

1 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
2 ORLANDO, FLORIDA, AMENDING CHAPTER 58, PART 4K OF
3 THE CODE OF THE CITY OF ORLANDO, FLORIDA, ENTITLED
4 "RECYCLING COLLECTION CENTER," BY AMENDING
5 SECTIONS 58.800, 58.801, 58.802 AND 58.803, TO CLARIFY
6 THE INTENT, AND AMENDING CHAPTER 66, PART 2 OF THE
7 CODE OF THE CITY OF ORLANDO, FLORIDA, ENTITLED "
8 DEFINITIONS," BY AMENDING SECTION 66.200, TO INCLUDE
9 AND DEFINE "DONATION BIN", "RECYCLING COLLECTION
10 CENTER, HEAVY," AND "RECYCLING COLLECTION CENTER,
11 LIGHT"; PROVIDING FOR CODIFICATION, CORRECTION OF
12 SCRIVENER'S ERRORS, SEVERABILITY AND AN EFFECTIVE
13 DATE.
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15

16 **WHEREAS**, Many areas of the City have had a proliferation of non-permitted
17 donation bins, often without property owner permission, including those located on public
18 (City-owned) property; and
19

20 **WHEREAS**, Current Orlando City Code does not contain specific standards
21 relating to unattended donation bins such that code enforcement staff have relied on
22 requirements for "recycling centers" and dumpsters, which has the effect of a city-wide
23 ban on donation bins; and
24

25 **WHEREAS**, Current Orlando City Code contains no standards or permitting
26 procedures for site location, number of bins, signage, maintenance, or security of
27 donation bins; and
28

29 **WHEREAS**, the Orlando City Council finds it necessary to implement these
30 regulations to promote the health, safety, and welfare of the citizens of the City of
31 Orlando.
32

33 **NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY**
34 **OF ORLANDO, FLORIDA, AS FOLLOWS:**
35

36 **SECTION ONE.** Chapter 58, Part 4K, Code of the City of Orlando, Florida, is
37 hereby amended as follows:
38

39 **4K. ~~RECYCLING COLLECTION CENTER~~ DONATION BINS**
40

41 **Sec. 58.800. General Requirements.**
42

43 The requirements of this part applies to recycling centers donation bins (or
44 boxes) which function as secondary principal accessory uses or structures, and to any
45 on-developed building sites in modular building units, such as semi-tractor trailers, or
46 other temporary structures when used for the purpose of collecting recyclable materials
47 and/or resellable goods. Such recycling centers are most frequently located on
48 shopping center sites. Primary principal use recycling centers, donation facilities that
49 are located within the same building as and are accessory to a primary principal re-sale
50 use, and or recycling centers in permanent structures shall meet all applicable
51 development standards of the district in which they are located.

52 In addition to any applicable Zoning District and Use Regulations of Figures 1—
53 2, all ~~Recycling Collection Centers~~ donation bins allowed as accessory uses or
54 structures under this Part shall conform to the following ~~standards~~ requirements.

55
56 **Sec. 58.801. - Use Restrictions.**

57
58 ~~Duration. The recycling collection center shall be permitted for a period not to~~
59 ~~exceed one year. The site shall be required to resubmit for zoning approval annually at~~
60 ~~the time of occupational license renewal.~~

61
62 ~~Outdoor Display or Storage. No outdoor display or storage of materials shall be~~
63 ~~permitted. The use shall be conducted wholly contained within a structure or building. No~~
64 ~~processing shall take place on-site.~~

65
66 ~~Hours of Operations. The recycling center operation shall be conducted within~~
67 ~~normal business hours and shall be attended at all times when material is accepted, with~~
68 ~~no drop-offs.~~

69
70 ~~Nuisance Prohibited. The use shall be conducted in a manner so as not to~~
71 ~~constitute a nuisance with regard to odor, noise, or other environmental effects.~~

72 **Sec. 58.801. Permitting Requirements.**

73
74 No donation bin (or box) shall be established unless and until the applicant shall
75 obtain zoning approval and a certificate of use as provided in this section.

76
77 (a) Application and Submittal Requirements. In order to obtain zoning
78 approval and a certificate of use for one or more donation bin(s) on a development site,
79 the applicant shall file with the Zoning Official or his designee, in writing, the following
80 information:

81
82 1. A completed Zoning Official's Determination application in accordance
83 with Chapter 65, Part 2H; and

84
85 2. Unless otherwise waived by the Zoning Official, a site plan showing the
86 location of the proposed donation bin, all required on-site parking and all improvements
87 on the building site. The location of the donation bin shall comply with the requirements
88 of this Section; and

89
90 3. Written consent of the property owner or legal designee to establish the
91 donation bin.

92
93 (b) Ongoing Requirements. Following zoning approval and issuance of a
94 certificate of use, the donation bin must not be relocated within the building site unless
95 the applicant obtains a new zoning approval. Other requirements, such as a building
96 permit and business tax receipt, may also apply.

97
98 **Sec. 58.802. - Location and Site Development Requirements.**

99
100 (a) Location Requirements. ~~Recycling Centers shall~~ All donation bins must
101 be located only upon improved, level, paved surfaces which constitute part of larger,
102 developed and occupied non-residential building sites in commercial or industrial zoning

103 districts. No donation bin shall be permitted on any building site that is developed by
104 unoccupied. Each donation bin must be affixed to the paved surface upon which it is
105 located. All sites shall have adequate driveway access and maneuverability to
106 accommodate ~~semi-tractor trailers~~ service vehicles and loading vehicles in accordance
107 with Chapter 61.

108
109 (b) Maximum Number. On a developed and occupied non-residential building
110 site in a commercial or industrial district, a maximum of:

- 111
112 1. One donation bin on any building site of less than 2 acres.
- 113
114 2. Two donation bins on any building site of 2 – 5 acres, or
- 115
116 3. Three donation bins on any building site of more than 5 acres

117
118 may be permitted as an accessory use in not more than one (1) location, provided the
119 site development standards of this section are met.

120
121 (c) Development Standards. All sites shall meet the following requirements:

122
123 1. If more than one donation bin is located on a property, then all donation
124 bins within the approved location must be arranged side-by-side and may not be
125 separated by more than 12 inches.

126
127 2. The receiving door on each donation bin must be oriented toward the
128 interior of the building site and away from the public right-of-way.

129
130 3. Each donation bin must be enclosed by use of a receiving door or
131 safety chute to prevent vandalism and locked so that the contents of the bin cannot be
132 accessed by anyone other than those responsible for the retrieval of the contents.

133
134 4. No donation bin shall exceed 25 square feet in area nor 7 feet in
135 height.

136
137 (d) Building Site Setbacks. ~~A recycling collection center located within a~~
138 commercial or industrial district shall maintain a minimum 5 ft. setback from the property
139 lines or shall comply with the principal building restriction lines, whichever is greater.
140 Where the subject site is adjacent to a residential district, a 25 ft. setback shall be
141 provided. All donation bins must conform to the following building site setbacks:

- 142
143 1. Setback from any residential use – 25 feet
- 144
145 2. Setback from any residential zoning district boundary – 25 feet
- 146
147 3. Setback from any public right-of-way – 25 feet
- 148
149 4. Setback from any other property line – 5 feet

150
151 (e) Landscaping. No additional landscaping shall be required. However,
152 donation bins shall not encroach on any required landscaping, and no required
153 landscaping shall be removed to install a donation bin.

154
 155 (f) Signage. Signage shall be permitted on two sides of the donation bin,
 156 provided that one of the two sides must be the front or depositing side. Signage shall be
 157 limited to 5 square feet per side and shall only advertise the donation bin's (1) permittee,
 158 and (2) if applicable, benefitting organization. Any donation bin operated by a person or
 159 entity other than a non-profit permittee must also include the following statement on the
 160 depositing side of the bin, not less than two inches (2") high, below the bin chute, in
 161 conspicuous and clear lettering at least two inches (2") high, "[Permittee name] is not a
 162 charitable organization. The materials deposited in the bin are not re-used by any
 163 charitable organization but are instead recycled and re-sold for profit, and are not tax
 164 deductable contributions." A permittee's donation bin with a benefitting foundation or
 165 organization may also state: "A portion of the proceeds of the sale of the materials
 166 deposited in this bin benefits [name of benefitting foundation or organization]." Each
 167 donation bin must be clearly marked to identify the name and telephone number of its
 168 responsible operator.

169
 170 **Sec. 58.803. - Parking and Travel Aisle Design.**

171
 172 (g) Parking and Travel Aisle Design. No recycling collection center donation
 173 bin shall be located so as to occupy or block access to any required parking space that
 174 is needed to meet the minimum number of parking spaces required by Chapter 61, Part
 175 3C. A For attended semi-tractor trailers or other temporary structures, a loading and
 176 unloading drive through area shall be provided with a minimum of 3 waiting spaces
 177 (including the car being served). One employee parking space shall be provided.

178
 179 (h) Outdoor Display or Storage. No outdoor display or storage of materials
 180 shall be permitted. The use shall be conducted wholly contained within a structure or
 181 building. No processing shall take place on-site.

182
 183 (i) Indoor Donation Bins. Notwithstanding any other requirement of this
 184 Section, donation bins may be located within a principal building or structure without
 185 further review or regulation. Donation bins also may be located within a parking garage
 186 provided that all parking and travel aisle design requirements of this Section are met.

187
 188 (j) Nuisance Prohibited. The use shall be conducted in a manner so as not
 189 to constitute a nuisance with regard to odor, noise, rust, or other environmental effects.
 190 Collection facilities must be regularly emptied of their contents so that materials and
 191 donations do not overflow. The permittee and property owner shall be individually and
 192 jointly responsible for abating and removing all garbage, trash, debris and other refuse
 193 material in the area surrounding any donation bin within 72 hours written or verbal notice
 194 by the City.

195
 196 (k) Responsibility and Liability. The owner of the donation bin, the permittee,
 197 and the owner of any private property upon which a violation of these regulations occur
 198 may be held individually and severally responsible and liable for such violation.

199
 200 (l) Exception for Non-Profit Organizations and Religious Institutions.
 201 Notwithstanding the zoning district requirements of this part, any non-profit organization
 202 or religious institution that engages in collection of recyclable materials as part of its
 203 organization mission may maintain its own accessory donation bins on its own building
 204 site. All such donation bins must obtain zoning approval in accordance with Section

205 58.801 above and must comply with the location and site development requirements of
206 this Section, but shall not be required to pay annual business taxes separate from those
207 of the non-profit organization or religious institution occupying that building site.

208
209 **~~Sec. 58.804. – Permitting Requirements.~~**

210
211 ~~No recycling collection center shall be established unless and until the applicant~~
212 ~~shall obtain zoning approval as provided in this section.~~

213
214 ~~Application and Submittal Requirements. In order to obtain zoning approval for a~~
215 ~~recycling collection center, the applicant shall file with the Zoning Official or his~~
216 ~~designee, in writing, the following information:~~

217
218 ~~(a) — A completed building permit application in accordance with Chapter 65,~~
219 ~~Part 2H;~~

220
221 ~~(b) — The length of the time the recycling collection center is proposed for use~~
222 ~~on the site, which in no event shall be longer than one (1) year;~~

223
224 ~~(c) — Unless otherwise waived by the Zoning Official, a fully dimensioned site~~
225 ~~plan, showing the location of the proposed recycling collection center, all required on-site~~
226 ~~parking and all improvements on the building site. The location of the recycling collection~~
227 ~~center shall comply with the requirements of this Section; and~~

228
229 ~~(d) — Written consent of the property owner to establish the recycling collection~~
230 ~~center.~~

231
232 **Secs. 58.8053—58.809. - Reserved.**

233
234 **SECTION TWO.** Chapter 66, Part 2, “Definitions,” Code of the City of Orlando,
235 Florida, is hereby amended as follows:

236
237 **Sec. 66.200 – Definitions.**

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239 ****

240 Donation Bin (or Box): Any stationary or free-standing container, receptacle or
241 similar device located on property and used for the solicitation and collection of donated
242 items such as clothing, books, shoes or other non-perishable personal property. This
243 term does not include any of the following: (1) bins used for the solicitation and collection
244 of donated items associated with a special event, provided the bin is removed when the
245 special event ends but in no event later than 48 hours after being placed at the special
246 event site; (2) Recycling Collection Centers as defined in the Code; or (3) recycle bins
247 associated with the City’s recycling collection program.

248
249 Recycling Collection Center, Light: An indoor principal use facility located in a
250 permanent building and used solely for the collection of non-hazardous recyclable
251 materials and resellable household goods, such as furniture, clothing, shoes, and books
252 from individual donors while the facility is open and staffed. Such facilities are

253 considered to be a personal service use. Any recycling collection center facility that does
254 not meet these criteria is considered a *Recycling Collection Center, Heavy.*

255

256 *Recycling Collection Center, Heavy.* A principal use facility used solely for the
257 collection and/or processing of recyclable materials and resellable goods, such as
258 aluminum cans, paper, clothing, shoes, books, etc, or which is conducted partially
259 outdoors, or allows drop-off from large scale businesses. ~~and which is conducted solely~~
260 ~~within an enclosed non-permanent structure.~~ Such facilities shall not be deemed to be a
261 junk yard and are considered to be a ~~light~~ heavy manufacturing and processing use.

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265 **SECTION THREE. CODIFICATION.** The City Clerk and the City Attorney shall
266 cause the Code of the City of Orlando, Florida, to be amended as provided by this
267 ordinance and may renumber, reletter, or rearrange the codified parts of this ordinance
268 as necessary to facilitate the finding of this law.

269

270 **SECTION FOUR. SCRIVENER'S ERROR.** The City Attorney may correct
271 scrivener's errors found in this ordinance by filing a corrected copy of this ordinance with
272 the City Clerk.

273

274 **SECTION FIVE. SEVERABILITY.** If any provision of this ordinance or its
275 application to any person or circumstance is held invalid, the invalidity does not affect
276 other provisions or applications of this ordinance which can be given effect without the
277 invalid provision or application, and to this end the provisions of this ordinance are
278 severable.

279

280 **SECTION SIX. EFFECTIVE DATE.** This ordinance takes effect upon adoption.

281

282 **DONE, THE FIRST READING**, by the City Council of the City of Orlando,
283 Florida, at a regular meeting, this _____ day of _____, 2015.

284

285 **DONE, THE PUBLIC NOTICE**, in a newspaper of general circulation in the City
286 of Orlando, Florida, by the City Clerk of the City of Orlando, Florida, this _____ day
287 of _____, 2015.

288

289 **DONE, THE SECOND READING, THE PUBLIC HEARING, AND ENACTED ON**
290 **FINAL PASSAGE**, by an affirmative vote of a majority of a quorum present of the City
291 Council of the City of Orlando, Florida, at a regular meeting, this _____ day of
292 _____, 2015.

293

294

BY THE MAYOR/MAYOR PRO TEMPORE
OF THE CITY OF ORLANDO, FLORIDA:

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ORDINANCE NO. 2015-33

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Mayor / Mayor Pro Tempore

Printed Name

ATTEST, BY THE CLERK OF THE
CITY COUNCIL OF THE CITY OF
ORLANDO, FLORIDA:

City Clerk

Celeste Brown

APPROVED AS TO FORM AND LEGALITY
FOR THE USE AND RELIANCE OF THE
CITY OF ORLANDO, FLORIDA:

City Attorney

Printed Name

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