


## MEMORANDUM

**TO:** Honorable Mayor and City Council Members

**FROM:** J.H.Kerr III, City Planner 

**DATE:** January 6, 2009

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

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### PURPOSE

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

### BACKGROUND

**NOTE:** At the first reading held on December 9, 2008, City Council voted to add certain text language to the proposed zoning matrix. This new text revision, along with additional language recommended by legal staff, is underlined in the revised attachment.

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.**

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**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 9<sup>th</sup> day of December, 2008.

Jim Mahoney	<u>yes</u>	Donald C. Sherrill	<u>yes</u>
Thomas Abraham	<u>yes</u>	Thomas Laputka	<u>yes</u>
Jeff H. Allebach	<u>no</u>	Donald Sandford	<u>yes</u>
Harley Strickland, Mayor	<u>yes</u>		

**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.

<sup>12</sup> Recovered materials operations are limited to the extraction of recoverable/recyclable material previously separated or extracted 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.

c. Operations must comply with DEP permit and all applicable state laws. Notwithstanding any prosecutorial action or inaction by FDEP, Orange City shall have the power to enforce the DEP permit conditions and applicable state regulations through its code enforcement processes.

<sup>13</sup> 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.

c. Operations must comply with DEP permit and all applicable state laws. Notwithstanding any prosecutorial action or inaction by FDEP, Orange City shall have the power to enforce the DEP permit conditions and applicable state regulations through its code enforcement processes.

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.