as defined by North Carolina General Assembly Statutes - Chapter 130A (Public Health Chapter) and the North Carolina Administrative Code Subchapter 13A – Hazardous Waste Management, but does not include any facility owned or operated by a generator of hazardous wastes as a by-product of the principal use. Generally, hazardous waste means a solid waste, or combination of solid wastes, which because of its quantity, concentration, or physical, chemical or infectious characteristics, exclusive of “Medical Waste” as defined by the North Carolina Administrative Code Subchapter 13B - Solid Waste Management, may:

(A) Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or,

(B) Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of or otherwise managed.

Section 2. Chapter A, Definitions Ordinance is further amended by adding alphabetically a new definition as follows:

MEDICAL WASTE TREATMENT FACILITY. Any facility which accepts and treats any solid waste generated in the diagnosis, treatment, or immunization of human beings or animals, in research pertaining thereto, or in the production or testing of biologicals as defined as “Medical Waste” in the North Carolina Administrative Code, Subchapter 13B - Solid Waste Management, and which expressly excludes any materials defined as “Hazardous Waste” in the North Carolina Administrative Code Subchapter 13A – Hazardous Waste Management. Medical Waste Treatment Facility, but does not include any facility owned or operated by a generator of medical wastes as a by-product of the principal use.
Section 3. Chapter B, Table 2.6 PERMITTED USES shall be revised by adding alphabetically under the column “Use Type” and under the subcategory “Manufacturing and Mining” the new use classification “Medical Waste Treatment Facility”. The Permitted Use Table shall be further amended by adding a “Z” in the row “Medical Waste Treatment Facility” and under the columns “GI”, “LI”, and “CI”.

Section 4. Chapter B, Table 3.8 OFF-STREET PARKING REQUIREMENTS is further amended by adding alphabetically in the column “Principal Uses” and under the heading “Manufacturing and Mining” the new use classification “Medical Waste Treatment Facility”. “Off Street Parking Requirements” shall be further amended by adding under the column “Minimum Requirements”, “1 space per 1,000 SF GFA*”

Section 5. This ordinance shall be effective upon adoption.
UDO-132
AN ORDINANCE AMENDING CHAPTERS A AND B
OF THE UNIFIED DEVELOPMENT ORDINANCES REGARDING THE NEW USE
“MEDICAL WASTE TREATMENT FACILITY”

Be it ordained by the Town Council of the Town of Walkertown, North Carolina, that the Unified Development Ordinances is hereby amended as follows:

Section 1. Chapter A, Definitions Ordinance is amended by modifying the existing definition for “Hazardous Waste Treatment Facility” to read as follows:

HAZARDOUS WASTE MANAGEMENT FACILITY. Any commercial hazardous waste facility which accepts hazardous waste from the general public or from another person for a fee, but does not include any facility owned or operated by a generator of hazardous waste solely for his own use. A hazardous waste facility means a facility for the collection, storage, processing, treatment, recycling, recovery, or disposal of hazardous waste as defined by North Carolina General Assembly Statutes - Chapter 130A (Public Health Chapter) and the North Carolina Administrative Code Subchapter 13A – Hazardous Waste Management, but does not include any facility owned or operated by a generator of hazardous wastes as a by-product of the principal use. Generally, hazardous waste means a solid waste, or combination of solid wastes, which because of its quantity, concentration, or physical, chemical or infectious characteristics, exclusive of “Medical Waste” as defined by the North Carolina Administrative Code Subchapter 13B - Solid Waste Management, may:

(A) Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or,

(B) Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of or otherwise managed.

Section 2. Chapter A, Definitions Ordinance is further amended by adding alphabetically a new definition as follows:

MEDICAL WASTE TREATMENT FACILITY. Any facility which accepts and treats any solid waste generated in the diagnosis, treatment, or immunization of human beings or animals, in research pertaining thereto, or in the production or testing of biologicals as defined as “Medical Waste” in the North Carolina Administrative Code, Subchapter 13B - Solid Waste Management, and which expressly excludes any materials defined as “Hazardous Waste” in the North Carolina Administrative Code Subchapter 13A – Hazardous Waste Management. Medical Waste Treatment Facility, but does not include any facility owned or operated by a generator of medical wastes as a by-product of the principal use.
Section 3. Chapter B, Table 2.6 PERMITTED USES shall be revised by adding alphabetically under the column “Use Type” and under the subcategory “Manufacturing and Mining” the new use classification “Medical Waste Treatment Facility”. The Permitted Use Table shall be further amended by adding a “Z” in the row “Medical Waste Treatment Facility” and under the columns “GI”, “LI”, and “CI”.

Section 4. Chapter B, Table 3.8 OFF-STREET PARKING REQUIREMENTS is further amended by adding alphabetically in the column “Principal Uses” and under the heading “Manufacturing and Mining” the new use classification “Medical Waste Treatment Facility”. “Off Street Parking Requirements” shall be further amended by adding under the column “Minimum Requirements”, “1 space per 1,000 SF GFA*”

Section 5. This ordinance shall be effective upon adoption.