

ORDINANCE # 2024-40 for LDC24-0001

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF OSCEOLA COUNTY, FLORIDA; AMENDING CHAPTER 3, SECTION 3.5.1 (L) “AGRICULTURAL USES”, OF THE OSCEOLA COUNTY LAND DEVELOPMENT CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT; PROVIDING FOR SCRIVENER’S ERRORS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, in accordance with the Local Government Comprehensive Plan and Land Development Regulation Act, Chapter 163, Florida Statutes, as amended, Osceola County enacted Ordinance 00-32, which adopted the Osceola County Land Development Code; and

WHEREAS, subsequent to the effective date of the Land Development Code, it has been determined that amendments are warranted in order to better serve the community and to ensure compliance with the Osceola County Comprehensive Plan; and

WHEREAS, in accordance with the provisions of Section 125.66, Florida Statutes, the Board of County Commissioners conducted a public hearing to consider the amendments, with due public notice having been provided; and

WHEREAS, having reviewed and considered all comments received during the public hearings, the Board of County Commissioners desires to amend sections of the Land Development Code and Code of Ordinances.

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

SECTION 1. AMENDMENT.

This ordinance amends Chapter 3, Section 3.5.1.(L), Agricultural Uses, of the Osceola County Land Development Code, as follows:

L. WASTE RELATED SERVICES (INCLUDING BIOSOLIDS TREATMENT FACILITIES). Biosolids Treatment Facilities, and also including but not limited to composting facilities, and other waste related uses shall be permitted as indicated in the Use Tables subject to the following:

1. Biosolids Treatment Facilities and other waste-related uses shall meet all relevant Federal and state regulations. The minimum standards shall be pursuant to the Florida Administrative Code (FAC), as amended, and as authorized and monitored by the Health Department and the Florida Department of Environmental Protection.
2. The owner, owner's authorized agent and/or operator of the Biosolids Treatment Facility shall be responsible for using site management practices pursuant to the FAC.
3. Buffer/setback requirements shall be as provided in the FAC, as amended, with the following additional requirements: any portion of the proposed facility shall be located not less than one thousand five hundred (1,500) feet from any occupied building (except for occupied buildings in the proposed facility) or well, ~~and/or~~ five hundred (500) feet from any property line associated with an existing residential home on adjacent property, water body or wetland, and/or (250) feet from any non-residential property line.
4. The Biosolids Treatment Facility or other waste-related use areas shall have direct paved access in fee simple or by private ingress/egress easement to an avenue or boulevard or other adequate access surface and/or design if approved by the County Manager.
5. For any activity in the AC zoning district, the following additional minimum standards shall apply:
 - a. Any activity shall be ancillary to the primary agricultural use.
 - b. The owner, applicant and/or owner's authorized agent shall provide operational plan confirming hours of operation, sources of any imported residuals, haul routes, number of trucks entering and exiting the property, and practices for demonstrating compliance with minimum standards, with particular attention to odors, noise, water quality and airborne pathogens.
 - c. All activities related to the Biosolids Treatment Facility, including any imported raw materials, processing of partially treated and fully treated materials, and storage, must be conducted inside an enclosed building (building or structure must have a roof and four (4) walls, which fully enclose the interior of the building from the floor to the ceiling, except for doors or mechanical ventilation systems in compliance with this Code) with an impervious floor and system for preventing

leachate from leaking into the soils (e.g., approved liner beneath concrete, etc.) and groundwater beneath or surrounding the building. A Biosolids Treatment Facility incorporating a static aerobic pile and/or windrow method of treatment where there is no turning or disturbance within thirty (30) days after initial placement of the compost/biosolid piles or windrows and continuing throughout the active compost phase will be exempt from the requirements of conducting the treatment process inside an enclosed building, but shall be required to provide an impervious surface (e.g., i. synthetic liner such as non-woven PVC, polyethylene, or polypropylene under rigid pavement wearing surface, or ii. natural clay or bentonite clay liner under flexible pavement) for the treatment area and system for preventing leachate from leaking into the soils and groundwater beneath or surrounding the treatment area. The wearing surface must have a minimum structural number of a local street for flexible pavement or minimum thickness for a local street for rigid pavement provided for in the Land Development Code. The liner and impervious wearing surface shall be designed by a Florida Registered Professional Engineer to support pavement loads and protect approved liner from damage.

- d. Any proposed building, surface, or structure to be used for the Biosolids Treatment Facility or other waste related services that is located within the 100-year floodplain shall be constructed at least one (1) foot above the base flood elevation.
 - e. The owner, applicant and/or owner's authorized agent shall obtain Site Development Permit, Building Permit, as well as permits from all other entities as required by state, federal and local law, in compliance with approved Conditional Use petition, including any conditions of approval.
 - f. The owner, applicant and/or owner's authorized agent shall provide annual monitoring report to the County Manager in order to document compliance with Conditional Use approval, which shall include testing results (public drinking water standards plus lead and nitrates) from Health Department of any existing wells within a one-half (½) mile radius of Biosolids Treatment Facility.
6. Any application for Federal or State approval, and applications for modification to an approved permit, shall be submitted to the County Manager within three (3) business days of submittal to the applicable agency.
7. If at any time an approved Biosolids Treatment Facility or other waste related use is deemed to be non-compliant with its Conditional Use approval, including any FAC requirements, the County Manager may suspend the approval until such time as the activity is brought into compliance or revoke the approval, as deemed appropriate. County personnel may access the property to ensure compliance, with reasonable

notification to the property owner, applicant and/or owner's authorized agent. This does not prevent the County from enforcing its regulations in any other means deemed consistent with this Code and applicable regulations.

SECTION 2. SEVERABILITY.

If any provision of this Ordinance, or the application thereof, is for any reason held or declared to be unconstitutional, inoperative, void or invalid, such holding shall not affect provisions or applications of this Ordinance which can be given effect without the invalid provisions or application, and to that end, the provisions of this Ordinance are declared severable.

SECTION 3. CONFLICT.

Any Ordinance or part thereof, and/or any resolution, or part thereof, which is in conflict with this Ordinance or part hereof is hereby repealed to the extent of the conflict.

SECTION 4. SCRIVENER'S ERRORS

The County Attorney is authorized to correct scrivener's errors found in this Ordinance by filing a corrected copy of this Ordinance with the Clerk to the Board.

SECTION 5. EFFECTIVE DATE.

This Ordinance shall become effective immediately upon its adoption by the Board of County Commissioners.

BOARD OF COUNTY COMMISSIONERS
OF OSCEOLA COUNTY, FLORIDA

By: _____
Chair/Vice Chair

ATTEST:
OSCEOLA COUNTY CLERK OF THE BOARD



By: Frances Y. Mason
Clerk/Deputy Clerk of the Board

As authorized for execution at the Board of
County Commissioners meeting of:

July 15, 2024