

TC-1-11 Donation Drop-Off Bins

Amends the Zoning Code to permit donation drop-off bins to locate on institutional and commercially-developed properties subject to the following conditions:

- located on a *lot* developed with a conforming principal use;
- operated by a nonprofit group [IRS Section 501(c)(3)];
- located no closer than twenty (20) feet to any public *street* right-of-way;
- constructed of noncombustible material and properly maintained;
- not be located within any required parking space within any required landscaped area;
- display the owner's name and phone number in a prominent location on the drop-off bin; and
- obtain a City of Raleigh Zoning Permit.”.



Certified Recommendation

Raleigh Planning Commission

CR# 11410

Case Information: TC-1-11/Donation Drop-Off Bins

Comprehensive Plan Guidance

<i>Applicable Policy Statements</i>	Not applicable
<i>Action Items</i>	Not applicable

Summary of Text Change

<i>Summary</i>	Amends the City Code to permit donation drop-off bins to locate on institutional and commercially-developed properties subject to specific conditions.
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Summary of Impacts

<i>Impacts Identified</i>	<p><u>Adoption of TC-1-11:</u></p> <ul style="list-style-type: none"> Requiring nonprofit agencies to obtain a Zoning Permit at a cost of \$74. <p><u>No Action:</u></p> <ul style="list-style-type: none"> Zoning Enforcement continuing to deal with these uses on a case-by-case basis with no required registration or clear zoning regulations to protect against a public nuisance or safety hazard.
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Public Meetings

<i>Public Hearing</i>	<i>Committee</i>		<i>Planning Commission</i>	
4-19-11	Date		4/26/11	Action

Attachments

1. Staff report
2. Summary
3. Ordinance



Zoning Staff Report – TC-1-11

Donation Drop-Off Bins Text Change

Request

<i>Section Reference</i>	Conditional Uses - §10-2072
<i>Basic Information</i>	Amends the City Code to permit donation drop-off bins to locate on institutional and commercially-developed properties subject to specific conditions.
<i>PC Recommendation Deadline</i>	August 2, 2011

Comprehensive Plan Guidance

<i>Applicable Policies</i>	Not applicable
<i>Action Items</i>	Not applicable

Contact Information

<i>Staff Coordinator</i>	Greg Hallam: greg.hallam@raleighnc.gov ; 516.2636
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History/Overview

This text change was initiated by the City Council's Law and Public Safety Committee. Concerns related to the fact that these uses were unregulated by the Zoning Code, oftentimes placed in a required parking space or required landscape area, could be unsightly if not regularly maintained and did not require any registration with the City's Zoning Enforcement office.

Purpose and Need

Currently, the City Code does not address this land use type, therefore containing no specific regulations or review process for Zoning Enforcement to ensure that their location and maintenance does not infringe on public health, safety and welfare.

Amending the Zoning Code to require registration (Zoning Permit) for these uses will improve communication with nonprofit agencies to ensure that they are being properly located for zoning and safety requirements and provides the City with a contact person if the event that the bin is not being adequately maintained. In addition, TC-1-11 proposes specific regulations to ensure that this use does not conflict with the compliance of the existing principal use.

Alternatives Considered

No alternative other than the No Action approach was considered.

Scoping of Impacts

Potential adverse impacts of the proposed text change have been identified as follows:

- Requiring nonprofit agencies to obtain a Zoning Permit at a cost of \$74.

The adverse impacts of taking no action (retaining the existing regulations) have been identified as follows:

- Zoning Enforcement continuing to deal with these uses on a case-by-case basis with no required registration or clear regulations to protect against a public nuisance or safety hazard.

Impacts Summary

Adoption of Proposed Text Change

Adoption of TC-1-11 defines specific regulations to ensure that donation drop-off bins will not conflict with the compliance of the existing principal use (parking and protected landscape areas), addresses public safety (made of noncombustible materials with adequate setbacks) and is responsibly managed by a nonprofit agency. As proposed, at the time of registration, a \$74 Zoning Permit fee would be required to be paid by the nonprofit agency.

No action

Under the “no action” alternative, it would be necessary for Zoning Enforcement to continue to deal with these uses on a case-by-case basis without clear zoning regulations to protect against a public nuisance or safety hazard and without the name and contact information of a person to be held responsible for proper maintenance of the donation drop-off bin.

**ORDINANCE NO. (2011) – 871 TC 342
TC-1-11**

AN ORDINANCE TO AMEND THE ZONING CODE TO REGULATE THE ALLOWABLE LOCATION OF DONATION DROP-OFF BINS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA that:

Section 1. Amend Section 10-2071, **SCHEDULE OF PERMITTED LAND USES IN ZONING DISTRICTS**, under the **INSTITUTION/CIVIC/SERVICES** Land Use category, by adding the following new Land Use listing in alphabetical order which shall read as follows:

“Donation drop-off bin”

Furthermore, amend this new Land Use listing to insert a Conditional Use symbol (open circle) within the Rural Residential (RR) through Residential-30 (R-30) and Residential Business (RB) through Industrial-2 (I-2) Zoning District categories.

Section 2. Amend Section 10-2072, **Conditional Uses – Alphabetical Listing**, to include the following new use in alphabetical order:

“Donation drop-off bin”

Section 3. Amend Section 10-2072(b) to include the following new use in alphabetic order:

“Donation drop-off bin

Donation drop-off bins *shall* be permitted within any *non-residential district* other than Conservation Management and Agricultural Productive and within *residential districts* developed for *residential institution* purposes. Donation drop-off bins *shall* meet all of the *following*:

- (1) located on a *lot* developed with a conforming principal use;
- (2) operated by a nonprofit group [IRS Section 501(c)(3)];
- (3) located no closer than twenty (20) feet to any public *street* right-of-way;
- (4) constructed of noncombustible material and properly maintained;
- (5) not be located within any parking space required by §10-2081 or within any landscaped area required by §10-2082 of the Raleigh City Code;

(6) display the owner's name and phone number in a prominent location on the drop-off bin; and

(7) obtain a City of Raleigh Zoning Permit.”.

Section 4. Amend Section 10-6032(j), **Zoning Permit**, to include the words “donation drop-off bin,” to immediate follow the words “swimming pool.”.

Section 5. All laws and clauses of laws in conflict herewith are hereby repealed to the extent of said conflict.

Section 6. If this ordinance or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given separate effect and to the end the provisions of this ordinance are declared to be severable.

Section 7. This ordinance has been adopted following a duly advertised joint public hearing of the Raleigh City Council and the City Planning Commission following a recommendation of the Planning Commission.

Section 8. This ordinance has been provided to the North Carolina Capital Commission as required by law.

Section 9. This ordinance shall be enforced by law as provided in N.C.G.S. 160A-175 or as provided in the Raleigh City Code. All criminal sanctions shall be the maximum allowed by law notwithstanding the fifty dollar limit in G.S. 14-4(a) or similar limitations.

Section 10. This ordinance shall become effective five (5) days following its adoption.

ADOPTED: May 3, 2011

EFFECTIVE: May 8, 2011

DISTRIBUTION: Planning – Hallam, Brandon, Silver, Bowers
Inspections – Spruill, Fulcher