

# ARTICLE 7 - SPECIAL APPLICATIONS

## SECTION 7-1. Planned Developments

(a) After a public hearing following proper notice as prescribed by law to all parties affected, and pursuant to a recommendation from the Planning and Zoning Commission, the following types of Planned Developments may be created:

1. Civic center and community center.
2. Housing development including multi-family buildings greater than three (3) stories in height.
3. Industrial district on tracts of ten acres or more.
4. Medical center and/or hospital.
5. Office center.
6. Recreation center.
7. Shopping center on tracts of three acres or more.
8. Transition district as an extension of an existing district whereby the provision of off-street parking, screening walls, open space and planting would create a protective transition between a lesser and a more restrictive district.
9. Temporary Workforce Housing, as defined, may request development of modular or industrialized housing units in the HC (Heavy Commercial) and LI (Light Industrial) districts and if constructed on-site, stick-built on-site, in the MF (Multi-Family Residential), GR (General Residential), HC (Heavy Commercial), and LI (Light Industrial) districts, subject to the general provisions and development standards as follows:

- Prior to the submittal of an application, applicants are **REQUIRED** to schedule a pre-application conference with the designated city staff,
- Tract/Site Size: Minimum five (5) acres under single ownership,
- Separation from other uses/districts (for developments using modular or industrialized housing units): A minimum of 1000 feet from the boundary of land zoned or used as A-2F and CA,
- Density: Maximum density is 36 units per acre,
- Setbacks:     Front: 25 feet  
                  Interior Side and Rear: 10 feet  
                  Exterior Side: 15 feet
- Height: Maximum height: 30 feet,
- Lot Coverage: Maximum lot coverage (structures only) 45%,
- Leasing Office: A professional on-site manager and staffed leasing office shall be required with each development. It shall be the responsibility of the manager:

1. To keep a register of all persons staying in the workforce housing development, which register shall be at all times open to inspection by City, State and Federal officers and kept in the manager's office;
  2. To maintain the site in a clean, orderly and sanitary condition at all times including but not limited to maintenance of structures, landscaping, fencing and gates;
  3. To see that all required outdoor lighting is kept in working order;
  4. To see that garbage and trash receptacles (dumpsters) are properly maintained and the general free of trash;
  5. Not to permit any animals on site for any reason; and
  6. To report promptly to the proper authorities any violation of law which come to his/her attention.
- Parking: 1 space per bedroom or sleeping area and 1 space for each 25 units for visitors centrally located on site or at the manager/leasing office. The manager/leasing office shall be parked at 1 space per 300 square feet (minimum of 5 spaces). Note: Development parking other than visitor and that required for the office, may be provided on a lot or tract, under the same ownership, immediately contiguous or within 150 feet of the development. This provision does not apply lands zoned and/or used for residential.
  - Landscaping: Landscaping shall be provided as indicated in Article 10 of the City of Big Spring Zoning Ordinance,
  - Recreation Facilities: For developments of more than 25 units, a minimum of 2 of the following recreational facilities must be provided;
    - Swimming Pool
    - Game Courts, i.e., basketball, tennis, horse shoe/washer court
    - BBQ Pavilions with grills and tables
    - Fitness Center – Indoor (maybe located in the manager/leasing office building)
    - Community Room – Indoor (to include a full kitchen, recreation room and tv/movie lounge), maybe located in the manager/leasing office building.
  - Plan for conversion or discontinuance of use, to include a timeline for completion,
  - Provide a code of conduct, i.e., policies on drug and alcohol usage, noise and weapons, as well as visitors,
  - Bond/Letter of Credit for property clean-up or conversion as specified by Council, and
  - A City of Big Spring Zoning Change Application and Planned Development Site Plan with completed checklist.

(b) In establishing a planned development in accordance with this Section, the City Council shall require a comprehensive site plan of the development, said plan becoming part of the ordinance creating the planned development. Such required plan and ordinance shall set forth the requirements for ingress and egress to the property, public or private streets or drives, sidewalks, utilities, drainage, parking space, height of building, maximum lot coverage, yards and open spaces, screening walls or fences and other development and protective requirements considered necessary to create a

reasonable transition to and protection of the adjacent property.

(c) Every planned development approved under the provisions of this Section shall be considered as an amendment to the zoning map applicable to the property involved. In approving the planned development the City Council may impose conditions relative to the standard of development and such conditions shall be complied with before a certificate of occupancy is issued for the use of land or any structure which is part of the planned development, and such conditions shall not be construed as conditions precedent to the approval of the zoning amendment, but shall be construed as conditions precedent to the granting of a certificate of occupancy.

### **SECTION 7-2. Specific Use Permits.**

(a) After a public hearing, following proper notice, as prescribed by law, to all parties affected, and after recommendation by the Planning and Zoning Commission, specific use permits without term and specific use permits with term may be issued.

(b) Specific use permits without term may be issued for the following types of uses and subject to, but not limited to, the specified restrictions, in the following districts:

1. Accessory building for living or sleeping quarters in the A through LI districts, not including rental as a separate dwelling.
2. Airport landing field or heliport in the A, O, and R districts.
3. Amusement (commercial outdoor) in the A district.
4. Animal clinic or hospital (with or without runs or pens) in the A district.
5. Animal pound in the A district.
6. Antique shop in the NS district.
7. Asphalt or concrete batching plant in the LI district
8. Bed and breakfast in the SF-2, SF-3, 2F, MF, O, NS, R, LC, and CA Districts.
9. Bingo hall in the R through HI Districts
10. Brick kiln in the A district.
11. Building material sales in the LC district.
12. Cement or hydrated lime manufacture in the A district.
13. Cemetery or mausoleum in the A through R districts.
14. College or university in the A through MF districts.
15. Community center (private) in the A through MF districts.
16. Country Club (private with golf course) in the SF-1 through MF districts.
17. Dump or sanitary fill area in the A, HC and LI districts.
18. Electric generating plant in the A district.
19. Electric substation in the SF-1 through MF districts.
20. Explosives interchange lot involving temporary storage of explosive materials in the LI district.
21. Fairground or exhibit area in the A and R districts.

22. Fraternal organization, lodge or civic club in the A and O district.
23. Golf course (commercial) in the A district.
24. Grain processing and storage in the LI or HI Districts.
25. Green house or plant nursery in the NS district.
26. Home or treatment center for the care of alcoholic, narcotic or psychiatric patients in the A and O districts.
27. Hospital in the A, and SF-3 through MF districts.
28. Hotel or motel in the A district.
29. Institutions of a religious or philanthropic nature in the SF-1 through MF districts.
30. Library in the MF district.
31. Livestock auction in the A district.
32. Mini storage warehouse (consisting of private storage rental units, each unit not to exceed 3100 cubic feet in size and not larger than 24 feet by 10 feet in area) in the NS and R Districts. Permits must include approved site plans and architectural control elements.
33. Mining or storage of mining waste in the A and LI districts.
34. Mobile home park or manufactured home park or travel trailer or recreational vehicle park in the GR through HC districts and containing no less than 5 acres and subject to all of the special requirements, conditions or safeguards that may be imposed by the Council and incorporated in the permit. The minimum area for each mobile home or manufactured home dwelling unit shall be 4,000 square feet.
35. Monastery or convent in the SF-1 through MF districts.
36. Mortuary or funeral parlor in the O and NS districts.
37. Nursing home in the A through MF districts.
38. Parking lot (commercial - autos only) in the O district.
39. Pet Shop in the A, and R through HI Districts.
40. Petroleum or gas well in any district.
41. Petroleum collecting or storage facilities in any district.
42. Radio and television (commercial only) microwave towers and transmitting stations in the A through NS districts.
43. Recycling facility in the LI or HI District.
44. Restaurant with drive-in service in the NS district.
45. Restaurant (offering no drive-in or drive through service) as a part of an office or retail center in the O or NS Districts.
46. Rodeo ground the A and LC districts.
47. Roller or ice skating rink (indoor) in the A district.
48. School, business or trade in the A district.
49. School, private elementary or secondary in the A through MF districts.
50. Scientific and research laboratory in the A and O districts.
51. Slaughter house or meat packing plant in the A, HC and LI districts.
52. Swim or tennis club in the A through MF districts.
53. Theater (outdoor) in the A, R and LC districts.
54. Utility shop or storage (private) in the A, LC, and CA districts.

55. Wastewater treatment plant in the A, HC and LI districts.
56. Water treatment plant in the SF-1 through NS districts.
57. Wireless communication towers in the R, LC and HC Districts.
58. Wrecking or salvage yard in the HI district.

(c) Specific use permits with term may be issued for the following types of uses and subject to, but not limited to, the specified restrictions, in the following districts:

59. Barbershops and beauty salons of four or more operators in the O, Office District.
60. Cafeteria in the O and NS districts.
61. Dance hall or night club in the R district.
62. Day camp in the A through MF districts.
63. Day care center or day nursery in the A, and SF-2 through GR Districts.
64. Extraction and storage of sand, caliche, stone and gravel in the A, LC and HC districts.
65. Group care home in the A through MF districts.
66. Group medical care home in the 2F through MF districts.
67. Group secure care home for persons for which supervision or security is required to ensure that they do not leave the facility, or because the residents are considered dangerous to themselves or others, except for prisons or correctional facilities, in the GR through LI districts.
68. Mobile or manufactured home for use as a caretakers, manager's or guard's residence in the HC, LI and HI Districts, provided that such mobile or manufactured home shall be located not less than 30 feet from any other structure or from any lot line of an adjacent lot or parcel of land.
69. Sexually oriented commercial establishments in the HC, LI and HI districts.

(d) A specific use permit without term shall be effective until repealed by the City Council.

(e) A specific use permit with term shall be effective for two years from the date of approval by the City Council, subject to extension in accordance with Section (f) below.

(f) A specific use permit with term may be renewed for an additional two-year term in accordance with the following procedure:

1. The then current owner of the property subject to the permit shall submit to the Department of Public Works an application for a renewal of the permit not later than 60 days prior to the expiration of the then current term, which application shall contain such information as may be required by the Director of Public Works. As part of the application for renewal, the property owner shall certify under oath that the use of the property has been at all times during the term of the permit in compliance with the provisions of the permit.

2. Upon a finding of the City Manager that the use of the property has been and remains in compliance with the provisions of the permits originally issued, the term of the permit shall be extended for an additional two-year term from the date of termination of the prior term.

3. Upon a finding of the City Manager that the use of the property has not been or is not in compliance with the provisions of the permit, the City Manager shall send written notice to the owner of the property at the last known address from the property rolls of the Howard County Appraisal District within ten working days of the City Manager's finding that the permit will not be extended beyond the then current term. Said notification shall contain a summary of the findings by the City Manager citing what provisions of the permit or the City Code have been violated. The owner of the property shall have ten calendar days from receipt of the City Manager's notice to file a written appeal with the City Council with a summary of the property owner's basis for appeal. Unless requested by the property owner, the appeal shall be heard at the next regular City Council meeting which occurs on or after the tenth calendar day following the receipt of the notice of appeal.

4. The appeal to the City Council shall be conducted in accordance with the procedures adopted by the City Council. The decision of the City Council shall be final.

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 1 space per bed if used as a multi-family complex.
- 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 whenever it borders zones A-2F and/or CA.
- 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. Each unit shall be painted a uniform color that does not allow the previous container logo to show through.
- 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.

(g) A specific use permit with term shall terminate prior to the expiration of the then current term upon a finding by the City Manager that the property for which the permit was issued has not been used for the purpose for which the permit was issued for a period of more than 120 consecutive days. The City Manager shall within ten days of said finding send written notice of termination pursuant to this Section to the owner of the property at the last known address of the owner as shown by the property rolls of the Howard County Appraisal District.

(h) Every application for a specific use permit of any type shall be accompanied by the following minimum information:

- (1) A detailed description of the intended use of the property.
- (2) The availability and location of off-street parking.
- (3) The projected amount of additional traffic generated in and around the property, the types of vehicles anticipated that will be visiting the property, the likely changes in traffic patterns, and the possible impact such changes in traffic will have on properties within 500 feet of the subject property.
- (4) The proposed number of occupants or users of the property and the proposed hours of

occupancy.

(5) If the use proposed will require deliveries of goods to the property, and the use is proposed to be located in any of the A through MF Districts, inclusive, provide the proposed location of loading/unloading areas.

(6) Whether or not the proposed use requires any type of state or federal license or permit to operate, and what type of license or permit is required.

(i) The City Planning and Zoning Commission, in considering and determining its recommendations, or the City Council, in considering any request for a specific use permit, may require from the applicant plans, information, operating data and expert evaluation concerning the location, function and characteristics of any building or use proposed. The City Council may, in the interest of the public welfare and to assure compliance with this Chapter, establish conditions of operation, location, arrangement, occupancy limits, and construction of any use for which a permit is authorized.

(j) In authorizing the location of any of the uses listed as specific use permits, the City Council may impose such development standards and safeguards as the conditions and location indicate important to the welfare and protection of adjacent property from excessive noise, vibration, dust, dirt, smoke, fumes, gas, odor, traffic, explosion, glare, offensive view or other undesirable or hazardous conditions.

### **SECTION 7-3. Certificate of Occupancy and Compliance, Specific Use Permits**

1. No building or land shall be used or occupied for any purpose for which a Specific Use Permit is granted under the provisions of this Ordinance, nor shall use or operator of a Specific Use Permit be changed without first obtaining a Certificate of Occupancy and Compliance from the Building Official.

2. Whenever the use or operator of a Specific Use Permit is proposed to be changed, an application for a new Certificate of Occupancy and Compliance shall be applied for through the Building Official who shall refer such application to the City Council for review. The City Council, after review of the operating requirements of the Specific Use Permit, may refer the Permit to the Planning and Zoning Commission for public hearing or it may, if in its judgement the basic conditions of environment and operation have not changed, authorize the Building Official to issue a new Certificate of Occupancy.

3. A record of all Certificates of Occupancy and Compliance shall be kept on file in the Building Officials office and copies shall be furnished on request to any person requesting such information.

### **SECTION 7-4 through 7-6. Reserved**