

Ordinance No. 43-2016

Ordinance amending Chapter 46 of the Code of Ordinances by the addition of Article VII, Donation Boxes; Appendix B - Zoning; providing a repealer clause; providing for inclusion; providing for severability; and setting an effective date.

WHEREAS, the city staff and the Planning and Zoning Commission have reviewed this proposal and recommend approval of these amendments to the Code of Ordinances; and,

WHEREAS, the City Council concurs with city staff's recommendation to amend the Code of Ordinances, Chapter 46, establishing Article VII – Donation Boxes; and Appendix B - Zoning Ordinance, Section 2000, Definitions; and Section 3000, to provide for new land uses within the Heavy Industrial (HI), Light Industrial (LI), General Commercial (GC) and Limited Commercial (LC) zoning districts for the life, health and safety of its residents;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WICHITA FALLS, TEXAS, THAT:

Chapter 46 is hereby amended by the addition of Article VII - Donation Boxes; and Appendix B - Zoning, Section 2000, Definitions and Section 3000, Zoning District Types and Regulations of the Wichita Falls Code of Ordinances which shall hereafter read as follows:

“ARTICLE VII. – DONATION BOXES

Sec. 46-289. – Definitions.

Administrator means the director of the department designated by the City Manager to enforce and administer this Article, and includes director's designees.

Donation box means any box, container, building, enclosed trailer, or other receptacle that is intended for use as a collection point for donated clothing or other donated household materials.

Person means an individual, sole proprietorship, corporation, association, nonprofit corporation, partnership, joint venture, a limited liability company, estate, trust, public or private organization, or any other legal entity.

Sec. 46-290. – Donation Box – General Provisions.

(a) It shall be unlawful for any person to place or maintain, or allow to be placed or maintained, any donation box within the City of Wichita Falls, without having first secured a permit and decal in compliance with the provisions of this Article.

(b) Any donation box located within the jurisdiction of the City of Wichita Falls that does not have a current, valid permit shall be subject to impoundment by the City.

Any donation box impounded by the City shall be released to the owner upon payment of all applicable impoundment and storage fees.

(c) Donation boxes shall only be permitted to be placed on real property located within the following zoning use districts: Heavy Industrial District, Light Industrial District, General Commercial District; and Limited Commercial District, with a conditional use permit.

(d) Donation boxes shall not be permitted to be placed on real property on any residential use lot even if said lot is in an allowed zone.

(e) No donation box shall exceed 36 square feet in footprint size.

(f) Each donation box shall clearly indicate in writing on the side of each box that all donations must fit into and be placed within the donation box.

(g) Each donation box must be placed on an improved surface.

(h) The person receiving the permit for the placing or the maintaining of the donation box shall display current contact information, including:

1. Name, street address and phone number, (of the permittee) on the donation box;

2. All contact information must be readable with letters being at least four (4) inches tall and clearly visible from the public right-of-way.

Sec. 46-291– Application for Permits

(a) Applicants for permits under this Article shall submit an application and site plan for review to the Director of Community Development or designee. The application shall include the written authorization of the property owner allowing the donation box on the property.

(b) A separate application, site plan, and permit fee shall be required for each donation box regardless of ownership thereof. Permits issued under the provisions of this Article shall be valid only at the address stated on the permit.

(c) An annual renewal permit fee for each donation box shall be required. All permits shall expire on December 31 of each calendar year regardless of the date of issuance; provided, however, that the fee for each permit shall be prorated for each month or portion of a month for which the permit is issued.

Sec. 46-292 – Transfer of permit prohibited. No permit issued under the provisions of this Article shall be transferrable and the authority a permit confers shall be conferred only upon the person receiving the permit.

Sec. 46-293 – Maintenance and Upkeep

(a) A person receiving a permit and the property owner shall be held jointly and severally liable and responsible for the maintenance, upkeep, and servicing of the donation box and clean up and removal of any donations left on the property outside of the donation box.

(b) The visual and structural integrity of the donation box shall be maintained at all times.

(c) The placement of the donation box shall not impede traffic nor visually impair any motor vehicle operation within a parking lot, driveway, alley, or street.

(d) The donation box shall not be located in a required setback, building limit line, easement, 100-year floodplain, driveway, or fire lane.

(e) The donation box shall not block or occupy any number of required parking spaces for the primary use structure.

(f) The current permit decal for the specific donation box shall be affixed and displayed at all times on the outside of the donation box visible from the right-of-way.

(g) All donation materials shall fit into and be placed inside the donation box. The collection or storage of any materials outside the container is strictly prohibited.

Sec. 46-294 – Revocation of Permit

(a) Grounds. Any permit issued hereunder may be revoked by the Administrator if the person receiving the permit has been convicted of two violations of this Chapter or any other provision of this Code of Ordinances concerning the donation box within a 12-month time period.

(b) Notice. Notice of the revocation shall be given to the person who received the permit in writing, with the reasons for the revocation, served either by personal service or by certified United States mail to their last known address. The revocation shall become effective the day following personal service or if mailed, three days from the date of mailing.

(c) Appeal; Hearing. The person who received the permit shall have 10 days from the date of such revocation in which to file with the Administrator notice of their appeal from the order revoking said permit. The appeal must be in writing. The Administrator shall provide for a hearing on the appeal not later than 15 days after the notice of the appeal is filed.

(d) Stay. Any appeal of revocation pursuant to this section shall stay the revocation until said revocation is finalized.

(e) Removal of Box; Impoundment. Upon finalization of any revocation, the permit holder shall remove said donation box no later than ten (10) days after said final

decision. Upon expiration of this 10-day grace period, the donation box shall acquire noncompliant status and be subject to immediate impoundment without further notice.

(f) **One-Year Waiting Period.** In the event the permit of any permit holder is revoked by the Administrator, no second or additional permit shall be issued to such person within one year of the date such permit was revoked.

Sec. 46-295 – Criminal Penalty. Any person who violates this article shall, upon conviction of such violation, be deemed guilty of a Class C misdemeanor and subject to a fine as provided in section 1-14.

Sec. 49-296 – Fees

- (a) **Permit Fee.** Permit fee shall be in an amount set by separate ordinance.
- (b) **Renewal Permit Fee.** Renewal permit fee shall be in an amount set by separate ordinance.
- (c) **Impoundment Fees.** Impoundment fees shall be in an amount set by separate ordinance.

Secs. 49-297 - 46-319 reserved.

APPENDIX B - ZONING

2000. - DEFINITIONS

Sec. 2030. – Terms Defined.

Donation Box. Any box, container, building, enclosed trailer, or other receptacle that is intended for use as a collection point for donated clothing or other donated household materials

3000. - ZONING DISTRICT TYPES AND REGULATIONS

Sec. 3010. - Zoning districts established.

The city is hereby divided into the following zoning districts:

Section No.	Map Code	Zoning District Name
3040	SF-1	Single-family residential (large lot)
3100	SF-2	Single-family residential (standard lot)
3170	MFR	Multifamily residential
3250	RMU	Residential mixed use district
3320	MHR	Manufactured housing residential
3360	LO	Limited office district
3370	LC	Limited commercial district
3450	GC	General commercial district
3510	LI	Light industrial district

3580	HI	Heavy industrial district
Special-Purpose Zoning Districts		
3640	PUD	Planned unit development
3700	RDD	River development district
3780	CBD	Central business district
3840	BA	Brook Avenue district
3900	CC	Commercial corridor

Sec. 3020. - Application of zoning districts.

A zoning district shall apply to each lot, parcel, or site within the city. A zoning district designation may apply also to a portion of a site.

Sec. 3030. - Hierarchy of zoning districts.

References to less restrictive and more restrictive zoning districts shall refer to the zoning districts established in section 3010, and shall represent a progression from SF-1 Single-Family Residential (large lot) being the most restrictive to HI Heavy Industrial as the least restrictive. The special-purpose zoning districts shall not be included in the hierarchy.

Sec. 3035. - Permitted and conditional uses.

Uses allowed in each zoning district shall be in accordance with the permitted and conditional uses listed for each district. Uses which are not specifically listed, but are similar in nature and meet the purpose of the zoning district, may be allowed by the Commission.

3370. - LC—LIMITED COMMERCIAL DISTRICT

Sec. 3380. - Purpose.

The purpose of the LC Limited Commercial District is to accommodate small offices and limited commercial activities. These districts are intended to be adjacent to residential areas and act as a buffer between residential and more intense uses.

Sec. 3390. - Permitted uses.

A. The following uses are permitted in the LC Limited Commercial District:

Residential uses:

- Dwelling, duplex two-family.
- Dwelling, single-family detached.
- Group homes.

Civic uses:

- Day care centers, limited.
- Private recreational areas, limited.

- B. The following uses are permitted in the LC Limited Commercial District subject to the site plan review provisions of section 7100 and to the provisions of section 3420, "special conditions":

Residential uses:

- Bed and breakfast homestay.
- Boardinghouse.
- Condominium, residential.
- Dwelling, multifamily, up to 25 units per acre.
- Dwelling, zero lot line, single-family, subject to the provisions of section 5200.
- Fraternity and sorority houses.
- Townhouse, residential, subject to the provisions of section 5300.

Civic uses:

- Day care centers, commercial, 1,200 square feet or less in gross floor area.
- Library, public.
- Parks.
- Public safety services.
- Religious assembly.
- School, primary and secondary.
- Utility service.

Commercial uses:

- Bed and breakfast inn.
- Medical offices, 1,200 square feet or less in gross floor area.
- Offices, 1,200 square feet or less in gross floor area.
- Oil drilling, subject to the provisions of Appendix A, Subdivision and Development Regulations, section 6.4 Oil and Gas Well, as amended.
- Services, 1,200 square feet or less in gross floor area, excluding automotive repair services and restaurants

Sec. 3400. - Conditional uses.

The following uses are permitted in the LC Limited Commercial District subject to the approval process provided in section 7200 and to the provisions of section 3420,

Special Conditions:

Residential uses:

- Dwelling, multifamily, exceeding 25 units per acre.
- Manufactured homes, subject to the provisions of section 5600.
- Personal care home.

Civic uses:

Day care centers, commercial, more than 1,200 square feet in gross floor area.

Residential care facility.

Commercial uses:

Alcoholic beverage sales, subject to the provisions of section 5400.

Art gallery/museum.

Clinic.

Club.

Convenience stores.

Donation box.

Medical offices, more than 1,200 square feet in gross floor area.

Offices, more than 1,200 square feet in gross floor area.

Restaurant, limited.

Retail trade, excluding automobile sales and supermarkets.

Services, more than 1,200 square feet in gross floor area, excluding automotive repair services and restaurants.

Self-storage facility/mini-warehouse.

Sec. 3410. - Development regulations.

Each site in an LC Limited Commercial District shall be subject to the following development regulations, except for zero lot line residential and townhouses.

1. Lot area: 5,000 square feet, minimum.
2. Lot width: 50 feet, minimum.
3. Front setback: 25 ft. minimum, except for rear access subdivision where reduced setback as per section 4240 shall apply.
4. Side setback, interior: Five-foot minimum.
5. Side setback, exterior: 25-foot minimum, except 15 ft. minimum for single family and duplex dwellings.
6. Rear setback:
 - A. Single-family and duplex dwelling: Five-foot minimum from common lot line or one-foot minimum from alley. (See section 6500 for accessory structure setbacks and section 6210 for setback requirements for rear vehicular access.)
 - B. All other uses: Five feet, minimum. However, in no case shall the roof overhang extend over the property line.
7. Height: 35-foot maximum. For school and religious assembly uses, the maximum height shall be 45 feet.
8. Building coverage: 55 percent of lot area, maximum, except 50 percent of the lot area, maximum, for single-family and duplex dwellings.
9. Open space: 20 percent of lot area, minimum, for multifamily dwellings use containing 25 units or more.

Sec. 3420. - Special conditions.

A. No drive-through/drive-in use or repair service of any kind shall be allowed. Additionally, outdoor storage or display of any kind shall be prohibited.

B. Hours of operation shall be limited to no earlier than 6:00 a.m. and no later than 12:00 midnight.

3450. - GC—GENERAL COMMERCIAL DISTRICT

Sec. 3460. - Purpose.

The purpose of the GC General Commercial District is to accommodate commercial activities of a retail and service nature. These areas would be located along major streets and encouraged to use site designs which have mutual benefits with other businesses in the area.

Sec. 3470. - Permitted uses.

A. The following uses are permitted in the GC General Commercial District:

Residential uses:

Dwelling, duplex two-family.

Dwelling, single-family detached.

Group homes.

Personal care homes.

B. The following uses are permitted in the GC General Commercial District subject to the site plan review provisions of section 7100.

Residential uses:

Bed and breakfast homestay.

Boardinghouse.

Condominium, residential.

Dwelling, multifamily.

Dwelling, zero lot line, single-family, subject to the provisions of section 5200.

Fraternity and sorority house.

Townhouse, residential, subject to the provisions of section 5300.

Civic uses:

Cemetery.

College and university.

Day care centers, limited and commercial.

Library, public.

Parks.

Public.

Safety services.
Religious assembly.
Residential care facility.
School, primary and secondary.
Utility service.

Commercial uses:

Alcoholic beverage sales, subject to the provisions of section 5400.
Art gallery/museum.
Automotive sales and service.
Automotive service station.
Bed and breakfast inn.
Boat sales and service.
Business and trade schools.
Car wash.
Clinic.
Club.
Coin-operated amusement machines establishment, as regulated by section 5905.
Convenience store.
Donation box.
Exterminating services, without chemical storage.
Funeral home.
Hospital.
Hotel.
Indoor sports and recreation.
Medical office.
Motel.
Movie theater.
Nursery.
Offices.
Oil drilling, subject to the provisions of Appendix A, Subdivision and Development Regulations, section 6.4 Oil and Gas Well, as amended.
Repair services.
Restaurants.
Retail trade.
Self-storage facilities/mini-warehouse.
Services.
Shopping center.

Veterinary services.

Sec. 3480. - Conditional uses.

The following uses are permitted in the GC General Commercial District subject to the approval process provided in section 7200:

- Alcoholic beverage sales, subject to the provisions of section 5400.
- Automotive repair service.
- Bus station.
- Community residential center.
- Contractor's yard.
- Flea market.
- Halfway house.
- Kennel.
- Light manufacturing.
- Manufacturing homes, subject to the provisions of section 5600.
- Outdoor entertainment and recreation.
- Outdoor storage.
- Parking facility.
- Recreational vehicle park.
- Warehousing facility.

Sec. 3490. - Development regulations.

Each site in the GC General Commercial District shall be subject to the following development regulations except for townhouse and zero lot line residential use:

1. Lot area: 5,000 square feet, minimum.
2. Lot width: 50 feet, minimum.
3. Front setback: 25 ft. minimum, except for rear access subdivision where reduced setback as per section 4240 shall apply.
4. Side setback, interior:
 - A. Single-family and duplex dwellings: Five feet, minimum.
 - B. All other uses: No minimum; in accordance with adopted Building Code requirements.
5. Side setback, exterior: 25-foot minimum, except 15-foot minimum for single-family and duplex dwellings.
6. Rear Setback:
 - A. Single-family and duplex dwelling: Five ft. minimum from common lot line or one -foot minimum from alley. (See section 6500 for accessory structure setbacks and section 6210 for setback requirements for rear vehicular access.)
 - B. All other uses: No minimum. However, in no case shall the roof overhang extend over the property line, and shall be in accordance with adopted Building Code requirements.
7. Height: No maximum.

8. Building coverage: No maximum, except 50 percent of lot area maximum, for single-family and duplex dwellings.
9. Open Space: 20 percent of lot area, minimum, for multifamily dwellings containing 25 units or more.

3510. - LI—LIGHT INDUSTRIAL DISTRICT

Sec. 3520. - Purpose.

The purpose of the LI Light Industrial District is to accommodate wholesale, trucking and warehousing type activities along with light fabrication and processing.

Sec. 3530. - Permitted uses.

The following uses are permitted in the LI Light Industrial District subject to the site plan review provisions of section 7100:

Residential uses:

Existing residential units may be rebuilt or replaced if destroyed, however the number of dwelling units on a parcel shall not be increased. New dwelling units shall not be permitted unless replacing an existing unit of the same square footage.

Civic uses:

Public safety services.
Religious assembly.
Utility service.

Commercial uses:

Adult entertainment and sexually oriented commercial establishments, subject to the provisions of section 5500.
Alcoholic beverage sales, subject to the provisions of section 5400.
Automotive repairs.
Automotive service station.
Automotive sales and service.
Boat sales and service.
Bus station.
Business and trade schools.
Car wash.
Clinic.
Club.
Coin-operated amusement machines establishment.
Contractor's yard.
Convenience store.
Donation box.
Exterminating services, without chemical storage.

Flea market.
Funeral home.
Hospital.
Hotels.
Indoor sports and recreation.
Kennel.
Light manufacturing.
Medical office.
Motels.
Movie theater.
Nursery.
Offices.
Outdoor entertainment and recreation.
Outdoor storage.
Parking facilities.
Repair services.
Restaurants.
Retail trade.
Self-storage facilities/mini-warehouse.
Services.
Shopping center.
Veterinary services.

Light industrial uses:

Agriculture equipment sales and services.
Fabrication and assembly.
Freight hauling.
Heavy machinery sales and service.
Lumberyards.
Manufactured housing, individual accessory use.
Manufactured housing sales.
Oil drilling, subject to the provisions of Appendix A, Subdivision and Development Regulations, section 6.4 Oil and Gas Well, as amended.
Trucking facility.
Warehousing facility.

Sec. 3540. - Conditional uses.

The following uses are permitted in the LI Light Industrial District subject to the approval process in section 7200.

Airport.

Communications towers and antennas as regulated by section 5910.

Community residential center.

Expansion of an existing residence.

Exterminating services, with on-site chemical storage.

Fuel and chemical storage.

Landfill.

Mining and excavation.

Motor vehicle salvage yard, subject to chapter 46, Environment, article V, Outdoor Storage, Wichita Falls Code of Ordinances, as amended.

Outdoor food court.

Slaughterhouse and meat packing.

Stockyards.

Halfway house.

Sec. 3550. - Development regulations.

Each site in the LI Light Industrial District shall be subject to the following development regulations:

1. Lot area: 5,000 square feet, minimum.
2. Lot width: 50 feet, minimum.
3. Front setback: 25 feet, minimum.
4. Side setback, interior: No minimum; in accordance with adopted Building Code requirements.
5. Side setback, exterior: 25 feet, minimum.
6. Rear setback: No minimum; in accordance with adopted Building Code requirements.
7. Height: No maximum.
8. Building coverage: No maximum.

3580. - HI—HEAVY INDUSTRIAL DISTRICT

Sec. 3590. - Purpose.

The purpose of the HI Heavy Industrial District is to accommodate major industrial developments that are typically located on large sites. These areas generate heavy traffic and are typically located near freeways and railroad facilities.

Sec. 3600. - Permitted uses.

The following uses are permitted in the HI Heavy Industrial District subject to the site plan review provisions of section 7100:

Civic uses:

Halfway house.

Public safety services.

Utility service.

Community residential centers.

Commercial uses:

Alcoholic beverage sales, subject to the provisions of section 5400.

Coin-operated amusement machines establishment, as regulated by section 5905.

Convenience stores.

Donation box.

Restaurants.

Heavy commercial uses:

Agriculture sales and services.

Airports.

Fabrication and assembly.

Freight hauling.

Fuel and chemical storage.

Heavy machinery sales and storage.

Light manufacturing.

Lumberyards.

Mining and excavation.

Manufactured housing, individual accessory use.

Manufactured housing sales.

Oil drilling, subject to the provisions of Appendix A, Subdivision and Development Regulations, section 6.4 Oil and Gas Well, as amended.

Trucking facilities.

Warehousing facilities.

Industrial uses:

Basic industry and manufacturing.

Industrial park.

Power generation.

Refineries.

Conditional uses:

Landfill.

Sec. 3605. - Conditional uses.

The following uses are permitted in the HI Heavy Industrial District subject to the approval process in section 7200: Communications towers and antennas as regulated by section 5910.

Sec. 3610. - Development regulations.

The development regulations for the HI Heavy Industrial District shall be the same as in section 3550 of the LI district.”

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

It is the intention of the City Council of the City of Wichita Falls, Texas, that the provisions of this ordinance shall become a part of the Code of Ordinances of the City of Wichita Falls, Texas, and that sections of this ordinance may be renumbered or relettered to accomplish such intention.

Should any word, phrase, paragraph, section or portion of this ordinance or the Code of Ordinances, as amended hereby, be held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said ordinance or the Code of Ordinances, as amended hereby, which shall remain in full force and effect.

This ordinance shall become effective January 1, 2017.

PASSED AND APPROVED this the 1st day of November, 2016.



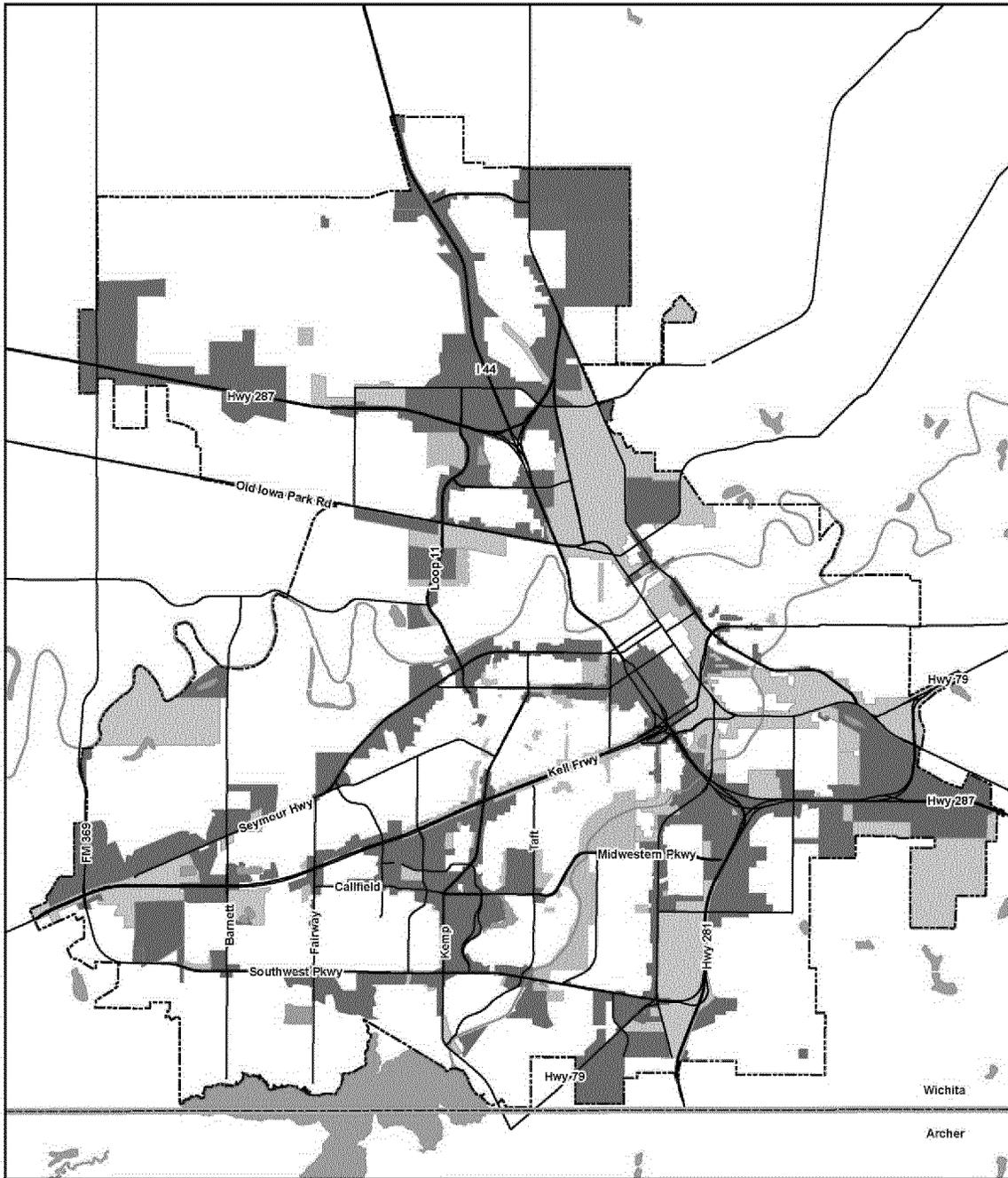
MAYOR

ATTEST:



City Clerk

EXHIBIT 'A'



Donation Boxes
Exhibit A - Proposed Zoning Districts Map



Legend

- HEAVY INDUSTRIAL
- LIGHT INDUSTRIAL
- GENERAL COMMERCIAL
- LIMITED COMMERCIAL (Conditional Use)
- City Limits



CITY OF WICHITA FALLS, PLANNING DIVISION
MAP PRODUCED BY: Kyle Caskey
DATE PRODUCED: 4 OCTOBER 2016



Disclaimer
The City of Wichita Falls has attempted to verify the accuracy of the information contained in the following map at the time of publication. The City of Wichita Falls assumes no liability for any errors, omissions, or inaccuracies in the information provided regardless of how caused. This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.