

# POLK COUNTY DEVELOPMENT REVIEW COMMITTEE STAFF REPORT

<b>DRC Date:</b>	May 8, 2025	<b>Level of Review:</b>	4
<b>PC Date:</b>	June 4, 2025	<b>Type:</b>	LDC Text Amendment
<b>BoCC Date:</b>	June 17, 2025	<b>Case Numbers:</b>	LDCT-2025-10
	July 1, 2025	<b>Case Name:</b>	Temporary Vegetative Debris Storage Sites After Major Storm Events
<b>Applicant:</b>	Polk County	<b>Case Planner:</b>	Erik Peterson, AICP

<b>Request:</b>	An LDC text amendment to Chapter 2, Section 207 Temporary Uses, subsection 207.L, Road Construction Materials/Equipment, to include utilities construction, and add a subsection 207.M, Temporary Storage of Vegetative Debris Collected from Major Storms, to allow for temporary organic debris storage sites after major storm events for a limited time in non-residential land use districts; providing for severability; providing an effective date.
<b>Location:</b>	n/a
<b>Property Owner:</b>	n/a
<b>Parcel Size (Number):</b>	n/a
<b>Development Area:</b>	n/a
<b>Nearest Municipality:</b>	n/a
<b>DRC Recommendation:</b>	Approval
<b>Planning Commission Vote:</b>	Approval 6:0

## The changes to Chapter 2, Section 207.L, Road Construction Materials/Equipment are:

- Allows temporary lay down yards for materials/equipment storage and staging for utility improvement projects in addition to roadway improvement projects.

## The addition of Chapter 2, Section 207.M, Temporary Storage of Vegetative Debris Collected from Major Storms includes:

- Exempts County run Disposal Management Sites (DMS)
- Allows for temporary solid waste management facilities for storage of trees, shrubs, leaves, and grass debris gathered from a storm or calamity which is permitted under the supervision of, or at the direction of a local, state, or federal agency.
- Requires a Level 1 Review
- Requires Florida Department of Environmental Protection (FDEP) certification
- Requires a binding site plan that addresses access, intake, location of storage, material drop-off and separation, and stacking of intake vehicles.
- Establishes setbacks from property lines, rights-of-way, and residential units.
- Monitored by Code Enforcement Staff
- Operation shall be no longer than six (6) months
- DRC may grant additional time for final debris removal not to exceed six (6) months.

## **Summary:**

Storm events leave behind a lot of damage to property. One of the first steps towards recovery is gathering up the debris and removing it from properties. Removal of debris is a long process. After a storm, residents and businesses separate vegetative debris from structural debris. The structural debris is taken to the County's North Central Landfill. The vegetative debris is diverted to Debris Management Sites (DMS) which are County owned properties (often park facilities) where the vegetative debris is shredded for more efficient offsite removal. Private waste haulers are contracted to remove this material and find a reuse application or a disposal site. Finding a proper reuse for the material is preferred but it takes time to assimilate the vast amount of debris material that results from a major storm. This amendment is intended to assist the private haulers by providing them with more time to find more reuse and disposal options for the material.

This amendment enables temporary storage sites in the unincorporated County under the following conditions:

- Only in non-residential Future Land Use districts.
- The debris removal contract with a local, state, or federal government agency.
- Approved by the Florida Department of Environmental Protection (FDEP).
- Binding application and site plan approved by DRC.
- DRC reviews potential conflicts with access, infrastructure, drainage, neighbors, etc.
- Setbacks from right-of-way, parcel lines, and residences.
- Periodic inspections by Code Enforcement Staff
- Final inspection and close-out conducted.
- Maximum six (6) months of operation.

If more time is needed, the Development Review Committee (DRC) can issue an extension, but it does not exceed 180 days.

This amendment is consistent with the County's Solid Waste Management Facility Siting and Operation Ordinance (Ord. 2014-014) and the Comprehensive Plan. The Comprehensive Plan does not address temporary uses, and the Solid Waste Management Act provides an exemption for debris generated from a major storm under the supervision of local, state, and federal agencies. This amendment does not apply to the Green Swamp Area of Critical State Concern and does not conflict with any state statutes or rules.

## **Data and Analysis Summary**

Staff have reviewed the Florida Statutes, Florida Administrative Code, Polk County Comprehensive Plan, and Polk County Solid Waste Facility Siting and Operations Ordinance for any conflicts and inconsistencies. Staff have researched storm debris and solid waste management requirements in the land development regulations of 12 similar or abutting counties and Polk's two largest cities. Some jurisdictions lift land development regulations for government operations after a disaster. Some jurisdictions do not treat yard waste processing and disposal as a solid waste management facility which makes private facilities easier to permit.

## Findings of Fact

1. *The request is a Land Development Code text amendment to Chapter 2, Section 207 Temporary Uses, subsection 207.L, Road Construction Materials/Equipment, to include utilities construction, and add a subsection 207.M, Temporary Storage of Vegetative Debris Collected from Major Storms, to allow for temporary organic debris storage sites after major storm events for a limited time in non-residential land use districts.*
2. *This amendment applies to all non-residential Future Land Use Map designations except in the Green Swamp Area of Critical State Concern.*
3. *DIVISION 4.000 GLOSSARY of the Comprehensive Plan defines Solid Waste Management Facility as “any solid waste disposal facility, solid waste transfer station, **materials recovery facility**, **volume reduction facility**, other facility, or combination thereof, the purpose of which is resource recovery or the disposal, recycling, processing or storage of solid waste. Salvage Yards, Construction Aggregate Processing, and Construction Aggregate Storage are excluded from this definition, but may be accessory uses to a solid waste management facility.”*
4. *DIVISION 4.000 GLOSSARY of the Comprehensive Plan defines Materials Recovery Facility as “a solid waste management facility that provides for the extraction from solid waste of recyclable materials, materials suitable for re-use, repurposing, use as a fuel or soil amendment, or any combination of such materials including without limitation a Soil Manufacturing facility. Excluded from this definition are Salvage Yard, Construction Aggregate Processing, and Construction Aggregate Storage as defined in this Plan.”*
5. *DIVISION 4.000 GLOSSARY of the Comprehensive Plan defines Volume Reduction Facility as “A facility using incinerators, pulverizers, compactors, shredding, demanufacturing, and baling plants, and other plants that accept and process solid waste for recycling and disposal.”*
6. *POLICY 2.125-P1: SOLID WASTE MANAGEMENT FACILITIES PERMITTED USES of the Comprehensive Plan states “Solid Waste Management Facilities including the following uses shall only be permitted in the Institutional Future Land Use designation per the standards in the Land Development Code, subject to County approval:*
  - a. solid waste disposal facility;*
  - b. solid waste transfer station;*
  - c. materials recovery facility; and*
  - d. volume reduction facility.”*
7. *POLICY 2.125-P2: SOLID WASTE MANAGEMENT FACILITIES DEVELOPMENT CRITERIA of the Comprehensive Plan states “In order for proposed solid waste management facilities to address compatibility with surrounding uses and mitigate off-site impacts, the Land Development Code shall include regulations that allow for conditions of approval to mitigate the impacts of the proposed facility and minimize off site impacts.”*
8. *POLICY 2.125-P3: GREEN SWAMP AREA OF CRITICAL STATE CONCERN of the Comprehensive Plan states “Solid Waste Management Facilities shall be prohibited in any areas within the Green Swamp Area of Critical State Concern.”*
9. *LDC Section 207 states “Temporary uses are defined as those types of activities that are not regularly conducted from a permanent structure or location, and are conducted for only a short period of time.”*
10. *LDC Section 303 states “In addition to the applicable district regulations in Table 2.2, the following standards shall apply:*

1. *Consideration of an application for approval of a proposed solid waste management facility shall be in accordance with Chapter 9 of the LDC for a Level 4 Review and shall also include the review and consideration of the following additional information for compatibility review and consistency with the Comprehensive Plan and the LDC:*
  - a. *The haul routes from the nearest arterial roadway, and proposed points of access to the property;*
  - b. *The proposed date that construction will commence;*
  - c. *The volume of waste to be received, expressed in cubic yards or tons per day;*
  - d. *An explanation of the types of wastes to be received;*
  - e. *A statement specifying the hours of operation;*
  - f. *The source of the solid waste to be received;*
  - g. *The levels of odor, dust, and noise anticipated to be generated by the facility and proposed mitigation thereof;*
  - h. *The proposed landscape buffer and other buffering techniques planned to address compatibility and other impacts of the facility. At a minimum, the facility shall propose a landscape buffer consistent with the requirements of this Code, however, additional buffering may be required by the County as part of the approval process if the county finds such is necessary to address compatibility and other impacts of the facility. Additional buffering proposed by the applicant or required by the county may include, without limitation, increased landscaped buffers, setbacks, spatial separations, lakes, berms or any combination thereof; and*
  - i. *Height of all structures and other improvements.*
2. *The facility shall have direct access to a paved local commercial, collector or arterial roadway. No access to the site shall be from a local residential road.*
3. *Minimum setbacks for new solid waste management facilities shall be as follows:*
  - a. *Landfills: All structures, uses and excavation sites shall be a minimum of 1,000 feet from all property lines. The landfill footprint shall be a minimum of 2,500 feet from all property lines*
  - b. *Incinerators: Front, rear, and side yard setbacks shall be a minimum of 500 feet. When adjacent to residentially used or designated property, and Community Facilities as defined in the Comprehensive Plan, setbacks shall be a minimum of 1,000 feet*
  - c. *Materials recovery facilities, solid waste transfer stations, and volume reduction plants: Front, rear, and side yard setbacks from the excavation site shall be a minimum of 100 feet. When adjacent to residentially used or designated property, and Community Facilities as defined in the Comprehensive Plan, setbacks shall be a minimum of 500 feet.*
  - d. *Modification or expansion of existing facilities with a valid Level 3 or Level 4 Review approval as of the effective date of the ordinance creating these regulations, shall not be considered new solid waste management facilities and not be subject to the minimum setback requirements of subsection 3.*
11. *Chapter 10 of the LDC defines a Solid Waste Management Facility as “Any solid waste disposal facility, solid waste transfer station, materials recovery facility, volume reduction facility, other facility, or combination thereof, the purpose of which is resource recovery or the disposal, recycling, processing or storage of solid waste. Salvage Yards, Construction Aggregate Processing, and Construction Aggregate Storage are excluded from this definition but may be accessory uses to a Solid waste management facility.”*
12. *Chapter 10 of the LDC defines a Materials Recovery Facility as “A solid waste management facility that provides for the extraction from solid waste of recyclable materials, materials suitable for re-use, repurposing, use as a fuel or soil amendment, or any combination of such materials, including without limitation a Soil Manufacturing facility. Excluded from this definition are Salvage Yard, Construction Aggregate Processing, and Construction Aggregate Storage as defined in this code.”*

13. *Chapter 10 of the LDC defines a Volume Reduction facility as “A facility using incinerators, pulverizers, compactors, shredding, demanufacturing, and baling plants, and other plants that accept and process solid waste for recycling and disposal.”*
14. *Planning staff have reviewed the land development requirements of 12 central Florida counties that bear commonalities with Polk and the two largest municipalities in the County. Staff found that 11 out of the 14 jurisdictions allow yard waste processing or mulching in industrial districts either by right or through special approval.*
15. *The Solid Waste Management Facility Siting and Operation Ordinance (Ord. 2014-014), Section 11-114 of the County Code of Ordinances states “The following activities are exempt from the requirements of this article:*
  - (1) Open burning of land clearing debris as permitted by the Florida Department of Agriculture and Consumer Services' Division of Forestry, provided that all of the material to be burned originates on-site and burning is on a temporary basis;*
  - (2) Prescribed fire undertaken as part of a land management plan for wildlife management practices, improvement of forage for range, and other commonly accepted land management purposes;*
  - (3) Crematoria as permitted by FDEP;*
  - (4) The disposal of nonputrescible solid waste material for grade improvement done in conjunction with a building permit, and the storage of nonputrescible fill materials for future use;*
  - (5) The processing, management and disposal of solid wastes generated as a result of a major storm, tornados or other natural or manmade disasters when undertaken by, under the supervision of, or at the direction of a local, state or federal agency;*
  - (6) Management of solid waste or by-products ancillary to agricultural operations and phosphate mining;*
  - (7) Salvage yards;*
  - (8) Constructing aggregate processing and construction aggregate storage; and*
  - (9) Cardboard and shredded paper collection.”*

#### **Development Review Committee Recommendation:**

The Land Development Division, based on the information provided with the proposed text amendment application, finds that the proposed text change request is **CONSISTENT** with the Polk County Land Development Code and the Polk County Comprehensive Plan. Staff recommend **APPROVAL** of LDCT-2025-10.

#### **Planning Commission Recommendation:**

*At an advertised public hearing on June 4, 2025, the Planning Commission **voted 6:0** to recommend **APPROVAL** of LDCT-2025-10 to the Board of County Commissioners after hearing public testimony.*

## **Analysis**

### **Introduction**

This proposed text amendment was prompted by a Code Enforcement citation issued in the Homeland Industrial Complex subdivision between Old Homeland Road and U.S. Highway 17 accessed through Austin Phillips Lane. One of the waste haulers under contract with Polk County Roads and Drainage Division for storm debris removal was cited for operating a Solid Waste Management Facility without approval from the County because the storing of mulched debris in such large quantity falls under the broad definition of the use. Since it was a waste hauler under contract with the County, Planning staff were brought in to assist in finding a permissible solution for a County contractor to fulfill their contract.

County staff first analyzed the Solid Waste Facility Siting and Operation Ordinance (Ord. 2014-14) for regulatory options. It was discovered that in the list of exemptions under Section 11-114 that the *“processing, management and disposal of solid wastes generated as a result of a major storm, tornados or other natural or manmade disasters when undertaken by, under the supervision of, or at the direction of a local, state or federal agency”* is exempt from the ordinance. However, this exemption is not ratified in either the Comprehensive Plan or the Land Development Code.

Staff chose to seek placement of the exemption in the Temporary Uses, Section 207, of the code for two reasons. For one, a carve-out for permanent land uses requires a Comprehensive Plan amendment which would take a much longer time to process, and a timely resolution was needed. The other reason was that carve-outs to the solid waste management rules often result in unintended consequences. With a temporary use classification, the County has more control to navigate through any implementation issues that might arise in the future.

Staff derived the conditions of approval by troubleshooting the known concerns involved with the storage of debris. The first concern is that permission should be limited to only government implemented clean-up programs through approved contractors. Then there were basic concerns for environmental review, so FDEP certification was identified as a necessity. Access is always key to any waste management operation, and our jurisdiction is limited so that was next to be addressed. Most important to the community is the location and proximity to residential properties which is why it is limited to non-residential property and a 200-foot setback from residences is a requirement.

After discussion with the Board during agenda review, staff placed firm limits on the duration that these sites were to be operational after the storm. Some leeway was included for extenuating circumstances, but an absolute finish date was set. Lastly, staff set up application, review, documentation, and inspection processes to ensure complete and proper implementation of the standards.

## **Recommended Changes**

Staff are recommending that vegetative debris storage sites be allowed on a temporary and very limited basis under the following conditions:

- Applicants must have an active debris disposal contract with a local, state, or federal government agency.
- Applicants must have authorization from the Florida Department of Environmental Protection (FDEP) through permit issuance or FDEP’s written acknowledgement of permit exemption.
- The chosen site must have legal access to a County maintained road or permitted access to a city or state roadway facility.
- The site cannot be located in the Green Swamp Area of Critical State Concern.
- Application must be submitted by either the contractor or the local, state, or federal agency contracting for debris removal through a Development Review Committee (DRC) Level 1 Review that includes:
  - Identification of all properties involved in the storage of materials and describe all storage methods.
  - Names and contact information of all property owners, operators, contractors and sub-contractors utilizing the site.

- A binding site plan showing all properties and location of access, intake, location of storage, extent of material drop-off and separation, and provisions for ample internal stacking of intake vehicles.
  - Days and hours of operation.
  - Closure and post closure plan
- DRC shall review for potential conflicts with infrastructure, drainage paths, floodplain impact, and neighboring properties.
  - All storage of vegetative debris shall be setback a minimum of 35 feet from all rights-of-way, 15 feet from non-residential property lines, and 200 feet from any offsite residence.
  - Storage site property owners and operators shall provide Code Enforcement Division staff access to the site during normal business hours for periodic inspection.
  - Prior to closing out of the debris disposal contract, the contractor shall formally contact the Code Enforcement Division for final inspection.
  - The maximum period of operation shall be no longer than six (6) months from the date of the government contract commencement.

In the event of extenuating circumstances, the DRC may grant additional time for debris removal from a temporary storage site provided no new debris is being delivered to the site and such extension does not exceed six (6) months.

While seeking an amendment to Section 207 Temporary Uses, staff have included a minor clarification to Section 207.L Road Construction Materials/Equipment, to include utility construction projects the same as road improvement projects that are allowed to have storage and laydown yards as temporary uses in all land use districts when undergoing major infrastructure improvements. This will apply to water, wastewater, drainage, and gas utility line projects. Regulation of powerline projects and any associated laydown yards are pre-empted from local regulation by the state, but other public projects are not. Therefore, this amendment is needed for the County to accommodate necessary infrastructure projects with fewer regulatory barriers.

### **Benefit-cost Analysis of the Amendment**

#### *Who does it help?*

This amendment helps private companies that contract with the County, state or federal agencies to remove ground vegetative debris from the County's temporary disposal management sites set up to handle debris gathered from properties after a major storm event. It provides them with more time to find proper locations for the ground vegetative debris. This helps reduce the financial cost of handling the debris and enables County facilities such as parks to be relieved of disposal management operations sooner.

#### *Who does it hurt?*

For a temporary period of time this could be aesthetically displeasing to the public seeing vegetative materials hauled to sites to be stored. The proposed ordinance makes any non-residential site an eligible temporary storage facility. However, the use can only last for six months and setbacks are in place to protect residential properties. The public will also be less concerned with aesthetics after a

major storm event and DRC will review the site and can negotiate terms of operation if there are potential incompatibilities.

### *What is the cost?*

Without this amendment, the cost of storm debris disposal might be higher. This amendment buys the private haulers time to find a more purposeful, less costly, and profitable method of dispensing with the ground vegetative debris collected and processed at the County's temporary disposal management sites. This amendment will place added costs on the members of DRC and Code Enforcement Staff to review and monitor these sites to their final completion of the process.

## **Regulatory History**

Prior to November 4, 1971, the County had no regulations on the storage, processing, or disposal of vegetative debris. The first land use regulations classified waste disposal as an essential service that was permitted in the Rural Conservation (RC) district as long as at least 50% of the property was open space.

The new zoning ordinance adopted in 1983 continued to label all solid waste facilities as essential services separating them into different classes of I thru III grouped according to collection (I), transfer (II), and disposal (III). Class II facilities were permitted in all districts. Class III were conditional uses in all districts except for Heavy Commercial (C-4) and the both Industrial districts (LI & GI) where they were permitted by right.

Class III (construction & demolition) and Class IV (vegetative) waste were permissible through a conditional use permit in PM and IND Future Land Use districts until the effective date of the Solid Waste Management Facility Siting and Operation Ordinance on March 20, 2014 (Ord. 14-14) and Land Development Code amendment case #LDCT-14T-02 (Ord. 14-15). From thence forward, composting and mulching became Solid Waste Management Facilities.

This proposed ordinance amendment is the first to allow any type of solid waste management facility as a temporary use. All other references to mulching, composting or any type of solid waste management facility have been for permanent use on property.

## **Limits of the Proposed Ordinance**

This amendment applies to all non-residential Future Land Use Map designations in the unincorporated area of Polk County that are outside of the Green Swamp Area of Critical State Concern and have direct frontage on a County or state-maintained roadway.

## **Comparisons to other Jurisdictions**

Staff commonly survey counties along the I-4 corridor for regulatory comparisons because they are most closely similar to Polk. Some of the abutting counties are reviewed along with the two largest cities within the County (Lakeland and Winter Haven). Alachua and Duval counties are also reviewed because of similar demographic and urban-rural mixtures to Polk County. This method of selection creates a survey of 14 total local jurisdictions. Five (5) of the 14 jurisdictions refer to mulching of vegetative material separate from the term solid waste management facility. The vast majority (11 out of the 14 jurisdictions) allow yard waste processing or mulching in industrial districts either by right or through special approval. Three out of 14 allow mulching in agricultural districts. Three of 14 jurisdictions waive their code requirements for government related disaster recovery operations



including the processing and disposal of vegetative debris. Hillsborough County allows temporary permits for incinerators to dispose of vegetative debris after a disaster.

**Table 1**

<b>Jurisdiction</b> <i>(Code citation)</i>	<b>Is mulching regulated as a solid waste management facility?</b>	<b>What districts are mulching operations permitted?</b>	<b>Is there an exemption for major storm events?</b>
<b>Alachua County</b> <i>Sections 27.09, 403.14, 404.89.5</i>	Yes.	Conditional- Industrial services and Manufacturing (MS) districts.	Yes. Only for county, state, and federal governments remove disaster debris
<b>Brevard County</b> <i>Sections 62-1543, 62-1572, 62-1941</i>	No.	Conditional- Light Industrial (IU) and Government Managed Lands (GML) districts.	No.
<b>Duval County</b> <i>Section 656.322, 656.323, 656.331</i>	No.	Special Exception in Light Industrial (LI), Heavy Industrial (HI), and Agricultural (AGR) Districts	No.
<b>Hardee County</b> <i>Sec. 14.05.00, 4.02.36</i>	Yes.	Permitted with Conditions in Agricultural (A-1), Industrial (C/IBC), (I-1), and (I-2) districts.	No.
<b>Highlands County</b> <i>Section 12.??</i>	Yes.	Special Exception in Industrial (I-2) district	No.
<b>Hillsborough County</b> <i>Section 6.11.63, 6.11.104</i>	No.	Conditional in all seven (7) agricultural districts	Temporary air-curtain incinerators are conditional in all districts.
<b>Lake County</b> <i>Sec. 2-182, 8.02.00, 3.01.02.D.2</i>	Yes.	Conditional use in Heavy Industrial (HM) district. Prohibited in the Green Swamp	Yes. Under local state of emergency through County contracts.
<b>Manatee County</b> <i>Section 531.53</i>	Yes.	Planned Development Urban Industrial (PDUI) district.	No.
<b>Orange County</b> <i>Sections 38-74, 38-79</i>	No.	Special Exception in Agriculture (A-1 & A-2) and all Industrial (I-1 thru 4) districts.	No.
<b>Osceola County</b> <i>Chapter 19 Article 19-8 Chapter 3, Article 3.9</i>	No.	Industrial (IR, IG, IM)	Yes. But only for County facilities.
<b>Seminole County</b> <i>Sec. 30.4.10</i>	Yes.	Special Use - Manufacturing (M-1 & M-2) districts	No.
<b>Volusia County</b> <i>Section 72-241, 206</i>	Yes.	Permitted use in Public Use district	No.
<b>City of Lakeland</b> <i>Article 2, Sec. 2.6</i>	Yes.	Conditional Use in Industrial (I-3) district	No. All is handled through city collection
<b>City of Winter Haven</b> <i>Sec. 21-531</i>	Yes.	No.	No. All is handled through city collection

Based on the data staff finds that disaster mitigation has not been addressed in the land development regulations of many of the jurisdictions surveyed. Hillsborough County is the most advanced in addressing means and alternatives for processing and disposal of the significant amount of vegetative debris caused by major storm events.

### Consistency with the Comprehensive Plan

Solid waste management facilities are addressed in Section 2.125-P of the Comprehensive Plan. POLICY 2.125-P1 states that solid waste disposal facilities, transfer stations, materials recovery facilities, and volume reduction facilities are only permitted in Institutional (INST) Future Land Use Map districts. While the temporary storage sites proposed in this amendment can be considered to be somewhat of a transfer station, this policy applies to permanent development under normal circumstances. The facilities proposed do not meet the definition of a transfer station either. Processed vegetative debris is brought to the site on the same vehicles that will be used to remove the debris,

and it is not necessarily going to a disposal facility. The County's DMS facilities collect and process the debris. The independent contractors haul the waste from the DMSs to these temporary debris storage sites so that the County facilities can return to their original use sooner after the storm event. The temporary sites expedite the County's recovery. They buy more time for the debris to be distributed in a more beneficial manner than disposal.

### **Consistency with the Florida Statutes**

The Florida Statutes encourages counties to provide composting and mulching services to residents in Section 403.706(2)(i) which states "*Each county is encouraged to consider plans for composting or mulching organic materials that would otherwise be disposed of in a landfill. The composting or mulching plans are encouraged to address partnership with the private sector.*" This request is consistent with this statute.

**Comments from Other Agencies:** Input into the drafting of this ordinance was provided by Polk County Roads and Drainage Division.

**Draft Ordinance:** under separate attachment