




MEMORANDUM

TO: **Trustee Puccio, Chairperson**
Economic and Community Development Committee

FROM: Jennifer Ganser, AICP, Assistant Director 

MEETING DATE: February 8, 2021

SUBJECT: **Text Amendment Regarding Collection Boxes Business Regulations**

Collection Boxes with an attendant are currently a conditional use in the following commercial zoning districts: B3, B4, and B4A, as well as the Industrial District. Unattended charitable recycling bins (collection boxes) are protected under the first amendment as free speech and therefore may not be banned or unreasonably regulated. Based on recent court cases and correspondence with Village Counsel, staff proposes to make collection boxes a permitted use in the following zoning districts: B3, B4, B4A, and I. This was recommended for approval at the January 25, 2021 Plan Commission meeting.

Staff also proposes business regulations for collection boxes and reviewed the Code of other municipalities. As business regulations do not fall under the purview of the Plan Commission, staff is taking this item to the ECDC.

Staff proposes a new section of Code (Chapter 129) with regulations, please see below.

Chapter 129: - Collection Boxes

Article I. – Collection Boxes

§ 129.001

(A) PERMIT REQUIRED.

1. *Permit required.* No person, firm, association, partnership, corporation, LLC or other entity shall place a donation box on any private property within the corporate limits of the Village without first obtaining a permit.
2. *Permits not transferrable.* Permits issued under this Chapter are not transferrable.
3. *Duration of Permit.* All permits issued under this Chapter are valid for one calendar year and subject to renewal on January 1st of each year.

(B) REGULATIONS

1. All donations of electronics and furniture, and donations of household goods too large to fit in the donation box, are prohibited.

2. All donations must be fully contained within the donation box. Donations not fully contained in the donation box are considered a public nuisance and subject to removal by the Village at the property and/or donation box owners' expense.
3. Donation boxes shall not be allowed in residential zoning districts.
4. Donation boxes shall not be allowed on vacant land.
5. All donation boxes must be placed within the buildable area of a lot.
6. No donation boxes shall be placed in a parking space or infringe on parking in any way.
7. All donation boxes shall be placed on a hard, permanent surface.
8. No permit shall be issued for any donation box if any depth or width exceeds six (6) feet or height exceeds eight (8) feet.
9. The name and telephone number of the donation box company shall be permanently and prominently affixed to the front of each donation box.
10. The pick-up times for removal of all donated contents shall be posted and be visible on the front of the box.
11. The total number of donation boxes that may be permitted and located on a lot at any time is limited to two (2).

(C) MAINTENANCE.

1. Donation boxes shall not be allowed to become unsightly, unkempt or to remain in a state of disrepair.
2. Donation boxes shall be kept free of rust and graffiti.
3. Donation boxes shall be regularly emptied to prevent overflow of donations.
4. Donation boxes shall not allow clothing or other items to remain outside of the donation box or to otherwise allow the donation box to become or remain a public nuisance.
5. The property owner, lessee, and donation box company shall have shared responsibility to maintain the donation box on the property.
6. If a donation box is not maintained as required by the Lombard Village Code, the donation box will be considered a nuisance and may be abated in accordance with Chapter 94 "Nuisances" of the Lombard Village Code.

COMMITTEE ACTION REQUESTED

The ECDC is being requested to review the materials presented and offer its recommendation to the Board of Trustees relative to Collection Boxes and Chapter 129. Staff recommends approval of the proposed amendments.

PLAN COMMISSION

INTER-DEPARTMENTAL REVIEW COMMITTEE REPORT

TEXT AMENDMENTS TO THE ZONING ORDINANCE – Collection Boxes

January 25, 2021

Title

PC 21-01

Petitioner

Village of Lombard

Property Location

B3, B4, B4A, I

Approval Sought

Text amendment

Prepared By

Jennifer Ganser, AICP
Assistant Director

DESCRIPTION

The petitioner, the Village of Lombard, is requesting the following:

1. A text amendment to delete “collection centers, attendant” from the following zoning districts: Sections 155.415(C) B3 Community Shopping District, 155.416(C) B4 Corridor Commercial District, 155.417(G)(2)(b) Roosevelt Road Corridor B4A District, and 155.420(C) I Limited Industrial District;
2. A text amendment to Sections 155.415(B) B3 Community Shopping District, 155.416(B) B4 Corridor Commercial District, 155.417(G)(1)(b) Roosevelt Road Corridor B4A District, and 155.420(B) I Limited Industrial District of the Lombard Village Code to allow for “collection boxes” to be listed as a permitted use;
3. Add a new definition for “collection boxes” in Section 155.802;
4. Remove the definition of “collection center, attendant” in Section 155.802; and
5. Any other relevant sections for clarity.

INTER-DEPARTMENTAL REVIEW

Building Division:

The Building Division has no comments regarding the proposed text amendment to the Zoning Ordinance.

Fire Department:

The Fire Department has no comments regarding the proposed text amendment to the Zoning Ordinance.

Public Works:

The Department of Public Works has no comments regarding the proposed text amendment to the Zoning Ordinance.

Private Engineering Services:

Private Engineering Services has no comments regarding the proposed text amendment to the Zoning Ordinance.

Planning Services Division:

Collection Boxes with an attendant are currently a conditional use in the following zoning districts: B3, B4, B4A, and I. Based on recent court cases and correspondence with Village Counsel, staff is requesting changes to how collection boxes are regulated in the Village.

Unattended charitable recycling bins (collection boxes) are protected under the first amendment as free speech (charitable solicitations) and therefore may not be banned or unreasonably regulated. Staff proposes to make collection boxes a permitted use in the following zoning districts: B3, B4, B4A, and I as an accessory use.

EXISTING & PROPOSED REGULATIONS

Staff proposes the following text amendments. Additions are denoted by **bold and underline**. Deletions are shown in ~~strike through~~.

Section 155.415(C)

~~(4) Collection centers, attendant.~~

Section 155.415(B)

(37) Collection Boxes, as an accessory use on the property

~~(37)~~ (38) Accessory uses and buildings, incidental to and on the same zoning lot as the permitted use, which are constructed and operated in conformance with § 155.210.

Section 155.416(C)

~~(7) Collection centers, attendant.~~

Section 155.416(B)

(12) Collection Boxes, as an accessory use on the property

~~(12)~~ **(13)** Accessory uses and buildings, incidental to and on the same zoning lot as the permitted use, which are constructed and operated in conformance with § 155.210 of this Chapter.

Section 155.417(G)(2)(b)

~~(iv) Collection center, attendant.~~

Section 155.417(G)(1)(b)

(xxiv) Collection Boxes, as an accessory use on the property

~~(xxiv)~~ **(xxv)** Travel bureaus and transportation ticket offices.

Section 155.420(C)

~~(7) Collection centers, attendant.~~

Section 155.420(B)

(17) Collection Boxes, as an accessory use on the property

~~(17)~~ **(18)** Accessory uses and buildings, incidental to and on the same zoning lot as the permitted use, which are constructed and operated in conformance with § 155.210 of this Chapter.

Section 155.802

Collection Box. Any container, receptacle or similar device located on private property used for the purpose of receiving donations of various types of items, including, but not limited to, clothing, household goods, and toys. This term excludes recycling collection centers.

~~Collection center, attendant is a staffed drop-off donation facility for the collection of discarded household goods and clothing for the purpose of resale or donation by the facility operator. This term excludes recycling collection centers or any stand alone, unstaffed drop boxes or collection sites for discarded household goods or clothing.~~

Staff also proposes a new section of Code (Chapter 129) with regulations on collection boxes. This is scheduled to be discussed and reviewed by the Economic and Community Development Committee (ECDC) on February 8, 2021 as business regulations do not fall under the purview of the Plan

Commission. A permit would be required for the collection boxes which would ensure that staff has correct contact information for the boxes. Boxes would be allowed in the buildable area of the lot, on a hard surface, and must be kept in good condition.

STANDARDS FOR TEXT AMENDMENTS

For any change to the Zoning Ordinance, the standards for text amendments must be affirmed.

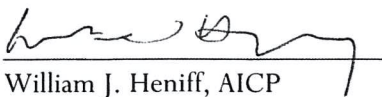
1. *The degree to which the proposed amendment has general applicability within the Village at large and not intended to benefit specific property;*
The text amendment is generally applicable to the same districts where collection boxes were allowed before.
2. *The consistency of the proposed amendment with the objectives of this ordinance and the intent of the applicable zoning district regulations;*
The proposed text amendment is consistent with the objectives of the Zoning Ordinance.
3. *The degree to which the proposed amendment would create nonconformity;*
Staff does not believe any nonconformity would be created.
4. *The degree to which the proposed amendment would make this ordinance more permissive;*
The proposed amendment would correct the Code in reference to recent court cases.
5. *The consistency of the proposed amendment with the Comprehensive Plan; and*
Staff finds that the proposed amendments would be consistent with the Comprehensive Plan.
6. *The degree to which the proposed amendment is consistent with village policy as established in previous rulings on petitions involving similar circumstances.*
The Village has a history of amending the Zoning Ordinance to address edits for clarity.

FINDING & RECOMMENDATIONS

Based on the above findings, the Inter-Departmental Review Committee has reviewed the petition and finds that it meets the standards required by the Zoning Ordinance. As such, the Inter-Departmental Review Committee recommends that the Plan Commission make the following motion recommending approval of this petition:

Based on the submitted petition and the testimony presented, the requested text amendments **comply** with the standards required by the Village of Lombard Zoning Ordinance; and, therefore, I move that the Plan Commission accept the findings and recommendations of the Inter-Departmental Report as the findings of the Plan Commission and I recommend to the Corporate Authorities **approval** of PC 21-01.

Inter-Departmental Review Committee Report approved by:



William J. Heniff, AICP
Director of Community Development