

ORDINANCE NO. 2017-

AN ORDINANCE AMENDING CHAPTER 125 OF THE CODE OF ORDINANCES OF THE CITY OF LEAGUE CITY ENTITLED "ZONING" BY AMENDING SECTIONS 125-120.B. ENTITLED "ACCESSORY STRUCTURES", 125-130.B. ENTITLED "TEMPORARY STRUCTURES", AND 125-280.B. ENTITLED "TERMS DEFINED" TO ALLOW SHIPPING CONTAINERS TO BE USED AS ACCESSORY STRUCTURES IN CERTAIN INSTANCES

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEAGUE CITY, TEXAS, as follows:

Section 1. That the Code of Ordinances is hereby amended to AMEND Section 125-120.B. entitled *Accessory Structures*, to amend Subsection 5. to read as follows:

"5. *Shipping Containers.*

- a. Shipping containers may be used as accessory structures in General Commercial (CG), Mixed Use Commercial (CM), and Industrial zoning districts provided the following requirements are met:
 - (1) A building permit must be obtained for the placement of a container.
 - (2) No container may be placed closer to the front property line than the principal building on the property, nor in a required landscaped area, retention basin, travel way or drive aisle, fire lane, required parking space, sidewalk, loading zone, or any other location where said container may cause a hazardous condition.
 - (3) Containers may not be stacked.
 - (4) No container may be connected to any electrical power source or plumbing line unless said container meets the requirements of the City's building, plumbing, and fire codes and the appropriate permits obtained for such connections.
 - (5) No container may be used for any human occupancy unless said container meets the requirements of the City's building and fire codes as a habitable space and the appropriate permit(s) obtained for such occupancy.
 - (6) All containers shall be completely screened from view from any abutting street, right-of-way, or property by means of an opaque fence or wall with a height at least one foot greater than the height of the storage container and constructed of a material compatible

with that of the primary building on the property on which the container is placed.

- b. Shipping containers may be used as accessory structures without meeting the requirements above in the following situations:
 - (1) Retail establishments located in General Commercial, Mixed Use Commercial, or Industrial zoning districts may use shipping containers for storage on a seasonal basis, without building permit or screening, subject to the following:
 - (a) Beginning no earlier than October 15 and ending no later than January 15 (maximum of 92 days) in any given year;
 - (b) To the extent practicable, containers shall be placed in the rear yard of the property behind the main building;
 - (2) Containers may be used for storage on city-owned property with approval of the City Manager;
 - (3) Containers may be used for the temporary storage of equipment, supplies, merchandise, or similar materials on a lot or parcel during construction undertaken pursuant to a valid building permit. Upon completion or abandonment of construction, or expiration of the building permit, containers shall be removed at the owner's expense. No container may be placed in a required landscaped area, retention basin, travel way or drive aisle, fire lane, required parking space, sidewalk, loading zone, or any other location where said container may cause a hazardous condition; or
 - (4) In the case of emergencies, such as floods, windstorms, fires, or other acts of God, and man-made disasters such as sewage backups, water leaks, electrical overloads and other such events that damage property, the City Planner or Chief Building Official or designees shall have the discretion to allow the temporary placement and use of shipping containers on said property if such placement and use is reasonably deemed necessary or beneficial in recovery, restoration, mitigation of further damage, and/or reconstruction efforts.”

Section 2. That the Code of Ordinances is hereby amended to AMEND Section 125-130.B. entitled *Temporary Structures*, to delete subsection 3. “Storage Containers” in its entirety.

Section 3. That the Code of Ordinances is hereby amended to AMEND Section 125-280.B. entitled *Terms Defined*, to add a definition for “Shipping Container” to read as follows:

“*Shipping Container* means a type of container that could be used for the transport, shipping, or hauling of materials or goods by land, sea, or air; capable of being moved or mounted by rail, truck, or boat. This definition includes steel sea or oceangoing containers marked with the American Bureau of Shipping’s emblem or meeting the International Standard Organization’s standards which can be detached from a trailer, chassis or frame, and which were formerly used for transporting sea or oceangoing cargo. This definition includes the following terms: moving container, storage container, cargo container, and transport container.”

Section 4. Savings. All rights and remedies which have accrued in favor of the City under this Ordinance and amendments thereto shall be and are preserved for the benefit of the City.

Section 5. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid, unconstitutional or otherwise unenforceable by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 6. Repealer. All ordinances and parts of ordinances in conflict herewith are hereby repealed but only to the extent of such conflict.

Section 7. Codification. It is the intent of the City Council of the City of League City, Texas, that the provisions of this Ordinance shall be codified in the City's official Code of Ordinances as provided hereinabove.

Section 8. Publication and Effective Date. The City Secretary shall cause this Ordinance, or its caption, to be published in the official newspaper of the City of League City, upon passage of such Ordinance. The Ordinance shall become effective ten (10) days after its passage.

PASSED first reading the ____ day of _____, 2017.

PASSED second reading the ____ day of _____, 2017.

PASSED AND ADOPTED the ____ day of _____, 2017.

PAT HALLISEY
Mayor

ATTEST:

DIANA M. STAPP
City Secretary

APPROVED AS TO FORM:

NGHIEM V. DOAN
City Attorney