

JAN 27 2015 07:501



Interoffice Memorandum

EP

11-13-14A08:13 RCVD

11-13-14A09:24 RCVD

DATE: November 12, 2014

TO: Katie Smith, Deputy Clerk
Comptroller Clerk's Office

FROM: *MS*
Mitch Gordon, Manager
Zoning Division

THROUGH: Cheryl Gillespie, Agenda Development Coordinator
Agenda Development Office

CONTACT PERSON: **Art Interiano, Assistant Zoning Manager**
Zoning Division

PHONE NUMBER: **407-836-5856**

SUBJECT: Request for Second Public Hearing: Dec. 16, 2014, at 5:01 p.m.
Concrete & Asphalt Plants Ordinance, Amendments to Ch. 38
("Zoning")

AN ORDINANCE AFFECTING THE USE OF LAND IN ORANGE COUNTY, FLORIDA; AMENDING CHAPTER 38 ("ZONING") OF THE ORANGE COUNTY CODE REGARDING CEMENT, CONCRETE, ASPHALT PLANTS AND OTHER FACILITIES AND USES DESCRIBED UNDER MAJOR GROUP 14 ("MINING AND QUARRYING") OF THE 1987 EDITION OF THE STANDARD INDUSTRIAL CLASSIFICATION MANUAL; REPEALING ORDINANCE NO. 2014-25 THAT ESTABLISHED A MORATORIUM; AND PROVIDING AN EFFECTIVE DATE

Applicant: Zoning Division

Location: All Districts

Estimated time required for:
Public hearing 2 minutes

Hearing controversial? No

*12/16/14 e
5:01 p.m.*

Advertising requirements: Publish once as a quarter-page ad in a local newspaper of general circulation (do **not** publish in the legal notices/classified section).

Advertising timeframes: At least 5 days prior to public hearing date

Applicant/Abutters to be notified: No

Hearing required by Fla. Statute #: 125.66(4)(b), F.S.

Spanish Contact Person: Para más información en español acerca de estas reuniones públicas o de cambios por ser efectuados favor de llamar a la División de Planificación de Transportacion, Arleen Moya al 407-836-8070.

SPECIAL INSTRUCTIONS TO CLERK:

Do not publish in the legal notices/classifieds section of newspaper.

MG/ai

c: Chris Testerman, Assistant County Administrator
Joel Prinsell, Deputy County Attorney
Jon V. Weiss, P.E., Director, CEDS Department
Barbara Snell, Clerk's Office

□
The Orlando Sentinel

633 North Orange Avenue
MP 132
Orlando, FL 32801

Orange Co Comptroller Clerk of BCC
#CU00124579

To: Kathy Heard

This is to confirm that the advertisement for Orange Co Comptroller Clerk of BCC published in *The Orlando Sentinel* on the following date. **Ordinance regarding Concrete & Asphalt Plants.**

Publication Date: Sunday, November 30, 2014

Section: Zone – Orange

Size: 2 columns x 10.5"

Job: #2856331

Should you need further information, please feel free to contact me.

Sincerely,

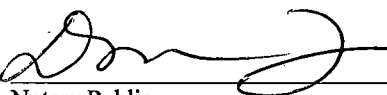


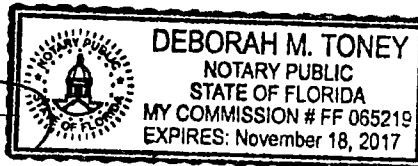
Aracelis Crespo
Account Representative Assistant
The Orlando Sentinel

/mdu

State of Florida
County of Orange

The foregoing instrument was acknowledged before me this 1st day of December 2014, by Aracelis Crespo, who is personally known to me.


Notary Public
State of Florida at Large



2 *[NOTE: For purposes of the Jan. 27, 2015, public hearing, the parts of this draft*
4 *ordinance highlighted in yellow depict the changes to the draft ordinance that was*
6 *advertised and included in the agenda packet for the first public hearing held on Dec.*
8 *2, 2014.]*

DRAFT
01/16/15

10 ORDINANCE NO. 2015 - _____

12 AN ORDINANCE AFFECTING THE USE OF LAND IN
14 ORANGE COUNTY, FLORIDA; AMENDING CHAPTER
16 38 ("ZONING") OF THE ORANGE COUNTY CODE
18 REGARDING CEMENT, CONCRETE, ASPHALT PLANTS
20 AND OTHER FACILITIES AND USES DESCRIBED
22 UNDER MAJOR GROUP 14 ("MINING AND
QUARRYING") OF THE 1987 EDITION OF THE
STANDARD INDUSTRIAL CLASSIFICATION MANUAL;
REPEALING ORDINANCE NO. 2014-25 THAT
ESTABLISHED A MORATORIUM; AND PROVIDING AN
EFFECTIVE DATE

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ORANGE
24 COUNTY:

Section 1. Amendments to Section 38-77 ("Use table"). Section 38-77 ("Use
26 table") of the Orange County Code is amended to read as shown on **Appendix "A,"** attached
hereto and incorporated herein by this reference, with any new wording being indicated by
28 underlines and any deleted wording being shown by strike-throughs. Except as shown in
Appendix "A," Section 38-77 shall remain unchanged.

30 *Section 2. Amendments to Section 38-79 ("Conditions for permitted uses and*
special exceptions"). Section 38-79 ("Conditions for permitted uses and special exceptions") is
32 amended to read as follows, with any new wording being indicated by underlines and any deleted
wording being shown by strike-throughs:

34 **Sec. 38-79. Conditions for permitted uses and special exceptions.**

36 The following numbered conditions shall correlate with the
38 numbers listed in the use table set forth in section 38-77:

38 * * *

40 (77) Reserved.

42 a. In an A-1, A-2, I-2/I-3, or I-4 zoned district,
44 the location depicted on the approved commercial site plan for this
46 type of use or operation that will have equipment or machines,
48 including a mobile crusher, stockpiles, or loading/unloading
activity, but excluding a truck or other motor vehicle or an internal
access road, shall be at least one thousand (1,000) feet from the
nearest property line of any residential zoned district, residential
use, or school.

50 b. Effective ~~December 19, 2014~~ January 30,
52 2015, this type of use or operation shall be prohibited in the I-1/I-5
zoning district, except as follows:

54 1. Any application for such use that was
56 submitted but not approved prior to September 26, 2014, may be
58 resubmitted by not later than December 31, 2015, and permitted,
60 provided the parcel or tract that is was the subject of the
pre-September 26, 2014, application is adjacent to an I-1/I-5 parcel
or tract permitted for such use prior to September 26, 2014, and is
no closer to the nearest residential zoned district or residential use:
62 or

64 2. Any application submitted after
66 ~~December 19, 2014~~ between January 30, 2015, and approved by
68 ~~June 30, 2015, December 31, 2015.~~ may be permitted, provided the
70 parcel or tract that is the subject of such an application submitted
72 after ~~December 19, 2014,~~ was under common ownership as of
September 26, 2014, with the parcel or tract that was permitted for
such use prior to September 26, 2014, and is adjacent to the
previously permitted parcel or tract, and such non-permitted parcel
or tract is no closer to the nearest residential zoned district or
residential use.

74 If an applicant under subsection 38-79(77)b. is unable to meet the
76 1,000 foot distance separation requirement described in subsection
38-79(77)a., a site specific noise study may be required indicating

78 that a reduced setback, including any operational and/or
80 engineering controls, will enable the use or operation to comply
82 with the County's noise control ordinance at the closest residential
84 or noise sensitive area property line. Such noise study shall be
86 signed by a licensed professional engineer with experience in
88 sound abatement. If the application is approved, a confirmation
90 study shall be conducted by the owner during the initial two weeks
92 of full operations at the site. Measurements shall be taken at the
nearest residential and noise sensitive area property lines and a
report shall be submitted to the County within forty-five (45) days
after initiation of the sampling. If the report shows that the
measurements exceed permissible limits, the use or operation shall
be deemed in violation of subsection 38-79(77). ~~the noise study~~
shall be revised and confirmation studies shall continue to be
conducted until sampling shows that the measurements do not
exceed permissible limits.

94 c. The type of use or operation allowed under
96 subsections 38-79(77)a. ~~and b.~~ shall meet the following location,
design and operational criteria:

98 1. The use or operation shall be subject
100 to an approved commercial site plan, and shall comply with all
102 applicable laws, ordinances, rules, and regulations, including the
104 air quality rules codified at Article III, Chapter 15, Orange County
Code, ~~and~~ the noise control ordinance codified at Article V,
Chapter 15, Orange County Code, and the vibration requirements
in Section 38-1454, Orange County Code.

106 2. Unconfined or uncontrolled
108 emissions of particulate matter from any crushing activity,
screening activity, conveying activity, stockpiling,
110 loading/unloading activity, or vehicular traffic shall be controlled
using water suppression systems, dust suppressants, or other
engineering controls acceptable to the County.

112 3. Buffer requirements at any abutting
114 residential or institutional use property line shall be Type A opaque
with landscaping, consistent with the landscaping and buffering
116 ordinance codified at Article I, Chapter 24, Orange County Code.

118 4. Stockpile heights shall not exceed thirty five
120 feet (35') above the finished grade elevation in A-1 and A-2 zoned
districts, and shall not exceed fifty feet (50') above the finished
122 grade elevation in I-2/I-3 and I-4 zoned districts.

124 5. Building heights shall not exceed fifty (50)
feet, or thirty-five (35) feet when located within one hundred (100)
126 feet of a residential zoning district or residential designation on the
future land use map, or one hundred (100) feet when located more
128 than five hundred (500) feet of a residential zoning district or
residential designation on the future land use map, whichever is
130 applicable.

132 6. Hours of operation shall be limited to 7:00
a.m. to 7:00 p.m. Monday through Friday and 8:00 a.m. to 3:00
134 p.m. on Saturday at a plant or facility in an A-1 or A-2 zoned
districts and an I-1/I-5 zoned district described in subsection
136 38-79(77)b. No such plant or facility may operate on Sunday.

*Line 34-135
changes in PPP*

138 d. The type of use or operation allowed under
subsection 38-79(77)b shall meet the criteria described in
140 subsection 38-79(77)c.1, 2 and 5, and the following additional
criteria:

142 1. Any portion of the combined parcels or
tracts that abuts residential or institutional use property line shall
144 have the following buffer: an eight foot (8') high precast concrete
wall with stucco finish, with Textilis Gracilis (slender weaver) or
146 multiplex Silverstripe clumping bamboo planted every four feet
(4') along the length of the wall, within three feet (3') of the wall
148 face. Such planted bamboo shall be from seven (7) to ten (10)
gallon pots, and the bamboo plants shall be at least ten feet (10') in
150 height at the time of planting.

152 2. Stockpile heights shall not exceed thirty five
feet (35') above the finished grade elevation.
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156 3. Hours of operation shall be limited to 7:00
a.m. to 5:00 p.m. Monday through Friday and 8:00 a.m. to 3:00
158 p.m. on Saturday. No such plant or facility may operate on
Sunday. No such plant or facility may operate a concrete crusher
160 on Saturday. However, the sale of aggregate materials shall be
permitted on Saturday.

162 4. The equipment or machines, including a
crusher but excluding a truck or other motor vehicle or an internal
164 access road, shall be located on the parcel or tract that is furthest
away from the nearest residential zoned district or residential use,
166 and such equipment shall be located as far away from the nearest
residential zoned district or residential use as practical or feasible.

168 5. No more than one concrete crusher shall be
170 permitted at the plant or facility.

172 6. The concrete crusher shall incorporate
sound attenuation devices as depicted in the approved commercial
174 site plan. The sound attenuation devices shall consist of buffering
walls or engineered structures/components along three (3) sides of
176 the crusher, including sides that face residential and institutional
property lines. The fourth side may remain open for access to
178 operate the crusher equipment and accompanying processes. The
sound attenuation walls shall be at least three feet (3') higher than
180 the top of the crusher equipment, excluding the conveyors.

182 de. Notwithstanding anything that may or seem to be
contrary in Section 38-77 or this subsection 38-79(77), excavation
184 pits shall be a permitted use in the I-1/1-5, I-2/1-3, I-4, A-1, and A-2
zoned districts, subject to complying with all applicable laws,
186 ordinances, rules, and regulations, including the excavation and fill
ordinance codified at Chapter 16, Orange County Code. Any
188 crushing activity or crushing equipment at an excavation pit shall
comply with the 1,000 foot distance separation requirement
described in subsection 38-79(77)a.

190 In all other respects, Section 38-79 shall remain unchanged.

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Section 3. Repeal of moratorium. Pursuant to Ordinance No. 2014-25, codified at Section 38-1429 of the Orange County Code, on ~~December 19, 2014~~ January 30, 2015, the effective date of this ordinance, Ordinance No. 2014-25 shall stand repealed and be of no further force and effect.

Section 4. Effective date. This ordinance shall become effective on ~~December 19, 2014~~ January 30, 2015.

ADOPTED THIS 27th DAY OF JANUARY, 2015.

ORANGE COUNTY, FLORIDA
By: Board of County Commissioners

By: _____
Teresa Jacobs, Mayor

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

By: _____
Deputy Clerk