

**Community Planning and Economic Development Planning Division Report
Zoning Code Text Amendment**

Date: May 23, 2011

Initiator of Amendment: Council Member Glidden

Date of Introduction at City Council: November 5, 2010

Specific Site: Citywide

Ward: Citywide **Neighborhood Organization:** Citywide

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Intent of the Ordinance: To allow for donation collection bins as an accessory use and to establish specific development standards for these uses.

Appropriate Section(s) of the Zoning Code: Chapter 537, Accessory Uses and Structures; Chapter 525, Administration and Enforcement.

Background: An ordinance amendment was introduced at the City Council on November 5, 2010, to amend Chapter 525 of the Zoning Code relating to Administration and Enforcement and Chapter 537 relating to Accessory Uses and Structures. Donation collection bins are large portable containers used for the collection of donated items such as clothes, shoes, toys and small household appliances. Non-profit agencies use goods collected through these bins for resale to raise funds to support their organization or to redistribute goods to people in need.

The purpose of the amendment is to allow donation collection bins as an authorized accessory use. Standards governing accessory uses and structures are established to provide for the orderly development and use of land and to minimize conflicts among land uses by governing the type, size, location and operational characteristics of accessory uses and structures.

Purpose for the Amendment:

What is the reason for the amendment?

What problem is the Amendment designed to solve?

What public purpose will be served by the amendment?

What problems might the amendment create?

The purpose of the amendment is to allow donation collection bins as an authorized accessory use. The proposed amendment will allow donation collections bins accessory to commercial uses in the commercial, downtown and industrial zoning districts and in the residential or office residential districts

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accessory to a religious institution place of assembly, or an educational facility with a minimum lot area of not less than twenty thousand (20,000) square feet.

Donation collection bins are not currently listed in the accessory uses and structures chapter of the zoning code. Donation collection bins are prohibited in all zoning districts due to the enclosed building requirement. Per section 535.40 (a) of the Minneapolis Zoning Code, all production, processing, storage, sales, display or other business activity shall be conducted within a completely enclosed building, except as otherwise provided in this zoning ordinance. This amendment would allow donation collection bins as an authorized accessory use and exempt this from the enclosed building requirement.

The amendment will allow non-profit agencies to use donation collections bins to support their organization. Staff proposes limiting the use of donation collection bins to non-profit agencies only.

The enclosed building requirement is established to limit the activity that occurs outdoors that may impact surrounding properties. The impacts of allowing donation collection bins as an accessory use may include: items being left outside of the bins leading to overflow of materials onto surrounding areas, activity occurring outside of normal business hours and the bins being placed in areas that could obstruct onsite circulation, visibility, pedestrian flow, etc. The draft ordinance includes provisions to limit the proximity of donation bins to adjacent residential properties, limits to the number and location of bins on a zoning lot, and requires regular monitoring of the bins. In addition, staff is recommending a spacing requirement, similar to what is required for a second hand goods store, for this accessory use. Staff proposes an administrative application that will require applicants to submit a site plan illustrating that the proposed location meets the proposed development standards and that the proposed bin meets this spacing requirement.

Timeliness:

Is the amendment timely?

Is the amendment consistent with practices in surrounding areas?

Are there consequences in denying this amendment?

This amendment is part of the continual process of updating the zoning ordinance. Recently, non-profit agencies have requested that these bins be permitted to support their organizations.

Staff performed a code search to obtain information on how other area cities treat donation collection bins. The City of Saint Paul allows donation collection bins in business and industrial districts. Saint Paul's regulations include limited standards regarding the size, location and screening from residential districts. The City of Seattle, WA allows donation collection bins in commercial and industrial zoning districts and accessory to public institutions. The City of Madison, WI allows donation collection bins in commercial and industrial districts subject to approval by the Traffic Engineer and the Zoning Administrator. The City of Pasadena, CA allows donation bins in commercial and industrial districts and on public and institutional sites. The City of Pasadena also requires that bins are located at least 500 feet from any existing collection sites. The City of Chicago, IL requires a permit issued through the Department of Business Affairs and Licensing and limits bins to properties that do not contain any dwelling units.

If the proposed amendment is denied, donation collection bins would not be allowed as an accessory use in the City of Minneapolis and may limit opportunities for charitable organizations to solicit donations and raise funds to support their organization in this manner. Staff is aware that there have been enforcement issues with some operators in the past. Staff proposes a number of development standards for the installation and operation of these bins and will require administrative approval prior to the installation of any bin. In addition, the proposed spacing requirement and the lot area requirement for bins located in residential zoning districts will limit the number of bins permitted in the city.

Comprehensive Plan:

How will this amendment implement the Comprehensive Plan?

The following general land use policies of the *Minneapolis Plan for Sustainable Growth* apply:

Policy 1.1: Establish land use regulations to achieve the highest possible development standards, enhance the environment, protect public health, support a vital mix of land uses, and promote flexible approaches to carry out the comprehensive plan.

- 1.1.5 Ensure that land use regulations continue to promote development that is compatible with nearby properties, neighborhood character, and natural features; minimizes pedestrian and vehicular conflict; promotes street life and activity; reinforces public spaces; and visually enhances development.

Policy 1.4: Develop and maintain strong and successful commercial and mixed use areas with a wide range of character and functions to serve the needs of current and future users.

- 1.4.2 Continue to implement land use controls applicable to all uses and structures located in commercial districts and corridors, including but not limited to maximum occupancy standards, hours open to the public, truck parking, provisions for increasing the maximum height of structures, lot dimension requirements, density bonuses, yard requirements, and enclosed building requirements.

Policy 4.1: Support private sector growth to maintain a healthy, diverse economy.

- 4.1.4 Improve the coordination of economic development activity among units of government, the business community, neighborhood organizations and nonprofit agencies.

This amendment will support existing non-profit organizations and staff proposes standards to minimize pedestrian and vehicular conflicts and includes standards for the maintenance and operation of the bins for better compatibility with nearby properties. The proposed amendment is consistent with these policies of the comprehensive plan.

Recommendation of the Community Planning and Economic Development--Planning Division:

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The Community Planning and Economic Development Planning Division recommends that the City Planning Commission and City Council adopt the above findings and **approve** the zoning code text amendment, amending chapters 525 and 537.

Attachments:

1. Ordinance amending Chapter 525, Administration and Enforcement, to add the administrative review of donation collection bins to the duties of the Zoning Administrator.
2. Ordinance amending Chapter 537, Accessory Uses and Structures, to establish donation collection bins as a permitted accessory use and establish development standards.