


COUNCIL COMMUNICATION

 CITY OF DES MOINES OFFICE OF THE CITY MANAGER	Number:	23-516	Meeting:	November 20, 2023
	Agenda Item:	49	Roll Call:	23-1657
	Submitted by:	Chris Johansen, Neighborhood Services Department Director		

AGENDA HEADING:

Amending Chapter 30 of the Municipal Code relating to donation bins.

SYNOPSIS:

Following the May 22, 2023, Council Work Session on Recycle Donation Bins, staff was directed to work with the Legal Department to draft an ordinance to revise the Municipal Code to enable the placement of donation bins. Staff also engaged stakeholders, including a donation bin vendor, in the ordinance review process. This action includes a proposed ordinance providing for Business Licenses to allow donation bins on Public, Civic, and Institutional zoned (P2) properties throughout the city.

If Council desires to amend the proposed ordinance as presented to incorporate all or a portion of the stakeholder's revisions, then the hearing would need to be continued to allow the Legal Department staff to prepare the ordinance for consideration at the next meeting.

FISCAL IMPACT: NONE

ADDITIONAL INFORMATION:

- The proposed Ordinance and fee schedule change is for a permit process that would require operators to file an annual permit application and fee (\$100) for each donation bin. This would be reviewed by Zoning Enforcement staff prior to issuance of any permit to ensure that the standards for placement would be met for each site location.
- The proposed Ordinance provides requirements obligating the permitted property owners and operators to maintain the bins and the areas where they are placed on-site. There is also a process by which the property owners and operators can be issued notice of violation and ultimately the bins can be removed by the City in instances where they are not maintained in accordance with the license or become a nuisance.
- City staff from Neighborhood Services, Legal, and City Clerks' Office met with stakeholders via teleconference on October 18, 2023, to go over the drafted Ordinance language. This included a representative of The Clothes Bin, the vendor primarily interested in continuing to operate the bins in the city.
- Based on the stakeholder engagement review, representatives of The Clothes Bin were generally acceptant of the proposed Ordinance but have proposed three (3) modifications as listed followed by staff concerns regarding the suggested changes in italics:

- **Reduce the proposed setback for bins from the property lines at the street Right-Of-Way (ROW) from 25 feet to 20 feet.**

Staff believes this would be a nominal change without major concern. After the work session Council believed the 100 feet proposed at that time was not reasonable. So, 25 feet was proposed based on setbacks from ROW required in similar instances in Code.

- **Replace language "Must be placed on a hard surface" with "Bins must be placed in a way that they are level and ensure proper drainage."**

Staff is concerned about this revision as it creates the potential for displacing open space/landscaped area in the approved Site Plan for the property. It also presents more challenges to maintenance encouraging grass and weeds to grow up around the bins. Furthermore, additional discretion will be required to determine what is adequately level for proper drainage in the review.

- **Allow an exception to the setback requirement from the ROW when a bus drop-off lane exists adjacent to the ROW which is no longer in use.**

Staff is concerned about this requirement due to putting the bins in close proximity of the ROW. This presents an aesthetic impact as well as puts the onus on enforcement staff to keep bins from being a ROW encroachment. A 20 – 25-foot setback creates a clear delineation. Also, would add process with review discretion for making exception.

PREVIOUS COUNCIL ACTION(S): NONE

BOARD/COMMISSION ACTION(S): NONE

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS:

The Information Technology Department would add online permitting in the form of a Business License type to track and issue permits for the bins.

Beginning in January 2024, the City Clerks' Office would start issuing Business Licenses for Donation Bin operators.

For more information on this and other agenda items, please call the City Clerk's Office at 515-283-4209 or visit the Clerk's Office on the first floor of City Hall, 400 Robert D Ray Drive. Council agendas are available to the public at the City Clerk's Office on Thursday afternoon preceding Monday's Council meeting. Citizens can also request to receive meeting notices and agendas by email by calling the Clerk's Office or sending their request via email to cityclerk@dmgov.org.