

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO: 4445

ORDINANCE COUNCIL SERIES NO: _____

COUNCIL SPONSOR: BINDER/DAVIS

PROVIDED BY: PLANNING

INTRODUCED BY: MR. COOPER

SECONDED BY: MR. BINDER

ON THE 4 DAY OF NOVEMBER, 2010

(ZC10-09-114) ORDINANCE TO AMEND THE ST. TAMMANY PARISH UNIFIED DEVELOPMENT CODE, VOLUME I (ZONING) ARTICLE 2, DEFINITIONS, CREATE SECTION 5.36 SWM SOLID WASTE MANAGEMENT DISTRICT, AMEND SECTION 8.01 MINIMUM STANDARDS AND SECTION 24.02 TO EXCLUDE SEWAGE AND SEPTAGE FACILITIES FROM THE LIST OF PERMITTED USES IN THE I-2 INDUSTRIAL DISTRICT.
(ZC10-09-114)

WHEREAS, the Unified Development Code of St. Tammany Parish does not specifically identify some solid waste management facilities as a use in the text of these regulations; and

WHEREAS, such uses warrant clear and thoughtful deliberation on the location of said uses due to the significant impact that they may have upon surrounding properties; and

WHEREAS, the Parish Council has determined that a dedicated Solid Waste Management Zoning District is appropriate and necessary for the protection of the health, safety and welfare of the citizens of St. Tammany Parish; and

THE PARISH OF ST. TAMMANY HEREBY ORDAINS that the St. Tammany Parish Unified Development Code, Volume I, (Zoning) be amended:

In Article 2 DEFINITIONS, add a new paragraph (maintaining alphabetical order) as follows:

Agricultural Waste—nonhazardous waste resulting from the production and processing of agricultural products, including manures, prunings, and crop residues.

Collection Facility—a facility, at which one or more containers are located, that is used to accumulate solid waste generated by and delivered by more than one household or commercial establishment for pickup by a transporter, including, but not limited to, facilities typically located in rural areas where garbage collection does not occur. This definition does not include containers that receive only solid waste generated on property that is contiguous with the property on which the container is located (e.g., containers located at and receiving solid waste only from a multi-unit dwelling or a commercial establishment or an industrial establishment).

Commercial Solid Waste—all types of solid waste generated by stores, offices, restaurants, warehouses, and other non-manufacturing activities, excluding residential and industrial solid wastes.

Composting—a controlled process of degrading organic matter with microorganisms.

Composting Facility—a facility where organic matter is processed by natural or mechanical means to aid the microbial decomposition of the organic matter.

Construction/Demolition (C&D) Debris—nonhazardous waste generally considered not water-soluble that is produced in the process of construction, remodeling, repair, renovation, or demolition of structures, including buildings of all types (both residential and nonresidential). Solid

waste that is not C&D debris (even if resulting from the construction, remodeling, repair, renovation, or demolition of structures) includes, but is not limited to, regulated asbestos-containing material (RACM) as defined in LAC 33:III.5151.B, white goods, creosote-treated lumber, and any other item not an integral part of the structure.

Disposal—the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste on or into any land or water so that such solid waste, or any constituent thereof, may have the potential for entering the environment or being emitted into the air or discharged into any waters of Louisiana. Abandonment of solid waste, whether or not it comes into contact with land or water, is also considered disposal.

Garbage—solid waste that includes animal and vegetable matter from the handling, preparation, cooking, and serving of foods (including grease trap waste), but that does not include industrial solid waste.

Hazardous Waste—waste identified as hazardous in the current Louisiana hazardous waste regulations (LAC 33:V.Subpart 1) and/or by the federal government under the Resource Conservation and Recovery Act and subsequent amendments.

Incinerator—any enclosed device using controlled flame combustion that neither meets the criteria for classification as a boiler nor is listed as an industrial furnace, and is not a boiler or an industrial furnace as defined in LAC 33:V.109.

Incinerator Ash—residual solid waste that has been received, thermally oxidized, and/or decomposed by an incinerator.

Incinerator Waste-Handling Facility—a facility that processes solid waste which has been received, thermally oxidized, and/or decomposed by an incinerator.

Industrial Solid Waste—solid waste generated by a manufacturing, industrial, or mining process, or that is contaminated by solid waste generated by such a process. Such waste may include, but is not limited to, waste resulting from the following manufacturing processes: electric power generation; fertilizer/ agricultural chemicals; food and related products; byproducts; inorganic chemicals; iron and steel manufacturing; leather and leather products; nonferrous metals manufacturing/foundries; organic chemicals; plastics and resins manufacturing; pulp and paper industry; rubber and miscellaneous plastic products; stone, glass, clay, and concrete products; textile manufacturing; and transportation equipment.

Industrial Solid Waste Facility—a facility for the processing, storage, and/or disposal of industrial solid waste.

Infectious Waste—waste that contains pathogens of sufficient virulence and quantity that exposure to it could result in an infectious disease in a susceptible host.

LAC 33- Louisiana Administrative Code, title 33- Environmental Regulatory Code

Landfarm- a facility for the disposal of solid wastes in which wastes are applied to the land and/or incorporated into the soil for biological reduction and soil attenuation.

Landfill—a facility for the disposal of solid waste, other than land farm(s) or surface impoundment(s), that disposes of solid waste by placing it on or into the land surface and usually also compacting and covering with suitable cover material to a depth and at a frequency sufficient to control disease vectors and odors and in a manner that protects human health and the environment.

Municipal Solid Waste Landfill or MSW Landfill—an entire disposal facility in a contiguous geographical space where residential solid waste and/or commercial solid waste is placed in or on land. The term does not limit the ownership or source of materials to municipalities.

Non-Processing Transfer Station—a solid waste facility where solid waste is transferred from collection vehicles to other vehicles for transportation without processing.

Open Burning—the combustion of solid waste without control of combustion air to maintain adequate temperature for efficient combustion, containment of the combustion reaction in an enclosed device to provide sufficient residence time and mixing for complete combustion, and control of the emission of the combustion products.

Open Dump—a solid waste processing or disposal facility that has been issued a temporary permit and may not comply with the standards set by these regulations

Processing Transfer Station —a Type I-A or II-A solid waste processing facility where solid waste is transferred from collection vehicles, processed, and placed in other vehicles for transportation (e.g., a facility that separates recyclables from industrial or putrescible waste streams).

Residential Solid Waste—any solid waste (including garbage, trash, yard trash, and sludges from residential septic tanks and wastewater treatment facilities) derived from households (including single and multiple residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds, and day-use recreation areas).

Separation Facility—a Type III solid waste processing facility at which recyclables are separated from a non-putrescible solid waste stream for future use. The non-putrescible waste stream received by the separation facility shall not contain more than a de minimis amount of putrescible waste.

Septage—the contents of a septic tank, cesspool, or other individual sewage-treatment facility that receives domestic-sewage wastes.

Sewage Sludge—sludge resulting from treatment of wastewater from publicly or privately owned or operated sewage-treatment plants.

Shredder—a solid waste facility that reduces the particle size of solid waste by grinding, milling, shredding, or rasping.

Site—the physical location, including land area and appurtenances, of an existing or proposed storage, processing, or disposal facility. A site may consist of a number of facilities, each subject to a permit to process or dispose of solid waste.

Sludge—residue produced by or precipitated from a treatment process.

Solid Waste—any garbage, refuse, or sludge from a waste treatment plant, water-supply treatment plant, or air pollution-control facility, and other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations, and from community activities. Solid waste does not include solid or dissolved material in domestic sewage; solid or dissolved materials in irrigation return flows or industrial discharges that are point sources as specifically described in the Definitions Section of LAC 33.

Solid Waste Management Facility—a facility which collects, transports, stores, processes and disposes of any garbage, refuse, or sludge from a waste treatment plant, water-supply treatment plant, or air pollution-control facility, and other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations, and from community activities, including but not limited to Construction Debris Landfills, Non-processing Transfer Station, Processing Transfer Station, Compost

Facility, Separation Facility(Recycling Facility), Sewage Treatment Facility, Septage Treatment Facility, Municipal Solid Waste Landfill, Industrial Solid Waste Facility and Incinerator

Transfer Station (Non-Processing)—see Non-Processing Transfer Station.

Transfer Station (Processing)- see Processing Transfer Station

Transport—to move industrial solid waste off-site and/or to move solid waste of a commercial establishment or more than one household to a transfer station or processing or disposal facility.

Transporter—any person who moves industrial solid waste off-site and/or who moves solid waste of a commercial establishment or more than one household to a transfer station or processing or disposal facility.

Trash—non-putrescible refuse including, but not limited to, white goods, furniture, and wood and metal goods.

Type I Facility—a facility used for disposing of industrial solid wastes (e.g., a landfill, surface impoundment, or landfarm). If the facility is used for disposing of residential or commercial solid waste, it is also a Type II facility

Type I-A Facility—a facility used for processing industrial solid waste (e.g., a transfer station (processing), shredder, baler, etc.). If the facility

is used for processing residential or commercial solid waste, it is also a Type II-A facility.

Type II Facility—a facility used for disposing of residential and/or commercial solid waste (e.g., a landfill, surface impoundment, or landfarm). If the facility is used for disposing of industrial solid waste, it is also a Type I facility.

Type II-A Facility—a facility used for processing residential, infectious, or commercial solid waste (e.g., a transfer station (processing), composting municipal solid waste facility, refuse-derived fuel facility, shredder, baler, autoclave, etc.). If the facility is used for processing industrial solid waste, it is also a Type I-A facility.

Type III Facility—a facility used for disposing or processing of construction/demolition debris or woodwaste, composting organic waste to produce a usable material, or separating recyclable wastes (e.g., a construction/demolition-debris or woodwaste landfill, separation facility, or composting facility).

White Goods—discarded domestic and commercial appliances, such as refrigerators, ranges, washers, and water heaters.

Woodwaste—yard trash and types of waste generated by land and right-of-way clearing operations, sawmills, plywood mills, and woodyards associated with the lumber and paper industry, such as wood residue, cutoffs, wood chips, sawdust, wood shavings, bark, wood refuse, woodfired boiler

ash, wood ash, and plywood or other bonded materials that contain only polyurethane, phenolic-based glues, or other glues

that are approved specifically by the administrative authority. Uncontaminated, un-treated or unpainted lumber or wooden pallets are considered woodwaste under this definition.

Yard Trash—vegetative matter resulting from landscaping, maintenance, or land-clearing operations, including trees and shrubbery, leaves and limbs, stumps, grass clippings, and flowers.

Create a new SECTION 5.36 SWM Solid Waste Management District, as follows:

Section 5.36 SWM Solid Waste Management District

5.3601 PURPOSE

The purpose of this district is to provide for the location of uses including and generally compatible with the transport, processing and treatment of solid waste, sewage and septic materials. This specifically excludes those items listed in Section 5.3603 in such a fashion and location as to minimize the conflict with nearby residential uses.

5.3602 PERMITTED USES - Use By Right subject to any minimum standards as listed in Section 8.01 of these regulations

1. All uses permitted in the I-1 and I-2 Industrial Districts.
2. Construction Debris Landfills
3. Non-processing Transfer Station
4. Processing Transfer Station
5. Compost Facility
6. Separation Facility(Recycling Facility)
7. Sewage Treatment Facility
8. Septage Treatment Facility

5.3603 PROHIBITED USES

While all uses not listed are prohibited unless determined to be similar and compatible by the Director of Planning acting as the Zoning Administrator, the following uses are expressly prohibited in the SWM District.

1. Municipal Solid Waste Landfill
2. Industrial Solid Waste Facility
3. Incinerator
4. Open Dump
5. Open Burning

5.3604 SITE AND STRUCTURE PROVISIONS

A. Maximum Building Size — The maximum building size in the SWM District shall be forty thousand (40,000) square feet.

B. Minimum Lot Area

No new lot shall be created that is less than twenty thousand (20,000) square feet in area.

C. Minimum Area Regulations applicable except where more specific standards are required as per Section 8.01- Minimum Standards for Specific Uses

1. Minimum Lot Width - For each zoning lot provided with central water and sewerage facilities, the minimum lots width shall not be less than one hundred (100) feet.

2. Street Planting Areas – All areas along the street(s) or road (or roads) which a property abuts shall comply with the standards of Section 7.0106 "Street Planting Areas" of these regulations.

3. Side and Rear planting areas – All areas located along the side and rear interior property lines shall comply with the Section 7.0107 "Side and Rear Buffer Planting Area Requirements" of these regulations.

4. Transitional Yard - Where SWM District adjoins a residential district, transitional yards shall be provided in accordance with paragraphs 1 and 2 listed above or the following regulations whichever is more restrictive:

a. Where lots in SWM District front on a street and at least eighty (80) percent of the frontage directly across the street between two (2) consecutive intersecting streets is in a residential district, the setback regulations for the residential district shall apply to the said lots in the commercial district.

b. In SWM District, where a side lot line coincides with a side or rear lot line of property in an adjacent residential district, a yard shall be provided along such side lot line. Such yard shall be equal in dimension to the minimum side yard which would be required under this ordinance for a residential use on the adjacent property in the residential district

c. In SWM District, where a rear lot line coincides with a rear or side lot line of property in an adjacent residential district, a yard shall be provided along such rear lot line. Such yard shall be equal in dimensions to the minimum rear yard which would be required under this ordinance for a residential use on the adjacent property in the residential district.

d. In SWM District, where the extension of a front or side lot line coincides with the front line of an adjacent lot located in a residential district, a yard equal in depth to the minimum setback required by this ordinance on such adjacent lot in the residential district shall be provided along such front or side lot line for a distance of at least 25 feet, including the width of any intervening alley from such lot in the residential district.

e. Where a building is taller than 25 feet in height, one additional foot of setback shall be required in each yard. Each façade is measured separately and the additional depth is required perpendicular to that façade.

D. Maximum Lot Coverage

The lot coverage of all principal and accessory buildings on a zoning lot shall not exceed fifty (50) percent of the total area of the lot. However, parking and landscape requirements for the intended use must be met in all instances. Therefore, maximum lot coverage may in some cases be less.

E. Height Regulations

No building or dwelling for residential or business purposes shall exceed forty-five (45) feet in height above the natural grade of the property at the location of the structure or base flood elevation as established in Flood Ordinance 791, which every is higher.

F. Design criteria

1. Landscaping -All Landscaping shall be in compliance with the provisions of Section 7.01 of these regulations

2. Signage - All signage shall be in compliance with Section 7.02 of these regulations

3. Lighting - All site lighting shall be in compliance with Section 7.03 of these regulations

4. Parking/Loading - All parking and loading will be in compliance with Section 7.07 of these regulations

In Section 8.01 Minimum Standards for Specific uses, add a new item AX. as follows:

AX. Solid Waste Management Facility - All Solid Waste Management Facilities as defined in Article 2 of these regulations shall comply with all applicable standards of the St. Tammany Parish Code of Ordinances, Chapter 9, Garbage and Trash and all applicable standards of the Louisiana Administrative Code, Title 33 - Environmental Regulatory Code (LAC 33)

Amend Section 5.2402 Permitted Uses in the I-2 Industrial District to read as follows:

18. Public Utility Facilities excluding sewage and septage treatments facilities

REPEAL: All ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SEVERABILITY: If any provision of this Ordinance shall be held to be invalid, such invalidity shall not affect other provisions herein which can be given effect without the invalid provision and to this end the provisions of this Ordinance are hereby declared to be severable.

EFFECTIVE DATE: This Ordinance shall become effective fifteen (15) days after adoption.

MOVED FOR ADOPTION BY: _____ SECONDED BY: _____

WHEREUPON THIS ORDINANCE WAS SUBMITTED TO A VOTE AND RESULTED IN THE FOLLOWING:

YEAS: _____

NAYS: _____

ABSTAIN: _____

ABSENT: _____

THIS ORDINANCE WAS DECLARED DULY ADOPTED AT A REGULAR MEETING OF THE PARISH COUNCIL ON THE 1 DAY OF January, 2010; AND BECOMES ORDINANCE COUNCIL SERIES NO _____.

JERRY BINDER, COUNCIL CHAIRMAN

ATTEST:

THERESA L. FORD, COUNCIL CLERK

KEVIN DAVIS, PARISH PRESIDENT

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Delivered to Parish President: _____, 2010 at _____

Returned to Council Clerk: _____, 2010 at _____