

REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT

OCTOBER 18, 2018

The Planning and Development Department hereby forwards to the Planning Commission, Transportation, Energy, and Utilities Committee, Land Use and Zoning Committee and City Council its comments and recommendations on:

ORDINANCE 2017-842

AN ORDINANCE REGARDING TEXTILE RECYCLING BINS; AMENDING SECTION 656.313 (COMMUNITY/GENERAL COMMERCIAL CATEGORY), SUBPART C (COMMERCIAL USE CATEGORIES AND ZONING DISTRICTS), PART 3 (SCHEDULE OF DISTRICT REGULATIONS), CHAPTER 656 (ZONING CODE), TO ADD THE COLLECTION OF TEXTILE RECYCLING THROUGH BINS AS A PERMITTED USE IN THE CCG-1 AND CCG-2 ZONING DISTRICTS; AMENDING SECTION 656.321 (BUSINESS PARK CATEGORY), SUBPART D (INDUSTRIAL USE CATEGORIES AND ZONING DISTRICTS), PART 3 (SCHEDULE OF DISTRICT REGULATIONS), CHAPTER 656 (ZONING CODE), TO ADD THE COLLECTION OF TEXTILE RECYCLING THROUGH BINS AS A PERMITTED USE IN THE IBP ZONING DISTRICT; AMENDING SECTION 656.332 (PUBLIC BUILDINGS AND FACILITIES CATEGORY), SUBPART E (MISCELLANEOUS CATEGORIES AND ZONING DISTRICTS), PART 33 (SUPPLEMENTARY REGULATIONS), CHAPTER 656 (ZONING CODE), TO ADD THE COLLECTION OF TEXTILE RECYCLING THROUGH BINS AS A PERMITTED USE IN PBF-1, PBF-2, AND PBF-3; CREATING A NEW SECTION 656.421 (TEXTILE RECYCLING BINS), SUBPART B (MISCELLANEOUS REGULATIONS), PART 4 (SUPPLEMENTARY REGULATIONS), CHAPTER 656 (ZONING CODE), TO REGULATE THE PERFORMANCE, PLACEMENT AND MAINTENANCE OF TEXTILE RECYCLING BINS WITHIN THE CITY OF JACKSONVILLE; AMENDING SECTION 656.1601 (DEFINITIONS), PART 16 (DEFINITIONS), CHAPTER 656 (ZONING CODE), TO ADD A DEFINITION FOR TEXTILE RECYCLING BIN; PROVIDING FINDINGS AND DETERMINATIONS AS TO THE PURPOSE OF THE ORDINANCE; PROVIDING PROCESS AND PROCEDURE TO INITIALLY REGULATE TEXTILE RECYCLING BINS; PROVIDING FOR INTERPRETATION; PROVIDING AUTHORIZATION FOR

DEVELOPMENT OF FORMS AND OTHER MATERIALS TO IMPLEMENT THE ORDINANCE; PROVIDING FOR SEVERABILITY AND SAVINGS CLAUSE; PROVIDING AN EFFECTIVE DATE.

I. GENERAL INFORMATION

The proposed legislation seeks to amend Chapter 656, Zoning Code to provide process and procedure for the regulation of textile recycling bins.

II. EVALUATION

A. *The need and justification for the change*

The collection of textiles is not a regular household pickup. Textile items have been the source of blighted properties, nuisance issues, unnecessary tree loss or damage, and sanitary issues. It is in the best interest of the residents and citizens of Jacksonville to regulate the collection of textile recycling. The bill enacts provisions for placement and size of textile recycling bins to ensure it is not impeding on traffic flow, residential use, public right-of-way, utility equipment, or abandoned property. The textile collection regulations allow citizens to participate in recycling materials properly and avoid the deterioration of the water stream. This bill will not prohibit textile recycling collections taken directly from an inside location at a home, business or institution, by way of a pick-up based upon a special request or prohibit or limit any textile recycling collection activity that occurs indoors, and that is either a permissible use within a given zoning district, or that is otherwise authorized by law.

B. *Background*

In 2015, the Ad Hoc Committee on Neighborhood Blight held discussions on types of blight and its effect on neighborhoods. The City Council passed Ordinance 2015-327-E on May 12, 2015. The legislation created a new Section 656.421 in the Zoning Code which prohibited the placement of donation collection bins, defined as, any stationary or free-standing container, receptacle or similar device located outdoors on any property and in any zoning category within Duval County for the solicitation and collection of donated items. Existing donation collection bins were to be removed within sixty (60) days of the effective date. Failure to comply would result in a civil infraction and removal of donation collection bin by the City of Jacksonville; and all costs associated would be the responsibility of the owner. Go Green Charity Recyclers filed a lawsuit claiming violation of equal protection and free speech. As a result, the City enacted Ordinance 2015-867-E which repealed Section 656.421 of the Zoning Code.

This legislation would create a new Section 656.421 of the Zoning Code for the regulation of textile recycling bins.

C. *The relationship of the proposed amendment to the Comprehensive Plan and the work of the Department with appropriate consideration as to whether the proposed amendment will further the purposes of the Zoning Code and Comprehensive Plan.*

The legislation will further the Goals, Objectives and Policies of the 2030 Comprehensive Plan and is in harmony with the spirit and intent of the Zoning Code as it will reduce blighting influences and ensure that the public health safety and welfare is protected.

D. Consistency with the Comprehensive Plan.

Ordinance 2017-842 is consistent with the Comprehensive Plan in that it promotes the goals, objectives and policies of the 2030 Comprehensive Plan, including the following:

F.L.U.E. Policy 3.1.2 The City shall eliminate incompatible land uses or blighting influences from potentially stable, viable residential neighborhoods through active code enforcement and other regulatory measures.

III. RECOMMENDATIONS

Based upon examination of the proposed ordinance with respect to the goals, objectives and policies of the 2030 Comprehensive Plan, and the intent of the Zoning Code, the Planning and Development Department finds that Ordinance 2017-842 is consistent with the Comprehensive Plan and furthers the intent of the Zoning Code as it would accomplish a result that is in the public interest. Therefore, it is the recommendation of the Planning and Development Department that Ordinance 2017-842 be **APPROVED with the following changes:**

- 1. Page 20, Line 20: Delete all lines under Section 5 since this substituted bill does not create a new Chapter 381 Ordinance Code.**
- 2. Page 22 Line 1: Delete references to Chapter 381 in Section 8.**

1 Introduced by Council Member Crescimbeni and Substituted by the
2 Transportation, Energy and Utilities Committee:
3
4

5 **ORDINANCE 2017-842**

6 AN ORDINANCE REGARDING TEXTILE RECYCLING BINS;
7 AMENDING SECTION 656.313 (COMMUNITY/GENERAL
8 COMMERCIAL CATEGORY), SUBPART C (COMMERCIAL USE
9 CATEGORIES AND ZONING DISTRICTS), PART 3 (SCHEDULE OF
10 DISTRICT REGULATIONS), CHAPTER 656 (ZONING CODE), TO
11 ADD THE COLLECTION OF TEXTILE RECYCLING THROUGH BINS
12 AS A PERMITTED USE IN THE CCG-1 AND CCG-2 ZONING
13 DISTRICTS; AMENDING SECTION 656.321 (BUSINESS PARK
14 CATEGORY), SUBPART D (INDUSTRIAL USE CATEGORIES AND
15 ZONING DISTRICTS), PART 3 (SCHEDULE OF DISTRICT
16 REGULATIONS), CHAPTER 656 (ZONING CODE), TO ADD THE
17 COLLECTION OF TEXTILE RECYCLING THROUGH BINS AS A
18 PERMITTED USE IN THE IBP ZONING DISTRICT; AMENDING
19 SECTION 656.332 (PUBLIC BUILDINGS AND FACILITIES
20 CATEGORY), SUBPART E (MISCELLANEOUS CATEGORIES AND
21 ZONING DISTRICTS), PART 3 (SUPPLEMENTARY
22 REGULATIONS), CHAPTER 656 (ZONING CODE), TO ADD THE
23 COLLECTION OF TEXTILE RECYCLING THROUGH BINS AS A
24 PERMITTED USE IN PBF-1, PBF-2, AND PBF-3; CREATING A
25 NEW SECTION 656.421 (TEXTILE RECYCLING BINS), SUBPART
26 B (MISCELLANEOUS REGULATIONS), PART 4 (SUPPLEMENTARY
27 REGULATIONS), CHAPTER 656 (ZONING CODE), TO REGULATE
28 THE PERFORMANCE, PLACEMENT AND MAINTENANCE OF TEXTILE
29 RECYCLING BINS WITHIN THE CITY OF JACKSONVILLE;
30 AMENDING SECTION 656.1601 (DEFINITIONS), PART 16
31 (DEFINITIONS), CHAPTER 656 (ZONING CODE), TO ADD A

1 DEFINITION FOR TEXTILE RECYCLING BIN; PROVIDING
2 FINDINGS AND DETERMINATIONS AS TO THE PURPOSE OF THE
3 ORDINANCE; PROVIDING PROCESS AND PROCEDURE TO
4 INITIALLY REGULATE TEXTILE RECYCLING BINS; PROVIDING
5 FOR INTERPRETATION; PROVIDING AUTHORIZATION FOR
6 DEVELOPMENT OF FORMS AND OTHER MATERIALS TO IMPLEMENT
7 THE ORDINANCE; PROVIDING FOR SEVERABILITY AND SAVINGS
8 CLAUSE; PROVIDING AN EFFECTIVE DATE.

9
10 **WHEREAS**, unlike other recyclables, such as bottles, cans and
11 paper, textiles have not typically been collected through regularly
12 scheduled household pickups; and

13 **WHEREAS**, textile recycling collection bins, if properly
14 regulated, can be useful for members of the general public to
15 participate in recycling textiles and keeping the same out of
16 landfills and available for use, re-use or other purposes that keep
17 textiles out of the waste stream; and

18 **WHEREAS**, the City of Jacksonville does not intend to prohibit
19 or limit textile recycling collections taken directly from an
20 inside location at a home, business or institution, by way of a
21 pick-up based upon a special request, and the City of Jacksonville
22 does not intend to prohibit or limit any textile recycling
23 collection activity that occurs indoors, and that is either a
24 permissible use within a given zoning district or that is otherwise
25 authorized by law; and

26 **WHEREAS**, the recycling of textiles through collection bins, if
27 properly regulated, can provide a cost-effective and convenient
28 method of textile recycling thereby reducing waste; and

29 **WHEREAS**, it is necessary and appropriate to provide criteria
30 as to the zoning, spacing, placement, maintenance, and operation of
31 textile recycling collection bins in order to serve the public

1 health, safety and welfare; and

2 **WHEREAS**, proper regulation includes provisions that preclude
3 the placement of recycling bins conflicting with parking and
4 traffic circulation; and

5 **WHEREAS**, proper regulation includes provisions that ensure
6 that bins shall be placed in a manner that does not impair traffic,
7 pedestrian or emergency services vehicle movement within a parcel;
8 and

9 **WHEREAS**, proper regulation includes provisions that ensure
10 that bins shall be placed in a manner that does not negatively
11 affect utility services; and

12 **WHEREAS**, proper regulation includes provisions that ensure
13 that bins are not oversized in any dimension; and

14 **WHEREAS**, proper regulation includes provisions that ensure
15 that a bin is placed a minimum distance from any residential use,
16 provided that no more than five bins shall be placed on a single
17 parcel; and

18 **WHEREAS**, proper regulation includes provisions that ensure
19 that a bin is not located within twenty-five feet of any public
20 street right-of-way; and

21 **WHEREAS**, proper regulation includes provisions that ensure
22 that for safety purposes a bin shall be constructed of steel or
23 other durable metal with a rust-resistant coating; and

24 **WHEREAS**, proper regulation includes provisions that ensure
25 bins are painted in a uniform, approved color, kept in good
26 appearance, free of visible rust and structural damage, and fully
27 emptied once a week and maintained no less than once every fourteen
28 days; and

29 **WHEREAS**, proper regulation includes provisions that ensure the
30 area within ten feet of the bin is kept free of abandoned property,
31 discarded items, overflow materials, trash and debris; and

1 **WHEREAS**, proper regulation includes provisions that, as part
2 of protecting the public health, safety and welfare of the City's
3 citizens and residents alike, blight is diminished, property values
4 are protected, attractive nuisances are minimized, and personal
5 property be maintained in a sanitary condition; and

6 **WHEREAS**, proper regulation includes provisions that limit
7 unnecessary tree loss or damage due to improper collection bin
8 placement; and

9 **WHEREAS**, proper regulation includes provisions that prohibit
10 collection bins in residential zoning districts and promotes the
11 placement of collection bins in zoning districts for commercial,
12 industrial and public building uses which are more appropriate for
13 such uses; and

14 **WHEREAS**, proper regulation includes provisions that discourage
15 or prevent the development of nuisances such as abandoned property
16 adjoining collection bins and the placement of graffiti on
17 collection bins; and

18 **WHEREAS**, proper regulation includes provisions requiring
19 disclosure in situations where the materials deposited into bins
20 will be sold for profit and not for charitable purposes and are not
21 tax deductible; and

22 **WHEREAS**, the City of Jacksonville has an overriding interest
23 in regulating the use of property within the City for the general
24 health, safety and welfare of its residents and citizens; and

25 **WHEREAS**, implicit in any regulation is the City's interest in
26 maintaining the quality of life and the character of the City, its
27 neighborhoods and environs; and

28 **WHEREAS**, in recent years there has been a proliferation across
29 the country of outdoor textile recycling bins, which are
30 unregulated, which are not allowed uses in the zoning districts in
31 which they are placed and which often lack the permission of the

1 owners of the real property on which they are placed; and

2 **WHEREAS**, outdoor textile recycling bins often attract trash,
3 debris, non-textile products, and garbage; and

4 **WHEREAS**, outdoor textile recycling bins may serve as a
5 blighting influence to residential and nonresidential property
6 alike and as eyesores to passing motorists, bicyclists, and
7 pedestrians; and

8 **WHEREAS**, the City of Jacksonville's Zoning Code at Section
9 656.1601 defines "accessory use or structure" to mean "a use or
10 structure of a nature customarily incidental and subordinate to the
11 principal use or structure, and unless otherwise provided on the
12 same premises with respect to accessory uses or structures shall be
13 construed as meaning on the same lot or on a contiguous lot in the
14 same ownership"; and

15 **WHEREAS**, under the City of Jacksonville's Zoning Code, the
16 placement of outdoor bins, as well as larger containers such as
17 trailers, trucks, and vans on parcels for the collection of
18 recycled textiles is not a permitted or permissible use and has
19 never been a permitted or permissible use, either as a matter of
20 right or by exception, in any of the City's current Zoning
21 Districts; and

22 **WHEREAS**, an area can deteriorate, with adverse consequence to
23 social, environmental, and economic values, by blighting
24 influences; and

25 **WHEREAS**, it is the City's intent to limit nuisance-related and
26 blighted conditions through its police powers; and

27 **WHEREAS**, the proliferation in recent years of receptacles for
28 the collection of personal property consisting of salvageable
29 textile products, including but not limited to clothing, has
30 resulted in nuisance-related conditions, as aforesaid, including

1 but not limited to graffiti, trash, debris, and the illegal dumping
2 in and around the receptacles; and

3 **WHEREAS**, many textile recycling bins, as well as the areas
4 immediately adjacent to the bins, have not been properly or
5 consistently maintained and this situation has resulted in an
6 increase in blighted conditions in and about the City; and

7 **WHEREAS**, implementation of this Ordinance is consistent with
8 and advances Goal 1 of the City's 2030 Comprehensive Plan to ensure
9 that the character and location of land uses optimizes economic
10 benefit while minimizing the threat to health, safety and welfare
11 posed by hazards, nuisances, incompatible land uses and
12 environmental degradation; and

13 **WHEREAS**, this Ordinance is consistent with and advances Goal 4
14 of the City's 2030 Comprehensive Plan, to ensure implementation of
15 the future land use element of the 2030 Comprehensive Plan; and

16 **WHEREAS**, this Ordinance is consistent with and advances
17 Objective 1.1 of the City's 2030 Comprehensive Plan, to ensure that
18 the type of growth in the City will continue to result in
19 compatible land use patterns, as well as an increasingly efficient
20 urban service delivery system and that discourages the
21 proliferation of urban sprawl through implementation of a
22 regulatory program to address textile recycling; and

23 **WHEREAS**, this Ordinance is consistent with and advances Policy
24 1.1.16 of the City's 2030 Comprehensive Plan, to require mitigation
25 of adverse land use impacts on adjacent lands during development or
26 redevelopment through creation of complementary uses and/or use of
27 visual/aesthetic controls; and

28 **WHEREAS**, nothing in this Ordinance conflicts with any of the
29 goals, policies or objectives of the City's 2030 Comprehensive
30 Plan;

31 **WHEREAS**, the City Council of the City of Jacksonville is

1 desirous of implementing a regulatory process to permit textile
2 recycling bins subject to certain standards and criteria; now
3 therefore

4 BE IT ORDAINED by the Council of the City of Jacksonville:

5 Section 1. Recitals. The City Council finds and
6 determines the foregoing recitals to be true and correct and makes
7 them a part of this Ordinance.

8 Section 2. Amending Part 3 (Commercial Use Categories and
9 Zoning Districts), Chapter 656 Zoning Code, Ordinance Code. Part 3
10 (Commercial Use Categories and Zoning Districts), Chapter 656
11 (Zoning Code), Ordinance Code, is hereby amended to read as
12 follows:

13 CHAPTER 656. ZONING CODE.

14 * * *

15 PART 3. SCHEDULE OF DISTRICT REGULATIONS.

16 * * *

17 SUBPART C. COMMERCIAL USE CATEGORIES AND ZONING DISTRICTS.

18 * * *

19 Sec. 656.313. Community/General Commercial Category.

20 * * *

21 A. Primary Zoning Districts. The primary zoning districts
22 shall include the following:

23 * * *

24 IV. Commercial Community/General-1 (CCG-1) District.

25 (a) Permitted uses and structures.

26 * * *

27 (27) Textile Recycling Collection Bins meeting the
28 development criteria and performance standards set
29 forth in Part 4, Section 656.421 (Textile Recycling
30 Bins).

31 * * *

1 V. Commercial Community/General-2 (CCG-2) District.

2 (a) Permitted uses and structures.

3 * * *

4 (30) Textile Recycling Collection Bins meeting the
5 development criteria and performance standards set
6 forth in Part 4, Section 656.421 (Textile Recycling
7 Bins).

8 * * *

9 **SUBPART D. INDUSTRIAL USE CATEGORIES AND ZONING DISTRICTS.**

10 * * *

11 **Sec. 656.321. Business Park Category.**

12 * * *

13 A. Primary Zoning Districts. The primary zoning districts
14 shall include the following:

15 * * *

16 1. Industrial Business Park (IBP) District.

17 (a) Permitted uses and structures.

18 * * *

19 (16) Textile Recycling Collection Bins meeting the
20 development criteria and performance standards set
21 forth in Part 4, Section 656.421 (Textile Recycling
22 Bins).

23 * * *

24 **SUBPART E. MISCELLANEOUS CATEGORIES AND ZONING DISTRICTS.**

25 * * *

26 **Sec. 656.332. Public Buildings and Facilities Category.**

27 * * *

28 **II. Public Buildings and Facilities-2 (PBF-2) District.**

29 (a) Permitted uses and structures.

30 * * *

1 (12) Collection bins for textile recycling meeting the
2 development criteria and performance standards set
3 forth in Part 4, Section 656.421 (Textile Recycling
4 Bins).

5 * * *

6 III. *Public Buildings and Facilities-3 (PBF-3) District.*

7 (a) Permitted uses and structures.

8 * * *

9 (15) Collection bins for textile recycling meeting the
10 development criteria and performance standards set
11 forth in Part 4, Section 656.421 (Textile Recycling
12 Bins).

13 * * *

14 Section 3. Creating a new Section 656.421 (Textile
15 Recycling Bins), Part 4 (Supplementary Regulations), Subpart B
16 (Miscellaneous Regulations), Chapter 656 (Zoning Code), Ordinance
17 Code. A new Section 656.421 (Textile Recycling Bins), Chapter 656
18 (Zoning Code), Ordinance Code, is hereby created to read as
19 follows:

20 CHAPTER 656. ZONING CODE.

21 * * *

22 PART 4. SUPPLEMENTARY REGULATIONS.

23 * * *

24 SUBPART B. MISCELLANEOUS REGULATIONS.

25 * * *

26 Sec. 656.421. Textile Recycling Bins.

27 (a) *Intent.* The requirements of this section apply to textile
28 recycling bins located outside of a building and which function
29 as accessory uses or structures when used for the purpose of
30 collecting recyclable textile materials.

1 (b) *Nonapplicability*. Nothing herein shall be interpreted to apply
2 to:

3 (1) Any textile recycling bin located within a building or a
4 permanent enclosed space.

5 (2) Any pick-up of textile material for recycling from any
6 person at his or her residence or place of employment,
7 provided the same is not from an outdoor bin as described
8 herein.

9 (3) Any pick-up of textile material for recycling from a
10 business, provided the same is not from an outdoor bin as
11 described herein.

12 (c) *Definitions*. As used in this section, the following words or
13 phrases shall have the meaning ascribed to them below, unless
14 the context clearly indicates otherwise:

15 (1) *Annual Permit* shall mean a permit issued or renewed on an
16 annual basis by the Zoning Administrator that allows the
17 permittee to place and/or maintain a textile recycling bin
18 on real property subject to the provisions of this Section.

19 (2) *Bin* shall mean a steel (or other durable metal) textile
20 recycling container or receptacle, and having a rust-
21 resistant coating that is exposed to the elements and
22 placed outdoors.

23 (3) *Operator* shall mean a person who owns, operates or
24 maintains a textile recycling bin.

25 (4) *Permittee* shall mean a person over 18 years of age or an
26 entity who is issued a permit authorizing the placement of
27 a textile recycling bin on real property.

28 (5) *Parcel Owner* or *Property Owner* shall mean the person or
29 entity who is the owner of real property where a bin is
30 located.

31 (6) *Textile* or *Textile Materials* shall mean items made from

1 cloth or artificial fabric, like vinyl, that can be
2 recycled, including clothing, pants, jeans, skirts,
3 dresses, suits, shorts, shirts, tees, tanks, as well as
4 outerwear (coats, jackets, gloves, hats, scarves), footwear
5 (shoes, boots, heels, sneakers, sandals, socks, tights)
6 undergarments (bras, underwear, slips, camisoles),
7 accessories (hats, belts, ties, scarves, headbands),
8 handbags (wallets, totes, luggage, backpacks, briefcases),
9 and linens (towels, sheets, comforters, blankets, and
10 tablecloths). Textile materials do not include bottles,
11 cans, trash, or debris.

12 (7) *Textile Recycling Bin* shall mean any stationary or free-
13 standing bin, container, receptacle or similar device that
14 is located outdoors within the city and is used for the
15 collection of Textile Materials.

16 (d) *Performance Standards and Other Criteria.*

17 (1) *Maximum Bin Floor Area.* The maximum bin floor area shall
18 not exceed twenty-five (25) square feet.

19 (2) *Maximum Bin Height.* The bin height shall not exceed seven
20 (7) feet.

21 (3) *Maximum Number of Bins per Parcel/Clustering.* A bin shall
22 be limited to one (1) bin per one (1) acre of a parcel or
23 lot, except that a maximum of five (5) bins total shall be
24 located on a parcel or lot, even if the parcel or lot is
25 larger than five acres total. More than one bin on a
26 parcel or lot shall be clustered in one location so that
27 they are arranged side-by-side and not separated by more
28 than three (3) feet between each bin.

29 (4) *Bin Maintenance and Construction.* A bin shall be made of
30 steel and have a security or safety chute and tamper-proof
31 lock to prevent or deter intrusion and vandalism. A bin

1 shall be kept in good condition and appearance with no
2 structural damage, holes, or visible rust, and shall be
3 free of graffiti. A bin shall be serviced and cleaned on a
4 regular basis, but in no event less than every 14 days.

5 (5) *Bin Sensors*. Every bin shall have a sensor that keeps
6 constant track of the bin volume and that alerts the bin
7 owner whenever the bin reaches capacity.

8 (6) *Bin Emptying*. Every bin shall be emptied at least once per
9 week and whenever the bin has reached capacity based upon
10 the bin sensor. All materials that have been discarded or
11 abandoned on or near the outside perimeter of the bins
12 shall be removed by the permittee immediately but in no
13 case later than upon 24 hours-notice by the City.

14 (7) *Bin Zoning*. Bins may only be located on parcels within the
15 following zoning districts: CCG-1, CCG-2, IBP, PBF-1, PBF-
16 2, PBF-3. Upon request by an applicant, the Director of
17 the Planning and Development Department (herein "Director")
18 may determine that a PUD zoning district that allows for
19 the majority of permitted uses by right consistent with any
20 one of zoning districts CCG-1, CCG-2, IBP, and PBF-1, PBF-2
21 or PBF-3, may be suitable for location of bins if the uses
22 within the PUD are not entirely dedicated to one or more
23 specialized uses (e.g., a day care facility or veterinary
24 clinic that would not otherwise be an appropriate location
25 for such bins). The Director's determination is appealable
26 pursuant to Section 656.135 of the Zoning Code.

27 (8) *Signage*. Signage shall be required on at least two (2)
28 sides of the bin, provided that one (1) sign shall be
29 located on the front or depositing side of the receptacle.
30 Signage shall be limited to five (5) square feet per side.
31 If textiles deposited into the bin will be sold for profit

1 and not for charitable purposes, the following statement on
2 the depositing side of the bin, not less than two (2)
3 inches below the bin chute, in conspicuous and clear
4 lettering at least two (2) inches high: "[Permittee's name]
5 is not a charitable organization. The materials deposited
6 in this bin are recycled and sold for profit, and are not
7 tax deductible contributions."

8 (9) *Bin Setbacks*. Bins shall be set back as follows:

9 (i) From public right-of-way classified as an arterial road
10 or higher: At least twenty-five (25) feet;

11 (ii) From public right-of-way classified as a collector
12 road: At least fifty (50) feet;

13 (iii) From public right-of-way classified as a local road:
14 At least seventy-five (75) feet;

15 (iv) From a property adjacent to a residentially zoned
16 district or use: At least 100 feet;

17 (v) From the boundary of an adjacent parcel (non-
18 residential): At least twenty (20) feet.

19 (10) *Non-interference by Bin Placement*. Bins shall not be
20 placed in a location that would interfere with: (i) a
21 designated fire lane, (ii) a building exit, (iii) an access
22 drive or drive aisles, (iv) an off-street parking lot
23 maneuvering lane or drive aisle, (v) a required off-street
24 parking space or loading zone, (vi) public or private
25 right-of-way, (vii) required landscaped areas, (viii) sight
26 triangle, or (ix) a pedestrian circulation area.

27 (11) *Maintenance of Area Surrounding Bin*. The area within ten
28 (10) feet of a bin in all directions shall be kept free of
29 abandoned property, discarded items, overflow materials,
30 trash and debris.

31 (12) *Not Permitted on Unimproved Parcels or Unoccupied Lots*. A

1 bin shall not be located on an unimproved parcel or
2 unoccupied lot (a lot with no existing, permanent business
3 activity or one which is without active water or electric
4 service). Bins shall be removed within twenty-four (24)
5 hours after a business activity ceases on the property.

6 (13) *Limitation on Number of Bins per Parcel.* No more than
7 five (5) bins shall be placed on a single parcel.

8 (14) *Hurricane Preparedness.* Upon a declaration of a hurricane
9 warning for the City that pertains to the approach of a
10 Category 2 or higher level storm, all outdoor textile
11 recycling bins shall be moved to a safe location within
12 twelve (12) hours of the issuance of the hurricane warning
13 and shall remain in a safe location until the warning is no
14 longer in effect.

15 (15) *Responsibility and Liability of Bin Owner, Bin Permittee,*
16 *and Parcel Owner.* It shall be the responsibility of the bin
17 owner, the bin permittee and the parcel owner identified in
18 the permit to comply with the provisions of this section.
19 Failure to comply shall constitute a violation of this
20 section, and shall subject the violator to the penalties
21 provided herein.

22 (e) *Permit Required.* No person shall place or maintain a textile
23 recycling bin on any real property without first obtaining an
24 annual permit issued by the Zoning Administrator.

25 (f) *Permit Application.* A person desiring to secure a permit to
26 place or maintain a textile recycling bin shall first make
27 application to the Director of the Planning and Development
28 Department or his/her designee for each bin proposed by the
29 applicant. The permit application shall be on a form approved
30 by the Zoning Administrator. The permit application shall be
31 signed by the person applying for the permit, and if the person

1 applying is an entity then the application shall be signed by
2 the president (for a corporation), a managing member (for a
3 limited liability company), a general partner (for a general
4 partnership) or the chief executive officer or person in charge
5 for that type of entity. The applicant's signature shall be
6 under oath or affirmation. The application shall contain the
7 following information:

8 1. *The Identification of Applicant.* The name, street address,
9 and an email address of the applicant, including any and
10 all officers, directors, general partners, limited
11 partners, and shareholders owning more than five percent
12 (5%) of the stock of any non-publicly traded corporate
13 applicant, and any person who has a direct financial
14 interest exceeding ten thousand dollars (\$10,000) in the
15 ownership and/or operation of the applicant's business
16 address in the City of Jacksonville. The applicant's date
17 of birth if an individual, or the date of formation and
18 Federal Employer Identification Number (FEIN), if an
19 entity.

20 2. *The Identification of the Contact Person.* The name, street
21 address, email address, and telephone number of a contact
22 person for all matters relating to the bin that is subject
23 to the permit application.

24 3. *The Identification of the Bin's Street Address.* The street
25 address for the parcel on which the bin is proposed to be
26 located and which is the subject of the permit
27 application.

28 4. *The Identification of the Parcel Identification Number.*
29 The parcel identification number for the real property on
30 which the bin is proposed to be located. The parcel shall
31 be the same one as is the subject of the permit

1 application.

2 5. *Statement of Parcel Owner.* A statement by the parcel owner
3 that the parcel owner owns the subject parcel and that the
4 parcel owner has given permission in writing for the bin
5 owner to operate a textile recycling bin on the parcel
6 owner's property, provided that the bin owner maintains a
7 lawful City permit at all times to operate the bin. If a
8 parcel owner has given written permission to a lessee or
9 agent to act on their behalf to provide authorization as
10 to bin placement on their parcel, this shall be sufficient
11 to allow a lessee or agent to provide the statement by the
12 parcel owner. This shall not negate the parcel owner's
13 liability as provided in subparagraph (d)(15) above.

14 6. *Applicant's Ownership of Other Bins.* Whether or not the
15 applicant owns or operates any other textile recycling
16 bin(s) within the City.

17 7. *Applicant's Business Tax Payment.* The applicant shall
18 provide a copy of its receipt illustrating that the
19 business tax has been paid as required by Chapter 772,
20 Ordinance Code of the City of Jacksonville.

21 8. *Applicant's Annual Permit Fee.* The permit application
22 shall be accompanied by a nonrefundable annual permit fee
23 of \$75.00, or in such other amount as may be subsequently
24 established by the City Council through ordinance amending
25 fee schedules.

26 (g) *Permit Conditions.* The permit shall be conditioned upon
27 applicant meeting and staying in compliance with all of the
28 requirements of this Section 656.421.

29 (h) *Permit Issuance.* The permit shall be issued within fifteen (15)
30 days after a fully complete application included is submitted
31 to the Zoning Administrator and further provided that the

1 application is properly signed under oath or affirmation. When
2 the permit is issued, the permittee shall be given a permit
3 registration sticker with individualized permit registration
4 number which shall be affixed to the bin in the manner and in a
5 location as directed by the Zoning Administrator. The permit
6 registration number will allow the Zoning Administrator to
7 easily track information related to the bin owner and the
8 permit.

9 (i) *Permit Renewal.* A permit may be renewed annually. The
10 application for renewal shall be provided on a form provided by
11 the Zoning Administrator. The permittee shall provide an update
12 to any information that has changed since the previous year,
13 and the renewal application. The renewal application shall be
14 filed between August 1 and September 1 of each year, and shall
15 provide the same information and be signed in the same manner
16 as an original application. The permit renewal fee shall be the
17 same as the fee for a new permit. The Zoning Administrator
18 shall approve the renewal of the permit if the Zoning
19 Administrator finds (1) that no circumstances existed during
20 the term of the permit which would cause a material violation
21 to exist, and (2) that at the time of the submission of the
22 renewal application and at any time during the pendency of the
23 renewal application there were no circumstances inconsistent
24 with any finding required for the approval of a new permit. A
25 new permit registration sticker will be issued with each
26 renewal.

27 (j) *Permit Expiration.* If a permit expires and is not renewed, the
28 bin must be removed from the real property by the permittee by
29 no later than 48 hours after expiration of the permit. Should
30 permittee fail to remove a bin more than 48 hours after

1 expiration, the City shall be authorized to remove the bin from
2 the property at the permittee's expense.

3 (k) *Revocation or Suspension of Permit.* The Zoning Administrator
4 shall have the right to suspend or revoke any permit issued
5 hereunder for a violation of this section. The Zoning
6 Administrator, or designee, shall notify the permittee in
7 writing whether the permit is being suspended or revoked and
8 the reason therefore. The notice may allow permittee to make
9 corrective action within a certain cure period, or in cases
10 where the continuation of the permit may result in a detriment
11 to public health and safety, may require the immediate
12 revocation or suspension of the permit upon notice.

13 (1) *Appeals.* (1) The Zoning Administrator's decision to deny
14 a permit application or suspend or revoke a permit may be
15 appealed to the Director of the Planning and Development
16 Department. The permittee shall submit a written notice of
17 appeal to the Zoning Administrator within ten (10) days of
18 receipt of the Zoning Administrator's decision. The Planning and
19 Development Department shall schedule a hearing before the
20 Director within thirty (30) days of receiving the notice from
21 permittee.

22 (2) The Director shall conduct a hearing on the appeal within
23 sixty (60) days after the filing of the notice of appeal, or as
24 soon thereafter as its calendar reasonably permits. The Director
25 shall issue his or her final decision in writing within (30) days
26 of the appeal. The final decision of the Director shall be final
27 action by the City, effective as of the date of issuance, and the
28 permittee shall thereafter have any remedies available at law.

29 (3) The filing of a notice of appeal by a permittee shall
30 stay an order of the Zoning Administrator or Municipal Code
31 Compliance to remove the bin. The bin shall be allowed to remain

1 in place pending disposition of the appeal and final decision of
2 the Director. If Director upholds the action of the Zoning
3 Administrator, the bin shall be removed within 48 hours of the
4 Director's decision.

5 (l) *Permit Cancellation.* Prior to the expiration of a permit, the
6 permittee may voluntarily cancel the permit by notifying the
7 Zoning Administrator in writing of the permittee's intent to
8 cancel the permit. The permit shall become void upon the Zoning
9 Administrator's receipt of a written notice of intent to cancel
10 the permit. The bin subject to the permit shall be removed by
11 permittee no later than the date of receipt by the Zoning
12 Administrator of written notice of cancellation.

13 (m) *Business Tax Payment.* The permittee shall not be eligible to
14 operate a bin unless the permittee has paid the applicable
15 business tax required by Chapter 772, Ordinance Code of the
16 City of Jacksonville.

17 (n) *No Bins Permitted on Right-of-Way.* Notwithstanding the
18 provisions set forth herein, there shall be no textile
19 recycling bins permitted on City or state right-of-way or City-
20 owned property (without the express permission as described in
21 Section (f) above). Should a bin be found within public right-
22 of-way or on City-owned property without permission, the City
23 shall have the right to remove the bin without notice.

24 (o) *Reporting Requirements.* If permittee is required pursuant to
25 Section 403.7046, Florida Statutes and Rule 62-722, Florida
26 Administrative Code to report the tonnage per year of any
27 "recovered materials," as defined in Section 403.703, Florida
28 Statutes, the permittee shall submit a copy of the annual
29 certification and report that was provided to the State each
30 year, first with its initial application and then each year
31 along with its renewal application.

1 Section 4. Amending Section 656.1601 (Definitions),
2 Chapter 656 (Zoning Code), Ordinance Code. Section 656.1601
3 (Definitions), Part 16 (Definitions), Chapter 656 (Zoning Code),
4 Ordinance Code, is hereby amended to read as follows:

5 CHAPTER 656. ZONING CODE.

6 * * *

7 PART 16. DEFINITIONS.

8 * * *

9 Sec. 656.1601. Definitions.

10 For the purposes of this Chapter, Zoning Code, the following
11 terms, phrases, words, and their derivations, as listed in
12 alphabetical order herein, shall have the meaning contained below,
13 or as referenced within specific Sections.

14 * * *

15 Textile Recycling Bin means any stationary or free-standing
16 bin, container, receptacle or similar device made of steel or other
17 durable metal that is located outdoors within the city and is used
18 for the collection of Textile Materials.

19 * * *

20 Section 5. Oversight Department. The Neighborhoods
21 Department shall oversee the implementation of Chapter 381,
22 Ordinance Code, and ensure compliance by affected businesses. The
23 Neighborhoods Department shall coordinate with the Planning and
24 Development Department, as the Zoning Administrator shall provide
25 secondary support in review and establishing compliance with
26 Section 656.421, Ordinance Code, and the other applicable
27 provisions of the Ordinance Code related to textile recycling bins.
28 The Neighborhoods Department shall also coordinate with the
29 Municipal Code Compliance Division as they are tasked with
30 enforcement of Chapter 656 (Zoning Code), Ordinance Code.

1 Section 6. Initial process and procedures to regulate
2 textile recycling bins. The following process and procedures shall
3 be utilized to initially regulate textile recycling bins:

4 A. Textile recycling bins that do not comply with the Ordinance
5 Code changes adopted in this Ordinance shall be removed from a
6 parcel within thirty (30) days after the Effective Date of this
7 Ordinance.

8 B. Permit applications for the placement of textile recycling bins
9 that comply with the Ordinance Code changes adopted in this
10 Ordinance will be accepted beginning on the Effective Date of
11 the Ordinance. Permit applications shall be on forms approved
12 by the Director of the Planning and Development Department or
13 his/her designee. A permit application that does not comply
14 with the Ordinance Code changes adopted in this Ordinance shall
15 be returned to the applicant within thirty (30) days of the
16 date of receipt of the application.

17 C. Beginning on the sixtieth (60) day after the Effective Date of
18 this Ordinance, a daily fine pursuant to Section 609.109,
19 Ordinance Code, shall be levied against the owner of any
20 textile recycling bin that does not comply with the Ordinance
21 Code changes adopted by this Ordinance; provided however, if a
22 permit application which complies with the Ordinance Code
23 changes adopted in this Ordinance has been submitted for a
24 particular location and deemed complete by the Zoning
25 Administrator, but has not yet been approved, the applicant
26 shall not be fined unless and until the application is denied
27 or rejected by the Zoning Administrator.

28 Section 7. Interpretation. Nothing in this Ordinance
29 shall be interpreted or applied so as to create any requirement,
30 power or duty in conflict with any federal or state law.

1 **Section 8. Approval of Forms.** The City Council hereby
2 authorizes the Neighborhoods Department to develop such forms and
3 other materials as appropriate to implement Chapter 381 created in
4 this Ordinance and the Planning and Development Department to
5 develop such forms and other materials as appropriate to implement
6 the changes to Chapter 656 in this Ordinance.

7 **Section 9. Severability; Savings Clause.** The provisions
8 of this Ordinance are severable. If any section, subsection,
9 sentence, clause, phrase or portion of this Ordinance is held
10 invalid or unconstitutional, in whole or in part, as to any person
11 or persons or state of fact or facts, by any court of competent
12 jurisdiction, then the remainder of this Ordinance shall remain in
13 full force and effect to the maximum extent possible. The City
14 Council declares that the City Council would have adopted this
15 Ordinance irrespective of the invalidity of any particular portion
16 or portions of this Ordinance.

17 **Section 10. Enactment Pursuant to General Police Powers.**
18 This Ordinance is enacted pursuant to the City of Jacksonville's
19 general police powers, the Charter of the City of Jacksonville,
20 Chapter 125, Florida Statutes, Chapter 163, Florida Statutes, and
21 Article VIII of the Florida Constitution.

22 **Section 11. Effective Date.** This ordinance shall become
23 effective upon signature by the Mayor or upon becoming effective
24 without the Mayor's signature.

25
26 Form Approved:

27
28 /s/ Margaret M. Sidman

29 Office of General Counsel

30 Legislation prepared by: Paige H. Johnston