COUNCIL ITEM 8B
DATE 1-23-12

COUNCIL ITEM ~~10A~~
DATE 1/9/12

ORDINANCE 12- 01

AN ORDINANCE AMENDING OF THE CODE OF ORDINANCES OF THE CITY OF PORT ST. LUCIE, FLORIDA TO MOVE THE REGULATIONS REGARDING REFUSE COLLECTION AND RECYCLING AREAS FROM CHAPTER 153, LANDSCAPE; LAND CLEARING TO CHAPTER 158, ZONING, AND TO ADD A NEW SECTION TO CHAPTER 158 REGARDING SHARED DUMPSTER ENCLOSURES; PROVIDING AN EFFECTIVE DATE.

THE CITY OF PORT ST. LUCIE HEREBY ORDAINS:

Section 1. That Section 153.04(K) Screening of Refuse Collection and Recycling Areas is hereby amended as follows:

§153.04(K) ~~Screening of~~ Landscaping For Refuse Collection and Recycling Areas. ~~Refuse and recycling dumpsters utilized at multi-family residential complexes, commercial, industrial, office, and institutional facilities shall be screened from view on all sides and shall be gated. Gate facing shall be constructed of a solid material with the option of using wood, metal or other "solid" material. Gate framework shall be constructed of metal. Gates may be left open only on scheduled pick-up days and must be closed following pick-up. Such screening for refuse and recycling dumpsters shall consist of a five-foot high masonry wall. In addition, o~~One shrub or vine shall be planted at two-foot centers along the outside perimeter of the ~~screen~~ dumpster enclosure wall. ~~Dumpster enclosures shall measure at least 12-foot by 12-foot in area. The gate to the recycle dumpster enclosure shall have a sign attached indicating "recycle". Dumpsters shall be located in areas that minimize public view. Gates shall not face a street, whenever possible. All uses, excluding single-family residential uses, that generate refuse shall provide one or more locations for enclosed and gated refuse dumpsters even if curbside pick-up is utilized, unless indicated otherwise. Multi-family development that is less than 5 units per acre shall be exempt from providing locations for refuse and recycle dumpsters provided that the waste service provider agrees to provide curbside pick-up service. Commercial, office, institutional and multi-family development greater than 5 dwelling units per acre shall provide one or more locations for enclosed and gated recycling dumpsters even if curbside pick-up is utilized. The Site plan Review Committee may modify the size required for the recycling dumpster enclosure after reviewing and considering the size of the building and type of use. For those properties with a P (Professional) zoning designation, a 6 ft. by 12 ft. recycling dumpster is permitted.~~

Section 2. That Section 158.232 Refuse Collection and Recycling Areas is hereby added as follows:

§158.232 Refuse Collection and Recycling Areas.

(A) Location and Number. Refuse and recycling dumpsters utilized at multi-family residential complexes, commercial, industrial, office, and institutional facilities shall

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be located in areas that minimize public view. Gates shall not face a street, whenever possible. All uses, excluding single-family residential uses, that generate refuse shall provide one or more locations for enclosed and gated refuse and recycling dumpsters even if curbside pick-up is utilized, unless indicated otherwise. Multi-family development that is less than 5 units per acre shall be exempt from providing locations for refuse and recycling dumpsters provided that the waste service provider agrees to provide curbside pick-up service.

(B) Screening. Refuse and recycling dumpsters shall be screened from view on all sides and shall be gated. The enclosure shall consist of a five-foot high masonry wall. Gate facing shall be constructed of a solid material with the option of using wood, metal or other "solid" material and shall have a sign attached indicating "recycle". Gate framework shall be constructed of metal. Gates may be left open only on scheduled pick up days and must be closed following pick-up.

(C) Size. Dumpster enclosures shall measure at least 12-foot by 12-foot in area. The Site plan Review Committee may modify the size required for the recycling dumpster enclosure after reviewing and considering the size of the building and type of use. For those properties with a P (Professional) zoning designation, a 6 ft. by 12 ft. recycling dumpster is permitted.

(D) Shared Enclosures. For site plans involving less than 10,000 square feet of gross floor area for nonresidential developments or less than 50 dwelling units, dumpster enclosures may be located along or across adjoining property lines and serve two adjacent properties. The affected property owners must enter into a recorded agreement providing for perpetual joint use and maintenance of the enclosure.

ORDINANCE 12- 01

Section 3. This Ordinance shall become effective ten (10) days after its final adoption.

PASSED AND APPROVED by the City Council of the City of Port St. Lucie, Florida, this _____ day of _____, 2012.

CITY COUNCIL
CITY OF PORT ST. LUCIE

By: _____
JoAnn M. Faiella, Mayor

ATTEST:

By: _____
Karen A. Phillips, City Clerk

APPROVED AS TO FORM:

By: _____
Roger G. Orr, City Attorney

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PORT ST. LUCIE CITY COUNCIL

AGENDA ITEM REQUEST

MEETING: REGULAR _X_ SPECIAL

DATE: 1-9-12 and 1-23-12

ORDINANCE _X_ RESOLUTION ___ MOTION

PUBLIC HEARING 1-23-12 LEGAL AD PUBLISH DATE City Clerk's Office

NAME OF NEWSPAPER St. Lucie News Tribune

ITEM: P11-122. City Code Text Amendment – Chapter 153: Landscaping; Land Clearing and Chapter 158: Zoning – Dumpster Enclosures

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RECOMMENDED ACTION: The Planning & Zoning Board at their meeting of December 6, 2011, unanimously recommended approval of the proposed amendment to the City's Codes regarding dumpster enclosures.

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EXHIBITS: A. Staff Report and Recommendation
B. Ordinance

SUMMARY EXPLANATION/BACKGROUND INFORMATION: Proposed amendment to move the regulations regarding refuse collection and recycling areas from the Landscaping; Land Clearing Code to the Zoning Code and to add a new section to the Zoning Code regarding shared dumpster enclosures.

IF PRESENTATION IS TO BE MADE, HOW MUCH TIME WILL BE REQUIRED?

SUBMITTING DEPARTMENT: Planning Department DATE: 12/13/11

ITEM # 7(A)

City of Port St. Lucie
Planning and Zoning Department
A City for All Ages

TO: PLANNING AND ZONING BOARD - MEETING OF DECEMBER 6, 2011

FROM: ANNE COX, ASSISTANT DIRECTOR OF PLANNING AND ZONING

RE: CITY CODE TEXT AMENDMENT
(PROJECT NO. P11 - 122)
CHAPTER 153: LANDSCAPING; LAND CLEARING AND CHAPTER 158: ZONING

DATE: NOVEMBER 23, 2011

BACKGROUND

At the Planning and Zoning Board meeting of November 1, 2011, the Board reviewed proposed text amendments to Chapter 153, Landscape; Land Clearing and Chapter 158, Zoning of the City's Code of Ordinances regarding dumpster enclosures. The Board unanimously recommended approval of the proposed text amendments. Since that time, the Legal Department has raised a concern over the last sentence of the proposed Section 158.232 (D), which was proposed to read as follows: " The recurring monthly fees for refuse and recyclables pick up shall be proportionately divided between the two/or multiple property owners and one property owner responsible for payment be named in the agreement." The concern relates to third–party billing matters as discussed in the attached email. Staff is recommending that sentence be removed from the proposed text amendment.

PROPOSED TEXT AMENDMENTS

Due to the concern relating to third-party billing matters, staff is now proposing that the following language be added to the Zoning Code to allow shared dumpster enclosures for minor site plans:

Shared Enclosures. For site plans involving less than 10,000 square feet of gross floor area for nonresidential developments or less than 50 dwelling units, dumpster enclosures may be located along or across adjoining property lines and serve two adjacent properties. The affected property owners must enter into a recorded joint

easement agreement providing for perpetual joint use and maintenance of the enclosure.

STAFF RECOMMENDATION:

The Planning and Zoning Department staff recommends approval of the proposed text amendments to Chapter 153, Landscape; Land Clearing and Chapter 158, Zoning as shown in the attached ordinance.

Anne Cox

From: Daniel Holbrook
Sent: Wednesday, November 02, 2011 10:59 AM
To: Greg Oravec
Cc: Patty Lipp; Anne Cox
Subject: RE: Shared Dumpster Enclosure

We will resend the item to the Board for their review.

From: Greg Oravec
Sent: Wednesday, November 02, 2011 10:55 AM
To: Daniel Holbrook
Cc: Patty Lipp
Subject: FW: Shared Dumpster Enclosure

Daniel,

Please see the below. Please let me know of any concerns. The language is probably "substantially" changed and should be re-sent to the P&Z Board.

Thanks,

Greg

Gregory J. Oravec
Assistant City Manager
121 SW Port St. Lucie Boulevard
Port St. Lucie, FL 34984

(772) 344-4371
(772) 871-5248 [fax]

From: Greg Oravec
Sent: Wednesday, November 02, 2011 10:53 AM
To: 'Patricia Christensen'; Anne Cox
Cc: Daniel Holbrook
Subject: RE: Shared Dumpster Enclosure

Patricia,

As you may be aware, P&Z staff incorporated your suggested language on the subject, and it was approved by the P&Z Board. Unfortunately, the Legal Department has since raised a concern over the language relating to third-party billing matters. I must confess that I see their point. I don't really want the City to be involved in how the bill is apportioned between the two owners. We feel that is for the owners to decide. I hope that you can address any waste hauler concerns when you sign the property owner(s) up to a service agreement. As a result, the Legal Department and I are proposing that the paragraph on Shared Enclosures read:

For site plans involving less than 10,000 square feet of gross floor area for nonresidential developments or less than 50 dwelling units, dumpster enclosures may be located along or across adjoining property lines and serve two adjacent properties. The affected property owners must enter into a recorded joint easement agreement providing for perpetual joint use and maintenance of the enclosure. ~~The recurring monthly fees for refuse and recyclables pick up shall be proportionately divided between the two/or multiple property owners and one property owner responsible for payment be named in the agreement.~~

If you have any questions or would like to discuss this matter in greater detail, please do not hesitate to contact me.

Thank you,

Greg

Gregory J. Oravec
Assistant City Manager
121 SW Port St. Lucie Boulevard
Port St. Lucie, FL 34984

(772) 344-4371
(772) 871-5248 [fax]

From: Patricia Christensen [mailto:pchristensen@wasteprousa.com]
Sent: Tuesday, October 18, 2011 5:13 PM
To: Anne Cox; Greg Oravec
Cc: Daniel Holbrook
Subject: RE: Shared Dumpster Enclosure

Ann and Greg,

Thanks for allowing me to review the proposed ordinance change. Everything is good with us, except on Paragraph (D). Could the language read "The recurring monthly fees for refuse and recyclables pick up shall be proportionately divided between the two/or multiple property owners and one property owner responsible for payment be named in the agreement."

We are still concerned that the designated property owner may change with property ownership or if the person sells or closes their business, but are unsure how to address this. This language, however, gives us a little more comfort. In future contracts for Waste Hauling services, this should be addressed to give the hauler some leverage as a means to collect sums owed. It's just unfortunate that it happens more than you would think.

Let me know if there is anything else I can help with.

Patricia

Patricia Christensen
Government Contract Manager
Waste Pro
4100 Selvitz Rd.
Fort Pierce,FL 34981
772-595-9390(office)
772-370-8122 (cell)
Pchristensen@wasteprousa.com

WASTE PRO
Caring For Our Communities

From: Anne Cox [mailto:AnneC@cityofpsl.com]
Sent: Monday, October 17, 2011 9:54 AM
To: Patricia Christensen; Greg Oravec
Cc: Daniel Holbrook
Subject: Shared Dumpster Enclosure

Attached please find a proposed ordinance that addresses shared dumpster enclosures per City Council's direction at the summer retreat. The proposed zoning text amendment would allow the shared enclosures only for minor site plans. We are also proposing to move the dumpster enclosure regulations from the Landscaping Code to the Zoning Code and better organize the section. This is scheduled for the November 1st Planning and Zoning Board meeting. Please let us know if you have any comments.

Sincerely,

Anne Cox, AICP
Assistant Director of Planning and Zoning
City of Port St. Lucie
121 SW Port St. Lucie Blvd.
City of Port St. Lucie, FL 34984-5099
772-871-5218 (phone) 871-5124 (fax)

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ITEM # 7(B)

City of Port St. Lucie
Planning and Zoning Department
A City for All Ages

TO: PLANNING AND ZONING BOARD - MEETING OF NOVEMBER 1, 2011

FROM: ANNE COX, ASSISTANT DIRECTOR OF PLANNING AND ZONING AC

RE: CITY CODE TEXT AMENDMENT
(PROJECT NO. P11 - 122)
CHAPTER 153: LANDSCAPING; LAND CLEARING AND CHAPTER 158: ZONING

DATE: OCTOBER 20, 2011

BACKGROUND

At the City Council's 2011 Summer Retreat, the Assistant City Manager presented the Regulatory Rethink agenda item. The purpose of the presentation and following discussion was to explore ways that the City could be more business friendly and improve its regulatory processes. One of the items discussed was allowing shared dumpster enclosures for small projects. It was the consensus of the Council to have staff bring back language on sharing dumpster enclosures.

PROPOSED TEXT AMENDMENTS

Staff is proposing that the following language be added to the Zoning Code to allow shared dumpster enclosures for minor site plans:

> **Shared Enclosures**. For site plans involving less than 10,000 square feet of gross floor area for nonresidential developments or less than 50 dwelling units, dumpster enclosures may be located along or across adjoining property lines and serve two adjacent properties. The affected property owners must enter into a recorded agreement providing for perpetual joint use and maintenance of the enclosure. The recurring monthly fees for refuse and recyclables pick up shall be proportionately divided between the two/or multiple property owners and one property owner responsible for payment be named in the agreement.

An aerial photo is attached which shows three retail developments all with separate dumpster enclosures located near the rear of the properties. The enclosure on the

property in the middle is next to a tree and not visible in the photo. This is an example in which a shared enclosure might have been utilized.

Staff is also proposing that the requirements for refuse collection and recycling areas be moved from Chapter 153, Landscaping; Land Clearing to Chapter 158, Zoning Code. The language requiring landscaping along the outside perimeter of the dumpster enclosure wall would remain in the Landscaping Code. The requirements for the refuse collection and recycling areas that are proposed to be moved and added to the Zoning Code would be organized by 1) location and number, 2) screening, 3) size, and 4) requirements for shared enclosures. The proposed text amendments are shown as ~~strike-through~~ and <u>underline</u> in the attached Exhibit A.

<u>STAFF RECOMMENDATION</u>:

The Planning and Zoning Department staff recommends approval of the proposed text amendments to Chapter 153, Landscape; Land Clearing and Chapter 158, Zoning as shown on the attached Exhibit A.

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