

Sec. 20.3-44. Incinerators (Zone IN).

- (a) *Intent.* All land designated as Zone IN on the Zoning Atlas pursuant to this Article is subject to the regulations of this Section. It is the intent of this Section to control the location of incinerators within Clay County with a primary emphasis on areas set aside for industrial development. It is further the intent of this Section to provide for reasonable locational, design and operational criteria for incinerators in order that incinerators be operated safely and that the impact thereof be limited to those areas set aside for industrial development. Such criteria are declared hereby to be the minimum necessary to protect the health, safety and welfare of the citizens of Clay County.
- (b) *Definitions.*
 - (1) "Incineration" shall mean the volume reduction of solid waste, hazardous waste, biohazardous waste, or biological waste, all as defined under Section 403.703, Florida Statutes, by use of rapid combustion. Specifically excluded herefrom is any activity involving the cogeneration of steam or electrical power, any activity involving the combustion as fuel of waste oil or other waste petroleum products, or of garbage, refuse, yard trash or clean debris, all as defined under Rule 17-701.020, Florida Administrative Code, and the burning of land clearing debris or other yard trash where such burning occurs on-site at the point of generation by use of a portable air curtain incinerator or other device.
 - (2) "Incinerator" shall mean any facility, or any part thereof, designed or intended solely for the volume reduction of solid waste, hazardous waste, biohazardous waste, or biological waste by incineration.
- (c) *Uses Permitted.* Incinerators and activities associated therewith and accessory thereto.
- (d) *Conditional Uses.* The following uses are permitted in the IN zoning district, subject to the conditions provided in Section 20.3-5.
 - (1) Communication Antennas and Communication Towers, including accessory buildings, tower support and peripheral anchors as governed by the provisions of Section 20.3-46 of the Clay County Land Development Code. (Amended 11/26/96 - Ord. 96-58).
- (e) *Uses Prohibited.* Any uses not described under paragraphs (c) and (d) above as determined by the Planning and Zoning Director or his designee.
- (f) *Locational Criteria.*
 - (1) No lands shall be rezoned to the district classification provided in this

Section except within areas within which industrial uses or sanitary landfills may be operated consistent with the Clay County Comprehensive Plan.

- (2) Each incinerator must have direct paved road access to a paved public road.
- (3) No incinerator may be located within any identified floodplain, floodway, or wetland.
- (4) Each incinerator must be set back a minimum of five hundred (500) feet from each property line not adjacent to lands used or zoned for industrial or sanitary landfill purposes. A visual buffer must be established and maintained between the incinerator and any existing residential, commercial, or other non-industrial land use immediately adjacent thereto.

(g) *Application Requirements.*

- (1) The applicant shall be required to attend a pre-application conference with the Planning and Zoning Director or his designee, who shall invite, as a minimum, representatives from the Florida Department of Environmental Regulation and the United States Environmental Protection Agency to attend the conference.
- (2) The applicant shall complete and submit the appropriate application forms as provided by the Planning and Zoning Director or his designee.
- (3) The applicant shall complete and submit a site plan substantially in conformance with the requirements, as applicable, of Section 6, subsection 42, Ordinance 82-45. The specific requirements will be determined at the pre-application conference. The site plan shall also depict any site or locational requirements established under this Section.
- (4) The applicant shall submit a professionally prepared environmental assessment report demonstrating that the operation of the incinerator will not result in any measurable degradation of air quality or of ground or surface water quality beyond any property line of the property upon which the incinerator is located.
- (5) The applicant shall submit proof of receipt of at least conceptual or preliminary approval from all state and federal regulatory agencies having jurisdiction.
- (6) The applicant shall submit the basic design of the incinerator and fire control facilities as a part of the site plan.

- (7) If the incinerator is to be located within two (2) statute miles of the territorial boundaries of Clay County, Florida, the applicant must notify the adjacent local governments and the Northeast Regional Planning Council in the manner required by the Planning and Zoning Director or his designee, inviting their representatives to attend the pre-application conference.
- (h) *Design Criteria*
- (1) Each incinerator must be designed so that it meets and continues to meet all applicable rules, regulations and requirements of the applicable state and federal regulatory agencies. Each incinerator must be fully permitted by each such agency prior to construction and/or continued operation.
 - (2) Each incinerator must be designed with adequate on-site controls and facilities to prevent and contain fires.
- (i) *Rezoning and Site Plan Approval*
- (1) No rezoning shall be granted without the simultaneous approval by the Board of a site plan, which shall thereafter be deemed a part and condition of the zoning. In the approval of the site plan, specific parameters regarding size, capacity, burn rate, and other relevant matters may be established, and the materials to be incinerated shall be specified and limited. Any modification to the approved site plan may be considered by the Board only as a rezoning.
- (j) *Moratorium.* The Board hereby declares its intention to establish by ordinance a permitting process for incinerators subject to the provisions of this Section. The Board intends that said permit process shall function integrally with the zoning process. Therefore, the Board hereby declares and imposes a moratorium on rezoning under this Section until July 1, 1992, during which time said permitting ordinance may be developed and adopted. During the period of moratorium, no application for rezoning under this Section may be considered or submitted or considered by the staff, the Planning Commission, or the Board.