



## PLANNING & ZONING COMMISSION AGENDA

Thursday, January 21, 2021

Notice is hereby given that the City Council of the City of Big Spring, Texas will meet in Regular Session on Thursday, January 21, at 5:30 pm in the City Council Chambers located at 307 East 4<sup>th</sup> Street, Big Spring, Texas.

### PLANNING & ZONING MEETING ETIQUETTE

Gentlemen are requested to remove their hats inside the City Council Chambers. As a courtesy to those in attendance, please place your cell phone on "Silent" or "Vibrate." Please, no Talking during the meetings. Take all conversations outside so that others can hear.  
Thank you!

#### Open Session

1. Call to Order Schooler

#### Public Comment

**Public Comment** – Speakers are Requested to Stand at the Podium and State Their Name and Address. Speakers Should Fill out the Form at the Podium and Turn it into the City Secretary. Please Do Not Exceed Five (5) Minutes.

2. **Public Comment** Schooler

#### Consent Items

3. **Approval** of the Planning and Zoning Commission Minutes of the Regular Meeting of January 19, 2021 3-5 Schooler

#### Old Business

3. **Discussion/ Possible Action** concerning the proposed amendments to the City's Zoning Regulations including Manufactured Homes, Mobile Homes & RV's 6-7 Bowles
4. **Discussion/ Possible Action** concerning the proposed amendments to the City's Zoning Regulations including Carports and Accessory Buildings 8-10 Bowles
5. **Discussion/ Possible Action** concerning the proposed amendments to the City's Zoning Regulations Short Term Rental 11-14 Bowles

6. **Discussion/ Possible Action** concerning the proposed amendments to 15-16 Bowles  
the City's Zoning Regulations including Screening, Parking and  
Parking in the City ROW

**Commission Input**

7. Input All
8. **Adjourn** Schooler

I hereby certify that this agenda was posted on the official bulletin board at the City of Big Spring, City Hall Building located outside 310 Nolan Street. Given by order of the City Council and Posted on Friday, January 15, 2021 at \_\_\_\_\_ a.m. in accordance with Title 5, Texas Government Code and Chapter 551.

In addition, this agenda and supporting documents are posted on the City of Big Spring's Website, [www.mybigspring.com](http://www.mybigspring.com), in accordance with legal requirements.

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Angela Brown, Administrative Assistant

PERSONS WISHING TO HAVE AN INTERPRETER SHOULD CONTACT LESA GAMBLE AT 264-2501 or [abrown@mybigspring.com](mailto:abrown@mybigspring.com). REQUESTS FOR AN INTERPRETER SHOULD BE MADE AT LEAST 72 HOURS IN ADVANCE OF THE MEETING TIME.

**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

January \_\_, 2021 at \_\_\_\_\_ a.m./p.m.

By: \_\_\_\_\_

## ***Manufactured Homes, Mobile Homes, RVs topic***

From "Definitions" (draft)

TRAVEL TRAILER OR RECREATIONAL VEHICLE - A trailer equipped to be transported or towed and used for temporary occupancy, which does not exceed eight (8) feet in width or forty (40) feet in length. Recreational vehicles are motorized; travel trailers are towed. Recreational vehicles and travel trailers are prohibited residential living units in the city except as may be approved under Article 7, Special Applications, Section 7-2, Specific Use Permits (34).

New draft

### **SECTION 7-5. Mobile and Manufactured Homes**

A. Any mobile home located in the City legally, prior to the enactment of this ordinance and used and occupied as a residential dwelling shall be allowed to remain, but shall not be replaced with another mobile home or placed in another location in the city under any circumstance.

B. It shall be unlawful for any person, firm or corporation to park, locate or permit the parking or location of any HUD-code manufactured home upon any lot, street or tract of land unless the lot or tract of land is entirely within the SF-3 or GR District or in an approved HUD code manufactured home park pursuant to Section 7-2, Specific Use Permits (34). Any legally existing manufactured home shall be allowed to remain but shall not be replaced.

C. A manufactured home shall not be used as an office or business building in any zoning district, except as an office on site in connection with:

- i. a manufactured home park, or
- ii. a bona fide retail manufactured home sales lot or park, or
- iii. as an approved temporary use in conformance with Section 8-6.

D. The placement of a permitted manufactured home through the Building Official's office shall be subject to the following:

- i. all utilities must be hooked up or made available in accordance with the building code
- ii. the manufactured home shall be placed on an improved all-weather surface being properly graded for drainage and stability

iii. the manufactured home shall be placed parallel to the adjacent street front

iv. the manufactured home shall be tied down on the property with the towing tongue removed and appropriate skirting consisting of new materials to prevent the view and access by animals underneath the unit.

v.

#### **SECTION 8-6. Temporary Use Permits for Mobile/Manufactured Homes**

##### Circumstances for Permit Issuance

- A. Subject to conditions and standards otherwise required by this Ordinance, a temporary use permit may be issued:
1. to an applicant in the process of building a conventional dwelling to locate a manufactured ~~or mobile home~~ on a building lot during the course of construction of the dwelling; such permit shall not be issued until after a building permit for the dwelling has been issued
  2. to an applicant to use a manufactured ~~or mobile~~ home as a construction office at a job site

#### **SECTION 8-7. Temporary Use Permits for Travel Trailer or Recreational Vehicles as Living Quarters**

- A. Permitted: Travel trailers and recreational vehicles are only permitted ~~by right~~ as living quarters when properly authorized pursuant to Article 7, Section 7-2, Specific Use Permits (34). ~~and in a developed Mobile/Manufactured Home Parks.~~

## *Carports and accessory buildings topic*

### *From "Definitions"*

**ACCESSORY BUILDING:** In a residential district, a detached building used for a purpose customarily incidental to the main structure including, but not limited to a private garage for automobile storage, tool house, greenhouse as a hobby, home workshop, children's playhouse, storage house, including freight and portable storage containers, or garden shelter, but not involving the conduct of a business. This definition does not include carports in accordance with Article 8-1. (*Ord. of 02-24-09*)

**CARPORT:** An accessory structure which is not fully enclosed but is designed or used for the storage of motor vehicles for the occupants of the building to which it is an accessory. A carport is not an accessory building. (*Ord. of 12-10-19*)

### **SECTION 4-6. Area Regulations for Accessory Buildings and Structures in Residential Districts**

E. *Special Carport Exception.* Carport construction may be permitted in the front yard portion of a lot outside of the required front yard setback if an application for such construction is made to the Zoning Board of Adjustment. The Board will consider applications for front yard carports provided the following conditions are met:

1. There is no other reasonable access to the property;
2. The hardship requiring the front yard carport is not self-imposed;
3. ~~Upon the applicant's request for a front yard carport, all property owners within a two hundred (200) foot radius shall be notified of the carport application and shall have fifteen (15) days from the date of the notification to exercise their option to consult with an appraiser, at their sole cost and expense. If no notification of appraisal is made to the City by the affected property owners on or before the fifteenth (15<sup>th</sup>) day, the City shall permit the request to proceed to the Board. The affected property owner shall have no more than thirty (30) days to protest the application for carport variance based off of an appraisal.~~

4 <sup>3</sup>. A disclaimer shall be added to the carport application informing the property owner of possible deed restrictions prohibiting said addition; however, the City is shall not be responsible for researching whether any such deed restriction exists nor for the enforcement thereof. (*Ord. of 12-10-19*).

~~No carport may be constructed in the first five (5) feet of the front yard setback. The first ten (10) feet of the front yard setback may be landscaped but no plant(s) or other landscaping material may be higher than three (3) feet. Such application for exception shall include a detailed site plan indicating the proposed carport location and specifying the distance that the structure may be located outside of the required front yard setback. No exception shall be made to any~~

~~required side yard setback, except as provided below.~~ Maximum eave opening height for a carport exception shall not exceed eight feet ~~one story of eleven and one half (11.5) feet.~~ No sides shall be constructed on any carport, this includes lattice work and other screening materials. The GR and SF-3 Districts shall be exempt from ~~the front yard~~ carport exception and carport construction shall be a permitted use ~~except that no carport shall be located closer to the front property line than ten (10) feet;~~ side yard setback shall be ~~two and one half (2 1/2)~~ three (3) feet and shall be required on each property to ensure a minimum ~~five (5) foot~~ separation of carport structures. Side-yard setback in the A, SF-1, SF-2, and 2F Districts shall be a minimum of five (5) feet.

F. Accessory buildings other than carports shall not exceed a maximum height of twelve (12) feet.

G. The percentage of lot coverage shall not exceed the allowable coverage of the applicable zoning district for main buildings and accessory buildings.

H. No more than two (2) accessory buildings shall be permitted in the SF-1 through GR districts. No more than three (3) accessory buildings shall be permitted in the A District.

I. No accessory building shall be placed in an easement.

~~J. No more than two (2) accessory buildings shall be permitted in the SF-1 through GR districts. No more than three (3) accessory buildings shall be permitted in the A District.~~

## ARTICLE 8 - SUPPLEMENTAL USE STANDARDS

### SECTION 8-1. Accessory Uses

D. A carport is not an accessory use and is subject to front, rear, and side yard setback requirements unless construction is otherwise approved pursuant to Section 4-6 (E), Special Carport Exception. (*Ord. of 02-24-09*) (*Ord. of 05-10-16*)

Carport regulations include the following:

- i. only one carport may be placed on any residential lot;
- ii. ~~maximum floor area shall not exceed four hundred and forty (440) square feet;~~
- ii. maximum opening height shall be ~~ten (10) eleven and one half (11 1/2)~~ eight feet;
- iii. the carport shall be open on a minimum of three (3) sides with openings unobstructed by walls, screens, lattice work that would create an enclosed space or obstruct visibility;
- v. ~~supporting vertical members such as columns or poles shall have squared off sides) perpendicular on all four (4) planes; each squared off section must be twelve~~

~~(12) inches in length and shall be constructed of the same materials and color as the main building;~~

iv. a carport in a side yard may be constructed no closer than three feet (3') from the adjacent side yard, except if the carport is located in the side yard of a corner lot in which case the required side yard setback line must be met;

v. no carport may overhang a public or private easement;

vi. no carport shall be enclosed and no use shall occur above the roof;

vii. the area beneath the carport must be paved with asphalt or concrete from the inside of all of the supporting columns, caliche is not permitted;

viii. the carport must only be used for vehicular parking and not for storage or non-vehicular commercial use;

ix. the carport must not direct water runoff onto any other property; and

x. the carport must have a pitched roof not less than ~~2/12~~ 8/2-pitch; and

xi. the carport must have the same setback as the main building

## Short Term Rental Topic

From Definitions - draft

SHORT TERM RENTAL - A privately owned dwelling, including but not limited to a single-family dwelling, multiple family attached dwelling, townhome, condominium, twin-family home, manufactured home, or any portion of such dwellings, rented to the public for financial consideration, and used for dwelling and sleeping purposes for any period less than 30 consecutive days.

SHORT TERM RENTAL OPERATOR - The owner or designated agent or representative of the short term rental is referred to as "Operator" herein.

SHORT TERM RENTAL PERMIT - A permit issued by the City authorizing the use of a privately owned dwelling as a Short Term Rental.

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

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:

8. Bed and Breakfast and Short-term Rental in a residential zone ~~the SF 2, SF 3, 2F, MF, O, NS, R, LC, and CA District.~~

### SECTION 7-6. Short Term Rentals

A. The purpose of this Section is to establish regulations for the use of residential dwelling units as short term rentals and to ensure the collection and payment of hotel/motel occupancy taxes.

B. For purposes of this article: An owner shall designate the owner, or an agent or a representative to comply with the requirements of this section on behalf of the owner. The owner or designated agent or representative is referred to as "operator" herein.

C. The owner shall not be relieved from any personal responsibility or personal liability for noncompliance with any applicable law, rule or regulation pertaining to the use and occupancy of the residential dwelling unit as a short term rental unit, regardless of whether such noncompliance was committed by the owner's authorized agent or representative or the occupants of the owner's short term rental unit or their guests.

C. This article is not intended to provide any owner of residential property with the right or privilege to violate any private conditions, covenants, and restrictions applicable to the owner's property that may prohibit the use of such owner's residential property for short term rental purposes as defined in this section.



**D. Registration:**

(a) The Convention and Visitors Bureau, of the city is the administrative agency for the registration of short term rentals and collection of rental registration fees.

(b) The owner/operator shall obtain a short term rental registration and any other required documents from the \_\_\_\_\_ of the city located at \_\_\_\_\_ Street, Big Spring, Texas, 79720. The \_\_\_\_\_ may be contacted at phone number is 432 \_\_\_\_\_ for additional information.

(c) The owner/operator must submit the following information on a short term rental registration form:

(1) The name, address, email and telephone number of the owner/operator of the subject short term rental unit;

(2) The name, address, email and twenty four (24) hour telephone number of the local contact person;

(3) The local contact person is the person designated by the owner or the operator who shall be available twenty four (24) hours per day, seven (7) days per week for the purpose of:

i. Responding within one (1) hour to complaints regarding the condition, operation, or conduct of occupants of the short term rental unit; and

ii. Taking remedial action to resolve any such complaints.

(4) The name and address of the proposed short term rental unit;

(5) The number of bedrooms and the applicable overnight and daytime occupancy limit of the proposed short term rental unit;

(6) Such other information as the city manager, or designee, deems reasonably necessary to administer this section.

**E. Registration fee:**

(1) Short term rentals are subject to a registration fee as established by the city council.

a. The short term rental registration fee shall be fifty dollars (\$50.00) per rental unit.

(1) Registration:

All owners must register each individual property, even if the tax payments are

made under one tax payer identification number.

(2) A registration is valid from the date the completed registration is filed with the city and applicable payment of the registration fee has been made, unless the ownership of the short term rental changes.

(3) Each property shall be issued a registration number.

### **SECTION 7-7. Minimum Standards of Conduct**

A. The owner, agent or representative shall provide a brochure or other alternative publication to renters, of short term vacation rentals, with information which shall provide basic, minimum, standards of conduct during their short term rental stay. Examples may include garbage removal, noise, smoking, parking, and more. The city Building Official is authorized to perform inspections as may be needed for the purpose of ensuring that the minimum standards are upheld. Such inspections shall be completed prior to the completion of the registration process of a short term rental or as may become necessary between occupants utilizing the rental unit.

### **SECTION 7-8. Compliance and Penalties**

A. The owner or operator shall comply with all applicable laws, rules and regulations pertaining to the use and occupancy of the subject short term rental unit, including, but not limited to, Chapter 12, "Buildings and Building Regulations" and Chapter 38, "Offenses and Miscellaneous Provisions Sec. 38-3". The owner or operator shall, submit a monthly report to the city, on the appropriate "hotel occupancy tax collection report" form, even if the short term rental unit was not rented during any such month.

#### **B. Failure to comply.**

(1) *Notice of violation.* The city may issue a notice of violation to any occupant, owner(s) or operator, if there is any violation of these regulations committed, caused or maintained by the owner, operator or occupant.

(2) *Citation.* As allowed by law, the city may issue citations for violations of this article and any other applicable state or local law.

#### **C. Penalty.**

(1) A violation under this section is a class C misdemeanor offense punishable upon conviction by a fine not to exceed five hundred dollars (\$500.00) per offense. Each day

shall constitute a separate offense.

(2) Pursuant to state law and this Ordinance, the maximum penalty for offenses arising under such code or ordinance of the city governing fire safety, zoning, public health and sanitation, shall not exceed the sum of two thousand dollars (\$2,000.00).

(3) If such maximum penalty provided for by this code or any such offense is greater than the maximum penalty provided for the same or a similar offense under the laws of the state, then the maximum penalty for violation as provided by state statute shall be the maximum penalty under this code.

(4) Penalties provided for are in addition to any other enforcement remedies that the city may have under city ordinances and state law.

#### D. Appeal

Any appeal of Sections 7-6 through 7-8 shall be heard by the City Council.

***Screening, Parking and parking in City ROW topic***

**SECTION 6-9. Storage of Materials, Travel Trailers, Recreational Vehicles,  
and Utility Trailers**

A. In any zoning district except the HI, Heavy Industrial District, building materials, travel trailers, recreational vehicles, and utility trailers shall be screened from public view from a public street with a fence of sufficient height. Travel trailers and recreational vehicles shall not be stored in any building set back area. Travel trailers, recreational vehicles, and utility trailers shall not be allowed to remain in public right-of-way pursuant to Section 6-10. Recreational vehicles and travel trailers are prohibited residential living units in the city except as may be approved under Article 7, Special Applications, Section 7-2, Specific Use Permits (34).

**SECTION 6-10. Parking Prohibited**

A. Residential districts.

It shall be unlawful for any person to place or deposit within any public street any non-vehicular property or material.

B. Vehicle with more than two axles. No truck, trailer, or truck-trailer combination equipped with a total of more than two axles shall be parked on any public street, alley or private property in any residence district under any circumstances, except during the process of loading or unloading.

C. Parking on streets or other public property. No person shall park, place or locate any travel trailer, recreational vehicle, utility trailer, boat or other recreational or commercial means of transportation on any public or private street, alley, or public park in any district within the city for a period longer than ~~four~~ ~~twelve~~ hours in any 24-hours, except that a recreation vehicle may be parked and occupied by a non-Big-Spring resident on the street abutting the property of the resident he/she is visiting for a period not exceeding 48 72 hours per 30-day period. ~~and except that a Big-Spring~~ A resident or visitor may place or park but not occupy a recreation vehicle or travel trailer on the street adjacent to his a residence while engaged in active loading or unloading for a period not exceeding 48 hours ~~in a five-day period once every six days~~. In no event shall the recreation vehicle or travel trailer be parked on a public street where such vehicle is in the, traveled portion of the road or extension thereof of an intersecting public street or highway. No other vehicle larger than one ton capacity shall be parked on any street, public or private, in any residence district except during the process of loading or unloading. No other nonmotorized vehicle may be parked on any street in a residence district for a period of more than one hour except during the process of loading or unloading such vehicle.

D. In a residential district no vehicle larger than one ton in rated capacity and exceeding 22 feet in length and no recreation vehicle shall be parked closer than five feet to the side lot line of the lot on which same is located.

E. *Special front yard regulations.* No automobile, truck, trailer, boat, recreation vehicle, other motor vehicle or nonmotor vehicle shall be parked, entirely or partially, outside of a paved or otherwise constructed parking area and within the front yard of any lot in a residential district or any other lot used for residential purposes, except as follows:

i. Any truck, trailer or truck-trailer combination during the process of loading and unloading only.

F. *Parking for certain purposes prohibited.*

No person shall park a vehicle upon any street or highway for the principal purpose of:

A. Displaying such vehicle for sale.

B. Washing, greasing or repairing such vehicle except repairs necessitated by an emergency.

G. *Parking of vehicles carrying flammable liquids or explosives.*

No person shall park or otherwise leave a vehicle transporting flammable fluids or explosives unattended on any street or alley in the City.