

ORDINANCE NO. 943.

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF CONYERS, GEORGIA CODIFIED AT CHAPTER 7 OF TITLE 8 OF THE CODE OF ORDINANCES OF THE CITY OF CONYERS, GEORGIA, SO AS TO AMEND SECTION 8-7-94, ENCLOSURE REQUIREMENTS, AND THE STANDARDS AND CRITERIA SET FORTH THEREIN, BY AMENDING AND PROVIDING ADDITIONAL CRITERIA REGARDING THE AESTHETIC APPEARANCE AND LOCATION OF DUMPSTER ENCLOSURES AND DONATION BINS, CONTAINERS AND DROP BOXES PROVIDED FOR THE COLLECTION OF CLOTHING, SMALL ELECTRONICS, TOYS AND ALL OTHER RELATED ITEMS, OR FOR RECYCLING; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, Chapter 7 of Title 8 of the Code of Ordinances of the City of Conyers, Georgia constitutes the Zoning Ordinance; and

WHEREAS, the Zoning Ordinance regulates uses of property and criteria related thereto throughout the City of Conyers consistent with the Comprehensive Plan; and

WHEREAS, the regulations updating and clarifying enclosures were adopted on 17 October 2012 (Ordinance No. 889);

WHEREAS, the Mayor and City Council find that further clarification set forth in the following design and location updates for dumpster enclosures and donation bins, containers and drop boxes will create better consistency with recent amendments to other zoning districts in Conyers, enhance the aesthetic appearance of Conyers, and further the public health, safety and welfare;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and the City Council of Conyers, Georgia, and it is hereby ordained by the authority of the same as follows:

Section 1: Section 8-7-94, Dumpsters of the Zoning Ordinance of the City of Conyers, Georgia is hereby further amended so as to delete said section in its entirety, and insert in lieu thereof, the following new Section 8-7-94, Enclosure Requirements:

SECTION 8-7-94. ENCLOSURE REQUIREMENTS.

(a) *Dumpster enclosures.*

- (1) *Aesthetic appearance and location.* All dumpster enclosures shall be visually concealed on three sides by an opaque architectural wall that is not less than eight feet in height, and constructed from brick, indigenous rock or natural stone finish material that is visually compatible with the aesthetic appearance of the principal structure(s); and on the fourth side, by an opaque gate, that is not less than eight feet in height, and is constructed from a durable metal finish material. A row of dense evergreen hedges and/or trees may be planted to further supplement the aesthetic appearance of the dumpster enclosure. All dumpster enclosures shall be restricted to locations that are in the rear yard only.
- (2) *Pads.*
 - a. All dumpster enclosures shall be placed on concrete pads and have an approach pad that is of sufficient size and strength to support the weight of service vehicles. The approach pad shall be reinforced concrete, 3,000 pounds per square inch, and shall be no less than eight inches in thickness.
 - b. The combined dimensions of both the concrete pad and the approach pad shall be no less than 20 feet in length by 10 feet in width.

(b) *Donation bins, containers and drop boxes.*

- (1) Donation bins, containers and drop boxes that are provided for the collection of clothing, small electronics, toys and all other related items, or for recycling, shall be restricted to locations that are in the rear yard and side yards only. No donation bin, container or drop box shall be located between any building, principal or accessory, and a street.
- (2) Donation bins, containers and drop boxes are prohibited on all lots zoned as R-A, RS-20, RS-14, TND, TH, RM or GV-RV zoning district. No donation bin, container or drop box shall be located within 75 feet of any lot designated or intended for residential activity, including all principal buildings mixing residential and commercial uses under a single roof.
- (3) No property shall be permitted to have more than one donation bin, container or drop box.
- (4) Donation bins, containers and drop boxes shall be placed on a paved surface, but shall not be located within a parking stall, aisle or loading dock and service area. Donation bins, containers and drop boxes are not permitted within any buffer area or landscape area.
- (5) No donation bin, container or drop box shall exceed 48 inches in width, 48 inches in length and 72 inches in height, as measured from finished grade to the height point of the roof.
- (6) Except where otherwise required by the MxD, GV-NV and GV-UV districts, all donation bins, containers and drop 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 be prohibited.

- (7) All donation bins, containers and drop boxes shall be free of debris, graffiti, litter, refuse, rust, et cetera at all times.
- (8) All donation bins, containers and drop boxes shall be safely designed in a manner that prevents such structures from tipping over, and also prevents children from entering the bin.
- (9) Each donation bin, container or drop box shall bear the name and a contact telephone number of the property owner, property manager, or the donation bin, container or drop box owner which benefits from the collected materials on a sign. Said sign shall not exceed two square feet in area, and only one sign shall be permitted on each side of the donation bin, container or drop box.
- (10) Advertising of any kind shall be prohibited on all donation bins, containers and drop boxes.
- (11) All donation bins, containers and drop boxes shall be removed within two days from all lots that have been abandoned or vacated at the expense of the property owner, property manager or the donation bin, container or drop box owner.
- (12) No donation bin, container or drop box shall be placed upon any lot without the written approval of the property owner and/or property manager. Upon request, the owner of the donation bin, container, or drop box shall produce, within two (2) business days, a copy of such approval to the City Manager or his/her designee.

Section 2: All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section 3: If any section, subsection, provisions or clause of any part of this Ordinance shall be declared invalid, or unconstitutional, or if the provisions of any part of this Ordinance as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the portions of this Ordinance not so held to be invalid, or the application of this Ordinance to other circumstances not so held to be invalid. It is hereby declared as the intent of the City Council that this Ordinance would have been adopted in its current form without the invalid or unconstitutional provision contain therein.

Section 4: Pursuant to Section 2-402(a)(4) of the Charter of the City of Conyers, Georgia, the second reading of this Ordinance is hereby waived in order to permit this Ordinance to become effective upon its adoption by the City Council and upon its execution by the Mayor.

Section 5: This Ordinance shall become effective upon adoption by the Mayor and Council of the City of Conyers, Georgia.

ADOPTED AND APPROVED by the City Council of Conyers, Georgia this _____ day of _____, 2013.

Randal S. Mills, Mayor

ATTEST:

Patricia I. Smith, City Clerk

Approved by:

Michael S. Waldrop, City Attorney