

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

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

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

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

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

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

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

**4K. RECYCLING COLLECTION CENTER DONATION BINS**

**Sec. 58.800. General Requirements.**

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

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

**~~Sec. 58.801. - Use Restrictions.~~**

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

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

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

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

**Sec. 58.801. Permitting Zoning and Permitting Requirements.**

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

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

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

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

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

(b) Ongoing Requirements. Following zoning approval ~~and issuance of a~~  
~~certificate of use~~, the donation bin must not be relocated within the building site unless  
the applicant obtains a new zoning approval. The donation bin must meet any applicable  
permitting ~~requirementsstandards, including a building permit and business tax receipt, if~~  
~~required by the Permitting Division Manager.~~

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

(a) Location Requirements. ~~Recycling Centers shall~~ All donation bins must  
be located only upon improved, level, paved surfaces which constitute part of larger;

developed and occupied non-residential building sites in commercial or industrial zoning districts. No donation bin shall be permitted on any building site that is developed but unoccupied. Each donation bin must be affixed to the paved surface upon which it is located. All sites shall have adequate driveway access and maneuverability to accommodate ~~semi-tractor trailers~~ service vehicles and loading vehicles in accordance with Chapter 61.

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

1. One donation bin on any building site of less than 2 acres.
2. Two donation bins on any building site of 2 – 5 acres, or
3. Three donation bins on any building site of more than 5 acres

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

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

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

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

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

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

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

1. Setback from any residential use – 25 feet
2. Setback from any residential zoning district boundary – 25 feet
3. Setback from any public right-of-way – 25 feet
4. Setback from any other property line – 5 feet

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

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

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

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

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

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

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

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

(l) Exception for Non-Profit Organizations and Religious Institutions. Notwithstanding the zoning district requirements of this part, any non-profit organization

or religious institution that engages in collection of recyclable materials as part of its organizational mission may maintain its own accessory donation bins on its own building site. All such donation bins must obtain zoning approval in accordance with Section 58.801 above and must comply with the location and site development requirements of this Section, but shall not be required to pay annual business taxes separate from those of the non-profit organization or religious institution occupying that building site.

**Sec. 58.804. – Permitting Requirements.**

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

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

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

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

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

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

**Secs. 58.8053—58.809. - Reserved.**

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

**Sec. 66.200 – Definitions.**

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

*Recycling Collection Center, Light:* An indoor principal use facility located in a permanent building and used solely for the collection of non-hazardous recyclable

materials and resellable household goods, such as furniture, clothing, shoes, and books from individual donors while the facility is open and staffed. Such facilities are considered to be a personal service use. Any recycling collection center facility that does not meet these criteria is considered a *Recycling Collection Center, Heavy*.

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

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

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

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

**SECTION SIX. EFFECTIVE DATE.** This ordinance takes effect ~~upon~~ adoption on October 1, 2015.

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

**DONE, THE PUBLIC NOTICE,** in a newspaper of general circulation in the City of Orlando, Florida, by the City Clerk of the City of Orlando, Florida, this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

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

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

\_\_\_\_\_  
Mayor / Mayor Pro Tempore

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

\_\_\_\_\_  
City Clerk

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

\_\_\_\_\_  
City Attorney

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