

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS, AMENDING TITLE XV OF THE MANSFIELD, TEXAS CODE OF ORDINANCES, ENTITLED “LAND USAGE”, RELATING TO DONATION BOXES BY AMENDING THE PERMITTED USE TABLE IN SUBSECTION (B) PERMITTING DONATION BOXES AS AN ACCESSORY USE BY-RIGHT IN 2F, MF-1, MF-2, O-P, C-1, C-2, C-3, I-1, AND I-2 DISTRICTS OF SECTION 155.054, ENTITLED “PERMITTED USES”; BY AMENDING THE REGULATIONS IN SUBSECTION (B)(40), ENTITLED “DONATION BOX” OF SECTION 155.099, AND ENTITLED “SPECIAL CONDITIONS” OF CHAPTER 155, ENTITLED “ZONING”; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission and the governing body of the City of Mansfield, Texas, in compliance with the laws of the State of Texas with reference to the amendment of Chapter 155 of the Mansfield Code of Ordinances, “Zoning”, have given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing opportunity to all property owners generally and to all interested citizens, the governing body of the City is of the opinion and finds that the Comprehensive Zoning Ordinance should be amended; and,

WHEREAS, the City of Mansfield, Texas is a home-rule municipality located in Tarrant County, created in accordance with the provisions of Chapter 9 of the Local Government Code and operating pursuant to its Charter; and,

WHEREAS, the City Council has investigated and determined that there has been an increase in the number of persons or entities desiring to collect textiles, clothing, shoes, books, toys, household items and / or other salvageable personal property items for any purposes, which has led to the proliferation of donation boxes in various areas of the City; and,

WHEREAS, the City of Arlington issued a Supplement to a Visual Survey of Donation Bins and their Secondary Effects in Arlington, Texas, a surrounding city to the City of Mansfield, which provided that Donation Bins resulted in common findings such as surrounding litter, debris and broken glass for months; and,

WHEREAS, Mansfield also has seen the placement of donation boxes in required parking spaces, required landscaped buffer areas, required open space areas and in or near residential zoning districts, often without the property owner's permission; and,

WHEREAS, in areas throughout Mansfield, donation boxes have contributed to blight due to graffiti and increases the likelihood of health and sanitation issues due to poor maintenance and the accumulation of debris and excess items outside of the collection boxes; and,

WHEREAS, the City Council also finds that the inability of landowners to accurately identify the owners of such donation boxes has resulted in decreased accountability on the part of donation box owners and operators; and,

WHEREAS, the City Council finds that regulating the size, number, placement, installation, and maintenance of donation boxes is necessary for the health, safety and welfare of the general public, the promotion of consistent land uses and development, the protection of property rights and the protection of landowners and residents of Mansfield; and,

WHEREAS, the City Council finds that it will be advantageous, beneficial and in the best interest of the citizens of Mansfield to amend Chapter 155 regarding to regulate donation boxes as provided herein.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS:

SECTION 1.

That the findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2.

That Subsection 155.054(B), “Permitted Use Table,” of the Code of Ordinances of the City of Mansfield is hereby amended by revising Line 10 in Table D to read as follows:

“Permitted Use Table

PERMITTED USE TABLE

Residential Districts													Permitted Primary Uses		Nonresidential Districts									
	S F-5 A C /2 4	S F-1 2/2	S F-9. 6/2	S F-8. 4/1	S F-8. 4/1	S F-7. 5/1	S F-7. 5/1	S F-7. 5/1	S F-6/1 2			M F-1	M F-2	D. Commercial and Warehouse Uses	O P	C - 1	C - 2	C - 3	I - 1	I - 2	P D	Par king Gro up Tab le, § 155.091	Spe cial Con di tions, § 155.099	
										P	P	P			10. Donation Box (Accessory Use Only)	P	P	P	P	P			40	

SECTION 3.

That Subsection 155.099, Special Conditions, is hereby amended by revising Subsection (B)(40) to read as follows:

(40) *Donation box.*

(a) General. Donation boxes are only permitted in the 2F, MF-1, MF-2, O-P, C-1, C-2, C-3, I-1, and I-2 Zoning Districts as an accessory use as shown in ~~Donation boxes are permitted as shown in~~ § 155.054(B), “Permitted Use Table,” Table D. Donation boxes shall be restricted to locations that are in the rear yard or side yards only; no donation box shall be located between any building and a street., and are permitted only as an accessory use on lots or tracts of land for places of worship, nonprofit organizations, and schools with the written consent of the property owner in the 2F, MF-1, MF-2, O-P, C-1, C-2, C-3, I-1, and I-2 Zoning Districts. All donation boxes whether allowed by right, permitted under a Specific Use Permit, or permitted as an accessory use, require issuance of a permit under Ch. 116 of this code..

(b) For purposes of this Subsection (40), “open spaces” shall mean “open space, common” as defined in Section 155.012 and “passive space” shall mean as referenced in Section 155.092(L)(2) of the Zoning Ordinance.

(b)(c) The placement of donation boxes shall comply with the following:

1. *Quantity.* No parcel of land shall be permitted to have more than one donation box unless the parcel of land has more than 300 feet of frontage road. ~~more than one~~ donation box may be permitted for placement on any one lot or tract of land. For the purposes of these provisions relating to donation boxes, a development containing an inter-related mix of uses on multiple platted lots under unified design and / or ownership shall be considered ~~In the case of a shopping center or office development that consists of multiple platted lots, the Director of Planning shall treat the shopping center or office development as if it is only one contiguous lot.~~ Notwithstanding, anything provided for herein, no two donation boxes shall be less than 300 feet apart.
2. *Distance.* No donation box shall be located within 75 linear feet of any parcel of land zoned as A and SF District; ~~No no~~ donation box shall be located within 250 linear feet of another donation box; within 500 linear feet of the right-of-way of U.S. Highway 287, U.S. Business Highway 287, and State Highway 360 (Toll Road 360), ~~Farm to Market Road 157, Farm to Market Road 1187, Farm to Market Road 917, Main Street, Debbie Lane, Broad Street, Country Club Drive, Heritage Parkway, Matlock Road, or Lone Star Road;~~ within 250 linear feet of any residence, hospital, daycare center, or public or private school or college by right; or and no donation box shall be located within 250 linear feet of any public parks and recreational facilities.
3. *Measurement.* For purposes of this section, measurement shall be made in a straight line, without regard to intervening structures or objects:
 - A. From the proposed location of the ~~existing~~ donation box to the ~~location of the proposed donation box~~ nearest portion of any lot presently zoned as A or SF District; or
 - B. From the nearest portion of the right-of-way ~~line~~ of U.S. Highway 287, U.S. Business Highway 287, and State Highway 360 (Toll Road 360), ~~Farm to~~

~~Market Road 157, Farm to Market Road 1187, Farm to Market Road 917, Main Street, Debbie Lane, Broad Street, Country Club Drive, Heritage Parkway, Matlock Road or Lone Star Road~~ to the proposed location of the donation box; ~~or~~

~~C. From the nearest portion of any lot line of a property with a zoning designation permitting residential uses, hospitals, daycare centers, public or private schools or colleges by right or parks and recreational facilities to the location of the donation box.~~

4. Donation boxes shall be placed on a paved surface, separate and independent of all required parking spaces, aisles, and loading dock and service areas, ~~and shall not be located in any parking space, aisle, or loading dock and service area.~~

~~5. Donation boxes shall not be located within in any required landscape buffers.~~

~~6.5.~~ Donation boxes shall not be located within any required landscaping or designated open space, ~~community space~~ or passive or civic spaces.

~~7. Donation boxes shall conform to all applicable building setbacks on the property.~~

~~8.6.~~ Donation boxes shall be located in a manner to facilitate pickup of donated items by the operator or collection agency.

~~9. Donation boxes shall not be located in the rear of any building which is not a pad site (for the purposes of this section, a pad site is defined as a non-residential building of 6,000 square feet or less).~~

7. Advertising of any kind shall be prohibited on all donation boxes. However, each donation box shall bear the name and a contact telephone number of the property owner, property manager, or the owner of the donation 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 box.

~~10.8.~~ Donation boxes shall be located a minimum distance of 25 feet away from the intersection of two or more fire lanes and/or drive aisles, with the distance measured from the intersecting center lines of the fire lanes and/or drive aisles.

~~11.9.~~ No donation bin, container or drop box shall exceed a capacity of 175 cubic feet and 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~~The maximum dimensions of a donation box shall be six feet in width, four feet in depth and seven feet in height.~~

~~12.10.~~ Prior to placement of a donation box on a property, a donation box permit must be obtained in accordance with Chapter 116 of the Code of Ordinances No donation box shall be placed upon any parcel of land without the prior written approval of the property owner, property owner's designated agent, property manager, or property's lawful occupant and / or property manager. Upon request, the owner of the donation box shall produce, within two (2) business days, a copy of such approval to the Director of Regulatory Compliance or his / her designee.

~~13.11.~~ Except where otherwise required, Donation-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, or neon colors shall be prohibited.

12. Donation boxes shall be free of debris, graffiti, litter, refuse, rust, et cetera at all times.

~~14.13.~~ Donation boxes shall be safely designed in a manner that prevents such structures from tipping over or permitting people to enter.

SECTION 4.

That all ordinances of the City in conflict with the provisions of this ordinance be, and the same are hereby, repealed and all other ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 5.

Should any paragraph, sentence, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision thereof, other than the part so declared to be invalid, illegal or unconstitutional, and shall not affect the validity of the Zoning Ordinance as a whole.

SECTION 6.

Any person, firm or corporation violating any of the provisions of this ordinance or the Zoning Ordinance, as amended hereby, shall be deemed guilty of a misdemeanor and, upon conviction in the Municipal Court of the City of Mansfield, Texas, shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense, and each and every day any such violation shall continue shall be deemed to constitute a separate offense.

SECTION 7.

This ordinance shall take effect immediately from and after its passage on the first and final reading and the publication of the caption, as the law and charter in such cases provide.

**DULY PASSED ON THE FIRST AND FINAL READING BY THE CITY COUNCIL OF
THE CITY OF MANSFIELD, TEXAS, THIS _____ DAY OF _____
202~~4~~3.**

Michael Evans, Mayor

ATTEST:

Susana Marin, City Secretary

APPROVED AS TO FORM AND LEGALITY:

~~Bradley Anderle~~Ashley Dierker, City Attorney