



LAND DEVELOPMENT CODE AMENDMENT

PETITION

PL20210002455

ORIGIN

Growth Management Department (GMD)

SUMMARY OF AMENDMENT

This amendment shall establish use and design standards for when construction debris inert waste materials are stockpiled and utilized for on-site fill material. It serves to recycle inert waste materials as a recoverable resource and reduce solid waste disposal in the County’s landfills.

HEARING DATES

BCC TBD
 CCPC TBD
 DSAC TBD
 DSAC-LDR 10/19/21

LDC SECTION TO BE AMENDED

6.01.03 Soils

ADVISORY BOARD RECOMMENDATIONS

DSAC-LDR
TBD

DSAC
TBD

CCPC
TBD

BACKGROUND

The Board on April 13,2021 was provided an update on the stockpiling of construction debris and crushing activity occurring in the Taormina Reserve Mixed-Use MPUD located at the Southeastern corner of Santa Barbara Boulevard and Davis Boulevard. (See Project Aerial, Zoning Map and Photos in Exhibit A). The project operator and landowner had received notices of violations from Code Enforcement. The onsite activities included the separation of construction debris, such as concrete and steel, from offsite sources. The Board had received complaints of dust and whether there was sufficient watering down of onsite material to prevent dust from being blown on to neighboring properties. It was noted there was nothing in the LDC to prohibit the processing and re-use of crushed concrete as a fill source. There were additional concerns expressed that the onsite processing of material was being done for distribution to other offsite areas. However, code enforcement confirmed there was no selling, distribution, or recycling of material to offsite areas. It was also noted an onsite fill operation of crushed concrete does save trips to the County’s landfill and that there was a benefit “to the use of inert material in the earth” rather than at the County’s landfill. To mitigate the visual impact to surrounding properties, the project’s operator agreed to construct a 6 feet high chain linked fence with fabric for a buffer to screen the view from the general public and limit the hours of operations impact upon the adjacent Boys and Girls Club. Further, the operator stated the onsite crushing and separation of materials should be completed within 5 months.

Currently, the Land Development Code does not address the use and re-use of inert waste materials for recycling and resource recovery other than by conditional use approval in the Industrial, C-5, Agriculture, or Public Use Zoning Districts. The land use is identified by SIC code 5093- recycling scrap and waste, refuse systems and SIC 4953- Refuse systems or by general description as a Recycling or Resource Recovery facility. (See Exhibit B- Zoning Districts Use Table).

This amendment follows the Board’s discussion above and in support of the County’s Growth Management Plan-Solid Waste Sub-Element, Objective 2 which states “Utilize safe and efficient methods for environmentally sound disposal of solid waste in accordance with local, State and federal regulations and investigate improved methods and implement practices that meet this Objective”. It further imparts Policies 3.1 which states “The County Solid Waste Management Department shall continue to maintain and improve programs to reduce



the amount of solid waste that requires disposal at County landfills by.....” and Policy 3.5, “The County shall develop and implement innovative programs to reduce, re-use and recycle solid waste to meet the 2020 FDEP 75% Recycling Rate pursuant to Chapter 403.7032d, F.S.”

At the Federal level, the United States EPA has established that Source Reduction is the preferred method of integrated waste management, followed, in descending order, by Recycling, Composting, combustion and land-filling. *Ref: Sarasota County COL Chapter 106.31 Findings (h).*

The amendment seeks to regulate the disposal, burying below original grade, importing and stockpiling of on-site clean inert waste materials by Conditional Use approval in a Mixed-Use MPUD, Commercial or Industrial Zoning District. It sets forth certain development criteria and standards, such as: stockpile height, setbacks to wetlands, preserves and property boundary lines, location of and percent of maximum fill area. To buffer neighboring properties, it shall require the installation of a minimum six feet high fence screened with geotextile fabric and stabilization of imported inert waste material stockpile. Additionally, it prohibits the use of clean or crushed inert waste material for fill within a County maintained easement or rights-of-way and requires a geotechnical investigation when inert waste material is buried and placed beneath a building or structure.

Staff considered Taormina Reserve’s MPUD residential development standards, summarized in Exhibit C below, before agreeing upon the proposed LDC amendment’s maximum stockpile height and setback distances.

FISCAL & OPERATIONAL IMPACTS

Briefly describe potential fiscal or operational impacts to County and stakeholders.

GMP CONSISTENCY

The proposed LDC amendment has been reviewed by Comprehensive Planning staff and may be deemed consistent with the GMP.

EXHIBITS: A) MPUD Project Aerial, Zoning Map, and Photos, B) Zoning Districts-Use Table, and C) Tamormina Residential Development Standards.

Amend the LDC as follows:

6.01.03 – Soils

A. The construction plans for the **subdivision** or **development** shall show the location and results of test borings of the subsurface condition of the tract to be developed. If the soil investigations reveal that the area contains hardpan, other nonpervious soils, peat, muck, or other unstable materials, the County Manager or designee shall require that adequate precautionary measures be included in the design and construction of the improvements to ensure that proper drainage and **development** of the area can be accomplished, in a manner which will prevent premature deterioration of the improvements.

B. Re-Use of Inert Waste Material for Burying and Fill.

1. The intent of this section is to regulate the re-use of construction debris inert waste materials for fill material and to reduce its disposal at the County’s landfills. The term “inert waste materials” is defined by the County’s Code of Laws and Ordinances, Chapter 54-178 Definitions. Unauthorized use of inert waste materials for onsite fill material can result in adverse impact to wetlands, air quality, visibility, and safety for surrounding residential neighborhoods.

2. The disposal, burying below original grade, importing and stockpiling of inert waste materials is prohibited onsite except when approved by Conditional Use in Mixed Use PUD, Commercial or Industrial Zoning Districts.

The onsite crushing of inert waste materials from an offsite source is prohibited and only clean, imported, and crushed inert waste material can be stockpiled or re-used for onsite fill.

A valid building permit shall be required prior to the burying of inert waste materials on any site to be used for a building or structure. When placed beneath a building or structure, a geotechnical investigation shall be conducted in accordance with the Florida Building Code, Chapter 18 Soils and Foundations, Section 1803, as amended.

3. The burying and stockpiling of clean inert waste materials shall be accomplished, at a minimum, in accordance with the following standards:

The proposed area of inert waste materials for stockpiling or re-use fill shall be no greater than 40 percent to the developable impervious areas of the property.

The stockpiling shall be no higher than 35 feet and only allowed on a minimum parcel size of 10 or more acres. It shall be located no closer than 150 feet to any property boundary line and residentially zoned district. The stockpile shall be stabilized and maintained to retain stormwater runoff and siltation onsite.

The stockpiling and burying of fill shall be no closer than 20 feet to onsite wetlands or preserves.

1 To buffer neighboring uses, the site shall be screened with geotextile fabric and installed on a minimum 6 feet high fence around the stockpile and fill area.

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5 No inert waste material fill may be placed within a County maintained public easement or rights-of-way.

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11 **REFERENCE USE ONLY:**

12 *Code of Laws and Ordinances: Chapter 54 Environment, Article VI-Litter, Weed and Exotics Control*

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14 **Section 54-178 Definitions:**

15 **Inert waste materials.** Brick, block, concrete, rock, stone, earth and sand, free from contamination or other types of waste, free from protruding rebar and/or other metals, and capable of serving as fill material without harm to, or pollution of, ground or surface waters.

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18 **Construction and demolition debris.** Discarded materials generally considered to be not water soluble and nonhazardous in nature, including but not limited to; steel, glass, brick, concrete, asphalt material, pipe, gypsum wallboard and lumber, from the construction or destruction of a structure as part of a construction or demolition project or from the renovation of a structure, including such debris from construction of structures at a site remote from the construction or demolition project site. The term includes rocks, soils, tree remains, trees and other vegetative matter which normally results from land clearing or land development operations for a construction project; clean cardboard, paper, plastic, wood and metal scraps from a construction project; effective January 1, 1997, except as provided in F.S. § 403.707(12)(j), unpainted, nontreated wood scraps from facilities manufacturing materials used for construction of structures or their components and unpainted, nontreated wood pallets provided the wood scraps and pallets are separated from other solid waste where generated and the generator of such wood scraps or pallets implements reasonable practices of the generating industry to minimize the commingling of wood scraps or pallets with other solid waste; and de minimis amounts of other nonhazardous wastes that are generated at construction or demolition projects, provided such amounts are consistent with best management practices of the construction and demolition industries. Mixing of construction and demolition debris with other types of solid waste will cause it to be classified as other than construction and demolition debris.

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38 **Section 54-184 Waste Materials Management:**

- 39 (a) **Inert waste materials may be buried on a site after a valid building permit for such site has been obtained and posted and provided that such disposal is in conformance with federal, state, and local laws and regulations. Inert waste materials, which have not been properly buried or disposed of, will be deemed as litter.** On-site containment of downed trees and other vegetative growth shall be permitted on residentially-zoned lots exceeding one acre in size and in the Estates zoned areas and only for vegetative growth which has been cut, cleared or removed on the same property of the permitted construction, providing all of the following conditions are met:

- 1 (1) A valid building permit for construction of a single-family residence on the appli-
2 cable lot has been obtained and is posted before removal and containment of
3 such growth; and
- 4 (2) The site plan shall identify the location of the containment area; and
- 5 (3) The containment area is subject to the following restrictions:
 - 6 a. The downed trees and vegetative growth are placed into an excavated
7 earthen depression which does not exceed three feet in depth from the
8 surrounding natural elevation and does not cover a horizontal surface
9 area greater than 10,000 square feet; and
 - 10 b. All such excavated earthen depressions containing downed trees and
11 vegetative growth shall not be closer than 15 feet from the side and rear
12 property lines or within a public or private easement or right-of-way; and
 - 13 c. The nearest point of such excavated earthen depression for containment
14 of on-site downed trees and vegetative growth shall not be closer than 75
15 feet to any structure, 100 feet from private and/or potable wells, and no
16 closer than 100 feet to any public or private right-of-way; and
 - 17 d. All downed trees and vegetative growth contained in such excavated
18 earthen depression shall be so contained to prevent the protrusion of any
19 such growth more than 24 inches above the surrounding natural elevation
20 including earthen cover; and
 - 21 e. All cleared vegetation four inches and less in diameter shall either be
22 chipped/shredded or removed from the site. No chipped or shredded ma-
23 terial shall be placed in the containment area. Stumps, root balls, tree
24 trunks and other cleared vegetation four inches and larger in diameter
25 may be placed in containment areas; and
- 26 (4) No excavated material shall be removed from the site.
- 27 (5) Failure to either remove downed trees or downed vegetative growth from resi-
28 dentially zoned lots exceeding one acre in size, or estates zoned properties, or to
29 properly contain such material as required by this article, shall result in such
30 downed trees and/or downed vegetative growth being classified as litter and
31 thereby subject to property owner, agent, and/or other responsible parties to any
32 and all penalties provided under this article; and
- 33 (6) Clearing within wetlands will require a department of environmental protection
34 permit.

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36 *Code of Laws and Ordinances: Part II, Chapter 258 Solid Waste, Article II Solid Waste Disposal*
37 *and Resource Recovery*

38 **Sec. 258-27 Definitions:**

- 39 (f) The term "solid waste" shall mean and include discarded or discharged garbage, garden
40 trash, industrial waste, land clearing waste, **construction and demolition debris**, noncom-
41 bustible refuse and industrial wastes as herein defined.

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DRAFT

Text underlined is new text to be added

~~Text strikethrough is current text to be deleted~~

1 4) **Construction and demolition debris** shall mean nonhazardous material generally con-
2 sidered not to be water soluble, including but not limited to steel, concrete, glass,
3 brick, asphalt, roofing material or lumber from a construction or demolition project.

4 6) **Solid waste** shall not include scrap, or new or used material separated at the point of
5 generation and held for the purpose of recycling, which shall be subject to state and
6 local public health and safety laws.

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Exhibit A – MPUD Project Aerial, Zoning Map, Photos

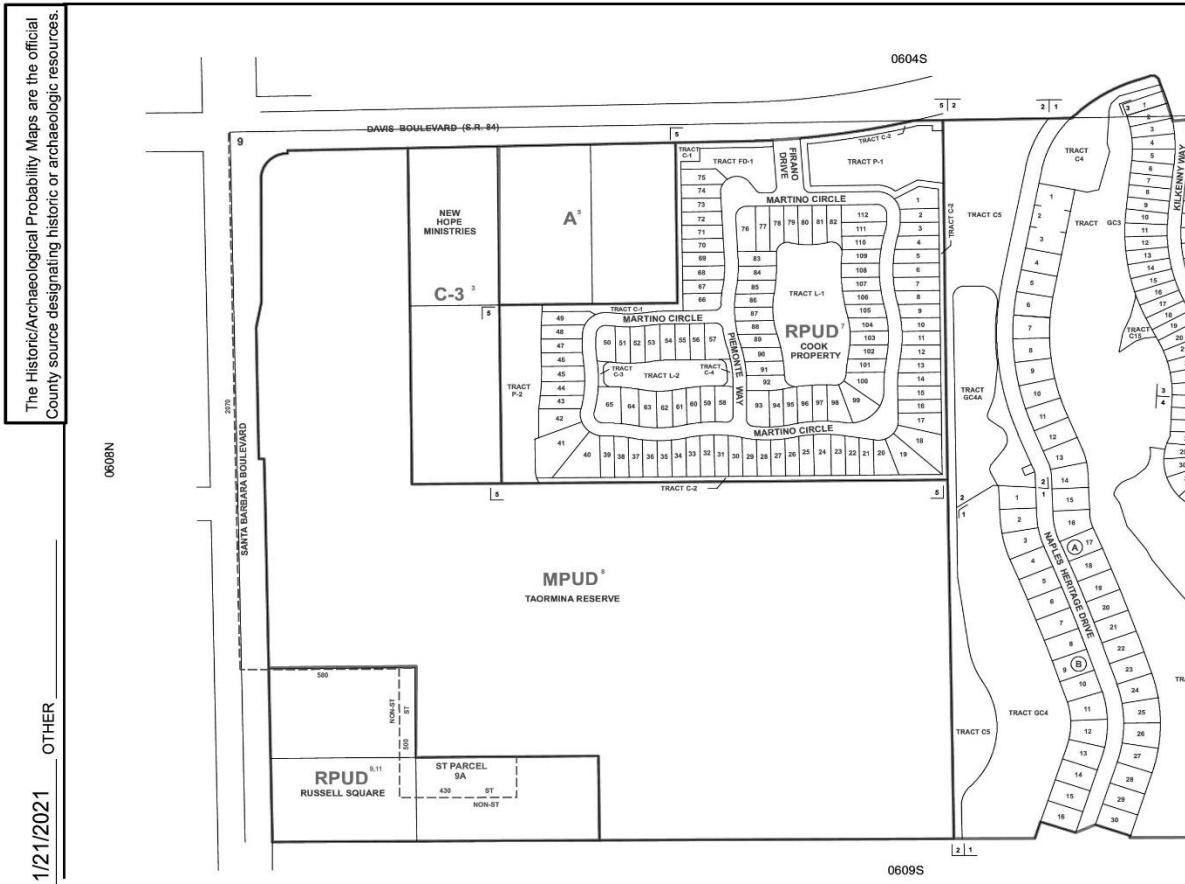


Exhibit A – MPUD Project Aerial, Zoning Map, Photos



Exhibit A – MPUD Project Aerial, Zoning Map, Photos



Exhibit B – Zoning Districts Use Table

Zoning District	Permitted Use	Conditional Use
Industrial	SIC 4212- Motor freight transportation and warehousing.	SIC 4953-Refuse Systems. SIC 5093-Recycling Scrap and Waste, Refuse Systems.
C-5		Transfer stations (4212-Local refuse collection and transportation only).
Agriculture		Recycling Facility. Collection and transfer sites for resource recovery.
Public Use	Collection and transfer sites for resource recovery.	Resource recovery plants.
RFMU Sending lands		Public Facilities including solid waste and resource recovery facilities.

Note: The North American Industry Classification System, U.S. 1997 and 2002 lists “**Materials Recovery Facilities**” as NAICS code number 562920. “This industry comprises establishments primarily engaged in (1) operating facilities for the separating and sorting recyclable materials from nonhazardous waste streams (i.e., garbage) and/or (2) operating facilities where commingled recyclable materials, such as paper, plastics, used beverage cans, and metals are sorted into distinct categories.

The conversion table from NAICS 562920 to SIC, results in the SIC code number 4953.

Exhibit C – Residential Development Standards

1) Summary to Table 1

Toarmina MPUD Ord 9-48	Setbacks and Height in Feet				
Residential Development Standards Table 1-Principal Structures	SF	Townhome	2-Family Duplex	Multi-Family	Group Housing
Min. PUD Boundary Setback	25				
Min Preserve Boundary					
Min. Perserve Setback					
Max. Zoned Height	35	45	35	R-1 35', R-2 60'	45
Max. Actual Height	45	55	45	R-1 45', R-2 60'	55
Accessory Structures					
Min. PUD Boundary Setback	15				
Min. Perserve Setback	10				25
Max. Zoned Height	SPS			25	
Max. Actual Height				35	

Exhibit C – Residential Development Standards

2) Actual MPUD Text- Exhibit B

EXHIBIT B FOR TAORMINA RESERVE MPUD DEVELOPMENT STANDARDS

Table I below sets forth the development standards for land uses within the MPUD. Standards not specifically set forth herein shall be those specified in the applicable sections of the Land Development Code (LDC) in effect as of the date of approval of the site development plan (SDP) or subdivision plat.

**TABLE I
RESIDENTIAL DEVELOPMENT STANDARDS**

DEVELOPMENT STANDARDS	SINGLE FAMILY DETACHED	TOWNHOUSE	TWO-FAMILY & DUPLEX	MULTI-FAMILY	GROUP HOUSING	CLUBHOUSE/ RECREATION BUILDINGS
PRINCIPAL STRUCTURES						
MINIMUM LOT AREA	5,000 sq. ft. per unit	1,400 sq. ft. per unit	3,500 sq. ft. per unit	9,000 sq. ft. per unit	43,560 sq. ft.	NA
MINIMUM LOT WIDTH *1	50 feet	16 feet	16 feet	42 feet	150 feet	NA
MINIMUM FLOOR AREA PER UNIT	1,250 sq. ft.	1,250 sq. ft.	1,250 sq. ft.	1,250 sq. ft.	1,000 sq. ft. *5	NA
MIN FRONT YARD	20 feet	20 feet *4	20 feet *4	20 feet	20 feet	NA
MIN SIDE YARD	6 feet	0 feet and 6 feet *2	0 feet and 6 feet *2	6 feet	15 feet or ½ BH	NA
MIN REAR YARD	15 feet	15 feet	15 feet	15 feet	15 feet	NA
MIN PUD BOUNDARY SETBACK	25 feet	25 feet	25 feet	25 feet	25 feet	NA
MIN PRESERVE SETBACK	25 feet	25 feet	25 feet	25 feet	25 feet	25 feet
MIN. DISTANCE BETWEEN STRUCTURES *3	12 feet	12 feet	12 feet	20 feet	20 feet	20 feet
MAXIMUM ZONED HEIGHT *6	35 feet	45 feet	35 feet	R1 35 feet R2 50 feet	45 feet	35 feet
NOT TO EXCEED		3 stories		3 stories over parking	3 stories	
MAXIMUM ACTUAL HEIGHT *6	45 feet	55 feet	45 feet	R1 45 feet R2 60 feet	55 feet	45 feet
NOT TO EXCEED		3 stories		3 stories over parking	3 stories	
ACCESSORY STRUCTURES						
FRONT	20 feet	20 feet *4	20 feet	20 feet *4	20 feet	25 feet
SIDE	6 feet	0 feet and 6 feet *2	0 feet and 6 feet	10 feet	10 feet	10 feet
REAR	10 feet	10 feet	10 feet	10 feet	10 feet	15 feet
MIN PUD BOUNDARY SETBACK	15 feet	15 feet	15 feet	15 feet	15 feet	NA

Exhibit C – Residential Development Standards

PRESERVE SETBACK	10 feet	10 feet	10 feet	10 feet	10 feet	25 feet
DISTANCE FROM PRINCIPAL STRUCTURE	10 feet	10 feet	10 feet	10 feet	10 feet	20 feet
MAXIMUM ZONED HEIGHT	S.P.S.	S.P.S.	S.P.S.	25 feet	25 feet	25 feet
MAXIMUM ACTUAL	S.P.S.	S.P.S.	S.P.S.	35 feet	35 feet	35 feet

All distances are in feet unless otherwise noted.

*1 – Minimum lot width may be reduced by 20% for cul-de-sac lots or lots on the radius of a curve provided the minimum lot area requirement is maintained.

*2 – Zero foot minimum side setback on one side of building as long as a minimum 12-foot separation between principal structures is maintained and all other setbacks are respected.

*3 – Building distance may be reduced at garages to a minimum of 10 feet if detached or 0 feet where attached garages are provided. Multi-family principal buildings shall be separated a minimum of 20 feet and garages a minimum of 10 feet.

*4 – Front entry building garages shall be set back a minimum of 23 feet from edge of sidewalk. The minimum 20 foot front yard may be reduced to 15 feet where the residence is served by a side-loaded or rear entry garage.

*5 – 1,000 square feet shall be applicable to ground floor of the building and not individual unit size.

*6 – For the area shaded on Exhibit C, Master Plan, the maximum zoned and actual heights shall be two stories not to exceed 35 feet above finished grade.

S.P.S.: Same as Principal Structures.
BH: Building Height