

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,

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.

(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.

(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.. 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 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 donation box shall be located 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); 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 donation box to the nearest portion of any lot presently zoned as A or SF District; or
 - B. From the nearest portion of the right-of-way of U.S. Highway 287, U.S. Business Highway 287, and State Highway 360 (Toll Road 360) to the proposed 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.
5. Donation boxes shall not be located within any required landscaping or designated open space or passive or civic spaces.
6. Donation boxes shall be located in a manner to facilitate pickup of donated items by the operator or collection agency.
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.
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.
9. No donation bin, container or drop box shall exceed a capacity of 175 cubic feet and 72 inches in height, as measured from finished grade to the height point of the roof.
10. 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. 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.
11. Except where otherwise required, donation boxes shall be painted or stained with a neutral or earth-tone color scheme. High-intensity colors, metallic colors, black, fluorescent, or neon colors shall be prohibited.
12. Donation boxes shall be free of debris, graffiti, litter, refuse, rust, etcetera at all times.

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 12TH DAY OF FEBRUARY, 2024.

Michael Evans, Mayor

ATTEST:

Susana Marin, City Secretary

APPROVED AS TO FORM AND LEGALITY:

Ashley Dierker, City Attorney