


MEMORANDUM

TO: Honorable Mayor and City Council Members

FROM: J.H.Kerr III, City Planner 

DATE: December 1, 2008

SUBJECT: **Amendment to the Orange City Land Development Code
Section 8.6.1 - Permit recycling activities within PUD zoning district**

PURPOSE

To approve a text change within the zoning matrix (Section 8.6.1) of the Orange City land development code.

BACKGROUND

The purpose of this text amendment is to allow recycling activities. Without going into lengthy detail, the City Council will shortly (in the next 30 to 60 days) be reviewing a request to conduct household and C&D recycling in the City. In order to permit any recycling activity, which is currently not permitted, it is necessary to amend the land development code to list "recycling activities" as an allowable use in Section 8.6.1 (Schedule of Zoning District Permitted and Conditional Uses).

The Development Services staff, and the City Attorney have worked together closely to formulate the attached zoning text amendment, which contains several definitions and the proposed criteria for the recycling activities, as noted in Attachment "A". The Planning Commission held a special meeting on November 12, 2008 to review the text change and unanimously recommended that Council approve the text amendment.

Attached is the staff report originally submitted to the Planning Commission, and the minutes from the November 12, 2008 Commission meeting.

RECOMMENDATION

Staff and the Planning Commission recommend City Council approval of Ordinance No. 367, thereby amending the land development code by changing the text of the zoning matrix to permit recycling activities within the PUD zoning district.

ORDINANCE NO. 367

AN ORDINANCE OF THE CITY OF ORANGE CITY, FLORIDA, AMENDING ORANGE CITY CODE APPENDIX A, ZONING ORDINANCE AS ADOPTED BY ORDINANCE NO. 157, AMENDING CHAPTER 8, SECTION 8.6.1 SCHEDULE OF ZONING DISTRICT PERMITTED AND CONDITIONAL USES; TO PERMIT RECYCLING ACTIVITIES WITHIN THE I-PUD ZONING DISTRICT; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, on August 12, 2003 the City Council of the City of Orange City adopted Appendix A, Land Development Code, via Ordinance No. 157, thereby establishing a unified code to implement the comprehensive plan and establish a development review process, setting forth regulations and procedures governing the use and development of land for the purpose of protecting the health, safety, and general welfare of the citizens of Orange City, to the end of improving the overall quality of life within the community, and

WHEREAS, the City Council of the City of Orange City deems it in the best interest of the City to amend Chapter 8, Section 8.6.1 Schedule of Zoning District Permitted and Conditional Uses to permit recycling activities within the I-PUD zoning district; and,

WHEREAS, on November 12, 2008, the local planning agency, being the Planning Commission of the City of Orange City, reviewed the requested amendment to Section 8.6.1, and recommended these changes to the City Council; and,

WHEREAS, all applicable notice requirements of Section 166.041(3)(c)(2), Florida Statutes, have been complied with; and,

WHEREAS, the City Council of the City of Orange City finds the requested amendment to be consistent with the provisions of the Comprehensive Plan of the City of Orange City, and in the overall best interest of the public health, safety and welfare; and,

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ORANGE CITY, FLORIDA, AS FOLLOWS:

SECTION ONE. That Chapter 8, Section 8.6.1 Schedule of Zoning District Permitted and Conditional Uses of the City's Land Development Code is hereby amended and attached hereto as Attachment "A", and by reference incorporated herein with full force and effect.

SECTION TWO: CONFLICTS. All ordinances or parts thereof in conflict with this Ordinance are hereby repealed to the extent of such conflict.

SECTION THREE: SEVERABILITY. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance, or application hereof, is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion or application shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION FOUR: EFFECTIVE DATE. This Ordinance shall take effect immediately upon its adoption by the City Council of the City of Orange City, Florida.

ROLL CALL VOTE AS FOLLOWS: (Ordinance No. 367):

First Reading this _____ day of _____, 2008.

Jim Mahoney	_____	Donald C. Sherrill	_____
Thomas Abraham	_____	Thomas Laputka	_____
Jeff H. Allebach	_____	Donald Sandford	_____
Harley Strickland, Mayor	_____		

ROLL CALL VOTE AS FOLLOWS: (Ordinance No. 367):

Second Reading this _____ day of _____, 2009.

Jim Mahoney	_____	Donald C. Sherrill	_____
Thomas Abraham	_____	Thomas Laputka	_____
Jeff H. Allebach	_____	Donald Sandford	_____
Harley Strickland, Mayor	_____		

PASSED and ADOPTED this _____ day of _____, 2009.

ATTEST:

AUTHENTICATED:

Deborah J. Renner, CMC, City Clerk

Harley Strickland, Mayor

Approved as to form and legal sufficiency:

W. E. Reischmann, City Attorney

8.6.1 Schedule of Zoning District Permitted and Conditional Uses

	RR	R-1	R-2	R-3	MH-1	OT	MX-1	MX-2	CG-1	CG-2	I-1	I-2	PUD
A recovered materials processing facility for the receiving and processing (recycling) of non-hazardous household waste characterized as recoverable material and not inclusive of solid waste subject to permit from the Florida Department of Environmental Protection (FDEP).													****12
A recovered materials processing facility for the receiving and processing (recycling) of construction and demolition (C&D) debris (waste materials) (recyclables) subject to a permit from the Florida Department of Environmental Protection (FDEP).													****13

**** Refer to the PUD process and requirements in Section 8.6.16 and Section 8.7.22.

¹² Recovered materials operations are limited to the extraction of recoverable/recyclable material from household waste streams. Household waste is solid waste including garbage, and trash derived from households, including single and multifamily residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds and day-use recreational areas.

- a. Types of recovered materials include old newspaper, old corrugated containers, high grade/office paper, mixed paper, plastic bottles, all other plastic, aluminum cans, other non-ferrous, steel cans, other ferrous (other than used oil filters), glass, rubber (other than waste tires) and textiles.

b. Registration and reporting requirements shall be in accordance with Chapter 62.722 of the Florida Administrative Code and all local laws and/or conditions.

¹³ Recovered materials operations are limited to weighing C&D debris brought to the site; separating and/or processing the waste materials; selling/transferring the recovered/recycled materials; and transporting rejected waste to an appropriate, permitted waste disposal facility.

a. C&D debris are materials generally considered to be not water soluble and non-hazardous in nature, including, but not limited to steel, glass, brick, concrete, asphalt material, pipe, gypsum wallboard, plastics and lumber from the construction or destruction of a structure as part of a construction or demolition project or from the renovation of a structure. The term also includes rocks, soils, tree remains, trees and other vegetative matter which normally results from land clearing or land development operations for a construction project.

b. Operations shall not include Class I waste, hazardous waste, PCBs, household waste, industrial solid waste and byproducts, biomedical waste, automotive or automotive parts, automotive batteries, used oil and tires.

Add the following to Section 2 Definitions of the land development code.

Recovered materials means metal, paper, glass, plastic, textile, or rubber materials that have known recycling potential, can be feasibly recycled, and have been diverted and source separated or have been removed from the solid waste stream for sale, use, or reuse as raw materials, whether or not the materials require subsequent processing or separation from each other, but does not include materials destined for any use that constitutes disposal. Recovered materials as described above are not solid waste.

Recovered materials processing facility means a facility engaged solely in the storage, processing, resale, or reuse of recovered materials. Such a facility is not a solid waste management facility if it meets the conditions of Section 403.7045(1)(f), Florida Statutes.

Recyclable material means those materials which are capable of being recycled and which would otherwise be processed or disposed of as solid waste.

1 **MINUTES OF THE REGULAR MEETING** of the Planning Commission of the City of Orange City,
2 Florida, held on Wednesday, November 12, 2008, at 7:00 p.m. in Council Chambers, 201 N. Holly
3 Avenue, Orange City, Florida.

4
5 **1. CALL TO ORDER:**

6
7 The meeting was called to order at 7:00 p.m. by Chairman Seaman and roll call was taken.
8

9 **2. ROLL CALL:**

10
11 **PRESENT:** Chairman David Seaman, Vice Chairman Benjamin Franklin, Commissioners: Paul
12 DeSilva, Christopher Weldon; Bob Storke, Alisa Stafford (Late); Staff Members: Chester
13 Murray, Interim City Manager; Wendy Hickey, Planning & Zoning Analyst; William E.
14 Reischmann, City Attorney

15
16 **ABSENT:** Michelle Polgar
17

18 **3. APPROVAL OF MINUTES:** August 6, 2008
19 September 10, 2008
20

21 **Commissioner Storke moved to approve the minutes of the August 6,**
22 **2008 and September 10, 2008 meetings, seconded by Commissioner**
23 **DeSilva and approved by unanimous voice vote.**
24

25 **PUBLIC HEARINGS:**

- 26
27 **4. Review and Consideration** for the purpose to consider a recommendation to City Council
28 regarding a request from Milton Evans Jr. (DBA G.E.L. Corporation) for approval of the Master
29 Development Plan and rezoning from (I-2) Heavy Industrial to (I-PUD) Industrial Planned Unit
30 Development on property consisting of 33.81 acres located in the northeast quadrant of East Rhode
31 Island Avenue and South Leavitt Avenue, Parcel Numbers 8011-03-01-0010, 8011-03-02-0010,
32 8011-03-03-0010, 8011-03-04-0010, 8011-03-05-0010, 8011-03-06-0010, 8011-03-07-0010,
33 8011-03-08-0010, 8011-03-09-0010, 8011-03-10-0010.
34

35 **Commissioner Storke moved to continue consideration of this item until**
36 **the next meeting on December 3, 2008, seconded by Commissioner**
37 **DeSilva.**
38

39 Mr. Reischmann advised that since this item involves a duly advertised public hearing, it would be
40 appropriate to open the public hearing and then move to continue the public hearing and the agenda item to
41 the next regularly scheduled Planning Commission meeting.
42

43 **Chairman Seaman opened the public hearing. There being no requests**
44 **to speak, the public hearing was closed.**
45

46 Commissioner DeSilva questioned Commissioner Storke's motive to continue discussion on the item to a

1 later date. Commissioner Storke responded that there was no supporting documentation for the agenda
2 item.

3
4 Mr. Reischmann clarified that Items 4 and 5 are related to Item 6 and advised that Item 6 changing the list
5 of allowed uses should be completed prior to consideration of Items 4 and 5.

6
7 **Motion to continue until December 3rd passed by unanimous 5/0 roll call**
8 **vote.**

- 9
10 5. **Review and Consideration** for the purpose to consider a recommendation to City Council
11 regarding a request from Milton Evans Jr. (DBA G.E.L. Corporation) for approval to convert the
12 lots to acreage on property consisting of 33.81 acres located in the northeast quadrant of East
13 Rhode Island Avenue and South Leavitt Avenue, Parcel Numbers 8011-03-01-0010, 8011-03-02-
14 0010, 8011-03-03-0010, 8011-03-04-0010, 8011-03-05-0010, 8011-03-06-0010, 8011-03-07-0010,
15 8011-03-08-0010, 8011-03-09-0010, 8011-03-10-0010.

16
17 **Chairman Seaman opened the public hearing. Hearing no requests to**
18 **speak, Chairman Seaman closed the public hearing.**

19
20 **Commissioner Storke moved to continue Item #5 to consider a**
21 **recommendation to City Council regarding a request from Milton Evans**
22 **Jr. (DBA G.E.L. Corporation) to convert the lots to acreage on property**
23 **consisting of 33.81 acres located in the northeast quadrant of E. Rhode**
24 **Island Avenue and S. Leavitt Avenue, Parcels as identified in the agenda**
25 **item, until the next regular commission meeting on December 3, 2008,**
26 **seconded by Commissioner DeSilva and passed by unanimous roll call**
27 **vote.**

- 28
29 6. **Review and Consideration** for the purpose to consider an administrative recommendation to City
30 Council to amend Chapter 8, Section 8.6.1 Schedule of Zoning Districts permitted and conditional
31 uses to allow recycling uses within the PUD zoning district.

32
33 Jim Kerr, City Planner, came forward and said that the recommendation under consideration is for a text
34 amendment to the City's Land Development Code (LDC) to allow recycling activities in a particular
35 zoning district. Mr. Kerr noted that currently recycling activities are not allowed in any zoning district. He
36 said that the uses are divided between household and C&D (Construction and Demolition) recycling. He
37 explained that the definitions are expanded in the applicable proposed new Section 8.6.1 as distributed in
38 the agenda packet.

39
40 Mr. Kerr explained that when a change is proposed to the LDC, whether it is to the zoning map or a text
41 change, there is a requirement that the change be consistent with the City's comp plan along with about
42 nine additional requirements.

43
44 Mr. Kerr advised that staff is recommending that the Planning Commission consider recommending that
45 City Council approve the text amendment to the City's LDC to allow recycling activities as presented in
46 the staff report accompanying the agenda item.

1 Mr. Reischmann noted that additional definitions designed to facilitate future interpretation and
2 implementation of this proposed new section are also included in the staff report.

3
4 Chairman Seaman speculated that the recycling services would be used by nearby areas outside of Orange
5 City and he questioned what the impact to the roads leading to the center would be. He asked whether
6 there would be large trucks coming in and out of the facility which could strain local streets. Mr. Kerr
7 responded that recycling activities are currently taking place at the facility and have been since 1994,
8 therefore, a "surge" of new traffic is not anticipated.

9
10 Chester Murray, Interim City Manager, responded that the development is a PUD which will dictate rules
11 for the development at the time of application. He clarified that the Commission is presently considering a
12 modification to the zoning matrix to allow for recycling facilities in general.

13
14 Commissioner DeSilva questioned whether this action had been initiated by the applicant. Mr. Kerr
15 responded that the change is an "administrative amendment" being presented by staff.

16
17 Commissioner Franklin noted what appears to be an inconsistency in the language whereas in one section,
18 household waste is referenced and in another it states that household waste shall not be included. Mr.
19 Reischmann responded that the references are to two distinct and different uses, household and C&D.

20
21 Commissioner Storke suggested that the proposed change will allow a recycling company to collect
22 household garbage for the supposed purpose of recycling and then they can leave it on site indefinitely. He
23 stated, "So you could have a facility that would be actually handling garbage and all the associated niceties
24 of a garbage dump." He said that he could not support the inclusion of "garbage" in the definition.

25
26 Mr. Reischmann said that the proposed language was provided by Kelly Eger, a consultant who has been
27 working with the City. He stated his understanding that the proposed language was taken from the
28 Florida Administrative Code and Florida Statutes dealing with recycling as enforced and regulated by the
29 Department of Environmental Protection (DEP). Mr. Reischmann stated his understanding that the
30 materials that could be brought to any such site permitted pursuant to this regulation would not include
31 household waste. It would only include the recyclables extracted from household waste at a different site.

32
33 Mr. Murray stated that County ordinances define what materials are eligible for recycling and exactly what
34 type of material is allowed in such facilities. He said that he could provide further clarification in the
35 proposed revision. Commissioner Franklin noted that there is a definition of the term "garbage" in this
36 section, however, it does not restrict the presence of other materials. Commissioner DeSilva noted the
37 language found in this section which reads "extraction of recoverable recyclable materials." Mr.
38 Reischmann concurred and reiterated that he would seek clarification from Ms. Eger.

39
40 Alan Watts, Special Counsel for the City, came forward and said that it appears the language is from the
41 DEP and that it provides that when you are extracting recyclables from household garbage, the fact that
42 household garbage is on hand as part of the process does not constitute a violation of Class 1 landfill
43 permitting. He said that the City could place a condition on the application that there be no storage of
44 household garbage.

45
46 Commissioner Storke questioned whether an operation of this type is needed in Orange City. He stated,

1 "I'm not sure we want to open up Orange City to this particular type of recovery operation myself, not
2 without a whole lot more explanation."
3

4 Mr. Kerr noted that "garbage" is not included in the list of permitted materials.
5

6 Mr. Murray advised that much work has been done prior to presenting this proposal to the Commission.
7 He stressed the fact that this type of operation would only be allowed in a Planned Unit Development
8 (PUD), which will necessitate a Developer's Agreement. He noted that all details of the operation would
9 be spelled out in the Developer's Agreement. He expressed his confidence that the PUD process gives the
10 Council adequate control over the development.
11

12 Commissioner Franklin read from the regulations, noting that garbage is prohibited.
13

14 Mr. Reischmann noted the differentiation between receiving garbage and retrieving the recyclables from it
15 and receiving recovered recyclable materials which are then sorted.
16

17 Chairman Seaman said that a certain amount of garbage mixed in with the recyclables is probably likely
18 and that he shared Commissioner Storke's concerns initially. Mr. Murray reiterated that the Commission is
19 not actually approving a recycling facility, rather they are putting in a process that may allow such
20 operations in the future. Chairman Seaman said that "it would be nice not seeing that one word there."
21 Mr. Murray said that if this item is approved with that one stipulation, it will be thoroughly vetted by the
22 legal staff. Mr. Reischmann noted that the proposed change would allow this type of use only as an I-
23 PUD. Chairman Seaman stated that based on the explanations just received, he withdrew his concerns
24 about garbage infiltrating the recyclables.
25

26 Chairman Seaman opened the public hearing.
27

28 Henry Durica, 1310 E. Lansdowne, came forward and asked the Commission to speak louder into the
29 microphones as it was difficult to hear from the audience. Mr. Durica stressed the importance of keeping
30 garbage out of the recycling center. He suggested that nearby developments in the surrounding area should
31 be apprised of the proposed development.
32

33 There being no further requests to speak, Chairman Seaman closed the public hearing.
34

35 Commissioner Storke voiced his continued objection to the use of the term "garbage." Mr. Reischmann
36 noted that the definition of "garbage" is found within the definition of "household waste." He said that his
37 concern was centered around the first sentence in footnote 12 which reads, "Recovered materials
38 operations are limited to the extraction of recoverable recyclable material from household waste streams."
39 He stated that the key point is found in the verb "extraction." Mr. Reischmann maintained that the term
40 pertains to the sorting of recyclables which have been previously extracted from household waste or
41 garbage.
42

43 Commissioner DeSilva noted that under "Recovered Materials Processing Facility" it specifies that such a
44 recycling facility is not a solid waste management facility. Mr. Reischmann concurred and reiterated that
45 the definition is clear that it does not refer to household "garbage."
46

1 Commissioner Weldon asked whether the facility would be monitored by the EPA if approved. Mr.
2 Reischmann responded that if adopted by the City Council, the amendment would create an opportunity for
3 a property owner to seek a rezoning to allow one or both of the new types of uses on their property.
4 Seeking the approval of the EPA would be separate and distinct from any approvals that would be required
5 by the City.

6
7 Mr. Murray explained that like any other profession requiring a license from the State to operate, this type
8 of business must obtain the proper license prior to receiving a local business tax receipt to operate. He said
9 that the City would just be imposing further regulation of the business at the local level. Commissioner
10 Weldon asked Mr. Murray if it was correct that the business has been operating since 1994. Mr. Murray
11 said that was not the issue under consideration at present. He said that this type of use has never been
12 permitted within the City's land development code. If the proposed revision is passed, a person could be
13 granted the right to operate within the City's guidelines.

14
15 Commissioner DeSilva noted that an application process would be required prior to the commencement of
16 business operations. Mr. Murray responded in the affirmative stating that the applicant would be engaging
17 in the full process for the granting of a PUD.

18
19 **Commissioner Franklin moved that based on the testimony and evidence**
20 **received by the Planning Commission, the Planning Commission**
21 **recommends that the City Council amend Chapter 8.6, Section 8.6.1**
22 **Schedule of Zoning District Permitted and Conditional Uses, to allow**
23 **recycling uses within the PUD zoning district, seconded by**
24 **Commissioner Storke and passed by unanimous 5/0 roll call vote of the**
25 **Commission.**

26 27 7. STAFF COMMENTS:

28
29 Mr. Murray thanked the Commission for their attendance this evening. He advised that although there has
30 been a slow-down in development, projects are still being submitted. He said that plans for a new CVS
31 Pharmacy were received today which could result in a substantial annexation and a new project. Mr.
32 Murray reported that the development on Harley Strickland Boulevard is moving along. He stated, "The
33 frantic period is over, but there's still plenty to do." He thanked the Commission for their "consideration
34 and understanding" tonight.

35
36 Commissioner Franklin said that it is better to have the regulations in place where the City has some
37 control over these types of development.

38 39 8. COMMISSION COMMENTS

40
41 Commissioner Weldon noted that the flood waters from Fay appear to have receded. He wished everyone
42 well in light of the slowing economy. He thanked staff for presenting this project this evening.

43
44 Commissioner Stafford apologized for being late and wished everyone a happy Thanksgiving.

45
46 Commissioner DeSilva asked whether the drainage issues in the Treemonte area have been resolved. Mr.

1 Murray responded that the area drains to Miller Lake and Miller Pond. He said that the ultimate solution
 2 depends on what is done with Miller Lake. Mr. Murray advised that federal mitigation funds would be
 3 available and that the Hospital will be the number one priority. Mr. Murray explained that Miller Lake is
 4 in the County and that the City could not apply for mitigation funds for it. He said that the City is
 5 advocating for the County and DOT to obtain funds for this purpose. Ideally, they would like to purchase
 6 the homes around Miller Lake and make it all a retention area. Mr. Murray said that this is the long-term
 7 solution. He said that the storm surpassed the 100-year flood standards that the local drainage systems
 8 were built to withstand and that this is what caused the flooding.

9
 10 Commissioner Storke wished everyone a Happy Thanksgiving.

11
 12 Commissioner Franklin wished everyone a Happy Thanksgiving.

13
 14 **9. ADJOURNMENT**

15
 16 There being no further business, Chairman Seaman adjourned the meeting at 7:51 p.m.

17
 18 **RESPECTFULLY SUBMITTED:**

APPROVED ON

19
 20 

21
 22 Deborah J. Renner, CMC, City Clerk



Orange City Development Services Department
205 East Graves Avenue, Orange City, Florida 32763-5299
Phone 386 775-5414 - Fax 386 775-5420
E-mail: jkerr@ci.orange-city.fl.us

MEMORANDUM

Date: November 03, 2008
To: Chairman Seaman and members of the Planning Commission
Prepared by Jim Kerr, City Planner *JHK*

SUBJECT: STAFF REQUEST AND RECOMMENDATION FOR A TEXT CHANGE TO AMEND SECTION 8.6.1 OF THE CITY'S LAND DEVELOPMENT CODE

DEVELOPMENT SERVICES RECOMMENDATION

The City's Development Services department is requesting and recommending a text change in Section 8.6.1 of the City's land development code. The intent of the proposed text change is to allow recycling uses to be conducted via the processing and approval of a planned unit development (PUD). Therefore, based on competent substantial evidence presented, staff requests the Planning Commission to consider a recommendation that City Council approve the text change by stating a motion as follows:

The Planning Commission recommends that the City Council of the City of Orange City adopt an ordinance amending the City's land development code as proposed in Attachment A, thereby approving the processing of household and C&D recycling as a planned unit development (PUD).

BACKGROUND

Orange City's land development code (Appendix A) was adopted by Council on August 13, 2003, via Ordinance No. 157. In the past few years, City staff has recommended several text changes in order to streamline the City's development review process. As a result, City staff has used this amended (and refined) process to review numerous developments, some of which were processed in-house by staff, and some which were forwarded and presented to either the Planning Commission or the City Council for approval. All planned unit developments consist of zoning changes on property which directly relates to a change to the zoning map.

In this case, the subject of this amendment is a recommended change to the text of the land development code, and not the zoning map. The purpose of the text amendment is to allow recycling activities. Without going into lengthy detail, the Planning Commission will shortly (in the next 30 to 60 days) be reviewing a request from the GEL Corporation to conduct household and C&D recycling on the GEL property located in the northeast quadrant of Rhode Island and Leavitt Avenue. It is important to note that the proposed activities at the GEL site are not the subject of this report. However, in order to process GEL's recycling activity, or any recycling usage, which is currently not permitted, it is necessary to amend the

land development code to list "recycling activities" as an allowable use in Section 8.6.1 (Schedule of Zoning District Permitted and Conditional Uses).

The Development Services staff, the City Attorney, and two City consultants have worked together closely to formulate the attached zoning text amendment, which is herein being forwarded to the Planning Commission. This text amendment contains several definitions and criteria for recycling activities, as noted in Attachment "A". It is important to note that this text amendment is consistent with the requirements of the Florida Department of Environmental Regulations (FDER).

Planning Commission Consideration

When reviewing a request for a text change, Section 3.5.2 F of the City's Land Development Code requires the Planning Commission to consider the following.

1. Whether the change is consistent with all adopted elements of the Comprehensive Plan and other laws and ordinances.

Staff maintains that it does not appear there is any inconsistency between the proposed text change and any comprehensive plan element or any other law or ordinance.

2. Whether the change would result in any incompatible land uses, considering the type and location of uses involved, the impact on adjacent or neighboring properties, as well as compatibility with existing and proposed land uses and an orderly and compatible land use pattern.

Staff maintains that no incompatible land uses will be created by the proposed uses listed in this amendment.

3. Whether the change is in the public interest or would benefit only the applicant.

Staff maintains the text changes would benefit the public interest by providing private onsite activities to process the recycled materials obtained from the Orange City citizenry through the regular weekly pickup of solid waste.

4. The zoning change impact upon the environment and natural resources.

Staff anticipates the City's environment and natural resources will not be adversely affected by the text changes.

5. The zoning change impact upon the economy of the effected area.

Staff maintains that the economy of the City will not be adversely affected by the text changes. Staff anticipates the economy of the City will be positively affected by the new jobs being created by a recycling activity.

6. Whether the applicant has demonstrated that the zoning change in policy would not cause inadequacies in the level of service for transportation systems, potable water and wastewater systems, drainage, solid waste, parks and recreation facilities.

Staff maintains the level of services will not be adversely affected by the text changes. Staff further maintains there will be a reduction in solid waste being deposited in the County landfill because of the amount of materials being recycled.

7. Any changes in circumstances or conditions affecting the area.

Staff maintains that any changes in circumstances or conditions will not be adversely affected by the text changes.

8. The changes impact upon the use or value of the affected area.

Staff anticipates the use or value of the affected area (Orange City) will not be adversely affected by the text changes.

9. The changes impact upon the public health, welfare, safety or morals.

Staff maintains the City's public health, welfare, safety or morals will not be adversely affected by the text changes.

10. Other matters that may be deemed appropriate to preserve consistency with the Comprehensive Plan, the general intent of this Code and its enabling legislation.

Staff maintains that it is not anticipated that there are any other matters that will cause any adverse impacts to preserving consistency with the comprehensive plan, or the intent of the land development code.

SUMMARY

City staff is herein requesting that the proposed text changes be reviewed and considered by the Planning Commission with the intent that the Commission will submit a recommendation to City Council to approve the proposed text changes to Section 8.6.1 of the City's land development code.

8.6.1 Schedule of Zoning District Permitted and Conditional Uses

	RR	R-1	R-2	R-3	MH-1	OT	MX-1	MX-2	CG-1	CG-2	I-1	I-2	PUD
A recovered materials processing facility for the receiving and processing (recycling) of non-hazardous household waste characterized as recoverable material and not inclusive of solid waste subject to permit from the Florida Department of Environmental Protection (FDEP).													****12
A recovered materials processing facility for the receiving and processing (recycling) of construction and demolition (C&D) debris (waste materials) (recyclables) subject to a permit from the Florida Department of Environmental Protection (FDEP).													****13

**** Refer to the PUD process and requirements in Section 8.6.16 and Section 8.7.22.

¹² Recovered materials operations are limited to the extraction of recoverable/recyclable material from household waste streams. Household waste is solid waste including garbage, and trash derived from households, including single and multifamily residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds and day-use recreational areas.

- a. Types of recovered materials include old newspaper, old corrugated containers, high grade/office paper, mixed paper, plastic bottles, all other plastic, aluminum cans, other non-ferrous, steel cans, other ferrous (other than used oil filters), glass, rubber (other than waste tires) and textiles.

b. Registration and reporting requirements shall be in accordance with Chapter 62.722 of the Florida Administrative Code and all local laws and/or conditions.

¹³ Recovered materials operations are limited to weighing C&D debris brought to the site; separating and/or processing the waste materials; selling/transferring the recovered/recycled materials; and transporting rejected waste to an appropriate, permitted waste disposal facility.

- a. C&D debris are materials generally considered to be not water soluble and non-hazardous in nature, including, but not limited to steel, glass, brick, concrete, asphalt material, pipe, gypsum wallboard, plastics and lumber from the construction or destruction of a structure as part of a construction or demolition project or from the renovation of a structure. The term also includes rocks, soils, tree remains, trees and other vegetative matter which normally results from land clearing or land development operations for a construction project.
- b. Operations shall not include Class I waste, hazardous waste, PCBs, household waste, industrial solid waste and byproducts, biomedical waste, automotive or automotive parts, automotive batteries, used oil and tires.

Add the following to Section 2 Definitions of the land development code.

Recovered materials means metal, paper, glass, plastic, textile, or rubber materials that have known recycling potential, can be feasibly recycled, and have been diverted and source separated or have been removed from the solid waste stream for sale, use, or reuse as raw materials, whether or not the materials require subsequent processing or separation from each other, but does not include materials destined for any use that constitutes disposal. Recovered materials as described above are not solid waste.

Recovered materials processing facility means a facility engaged solely in the storage, processing, resale, or reuse of recovered materials. Such a facility is not a solid waste management facility if it meets the conditions of Section 403.7045(1)(f), Florida Statutes.

Recyclable material means those materials which are capable of being recycled and which would otherwise be processed or disposed of as solid waste.