

AN ORDINANCE OF THE CITY COUNCIL OF EUHARLEE, GEORGIA SITTING FOR CITY PURPOSES FOR THE PURPOSE OF **AMENDING THE EUHARLEE ZONING ORDINANCE ARTICLE VI ADDITIONAL REGULATIONS FOR CERTAIN USES** AS DESCRIBED BELOW; AT THE REGULAR EUHARLEE CITY COUNCIL MEETING December 6, 2011.

WHEREAS, the City of Euharlee amended Article VI the Additional regulations for certain uses portion of the Zoning Ordinance on December 6, 2011 and

WHEREAS, it is the purpose of the zoning laws and ordinances to promote proper growth, the proper location of uses, the minimization of nuisances and incompatibilities, the reasonable and lawful use of donation boxes by the property owners and tenants, and to promote in general the public health, safety and welfare; and

WHEREAS, the City Council has reviewed the recommendations of the Planning and Zoning Commission for these changes (addition) and has concluded that they agree with these changes (addition);

NOW THEREFORE BE IT ORDAINED AND IT HEREBY IS ORDAINED, by virtue of the authority vested in the City Council by law, that the Euharlee Zoning Ordinance is amended as follows:

ARTICLE VI – Additional regulations for certain uses
6.18 – Appearance of property
(Add) – 6.18.4 – **Donation Box Standards**

As used in the section, the term “donation box” shall be defined as follows:

(1) **Donation box** shall mean any unattended container, receptacle, or similar device used for soliciting and collecting donations of clothing and/or other salvageable personal property. This term does not include any unattended donation box location within a building which is permitted by-right or the public libraries drop boxes for books and audio visual items.

(b) In addition to accessory uses otherwise permitted in this chapter, **donation boxes** may only be installed by obtaining a permit under the following conditions and requirements:

(1). *Application.* Prior to delivery and/or installation of any **donation box**, an application shall be filed with the Planning and Zoning Administrator or his/her designee identifying the size, color, and location of each donation box, as well as any signage proposed on the exterior, of the **donation box**. A permit shall be required for each donation box installed within the city limits. This will include a drawing with the location of placement on the site.

(2). *Zoning.* **Donation boxes** shall only be permitted with the C1 zoning district (with the exception of Historic Downtown).

(3). *Approval of property owner.* As a part of the application process, a letter must be provided from the owner of the property indicating they are aware and approve the installation of a **donation box** on their property, including that they are aware of their responsibility to maintain the current operator contact information and, if necessary, maintain or remove the **donation box** if the operator does not follow the provisions of this ordinance.

(4). *Fees.* Fees shall be as adopted by city council in the schedule of fees and kept on file in the city clerk's office.

(5). *Size.* **Donation boxes** shall be limited to no more than 96 cubic feet (four feet wide; times; four feet deep; times six feet tall). The height of each **donation box** shall not exceed six feet in height from finish grade to the highest point of the roof.

(6). *Color.* **Donation boxes** shall be painted or stained with a low reflectance and subtle, neutral or earth-tone color scheme. High-intensity colors, metallic colors, black, or fluorescent colors shall not be used.

(7). *Number of boxes permitted.* No more than two **donation boxes** shall be permitted on each individually zoned lot.

(8). *Location.* **Donation boxes** shall be installed on a surface as approved by the Planning and Zoning Administrator per the drawing for permitting purposes. **Donation boxes** shall not be located within any building setback or established buffer area. **Donation boxes** shall not be located in such a manner that they block sight lines on the subject tract as determined by the Planning and Zoning Director. To the extent feasible, **donation boxes** shall be placed so as to be inconspicuous as viewed from the public right-of-way.

(9). *Signage/contact information.* The total square footage for all signage on each **donation box** shall not exceed two square feet. No advertising shall be permitted on the **donation box**. An additional sign shall contain the following contact information: the name, address, email, and phone number of both the property owner/manager and operator, it too shall not exceed two square feet.

(10). *Cleanliness of premises.* **Donation boxes** shall be maintained in good condition and appearance with no structural damage, holes, or visible rust, and shall be free of graffiti. All **boxes** shall be free of debris and shall be serviced regularly so as to prevent overflow of donations or the accumulation of junk, debris, or other material. The public can be subject to fines if leaving graffiti on boxes, of improperly disposing of items, or using as a waste container for non-salvageable items.

(11). *Revocation of permit.* Any permit granted pursuant to the provisions of this section may be subject to revocation for cause by the Planning and Zoning Administrator (or his/her designee), including but not limited to, the failure to comply with this section or any other applicable provisions of the City Municipal Code.

(12). *Renewal of permit.* The term of the permit shall expire one year from the date of issuance. An operator may apply for permit renewal by submitting to the Planning and Zoning Administrator before the expiration of the permit, a renewal application and associated fee.

a. No person to whom a permit has been issued shall transfer, assign, or convey such permit to another person.

b. Prior to expiration of the permit, the permittee may voluntarily cancel the permit by notifying the Planning and Zoning Administrator in writing of the intent to cancel the permit. The permit shall become void upon the director's receipt of a written notice of intent to cancel the permit.

c. **Donation boxes** shall be removed when the property becomes vacant or been foreclosed upon.

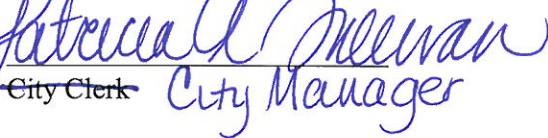
(13). *Approval/denial or permit.* The Planning and Zoning Administrator shall approve a new or renewal permit application if he/she finds that no circumstances exist at the time the application is reviewed or existed at any time during which the previous permit was in effect that are inconsistent with any requirement in this section.

(14). *Display of permit.* The operator of the **donation box** and the property owner shall be responsible for maintaining the permit for each **donation box** required by this section. The Planning and Zoning Administrator shall inspect each **donation box** following its installation to ensure the **donation box** is installed in accordance with the approved permit. Once it is determined the **donation box** complies with said permit a () check mark shall be affixed to the actual **donation box** or to the entrance door of the place of business indicating the **donation box** has been approved. The purpose of this shall be to notify city officers and employees that the **donation box** complies with the provisions of this chapter and the approved **donation box** permit application.”

BE IT FURTHER ORDAINED that all Resolutions and Ordinances in conflict herewith are hereby repealed provided, however, that any portion of said Resolutions or Ordinances not in conflict herewith shall remain in full force and effect.

SO ADOPTED, this 6th day of December, 2011

ATTEST:


~~City Clerk~~ City Manager

CITY OF EUHARLEE, GEORGIA


Mayor