

THROUGH THESE DOORS WALK ONLY THE FINEST PEOPLE – THE CITIZENS OF ESCAMBIA COUNTY. DECISIONS ARE MADE IN THIS ROOM AFFECTING THE DAILY LIVES OF OUR PEOPLE. DIGNIFIED CONDUCT IS APPRECIATED.

CHAMBER RULES

1. IF YOU WISH TO SPEAK, YOU WILL BE HEARD.
2. YOU MUST SIGN UP TO SPEAK. SIGN-UP SHEETS ARE AVAILABLE AT THE BACK OF THE ROOM.
3. YOU ARE REQUESTED TO KEEP YOUR REMARKS BRIEF AND FACTUAL.
4. BOTH SIDES ON AN ISSUE WILL BE GRANTED UNIFORM/MAXIMUM TIME TO SPEAK.
5. DURING QUASI-JUDICIAL HEARINGS (I.E., REZONINGS), CONDUCT IS VERY FORMAL AND REGULATED BY SUPREME COURT DECISIONS.
6. SEE ORDERLY CONDUCT OF MEETINGS. POLICY.

PLEASE NOTE THAT ALL BCC MEETINGS ARE RECORDED AND TELEVISED

AGENDA

Board of County Commissioners

Special Meeting –September 23, 2014– 5:02 p.m.

Ernie Lee Magaha Government Building – First Floor

1. Call to Order.

(PLEASE TURN YOUR CELL PHONE TO THE VIBRATE, SILENCE, OR OFF SETTING)

2. Pledge of Allegiance to the Flag.

3. Was the Meeting Properly Advertised?

4. Are there any items to be added to the agenda?

5. 5:02 p.m. - A Public Hearing Concerning the Review of an Ordinance Amending Articles 3, 6, and 7

That the Board of County Commissioners (BCC) review an Ordinance to the Land Development Code (LDC) Articles 3, 6, and 7 addressing definitions, permitted and conditional land uses and performance standards related to recycling facilities and operations.

This hearing serves as the first of two required public hearings before the Board of County Commissioners (BCC) as set forth in Section 2.08.0 (b) and F.S. 125.66 (4) (b).

At the September 2, 2014, Planning Board Meeting, the Board recommended approval.

6. Adjourn



BOARD OF COUNTY COMMISSIONERS

Escambia County, Florida

Special BCC Meeting

5.

Meeting Date: 09/23/2014

Issue: 5:02 p.m. - LDC Ordinance - Articles 3, 6, and 7, Recycling Facilities

From: Horace Jones, Interim Department Director

Organization: Development Services

CAO Approval:

Information

RECOMMENDATION:

5:02 p.m. - A Public Hearing Concerning the Review of an Ordinance Amending Articles 3, 6, and 7

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This hearing serves as the first of two required public hearings before the Board of County Commissioners (BCC) as set forth in Section 2.08.0 (b) and F.S. 125.66 (4) (b).

At the September 2, 2014, Planning Board Meeting, the Board recommended approval.

BACKGROUND:

In May of 2013, the Board of County Commissioners directed staff to undertake a comprehensive review of the land use regulations and to formulate performance standards for the siting and operation of all recycling facilities and related operations.

BUDGETARY IMPACT:

No budgetary impact is anticipated by the adoption of this Ordinance.

LEGAL CONSIDERATIONS/SIGN-OFF:

The attached Ordinance has been reviewed and approved for legal sufficiency by Ryan E. Ross, Assistant County Attorney. Any recommended legal comments are attached herein.

PERSONNEL:

No additional personnel are required for implementation of this Ordinance.

POLICY/REQUIREMENT FOR BOARD ACTION:

The proposed Ordinance is consistent with the Board's goal "to increase citizen involvement in, access to, and approval of, County government activities."

IMPLEMENTATION/COORDINATION:

Implementation of this Ordinance will consist of an amendment to the LDC and distribution of a copy of the adopted Ordinance to interested citizens and staff.

The proposed Ordinance was prepared in cooperation with the Solid Waste Department, Development Services Department, the County Attorney's Office and all interested citizens. The Development Services Department will ensure proper advertisement.

Attachments

Ordinance - Draft

ORDINANCE NO. 2014-_____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF ESCAMBIA COUNTY, FLORIDA, AMENDING PART III OF THE ESCAMBIA COUNTY CODE OF ORDINANCES (1999), THE LAND DEVELOPMENT CODE OF ESCAMBIA COUNTY, FLORIDA, AS AMENDED; AMENDING ARTICLE 3, SECTION 3.02.00, TO DEFINE CERTAIN TYPES OF RECYCLING AND WASTE DIVERSION FACILITIES AND OPERATIONS; AMENDING ARTICLE 6, SECTION 6.05.00, BY AUTHORIZING CERTAIN TYPES OF RECYCLING AND WASTE DIVERSION FACILITIES AND OPERATIONS AS CONDITIONAL USES IN THE C-2, ID-CP, AND ID-1 ZONING DISTRICTS AND AS PERMITTED USES IN THE ID-2 AND P ZONING DISTRICTS; CREATING ARTICLE 7, SECTION 7.22.00, TO ESTABLISH PERFORMANCE STANDARDS RELATED TO THE CONTROL, COLLECTION, AND TREATMENT OF LEACHATE BY CERTAIN TYPES OF RECYCLING AND WASTE DIVERSION FACILITIES AND OPERATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on July 25, 2013, the Escambia County Board of County Commissioners adopted a temporary moratorium on the issuance of permits or development orders for certain recycling and waste diversion facilities; and

WHEREAS, in adopting the temporary moratorium, the Board sought to provide its staff with the opportunity to study the issue of regulating these facilities and to propose standards relating to the location and performance of these facilities; and

WHEREAS, Escambia County staff has accordingly developed definitions, locational criteria, and performance standards to protect the public health, safety, and welfare and to promote the efficient and safe operation of these facilities.

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ESCAMBIA COUNTY, FLORIDA:

SECTION 1. DEFINITIONS.

Part III of the Escambia County Code of Ordinances, the Land Development Code of Escambia County, Article 3, Definitions, Section 3.02.00 is hereby amended as follows:

Processing. Any technique designed to change the physical, chemical, or biological character or composition of any solid waste so as to render it safe for transport; amenable to recovery, storage, or recycling; safe for disposal; or reduced in volume or concentration.

1
2 Recovered materials. Metal, paper, glass, plastic, textile, or rubber materials that
3 have known recycling potential, can be feasibly recycled, and have been diverted and
4 source separated or have been removed from the solid waste stream for sale, use, or
5 reuse as raw materials, whether or not the materials require subsequent processing or
6 separation from each other, but the term does not include materials destined for any
7 use that constitutes disposal. Recovered materials as described in this subsection are
8 not solid waste.

9
10 Recovered materials processing facility (RMPF). A facility engaged solely in the
11 storage, processing, resale, or reuse of recovered materials.

12
13 Recycling. Any process by which solid waste, or materials that would otherwise
14 become solid waste, are collected, separated, or processed and reused or returned to
15 use in the form of raw materials or products.

16
17 Resource recovery. The process of recovering materials or energy from solid
18 waste, excluding those materials or solid waste under the control of the Nuclear
19 Regulatory Commission.

20
21 Volume reduction plant. Incinerators, pulverizers, compactors, shredding and
22 baling plants, composting plants, and other plants that accept and process solid waste
23 for recycling or disposal.

24 25 **SECTION 2. ZONING AND USES.**

26
27 Part III of the Escambia County Code of Ordinances, the Land Development
28 Code of Escambia County, Article 6, Zoning Districts, Section 6.05.00, District
29 Regulations, is hereby amended as follows:

30
31 *6.05.16. C-2 General commercial and light manufacturing district (cumulative).*

32
33 C. Conditional uses.

34
35 6. 7. Recovered materials processing facilities, recycling facilities and
36 operations, resource recovery facilities and operations, and volume reduction plants.

37
38 *6.05.17. ID-CP commerce park, district (cumulative).*

39
40 C. Conditional uses.

41
42 3. Recovered materials processing facilities, recycling facilities and
43 operations, resource recovery facilities and operations, and volume reduction plants.

1 6.05.18. ID-1 light industrial district (cumulative) (no residential uses allowed).

2
3 C. Conditional uses.

4
5 4. Recovered materials processing facilities, recycling facilities and
6 operations, resource recovery facilities and operations, and volume reduction plants.

7
8
9 6.05.19. ID-2 general industrial district (noncumulative).

10
11 B. Permitted uses.

12
13 14. Recovered materials processing facilities, recycling facilities and operations,
14 resource recovery facilities and operations, and volume reduction plants.

15
16 14- 15. Other uses similar to those listed herein. Recommendations on other
17 permitted uses shall be made by the planning board (LPA) and based on an application
18 for such other use. Final determination shall be made by the BCC upon receipt of the
19 planning board's (LPA's) recommendation.

20 15- 16. Cemeteries.

21 16- 17. Family cemeteries.

22 17- 18. Funeral establishments.

23 18- 19. Cinerators, cremation services, direct disposal establishments.

24
25 6.05.32. P—Public district.

26
27 A. Intent and purpose of district. Publicly owned parcels for educational and
28 correctional facilities and purposes, other public institutional uses, borrow pits and
29 associated reclamation activities, materials recovery facilities, collection and/or
30 processing of solid waste, and sanitary landfills, recovered materials processing
31 facilities, recycling facilities and operations, resource recovery facilities and operations,
32 and volume reduction plants. Conversion of suitable public lands for business or
33 industrial park development is allowed. Refer to article 11 for uses, heights and
34 densities allowed in P, public districts located in the Airport/Airfield Environs.

35
36 **SECTION 3. PERFORMANCE STANDARDS.**

37
38 Part III of the Escambia County Code of Ordinances, the Land Development
39 Code of Escambia County, Article 7, Performance Standards, Section 7.22.00, is
40 hereby established as follows:

41
42 **7.223.00. – Recycling and waste diversion facilities.**

43
44 Recovered materials processing facilities, recycling facilities and operations,
45 resource recovery facilities and operations, and volume reduction plants shall conform
46 to all performance standards governing the containment, collection, and treatment of

leachate pursuant to Chapter 403, Florida Statutes, and any other applicable regulations promulgated by the Florida Department of Environmental Protection. The violation of any such statute or rule governing leachate under Chapter 403, Florida Statutes, shall also constitute a violation of this land development code enforceable by the Escambia County Office of Environmental Code Enforcement.

SECTION 4. **SEVERABILITY.**

If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by any Court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

SECTION 5. **INCLUSION IN CODE.**

It is the intention of the Board of County Commissioners that the provisions of this Ordinance shall be codified as required by F.S. § 125.68 (2011); and that the sections, subsections and other provisions of this Ordinance may be renumbered or re-lettered and the word "ordinance" may be changed to "section," "article," or such other appropriate word or phrase in order to accomplish such intentions.

SECTION 6. **EFFECTIVE DATE.**

This Ordinance shall become effective upon filing with the Department of State.

DONE AND ENACTED this _____ day of _____, 2014.

**BOARD OF COUNTY COMMISSIONERS
OF ESCAMBIA COUNTY, FLORIDA**

By: _____

Lumon J. May, Chairman

**ATTEST: PAM CHILDERS
 Clerk of the Circuit Court**

By: _____

Deputy Clerk

(SEAL)

ENACTED:

FILED WITH THE DEPARTMENT OF STATE:

EFFECTIVE DATE: