

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DEER PARK, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF DEER PARK BY AMENDING APPENDIX A – ZONING, SECTION 7 – COMMERCIAL DISTRICTS, BY ADDING A NEW SECTION 7.02.4.4, SPECIAL USE PERMIT TO GENERAL COMMERCIAL DISTRICT (GC) PROVIDING FOR STANDARDS WHEN AN APPLICATION MAY BE MADE FOR THE USE OF SHIPPING CONTAINERS AS STORAGE; AMENDING SECTION 10.03, ZONING MATRIX BY ADDING “S” TO GENERAL COMMERCIAL (GC) FOR “OUTDOOR STORAGE AND DISPLAY”; AND PROVIDING FOR OTHER MATTERS RELATED TO THE SUBJECT; AND DECLARING AN EMERGENCY.

WHEREAS, the City Council of the City of Deer Park adopted a zoning ordinance for land uses in the city; and

WHEREAS, the City Council has heard a request to consider a text amendment to the ordinance in the regulations for the General Commercial District (GC); and

WHEREAS, the City Council has referred the matter to the Planning and Zoning Commission, and both bodies have held public hearings on the proposed text amendment, following proper notice and procedure; and

WHEREAS, the Planning and Zoning Commission finds that the text amendment is appropriate for the development of big box retailers, meeting certain area and development standards, and has made a report to City Council; and

WHEREAS, City Council has received the report and finds that the proposed text amendment is appropriate and necessary for the big box type of development, that the amendment will not adversely affect the public health, safety, or welfare, and will contribute to the economic growth of the city;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DEER PARK:

Section 1. That the Code of Ordinances of the City of Deer Park be amended by adding to Appendix A – Zoning, a new Section 7.02.4.4 Special Use Permit, to Section 7 – Commercial Districts, General Commercial District (GC), to read as follows;

The following uses may be allowed pursuant to an ordinance adopted by council, following public hearings and passage of an ordinance by council on the application pursuant to Appendix A – Zoning Ordinance, Section 19.

1. Shipping Containers. Shipping containers may be allowed in the General Commercial District (GC) for outdoor storage purposes subject to compliance with all the following requirements:
 - a. The commercial use must be a minimum of 25 acres in size;
 - b. Shipping containers must be located behind the primary structure;
 - c. Shipping containers must be fenced and screened from public view along public rights-of-way by an opaque fence that is a minimum of eight (8) feet in height, measured from the ground;
 - d. Shipping containers shall not be placed in required loading zones, parking areas, easements, internal street lanes, or fire lanes;
 - e. Shipping containers shall be placed only on cast in place concrete or asphalt surface;
 - f. Shipping containers shall not exceed forty (40) in number at any time;
 - g. Shipping containers shall not be stacked;
 - h. Shipping containers will be allowed for no more than one hundred (100) consecutive days, once a year, which time shall include mobilization and demobilization. The one hundred (100) days begins on delivery of first container and ends on removal of the last container.
 - i. Shipping container placement must meet all applicable permanent construction setback requirements of city codes.

Section 2. That the Code of Ordinances of the City of Deer Park be amended by adding to Appendix A – Zoning, Section 10.03, Zoning Matrix, a “S” for the General Commercial District (GC) for the use of “Outdoor Storage and Display”.

Section 3. That all ordinances and parts of Ordinances in conflict herewith are hereby repealed to the degree of any conflict.

Section 4. It is hereby officially found and determined that the meeting at which this Ordinance was adopted was open to the public and that public notice of the time, place and purpose of said meeting was given, all as required by Chapter 551 of the Government Code of the State of Texas.

Section 5. The City Council finds that this Ordinance relates to the immediate preservation of the public peace, safety and welfare, in that it is necessary for the protection of the citizens of this City, and the property located therein, that provision be made for the zoning ordinance for the orderly and safe

use of shipping containers, thereby creating an emergency, for which the Charter requirement providing for the reading of Ordinances on three several days should be dispensed with, and this Ordinance should be passed finally on its introduction; and, accordingly, such requirement is dispensed with, and this Ordinance shall take effect upon its passage and approval by the Mayor.

In accordance with Article VIII, Section 1 of the City Charter, this Ordinance was introduced before the City Council of the City of Deer Park, Texas, **passed, approved and adopted** on this the ____ day of _____, 2017 **by a vote of** _____ **“Ayes” and** _____ **“Noes”**.

MAYOR, City of Deer Park

ATTEST:

City Secretary

APPROVED:

City Attorney