

**City Council
Agenda Memo**



**City Council
Meeting Date: 4/10/2014**

TO: Larry D. Gilley, City Manager

**FROM: Jon James, AICP
Director of Planning and Development Services**

SUBJECT: Final reading and public hearing on an ordinance amending the Land Development Code with regard to Section 2.4.2.13 The Land Use Matrix and Section 2.4.3.3 All Other Uses With Specific Requirements concerning Freight Containers. TABLED FROM MARCH 13, 2014.

GENERAL INFORMATION

The Land Development Code (LDC) currently does not allow for freight containers on property with Agricultural Open Space (AO) zoning. A request was made for the Planning staff to evaluate the regulations for possible inclusion of the AO district for having freight containers.

In reviewing the regulations found in the LDC, the Planning staff is proposing that freight containers be allowed in the AO zoning district with adequate screening and setback requirements. The screening would follow similar requirements for freight containers in Commercial districts. Additionally, freight containers in the AO zoning would be required to be located a minimum of 200 feet from property lines.

Staff is proposing to amend the Land Development Code (LDC) to allow for freight containers in the AO district. The sections proposed for amendment are Section 2.4.2.1 and 2.4.3.3 (a)(24).

STAFF RECOMMENDATION

Staff recommends approval of the proposed amendment to Section 2.4.2.1 and 2.4.3.3 (a)(24) of the LDC.

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission recommends denial through failed motion by a vote of 3 in favor (McClarty, Todd, and Famble) and 2 opposed (Glenn and Rosenbaum).

ATTACHMENTS

Ordinance

| | | |
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| Prepared by: Name: <u>Ben Bryner</u> Title: <u>Planning Services Manager</u> March 31, 2014 | Item No. <u>7.8</u> | Disposition by City Council <input type="checkbox"/> Approved Ord/Res# <input type="checkbox"/> Denied _____ <input type="checkbox"/> Other _____ City Secretary |
|--|---------------------|--|

AN ORDINANCE AMENDING CHAPTER 23, "LAND DEVELOPMENT CODE," OF THE ABILENE MUNICIPAL CODE, BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY AND CALLING A PUBLIC HEARING.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS:

PART 1: That Chapter 23, part known as the "Land Development Code," of the Abilene Municipal Code be amended as set out in Exhibit "A," attached hereto and made a part of this ordinance for all purposes.

PART 2: That if any provision or any section of this ordinance shall be held to be void or unconstitutional, such holding shall in no way affect the validity of the remaining provisions or sections of this ordinance, which shall remain in full force and effect.

PART 3: That any person, firm or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than Five Hundred Dollars (\$500.00). Each day such violation shall continue or be permitted to continue, shall be deemed a separate offense.

PASSED ON FIRST READING this 27th day of February A.D. 2014.

A notice of the time and place, where and when said ordinance would be given a public hearing and considered for final passage, was published in the Abilene Reporter-News, a daily newspaper of general circulation in the City of Abilene, said publication being on the 17th day of January, 2014, the same being more than fifteen (15) days prior to a public hearing to be held in the Council Chamber of the City Hall in Abilene, Texas, at 8:30 a.m., on the 13th day of March, 2014, to permit the public to be heard prior to final consideration of this ordinance. Said ordinance, being a penal ordinance, becomes effective ten (10) days after its publication in the newspaper, as provided by Section 19 of the Charter of the City of Abilene.

PASSED ON SECOND AND FINAL READING THIS 27th day of March, A.D. 2014.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

EXHIBIT “A”

AMEND: Section 2.4.2.1 The Land Use Matrix

REVISE: Add freight containers to AO zoning.

LEGEND: P-Permitted, Blank-Not Permitted, C-Conditional Use Permit, TP-Requires a Temporary Permit, IZ-Conditions Apply See Ch.2 Art.5 Div.3

| Permitted Uses | Agricultural Open Space | Rural Residential RR-5 & RR1 | Residential Single-Family | Residential Single-Family Patio Home | Residential Townhouse | Residential Medium Density | Residential Multi-Family | Manufactured/Mobile Home | College & University | Neighborhood Office | Office | Neighborhood Retail | General Retail | Medical Use | Central Business | Mixed Use | General Commercial | Heavy Commercial | Light Industrial | Heavy Industrial | Parking Requirements (also refer to Chapter 4, Article 2, Division 1) |
|--|-------------------------------------|------------------------------|---------------------------|--------------------------------------|-----------------------|----------------------------|--------------------------|--------------------------|----------------------|---------------------|--------|---------------------|----------------|-------------|------------------|-----------|--------------------|------------------|------------------|------------------|---|
| | AO | RR | RS | PH | TH | MD | MF | MH | CU | NO | O | NR | GR | MU | CB | MX | GC | HC | LI | HI | |
| Accessory & Incidental Uses | | | | | | | | | | | | | | | | | | | | | |
| Freight Container | <input checked="" type="checkbox"/> | P | | | | | | | | | | | C | | | | C | P | P | P | |

AMEND: Section 2.4.3.3 All Other Uses With Specific Requirements

REVISE: Change language to include regulations when located in the AO district.

(a) **Specific Requirements.**

(24) **FREIGHT CONTAINER:**

a. Screening.

- Freight Containers in Agricultural Open Space districts and Commercial districts shall be screened from public right-of-way, except alleys.
- Freight containers in any district shall be screened from adjacent properties with zoning designations other than HI, LI, HC, and GC.
- Screening, as required in subsections “a” and “b” above, shall be accomplished through the use of landscaping as indicated below:
 - A continuous hedge with a mature height of at least five feet achieved within one year, and
 - Trees with a mature height of at least ten feet spaced at twenty-foot intervals.
 - Alternative screening of a minimum seven feet height of an opaque material consisting of wood fencing and/or masonry walls may be approved by the Development Review Committee (DRC) where landscaping would not be practical or appropriate.

- b. Location and Appearance in Certain Zoning Districts. In HC or GC districts, freight containers shall be located in the rear of the main structure and shall be a solid color to match the dominant color of the principal structure. In AO districts, freight containers shall be located a minimum of 200 feet from property lines.

- c. Signage. Freight containers shall not have signs, logos, or other markings, other than small, incidental labeling, visible from the right-of-way or visible from adjacent properties with zoning designations other than HI, LI, HC, and GC.
- d. Building Permit Required. A building permit shall be obtained for each container and each shall meet all building and development regulations, with the exception that building separation requirements shall apply to separation from freight containers to other structures, not between multiple freight containers.
- e. Storage Freight Containers. Freight containers used only for storage shall meet the building requirements as a “temporary structure”, regardless of the length of time it is in use on the property, with the exception that any ventilation requirements that would apply to a permanent structure also apply to a permanently placed freight container.
- f. Stacking Prohibited. Freight containers shall not be stacked.

-END-