BY ORANGE COUNTY BOARD
OF COUNTY COMMISSIONERS
FEB 1 9 2008 LHBS
EFFECTIVE DATE

FEB 2 5 2008

ORDINANCE NO. 2008-04

AN ORDINANCE ESTABLISHING A MORATORIUM ON **ISSUANCE** THE **OF PERMITS** AND SPECIAL EXCEPTION APPROVALS FOR NEW SOLID WASTE FACILITIES AND EXPANSIONS OF EXISTING SOLID WASTE FACILITIES WITHIN THE WEKIVA STUDY AREA, **SUBJECT** TO **EXCEPTIONS:** CREATING **DEFINITIONS**; **PROVIDING FOR** REVIEW DETERMINATIONS; AND PROVIDING AN EFFECTIVE **DATE**

WHEREAS, on December 18, 2007, the Orange County Board of County Commissioners adopted Ordinance No. 2007-20, which amended the Orange County Comprehensive Policy Plan by amending the Future Land Use Element Map to depict the Wekiva Study Area, including its key features, and by amending the text of the Comprehensive Policy Plan pursuant to the Wekiva Parkway Protection Act, codified at Part III, Chapter 369, Florida Statutes;

WHEREAS, one of the significant amendments approved under Ordinance No. 2007-20 was the creation of Solid Waste Element 2.1.5, which requires that the County evaluate hazards posed by new solid waste facilities and expansions or extensions of existing facilities within the Wekiva Study Area, that the County study siting criteria and other issues related to solid waste facilities, including solid waste transfer stations, hazardous and toxic materials treatment and disposal sites, and landfills, and that, by December 31, 2008, the County adopt land development regulations, as necessary, to limit or exclude such facilities within portions of the Wekiva Study Area;

WHEREAS, it will require a great deal of time and effort to carefully, properly and thoroughly study, research, prepare and adopt the land development regulations required under

Solid Waste Element Policy 2.1.5;

WHEREAS, the Board finds that it would frustrate or impede the County's efforts to develop those land development regulations and would potentially be adverse to the public policy benefits associated with Solid Waste Element Policy 2.1.5 and related Wekiva Study Area Comprehensive Policy amendments if, within the Wekiva Study Area, new solid waste facilities or expansions of existing solid waste facilities were permitted, or applications for such facilities were processed, before those land development regulations were adopted and had become effective; and

WHEREAS, accordingly, until the land development regulations required under Solid Waste Element 2.1.5 have been adopted and have become effective, or until January 31, 2009, whichever date is earlier, the Board finds it necessary and appropriate and in the public interest to adopt a moratorium related to certain solid waste facilities as described in this ordinance.

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ORANGE COUNTY:

Section 1. Moratorium.

(a) Subject to the exceptions set forth in Section 1(b), notwithstanding anything to the contrary in the Orange County Code, including the Solid Waste Management Ordinance codified at Article V, Chapter 32, Orange County Code, until the date that an ordinance establishing new land development regulations implementing Solid Waste Element 2.1.5 becomes effective, or until January 31, 2009, whichever date is earlier, no development permit, including a solid waste facility permit or a special exception for a solid waste facility, may be applied for, processed, or issued by the County for any new solid waste facility within the Wekiva Study Area or any

expansion of an existing solid waste facility within the Wekiva Study Area, if the application for such a development permit was not properly submitted on or before January 17, 2008.

(b) An application for a renewal (extension) of a permit or special exception for an existing solid waste facility or an application for a non-substantial deviation to a permit or special exception for an existing solid waste facility is not subject to the moratorium, and therefore may be accepted and processed.

Section 2. Definitions.

For purposes of this moratorium ordinance, the following terms shall have the following definitions:

"Solid waste facility," also sometimes referred to or known as a "solid waste management facility," means any of the types of facilities enumerated and described in Section 32-214(c)(1) through (c)(12) of the Orange County Code, for which a permit and a special exception are required from the County under Section 32-214(a).

"New solid waste facility" means a solid waste facility that was not lawfully in existence as of January 17, 2008.

"Existing solid waste facility" means a solid waste facility that was lawfully in existence as of January 17, 2008.

Section 3. Review of Determinations.

(a) A determination by the Zoning Manager regarding whether a particular special exception request is subject to the moratorium may be reviewed under the process for appeals from determinations of the Zoning Manager set forth at Sections 30-43, 30-44, 30-45 and 30-46 of the Orange County Code.

(b) A determination by the Environmental Protection Division regarding whether a particular solid waste facility permit request is subject to the moratorium, such as whether a request constitutes a non-substantial deviation, may be reviewed under the procedure set forth at Section 32-214 of the Orange County Code.

Section 4. Effective date. This moratorium ordinance shall become effective pursuant to general law.

ADOPTED THIS PM_DAY OF FEBRUARY, 2008.

ORANGE COUNTY, FLORIDA By: Board of County Commissioners

Richard T. Crotty, Mayor

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

By:

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