



**City of Gainesville**  
**Department of Doing**  
PO Box 490, Station 11  
Gainesville, FL 32627-0490  
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P: (352) 334-5022  
F: (352) 334-2648

**TO: City Plan Board**

**Item Number: 3**

**FROM: Planning & Development Services Department Staff**

**DATE: June 27, 2019**

**SUBJECT: Petition PB-18-00180. Amend the City of Gainesville Land Development Code definition of “Recycling Center” (Section 30-2.1) to allow for activities associated with the collection and preparation of scrap metal for off-site recycling.**

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### **Applicant**

Andrea Zelman, agent for Trademark Metals Recycling, LLC.

### **Recommendation**

Staff does not recommend approval of PB-18-00180.

### **Discussion**

This privately initiated petition proposes to amend the definition of “Recycling Center”, contained in Section 30-2.1 of the City’s Land Development Code, to allow for activities associated with the collection and preparation of scrap metal from automobiles and household appliances for transport offsite for scrap metal recovery. The Code’s definition for recycling centers includes operations primarily engaged in collecting, sorting, transporting, compacting, cleaning and breaking of reusable material, including but not limited to glass, paper, aluminum, steel cans, reusable household items and plastic, which is intended for reuse, remanufacture or reconstitution in an altered form. The definition specifically excludes operations engaged in burning or melting of such products, the collection of refuse, household appliances, auto parts or hazardous materials, and the wrecking or dismantling of auto salvage material. Recycling centers are a permitted use within the General Industrial (I-2) zoning district, and may be approved via special use permit in the following zoning districts and corresponding land use categories (zoning map attached):

<b>Zoning</b>	<b>Land Use</b>
MU-2 (Mixed-Use Medium Intensity)	MUM (Mixed-Use Medium Intensity)
BUS (General Business)	C (Commercial)
W (Warehousing and Wholesaling)	C (Commercial), I (Industrial)
I-1 (Limited Industrial)	IND (Industrial)

The Mixed-Use Medium Intensity land use category allows a mixture of residential, office, and business uses. Public and private schools, institutions of higher learning, places of religious

assembly and community facilities are also identified as being appropriate uses in this category. The Comprehensive Plan requires that land development regulations ensure a compact, pedestrian environment for these areas and provide guidelines for the compatibility of permitted uses. The Commercial land use category identifies those areas most appropriate for large scale highway-oriented commercial uses, and directs the Code to control intensity by adopting height limits and requiring buildings to face the street.

The proposed amended definition would allow for the preparation of automobiles and household appliances for offsite scrap metal recovery. This type of activity currently falls under the Land Development Code definition of “Junkyard (or salvage yard)”, which includes operations primarily engaged in the dismantling, demolition or abandonment of automobiles or other vehicles or machinery or parts thereof. Junkyards are a permitted use in the I-2 zoning district and may be approved as a special use in the I-1 district. This use is additionally regulated by Article V, Section 30-5.15 which outlines spacing and screening requirements to mitigate for potential impacts to neighboring properties.

Expanding allowable operations within recycling center facilities as proposed would allow for activities that are now only permitted within industrial districts to be potentially approved in an area designated for commercial or mixed-use purposes. This presents compatibility concerns in relation to existing and future development within these land use categories as well as adjacent land uses. The Comprehensive Plan directs the Land Development Code to consider negative externalities of industrial uses, and the Code clarifies special considerations for junkyard uses specifically. The proposed activity is most appropriate within industrial zoning districts which are expected to include activities which may emit noise, vibration, dust, odor or pollutants.

There are five established recycling center facilities in the city of Gainesville (see attached list), all of which could conceivably expand their operations if the definition were to be amended. All but one of these facilities are located within the I-2 (Industrial) zoning district. The compatibility concern lies with those existing and future facilities not located within an area designated for industrial uses. Recycling centers are not additionally regulated by Article V which provides for specific use standards that are more restrictive than the general requirements of the zoning district. Placing additional standards on this use would be advised if the definition were to be amended to allow for activities related to the preparation of automobiles and household appliances.

Respectfully submitted,

Brittany McMullen, AICP  
Planner III

### **List of Exhibits**

Exhibit A: Existing Recycling Center Definition from Code Section 30-2.1

Exhibit B: Application with proposed text amendment

Exhibit C: Zoning map

Exhibit D: List of recycling centers within city limits

## Exhibit A

1 **Public service vehicle** means a mobile unit such as a bloodmobile, bookmobile or X-ray laboratory  
2 designed to provide a noncommercial public service in a temporary location.

3 **Public use** means the use of any land, water or building by a governmental agency for a public service or  
4 purpose.

5 **Public utility** means a utility owned, operated and maintained by a public or governmental entity or a  
6 publicly-regulated utility company, including but not limited to stormwater, drainage, water,  
7 wastewater, reclaimed water, chilled water, natural gas, electric or telecommunications facilities.

8 **Public utility easement (PUE)** means a non-possessory, non-exclusive interest in the land of another and  
9 the right to use the property for the purpose of installing, operating and maintaining public utility  
10 facilities.

11 **Qualitative tree survey.** See “tree survey, qualitative.”

12 **Radius return (R)** means the curved arc between intersecting street pavements.

13 **Rear lane** means a vehicular way located to the rear of lots providing access to service areas, parking,  
14 and outbuildings and containing utility easements. The streetscape consists of gravel or landscaped  
15 edges. Rear lanes have no raised curb, and are drained by percolation. (See *Alley* definition).

16 **Recreational area or recreation area** means any common area or dedicated public area, including open  
17 space or buildings, but not including streets or off-street parking or loading areas, which is usable for  
18 either passive or active recreational activities. Passive recreational activities are those that involve mere  
19 observation or only a small amount of activity to derive relaxation or pleasure, and they include such  
20 pursuits as sightseeing, bird watching, picnicking, fishing and the like. Active recreational activities are  
21 those that require a certain degree of physical exertion in order to obtain exercise or a release of  
22 energy, and they include both team sports and individual sports, playground activities, exercise facilities  
23 and the like.

24 **Recreation, indoor** means an indoor public or private establishment designed and equipped for the  
25 conduct of sports and leisure time activities. Some examples include bowling alleys, theaters,  
26 gymnasiums, fitness facilities, pool halls, laser tag, and skating rinks. This category does not include  
27 sexually-oriented motion picture theaters, stadium/sports arenas, or any public recreation facilities.

28 **Recreation, outdoor** means any premises where the principal use is the provision of outdoor  
29 amusements, sports, games, athletic facilities, or other outdoor recreational facilities and/or services.  
30 This term includes golf driving ranges, miniature golf, paintball facilities, and water slides; but does not  
31 include golf courses, shooting ranges, drive-in theaters, stadiums/sports arenas, or any public parks.

32 **Recreational vehicle** means any vehicle, not exceeding thirty-five (35) feet in overall length or eight (8)  
33 feet in width, designed and intended for recreational purposes, including trailers, travel trailers, boats,  
34 campers, pickup campers, buses, tent trailers, motor homes and other similar vehicles with or without  
35 motive power, designed and constructed to travel on public thoroughfares.

36 **Recycling center** means operations primarily engaged in collecting, sorting, transporting, compacting,  
37 cleaning and breaking of reusable material, including but not limited to glass, paper, aluminum, steel  
38 cans, reusable household items and plastic, which is intended for reuse, remanufacture or reconstitution  
39 in an altered form. This definition excludes operations engaged in burning or melting of such products,  
40 the collection of refuse, household appliances, auto parts or hazardous materials, and the wrecking or  
41 dismantling of auto salvage material.



NOV 30 2018

**APPLICATION—CITY PLAN BOARD—TEXT AMENDMENT**  
**Planning & Development Services**

OFFICE USE ONLY	
Petition No. <u>PB-18-00180</u>	Fee: \$ <u>703.75</u>
1 <sup>st</sup> Step Mtg Date: _____	EZ Fee: \$ <u>N/A</u>
Tax Map No. _____	Receipt No. <u>80865</u>
Account No. 001-660-6680-3401 <input checked="" type="checkbox"/>	
Account No. 001-660-6680-1124 (Enterprise Zone) <input type="checkbox"/>	
Account No. 001-660-6680-1125 (Enterprise Zone Credit) <input type="checkbox"/>	

Name of Applicant/Agent (Please print or type)	
Applicant/Agent Name: Andrea Zelman as agent for Trademark Metals Recycling, LLC	
Applicant/Agent Address: 401 E. Jackson St., St. 2400	
City: Tampa	
State: FL	Zip: 33602
Applicant/Agent Phone: 813-222-3335	Applicant/Agent Fax: 813-229-8313
andrea.zelman@bipc.com	

***Note:** It is recommended that anyone intending to file a petition for a text amendment to Chapter 30 of the City of Gainesville Code of Ordinances (Land Development Code) or to the Comprehensive Plan, meet with the Department of Community Development prior to filing the petition, in order to discuss the proposed amendment and petition process. The request will be evaluated as applicable to the particular zoning district or land use category on a citywide basis.*

TEXT AMENDMENT		
Check applicable request below:		
Land Development Code <input type="checkbox"/>	Comprehensive Plan Text <input type="checkbox"/>	Other <input type="checkbox"/>
Section/Appendix No.:	Element & Goal, Objective or Policy No.:	Specify:
Section 30-2.1.-Defintions		

Proposed text language and/or explanation of reason for request (use additional sheets, if necessary):
The applicant is proposing to amend the definition of "Recycling Center" to more accurately reflect the activities associated with the collection and preparation of scrap metal for off-site recycling.
The applicant met with City of Gainesville Department of Doing staff with regard to this amendment

**Certified Cashiers Receipt:**

## Exhibit B

### Application—Text Amendment

prior to submitting this application. The proposed definition is as follows:

***Recycling center*** means operations primarily engaged in collecting, sorting, transporting, compacting, cleaning and breaking of reusable material, including but not limited to glass, paper, aluminum, steel cans, reusable household items and plastic, which is intended for reuse, remanufacture or reconstitution in an altered form. This definition excludes operations engaged in burning or melting of such products, the collection of refuse, household appliances **for any purpose other than preparation for offsite scrap metal recovery**, auto parts or hazardous materials, and the wrecking or dismantling of auto salvage material; **however, a Recycling Center may purchase and prepare automobiles for safe transport offsite for scrap metal recovery.**

***No person submitting an application may rely upon any comment concerning a proposed amendment, or any expression of any nature about the proposal made by any participant at the pre-application conference as a representation or implication that the proposal will be ultimately approved or rejected in any form.***

## CERTIFICATION

The undersigned has read the above application and is familiar with the information submitted herewith.

Signature of applicant/agent:

Date: \_\_\_\_\_

TL—djw  
8/99

## Exhibit B

Operator: Michael Hoge

NOV 30 2018

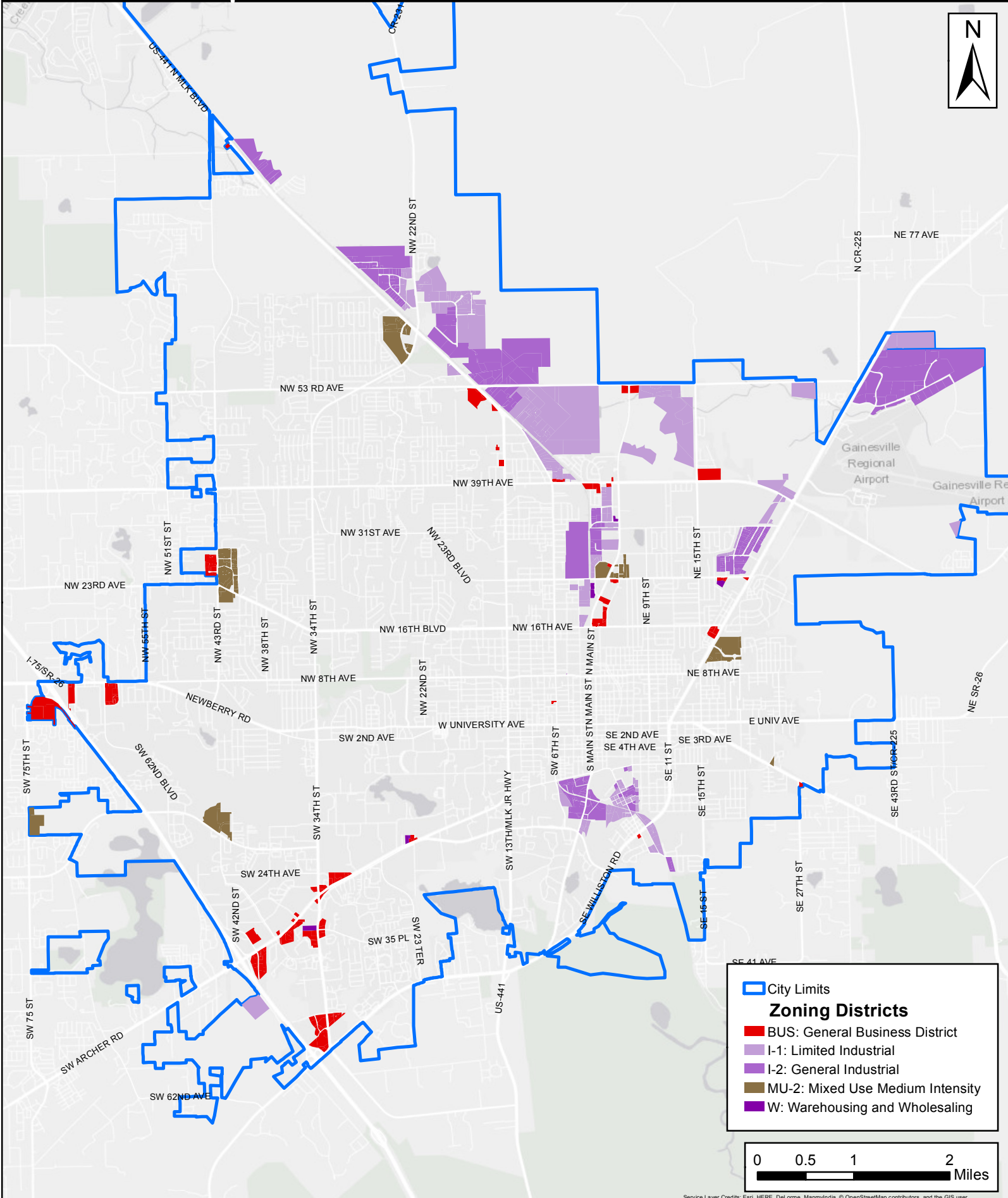
Receipt no: 80865

Item	Description	Account No	Payment	Payment Reference	Paid
<b>PB-18-00180</b> 123 NO ADDRESS Change Definition of "Recycling Center" to Reflect Use of Scrap Metal for Off-site Recycling	Text Change - Comprehensive Plan	001-660-6680-3401	CHECK	51035423	\$703.75
<b>Total:</b>					<b>\$703.75</b>

Transaction Date: 11/30/2018

Time: 14:26:44 EST





**Exhibit D**

**Recycling Centers within Gainesville City Limits**

<b>Facility Name</b>	<b>Location</b>	<b>Zoning</b>
CMC Recycling	1508 NW 55th Place	I-2 (General Industrial)
Florida Concrete Recycling	930 SW 3rd St	I-2 (General Industrial)
Recycling Services of America	2874 NE 1st Terr	I-2 (General Industrial)
Trade Mark Metals	901 E Waldo Road	U8 (Urban 8)
Tropical Recycling	2830 N Main St	I-2 (General Industrial)