
CITY OF OCALA PLANNING & ZONING COMMISSION REPORT

Meeting Date: 10/9/2023

Subject: Code amendment regarding materials recovery facility (MRF) criteria.

Submitted By: Emily W. Johnson, AICP

City Council Date: November 7, 2023 (Introduction) and November 21, 2023 (Second & final reading)

STAFF RECOMMENDATION (Motion Ready): **Approve** an ordinance to amend Section 122-1225 regarding materials recovery facility (MRF) criteria.

OCALA’S RELEVANT STRATEGIC GOALS: Economic Hub and Quality of Place

BACKGROUND: Staff has received an application to amend the Land Development Regulations, submitted by Robert W. Batsel, Jr., Gooding & Batsel, PLLC (the “Agent”), on behalf of Paglia & Associates, LLC (the “Petitioner”). The Petitioner is requesting the amendment of Section 122-1225 to revise the buffering requirements for a materials recovery facility (MRF); and clarify the criteria for delivery areas within such facilities.

Currently, the Code requires that any MRF provide a 30-foot vegetative buffer, and be completely screened from public view by a 6-foot-high block or panel wall, or a 6-foot-high berm with landscaping. The proposed amendment specifies these buffering requirements would only apply to a MRF operated within 750-feet of a church, daycare facility, school, hospital, residence, or residentially-zoned property; a MRF located more than 750-feet from the aforementioned uses would defer to the buffering requirements contained under Section 122-260.

FINDINGS AND CONCLUSIONS:

Staff has reviewed the proposed amendment and finds that the revised locational criteria will not negatively impact any existing MRF operating within City limits. The proposed ordinance is consistent with comparable ordinances concerning similar types of uses. The proposed amendment is consistent with the City’s code of ordinances, and with the comprehensive plan.

FISCAL IMPACT: N/A

LEGAL REVIEW: The ordinance is pending review by the City Attorney, William E. Sexton.

ALTERNATIVE:

- Approve with changes
- Deny
- Table

SUPPORT MATERIALS:

- Redlined outline of text amendment

Proposed changes to Sec. 122-1225. Materials recovery facility criteria.

- (a) A materials recovery facility shall be a permitted use in the M-2 and M-3 zoning districts, subject to the following criteria:
- (1) A materials recovery facility shall be located on a parcel at least five acres in area which: (a) enjoys direct access to and from an arterial or collector street; or (b) is an internal lot within an industrial zoned subdivision with direct access to and from an arterial or collector street.
 - (2) All solid waste or recovered materials being transferred to and from the facility must be processed inside an enclosed building on at least three sides. During daily operations, doors may remain open to accommodate the trucks delivering and removing materials. Outdoor storage of any materials is prohibited, without regard to duration.
 - (3) All solid waste materials and recovered materials entering a materials recovery facility shall be removed from the facility within 24 hours or the next business day. The floor of the materials recovery facility shall be cleaned daily after the last load is removed from the site.
 - (4) A materials recovery facility shall have a holding area for inspecting incoming loads. All hazardous materials shall be identified and removed from the site immediately and prior to processing.
 - (5) ~~A~~Any materials recovery facility that is open to the public shall have a separate and distinct delivery area ~~for~~to be utilized by the public.
 - (6) A materials recovery facility shall not operate within 200 feet of a church, daycare facility, school, hospital, residence, or residentially zoned property. The distance shall be measured from a material recovery facility building to the property line of a church, daycare facility, school, hospital, residence, or residentially zoned property.
 - (7) ~~All buffers shall be consistent with Section 122-260. However, if a~~ materials recovery facility ~~must have~~is operated within 750 feet of a church, daycare facility, school, hospital, residence, or residentially zoned property, then:
 - a. The property shall include, at a minimum, a 30-foot vegetative buffer. ~~The use shall and~~ be completely screened from public view, ~~which shall include, at a minimum, either by~~ a six-foot block ~~or~~ panel wall with landscaping or a six-foot berm (3:1 side slope ~~and~~ 25 linear feet in depth) with landscaping. ~~All landscaping~~
 - b. Landscaping shall be irrigated and maintained, and shall consist of ~~the~~ natural vegetation and trees, ~~if any available~~, and a continuous hedge and ornamental ~~and~~ shade trees ~~at least every 25 linear feet; if none. All landscaping shall be 100 percent irrigated and maintained. As part of.~~
 - c. During the review process, the planning director may require additional fencing, landscaping, or alternative buffering to ensure complete screening of the use from public view or adjacent properties, which may include ornamental ~~and~~ shade trees. ~~All other buffers shall be consistent with Section 122-260.~~
 - (8) Materials recovery facility equipment, parking spaces or any buildings on the site cannot be located in a required buffer.
 - (9) A materials recovery facility shall be separated by a distance of at least 750 feet from any other materials recovery facility. The distance requirements between uses shall be measured from property line to property line.
 - (10) A materials recovery facility shall operate only on weekdays from 7:00 a.m. to 7:00 p.m., if within 200 feet of a church, daycare facility, school, hospital, residence, or residentially zoned property. The

distance requirements between uses shall be measured from property line to property line. During emergencies that would require a significant amount of materials being delivered to the site, the city may extend the hours of operation based on the needs of the community.

- (11) As part of site plan/building permit process, an applicant must identify the following: size of the building(s) (amount of floor space used for the waste), hours of operation, lighting, delivery times, the number of trucks delivering/removing waste materials, size of the trucks, internal circulation of all vehicles, parking spaces for the trucks/other vehicles and the queuing system to accommodate the trucks.
- (12) As part of the site plan/building permit process, an applicant shall identify the type of solid waste materials being delivered to the site, and the location and type of facility where the solid waste materials will be delivered once they leave the materials recovery facility.
- (13) If a license or permit is required to operate a materials recovery facility is required pursuant to federal, state, or local law, the applicant must possess such license or permit to operate such a facility. Under no circumstances will permits or a business tax certificate be issued by the City until such license or permit is presented to the building official.
- (14) A license or permit to operate a materials recovery facility by federal, state, or local law must be consistent with the City's code of ordinances and comprehensive plan. As part of the permitting process the City may require groundwater monitoring prior to approval and during the operation of a materials recovery facility.
- (15) A materials recovery facility must comply with the city's noise and waste regulations per sections 34-93 and 34-171 of this Code and provide a plan as part of the application to address odor and dust debris from the site, including the roads accessing the site.
- (16) A materials recovery facility shall adhere to all site plan requirements as per article IV of this chapter.
- (17) All structures on the site shall meet the building code requirements and life safety code requirements pertaining to the intended use.
- (18) A materials recovery facility application may be subject to a Development Agreement ~~pursuant to F.S. §§ 163.3220—163.3243. A Development Agreement, which~~ may include reasonable conditions in addition to those provided in this subsection to ensure that the proposed use is compatible with the surrounding area.

(Ord. No. 2022-72 , § 8, 8-16-22)

ORDINANCE

AN ORDINANCE OF THE CITY OF OCALA, FLORIDA, CONCERNING ZONING; AMENDING SECTION 122-1225 CONCERNING SUPPLEMENTARY REGULATIONS FOR MATERIALS RECOVERY FACILITIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OCALA, FLORIDA, in regular session as follows:

Section 1. That Section 122-1225 of the Code of Ordinances, City of Ocala, Florida is hereby amended to read as follows:

Sec. 122-1225. Materials recovery facility criteria.

- (a) A materials recovery facility shall be a permitted use in the M-2 and M-3 zoning districts, subject to the following criteria:
 - (1) A materials recovery facility shall be located on a parcel at least five acres in area which: (a) enjoys direct access to and from an arterial or collector street; or (b) is an internal lot within an industrial zoned subdivision with direct access to and from an arterial or collector street.
 - (2) All solid waste or recovered materials being transferred to and from the facility must be processed inside an enclosed building on at least three sides. During daily operations, doors may remain open to accommodate the trucks delivering and removing materials. Outdoor storage of any materials is prohibited, without regard to duration.
 - (3) All solid waste materials and recovered materials entering a materials recovery facility shall be removed from the facility within 24 hours or the next business day. The floor of the materials recovery facility shall be cleaned daily after the last load is removed from the site.
 - (4) A materials recovery facility shall have a holding area for inspecting incoming loads. All hazardous materials shall be identified and removed from the site immediately and prior to processing.
 - (5) Any materials recovery facility that is open to the public shall have a separate and distinct delivery area to be utilized by the public.
 - (6) A materials recovery facility shall not operate within 200 feet of a church, daycare facility, school, hospital, residence, or residentially zoned property. The distance shall be measured from a material recovery facility building to the property line of a church, daycare facility, school, hospital, residence, or residentially zoned property.

- (7) All buffers shall be consistent with Section 122-260. However, if a materials recovery facility is operated within 750 feet of a church, daycare facility, school, hospital, residence, or residentially zoned property, then:
- a. The property shall include, at a minimum, a 30-foot vegetative buffer and be completely screened from public view by a six-foot block or panel wall with landscaping or a six-foot berm (3:1 side slope and 25 linear feet in depth) with landscaping.
 - b. Landscaping shall be irrigated and maintained, and shall consist of natural vegetation and trees, if available, and a continuous hedge and ornamental / shade trees at least every 25 linear feet.
 - c. During the review process, the planning director may require additional fencing, landscaping, or alternative buffering to ensure complete screening of the use from public view or adjacent properties, which may include ornamental / shade trees.
- (8) Materials recovery facility equipment, parking spaces or any buildings on the site cannot be located in a required buffer.
- (9) A materials recovery facility shall be separated by a distance of at least 750 feet from any other materials recovery facility. The distance requirements between uses shall be measured from property line to property line.
- (10) A materials recovery facility shall operate only on weekdays from 7:00 a.m. to 7:00 p.m., if within 200 feet of a church, daycare facility, school, hospital, residence, or residentially zoned property. The distance requirements between uses shall be measured from property line to property line. During emergencies that would require a significant amount of materials being delivered to the site, the city may extend the hours of operation based on the needs of the community
- (11) As part of site plan/building permit process, an applicant must identify the following: size of the building(s) (amount of floor space used for the waste), hours of operation, lighting, delivery times, the number of trucks delivering/removing waste materials, size of the trucks, internal circulation of all vehicles, parking spaces for the trucks/other vehicles and the queuing system to accommodate the trucks.
- (12) As part of the site plan/building permit process, an applicant shall identify the type of solid waste materials being delivered to the site, and the location and type of facility where the solid waste materials will be delivered once they leave the materials recovery facility.
- (13) If a license or permit is required to operate a materials recovery facility is required pursuant to federal, state, or local law, the applicant must possess such license or permit to operate such a facility. Under no circumstances will permits or a business

tax certificate be issued by the City until such license or permit is presented to the building official.

- (14) A license or permit to operate a materials recovery facility by federal, state, or local law must be consistent with the City's code of ordinances and comprehensive plan. As part of the permitting process the City may require groundwater monitoring prior to approval and during the operation of a materials recovery facility.
- (15) A materials recovery facility must comply with the city's noise and waste regulations per sections 34-93 and 34-171 of this Code and provide a plan as part of the application to address odor and dust debris from the site, including the roads accessing the site.
- (16) A materials recovery facility shall adhere to all site plan requirements as per article IV of this chapter.
- (17) All structures on the site shall meet the building code requirements and life safety code requirements pertaining to the intended use.
- (18) A materials recovery facility application may be subject to a Development Agreement, which may include reasonable conditions in addition to those provided in this subsection to ensure that the proposed use is compatible with the surrounding area.

Section 2. Severability Clause: Should any provision or section of this ordinance be held by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of this ordinance as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.

Section 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 4. This ordinance shall take effect upon approval by the Mayor, or becoming law without such approval.

ATTEST:

CITY OF OCALA

By: _____
Angel B. Jacobs
City Clerk

By: _____
James P. Hilty Sr.
President, Ocala City Council

Approved/Denied by me as Mayor of the City of Ocala, Florida, on _____, 2023.

By: _____
Reuben Kent Guinn
Mayor

Approved as to form and legality:

By: _____
William E. Sexton
City Attorney