

MEMORANDUM

Agenda Item No. 7(B)

TO:	Honorable Chairman Anthony Rodriguez and Members, Board of County Commissioners	DATE:	(Second Reading: 10-9-25) September 3, 2025
FROM:	Geri Bonzon-Keenan County Attorney	SUBJECT:	Ordinance relating to zoning and environmental protection; amending sections 33-1, 33-36.1, 33-279, 24-5, 24-18, 24-43.1, 15-1, 15-17, 15-17.1, and 15-18 of the Code; creating section 24-47.1 of the Code; providing for administrative zoning approval process for certain composting uses in the AU zoning district under certain circumstances and subject to certain conditions and requirements; revising definitions; revising provisions related to zoning administrative adjustments to include certain setbacks related to composting in the AU zoning district; revising requirements related to uses that shall be served by public water and public sanitary sewers and creating exception for composting facilities that have an approved environmental control plan; creating provisions related to composting facilities and environmental control plans; revising provisions related to operating permits and creating provisions related to community composting facilities; providing for preliminary operating permit approval pursuant to chapter 24, under certain circumstances, for composting facilities; creating Department of Solid Waste Management hauler permit for composting haulers and providing for requirements for such composting haulers; requiring report and recommendations related to solid waste hauler permits; requiring expedited review under certain circumstances; requiring composting solutions to be negotiated, and if possible, included in future solid waste procurements to the extent consistent with applicable law; making technical changes

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Eileen Higgins and Co-Sponsors Commissioner Danielle Cohen Higgins, Commissioner Raquel A. Regalado and Commissioner Micky Steinberg.




Geri Bonzon-Keenan
County Attorney

GBK/gh

MDC001

Date: October 9, 2025

To: Honorable Chairman Anthony Rodriguez
and Members, Board of County Commissioners

From: Daniella Levine Cava 
Mayor

Subject: Social Equity and Fiscal Impact Statement for Ordinance Relating to Certain Composting Uses in the AU Zoning District under Certain Circumstances and Subject to Certain Conditions and Requirements – Providing for Composting Operating Permits, Creating Provisions Related to Community Composting Facilities, and Creating a Solid Waste Hauler Permit for Composting Haulers

The proposed ordinance amends the Code of Miami-Dade County including Chapter 15 (Solid Waste Management), Chapter 24 (Environmental Protection), and Chapter 33 (Zoning), to establish new administrative, zoning, and environmental approval processes for composting operations in the agricultural zoning (AU) district. Currently, such facilities require zoning and environmental approval through a public hearing. The proposed ordinance streamlines this process by allowing community composting operations to obtain administrative approvals, provided they meet specific conditions. The composting hauler permit, issued by Solid Waste, will ensure that compost material is safely transported to the facilities.

This proposed ordinance represents a positive step forward in advancing Miami-Dade County's sustainability and zero waste goals by creating a clear framework for composting facilities. Composting is widely recognized as a beneficial practice that helps divert organic materials from landfills, reduces greenhouse gas emissions, and produces soil amendments that support local agriculture. The proposed ordinance creates a community composting facility designation with reduced regulatory requirements compared to those applicable to traditional resource recovery operations. This eases the regulatory burden for qualifying composting operations and the applicability of requirements that are protective of groundwater and drinking water resources.

The proposed ordinance is mostly applicable to compost operations located in agricultural areas outside the Urban Development Boundary (UDB) where public water infrastructure is not available. These areas therefore rely on groundwater wells for drinking water and irrigation. Given the shallower depth of the groundwater table in these areas, there is a potential for groundwater contamination if composting operations are not managed with appropriate safeguards. The proposed ordinance already includes an important safeguard by requiring groundwater monitoring plans for facilities that accept high-pathogen inputs. Additional protective measures may be appropriate to address site-specific risks. Incorporating these standards as a minimum rather than at the discretion of the department would help align the proposed ordinance with CDMP goals while ensuring that the benefits of composting are realized without unintended impacts on the very communities and agricultural lands it is meant to support.

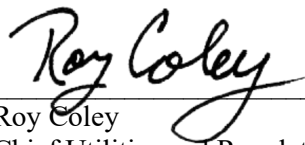
Social Equity Statement

With these proposed adjustments, it is anticipated that the ordinance would strike an equitable balance between regulatory efficiency and environmental stewardship, expanding composting capacity in Miami-Dade County, supporting the local agricultural economy and advancing the County's Zero Waste Master Plan, while safeguarding water resource and public health protections.

Fiscal Impact Statement

It is not anticipated that the implementation of this ordinance will have a fiscal impact. The proposed changes will not require additional staffing resources, nor will they generate additional operational expenses. Associated permitting fees will cover the costs of any applicable review.

Honorable Chairman Anthony Rodriguez
and Members, Board of County Commissioners
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A handwritten signature in black ink, reading "Roy Coley". The signature is written in a cursive style with a horizontal line extending from the end of the name.

Roy Coley
Chief Utilities and Regulatory Services Officer



MEMORANDUM

(Revised)

TO: Honorable Chairman Anthony Rodriguez
and Members, Board of County Commissioners

DATE: October 9, 2025

FROM: 
Glen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 7(B)

Please note any items checked.

- _____ **“3-Day Rule” for committees applicable if raised**
- _____ **6 weeks required between first reading and public hearing**
- _____ **4 weeks notification to municipal officials required prior to public hearing**
- _____ **Decreases revenues or increases expenditures without balancing budget**
- _____ **Budget required**
- _____ **Statement of fiscal impact required**
- _____ **Statement of social equity required**
- _____ **Ordinance creating a new board requires detailed County Mayor’s report for public hearing**
- _____ **No committee review**
- _____ **Applicable legislation requires more than a majority vote (i.e., 2/3’s present ____, 2/3 membership ____, 3/5’s ____, unanimous ____, majority plus one ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3) (h) or (4)(c) ____, CDMP 9 vote requirement per 2-116.1(4)(c) (2) ____) to approve**
- _____ **Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required**

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 7(B)
10-9-25

ORDINANCE NO. _____

ORDINANCE RELATING TO ZONING AND ENVIRONMENTAL PROTECTION; AMENDING SECTIONS 33-1, 33-36.1, 33-279, 24-5, 24-18, 24-43.1, 15-1, 15-17, 15-17.1, AND 15-18 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; CREATING SECTION 24-47.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING FOR ADMINISTRATIVE ZONING APPROVAL PROCESS FOR CERTAIN COMPOSTING USES IN THE AU ZONING DISTRICT UNDER CERTAIN CIRCUMSTANCES AND SUBJECT TO CERTAIN CONDITIONS AND REQUIREMENTS; REVISING DEFINITIONS; REVISING PROVISIONS RELATED TO ZONING ADMINISTRATIVE ADJUSTMENTS TO INCLUDE CERTAIN SETBACKS RELATED TO COMPOSTING IN THE AU ZONING DISTRICT; REVISING REQUIREMENTS RELATED TO USES THAT SHALL BE SERVED BY PUBLIC WATER AND PUBLIC SANITARY SEWERS AND CREATING EXCEPTION FOR COMPOSTING FACILITIES THAT HAVE AN APPROVED ENVIRONMENTAL CONTROL PLAN; CREATING PROVISIONS RELATED TO COMPOSTING FACILITIES AND ENVIRONMENTAL CONTROL PLANS; REVISING PROVISIONS RELATED TO OPERATING PERMITS AND CREATING PROVISIONS RELATED TO COMMUNITY COMPOSTING FACILITIES; PROVIDING FOR PRELIMINARY OPERATING PERMIT APPROVAL PURSUANT TO CHAPTER 24, UNDER CERTAIN CIRCUMSTANCES, FOR COMPOSTING FACILITIES; CREATING DEPARTMENT OF SOLID WASTE MANAGEMENT HAULER PERMIT FOR COMPOSTING HAULERS AND PROVIDING FOR REQUIREMENTS FOR SUCH COMPOSTING HAULERS; REQUIRING REPORT AND RECOMMENDATIONS RELATED TO SOLID WASTE HAULER PERMITS; REQUIRING EXPEDITED REVIEW UNDER CERTAIN CIRCUMSTANCES; REQUIRING COMPOSTING SOLUTIONS TO BE NEGOTIATED, AND IF POSSIBLE, INCLUDED IN FUTURE SOLID WASTE PROCUREMENTS TO THE EXTENT CONSISTENT WITH APPLICABLE LAW; MAKING TECHNICAL CHANGES; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, composting is of great interest to residents and visitors in Miami-Dade County, and allowing and facilitating more composting operations may help Miami-Dade County to address waste in a more sustainable, environmentally sound manner; and

WHEREAS, greater composting in our community may divert waste from landfills, and greater use of compost may improve soil fertility and stability, which may have positive benefits to agricultural productivity, food security, and agricultural economic viability; and

WHEREAS, composting could serve as a key part of Miami-Dade County's zero waste strategy—transforming organic waste into nutrient-rich soil amendments that help restore our environment, improve public health, and contribute to long-term economic sustainability; and

WHEREAS, properly operated composting reduces methane emissions from landfilled organics, a potent climate pollutant, thereby advancing County climate-action commitments and resilience goals; and

WHEREAS, compost is a proven tool for enhancing soil fertility, increasing water retention, and strengthening agricultural productivity, which in turn sustains local farming economies, and builds resilience against extreme weather; and

WHEREAS, with respect to County zoning regulations, which apply in the unincorporated municipal service area (UMSA) and in certain areas within municipalities where the County exercises zoning jurisdiction, composting operations may be permitted today in certain zoning districts, such as the industrial zoning districts; and

WHEREAS, the need for composting expansion requires a streamlined, efficient approval process that eliminates bureaucratic roadblocks and empowers farms and businesses to operate composting facilities with clear, efficient, and environmentally responsible regulations; and

WHEREAS, today, in the agricultural (AU) zoning district, composting operations would generally require an approval after a public hearing before one of the County's Community Zoning Appeals Boards (CZABs) or the Board of County Commissioners; and

WHEREAS, this Board wishes to facilitate zoning approvals for composting operations in the AU zoning district so that composting operations could be approved expeditiously; and

WHEREAS, this ordinance would create an administrative zoning approval process, so that within the AU zoning district, composting operations, including outdoor storage, processing, and treatment areas, could be approved; and

WHEREAS, this ordinance creates certain requirements and conditions for such administrative approvals; and

WHEREAS, rule 62-709.305 of the Florida Administrative Code provides that certain composting activities do not require a state permit or state registration under chapter 62-709, F.A.C., provided that the “activity does not violate other state or local laws, ordinances, rules, regulations, or orders,” and

WHEREAS, this limited exception from state permitting includes, for example, certain “normal farming operations,” as described in the rule, which includes strict limitations related to when composting inputs can be brought in from off the farm and when compost can be offered for sale or use off the farm: “[f]or this exemption to apply, the yard trash or manure, or vegetative wastes brought to the farm must be necessary to optimize composting of the yard trash or manure generated on the farm, as part of agronomic, horticultural or silvicultural operations (e.g., bringing in yard trash as a source of carbon and pile structure to optimize composting of manure generated on the farm.) *Yard trash, vegetative wastes, or manure which is brought to the farm solely to increase the amount of compost produced is not considered to be part of the agronomic,*

horticultural or silvicultural operations at the farm and is not covered by this exemption, except as provided for paragraph (e) [related to certain manure management operations that are separately regulated under chapter 62-670, F.A.C.],”(emphasis added);” and

WHEREAS, the above-mentioned exemptions from state permitting of certain composting activities are not a limitation on local regulations; in fact, rule 62-709.305 provides that the composting activity must “not violate other state or local laws, ordinances, rules, regulations, or orders,” in order to be eligible for this exemption from state permitting and state registration under chapter 62-790, F.A.C; and

WHEREAS, compost operations range from small community composters to large-scale composters, and for the purpose of this ordinance, in the context of zoning regulations, such composting operations are referred to interchangeably as “community composting operations,” or “community composting,” or simply “composting operations,” and

WHEREAS, this ordinance provides for a new administrative zoning approval process for composting operations that would require a zoning administrative approval and certificate of use approval; and

WHEREAS, composting operations that, for example, sell compost, offer subscription pickup services for waste, or bring in waste from residential or commercial properties, such as food waste, would be classified as community composting operations and could be approvable administratively in the AU zoning district through an administrative approval and certificate of use, pursuant to the terms and conditions of this ordinance; and

WHEREAS, this new administrative approval process would allow agricultural properties in the AU zoning district to receive and process compostable material, which may reduce the amount of material that is sent to landfills, lower the County's carbon footprint, and further various

environmental and resiliency goals; and

WHEREAS, composting keeps resources local, turning food scraps and yard waste into soil amendments that strengthen neighborhood gardens, urban trees, and farms, thereby building a circular economy rooted in Miami-Dade values; and

WHEREAS, most properties that are zoned AU are designated as Agriculture on the County's Comprehensive Development Master Plan (CDMP) Land Use Plan Map, and pursuant to the CDMP's interpretative text for properties designated Agriculture, "[u]ses that are directly supportive of agriculture but not ancillary to an on-site agricultural use may occur in this area where it can be demonstrated that the use is primarily addressing a need of the local agricultural industry or that the use significantly furthers agritourism to the agricultural area;" and

WHEREAS, this ordinance would allow community composting operations to be approved administratively in the AU zoning district, under certain circumstances, and with certain conditions, without requiring that such community composting operation be ancillary to a farm on the property, but such composting operations would at a minimum need to be consistent with the County's CDMP, including the above-referenced CDMP provisions; and

WHEREAS, composting operations currently are required to comply with chapter 24 of this Code, which includes various provisions related to the protection of groundwater, soils, and other natural resources, and which currently requires operating permits for facilities such as resource recovery and management facilities as well as approval by the County's Solid Waste department pursuant to chapter 15 for such resource recovery and management facility operating permits; and

WHEREAS, such requirements would continue to apply, and a community composting facility operating permit would be a prerequisite to the certificate of use approval for a community

composting operation; and

WHEREAS, pursuant to this ordinance, however, the new operating permit for community composting facilities would be referred to as a community composting facility operating permit, in order to distinguish facilities that solely do composting from other types of resource recovery and management facilities, and to facilitate the creation of distinct solid waste hauler permits and permit conditions for composting, and this ordinance also creates a new category of hauler permits for composting haulers; and

WHEREAS, in addition, the current, existing requirements related to the required approval by the County's Solid Waste department are being restated in multiple sections, for additional clarity; and

WHEREAS, in reviewing composting facility applications, the County must comply with Ordinance No. 96-168 (the Solid Waste Bond Ordinance), including Section 612 thereof, which prohibits the approval of private solid waste disposal facilities that may compete with the County's System unless certain findings and approvals are made in accordance with the ordinance; and

WHEREAS, so long as the County's Director of Solid Waste Management and the County's solid waste bond engineer have determined that a community composting facility will not adversely affect the Department's operating revenues, the adoption of this ordinance shall constitute the necessary Board approval required by Section 612 of the Solid Waste Bond Ordinance; and

WHEREAS, the County's solid waste bond engineer has opined that, based on various analyses, including projections of waste tonnage and revenue, private composting facilities could be considered for approval by the Director of Solid Waste Management provided that the yearly capacity of such facilities is lower than certain tonnage limits included in the bond engineer's

opinion; and

WHEREAS, this analysis related to composting facilities from the County's solid waste bond engineer is anticipated to inform and facilitate the process for review and approval of applications for composting facilities, pursuant to the Department of Solid Waste Management requirements in chapter 15 of the Code and the County's Solid Waste Bond Ordinance; and

WHEREAS, robust environmental safeguards ensure that composting operations are not only environmentally responsible but also beneficial to the health and well-being of surrounding communities; and

WHEREAS, food waste and yard waste, are organic materials which may be used in composting, but composting operations that include high-pathogen inputs such as manure from non-herbivorous animals, meat, and dairy products, present a higher risk of environmental impact, including to groundwater resources; and

WHEREAS, this ordinance distinguishes composting uses that include high-pathogen materials by requiring enhanced environmental protections for the latter, including a groundwater monitoring plan in addition to the standard environmental control measures; and

WHEREAS, these distinctions are intended to ensure that all composting operations are subject to requirements proportionate to their potential environmental impacts, while still allowing for efficient, responsible composting practices that support the County's waste reduction and sustainability goals; and

WHEREAS, in addition, composting operations would continue to be subject to the Florida Building Code, solid waste regulations, aviation safety requirements, and other applicable rules and regulations; and

WHEREAS, these various protections, requirements, and conditions are expected to maintain compatibility with the surrounding AU areas and avoid or minimize impacts to neighboring properties, while creating a simpler and easier process for County zoning approval of such community composting operations in the AU zoning district; and

WHEREAS, in addition to the zoning provisions in this ordinance, this ordinance also includes various provisions related to environmental protection, which in part will serve to allow the Director of the Division of Environmental Resources Management (DERM) or successor department to grant an administrative approval for community composting facilities that are not served by public water and sewer, instead of requiring such composting facilities to seek a variance of section 24-43.1 of the Code before the Environmental Quality Control Board (EQCB), after public hearing; and

WHEREAS, this ordinance revises chapter 24 so that where a community composting facility has an approved environmental control plan, such community composting facility could be administratively approved by the Director pursuant to section 24-43.1 related to water and wastewater disposal, even if such facility is not served by public water and public sanitary sewer, without the need for a variance from the EQCB as to section 24-43.1; and

WHEREAS, these revisions to the Code further various policies in the County's Comprehensive Development Master Plan, including, but not limited to:

- LU-1P: "While continuing to protect and promote agriculture as a viable economic activity in the County, Miami-Dade County shall explore and may authorize alternative land uses in the South Dade agricultural area which would be compatible with agricultural activities and associated rural residential uses, and which would promote ecotourism and agritourism related to the area's agricultural and natural resources base including Everglades and Biscayne National Parks."
- LU-8C: "Through its planning, capital improvements, cooperative extension, economic development "LU-8C. Through its planning, capital improvements, cooperative extension, economic development, regulatory and intergovernmental

coordination activities, Miami-Dade County shall continue to protect and promote agriculture as a viable economic use of land in Miami-Dade County.”

- CDMP interpretive text for Agriculture, P. I-70, which provides, “[t]he area designated as "Agriculture" contains the best agricultural land remaining in Miami-Dade County. As stated in the Miami-Dade County Strategic Plan, approved by the Board of County Commissioners, protection of viable agriculture is a priority. The principal uses in this area should be agriculture, uses ancillary to and directly supportive of agriculture and farm residences. Uses ancillary to and directly supportive of agriculture are defined as those uses related to preserving, processing, packaging or selling of agricultural products from Florida (except that wineries may utilize imported products for winemaking), and farm supplies, as well as sale and service of farm machinery and implements, subject to the requirements of Chapter 24 of the County Code. Uses that are directly supportive of agriculture but not ancillary to an on-site agricultural use may occur in this area where it can be demonstrated that the use is primarily addressing a need of the local agricultural industry or that the use significantly furthers agritourism to the agricultural area. ...”
- SW-3A, which provides that, "Solid Waste improvements will be evaluated for funding in accordance with the following general criteria... 3) Improvements which promote the recycling or reuse of materials prior to disposal...”
- SW-4B: "Unless economically prohibitive, Miami-Dade County shall reduce the amount of waste disposal through recycling programs or other alternative solid waste management strategies. The County Waste Management System shall reduce the amount of municipal solid waste that would be disposed of within the County and maintain a recycling rate consistent with the requirements of the Florida State Solid Waste Management Act.”
- SW-4C: "Miami-Dade County shall promote the establishment and expansion of markets for products and materials created from recycled wastes through cooperative state and federal efforts, County purchasing policies, and by encouraging the purchase of such products by County vendors, clients and citizens.”
- SW-4D: "Miami-Dade County shall strive to reduce the per capita generation of solid waste by encouraging the use of waste reduction technologies and recyclable packaging materials, to the extent possible.”
- SW-4E: "Miami-Dade County shall minimize the amount of yard trash disposed of in landfills through the development of alternative means that include encouraging, among other innovative programs, mulching or composting of yard waste or its diversion to a biomass fuel, and diversion or composting of biodegradable materials other than yard waste;” and

WHEREAS, reducing reliance on landfills both lowers long-term disposal costs and preserves scarce landfill capacity, demonstrating the County’s dedication to prudent financial management and environmental responsibility; and

WHEREAS, solving the solid waste crisis requires partnership among residents, community organizations, farmers, haulers, municipalities, and County agencies, and this ordinance is designed to encourage such collaboration; and

WHEREAS, Miami-Dade embraces practical innovation that solves problems without compromising health or safety, and this ordinance fosters innovation while requiring strong environmental controls; and

WHEREAS, mission-driven community composters are essential to the County's economy, and a clear, fair, and proportionate regulatory path helps them thrive while protecting the public; and

WHEREAS, an administrative zoning pathway, paired with the community composting facility operating permits and Solid Waste approvals, creates a clear, efficient, and enforceable framework that preserves robust environmental oversight; and

WHEREAS, expedited, predictable review timelines for environmental control plans will encourage compliance and bring existing informal operations into a regulated system; and

WHEREAS, expanding composting helps reduce landfill waste, cut harmful emissions, and protect public health, and this ordinance demonstrates Miami-Dade's commitment to making composting a key part of its zero waste and sustainability strategy; and

WHEREAS, this ordinance, from both a zoning and environmental regulation perspective, simplifies, reduces, and clarifies various County regulatory processes that are currently required by County code and regulations, and most notably, for composting that falls within the criteria and requirements provided herein, this ordinance would eliminate the need for a zoning public hearing for composting operations in the AU zoning district, and an EQCB public hearing for a variance of the provisions of section 24-43.1 for composting that is not connected to public water and sewer;

and

WHEREAS, by creating a simpler, administrative process for County zoning approvals for composting operations in the AU zoning district, this ordinance is anticipated to result in a faster, more efficient zoning approval process, and together with the various protections and requirements herein related, for example, to avoiding impacts to neighboring properties, airport operations, and groundwater and the environment, this ordinance is anticipated to facilitate more environmentally sound waste practices and further the County's goals related to reducing waste that may otherwise need to be disposed of in a landfill,

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. The recital clauses are hereby incorporated as if fully stated herein.

Section 2. Section 33-1 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

Sec. 33-1. – Definitions

For the purposes of this chapter, the following definitions for terms used herein shall apply to all sections of this chapter unless the context clearly indicates otherwise:

* * *

>>(27.1) Clean yard trash. The term “clean yard trash” shall
be as defined in section 15-1.<<

* * *

¹ Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

>>(30.3) Community Composting Operations. A facility or operation that engages in composting. Community composting operations may also be referred to in this chapter as compost operations.

(30.4) Composting. The managed biological decomposition of organic materials by microorganisms, which stabilizes the organic fraction into material that can easily and safely be stored, handled, and used in an environmentally acceptable manner.<<

[[~~(30.3)~~]] >>(30.5)<< Comprehensive Development Master Plan (CDMP) means the Comprehensive Development Master Plan adopted by the Miami-Dade County Board of County Commissioners, as provided in Article XV of Chapter 2 of this Code and chapter 163 of the Florida Statutes, as may be amended from time to time.

* * *

>>(118.1) Yard trash. The term “yard trash” shall be as defined in section 15-1.<<

* * *

Section3. Section 33-279 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 33-279. – Uses Permitted

No land, body of water, or structure shall be maintained, used, or permitted to be used, and no structure shall be hereafter maintained, erected, constructed, moved, reconstructed, structurally altered, or be permitted to be maintained, erected, constructed, moved, reconstructed, or structurally altered in an AU District, which is designed, arranged, or intended to be used or occupied for any purpose, except for one or more of the following uses:

* * *

>>(31) Community composting operations, provided that all of the following requirements and conditions have been met:

(a) Community composting operations shall be required to obtain an administrative approval, pursuant to this subsection (31) and an annually renewable certificate of use approval pursuant to section 33-8, demonstrate compliance with all applicable requirements, including consistency with the CDMP, and shall be required to comply with all requirements and conditions herein.

(b) The requirements of this subsection (31) shall apply to all community composting operations, including, but not limited to: any composting operation that is, or is otherwise associated with, a composting related business, including, but not limited to, offering or engaging in any of the following activities: offering any compost materials for sale, selling compost materials, distributing or otherwise allowing or permitting the distribution or other offsite use of compost materials in exchange for consideration; or offering, selling, performing, or otherwise engaging in compost-related subscriptions, pick ups, or other collection services. In addition, any composting of food waste, including, but not limited to, any post-consumer fruit or vegetable materials, shall be considered community composting operations.

(c) Before any administrative approval or certificate of use may be approved, the composting use must have either a valid operating permit approval for a community compost facility pursuant to section 24-18 or a valid preliminary operating permit approval for a community compost facility pursuant to section 24-18 from the Division of Environmental Resources Management or successor department.

1. Any such application for an operating permit or preliminary operating permit pursuant to section 24-18 shall include an environmental control plan, pursuant to chapter 24.

2. All operating permits and preliminary operating permits for a community compost facility pursuant to section 24-18 shall require prior approval from the Department of Solid Waste, or successor department, per section 24-18 and chapter 15.
-
- (d) Administrative approval has been obtained pursuant to this subsection (31). Administrative approval applications shall be required to demonstrate compliance with all applicable requirements, and shall be subject to review for consistency with the CDMP.
 - (e) Certificate of use approval has been obtained pursuant to section 33-8. An annually renewable certificate of use shall be required for all composting operations.
 - (f) For properties that are within the UDB, community compost operations shall only be permitted pursuant to this subsection (31) on properties that contain an active farm, as determined by the Director. As part of this determination, the Director may consider whether the property has a current classification by the Miami-Dade County Property Appraiser as agricultural land, but the Director shall not be bound by such classification.
 - (e) Composting inputs, whether from onsite or offsite, shall be limited to pre-consumer and post-consumer fruits and vegetables, clean yard trash, farm animal manure, and food waste.
 1. For purposes of this subsection (31), food waste shall be defined as any food material or inedible part of food that is discarded, disposed or recovered, and including both pre-consumer and post-consumer food material, along with associated packaging (paper, boxes, utensils, wrappers, containers) provided that such packaging is vegetative in origin, biodegradable, and certified compostable. Food waste may include food material generated by commercial, retail, institutional operations, provided that it

meets all of the criteria and requirements of this subsection (31).

2. Composting inputs shall be source separated before being brought onto the property. Incidental onsite sorting of non-compostable materials that are unintentionally included with otherwise permitted composting inputs may occur, provided that such sorting is limited in scope, conducted in a designated area with an impervious surface, managed in accordance with the approved environmental control plan and all applicable regulations, and that such non-compostable materials are not disposed of onsite. The intentional delivery of commingled or unsorted waste streams shall be strictly prohibited.
3. Notwithstanding anything to the contrary in this Code, the composting of sargassum shall not be permitted pursuant to this subsection (31).

(f) Compost outputs may be offered for sale, or otherwise distributed for offsite use, provided that such sale or distribution is consistent with the CDMP. Compost outputs sold or distributed shall be limited to compost final product.

(g) All composting uses, operations, structures, and facilities are subject to all applicable requirements and regulations in this Code, including, but not limited to, environmental, building, and fire regulations, as well as solid waste, hauling, and other regulations.

(h) Setbacks.

1. For community composting operations which are limited to no more than 12,500 tons per year, as reflected in the respective community composting facility operating permit for said operations, the following setbacks shall apply: unless the Director has approved an administrative adjustment pursuant to the administrative adjustment

procedure in section 33-36.1, no compost related equipment or materials shall be placed or otherwise located within 25 feet of any property line, and, additionally, no compost related equipment or materials shall be placed or otherwise located within 25 feet of any EU or RU zoning district boundary, or within 25 feet of any residential structure located on a neighboring or nearby property. These setbacks shall not apply to the application onsite of final compost material for farming or landscaping purposes.

2. For all other community composting operations, setbacks that are greater than 25 feet shall be required, with the size of the setback to be determined in the Director's discretion, in order to maintain compatibility with the neighborhood and avoid offsite impacts.

(i) The height of all piles and stockpiles relating to composting shall be limited to 12 feet.

(j) The Director may require inspections of the community composting operation to confirm compliance with the conditions and criteria of this section, the applicable environmental control plan, and any issued certificate of use and administrative approval. Failure to comply with the foregoing inspection requirement, upon reasonable notice, shall be deemed a violation of this section.

(k) Community compost operations shall not be located or otherwise approved:

1. Within any airport land use restriction zone, including, but not limited to, a hazard to aircraft zone, an airport approach zone, or an accident potential zone; or
2. Within 5,000 feet of any airport that serves piston-powered aircraft; or
3. Within 10,000 feet of any airport that serves turbine-powered aircraft.

(l) For composting operations that are not prohibited due to airport-related concerns pursuant to this

chapter, any proposed composting located within five miles of any airport or the Homestead Air Reserve Base (HARB) shall require a written approval by the Miami-Dade County Aviation Department and the Planning Division, after review for potential conflicts with airport operations and airport safety concerns, including, but not limited to, concerns related to hazardous wildlife movement into or across any approach or departure airspace, and such review shall include consultation with HARB as may be appropriate.

- (n) Composting operations shall not result in or otherwise create offsite impacts, including, but not limited to, odor or dust.
- (o) Composting operations that do not comply with all of the requirements and conditions of section 33-279, including this subsection (31), shall not be eligible to be approved administratively pursuant to this subsection (31).
- (p) It shall be a violation of this section to:
 - 1. operate outside of the scope of an issued certificate of use or administrative approval;
 - or
 - 2. misrepresent a material fact in an application for a certificate of use or administrative approval; or
 - 3. allow, suffer, or permit any person to use any property, in whole or in part, for a use for which a certificate of use or administrative approval is required, unless the required certificate of use and administrative approval for such use have first been obtained; or
 - 4. operate in violation of any of the requirements or conditions of this section 33-279, including this subsection (31).
- (q) Proposed composting operations may request an optional pre-application conference related to zoning and environmental requirements and conditions, including, for any proposed composting operations that include food waste. Such conference may also address information related to certain minimum

submittals required pursuant to chapter 24, which may include, but shall not be limited to, a stormwater management system, a leachate control system, dust and odor control and management plan, a groundwater monitoring plan for facilities that use high-pathogen inputs (which include, but are not limited to, meat, dairy products, and manure from non-herbivorous animals), and a sampling and analysis plan for the final compost. This paragraph related to the pre-application conference shall not be interpreted as a limitation as to requirements or conditions for any composting operation.<<

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Section 4. Section 33-36.1 of the Code of Miami-Dade County, Florida, is hereby

amended to read as follows:

Sec. 33-36.1 – Administrative adjustment procedure.

- (a) *Purpose.* The purpose of this section is to provide a procedure for certain residential property owners to obtain minor administrative adjustments to the setback, lot coverage and building spacing requirements specified in the underlying zoning district regulations, >>as well as administrative adjustments to certain setback requirements for community composting operations in the AU district,<< provided that the specified standards of this section are met. These standards provide for substantially the same patterns of site development as the underlying district regulations.
- (b) *Applicability.* Notwithstanding any other provisions of this chapter to the contrary, the Director shall, by administrative decision, approve applications for limited adjustments from setback, lot coverage and building spacing requirements for single-family residence, duplex, townhouse and accessory residential uses located in RU and EU districts, and for single-family residential and accessory residential uses in the AU or GU districts>>, and from certain setback requirements for community composting operations in the AU district<<.

- (c) *Limitations and exclusions.* Applications for administrative adjustment shall be subject to the following limitations and exclusions:

- (1) *Setbacks and lot coverages.* Administrative adjustment approvals shall be limited to those lots within an area where at least 75 percent of the lots in the immediate vicinity, as defined in Section 33-1, have already been developed or platted>>, except that this 75 percent limitation shall not apply to administrative adjustments from setback requirements for community composting operations in the AU district<<. The maximum allowed administrative adjustments for setbacks and lot coverage shall be as follows:

Zoning Districts	AU, GU, EU-1, EU-1C, EU-2, EU-S, EU-M, RU-1, RU-1Ma, RU-1Mb, RU-1Z, RU-2
Setback - Maximum reduction	50% (i.e., if minimum required setback is 10 feet, then setback could not be reduced below 5 feet administratively)
Lot Coverage-maximum increase for a principal and/or accessory structure	15% (i.e., if maximum lot coverage in the district is 30%, then total lot coverage that could be approved administratively is 34.5 percent)

- (2) *Accessory buildings.* Unless specifically permitted by the underlying zoning regulations, no accessory building shall be placed in front of the front building line of the principal building.
- (3) *Canopy carports.* Under this section, no application shall be made for nor shall approval be granted for an adjustment to canopy carport regulations.
- (4) *Walls, fences, and hedges.* In all districts, the maximum height of walls, fences, and hedges located behind the

build-to-line may be adjusted up to two feet, provided that an affidavit is submitted indicating consent from the owner of the property that directly abuts the property boundary where the fence is to be located.

(d) *Application.*

(1) *Filing.* An application for administrative adjustment shall be made by one of the following:

(a) The owner of the property on a form prescribed by the Department. For the purposes of this section the term "owner" shall mean the person who owns and resides at, or owns and intends to reside at, the subject premises; or

(b) Qualified developers participating in "The Infill Housing Initiative" pursuant to Article VII, Chapter 17 of this Code. A declaration of restrictive covenants in recordable form and approved by the Director shall be submitted by such qualified developer, together with the application for administrative adjustment. Such declaration of restrictive covenants shall certify that the subject property shall be sold in accordance with "The Infill Housing Initiative;" or

(c) A lessee or developer may submit an application for an administrative adjustment subject to the sworn consent of the property owner.

>>For community composting operations, the application for administrative adjustment shall be made by the owner of the subject property, as indicated on records from the Miami-Dade County Property Appraiser or through an opinion of title in a form acceptable to the Director.<<

(2) *The application shall include:*

(a) a certified land survey, performed in accordance with Florida Administrative Code, dated within one year preceding the filing date of the administrative adjustment application, providing such survey reflects all current conditions of the subject property;

(b) accurately dimensioned plans showing the location of the proposed construction>>, and as applicable, the proposed composting operations,<< in relation to the existing structure(s) and the general location and use of existing structures on property adjacent to the subject property;

(c) additional plans as may be required by the Director; and

(d) a letter of intent explaining the reason and justification for the proposed administrative adjustment. It is provided however, that such survey shall not be required to depict municipal boundaries as required by Section 33-304(a).

Except as otherwise provided in this subsection, the application shall be accompanied by the signed consent of all contiguous property owners, including those located across the street(s) from the subject site, shall be submitted by the applicant on a form prescribed by the Director, and on the site plan submitted for consideration. Said consent shall not be required when a separating public right-of-way measures 70 feet or greater, nor shall consents be required when a body of water completely separates the subject parcel from another parcel.

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Section 5. Section 24-5 of the Code of Miami-Dade County, Florida is hereby

amended to read as follows:

Sec. 24-5. – Definitions.

In construing the provisions of this chapter, where the context will permit and no definition is provided herein, the definitions provided in Chapter 403, Florida Statutes, as may be amended from time to time, and in rules and regulations promulgated thereunder, as may be amended from time to time, shall apply. The following words and phrases when used in this chapter shall have the meanings ascribed to them in this section:

* * *

(62) *Community water system* shall mean a public water system which serves at least fifteen (15) service connections used by year-round residents or which regularly serves at least twenty-five (25) year-round residents.

(63)>>Community composting facility shall mean a resource recovery and management facility which is limited to composting.

(64) Composting shall mean the managed biological decomposition of organic materials by microorganisms, which stabilizes the organic fraction into material that can easily and safely be stored, handled, and used in an environmentally acceptable manner.

(65)<< *Comprehensive environmental impact statement* ("CEIS") shall mean a detailed report, based upon current data obtainable at the time of permit application submittal, which describes the proposed work and its purposes and which addresses one (1) or more of the following assessment points so as to permit assessment of the probable environmental impacts, benefits and detriments of the proposed work:

* * *

Section 6. Section 24-18 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 24-18. – Operating permits.

(A)*Permit Required.* No person shall operate, maintain, permit, cause, allow, let, or suffer the operation or maintenance of a public water system, public sewerage system, a location where a site rehabilitative action has been completed in accordance with the provisions set forth in Section 24-44(2)(k)(ii), or any of the following facilities, all of which will reasonably be expected to be a source of air pollution, ground pollution, or water pollution, without a valid operating permit issued by the Director or in violation of any condition, limitation, or restriction that is part of an operating permit:

* * *

- (1) Interim package sewage treatment plants;

* * *

- (24) Commercial vehicle storage facility>>;

- (25) Community composting facilities.

- (a) Such operating permit shall also require review and prior approval by the Solid Waste Department, or successor department, pursuant to subsection (B) below and pursuant to section 15-18 of this code.
- (b) The Director shall also be authorized to issue a preliminary operating permit approval after all requirements for issuance of an operating permit pursuant to this section 24-18 have been met, with the exception of certificate of use approval or other zoning approvals required pursuant to chapter 33, but such preliminary operating permit approval shall not authorize commencement of operations and shall be valid for up to 364 days from issuance. Such operating permit or preliminary operating permit is required as part of the zoning application for a community composting operation pursuant to section 33-379(31).
- (c) An application for an operating permit or preliminary operating permit for community compost facility shall include, at a minimum, an environmental control plan that demonstrates that the facility will operate in compliance with this chapter and will not adversely impact the environment, create a nuisance, or otherwise result in a violation of this chapter.
- (d) A community composting facility with a valid operating permit pursuant to this section shall not be required to obtain a separate resource recovery and management facility operating permit, pursuant to subsection (7) above.<<

(B) Permit Criteria.

- (1) The criterion for issuance of an operating permit pursuant to this section is compliance with Chapter 24, Miami-Dade County Code. Additionally, no resource recovery and management facility permit >>or community composting facility permit<< shall be granted without the written recommendation of approval of the Director of the Department of Solid Waste Management issued pursuant to the provisions of Chapter 15, Miami-Dade County Code. At the discretion of the Director or the Director's designee, conditions, limitations or restrictions may be required as part of the operating permit if said conditions, limitations and restrictions are consistent with the requirements of this chapter.

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Section 7. Section 24-43.1 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 24-43.1 – Liquid waste disposal and potable water supply systems.

* * *

- 4) Nonresidential land uses with potable water or OSTDS with only domestic sewage. Notwithstanding any provision of this code to the contrary, no County or municipal officer, agent, employee, or board shall approve, grant or issue any building permit, certificate of use or occupancy (except for changes in ownership for facilities that do not require an operating permit pursuant to Section 24-18), municipal occupational license (except for changes in ownership for facilities that do not require an operating permit pursuant to Section 24-18), platting action (final plat, waiver of plat, or equivalent municipal platting action), development agreement subject to the Florida Local Government Development Agreement Act, zoning action (district boundary change, unusual use, special exception, use variance, or equivalent municipal zoning action), or other development order or development permit for any nonresidential land use served or to be served by any source of potable water supply or an OSTDS without obtaining the Director's prior written approval pursuant to this subsection.

Furthermore, notwithstanding any provision of this code, no person shall construct, utilize, operate, occupy, or cause, allow, let, permit, or suffer to be constructed, utilized, operated, or occupied, any nonresidential land use served or to be served by any source of potable water or an OSTDS without obtaining the Director's prior written approval. It is provided, however, that a farm stand or a mobile food service operation ancillary to a farm is not subject to this subsection where such use utilizes only self-contained utilities and complies with Section 33-279.

Written approval shall only be issued if it is demonstrated that the only liquid waste (excluding liquid wastes associated with the following: the processing of agricultural produce in agricultural packing houses; agricultural vehicles or agricultural equipment maintenance facilities; mobile food service operations with only self-contained utilities and ancillary to a farm or farm stands with only self-contained utilities, provided that such uses comply with Section 33-279>>, community composting facilities, after written approval by the Director of an environmental control plan pursuant to section 24-47.1<< ; or stormwater and water used within a self-contained water recycling car wash facility, provided said facility does not backwash the recycling filters) that shall be generated, disposed of, discharged, or stored on the property shall be domestic sewage discharged into an OSTDS that complies with Section 24-42.7, that the property is not within a feasible distance for public water mains and public sanitary sewers, and only:

* * *

- (6) Other nonresidential land uses without public water, public sanitary sewer, or both. Notwithstanding any provision of this code to the contrary, no County or municipal officer, agent, employee, or board shall approve, grant or issue any building permit, certificate of use, certificate of occupancy, municipal occupational license, platting action (final plat, waiver of plat or equivalent municipal platting action), development agreement subject to the Florida Local Government Development Agreement Act, zoning action (district boundary change, unusual use, special exception, use variance, or equivalent municipal zoning action), or

other development order or development permit for any nonresidential land use served or to be served by any method for storage, disposal, or treatment of liquid waste (excluding liquid wastes associated with the following: the processing of agricultural produce in agricultural packing houses; agricultural vehicles or agricultural equipment maintenance facilities; or mobile food service operations with only self-contained utilities and ancillary to a farm or farm stands with only self-contained utilities, provided that such uses comply with Section 33-279 >>, and community composting facilities, after written approval from the Director of an environmental control plan pursuant section 24-47.1,<< other than public sanitary sewers, or by any source of potable water supply other than a public water main, without obtaining the Director's prior written approval.

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Section 8. Section 24-47.1 of the Code of Miami-Dade County, Florida, is hereby

created to read as follows:

>>Sec. 24-47.1– Regulations related to community composting facilities

- (1) Legislative intent. The intent and purpose of this section is to safeguard the public health, safety, and welfare, and to protect groundwater quality.
- (2) No person shall construct, utilize, operate, occupy, or cause, allow, let, permit, or suffer to be constructed, utilized, operated, or occupied a community composting facility that creates a nuisance or a sanitary nuisance, or that is otherwise in violation of this chapter.
- (3) It shall be unlawful for any person to permit, cause, allow, let or suffer the operation of a community composting facility without the required operating permit for a community composting facility issued by the Director or the Director's designee pursuant to section 24-18. This subsection shall not be deemed to be a limitation on the types of composting operations that require an operating permit pursuant to section 24-18.

- (4) No person shall construct, utilize, operate, occupy, or cause, allow, let, permit, or suffer to be constructed, utilized, operated, or occupied any community composting facility, unless the person has obtained the prior written approval of the Director or the Director's designee. The Director or the Director's designee shall issue written approval only if the applicant submits an environmental control plan that demonstrates, to the satisfaction of the Director or the Director's designee, that the composting facility will operate in compliance with this chapter and will not result in a violation of this chapter, and which may be required to include a monitoring plan.

- (5) The environmental control plan shall include, at a minimum, a leachate/stormwater management system, a sampling and analysis plan for the final compost, odor control measures, and an impervious surface for any area used for sorting of compostable materials, unless the Director determines that one or more of the above-listed minimum requirements is not necessary or appropriate. The intentional delivery of commingled or unsorted waste streams shall be strictly prohibited.

- (6) For community composting facilities that use high-pathogen source materials (which include, but are not limited to, meat, dairy products, and manure from non-herbivorous animals) as part of their input, the environmental control plan shall include all of the above-listed requirements, plus a groundwater monitoring plan, unless the Director determines that one or more of the above-listed requirements is not necessary or appropriate. The Director shall make such determination after the applicant has submitted an environmental control plan that provides supporting documentation that demonstrates, to the satisfaction of the Director or the Director's designee, that the composting facility will operate in compliance with this chapter and will not result in a violation of this chapter. Notwithstanding anything to the contrary herein, this section 24-47.1 shall not be interpreted as a limitation as to requirements or conditions for any composting facility.<<

Section 9. Section 15-1 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 15-1. – Definitions.

The following words and phrases when used in this chapter shall have the meanings ascribed to them in this section.

- (a) Board: The Miami-Dade County Board of County Commissioners.

* * *

- (h) *Commingled yard trash*: Yard trash mixed with other forms of solid waste.

- (i) >>Community Composting Facility: Resource recovery and management facilities which are limited to composting.

- (j)<< *Composting*: Controlled biological decomposition of organic materials.

- >>(k) Composting hauler: Applies to any person engaged in the business of: solid waste collection, removal, or transport, when all such activities are limited to compostable materials being collected, removed, or transported for or to a permitted community composting facility, as referenced in section 15-18 of this Code.

- (l)<<[[j]] *Construction and demolition debris*: Discarded material generally considered not to be water-soluble or hazardous, including, without limitation, steel, concrete, glass, brick, asphalt roofing material, or lumber from a construction or demolition project. Commingling construction and demolition debris with any amount of other types of solid waste will cause it to be classified as other than construction and demolition debris.

* * *

Section 10. Section 15-17 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 15-17. – Permits required by the Department of Solid Waste Management.

- (1) It shall be unlawful for any person to remove, collect or transport any solid waste or recyclable material over the streets or public right-of-way within any unincorporated, incorporated, or any unincorporated area annexed by an existing municipality of the County, without first applying for and receiving the appropriate solid waste permit from the Department to carry on such a business.

* * *

Permits issued by the Department are as follows:

- (a) *General:* Applies to any person engaged in the business of solid waste collection, removal, or transport, or any person engaged in the business of recyclable materials collection, removal, or transport.
- (b) *Landscaping business:* Applies to landscaping businesses as a requirement to enable them to use neighborhood trash and recycling centers, and (a) use County-owned solid waste management facility(ies) designated by the Director, for disposal of clean yard trash only.
- (c) *Waste tire generator:* Applies to any person that is either principally or partially engaged in the selling, trading, or otherwise transferring of new, used or waste tires, whether such transactions are for cash, barter or without consideration.
- (d) *Waste tire transporter:* Applies to any person transporting five (5) or more waste tires for hire.
- (e) *Small Hauler:* Applies to any person with one Small Vehicle or one Small Vehicle and trailer engaged in the business of: (1) solid waste collection, removal, or transport; and/or (2) recyclable materials collection, removal or transport.
- >>(f) *Composting hauler:* Applies to any person engaged in the business of: solid waste collection, removal, or transport, when all such activities are limited to compostable materials being collected, removed, or transported for or to a permitted community composting facility, as referenced in section 15-18 of

this Code.<<

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Section 11. Section 15-17.1 of the Code of Miami-Dade County, Florida, is hereby

amended to read as follows:

Sec. 15-17.1. – Application for permit.

Applications for a permit shall be made to the Department upon such form and in such manner as shall be prescribed by the Director, said form to elicit the following information and to be accompanied by supporting documents and such other information as may be required by the Department from time to time:

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(f) *Insurance requirements.* The applicant for a permit shall maintain insurance as specified herein and shall furnish a public liability policy to the Department and also file with the Department a certificate of insurance for all policies written in the applicant's name. This certificate shall provide that the policies contain an endorsement requiring that the Department shall be furnished with ten (10) days' written notice by registered mail prior to cancellation or material changes in the policies.

(1) *Comprehensive general liability.* The applicant shall carry in his own name a policy covering his operations in an amount not less than three hundred thousand dollars (\$300,000.00) per occurrence for bodily injury and fifty thousand dollars (\$50,000.00) per occurrence for property damage liability. Landscaping businesses applying to use (a) neighborhood trash and recycling center(s) and/or County-owned solid waste management facilities for the disposal of clean yard trash shall not, as a condition of the permit to use a neighborhood trash and recycling center(s) and/or County-owned solid waste management facilities be required to maintain comprehensive general liability insurance. Persons applying for a Waste Tire Generator permit or Waste Tire Transporter permit shall not, as a condition of the

permit be required to maintain comprehensive general liability insurance. >>For purposes of the insurance requirements for this subsection (1), Composting Haulers shall be subject to the same comprehensive general liability insurance requirements as Small Haulers.<<

(2) *Vehicle liability insurance.* Applicants for a General permit shall maintain vehicle liability insurance covering each vehicle utilized in the business of solid waste collection and disposal in an amount not less than one million dollars (\$1,000,000.00) combined single limit per occurrence. All other permittees are required to maintain vehicle liability insurance covering each vehicle in an amount not less than the minimum required by Florida law for the type of vehicle insured.

(3) *Liability of the County and the Department.* The above insurance requirements shall not be construed as imposing upon the County or the Department or any official or employee thereof any liability or responsibility for injury to any person or property by the insured, his agents or employees.

(g) *Application fee.* The department shall charge and collect permit application fees at the rates established by separate administrative order, which shall not become effective until approved by the Board of County Commissioners. Separate fees shall be established for permits according to the type of permit issued, as follows:

- (1) General.
- (2) Small owner-operator landscaping business.
- (3) Waste Tire Generator.
- (4) Waste Tire Transporter.
- (5) Small Hauler.

>>(6) Composting Hauler.<<

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Section 12. Section 15-18 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 15-18. – Resource recovery and management facility permitting.

All resource recovery and management facilities in Miami-Dade County shall be required to obtain an operating permit, pursuant to Section 24-35.1 of the Code of Miami-Dade County.

- (a) The director of the Department of Solid Waste Management or his designee shall review all resource recovery and management operation permit applications, and shall make a recommendation to the director of the Department of Environmental Resources Management regarding such application, subject to conditions. The Department of Solid Waste Management shall collect and charge a fee for resource recovery and management facility operating permit application review. This charge shall be established by separate administrative order, which shall not become effective until approved by the Board of County Commissioners. In reviewing the application, the director of the Department of Solid Waste Management or his designee shall consider the following:
 - (1) Whether operation of the facility as proposed will have an adverse impact on the county's ability to meet its financial obligations for existing county solid waste management facilities.
 - (2) Whether operation of the facility as proposed will have an adverse impact on the County's ability to meet operating requirements for any solid waste management facility operated under contract with the County.
 - (3) Whether the operation of the facility as proposed will have an adverse impact on the County's ability to comply with all State and Federal regulations governing solid waste management activities.

The director of the department shall, concurrently with the effective date of this ordinance, implement regulations establishing procedures for evaluating the impacts set forth above.

- (b) The permittee shall charge and collect (a) fee(s) for specified county-wide solid waste management programs at the rate(s) established by separate administrative order, which shall not become effective until approved by the Board of County Commissioners. Funds collected shall be submitted to the Department of Solid Waste Management by the 15th day of the month following the month in which collection of the fee(s) occurred.

>>(c) Resource recovery and management facilities which are limited to composting shall be considered community composting facilities, and shall be referred to as community composting facilities in the operating permits for such facilities and permits and approvals pursuant to this chapter. Community composting facilities shall be required to comply with all of the requirements of this section 15-18 and this chapter for resource recovery and management facilities.<<

Section 13. The County Mayor or County Mayor's designee is hereby directed to comply with the following expedited timeframe in order to facilitate the purposes and goals of this ordinance: for a proposed environmental control plan pursuant to section 24-47.1, after such proposed environmental control plan is deemed complete, it shall be approved, approved with conditions, or disapproved within 30 days.

Section 14. The County Mayor or County Mayor's designees is hereby directed to negotiate and, if possible, include composting solutions into any future solid waste procurement, to the extent consistent with all applicable law related to such procurements.

Section 15. Section 24-5 of the Code shall be renumbered pursuant to the revisions in section 5 above.

Section 16. Section 15-1 of the Code shall be relettered pursuant to the revisions in Section 9 above.

Section 17. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 18. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 19. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:

Prepared by:

Abbie Schwaderer-Raurell

Prime Sponsor: Commissioner Eileen Higgins
Co-Sponsors: Commissioner Danielle Cohen Higgins
Commissioner Raquel A. Regalado
Commissioner Micky Steinberg