

# ORDINANCE 2026-XX

AN ORDINANCE OF THE CITY OF OCALA, FLORIDA, CONCERNING ZONING; AMENDING SECTION 122-1225 OF THE CODE OF ORDINANCES TO AUTHORIZE THE USE OF AN ABOVE-GROUND AIR CURTAIN INCINERATOR AS AN ANCILLARY USE TO A MATERIALS RECOVERY FACILITY; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. Section 122-1225 of the Code of Ordinances, City of Ocala, Florida is hereby amended by adding subsection (19), to read as follows:

## Sec. 122-1225. Materials Recovery Facility Criteria.

(19) A materials recovery facility which is situated on a parcel consisting of 10 acres or more may include as an ancillary use the operation of an above-ground air curtain incinerator for the combustion of yard trimmings and vegetative debris delivered from off-site sources, subject to the following conditions. For purposes of this subsection, “above-ground air curtain incinerator” means a portable or stationary device that operates by forcefully projecting a curtain of air across an open, integrated combustion chamber in which combustion occurs and which is designed to contain combustion and limit visible emissions during the combustion of permitted vegetative debris.

- a. Permitted material shall be limited to untreated wood and vegetative material including brush, grass clippings, pruned shrub and tree debris, discarded Christmas trees, nursery and greenhouse vegetative residuals, and vegetative matter resulting from landscaping development or land clearing. The above-ground air curtain incinerator shall not be used to burn any biological waste, hazardous waste, asbestos-containing materials, mercury-containing devices, pharmaceuticals, tires, rubber material, residual oil, used oil, asphalt, roofing material, tar, treated wood, plastics, garbage, trash or other material prohibited to be open burned as set forth in Florida Administrative Code. Only kerosene, diesel fuel, drip-torch fuel (as used to ignite prescribed fires), untreated wood, virgin oil, natural gas, or liquefied petroleum gas shall be used to start the fire in the above-ground air curtain incinerator. The use of used oil, chemicals, gasoline, or tires to start the fire is prohibited.
- b. The above-ground air curtain incinerator shall be operated in compliance with all applicable federal, state, and local laws, including but not limited to Florida Department of Environmental Protection (FDEP) regulations, the Florida Administrative Code and the Florida Fire Code.
- c. The above-ground air curtain incinerator shall only be operated a minimum of 200 feet from the property line of any residential zoning district, dwelling unit, church, daycare, school, hospital, or publicly accessible park and 100 feet from all other property lines. Greater setbacks may be required by the city based on site conditions or public health concerns.

d. A site plan is required for the operation of an above-ground air curtain incinerator. The location and associated vegetative debris storage areas must be clearly identified on the site plan. The site plan may designate an operations area envelope within which the above-ground air curtain incinerator and material storage areas may be relocated from time to time, provided that all applicable setback requirements in subsection (c) are continuously met. All incinerator related activity shall be confined to the approved operations area envelope.

e. Above-ground air curtain incinerator operation shall be limited to Monday through Friday, commencing no earlier than 8:00 a.m. and ceasing no later than one (1) hour before local sunset. Operation is prohibited on weekends and City-recognized holidays, except that upon request the City Manager may authorize extended hours of operation in response to natural disasters, declared emergencies, or other conditions requiring expedited debris management. In all events, operation shall comply with any more restrictive ignition start times or operating-hour limitations imposed by any applicable federal, state, or local authorization, including any Florida Forest Service authorization and any City burn permit conditions.

f. An operations plan shall be submitted for approval along with the required site plan. The plan shall, at a minimum, address procedures for use, fire prevention and suppression, emissions control, and odor and dust mitigation. Once approved by the city, a copy of the approved operations plan shall be maintained on-site at all times, and all operations shall be conducted in accordance with the plan.

f. An operations plan shall be submitted for approval along with the required site plan. Once approved, the operator shall maintain ongoing compliance with the operations plan at all times. The operations plan shall, at a minimum, address procedures for use, fire prevention and suppression, emissions control, and odor and dust mitigation. These minimum requirements are in addition to, and do not limit, any other requirements of this subsection and any other applicable provisions of this Code. Once approved by the City, a copy of the approved operations plan shall be maintained on-site at all times, all operations shall be conducted in accordance with the plan and such operations plan shall remain in effect unless and until modified or revoked in accordance with this subsection. The operations plan shall be subject to annual administrative review by the City, which review shall be limited to: (i) verification of continued compliance with the approved site plan and operations plan; and (ii) confirmation that operations remain consistent with applicable provisions of this Code, including but not limited to the industrial performances standards and other Code provisions specifically regulating elements addressed in the operations plan. In connection with any such review, the City may request and operator shall provide all such reporting or other materials required to be provided by it in connection with any other approvals or permits held by it in connection with the operation of the above-ground air curtain incinerator. If, as a result of such review, the City determines that the operator is not in compliance, that material changes to operations have occurred or are proposed, or that revisions are reasonably necessary to maintain compliance with newly adopted or amended applicable Code provisions which relate to elements required to be a part of the operations plan, the City may require submittal of a revised operations plan for approval prior to continued operation or implementation of such changes, as applicable, and shall provide written notice

identifying the specific deficiencies or regulatory basis for the requested revisions. Absent written notice from the City identifying noncompliance or material changes, the approved operations plan shall automatically continue in full force and effect. If operation of the above-ground air curtain incinerator has not occurred for a period of more than six (6) consecutive months, the operator shall not resume operation unless and until the operator has (i) submitted to the City either an updated operations plan or a written certification, in a form approved by the City, confirming that no material changes in equipment, layout, permitted materials, or operating procedures have occurred, and (ii) obtained written confirmation from the City that the annual burn authorization remains valid or has been reissued following any required inspection.

- g. Residue or ash may remain within the above-ground air curtain incinerator burn chamber between operating periods, including to support hot starts consistent with manufacturer recommendations, and such in-chamber retention is not considered on-site storage. Accumulated ash shall be removed at intervals specified in the approved operations plan and/or more frequently if necessary to maintain compliance with fire and air quality regulations, and, in any case, sufficient to maintain safe, efficient operation and available capacity and shall be contained in closed containers or fully covered containment until transported to a lawful off-site beneficial-use outlet or permitted disposal facility. Ground stockpiles are prohibited.
- h. Unprocessed vegetative debris is permitted material may be processed and stored outdoors and shall not remain on-site longer than fourteen (14) days prior to processing or burning, unless otherwise authorized by the City as part of the site plan or by subsequent written approval. In the event of a burn ban, air quality advisory, declared emergency, or other governmental order that temporarily prohibits processing or burning, the operator may maintain debris on-site for the duration of such order, provided the debris is managed to minimize fire risk, stormwater impacts, and nuisance conditions.
- i. Unprocessed vegetative debris piles shall not exceed twenty-five (25) feet in height, measured from adjacent finished grade at the perimeter to the highest point of the main body of the pile. Incidental protrusions (e.g., isolated branches) extending above this height do not constitute a violation, provided they do not materially increase the effective pile height or volume. The City may authorize greater heights as part of the approved site plan or by subsequent written authorization.
- j. The city approved operations plan shall be adhered to at all times. If determined by the building official that the use and operation of the ancillary use is not consistent with the approved site plan and operations plan, the building official shall immediately revoke approvals associated with the ancillary use.
- j. Prior to commencing operation of the above-ground air curtain incinerator in any annual period, the operator shall obtain an annual burn permit issued by the City Fire Chief, or the Fire Chief's designee. Notwithstanding issuance of an annual burn permit, the operator shall obtain daily authorization from the City Fire Marshal, or designee, prior to ignition on each day the above-ground air curtain incinerator is operated, in the manner and timeframe established by the Fire Chief/Fire Marshal. The operator shall also obtain and comply with any authorizations required by the Florida Forest Service and any other applicable federal, state, or local authority, and shall provide any notifications required

thereby. Copies of the annual City burn permit, each day's authorization, and any required state authorizations/notifications shall be maintained on-site and made available to the City upon request.

k. The city-approved operations plan and the approved site plan shall be adhered to at all times. If the Building Official determines that operations are not in compliance with the approved site plan, approved operations plan, or applicable provisions of this Code, the Building Official shall issue written notice identifying the specific violations and providing a reasonable period to correct, consistent with the enforcement procedures applicable to violations of the City's industrial performance standards pursuant to section 122-1142, unless an imminent condition exists. If, in the opinion of the Building Official, the noncompliance presents an imminent condition affecting life, property, or public safety, the Building Official may order immediate suspension of operations pending correction and further enforcement action. Suspension or revocation of operations for noncompliance shall otherwise occur only after failure to timely correct violations identified in written notice. Any order of suspension or revocation may be appealed in the same manner as prescribed by section 78-173.

k.l. Suspension, revocation, or expiration of any required federal, state, or local permit or site plan approval shall result in the immediate cessation of operations unless and until new permits and/or a new or revised site plan has been approved.

Section 2. Severability Clause: Should any provision or section of this ordinance be held by a court of competent jurisdiction to be held 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 upon becoming law without such approval.

ATTEST:

CITY OF OCALA

By:

Angel B. Jacobs  
City Clerk

Kristen Dreyer  
President, Ocala City Council

Approved / Denied by me as Mayor of the City of Ocala, Florida, on \_\_\_\_\_, 2025.

By: \_\_\_\_\_  
Ben Marciano  
Mayor

Approved as to form and legality:

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William Sexton  
City Attorney