

Sec. 3-9-70. Debris and Waste Facilities

(a) Types of Debris and Waste Facilities

Debris and waste facilities shall be divided into Low Impact and High Impact Waste Facilities. Low Impact Waste Facilities shall be considered Conditional Uses, and subject to the conditions established in the appropriate Conditional Use provisions of this Code. High Impact Waste Facilities are considered to have significant impacts upon the health, safety, and welfare of the public and shall be considered Special Exception Uses.

(1) Exemptions

The following are exempt from the requirements of this Section:

- a. Backyard composting.
- b. Composting or anaerobic digestion of wastes generated on a farm, as part of agronomic, horticultural or silvicultural operations, for use on the farm as part of these operations.
- c. Open burning of land clearing debris as permitted by the State of Florida, provided all the material to be burned originates on-site and burning is on a temporary basis.
- d. The use of non-putrescible solid waste material for grade improvement done in conjunction with a building permit.
- e. The storage of non-putrescible fill material for future use.
- f. The disposal of clean debris in an excavation.
- g. The processing, management and disposal of solid wastes generated as a result of a major storm, tornado or other natural or manmade disaster when undertaken by, under the supervision of, or at the direction of a local, State or Federal agency.
- h. Facilities that have been identified in an overlay district that implements the U.S. 17 Corridor Planning Area, if such district contains siting and development standards for such facilities.

(2) Low Impact Waste Facilities

- a. Mini transfer station.
- b. Minor yard trash processing facility.
- c. Recovered materials processing facility.
- d. Waste tire collection center.
- e. Minor compost facility – Lot clearing debris only.

(3) High Impact Waste Facilities

- a. Auto salvage yard.
- b. Composting facility.
- c. Materials recovery facility.
- d. Soil treatment facility.
- e. Solid waste combustor.
- f. Solid waste disposal facility.
- g. Transfer station.
- h. Used oil processing facility.
- i. Waste tire processing facility.
- j. Waste tire site.

(b) Additional Application Requirements

(1) General

In addition to the standard application requirements, the following information shall be submitted upon application for any debris and waste facility (Copies of information submitted to other regulatory agencies will satisfy the following requirements where applicable):

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- a. Type of facility proposed.
 - b. An operation plan appropriate for the type of facility proposed, including the following information in narrative form:
 - (i) Anticipated type and source of material, as well as limitations on types and source of material.
 - (ii) Volume of material to be received, expressed in cubic yards per day or tons per day.
 - (iii) Time limitations related to storage of material.
 - (iv) Method of operation of the facility.
 - (v) Planned active life of the facility, the final design height of the facility, and the maximum height of the facility during its operation.
 - (vi) Source and type of cover material.
 - (vii) Methods of controlling odor, dust, litter, and vectors.
 - (viii) Method of management of byproducts from waste processing.
 - (ix) Emissions controls, including gas, leachate, and surface run-off.
 - (x) Hours of operation.
 - (xi) Operating parameters and test results of identical or, if not available, comparable equipment.
 - c. A site plan illustrating all structures, disposal areas, staging areas, special waste areas, internal drive aisles, parking areas, and other items required for operation of the proposed facility. Square footage and total floor area ratio of each building shall be labeled and total impervious surface area of the site shall be indicated on the plan.
 - d. A vicinity map or aerial photograph, taken no more than one year prior to the application, showing the facility site and relevant surface features located within 1,000 feet of the proposed facility.
 - e. A regional map showing the project location in relation to major roadways and population centers and how the location meets the setback requirements of this Section. Multiple maps may be submitted.
 - f. A regional map showing the haul routes to be utilized to haul material to the facility.
 - g. A closure plan.
 - h. A contingency plan appropriate for the type of facility to cover operational interruptions and emergencies such as fires, explosions, or natural disasters.
 - i. An emergency plan appropriate for the type of facility to respond to emergencies such as fires, explosions, or natural disasters.
 - j. A statement of how the applicant will demonstrate financial responsibility for the closing and long-term care of the facility.
 - k. An engineer's certification that the facility and all equipment thereof will meet or exceed the design requirements set forth by the State for this type of facility and all County requirements including the Industrial Performance Standards provisions of this Code.
 - l. Current and projected population and area to be served by the proposed site.
- (2) High Impact Waste Facilities
- a. In addition to the standard application requirements and the additional general waste and debris facility application requirements, the following information shall be submitted upon application for any High Impact Waste Facility:
 - (i) A needs analysis including market surveys, letters of commitment and contracts, and any other information required by the County.

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- a) For a solid waste disposal facility, the analysis needs to determine that the added disposal capacity is required in order to service permanent County residents.
- b) For all other facilities, the analysis must show how the facility will benefit permanent County residents.
- (ii) A traffic impact analysis evaluating the trip generation of the proposed facility including:
 - a) Ingress, egress, and access control to the site.
 - b) The impact(s) of the proposed facility on the transportation system which will support the proposed facility, including anticipated increases in road maintenance requirements.
 - c) The estimated public cost of maintaining the area's transportation system.
 - d) Any other information required by the County Engineer.
- (iii) A public facilities impact analysis evaluating the impacts of the proposed facility on schools, parks, hospitals, and potable water supplies within two miles of the proposed facility.
- (iv) An environmental impact analysis evaluating the impacts of the proposed facility on:
 - a) Conservation areas, aquatic preserves, and other natural water bodies within two miles of the proposed facility.
 - b) Endangered or threatened species which occur on or utilize the property on which the proposed facility is to be developed or occur on or utilize adjacent property (as known).
 - c) Air quality within one and one-half mile from the site, noting direction of the prevailing wind.
 - d) Wildlife habitat and native vegetative communities on the site.
 - e) Surface and groundwater quality within one-half mile from the site (the analysis must include a map showing all Class I surface waters, as defined by the FDEP, within 3,000 feet of the boundary of the subject property).
 - f) Impacts on any Class I waterways within the watershed where the site is located.
 - g) Any areas of the subject property that lie within the 100-year flood zone.
- (v) For facilities that receive and process, store, or dispose of putrescible waste outdoors, a map showing any licensed airport runways within six miles of the facility or a statement that none exist. If a runway is within six miles, evidence shall be supplied that the facility notified the affected airport and received acknowledgement of that notification.
- (vi) The following additional information shall be provided by an applicant for a solid waste disposal facility:
 - a) A plan of the site showing dimensions, locations of proposed and existing water quality monitoring wells or points, locations of soil borings, proposed plan of trenching or disposal areas, original elevations, proposed final contours, any previously filled waste disposal areas, and fencing. Cross sections shall be included showing both the original and proposed fill elevations. The scale of the plot plan shall not be greater than 200 feet to the inch.
 - b) Topographic maps at a scale of not greater than 200 feet to the inch with 5-foot contour intervals. These maps shall show the proposed fill area, any borrow

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area, access roads, grades required for proper drainage and cross sections of lifts, special drainage devices if necessary, fencing, and equipment facilities.

- b. Due to the complexity of the information required for these facilities, the review timeframe for applications in association with these facilities shall be extended by at least two months. The item shall not be placed on a Board of Zoning Appeals agenda until review is complete.
- c. All applications shall require review by the Charlotte County Solid Waste Division. This Division may suggest further siting, development and operational conditions based on the specific facility and the proposed plans. These conditions may be applied as conditions of approval.
- d. All applications shall require review by the Fire Marshall.

(c) High Impact Waste Facilities Approval Standards

A High Impact Waste Facility Use shall only be approved if positive findings of fact can be made for all of the following:

- (1) The proposed facility is appropriately sited as determined through review of the standards, requirements, analysis and facility operations plan.
- (2) Approval of the facility will not adversely affect the public interest.
- (3) The use and operation of the proposed facility will not endanger the public health or safety.
- (4) There is a need for the proposed facility or there is a benefit gained to the County by development of the facility.
- (5) The proposed facility is consistent with the adopted Charlotte County comprehensive plan.
- (6) Safe and adequate access to the facility exists or will be provided for general and emergency services.

(d) High Impact Waste Facilities Development Standards

- (1) Siting Criteria

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Resource		High Impact Waste Facility								
		<u>Transfer Station</u>	<u>Composting Facility</u>	<u>Solid Waste Disposal Facility (SWDF)</u>	<u>Solid Waste Combustor (SWC)</u>	<u>Materials Recovery Facility (MRF)</u>	<u>Waste Tire Processing Facility (WTPF)</u>	<u>Waste Tire Site (WTS)</u>	<u>Soil Treatment Facility (STF)</u>	<u>Used Oil Processing Facility (UOPF)</u>
<u>Watershed Protection Overlay District</u>	<u>Tippen Bay and Long Island Marsh</u>	<u>Not Permitted</u>	<u>Not Permitted</u>	<u>Not Permitted</u>	<u>Not Permitted</u>	<u>Not Permitted</u>	<u>Not Permitted</u>	<u>Not Permitted</u>	<u>Not Permitted</u>	<u>Not Permitted</u>
	<u>½ mile of creek system</u>		<u>Permitted</u>	<u>Not Permitted</u>	<u>Not Permitted</u>	<u>Not Permitted</u>	<u>Not Permitted</u>	<u>Not Permitted</u>	<u>Not Permitted</u>	<u>Not Permitted</u>
	<u>¼ mile of creek system</u>			<u>Not Permitted</u>	<u>Not Permitted</u>	<u>Not Permitted</u>	<u>Not Permitted</u>	<u>Not Permitted</u>	<u>Not Permitted</u>	<u>Not Permitted</u>
	<u>All other areas of the Overlay</u>			<u>Permitted</u>	<u>Permitted</u>	<u>Not Permitted</u>	<u>Not Permitted</u>	<u>Not Permitted</u>	<u>Permitted</u>	<u>Not Permitted</u>

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<u>Prime Aquifer Recharge Area</u>	<u>Not Permitted</u>	<u>Permitted</u>		<u>Not Permitted</u>					
<u>100 Year Floodplain</u>		<u>Not Permitted</u>							
<u>Wetlands</u>		<u>Not Permitted</u>							
<u>Wildlife Corridor Critical Linkages</u>			<u>Not Permitted</u>		<u>Not Permitted</u>				

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Public Water System Wellhead Protection Area			<u>Not Permitted</u>						
If developed residential density of more than two units per acre exists within a one-half mile buffer of the proposed facility site	<u>Permitted</u>	<u>Permitted</u>	<u>Not Permitted</u>	<u>Not Permitted</u>	<u>Permitted</u>	<u>Permitted</u>	<u>Permitted</u>	<u>Permitted</u>	<u>Permitted</u>

Unless the table of above indicates permitted, the facility is not permitted.

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(2) Location Setbacks

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Resources	High Impact Waste Facility								
	Transfer stations	Composting Facilities	SWDF	SWC	MRF	WTPF	WTS	STF	UOPF
<u>Tippen Bay and Long Island Marsh</u>	Not Applicable (N/A)	None	1,000 ft.	1,000 ft.	N/A	N/A	N/A	1,000 ft.	N/A
<u>Shell Creek and Prairie Creek</u>	N/A	1,500 ft.	3,000 ft.	3,000 ft.	N/A	N/A	N/A	3,000 ft.	N/A
<u>Alligator Creek or any other identified potable water source such as wellheads</u>	200 ft.	100 ft.	3,000 ft.	3,000 ft.	200 ft. if all in an enclosed building; 500 ft. if not	3,000 ft.	3,000 ft.	3,000 ft.	3,000 ft.
<u>Other water bodies, including wetlands, except stormwater ponds entirely on-site</u>	200 ft.	50 ft.	1,000 ft.	1,000 ft.	200 ft. if all in an enclosed building; 500 ft. if not	500 ft.	500 ft.	500 ft.	500 ft.
<u>100 Year Floodplain</u>	50 ft.	50 ft.	500 ft.	500 ft.	100 ft.	500 ft.	500 ft.	500 ft.	500 ft.
<u>Residential use or residentially zoned property</u>	200 ft.	100 ft.	1,000 ft.	1,000 ft.	200 ft. if all in an enclosed building; 500 ft. if not	500 ft.	500 ft.	500 ft.	200 ft.
<u>School, park, hospital or other health care facility</u>	200 ft.	100 ft.	1,000 ft.	1,000 ft.	200 ft. if all in an enclosed building; 500 ft. if not	500 ft.	500 ft.	500 ft.	200 ft.
<u>Licensed and operating airport runway used by turbine powered aircraft</u>	10,000 feet if the facility includes any outdoor storage, disposal or processing of waste, unless the applicant demonstrates that the facility is designed and will be operated so that it does not pose a bird hazard to aircraft								
<u>Licensed and operating airport runway used by piston engine aircraft</u>	5,000 feet if the facility includes any outdoor storage, disposal or processing of waste unless applicant demonstrates that the facility is designed and will be operated so that it does not pose a bird hazard to aircraft								

Other location standards:

- (i) No facility that requires air quality permits from the US Environmental Protection Agency or Florida Department of Environmental Protection may be placed within one-half mile of any land designated with a Future Land Use Map designation that is primarily for residential use.

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(3) Other Development Standards

Facilities	Standards			
	Buffering	Setbacks from all property lines no outdoor storage, processing or disposal shall take place within the setback	Height of Outdoor Piles	Volume Reduction Operation Machinery
<u>Transfer stations</u>	Type D: opaque wall or fence around entire perimeter of facility	30 feet	20 feet	If within 300 feet of a right-of-way, residential use, residential zoning district, school, park, hospital or other health care facility, such machinery shall be enclosed in a structure with at least three sides and a roof, with the open end facing away from these elements.
<u>Composting Facilities</u>	Type C: 5 foot high berm or opaque fence required	*50 feet	40 feet	
<u>SWDF</u>	40 foot wide Type E: 5 ft. high berm with trees planted on top of berm or an opaque fence	250 feet	200 feet	
<u>SWC</u>	25 foot wide Type C buffer; opaque wall or fence around entire perimeter of facility	250 feet	40 feet	
<u>MRF</u>	Type D: opaque wall or fence around entire perimeter of facility	30 feet	25 feet	
<u>WTPF</u>	40 foot wide Type E: 5 ft. high berm with trees planted on top of berm or an opaque fence	250 feet	25 feet	
<u>WTS</u>	40 foot wide Type E: 5 ft. high berm with trees planted on top of berm or an opaque fence	50 feet	25 feet	
<u>STF</u>	Type C: 5 foot high berm or opaque fence required	30 feet	40 feet	
<u>UOPF</u>	Type C: 5 foot high berm or opaque fence required	30 feet	N/A	

(e) High Impact Waste Facility Financial Requirements

- (1) Following approval of a Special Exception for a High Impact Waste Facility but prior to any other development approvals, either the owner or the operator shall be bonded or insured, in an amount and form acceptable to the County Attorney, to guarantee the financial responsibility of both the owner and operator for any liability that may be incurred in the operation of the facility and to provide that, upon closure, abandonment, or interruption of operation of the facility for any reason, all appropriate measures are taken to prevent damage to human health, safety, and welfare; the environment; and private and public property. If these financial responsibilities are addressed through the State and Federal permitting requirements, that may satisfy the financial requirements. However, in granting approval to a facility pursuant to this Section, the County may require additional, reasonable bonding or insurance as deemed necessary to protect the public health, safety, and welfare.
- (2) Any bond or insurance obtained to satisfy this requirement shall be maintained in the amount established by the County and shall be maintained until the County determines that the owner and operator have satisfactorily closed the facility and until the County authorizes cancellation, modification, or liquidation of the bond or insurance.

(f) High Impact Waste Facility Inspections and Enforcement

- (1) Representatives from the County shall, no less than twice a year, inspect all facilities subject to this Section for compliance with the provisions contained herein. Such inspections will, at a minimum, verify that landscape buffers are being maintained in good order and that all materials found at the subject facility are allowed under the conditions of the permits and approvals issued for the facility.
- (2) Any County official having official business pertaining to the enforcement of this Section shall, upon identification, be admitted to the premises during regular business hours to conduct inspections and shall be given full and immediate access to the premises and all records required by this Section. Failure to admit a County official onto a facility shall constitute a violation of these regulations and a Stop Work order shall be issued. Upon issuance of a Stop Work order, the facility will immediately cease operations.
- (3) If, at any time during the operational life of the facility, it is determined that the facility is being operated in violation of the conditions of the permits, licenses or approvals which pose an immediate threat to the health, safety or welfare of the general public or surrounding properties, a Stop Work order shall be issued which shall remain in force and effect until the facility is brought into compliance with such conditions and damage to surrounding properties, if any, is remedied. For purposes of enforcement, each violation shall be considered a separate offense.