

ORDINANCE NO. 97-3

FILED

MAR 14 1 35 PM '97

AN ORDINANCE AMENDING THE HERNANDO COUNTY CODE OF ORDINANCES, APPENDIX A, ZONING ORDINANCE; AMENDING APPENDIX A, ARTICLE I, SECTION 3, BY DEFINING CONSTRUCTION AND DEMOLITION DEBRIS; AMENDING APPENDIX A, ARTICLE IV, SECTION 2(H)(1), THROUGH MODIFICATION AND ADDITION; REPEALING ARTICLE IV, SECTION 13, MORATORIUM ON CONSTRUCTION AND DEMOLITION DEBRIS LANDFILLS; AMENDING ARTICLE IV, SECTION 11 B, SPECIAL REGULATIONS, BY CREATING A SPECIFIC SECTION FOR CONSTRUCTION AND DEMOLITION DEBRIS LANDFILLS; AMENDING APPENDIX A, ARTICLE V, ADMINISTRATION, SECTION 3(D)(2)(a), THROUGH MODIFICATION; AMENDING APPENDIX A, ARTICLE V, ADMINISTRATION, SECTION 4 CONDITIONAL USE PERMIT (C), THROUGH MODIFICATION; AMENDING APPENDIX A, ARTICLE V, ADMINISTRATION, SECTION 8(E)(2)(a), THROUGH MODIFICATION; AMENDING APPENDIX A, ARTICLE VI, ADMINISTRATION, SECTION 7(A), THROUGH MODIFICATION; AMENDING APPENDIX A, ARTICLE VIII, SECTION 4(B)(1), THROUGH ADDITION AND MODIFICATION; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR A SHORT TITLE; PROVIDING FOR INTENT AND PURPOSE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION INTO THE CODE; PROVIDE FOR AN EFFECTIVE DATE.

THE HERNANDO COUNTY BOARD OF COUNTY COMMISSIONERS FINDS THAT:

WHEREAS, Hernando County has an existing moratorium on construction and demolition debris landfills;

WHEREAS, Chapter 125.01(1)(K)(1), Florida Statutes, authorizes counties to provide and regulate waste and sewage collection and disposal, water supply, and conservation programs;

WHEREAS, as a result of the lack of regulation of Construction and Demolition Debris Landfills, there is a risk of groundwater contamination resulting from improper operation of the landfill;

WHEREAS, the Hernando County Comprehensive Plan mandates the management of solid waste;

WHEREAS, the Florida Department of Environmental Protection has developed new rules

governing the handling of construction and demolition debris;

WHEREAS, the Hernando County Board of County Commissioners has a responsibility to ensure the compatibility of land uses;

WHEREAS, the Hernando County Board of County Commissioners has a responsibility to protect the public's health, safety and welfare;

WHEREAS, the Hernando County Board of County Commissioners has the authority to regulate the location and siting of construction and demolition debris landfills; and,

WHEREAS, the Hernando County Board of County Commissioners has the authority to make provisions for permitted uses.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY, FLORIDA, that the following provisions are hereby enacted.

SECTION 1: BY AMENDING APPENDIX A, ARTICLE I, SECTION 3, DEFINITIONS, AS FOLLOWS:

92. Construction and Demolition Debris: Discarded materials generally considered to be not water soluble and non-hazardous in nature resulting from the construction or destruction of a structure as part of a construction or demolition project or from the renovation of a structure or the debris from a land clearing operation. On site disposal of land clearing debris from an agricultural or mining operation is not considered construction and demolition debris.
93. Construction and Demolition Debris Landfill: A solid waste disposal facility which is designed, sited and operated to accept and dispose of construction and demolition debris through burial. Such a facility can be located either on-site or off-site of the property where the construction and demolition debris is generated.
94. Vulnerable Feature: a natural or man-made feature of the land which has the potential to discharge directly to the aquifer. These features include excavations and solution features such as sinkholes, caves and mine pits which expose the top of the Floridan Aquifer.

SECTION 2: BY AMENDING APPENDIX A, ARTICLE IV, SECTION 2. RESIDENTIAL DISTRICTS, (H) R-R RESIDENTIAL DISTRICT, (I) PERMITTED USES THROUGH ADDITION, AND CORRECTION OF SEQUENCING, AS FOLLOWS:

H. R-R Residential District

- (1) Permitted uses:
 - (a) Resort dwellings
 - (b) Single-family dwellings
 - (c) Two-family dwellings
 - (d) Multifamily dwellings containing up to twelve (12) dwelling uses
 - (e) Bed and breakfast establishments
 - (f) Community residential homes with 6 or fewer residents

SECTION 3: BY REPEALING

Article IV, Section 13, Moratorium prohibiting approval of public service facility overlay district for the construction and demolition debris landfills is hereby repealed.

SECTION 4: BY AMENDING APPENDIX A, ARTICLE IV, ZONING DISTRICT REGULATIONS, SECTION 11 B THROUGH THE CREATION OF SECTION 11 B (3) OF SPECIAL REGULATIONS FOR THE SITING OF CONSTRUCTION AND DEMOLITION DEBRIS LANDFILLS, AS FOLLOWS:

B. Special Regulations

- (3) The following siting criteria must be met prior to the approval of a Public Service Facility Overlay District for a construction and demolition debris landfill facility:
 - (a) have access to a roadway with a classification of no less than a two lane collector which is designed to handle heavy truck traffic;
 - (b) not be located within 1000 feet of Residentially zoned properties and schools;
 - (c) be compatible with the surrounding land uses:
 - (1) shall not have a negative material impact on surrounding land uses,
 - (2) shall not have a negative material impact on infrastructure, or
 - (3) shall not have negative material environmental impacts;
 - (d) not be located within any area containing hydric soils, as specified in the Soil Survey of Hernando County;
 - (e) not be located within 250 feet of the property line of any property zoned as one of the Rural zoning districts not under control of the owner/operator of the construction and demolition debris landfill;
 - (f) not be located within the 100 year flood plain; and,
 - (g) not create a vulnerable feature.

SECTION 5: BY AMENDING APPENDIX A, ARTICLE IV, ZONING DISTRICT REGULATIONS, SECTION 11 B THROUGH THE CREATION SECTION 11 B (4) OF SPECIAL REGULATIONS FOR THE DEVELOPMENT OF CONSTRUCTION AND DEMOLITION DEBRIS LANDFILLS, AS FOLLOWS:

B. Special Regulations

- (4) The following design criteria must be met prior to the approval of a Public Service Facility Overlay District for a construction and demolition debris landfill facility:
 - (a) the site shall have a minimum setback of 75 feet from all adjacent property lines;
 - (b) access roads must be paved or stabilized with limerock or some other surface and be dust controlled;
 - (c) the site shall be completely fenced with a minimum six foot high security fence which must be locked during all hours when the construction and demolition debris landfill is closed;
 - (d) have only one entrance;
 - (e) the site shall be buffered from adjacent properties with a fifteen foot landscaped buffer of no less than eight feet in height; and reach 80 percent opacity within twelve months;
 - (f) must apply with the provisions of the Groundwater Protection Ordinance; and,
 - (g) meet all other local, state and federal rules.

SECTION 6: BY AMENDING APPENDIX A, ARTICLE IV, ZONING DISTRICT REGULATIONS, SECTION 11 B THROUGH THE CREATION SECTION 11 B (5) OF SPECIAL REGULATIONS FOR THE OPERATION OF CONSTRUCTION AND DEMOLITION DEBRIS LANDFILLS, AS FOLLOWS:

B. Special Regulations

- (5) A construction and demolition debris landfill facility shall meet the following operational standards:
 - (a) The owner/operator of a construction and demolition debris landfill shall be responsible for compensating the appropriate fire department for all expenses in the extinguishing or containing of a fire above the cost of an average fire call as determined by the Florida State Fire Marshall's *Output Report*;
 - (b) There shall be a spotter, employed by County, on duty at all times during the

operating hours of a construction and demolition debris landfill;

- (c) The owner/operator of a construction and demolition debris landfill shall reimburse County for the total cost of employing a spotter;
- (d) The owner/operator of a construction and demolition debris landfill shall provide the County with financial assurance, easily accessible to the County, in the amount needed for closure and care of the facility once closed not to be less than five years. This financial assurance shall be in one of the following methods: a bond, insurance, irrevocable letter of credit, or cash. The financial assurance may be of co-obligation between the County and the Florida Department of Environmental Protection.
- (e) The owner/operator of a proposed construction and demolition debris landfill shall provide to the County a copy of their Florida Department of Environmental Protection permit and/or other any such permits as required by the law, rule or regulation by any successor agency. If an owner/operator of a proposed construction and demolition debris landfill is unable to attain or is exempt from the Florida Department of Environmental Protection rules, the proposed landfill does not meet the requirements of this ordinance, and shall not be allowed to operate.

SECTION 7: BY AMENDING APPENDIX A, ARTICLE V, ADMINISTRATION, SECTION 3. APPEALS AND VARIANCES (D) REQUIRED NOTICE FOR APPEALS AND VARIANCES, (2) MAIL NOTICE (a) THROUGH MODIFICATION, AS FOLLOWS:

2. Mail Notice

- a. The Administrative Official shall mail notices setting forth the time, place and purpose of the hearing to the parties in interest when a specific parcel is involved. The Administrative Official shall also mail notices to the owner of every parcel of land within a distance of two hundred fifty feet in any direction from the property line of the land in question when the hearing involves a specific parcel of land.

SECTION 8: BY AMENDING APPENDIX A, ARTICLE V, ADMINISTRATION, SECTION 4. CONDITIONAL USE PERMIT (c) APPLICATION PROCEDURES, THROUGH MODIFICATION AS FOLLOWS:

Section 4. Conditional Use Permit.

C. Application Procedure:

- (2) Upon fixing a date for the public hearing the petitioner shall post the property with a public notice sign as supplied by the County Administrator or designee. The sign shall be posted in a conspicuous location at the front lot line at least ten (10) days prior to the scheduled hearing date. Additionally, the County Administrator or designee shall mail a notice giving the time, place, and purpose of the meeting to each property owner within two hundred fifty (250) feet of the parcel covered by the application. The notice shall be mailed at least ten (10) days prior to the scheduled meeting date.

SECTION 9: BY AMENDING APPENDIX A, ARTICLE V, ADMINISTRATION, SECTION 8. SPECIAL EXCEPTION USE REGULATIONS SECTION E,(2)(a) AS FOLLOWS:

The County Administrator or designee shall mail similar notices setting forth the time, place and purpose of the hearing to the parties in interest. The County shall also mail notices to the owner of every parcel of land within a distance of two hundred fifty (250) feet in any direction from the property line of the land in question.

SECTION 10: BY AMENDING APPENDIX A, ARTICLE VI, SECTION 7(A), REQUIRED MAILING NOTICE, AS FOLLOWS:

A. Required mailing notice: Upon the fixing of a date for a public hearing, the Administrative Official shall mail a copy of a notice giving the time, place and purpose of the meeting to the owner or owners of every parcel of property within a distance of two hundred fifty (250) feet in any direction from the property line of the land upon which the petitioner requests a change in zoning district classification. The notice is to be sent by certified mail, return receipt requested, at least ten (10) days prior to the scheduled meetings. The petitioner shall file one (1) copy of a list of all owners, together with the addresses as shown on the current tax roll, of every parcel of property within two hundred fifty (250) feet in any direction from the property line of the land upon which the petitioner requests a change in zoning district classification. Additionally, the petitioner shall provide one (1) copy of a sketch showing those owners' properties in relation to the petitioner's lot.

SECTION 11: BY AMENDING APPENDIX A, ARTICLE VIII, PLANNED DEVELOPMENT PROJECT, SECTION 4. SPECIFIC PROJECT REQUIREMENTS (B), RESIDENTIAL PLANNED-DEVELOPMENT PROJECT (1) PERMITTED USES, THROUGH ADDITION, AND CORRECTION OF SEQUENCING, AS FOLLOWS:

B. Residential planned-development project: All residential planned-development projects shall be subject to the following regulations:

(1) Permitted uses shall consist of:

- (a) Single-family dwellings
- (b) Multiple-family dwellings
- (c) Resort dwellings
- (d) Community residential homes for 6 or fewer residents

SECTION 12: SEVERABILITY

If any section, subsection, sentence, clause or phrase of this ordinance, for any reason, is held to be unconstitutional, void or invalid, the validity of the remaining portions of said ordinance shall not be affected thereby.

SECTION 13: INCLUSION INTO THE CODE

The provisions of this ordinance shall be included and incorporated in the Code of Ordinances of Hernando County (Land Development Regulations) as an addition or amendment thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Code.

SECTION 14: EFFECTIVE DATE

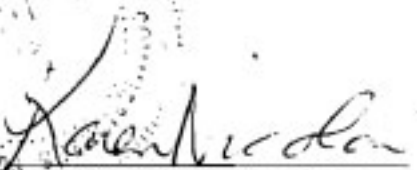
This Ordinance shall be effective upon receipt of the official acknowledgment from the office of the Secretary of State of the State of Florida that this Ordinance has been filed with said office.

ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS IN REGULAR SESSION THIS 4th DAY OF March, 1997.

(SEAL)

**BOARD OF COUNTY COMMISSIONERS
HERNANDO COUNTY, FLORIDA**

Attest:


KAREN NICOLAI, Clerk

By:


RAY LOSSING, Chairman

