

**ORDINANCE NO. 421**

**AN ORDINANCE OF THE CITY OF ORANGE CITY, FLORIDA, AMENDING ORANGE CITY CODE APPENDIX A, THE CITY'S LAND DEVELOPMENT CODE, AS ADOPTED BY ORDINANCE NO. 157; AMENDING CHAPTER 8, SECTION 8.6.1 SCHEDULE OF ZONING DISTRICT PERMITTED AND CONDITIONAL USES; MODIFYING COMPLIANCE REQUIREMENTS FOR RECYCLING ACTIVITIES; 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, the City's 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 the City of Orange City, to the end of improving the overall quality of life within the community; and

**WHEREAS**, on January 13, 2009 the City Council of the City of Orange City adopted Ordinance No. 367, 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**, 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 clarify compliance requirements for recycling activities within the I-PUD zoning district; and

**WHEREAS**, on June 2, 2010, 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;

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

**SECTION ONE.** Chapter 8, Section 8.6.1 Schedule of Zoning District Permitted and Conditional Uses of the City's Land Development Code is hereby amended as shown in Attachment A, attached hereto and 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 of 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. 421)**

First Reading this 22<sup>nd</sup> day of June, 2010.

Jeff H. Allebach	<u>yes</u>	Thomas Laputka, Vice Mayor	<u>yes</u>
Tom Abraham	<u>yes</u>	Anthony Pupello	<u>yes</u>
Gary Blair	<u>yes</u>	Bill Crippen	<u>yes</u>
Harley Strickland, Mayor	<u>yes</u>		

**ROLL CALL VOTE AS FOLLOWS: (Ordinance No. 421)**

Second Reading this 27<sup>th</sup> day of July, 2010.

Jeff H. Allebach	<u>yes</u>	Thomas Laputka, Vice Mayor	<u>yes</u>
Tom Abraham	<u>yes</u>	Anthony Pupello	<u>yes</u>
Gary Blair	<u>No</u>	Bill Crippen	<u>yes</u>
Harley Strickland, Mayor	<u>yes</u>		

**PASSED and ADOPTED** this 27<sup>th</sup> day of July, 2010.

**ATTEST:**  
Deborah J. Renner  
Deborah J. Renner, CMC, City Clerk

**AUTHENTICATED:**  
Harley Strickland  
Harley Strickland, Mayor

Approved as to form and legal sufficiency:  
W.E. Reischmann  
W.E. Reischmann, City Attorney

## ATTACHMENT "A"

### 8.6.1 Schedule of Zoning District Permitted and Conditional Uses

#### **Footnote 12 is amended and restated as follows:**

<sup>12</sup> Recovered materials operations are limited to 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.~~ Operations shall comply with the conditions of all required permits from any local, state or federal agency and all applicable local, state and federal laws.

#### **Footnote 13 is amended and restated as follows:**

<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.~~ Operations shall comply with the conditions of all required permits from any local, state or federal agency and all applicable local, state and federal laws.