



ST. CHARLES
SINCE 1834

AGENDA ITEM EXECUTIVE SUMMARY

Title:	Recommend Approval of a General Amendment to Title 17 of the City Code to Regulate Donation Boxes (City of St. Charles)
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Staff:	Matthew O'Rourke, Planner
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Please check appropriate box:

	Government Operations		Government Services
X	Planning & Development (6-11-12)		City Council

Estimated Cost:	N/A	Budgeted:	YES		NO	
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If NO, please explain how item will be funded:

Executive Summary:

Staff has been made aware that the number of charitable and for-profit donation boxes located on private property is increasing within the City. In some instances, there have been reports of donated items and other refuse stacking up next to these boxes.

The Zoning Ordinance does not currently contain any standards that address donation boxes. Staff has prepared an amendment to the Zoning Ordinance to address these concerns and create standards to regulate these donation boxes.

Plan Commission Recommendation:

The Plan Commission held public hearings on 5-8-12 and 5-22-12 regarding the proposed amendment.

The Plan Commission recommended approval of the proposed Application for a General Amendment regarding the regulation of donation boxes on 6-5-12.

The vote was 5-AYE to 2-NAY.

The Plan Commission is also recommending that the City Council consider requiring a building permit for donation boxes.

Attachments: *(please list)*

Staff Report dated 6-8-1

Recommendation / Suggested Action *(briefly explain):*

Staff is recommending approval of the proposed Application for a General Amendment regarding the regulation of donation boxes.

<i>For office use only:</i>	<i>Agenda Item Number: 4c</i>
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Community Development
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ST. CHARLES
SINCE 1834

STAFF REPORT

TO: Chairman Cliff Carrignan
And the Members of the Planning & Development Committee

FROM: Matthew O'Rourke, AICP, Planner

RE: General Amendment to Tile 17 (Zoning Ordinance) Donation Boxes

DATE: June 1, 2012

I. GENERAL INFORMATION

Project Name: General Amendment - Donation Boxes

Applicant: City of St. Charles, Planning Division

Purpose: Ordinance amendments to create standards for donation boxes located on private property.

II. BACKGROUND

Staff has been made aware that the number of charitable and for-profit donation boxes located on private property is increasing within the City. In some instances, there have been reports of donated items and other refuse stacking up next to these boxes. The Zoning Ordinance does not contain any standards that address these boxes. Therefore, Staff has prepared an amendment to the Zoning Ordinance to address these concerns and create standards to regulate donation boxes.

III. ANALYSIS

Staff performed a visual "windshield" survey to find where these boxes are located within the City limits and the condition of these boxes. Staff identified donation boxes on a variety of properties throughout the City.

The majority of observed boxes were located on commercial properties. There are boxes located within residential and downtown Zoning Districts as well. The boxes vary by size and placement. Many of these boxes are located within existing off-street parking spaces and close to public streets. Based on the number and location of certain boxes on private property, Staff determined that regulations for location and signage are appropriate to include in the Zoning Ordinance.

Staff examined the Zoning Ordinances of other Illinois communities to identify common practices for regulating these boxes. Staff also examined the current policies of City's adjoining and near St. Charles. See **Community Comparison Attachment** for detailed information.

IV. PROPOSED AMENDMENT

Based on this analysis, Staff is proposing an amendment to **Chapter 22 General Provisions** of the Zoning Ordinance to create minimum standards that regulate the placement, size, and condition of donation boxes. An amendment to **Chapter 30 Definitions** is also being proposed to define donation boxes.

The proposed amendments are as follows:

A. 17.22.020.I DONATION BOXES

Donation Boxes shall be permitted in the BC and BR Zoning Districts in accordance with the following:

1. Boxes shall only be permitted on commercial properties defined as Shopping Centers per **Section 17.30.030 Shopping Center** of the Zoning Ordinance.
2. Boxes shall not be permitted on properties in which the Shopping Center buildings are 100% vacant.
3. Written permission of the property owner must be obtained before placing the box on any property.
4. There shall be no more than three (3) boxes located in a Shopping Center.
5. Boxes shall not be located in the front or exterior side yard parking or building setback.
6. Boxes shall not be located within the required Sight Triangle in accordance with **Section 17.22.010.F Sight Triangle**.
7. Boxes shall not be located within any off-street parking stall.
8. Boxes shall not be placed as to impede pedestrian or vehicular traffic ways.
9. Boxes shall be located on a hard permanent surface.
10. Boxes shall be located so that they are inconspicuous from the public right-of-way, as determined by the Director of Community Development.
11. Boxes shall be limited to a maximum height of 7 feet.
12. Individual boxes shall be limited to a maximum foot print area of 25 square feet.
13. Signage lettering on the box cannot exceed 5 inches in height.
14. The name, address, email, and phone number of the box's operator must be posted on the box.
15. Pick up times for removal of the donated contents must be posted and visible on the front of the box.

B. 17.30.030 GENERAL DEFINITIONS

Donation Boxes. Any enclosed container located on private or public property specifically for the purposes of collecting donated clothing, books, electronics, or other similar items. Cargo Containers, trash dumpsters, or trash receptacles shall not be considered Donation Boxes.

C. BUILDING PERMITS

Requiring a building permit would not be regulated by the provisions of Title 17 the Zoning Ordinance. However, it has been suggested that a building permit be required. Staff has included the following information to assist the Committee should they want to consider requiring a permit for donation boxes.

Staff conferred with Bob Vann, Building and Code Enforcement Division Manager, to obtain information regarding the possibility of requiring a permit for donation boxes. Staff has identified following potential benefits to requiring a permit:

- Advanced knowledge and review of the location of the boxes.
- The ability to hold the responsible party accountable for refuse or overflowing materials outside of the box.
- Ability to monitor which boxes are permitted on a lot, and which boxes are located without a permit.

Regardless of whether a permit is required or not, the proposed Zoning Ordinance standards will apply in the same manner and enforcement will follow the same procedures.

Staff has included the fees of other communities for comparative purposes:

Naperville:	\$221.00
Cicero:	\$100.00
Byron:	\$100.00

V. PLAN COMMISSION RECOMMENDATION

The Plan Commission held public hearings on 5-8-12 and 5-22-12 regarding the proposed amendment.

This item is scheduled on the June 5, 2012 Plan Commission Agenda for a vote. Staff will forward the Plan Commission's recommendation under separate cover.

VI. RECOMMENDATION

Staff recommends approval of the General Amendment Application regarding the regulation of donation boxes and has provided the attached draft Findings of Fact to support that recommendation.

FINDINGS OF FACT
GENERAL AMENDMENT

(Donation Boxes)

1. The consistency of the proposed amendment with the City’s Comprehensive Plan.

The proposed amendments will regulate the location of an accessory use (donation boxes) on zoning lots within the City. These regulations will not affect the primary permitted land uses on any zoning lot or that are recommended in the Comprehensive Plan.

2. The consistency of the proposed amendment with the intent and general regulations of this Title.

This amendment does not alter any permitted uses, bulk requirements, or other accessory uses currently regulated by the ordinance. The intent of this amendment is to create new regulations that are consistent with the existing standards of the Zoning Ordinance and align donation boxes with those standards.

3. Whether the proposed amendment corrects an error or omission, adds clarification to existing requirements, is more workable than the existing text, or reflects a change in policy.

The proposed amendment is meant to correct an omission in the current ordinance and provide clarification for the regulation of donation boxes. The Zoning Ordinance does not currently regulate these accessory uses. This amendment will ensure that these boxes are located on private property in a manner that is consistent with the regulations of the Zoning Ordinance.

4. The extent to which the proposed amendment would be in the public interest and would not serve solely the interest of the applicant.

The amendments will apply to all properties within the applicable Zoning Districts.

5. The extent to which the proposed amendment creates nonconformities.

Since Donation Boxes are temporary in nature, and not permanently affixed to the ground, there will not be any nonconformities created. The boxes that do not conform to these new standards can be easily relocated so that they are brought into compliance.

6. The implications of the proposed amendment on all similarly zoned property in the City.

The standards for donation boxes will be applied evenly to all properties within the Zoning Districts in which donation boxes are permitted. This amendment is intended to apply to all Donation Boxes located within a variety of Zoning Districts.

Community Comparison Attachment

Communities That Permit Donation Boxes

City	Permit Required	Limited Specific Zoning Districts	Size Limits	Allowed in Parking Spaces	Front and Exterior Side Yard Restrictions	Cannot Disrupt Vehicular or Pedestrian Traffic Flow	Letter Size Limits	List Owner On Box	Limit on Number of Boxes on a Lot	Placed to be Inconspicuous From Public View	Written Permission of Property Owner Required
Wheaton	No Yes		Yes 7' tall 25 square feet area	No Yes		Yes	No	No	Yes Limit 3 on lots larger than 1 acre	No Yes	
Naperville	Yes Yes		Yes 6.5' tall 4' by 4' wide	No Yes		Yes	Yes	Yes	Yes 1 per lot or shopping center	Yes Yes	
Cicero	Yes Yes		Yes 6.5' tall	No Yes		Yes	Yes	Yes	Yes 1 per lot	Yes Yes	
Byron	Yes No		No	Yes	Yes	Yes	No	No	Yes 1 per lot	No Yes	
New Lennox	No Yes		No	No	Yes	Yes	No	Yes	Yes 3 per lot	No Yes	

Communities Adjoining and Near St. Charles

- **Geneva** – Currently considering a ban on donation boxes.
- **Schaumburg** – Donation boxes are not permitted.
- **Batavia** – No Restrictions Listed
- **South Elgin** – No Restrictions Listed
- **West Chicago** - No Restrictions Listed

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ADDENDUM TO STAFF REPORT

TO: Chairman Cliff Carrigan
And the Members of the Planning & Development Committee

FROM: Matthew O'Rourke, AICP, Planner

RE: General Amendment to Tile 17 (Zoning Ordinance) Donation Boxes

DATE: June 6, 2012

I. GENERAL INFORMATION

Project Name: General Amendment - Donation Boxes

Applicant: City of St. Charles, Planning Division

Purpose: Ordinance amendments to create standards for donation boxes located on private property.

II. PLAN COMMISSION RECOMMENDATION

The Plan Commission recommended approval of the proposed Application for a General Amendment regarding the regulation of donation boxes on 6-5-12.

The vote was 5-AYE to 2-NAY.

The Plan Commission is also recommending that the City Council consider requiring a building permit for donation boxes.