



**Hillsborough
County Florida**

LDC TEXT AMENDMENT

23-0312

- **INTENT STATEMENT**
- **PROPOSED TEXT CHANGE**

LDC 23-0312
Yard Waste Air Curtain Incinerator

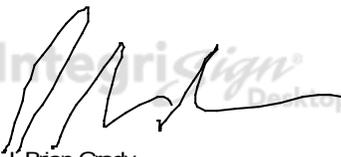
INTENT STATEMENT

This proposed amendment to the Land Development Code modifies the standards for Yard Waste Air Curtain Incinerator (ACI) facilities. The amendment will distinguish between commercial facilities which accept yard waste generated off site for incineration, and those that are temporary and accessory to the clearing of land, limited to the incineration of yard waste generated on site only. This Amendment has been directed by the Board of County Commissioners.

The amendment proposes for consideration two alternative options for addressing the approval process of a commercial facility. The first option specifies that commercial facilities will be permissible as a Conditional Use in the CI (Commercial Intensive) and M (Manufacturing) zoning districts. As a Conditional Use the commercial facility would be able to be permitted in those districts through an administrative permit approval process subject to demonstrating compliance with the standards outlined in this amendment. The second alternative option proposes that commercial facilities will only be permissible in Planned Development zoning districts. Under this alternative option to allow a new commercial facility would require a rezoning to a Planned Development, through a noticed public hearing process, and demonstration of compliance with the standards outlined in this amendment. The facility under either approval scenario will be limited to the incineration of yard waste only and open pile burning shall be prohibited. Depending on the amount and type of emissions produced by the facility, the use may be considered a Heavy Industrial use and the host site will be restricted to sites designed HI (Heavy Industrial) per the Comprehensive Plan Future Land Use Element.

Facilities that are temporary and accessory to the clearing of land and limited to the incineration of yard waste generated on site only will be permitted in all zoning districts as a Conditional Use. Both types of facilities will be required to meet all Local and State of Florida environmental requirements and permitting.

Other changes will include the provision of minimum required setbacks along the site's boundaries, along roadways, increased yards from residentially zoned property or property containing a residential development; restricts the duration of the use for accessory/temporary ACI's sites to a maximum of 60 days; and require screening by a solid fence.

LDC 23-0312	Division Director Sign-off	 J. Brian Grady Fri Apr 28 2023 13:35:45
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**PROPOSED REVISED LAND DEVELOPMENT CODE TEXT
23-0312
Yard Waste Air Curtain Incinerator**

**Commercial ACI's
CU Permit Option**

Most Recent Changes:

Blue Text – After BOCC Workshop

Sec. 6.11.103. Yard Waste Air Curtain Incinerator

~~A. Front, rear and side yards shall be a minimum of 50 feet. When adjacent to residentially zoned property, yards shall be a minimum of 200 feet for non-office type buildings and uses.~~

~~B. The site shall be fenced by a six foot high fence.~~

~~Approval of a Conditional Use zoning permit shall be required for this use pursuant to Part 10.01.00 of this Code.~~

A. Commercial Facilities

~~Approval of a Conditional Use zoning permit shall be required for this use pursuant to Part 10.01.00 of this Code.~~

1. ~~Facilities that accept yard trash generated off site for incineration shall be permissible only in the CI and M zoning districts. The facility shall be limited to the incineration of yard trash and untreated wood only. Open pile burning shall be prohibited. The facility shall meet all Federal, State, and Local environmental requirements and permitting.~~
2. ~~If the facility emits at least one of the following air pollutants as regulated by Title 62, F.A.C., it shall be considered a Heavy Industrial use and the host site shall have a Comprehensive Plan Future Land Use Element classification of HI:~~
 - a. ~~100 tons or more per year of any regulated air pollutant, or;~~
 - b. ~~10 tons or more per year of any one hazardous air pollutant, or;~~
 - c. ~~25 tons or more per year of any combination of hazardous air pollutants.~~
3. ~~All elements of the incinerator operation, including but limited to vehicle parking areas, yard waste piles and office structures, shall be set back 100 feet from roadways, 50 feet from all other property lines and 500 feet from any lot that is residentially zoned or residentially developed.~~
4. ~~The operation shall be enclosed by a solid six-foot-high fence. The fence shall be located along the interior edge of the required setbacks.~~

B. Temporary Air Curtain Incinerator Uses

1. ~~Temporary ACI operation that is an accessory to land clearing for site development shall be permitted in all zoning districts. The ACI operation shall be limited to the incineration of vegetative land clearing debris generated on site only. No land clearing debris generated off-site shall be brought to the facility. The operation shall be subject to all Local and State environmental requirements including setback requirements, and acquire appropriate authorization(s).~~
2. ~~The operation of the accessory use shall not exceed 30 days. Any additional permit extension or authorization shall be subject to approval by the Environmental Protection Commission of Hillsborough County EPC and any other affected agency or municipality. Maximum duration of the operation shall not exceed 60 days.~~
3. ~~The approval of the Conditional Use zoning permit required for temporary ACI operations shall be pursuant to Part 10.01.00 of this Code.~~

~~**C. Site Requirements**~~

~~The following requirements shall apply to all facilities:~~

- ~~1. All elements of the incinerator operation, including but limited to vehicle parking areas, yard waste piles and office structures, shall be set back 100 feet from roadways, 50 feet from all other property lines and 500 feet from any lot that is residentially zoned or residentially developed.~~

PROPOSED REVISED LAND DEVELOPMENT CODE TEXT

23-0312

Yard Waste Air Curtain Incinerator

~~2. The operation shall be enclosed by a solid six-foot-high fence. The fence shall be located along the interior edge of the required setbacks.~~

Section 2.02.02

USES ALLOWED WITHIN ZONING DISTRICTS

Table of Allowable Uses in Zoning Districts																																				
Key: P = Permitted. C = Conditional Use, permitted pursuant to standards of Article VI (no public hearing required unless specified in applicable section) and the procedures of Section 10.01.00. S = Special Use, noticed public hearing required and subject to standards of Article VI. Reviewed pursuant to Section 10.02.00. A = Accessory use, permitted pursuant to Article VI. N = Potentially permitted pursuant to Section 6.11.65. CNR = Conditional Use/No Review, permitted without prior zoning review subject to requirements of Part 6.11.00. Blank = Prohibited.																																				
			AS			RSC					RDC		RMC											SPI												
																								UC			AP									
	AM	A	AR	0.4	-1	C-1	AI	2	3	4	6	9	10	6	12	6	9	12	16	20	BPO	OR	CN	CG	CI	M	1	2	3	1	2	3	4	5	V	
Yard Waste Air Curtain Incinerator	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C

<p>LDC 23-0312</p>	<p align="center">Division Director Sign-off</p>	 <p align="center">J. Brian Grady Thu Mar 28 2024 16:12:17</p>
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PROPOSED REVISED LAND DEVELOPMENT CODE TEXT
23-0312
Yard Waste Air Curtain Incinerator

Commercial ACI's
PD RZ Option

Most Recent Changes:

Blue Text – After BOCC Workshop

Sec. 6.11.103. Yard Waste Air Curtain Incinerator

~~A. Front, rear and side yards shall be a minimum of 50 feet. When adjacent to residentially zoned property, yards shall be a minimum of 200 feet for non-office type buildings and uses.~~

~~B. The site shall be fenced by a six foot high fence.~~

A. Commercial Facilities

1. New facilities that accept yard trash generated offsite for incineration shall be permissible only in Planned Development (PD) zoning districts. The facility shall be limited to the incineration of yard trash and untreated wood only. Open pile burning shall be prohibited. The facility shall meet all Federal, State, and Local environmental requirements and permitting.
2. If the facility emits at least one of the following air pollutants as regulated by Title 62, F.A.C., it shall be considered a Heavy Industrial use and the host site shall have a Comprehensive Plan Future Land Use Element classification of HI:
 - a. 100 tons or more per year of any regulated air pollutant, or;
 - b. 10 tons or more per year of any one hazardous air pollutant, or;
 - c. 25 tons or more per year of any combination of hazardous air pollutants.
3. All elements of the incinerator operation, including but limited to vehicle parking areas, yard waste piles and office structures, shall be set back 100 feet from roadways, 50 feet from all other property lines and 500 feet from any lot that is residentially zoned or residentially developed.
4. The operation shall be enclosed by a solid six-foot-high fence. The fence shall be located along the interior edge of the required setbacks.

B. Temporary Air Curtain Incinerator Uses

1. Temporary ACI operation that is an accessory to land clearing for site development shall be permitted in all zoning districts as a Conditional Use. The ACI operation shall be limited to the incineration of vegetative land clearing debris generated on site only. No land clearing debris generated off-site shall be brought to the facility. The operation shall be subject to all Local and State environmental requirements including setback requirements, and acquire appropriate authorization(s).
2. The operation of the accessory use shall not exceed 30 days. Any additional permit extension shall be subject to approval by the Environmental Protection Commission of Hillsborough County EPC and any other affected agency or municipality. Maximum duration of the operation shall not exceed 60 days.
3. ~~The approval of the Conditional Use zoning permit required for temporary ACI operations shall be pursuant to Part 10.01.00 of this Code.~~

~~C. Site Requirements~~

~~The following requirements shall apply to all facilities:~~

1. ~~All elements of the incinerator operation, including but limited to vehicle parking areas, yard waste piles and office structures, shall be set back 100 feet from roadways, 50 feet from all other property lines and 500 feet from any lot that is residentially zoned or residentially developed.~~
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Yard Waste Air Curtain Incinerator - <u>Temporary / Accessory</u>	CNR	CNR	CNR	CNR	CNR	CNR	CNR	CNR	CNR	CNR	CNR	CNR	CNR	CNR	CNR	CNR	CNR	CNR	CNR	CNR	CNR	CNR	CNR	CNR	CNR	CNR	CNR	CNR	CNR	CNR	CNR	CNR	CNR	CNR	CNR	CNR
Yard Waste Air Curtain Incinerator - <u>Commercial Facility</u>	<u>REQUIRES PLANNED DEVELOPMENT DISTRICT APPROVAL</u>																																			

LDC 23-0312	Division Director Sign-off	 J. Brian Grady Thu Mar 28 2024 16:13:32
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