

# Deleting Dumpster Ordinance from Ch. 79

Piggyback on file 221295 passed by Zoning, Neighborhood and Development Committee.

File passed, which placed dumpster requirements in Chapter 295 (DCD).

With requirements in the zoning chapter of the ordinances, we are removing requirements from Chapter 79.

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**79-5-7. NEW CONSTRUCTION OR SUBSTANTIAL IMPROVEMENT OF MULTI-FAMILY DWELLINGS AND COMMERCIAL BUILDINGS.** Whenever a new multi-family dwelling of 5 units or more is constructed, a commercial building for 2 or more tenants is constructed, or a substantial improvement is made to an existing building containing or creating 5 or more dwelling units or containing or creating space for 2 or more commercial tenants, as substantial improvement is defined in s. 295-201-649, all containers used for solid waste disposal shall be stored in an on-site in a **fully indoor location** on the premises. This location may be indoors or in a screened enclosure complying with the requirements of 295-406-6.

**79-36. Location of Containers.** Whenever a new multi-family dwelling of 5 units or more is constructed, a commercial building for 2 or more tenants is constructed, or a substantial improvement is made to an existing building containing or creating 5 or more dwelling units or containing or creating space for 2 or more commercial tenants, as substantial improvement is defined in s. 295-201-649, all containers for storage of recyclable materials required by this chapter shall be stored in an on-site a **fully indoor location** on the premises. This location may be indoors or in a screened enclosure complying with the requirements of 295-406-6.

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4778 North 51<sup>st</sup> Boulevard



830 West Layton Avenue

## Justification for Deleting the Ordinance

- Available space in outlying areas of the city.
- In Chapter 79, under authority of Public Works
  - Usually not a right-of-way issue
  - DPW doesn't review building permits with no change in footprint
  - Right-of-way applies city-wide, zoning applies to parcels
- DPW doesn't have an appeals process
  - Requests have been sent to Administrative Review Board of Appeals (ARBA)
  - ARBA deals with code violations, not variances