

APPROVED
BY ORANGE COUNTY BOARD
OF COUNTY COMMISSIONERS

JAN 28 2014 NR/BS

EFFECTIVE DATE

ORDINANCE NO. 2014-01

JAN 31 2014

AN ORDINANCE AMENDING ARTICLE V, SOLID WASTE MANAGEMENT, CHAPTER 32, OF THE ORANGE COUNTY CODE; AMENDING ARTICLE I, IN GENERAL AND ARTICLE IV, ZONING DISTRICTS ESTABLISHED; ZONING MAP, CHAPTER 38, OF THE ORANGE COUNTY CODE; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ORANGE COUNTY, FLORIDA.

Section 1. Amendments to Article V, Solid Waste Management, Chapter 32, Orange County Code; Article I, In General and Article IV, Zoning Districts Established; Zoning Map, Chapter 38, Orange County Code. Article V, Solid Waste Management, Chapter 32, and Article I, In General and Article IV, Zoning Districts Established; Zoning Map, Chapter 38, of the Orange County Code, are amended as set forth in Sections 2 through 4 below, with all new wording being shown by underline and all deletions being shown by strike-through.

Section 2. Amendments to Article V, Solid Waste Management, Chapter 32 of the Orange County Code. Article V, Solid Waste Management, Chapter 32 of the Orange County is amended to read as follows:

ARTICLE V

SOLID WASTE MANAGEMENT

* * *

Sec. 32-213. Definitions.

This article adopts by reference the definitions contained in section 403.703, ~~Florida Statutes F.S. (20082013)~~ and ~~F.A.C. rule 62-701.200, F.A.C.,~~ unless defined below, in which case the definition included in this section governs. The following definitions apply for the purposes of this article only.

Applicant shall mean any person, group, contractor, corporation, business association, or other entity applying for a permit for a solid waste management facility.

BZA shall mean the board of zoning adjustment, Orange County, Florida.

Board shall mean the board of county commissioners, Orange County, Florida.

CFR shall mean the United States Code of Federal Regulations.

Class I waste shall mean solid waste which is not hazardous waste, and which is not prohibited from disposal in a lined landfill under the rules of the State of Florida Department of Environmental Protection.

Class III waste shall mean combinations of yard trash and construction and demolition debris along with other debris such as paper, cardboard, asbestos, cloth, processed tires, glass, plastic, furniture other than appliances, and other materials approved by FDEP that are not expected to produce leachate which poses a threat to public health or the environment. Mixing of Class III waste with other types of solid waste will cause the material to be classified as other than Class III waste.

Clean wood shall mean wood, including lumber, tree and shrub trunks, branches, and limbs, that is free from paint, glue, filler, pentachlorophenol, creosote, tar, asphalt, chromate copper arsenate, other wood preservatives, or treatments.

Closing shall mean the time at which a solid waste management facility ceases to accept waste, and includes those actions taken by the owner or operator of the facility to prepare the facility for any necessary monitoring and maintenance after

closing.

Closure shall mean the cessation of operation of a solid waste management facility and the act of securing such a facility so that it will pose no significant threat to human health or the environment. This definition shall include closing, long-term monitoring, maintenance and financial responsibility.

Closure plan shall mean written reports and/or engineering plans detailing those actions that will be taken by the owner or operator of a solid waste management facility to effect proper closure of that facility.

Composting facility shall mean a solid waste management facility where solid waste is processed using composting technology. Processing may include physical turning, windrowing, aeration or other mechanical handling of organic matter. Simple exposure of solid waste with little or no mechanical handling that results in natural decay is not considered composting. Facilities handling solid waste in this way will be considered solid waste disposal facilities or landfills.

Conservation areas shall mean those areas as defined in the Conservation Ordinance of Orange County, article X, chapter 15, Orange County Code, adopted herein by reference.

Construction and demolition debris shall mean discarded materials generally considered to be not water soluble and nonhazardous in nature including, but not limited to, steel, glass, brick, concrete, asphalt roofing material, pipe, gypsum wallboard, and lumber, from the construction or destruction of a structure as part of a construction or demolition project or from the renovation of a structure, and includes rocks, soils, tree remains, trees, and other vegetative matter that normally results from land clearing or land development operations for a construction project, including such debris from construction of structures at a site remote from the construction or demolition project site. Mixing of construction and demolition debris with other types of solid waste will cause the resulting mixture to be classified as other than construction and demolition debris. Specifically, if the demolition project is from a structure where hazardous materials or hazardous waste are or were managed, the debris will be considered hazardous waste and will not be considered construction and demolition debris as defined in this article unless tested and the results show otherwise.

This term also includes:

(1) Clean cardboard, paper, plastic, wood, and metal scraps from a construction project;

(2) Except as provided in section 403.707(9)(j), ~~Florida Statutes F.S. (2008~~2013), yard trash and unpainted, nontreated wood scraps and wood pallets from sources other than construction or demolition projects;

(3) Scrap from manufacturing facilities which is the type of material generally used in construction projects and which would meet the definition of construction and demolition debris if it were generated as part of a construction or demolition project. This includes debris from the construction of manufactured homes and scrap shingles, wallboard, siding, concrete, and similar materials from industrial or commercial facilities; and

(4) De minimis amounts of other nonhazardous wastes that are generated at construction or destruction projects, provided such amounts are consistent with best management practices of the industry.

Regulated asbestos, containing materials as defined in 40 CFR § 61.141, are excluded from the construction and demolition debris definition.

~~County shall mean Orange County, Florida, a political subdivision of the State of Florida.~~

Cover shall mean a layer of compacted earth or other suitable material as approved by the {Orange County Environmental Protection} Division, used to enclose a volume of fill material.

Department shall mean the Orange County Community, and Environmental & Development Services Department.

Division shall mean the Orange County Environmental Protection Division.

DRC shall mean the development review committee, Orange County, Florida.

~~F.A.C. shall mean the Florida Administrative Code,~~

~~Annotated Official Compilation of Rules and Regulations of the State of Florida, published by the secretary of state.~~

FDEP shall mean the State of Florida Department of Environmental Protection.

* * *

Incinerator shall mean a combustion apparatus designed for the ignition and burning of solid, semi-solid, liquid or gaseous combustible wastes. For purposes of this article, this term shall also include solid waste combustors.

* * *

Landfill shall mean any solid waste land disposal area which receives solid waste for disposal in or upon land. The term does not include a land-spreading site, an injection well, a surface impoundment, or a facility for the disposal of construction and demolition debris.

Lined landfill shall mean a landfill constructed with a liner made of synthetic materials, low-permeability soils or a combination of these materials, which has been permitted by Orange County, and which meets the landfill design criteria specified herein.

Manager shall mean the individual retained by the board as the environmental protection officer (EPO) and is the head of the division.

Materials recovery facility shall mean a solid waste management facility that provides for the extraction from solid waste of recyclable materials, materials suitable for use as a fuel or soil amendment, or any combination of such materials.

* * *

Sensitive karst areas shall mean those areas of the St. Johns River Water Management District delineated as sensitive karst areas in ~~F.A.C. Chapters~~ chapters 40C-4 and 40C-41, F.A.C., in which the Floridan Aquifer is near the land surface.

Site shall mean the lot(s) or parcel(s) of property ~~whereon~~

where on a solid waste management facility is located or proposed to be located.

Size-reduced means yard trash material that has been processed so that it will pass through a six-inch sieve or has been cut for firewood in lengths not greater than twenty-four (24) inches.

Solid waste shall mean sludge unregulated under the federal Clean Water Act or Clean Air Act, sludge from waste treatment work or water supply treatment plant or air pollution control facility, or garbage, rubbish, refuse, special waste, or other discarded material including solid, liquid, semisolid or contained gaseous material resulting from domestic, industrial, commercial, mining, agricultural or governmental operations. For the purposes of this article, this term does not include infectious/medical waste, or hazardous waste as defined in F.A.C. rule chapter 62-730, F.A.C., or recovered materials.

Solid waste disposal facility shall mean any solid waste management facility that is the final resting place for solid waste, including landfills and incineration facilities that produce ash from the process of incinerating municipal solid waste. Solid waste disposal facilities shall be classified into three (3) classes based on the type of waste received. There are varying requirements throughout this article depending on the class of facility:

(1) *Class I* landfills are those that receive only Class I waste.

(2) *Class III* landfills are those that receive only Class III waste. Class III landfills shall not accept putrescible household waste.

(3) *Construction and demolition debris disposal facilities* are those that receive only construction and demolition debris.

Solid waste management facility shall mean any solid waste disposal area; volume reduction plant; transfer station; materials recovery facility; or other facility, the purpose of which is resource recovery or the disposal, recycling, processing, or storage of solid waste. This term does not include recovered materials processing facilities that meet the requirements of F.S. § section 403.7046,

F.S., except the portion of such facilities, if any, that is used for the management of solid waste.

* * *

Transfer station shall mean a site the primary purpose of which is to store or hold solid waste for transport to a processing or solid waste disposal facility.

Used oil recycling facility shall mean used oil processors, used oil filter transfer facilities, and used oil filter processors, as those terms are defined in F.A.C. rule 62-710.201, F.A.C., but does not include facilities that serve only as a public used oil collection center.

Wekiva Study Area shall mean that same area of land as identified and delineated within ~~Section~~ section 369.316, Florida Statutes F.S. (20082013).

Yard trash shall mean vegetative matter resulting from landscaping maintenance ~~and~~ or land clearing operations, and includes materials such as ~~associated rocks and soils~~, tree and shrub trimmings, grass clippings, palm fronds, trees and tree stumps, and associated rocks and soils ~~and other vegetation~~. For yard trash processing facilities this term also includes clean wood.

Yard trash ~~recycling~~processing facility shall mean ~~any facility at which yard trash, which is generated off-site, is mulched, composted, or otherwise processed into useable materials~~ a yard trash transfer station or a facility at which yard trash is processed into a size-reduced, usable material or is composted, but does not include a facility used for the disposal of yard trash.

Sec. 32-214. Permit procedures.

(a) *Permits.*

(1) *Permits required.* It shall be unlawful to operate a solid waste management facility without a valid Orange County permit in those areas of Orange County which are subject to the provisions of this article or to operate a prohibited facility in those areas of Orange County which are subject to the provisions of this article. For those facilities located or proposed within municipalities which have an ordinance governing solid waste

management, but the municipal standards are less strict than the standards provided herein, an Orange County permit shall not be required if the municipal permit requires compliance with the provisions of this article and the permittee complies with the permit and this article. Orange County reserves the right to require a permit and pursue enforcement to ensure compliance with the provisions of this article.

(2) *DRC review required for facilities within unincorporated Orange County.*

a. For those facilities within unincorporated Orange County, prior to issuance of recommendations by the BZA for a special exception for the solid waste management facility, a conceptual plan for the solid waste management facility must be reviewed by the DRC. The division shall verify the conceptual solid waste management facility plan for sufficiency within ten (10) days. Upon a determination by the manager that the DRC conceptual plan materials are complete, the division shall schedule the matter before the DRC. At a minimum, the conceptual solid waste management facility plan shall comply with the applicable portions of the development plan submittal requirements included in section 38-1206.

b. The DRC shall make a recommendation as to whether the proposed solid waste management facility will (i) be compatible with the surrounding land uses, and (ii) serve the public interest.

(3) *Special exception required for facilities within unincorporated Orange County.* For those facilities within unincorporated Orange County, a special exception authorizing a solid waste management facility is required. A solid waste management permit application shall receive a recommendation by the division prior to the consideration by the BZA of any application for special exception. A solid waste management permit application and an application for a special exception shall be considered by the board at the same public hearing.

(4) *Activities governed by other ordinances.*

a. The landspreading of domestic wastewater residuals shall be governed by the Orange County "Domestic Wastewater Residual Management Ordinance" and not

this article.

b. The applications for excavation permits and fill permits for type I or type II material as defined in chapter 16, shall be made at the county engineer's office, public works department, pursuant to the requirements of Orange County Code chapter 16, known as the "Orange County Excavation and Fill Ordinance", and not this article. Should any excavation become or intend to become a solid waste disposal facility, as defined by section 32-213, then the operation shall comply with any and all requirements of this article prior to issuance of an excavation and fill permit. Setbacks and depths of excavation as required by this article shall control over a solid waste disposal facility operation.

(5) *Facilities within municipal boundaries.* For those facilities within municipalities which are subject to the provisions of this article, it shall be the responsibility of the applicant to obtain any and all applicable zoning and land use approvals from the municipality. Issuance of a county permit pursuant to this article does not relieve the permittee from complying with all other applicable federal, state, and local rules and regulations, including, but not limited to, any applicable municipal zoning or land use regulations.

(b) *Applications.* Applications for permits to construct, operate, close and conduct post-closure care of solid waste management facilities and ancillary operations shall be made at the division office.

(c) *Types of facilities required to submit applications.* The following types of solid waste management facilities shall submit an application pursuant to the requirements of this article:

- (1) Class I landfills;
- (2) Class III landfills;
- (3) Construction and demolition debris disposal facilities;
- (4) Composting facilities (excluding those located at permitted landfills);

- (5) Used oil recycling facilities;
- (6) Waste tire processing facilities;
- (7) Incinerators, if the facility is also storing or disposing of solid waste on the site;
- (8) Solid waste transfer stations;

(9) ~~Yard trash recycling processing facilities; (excluding those located at permitted landfills) having at any time a cumulative volume of solid waste, yard trash, and land-clearing debris, compost, mulch, and other recycled product of two hundred (200) cubic yards or greater; however the following yard trash processing facilities shall be exempt:~~

i. Those facilities that are authorized ancillary operations at permitted disposal facilities; or

ii. Normal farming operations as described in rule 62-709.305(2), F.A.C.; or

iii. Those facilities that store no more than two hundred (200) cubic yards of a total combined volume of yard trash and yard trash derived materials; or

iv. Those facilities that store no more than twelve thousand (12,000) cubic yards of a total combined volume of yard trash and yard trash derived materials, and meet all of the following requirements:

a. The siting restrictions of section 32-216(c);

b. The prohibitions of rule 62-709.300(7), F.A.C., hereby adopted by reference;

c. The design and operating requirements of rule 62-709.320(2), F.A.C., hereby adopted by reference;

d. The specific criteria of rules 62-709.330(2) and (3), F.A.C., hereby adopted by reference;

e. All yard trash shall be removed from bags within forty-eight (48) hours of receipt;

f. All yard trash shall be size-reduced or removed from the facility within twelve (12) months of receipt;

g. No portion of the piles of yard trash and yard trash derived materials shall be mechanically compacted in any manner, including by being driven upon by onsite equipment; this shall not preclude the manufacture of hay bales or wood pellets;

h. The record keeping and reporting requirements of rule 62-709.320(4)(a), F.A.C., hereby adopted by reference, except that reports shall be submitted to the division;

i. Grant division personnel access to the facility during normal business hours for compliance inspection purposes;

j. Notify the division in writing of the intent to utilize and comply with the requirements of this exemption, and renew the notification in writing annually by July 1;

k. Provide documentation that the applicant either owns the land or has legal authorization from the landowner to operate a yard trash processing facility on the site;

l. The closure requirements of rule 62-709.300(4),F.A.C., hereby adopted by reference, except that the required closing notification shall be provided to the division. In addition, financial assurance for closure, in the amount of \$25,000 shall be provided prior to commencing operations in accordance with section 32-216(a)(27).

(10) Materials recovery facilities (excluding those located at permitted landfills); and

(11) Any other facility that the board may consider to meet the definition of solid waste management facility

and/or may present any threat to human health or the environment.

* * *

(g) *Permit renewal.* Application for renewal of a permit, with required supporting documentation, shall be submitted at least ninety (90) days in advance of the expiration date of the existing permit. It is the permittee's responsibility to ensure renewal applications are submitted in accordance with this requirement. Requests for further information from the county shall be responded to in a diligent fashion and within the period of time established by the county at the time of the request. The division shall make a determination when the application is deemed complete and shall inform the applicant in writing within thirty (30) days. During and after the ninety-day (90) period following the submittal of a completed application, the applicant/operator has the right to continue operations if final action has not been taken by the county until such time as the county takes final action; provided the permit has been extended by the county in writing and that such completed application is submitted prior to the expiration of the existing permit.

* * *

(m) *Ancillary operations.* All ancillary operations shall be described in the permit application. Actual or potential impacts from the ancillary operation on air quality, water quality, and abutting property owners (especially in regard to noise level, odors and visual impacts) shall be described and compared to levels described by this Code, where applicable. Appropriate permits must be obtained from local, state and federal agencies for the ancillary operations. A demonstration of need for the operation must be submitted to the county. If a permittee intends to initiate any ancillary operations at a permitted site, plans or a description of the proposed operation must be submitted to the manager for review. If the manager determines the ancillary operations will create additional substantial impact on the surrounding area, the manager shall forward the request to the board for its consideration.

* * *

Sec. 32-215. - Required submittals.

Four (4) copies of the following documents and information shall be submitted for review as part of the permit application. All submittals must be signed and sealed by a professional registered (State of Florida) engineer, geologist or land surveyor, as appropriate, and shall include the following:

(a) *For solid waste disposal facilities: Class I landfills.*

(1) Completed application form described in section 32-214 herein.

* * *

(3) Certified boundary survey and legal description. The boundary survey and legal description shall be updated at permit renewal or whenever the site boundaries or legal description changes.

(4) Proof of ownership of property. At minimum, applicants shall provide an opinion of title based upon a title search.

(5) Engineering plans indicating the following:

* * *

e. Design of ancillary facilities/operations;

f. Stormwater management plan in accordance with section 32-216;

g. Zoning of site and adjacent properties for those facilities within unincorporated Orange County;

h. Landscape buffer plan;

i. Delineation of conservation areas and environmentally sensitive areas in accordance with section 32-216(c) on the site;

j. Setbacks and access control;

k. Final closure plan;

* * *

(6) Processing fee.

* * *

(9) Proposed fee schedule for use of the solid waste management facility by third parties.

(10) Proposed hours of operation.

(11) Proposed method of quantifying wastes.

* * *

(14) Evidence of financial responsibility in accordance with section 32-216(a)(27) ~~herein~~.

(15) Litter control plan.

(16) Waste stream quality control plan as described in section 32-216(a)(14) ~~herein~~.

* * *

(19) Operations plan for the solid waste management facility and all ancillary operations when applicable.

* * *

(21) A fire fighting agreement signed by the solid waste management facility operator and the Orange County Fire Chief, or the applicable municipal official if the facility is located within the boundaries of a municipality which has fire rescue services, which covers the line of responsibility for fighting fires at the site. The agreement is to include methods to be used to extinguish flames that minimize the potential adverse impact on the environment, but still adequately address an emergency. The use of alternatives to water in solid waste management facilities that can produce leachate shall be considered to minimize the

impact of the leachate on groundwater.

* * *

(g) *Yard trash recycling processing facilities.*

(1) The same requirements included in section 32-215(a), excluding subsections (2), (5)a., (5)b., (5)c., (5)d., (5)l., (5)m., (7), (8), (12), (13), (17), (18), and (20); and

(2) A plan documenting maximum capacity and site plan showing location and maximum dimensions of temporary storage piles.

* * *

Sec. 32-216. Technical requirements.

* * *

(b) The following requirements shall apply for solid waste management facilities other than solid waste disposal facilities:

(1) The same requirements included in sections 32-216(a)(5), (a)(6), ~~32-215(a)(9)~~, (a)(11), (a)(13) to (a)(16), (a)(18) to (a)(20), and (a)(26) to (a)(28). The same requirements included in section 32-216(a)(24) shall apply to facilities which store or process solid waste outdoors, or in any other manner that discharges leachate to the ground.

* * *

(c) The following restrictions shall apply to all solid waste management facilities:

(1) No permit shall be issued for any area determined by Orange County to constitute a conservation area, according to the standards established by the Orange County comprehensive policy plan, ordinances, rules or resolutions.

(2) No ~~permit shall be issued~~ facility shall be located in ~~for~~ any area determined to be environmentally sensitive, including, but not limited to areas protected by:

a. Chapter 15, article X, ~~Orange County Code~~, the Conservation Ordinance of Orange County; or

b. Chapter 15, article XI, ~~Orange County Code~~, the Econlockhatchee River Protection Ordinance; or

c. Chapter 15, article XIII, the Wekiva River Protection Ordinance.

* * *

Section 3. Amendments to Article I, In General, Chapter 38 of the Orange County

Code. Article I, In General, Chapter 38 of the Orange County is amended to read as follows:

ARTICLE I

IN GENERAL

Sec. 38-1. Definitions.

Except where specific definitions are used within a specific article or section of this chapter, for the purpose of such sections the following terms, phrases, words and their derivations shall have the meanings given herein when not inconsistent with the context. The word "lot" includes "plot" and "tract." The word "building" shall include "structure." The words "used for" shall include the meaning "designed for."

* * *

Yard trash processing facility shall mean as defined in the Solid Waste Management Ordinance, article V, chapter 32, Orange County Code.

* * *

Section 4. Amendments to Article IV, Zoning Districts Established; Zoning Map, Chapter 38 of the Orange County Code. Article IV, Zoning Districts Established; Zoning Map, Chapter 38 of the Orange County is amended to read as follows:

ARTICLE IV

ZONING DISTRICTS ESTABLISHED; ZONING MAP

* * *

Sec. 38-77. Use table.

USE TABLE

Uses Per Zoning Code	SIC Group	Land Use	A-1	A-2	A-R	C-1	C-2	C-3	I-1A	I-1, I-5	I-2, I-3	I-4
Solid waste management facilities (Ord. No. 2009-11, § 4(App. A), 4-28-09)	4953	Solid waste management facilities	120 S	120 S							120 S	120 S
<u>Yard trash processing facility</u>	4953	<u>Clean wood and yard trash processing facility, including woodchipping, mulching and composting</u>	<u>120</u> <u>S</u>	<u>120</u> <u>S</u>						<u>120</u> <u>SP</u>	<u>120</u> <u>SP</u>	<u>120</u> <u>SP</u>

* * *

Sec. 38-79. Conditions for permitted uses and special exceptions.

The following numbered conditions shall correlate with the numbers listed in the use table set forth in section 38-77:

* * *

(120) A solid waste management facility, including a landfill, shall comply with chapter 32 of the Orange County Code. In accordance with section 32-216(a)(10) of the Orange County Code, permits shall not be issued for solid waste disposal facilities after July 7, 1992, within the I-2/I-3 industrial districts. A solid waste management facility, including a landfill, transfer station, or incinerator, may be permitted only by special exception. An applicant seeking a special exception for a solid waste management facility shall receive a recommendation for issuance of a solid waste management permit by the environmental protection officer and the development review committee (“DRC”) prior to consideration of the special exception by the board of zoning adjustment (“BZA”). Furthermore, an applicant seeking a special exception for a solid waste management facility, must receive a solid waste management permit approval by the board of county commissioners (“BCC”) prior to or at the same public hearing at which the special exception is considered.

However, yard trash processing activities that are associated with onsite permitted land clearing, or with onsite normal farming operations that meet the permit exemption requirements in subsection 32-214(c)(9)ii., are exempt from the requirements of this section 38-79(120). Yard trash processing facilities that store no more than 12,000 cubic yards of a total combined volume of yard trash and yard trash derived materials, shall be subject to all of the following alternate requirements:

a. General requirements:

i. The site shall meet the permit exemption requirements in subsection 32-214(c)(9)iii. or iv.

ii. The site shall meet the requirements of chapter 30, article VIII, the Orange County Site Development Ordinance (pertaining to site plans):

iii. Landscaping, including, screening of open storage areas of yard trash and yard trash derived materials, shall be installed in accordance with chapter 24, Orange County Code.

iv. Machinery, when used for yard trash processing related activities, shall not be operated within any required yard, open storage setbacks, or within a two hundred (200) foot setback from any residence or residentially-zoned property. In addition, processing equipment shall be set back from

property boundaries a sufficient distance to prevent potential thrown/falling objects from leaving the site.

v. Meet the noise and sound requirements of chapter 15, article V, the Noise Pollution Control Ordinance of Orange County, Florida.

vi. Pile height shall not exceed twenty-five (25) feet in overall height from natural grade.

vii. Burning is prohibited.

viii. Firewood sales and storage as an ancillary use to a yard trash processing facility shall be subject to the requirements of 38-79(120) and not section 38-79(43) (conditions for permitted uses and special exceptions).

ix. Wood chipping, wood mulching, and wood composting operations that store no more than two hundred (200) cubic yards of a total combined volume of yard trash or yard trash derived materials are subject to the requirements set forth in section 38-79(96) and not the requirements set forth in section 38-79(120).

b. In A-1 and A-2 zoned districts:

i. A special exception is required for the processing and open storage of yard trash and yard trash derived materials. The processing and open storage of yard trash and yard trash derived materials is subject to a setback of one hundred fifty (150) feet of any property boundary line. The applicant may request a variance, as provided in section 30-43, to reduce this setback, but in no case shall be less than one hundred (100) feet from any property boundary line;

iii. Commercial parking, for yard trash processing related activities, shall not be located within twenty-five (25) feet of any property boundary line; and

iv. The hours of operation for yard trash processing related activities shall be limited to between 7:00 a.m and 7:00 p.m.;

v. In addition to any other landscaping requirements, outer perimeter buffering shall be Type C, opaque buffer, as outlined in section 24-5, Orange County Code;

c. For yard trash processing related activities

located on sites within I-1/I-5, I-2/I-3, and I-4 zoned districts, with all abutting property being located within I-1/I-5, I-2/I-3, I-4, or C-3 zoned districts, the use shall be permitted. The processing and open storage of yard trash and yard trash derived materials is allowed, but not within fifty (50) feet of any property boundary line.

d. For yard trash processing related activities located on sites within I-1/I-5, I-2/I-3, and I-4 zoned districts, with any abutting property not being located within I-1/I-5, I-2/I-3, I-4, or C-3 zoned districts, a special exception is required. The processing and open storage of yard trash and yard trash derived materials is allowed, but not within fifty (50) feet of any property boundary line of an abutting property within the within I-1/I-5, I-2/I-3, I-4, or C-3 zoned districts, nor one hundred and fifty (150) feet of all other property boundary lines. To reduce the setback, the applicant may request a variance as provided in section 30-43, but in no case shall the setback be reduced to less than fifty (50) feet from any property boundary line.

* * *

Section 4. Effective date. This ordinance shall take effect pursuant to general law.

ADOPTED THIS 28th DAY OF January, 2014.

**ORANGE COUNTY, FLORIDA
By: Board of County Commissioners**

By: *Teresa Jacobs*
Teresa Jacobs
Orange County Mayor
TJ

ATTEST: Martha O. Haynie, County Comptroller
As Clerk of the Board of County Commissioners

By: *Karl Smith*
Deputy Clerk

