



# NORFOLK

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May 28, 2019

To the Honorable Council  
City of Norfolk, Virginia

**R-02**

Re: Solid Waste Facility Siting Permit

Dear Ladies and Gentlemen:

During the City's litigation over the permissibility of a solid waste treatment facility at the old Globe Iron property at 1525 St. Julians Avenue, our office identified several provisions of law that, if improved, would give the City additional tools to prevent another facility from proceeding so far along the permitting process without City Council involvement.

One of those provisions empowers localities to require a siting permit be approved before any new solid waste management facility can operate anywhere in the City. To date, Norfolk has not required such a permit. The attached ordinance would create a permit requirement, which would be considered and voted on by the City Council using the same process as is currently employed for conditional use permits.

Respectfully,

Adam Melita  
Deputy City Attorney

ADM:lsb  
Attachment

Form and Correctness Approved:

Contents Approved:

By

Office of the City Attorney

By

DEPT.

NORFOLK, VIRGINIA

### ORDINANCE No.

AN ORDINANCE TO ENACT REGULATIONS FOR SITING OF SOLID WASTE MANAGEMENT FACILITIES WITHIN THE BOUNDARIES OF THE CITY OF NORFOLK.

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WHEREAS, state law authorizes localities to regulate the siting of any solid waste management facility that seeks to operate within its jurisdictional boundaries, at Code of Virginia § 15.2-929;

WHEREAS, the operation of a solid waste management facility includes the operation of a Convenience center, Incinerator, Landfill, Materials recovery facility, Open dump, Solid waste disposal facility, and Transfer station, as defined by state statutes and regulations;

WHEREAS, the operation of a particular solid waste management facility may be consistent with any of several uses defined in the Norfolk Zoning Ordinance, including Composting facility, Junkyard or storage yard, Landfill, Recycling sorting and processing center, Solid waste processing facility, and Solid waste transfer station;

WHEREAS, the City Council finds that the most effective method of considering the potential effect of siting a solid waste

management facility on the health, safety, and welfare of the residents of the City of Norfolk is incorporated in the process for considering an application for a conditional use permit;

WHEREAS, the City Council desires to use the conditional use permit process to review the criteria, form of application, and process (including a public hearing) for consideration of whether a solid waste management facility should be sited somewhere in the City of Norfolk; now therefore

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That a new section, to be numbered Section 41-12.1, of the Norfolk City Code, 1979, shall be enacted to require siting approval prior to the operation of all solid waste management facilities in the manner authorized by Code of Virginia § 15.2-929. The text of the new section shall read as follows:

**Sec. 41-12.1 - Approval Required for Siting of Solid Waste Management Facility.**

- (a) *Requirement.* No solid waste management facility, as that term is defined under Title 10.1, Chapter 14 of the Code of Virginia, including but not limited to any convenience center, incinerator, landfill, materials recovery facility, open dump, solid waste disposal facility, or transfer station, shall be located anywhere in the city unless the city council has approved such facility by grant of a conditional use permit prior to the commencement of its operation.
- (b) *Procedure.* The application, criteria for review, and process for securing the conditional use permit required by this section shall be the same as the process for application, criteria for review, and

approval for a conditional use permit as set forth in the Norfolk Zoning Ordinance.

- (c) *Grandfathering.* Any solid waste management facility that has received, prior to July 1, 2019, either a zoning approval from the city or the city council or a permit to operate from the Virginia Department of Environmental Quality is not required to obtain siting approval in accordance with this section.
- (d) *Separate zoning requirements.* Nothing in this section is intended to nor shall be construed to alter or replace any requirements, regulations, or provisions related to solid waste management facilities that may be mandated by the Norfolk Zoning Ordinance.

Section 2:- That this ordinance shall be in effect from the date of its adoption.