

ORDINANCE NO. 2026-4

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA AMENDING THE LAND DEVELOPMENT CODE CHAPTER 2 DEFINITIONS AND INTERPRETATIONS AND CHAPTER 16 MISCELLANEOUS REGULATIONS, RELATING TO OUTSIDE STORAGE, ESTABLISHING STANDARDS FOR OUTDOOR DONATION BINS, AND ESTABLISHING STANDARDS FOR TEMPORARY STORAGE CONTAINERS ON NON-RESIDENTIAL PROPERTIES ASSOCIATED WITH CONSTRUCTION AND RENOVATION PROJECTS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the proposed amendments are necessary to improve the content of the existing Land Development Code (“Code”) as part of an ongoing maintenance effort to make the Code more efficient in its application as well as updated to respond to the current conditions in the community; and

WHEREAS, the Planning Commission has recommended amendments to the Land Development Code; and

WHEREAS, for purposes of this ordinance words with underlined (underlined) type shall constitute additions to the original text and words with strikethrough (~~strikethrough~~) type shall constitute deletions from the original text.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA:

SECTION 1: The City Council of the City of Port Orange hereby amends Chapter 2, Section 2 of the Land Development Code, to read as follows:

Chapter 2 DEFINITIONS AND INTERPRETATIONS
Section 2: - Definitions.

Donation bin. Any stationery or free-standing container, receptacle or similar device that is located outdoors on any property within the city and is used for the collection of donated items, such as clothing, books, shoes or other non-perishable personal property.

SECTION 2: The City Council of the City of Port Orange hereby amends Chapter 16, Section 1 of the Land Development Code, to read as follows:

Chapter 16 MISCELLANEOUS REGULATIONS

Section 1: Accessory uses and structures.

[No change to subsections (a) through (d)]

- (e) *Outside storage.* Outside storage of new and used equipment and materials shall be regulated as follows.
- (1) *Residential uses.*
- (a) Outside storage of materials and equipment shall be restricted to the rear yard area and screened by an opaque fence or hedge so that such materials are not visible from any public right-of-way or adjoining lot.
- (b) Materials and equipment such as appliances, motor vehicle parts, and equipment and materials used as part of a business conducted off-site shall not be stored outside. Additionally, unlicensed/unregistered, disabled, abandoned, or inoperable motor vehicles shall not be stored outside. Unlicensed/unregistered, disabled, abandoned or inoperable recreational vehicles or equipment (as defined in section 70-48 of this Code of Ordinances) shall not be stored outside unless awaiting repair and stored pursuant to section 70-48(h). This prohibition shall not apply to licensed/registered and operable motor vehicles, recreational vehicles and equipment and other such vehicles, which are merely being parked on-site. However, such vehicles shall be subject to other provisions of this code, such as those relating to driveways, which may regulate or restrict their location on site.
- (c) Unless otherwise stated, temporary storage containers (e.g. PODS) shall be restricted to the driveway for a period not to exceed 72 hours in any continuous 30-day period. However, if said container is placed as permitted and is related to an improvement that has been issued a building permit, said container will be permitted for the duration of the

building permit and shall be removed prior to the city's issuance of a certificate of occupancy or completion or final inspection, as applicable. The use of a temporary storage container may also be allowed for other site improvements or scenarios that may not require a permit if approved by the Administrative Official.

- (2) *Office uses.* Outside storage of equipment or materials shall not be permitted for office uses.
- (3) *Commercial uses.* Outside storage of equipment and materials shall be permitted only when associated with a commercial use and located in designated areas approved for such display as part of a development plan, or as part of a building permit, if the required right-of-way landscape buffer is provided. Additional restrictions are specified below.
 - (a) Storage of licensed and operable motor vehicles, boats, recreational vehicles, tractor trailers, storage trailers and other such vehicles shall be located out of view from any abutting rights-of-way, private streets, waterways and residential uses.
 - (b) Outdoor display and/or storage may be permitted in conjunction with special sales events such as those permitted under chapter 58, article III, Code of Ordinances, and other uses when permitted by special exception or approved as part of a development plan.
 - (c) Licensed and inoperable motor vehicles awaiting repair may be stored within screened areas on the site of motor vehicle repair facilities and motor vehicle service centers, provided that no such vehicle shall be stored for more than 28 consecutive days.
- (4) *Industrial uses.* Outside storage of equipment or materials shall be permitted for industrial uses, when in compliance with the following requirements.
 - (a) All storage areas shall be enclosed by an opaque wall, fence or landscaping of sufficient maturity, density and height to screen such areas from any public right-of-way or adjoining property.
 - (b) All equipment or materials shall be secured, if necessary, to withstand winds.
 - (c) Screening shall not be required around storage areas for operable motor vehicles and landscape materials.
 - (d) No licensed and inoperable motor vehicles shall be stored for a period exceeding 28 consecutive days within screened areas on the site of motor vehicle repair facilities and motor vehicle service centers.
- (5) Temporary storage containers (e.g. PODS) on non-residential sites shall only be allowed in relation to an improvement that has been issued a development permit. Said container shall only be permitted for the duration of the construction and shall be removed prior to the city's issuance of a certificate of occupancy, certificate of completion, or final inspection, as applicable. The use

of a temporary storage container may also be allowed for other site improvements or scenarios that may not require a development permit if approved by the Administrative Official.

(6) Outdoor donation bins. The requirements of this part apply to donation bins (or boxes) which function as accessory uses or structures, or other temporary structures when used for the purpose of collecting recyclable materials and/or re-sellable goods. In addition to any applicable zoning regulations, all donation bins allowed as accessory uses or structures under this part shall conform to the following requirements.

- (a) No donation bin shall be placed in the City until approval from the City as provided in this section is obtained.
- (b) In order to obtain approval for a donation bin to be placed in the City, a permit application shall be submitted with the following information:
 - 1) A scaled drawing showing the location of the proposed donation bin and indicating the donation bin size and color, signage, and any other information deemed necessary to review the request.
 - 2) The name, address and telephone number of the permittee.
 - 3) Written consent of the property owner or legal designee to establish the donation bin in the requested location on form provided by the City.
- (c) Following approval by the city for the placement of a donation bin, a donation bin shall not be relocated from the approved location to a different location on the site or a new site without obtaining a new permit from the city.
- (d) A donation bin shall only be located upon improved, level, paved surfaces on an occupied non-residential building site in a commercial and industrial zoning district, or on a building site of a non-profit organization or house of worship, excluding any property located within the boundary of the Port Orange Town Center Community Redevelopment Area.
- (e) No donation bin shall be permitted on any building site that is developed but unoccupied. If a building site becomes unoccupied due to a business relocation or closing after approval to place a donation bin, then the donation bin must be removed.
- (f) A donation bin shall be located on an improved impervious surface and shall be anchored to such surface in such a manner that in the event of severe weather, the bin is not overturned or moved.
- (g) A donation bin shall be removed from its permitted location within 24 hours of the issuance of a hurricane watch by a recognized governmental agency. The removal of a donation bin is the responsibility of the permittee and/or property owner. If not removed within this time period, the city may remove, store or dispose of the donation bin.

- (h) A parcel or lot that is less than five acres (5) in area shall be limited to one (1) donation bin and a parcel or lot that is five (5) acres or more in area shall be limited to two (2) donation bins.
- (i) A donation bin shall not be located in any of the following areas on a site:
- (1) Required parking spaces;
 - (2) Public or private right-of-way;
 - (3) Drive aisles;
 - (4) Required landscaped areas or bufferyards;
 - (5) Intersection and driveway visual clearance zones;
 - (6) 100 feet from an arterial right-of-way
 - (7) Pedestrian circulation areas; or
 - (8) Within one hundred (100) feet from a single-family residentially zoned district.
- (j) The receiving door on a donation bin shall be oriented toward the interior of the parcel or lot and away from a public right-of-way.
- (k) No donation bin shall exceed 35 square feet in area and 7 feet in height.
- (l) Donation bins shall be painted with earth-tone or pastel colors, as defined by this code.
- (m) Notwithstanding the signage requirements of Florida Statutes § 496, as amended, a permittee may install additional informational or promotional signage on a permitted donation bin, subject to the following limitations:
- (1) Additional signage may include non-commercial information regarding the permittee, operator, or benefiting nonprofit organization, as well as logos or messaging about donations. Such signage shall be allowed on no more than two sides of the donation bin, with one side being the front or depositing side.
 - (2) The total area of all additional signage on the bin shall not exceed four (4) square feet.
 - (3) Additional signage shall not obscure, cover, or interfere with the visibility of the statutorily required information, including the operator/permittee name, contact information, or required disclosure statements under Florida Statutes § 496.
 - (4) Donation bins shall not be used for off-site advertising of unrelated commercial activities.
- (n) A donation bin shall be maintained in a manner so as not to constitute a nuisance with regard to odor, noise, rust, or other environmental effects. The appearance of a donation bin shall at all times be maintained to be rust-free, properly painted, have legible signage, graffiti free.

(o) No outdoor display or storage of materials shall be permitted. A donation bin shall be emptied immediately upon having items overflowing or not contained in the bin (i.e. on top of the bin, on the ground near the bin, or

placed on something near the bin rather than contained in the bin). No processing shall take place on-site. The permittee and property owner shall be individually and jointly responsible for abating and removing all overflowing material, garbage, trash, debris and other material in the area surrounding any donation bin.

(p) 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 jointly and individually liable and responsible for such violation.

[No change to subsection (f)]

SECTION 3: All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

SECTION 4. Scrivener's Errors. Typographical errors and other matters of a similar nature that do not affect the intent of this Ordinance, as determined by the City Clerk and City Attorney, may be corrected.

SECTION 5. The provisions of this Ordinance shall become and be made a part of the Land Development Code of the City of Port Orange, and the Sections of this Ordinance may be renumbered or re-lettered to accomplish such intention. The Code codifier is granted liberal authority to codify the provisions of this Ordinance.

SECTION 6. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared severable.

SECTION 7. This Ordinance shall take effect immediately upon adoption.

MAYOR SCOTT STILTNER

ATTEST:

Robin L. Fenwick, MMC, City Clerk

Passed on first reading on the _____ day of _____

Passed and adopted on second and final reading on the _____ day of _____

Reviewed and Approved: _____
Shannon K. Balmer, Senior Assistant City Attorney

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