

ORDINANCE NO. 2017 - 18

AN ORDINANCE AMENDING CHAPTER 111, SECTION 111-304, OF THE CODE OF ORDINANCES OF THE CITY OF HARLINGEN, ESTABLISHING REGULATION OF STORAGE CONTAINERS; ESTABLISHING AN EFFECTIVE DATE; PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATING TO THE FOREGOING.

WHEREAS, the City Commission desires to maintain and enhance the City's aesthetic environment and the City's ability to attract sources of economic development and growth, as well as the health, safety, and general welfare of its inhabitants within the City and desires a reasonable opportunity to review the recommended regulations and to take appropriate action as may be required to protect the City's aesthetics, public health, safety, and welfare; and

WHEREAS, the City desires to encourage the effective use of storage containers while minimizing the adverse effects of the proliferation of such containers in the City; and

WHEREAS, the Harlingen Planning and Zoning Commission has presented a recommendation for approval of additional regulations related to storage containers;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF HARLINGEN, TEXAS:

SECTION I: That Chapter 111, Zoning; Section 111-304, Storage building placement, of the Code of Ordinances of the City of Harlingen, Texas, is hereby amended to read Section 111-304, Storage building and storage container placement, and as further set out in Exhibit A, attached hereto and made a part of this Ordinance for all purposes.

SECTION II: That the City Secretary of the City of Harlingen, Texas is hereby authorized and directed to cause a true and correct copy of the caption of this Ordinance to be published in a newspaper having general circulation in the City of Harlingen, Cameron County, Texas.

SECTION III: That the City Secretary of the City of Harlingen, Texas is hereby authorized and directed to cause true and correct copies of Section I of the Ordinance to be published as an amendment to Chapter 111, Section 111-304, of the Code of Ordinances of the City of Harlingen, Texas.

FINALLY ENACTED THIS 7th day of June, 2017, at a regular meeting of the Elective Commission of the City of Harlingen, Texas at which a quorum was present and which was held in accordance with Texas Government Code, Chapter 551.

CITY OF HARLINGEN


Chris Boswell, MAYOR

ATTEST:


Amanda Elizondo, CITY SECRETARY

EXHIBIT A

Chapter 111, "Zoning", of the Code of Ordinances of the City Harlingen, Texas, is hereby amended by amending Article XI — Accessory, Portable and Storage Building Regulations, Section 111-304, to read as follows:

ARTICLE XI. - ACCESSORY, PORTABLE AND STORAGE BUILDING REGULATIONS

■ Sec. 111-304. — Storage building and storage container placement.

(a) "Storage container" shall mean a container, structure, or device that is used or capable of being used primarily for the storage of goods and materials, including but not limited to portable on-demand storage, PODS, shipping containers, intermodal freight containers, mini-storage units, or portable storage buildings built off site and moved to a location for use as storage or commercial use, whether leased or owned.

(b) *Location of storage buildings.* A main building for one-family, two-family or multiple-family use with permitted accessory buildings or one storage building may be located upon a lot or unplatted tract; however, a storage building may never be used as a main building for residential use.

(1)

A storage building larger than 144 square feet in size in any zone shall require a special use permit as set forth in section 111-413.

(2)

A storage building for one-family, two-family or multiple-family use with permitted accessory buildings or one portable building may be located upon a lot or unplatted tract; however, a storage building may never be used as a main building for residential use. Every dwelling shall face or front upon a public street or approved place, other than an alley, which means of access shall have a minimum width of 30 feet. Where a lot is used for multifamily, retail, commercial, or industrial purposes, or a combination of same, or for a combination of retail and dwelling purposes, more than one main building may be located upon the lot. Such buildings shall conform to all open space, parking and density requirements applicable to the uses and district and when all such main buildings face upon a public street or other approved means of access, other than an alley. No parking area, storage area or required open space for one building shall be computed as being the open space, yard or area requirements for any other dwelling or other use. An approved site plan shall be filed with the chief building official to ensure compliance with this article. Any deviation of more than one foot from the said site plan as filed with the chief building official is prohibited.

(3)

A storage building larger than 144 square feet in size in a residential zone shall require a special use permit as set forth in section 111-413. A storage building of any size located in any other designated zone shall require a special use permit.

a. In a residence or an apartment district, a storage building is a subordinate building, attached to or detached from the main building, without separate bath or kitchen facilities, not used for commercial purposes and not rented or leased.

b. Any structure, item or appurtenance, the use of which is incidental to the main structure, will be required to comply with the same restrictions as those for an accessory building in a residential or apartment district.

c. In other districts, a storage building is a subordinate building, the use of which is incidental to and used only in conjunction with the main building.

(b)

Area regulations in residential and apartment districts. The measurements for storage buildings shall be from the closest part of the building to the lot line.

(1) *Front yard.* Storage buildings shall be located in the area defined as the rear yard.

(2) *Side yard.* There shall be a side yard not less than five feet from any side lot line or alley line, except that, adjacent to a side street, the side yard shall never be less than ten feet.

(3) *Rear yard.* There shall be a rear yard not less than three feet from any Lot line or alley line, except that, if no alley exists, the rear yard shall not be less than ten feet as measured from the rear lot line.

(c) No storage container will be allowed on a lot, regardless of zone or size, unless a special use permit issued under this subsection is obtained.

(1) In districts R-1, R-2, M-1, M-2, RPH, and MH, storage containers are not permitted.

(2) A storage container may never be used as a main building for residential use. A special use permit is required for each such storage container. A special use permit may not be obtained unless the applicant files a site plan with the chief building official demonstrating that the container will be screened from ordinary public view by appropriate means, including a fence, rapidly growing trees, or shrubbery, and that all setback restrictions applicable to storage buildings are observed. A special use permit may not be administratively approved pursuant to section 111-413.

(3) Special use permits issued under this subsection shall be valid for no more than 90 consecutive days. No more than one special use permit shall be granted per lot in any 12-month period. No more than one storage container may be allowed under a single special use permit.

(d) No special use permit shall be required for the use of storage containers while operating under a building permit. Any number of storage containers may be maintained while actively constructing the improvement for which the building permit was obtained.

(e) A storage container no larger than 16 feet by 8 feet by 8 feet may be allowed on a lot in Districts RPH, R-1, and R-2 for the purpose of moving household items to and from a residence, but such storage containers may not be on the lot for Longer than 30 consecutive days within a twelve-month period.

(f) The requirements of this section applicable to storage containers shall not apply to storage containers which are not in use, where the containers are the inventory of a business, or stock of a business used off-site, and which are located on property zoned as Light Industrial.

(g) All existing storage containers in the City not in conformity with the requirements of this section shall immediately be screened from ordinary public view by appropriate means, including a fence, rapidly growing trees, or shrubbery. All existing storage containers in the City not in conformity with the requirements of this section shall conform to all requirements no later than two years after the adoption of this ordinance.