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SUBJECT: Hold a public hearing and consider an ordinance on first reading with the caption reading: AN ORDINANCE AMENDING THE CITY OF PFLUGERVILLE CODE OF ORDINANCES TITLE XV LAND USAGE, CHAPTER 157 UNIFIED DEVELOPMENT CODE AMENDING SUBCHAPTER 7 GENERAL REGULATIONS, SECTION E. TEMPORARY USES TO ADD DONATION CONTAINERS WITH CONDITIONS IN OFFICE, RETAIL, AND COMMERCIAL ZONING DISTRICTS VIA A TEMPORARY PERMIT; REPLACING ALL ORDINANCES IN CONFLICT; CONTAINING A SAVINGS CLAUSE AND DECLARING AN EFFECTIVE DATE.

DISCUSSION

The Planning Department was recently notified of citizen concern regarding both the proliferation of donation containers within the city and illegal dumping associated with this use. Currently there are no provisions in the Unified Development Code to regulate Donation Containers. Proposed locations for the containers have been within Office, Retail, and Commercial zoning districts.

A count of the number of donation containers in Pflugerville was completed on January 19th. At that time, there were five containers, three of which were located along Pecan St and two along FM 685. After speaking with the owner of one of these containers, it was also determined that there is typically no formal agreement between the property owner and container owner. In order for the container to remain on the property the owner tries to keep it clean by collecting the contents 2-3 times per week. However, he did suggest that there are some owners who do not regularly empty the containers leading to collection of items outside of the container.

Through research of other communities that regulate these containers along with feedback from the Planning and Zoning Commission, the Commission recommended amending the Temporary Use regulations to allow for Donation Containers through the issuance of a temporary permit valid for a duration of one year. In addition to a temporary permit, donation containers will be subject to provisions that regulate their size, location, and appearance. Staff has also taken the considerations of the Planning and Zoning Commission and included the following items in the ordinance: sign on the donation container indicating hazardous material prohibited, city contact information on the container, collection times at least twice per month, and requiring donation containers to be fully enclosed.

PROPOSED AMENDMENT:

The following excerpt from the UDC includes the proposed amendment:

SUBCHAPTER 20. DEFINITIONS

Donation Container

Any container, receptacle or similar device that is located on any lot within the city and that is used for soliciting and collecting donations of clothing or other salvageable personal property. This term does not include recycle bins for the collection of recyclable material governed or regulated by the zoning code or any donation container located within a building.

Subchapter 7, Section E. Temporary Uses

- (10) Donation Containers.
- (a) The donation containers shall be limited to Office, Retail and Commercial zoning districts and shall be subject to approval by a temporary permit by the Planning Director with a maximum duration of one (1) year.
 - (b) Donation Containers shall not be located within any established buffer areas, sidewalks, access easements, drainage easements, drive aisles, utility easements or fire lanes and shall not be located in such a manner that they block sight lines on subject property.
 - (c) A donation container shall not be located in any parking space required to meet the minimum parking requirements for a site.
 - (d) The number of donation containers allowed for each lot shall not exceed one (1) and shall not be located less than 400 feet from any other donation container.
 - (e) Donation containers shall be located on a paved surface.
 - (f) The donation container shall only be used as a collection container for clothing and household materials. All donation materials must fit into, and be placed inside the donation container. The collection or storage of any materials outside the container is prohibited.
 - (g) The permit holder shall be responsible to collect the contents of the donation container as needed to prevent overflow, but at least once every two weeks.

- (h) The donation container shall not exceed 96 cubic feet (four feet wide by four feet deep by six feet tall) and must be fully enclosed. The height of each donation container shall not exceed six feet. Containers larger than 96 cubic feet shall be classified as waste containers and are subject to the screening requirements set forth in Subchapter 11, Section K of the Unified Development Code.
- (i) Donation containers shall be maintained in good condition and appearance with no structural damage, holes, or visible rust and shall be free of graffiti.
- (j) Donation containers shall be painted or stained with a neutral or earth-tone color scheme. Bright primary, fluorescent or contrasting colors are prohibited.
- (k) The donation container shall display, on a sign not to exceed two square feet the following information:
 - i. Permit holder's current contact information including street address and telephone number
 - ii. City contact information.
 - iii. Note indicating hazardous material prohibited
- (l) Unless otherwise said within, approval of a temporary permit for said operation shall not exempt the use or permit holder from all applicable City of Pflugerville ordinances including, but not limited to nuisance, signage, lighting, etc.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

At the February 6th Planning and Zoning Commission meeting, the Commission voted for approval of the text amendment with the inclusion of the following items: sign on the donation container indicating hazardous material prohibited, city contact information on the container, collection times at least twice per month, and requiring donation containers to be fully enclosed.

ATTACHMENTS:

Ordinance