

ORDINANCE NO. _____

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.

WHEREAS, the City Council approved the Unified Development Code on September 8, 2009, which included provisions for temporary uses; and

WHEREAS, the City Council recognizes donation containers are not typically found in a permanent building operation; and

WHEREAS, the City Council recognizes that donation containers have been proliferating throughout the City; and

WHEREAS, the City Council recognizes that many donation containers are not regularly collected, overflow and become receptacles for uncollected refuse; and

WHEREAS, the City Council recognizes the conditions included with the text amendment are intended to protect the health, safety and general welfare of the community; and

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

THAT the Code of Ordinances of the City of Pflugerville, Texas, is hereby amended by amending Chapter 157 Subchapter 20 and Chapter 157 Subchapter 7, Section E, which said section shall read as follows:

I.

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.

II.

Severability.

If any provision of this Ordinance is illegal, invalid, or unenforceable under present or future laws, the remainder of this Ordinance will not be affected and, in lieu of each illegal, invalid, or unenforceable provision, a provision as similar in terms to the illegal, invalid, or unenforceable provision as is possible and is legal, valid, and enforceable will be added to this Ordinance.

III.

Effective Date.

This Ordinance will take effect upon its adoption by the City Council and publication of the caption hereof in accordance with Section 3.15(d) of the City Charter.

CITY OF PFLUGERVILLE, TEXAS

By: _____
Jeff Coleman, Mayor

ATTEST:

Karen Thompson, City Secretary

APPROVED AS TO FORM:

George Hyde, City Attorney