

CITY COUNCIL AGENDA

City of Big Spring
Wednesday, August 14, 2013

Notice is hereby given that the City Council of the City of Big Spring, Texas will meet in Special Session on Wednesday, August 14, 2013, at 5:30 p.m. in the City Council Chambers located at 307 East 4th Street, Big Spring, Texas.

The City Council may discuss and/or take action on each of the following items before it and may go into Executive Session on any item listed on the agenda in accordance with Chapter 551 of the Texas Government Code.

Presentations & Public Hearings

1. Invocation & Pledge of Allegiance to the United States Flag and to the Texas State Flag McLellan
2. **Final Reading of an Ordinance Amending the Zoning Ordinance by Amending Article 2 Entitled "Definitions" by Amending the Definition of "Intermodal Shipping Container" and Amending Article 7 Entitled, "Special Applications," and "Specific Use Permits" to Provide for Regulation of the Use of Intermodal Shipping Containers as Living Quarters** 3-4 Browning

Final Reading of an Ordinance Amending the Zoning Ordinance by Amending Article 2 Entitled "Definitions" by Amending the Definition of "Intermodal Shipping Container" Designated as Definition 69A and Amending Article 7 Entitled "Special Applications," Section 7-2 "Specific Use Permits," Subsection (c) "Specific Use Permits with Term" by Adding Subsection (72) "Intermodal Shipping Containers as Living Quarters" in Order to Provide for Regulation of This Use; Providing for Severability; Providing for a Maximum Penalty of \$2,000.00; Establishing an Effective Date; and Providing for Publication

3. Adjourn McLellan

I hereby certify that this agenda was posted on the official bulletin boards at the Big Spring City Hall Building, 310 Nolan Street, Big Spring, Texas on Sunday, August 11, 2013 at 6:30 p.m. In addition this agenda and supporting documents are posted on the City of Big Spring's website, www.mybigspring.com in accordance with legal requirements.


Lesa Gamble, Administrative Assistant

Agenda Removal Notice - This public notice was removed from the official posting board at the Big Spring City Hall Building, 310 Nolan Street, Big Spring, Texas on

August _____, 2013 at _____ a.m./p.m.

By: _____
City Secretary's Office

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BIG SPRING AMENDING THE ZONING ORDINANCE OF THE CITY OF BIG SPRING BY AMENDING ARTICLE 2 ENTITLED "DEFINITIONS" BY AMENDING THE DEFINITION OF "INTERMODAL SHIPPING CONTAINER" DESIGNATED AS DEFINITION 69A AND AMENDING ARTICLE 7 ENTITLED, "SPECIAL APPLICATIONS," SECTION 7-2 "SPECIFIC USE PERMITS," SUBSECTION (c) SPECIFIC USE PERMITS WITH TERM BY ADDING SUBSECTION (72) "INTERMODAL SHIPPING CONTAINERS AS LIVING QUARTERS" IN ORDER TO PROVIDE FOR REGULATION OF THIS USE; PROVIDING FOR SEVERABILITY; PROVIDING FOR A MAXIMUM PENALTY OF \$2000.00; ESTABLISHING AN EFFECTIVE DATE; AND PROVIDING FOR PUBLICATION.

WHEREAS, the City Council finds that the zoning ordinance currently in effect does not adequately address the use of "Intermodal Shipping Containers" as living quarters and the possible adverse effects such use may have if uncontrolled; and

WHEREAS, the City Council finds it necessary to consider revisions to the zoning ordinance to include said use, to establish appropriate zoning districts in which the use may be located and to establish development requirements to accompany said use; and

WHEREAS, the City Council finds that the public health, safety, and general welfare will best be served by including the following definitions, placement restrictions, and development regulations for the protection of the citizens of the City;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BIG SPRING, TEXAS AS FOLLOWS THAT:

SECTION 1. The City of Big Spring Zoning Ordinance Article 2 entitled, "Definitions", is hereby amended as follows:

69a: Intermodal Shipping Container: A metal standardized re-sealable transportation box used for utilized freight handling with standardized equipment that are commonly referred to as a "sea container," and that does not have a stamp of approval as an industrialized housing structure from the Texas Department of Licensing and Regulation.

SECTION 2. The City of Big Spring Zoning Ordinance, Article 7 "Special Applications," Section 7-2 "Specific Use Permits," subsection (c) specific use permits with term is hereby amended to add a subsection 72 to read as follows:

72. Intermodal Shipping Containers when used as living quarters shall be subject to the general provisions and development standards as follows:

- May only be located in approved areas within the Light Commercial (LC), Heavy Commercial (HC), and Light Industrial (LI) districts.
- Prior to the submittal of a specific use permit application, applicants must schedule a pre-application conference with the planning and zoning city staff,
- The Specific Use Permit application must be submitted along with the required fees, a metes and bounds property description, and a concept plan in a form acceptable to the City.
- Written Notice of the public hearings required under Section 3-1 of the City of Big Spring Zoning Ordinance shall be sent to all owners of real property lying within 500 feet of the property to be considered for a specific use permit under this subsection. The applicant shall be required to pay as part of the application fee the postage necessary to notify property owners between 200 and 500 feet.
- Separation from other uses/districts: A minimum of 500 feet of separation is required from the boundary of land zoned or used as A-2F and CA,

- Density: Maximum density is 36 units per acre,
- Setbacks: As required for the designated district.
- Height: Containers (units) shall not be stacked.
- Lot Coverage: Maximum lot coverage (structures only) 45%,
- Parking: The concept plan must show location and dimensions of required paved parking, drive aisles, approved access from a public street, fire lanes and hydrants, if required. Minimum parking for this use is one space per bed.
- Landscaping: Landscaping shall be provided as indicated in Article 10 of the City of Big Spring Zoning Ordinance,
- Screening/Fencing: The property/development shall be fenced on a minimum of three (3) sides by a 6-foot solid fence constructed of masonry or wood.
- Inspections: Inspections for all units shall be made on site by City of Big Spring Inspectors and must meet all current City Building and Fire Codes. Containers must be placed on site with all plumbing, electrical and mechanical components exposed for inspection and be anchored to a permanent foundation as approved by the Building Official.
- Exterior Appearance: Units shall have a minimum of two exits as approved by the Fire Marshal pursuant to the current Fire Code adopted by the City of Big Spring.
- Property Clean-Up/Unit Removal: The developer and/or owner shall file with the Director of Finance an instrument approved by the City Attorney that guarantees the removal of any unit and property clean-up when the Specific Use Permit expires and is not renewed in accordance with this section. The guarantee shall be in the form of a surety bond, cash escrow or letter of credit in an amount determined by the City Council.

SECTION 3. That should any section, paragraph, sentence, clause, phrase or word of this ordinance be declared unconstitutional or invalid for any purpose, the remainder of this ordinance shall not be affected thereby.

SECTION 4. That all ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

SECTION 5. That this ordinance shall take effect immediately after passage and publication in accordance with the provisions of the Charter of the City of Big Spring, and it is accordingly so ordained.

SECTION 6. That the City Secretary is hereby ordered and directed to cause the descriptive caption, as well as the penalties for violation of this ordinance to be published as provided by law.

PASSED AND APPROVED on first reading at a regular meeting of the City Council on the 13th day of August, 2013, with all members present voting “aye” for the passage of same.

PASSED AND APPROVED as amended on second reading at a regular meeting of the City Council on the 27rd day of August, 2013, with all members present voting “aye” for the passage of same.

Larry McLellan, Mayor

ATTEST:

Tami Davis, Asst. City Secretary