

Draft

SCANNED

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF BALCONES HEIGHTS, TEXAS AMENDING CODE OF ORDINANCES CHAPTER 153, ARTICLE 5, BY ADDING NEW SECTIONS 5.3 TEMPORARY PORTABLE STORAGE UNIT (RESIDENTIAL) AND 5.4 TEMPORARY PORTABLE STORAGE UNIT (COMMERCIAL); DECLARING A PUBLIC PURPOSE; PROVIDING A REPEALER; INCORPORATING RECITALS; PROVIDING FOR SEVERABILITY AND SETTING AN EFFECTIVE DATE

WHEREAS, the City of Balcones Heights, Texas has adopted Chapter 153: Zoning Code in the manner provided by Chapter 211.006 Local Government Code; and

WHEREAS, after public hearing before the planning & zoning commission and the City Council in the manner prescribed by law, the City has amended by adding new Sections 5.3 Temporary Portable Storage Unit (Residential) and 5.4 Temporary Portable Storage Unit (Commercial) to its Code of Ordinances which shall hereinafter read as follows; **NOW**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BALCONES HEIGHTS:

SECTION 1. AMENDMENT. That the Code of Ordinances City of Balcones Heights Chapter 153 shall, as referenced below, read as follows to wit:

5.3 TEMPORARY PORTABLE STORAGE UNIT (RESIDENTIAL)

5.3.1 Definitions

Applicant. The person that owns, rents, occupies, or controls the residential property and obtains the required permit for a portable temporary storage unit.

Supplier. The company or vendor which supplies the temporary portable storage unit to the residential property.

Temporary portable storage unit. A transportable unit designed and used primarily for temporary storage of building materials, household goods, and other such materials for use on a limited basis on residential property. Job trailers sited in conjunction with a building project shall not be regulated by this article.

5.3.2 Permit required

(a) Prior to, or within forty-eight (48) hours following the initial delivery of the portable temporary storage unit, the applicant or the supplier shall apply for a permit in the Development Services office.

(b) The permit shall be obtained by:

(1) Completing the temporary portable storage unit permit application;

- (2) Presenting an active permit for that property if the portable on-demand storage unit is to be used for the storage of building materials;
 - (3) Payment of a permit fee as established in the fee schedule set forth in this code; and
 - (4) Obtaining written approval of the permit by the building official, or designee.
- (c) The application shall contain the name of the applicant to whom the portable temporary storage unit is supplied, whether the person owns, rents, occupies, or controls the property; the address at which the unit will be placed; the delivery date and removal date; active building permit number, if applicable; and, a sketch depicting the location and placement of the unit. The permit shall be displayed and viewable from the public right-of-way.
- (d) The effective date of the permit shall be the date of the building official's or designee's signature.

5.3.3. Duration

- (a) Permits shall be granted for a period of thirty (30) consecutive days including the days of delivery and removal. No more than two (2) permits shall be issued within any 12-month period, and a minimum of fifteen (15) days shall elapse between the end of one (1) permit period and the beginning of another.
- (b) In the event of fire, tornado, or natural disaster, or other extraordinary event causing substantial damage to the primary residential structure, the property owner may apply to the city for permission to extend the time that a portable temporary storage unit may be located as a temporary structure on the property. Application for such extended duration shall be made in writing and filed with the development services office, and shall give sufficient information to determine whether such extended duration should be granted. The building official shall determine whether or not to grant such extended duration and the length of such extension. In the event of an adverse decision by the building official, the applicant may appeal such decision to the board of adjustment.

5.3.4 Location

- (a) Portable temporary storage units are prohibited from being placed on a public street, road, alley, sidewalk or right-of-way.
- (b) The unit shall be placed only on a hard-surfaced driveway or parking area, and the required number of parking spaces in each single family zoning district shall at all times be maintained.
- (c) Such unit shall not exceed eight feet six inches (8'6") in height, ten feet (10') in width, or twenty feet (20') in length.

5.3.5 Number of units

No more than one (1) portable temporary storage unit may be located on a residentially zoned property at one time. In the case of a two-family or multifamily dwelling no more than one unit per address shall be permitted.

5.3.6 Use and maintenance

(a) No portable temporary storage unit shall be used as a dwelling unit, or to store solid waste, construction debris, demolition debris, recyclable materials, business inventory, commercial goods, goods for property other than at the residential property where the unit is located (i.e. used for retail sales), or any illegal or hazardous material. Upon reasonable notice to the applicant, the city may inspect the contents of any portable temporary storage unit at any reasonable time to ensure that it is not being used to store said materials. At no time shall a portable temporary storage unit be used for any of these purposes.

(b) The applicant, as well as the supplier, shall be responsible for ensuring that the unit is maintained in good condition, free from evidence of deterioration, weathering, discoloration, graffiti, rust, ripping, tearing, or other holes or breaks at all times.

(c) All portable temporary storage units must be brought into compliance with this article by July 21, 2014.

5.3.7 Penalty

Any person or entity violating any provision of this section shall be guilty of a misdemeanor and punished in the manner prescribed by Section 9.21 of this appendix.

SECTION 5.4 TEMPORARY PORTABLE STORAGE UNIT COMMERCIAL)

5.4.1 Definitions

Applicant. The person that owns, rents, occupies, or controls the business property and obtains the required permit for a portable temporary storage unit.

Supplier. The company or vendor which supplies the temporary portable storage unit to the business property.

Temporary portable storage unit. A transportable unit designed and used primarily for temporary storage of building materials, household goods, and other such materials for use on a limited basis on business property. Job trailers sited in conjunction with a building project shall not be regulated by this article.

5.4.2 Permit required

(a) Prior to, or within forty-eight (48) hours following the initial delivery of the portable temporary storage unit, the applicant or the supplier shall apply for a permit in the Development Services office.

- (b) The permit shall be obtained by:
 - (1) Completing the temporary portable storage unit permit application;
 - (2) Presenting an active permit for that property if the portable on-demand storage unit is to be used for the storage of building materials;
 - (3) Payment of a permit fee as established in the fee schedule set forth in this code; and
 - (4) Obtaining written approval of the permit by the building official, or designee.
- (c) The application shall contain the name of the applicant to whom the portable temporary storage unit is supplied, whether the person owns, rents, occupies, or controls the property; the address at which the unit will be placed; the delivery date and removal date; active building permit number, if applicable; and, a sketch depicting the location and placement of the unit. The permit shall be displayed and viewable from the public right-of-way.
- (d) The effective date of the permit shall be the date of the building official's or designee's signature.

5.4.3 Duration

(a) Permits shall be granted for a period of thirty (30) consecutive days including the days of delivery and removal. No more than two (2) permits shall be issued within any 12-month period, and a minimum of fifteen (15) days shall elapse between the end of one (1) permit period and the beginning of another.

(b) In the event of fire, tornado, or natural disaster, or other extraordinary event causing substantial damage to the primary business structure, the property owner may apply to the city for permission to extend the time that a portable temporary storage unit may be located as a temporary structure on the property. Application for such extended duration shall be made in writing and filed with the development services office, and shall give sufficient information to determine whether such extended duration should be granted. The building official shall determine whether or not to grant such extended duration and the length of such extension. In the event of an adverse decision by the building official, the applicant may appeal such decision to the board of adjustment.

5.4.4 Location

(a) Portable temporary storage units are prohibited from being placed on a public street, road, alley, sidewalk or right-of-way.

(b) The unit shall be placed only on a hard-surfaced driveway or parking area, and the required number of parking spaces in each business zoned district shall at all times be maintained.

(c) Such unit shall not exceed eight feet six inches (8'6") in height, ten feet (10') in width, or twenty feet (20') in length.

5.4.5. Number of units

No more than one (1) portable temporary storage unit may be located on a business zoned property at one time. In the case of a two-family or multifamily dwelling no more than one unit per address shall be permitted.

5.4.6 Use and maintenance

(a) No portable temporary storage unit shall be used as a dwelling unit, or to store solid waste, construction debris, demolition debris, recyclable materials, business inventory, commercial goods, goods for property other than at the business property where the unit is located (i.e. used for retail sales), or any illegal or hazardous material. Upon reasonable notice to the applicant, the city may inspect the contents of any portable temporary storage unit at any reasonable time to ensure that it is not being used to store said materials. At no time shall a portable temporary storage unit be used for any of these purposes.

(b) The applicant, as well as the supplier, shall be responsible for ensuring that the unit is maintained in good condition, free from evidence of deterioration, weathering, discoloration, graffiti, rust, ripping, tearing, or other holes or breaks at all times.

(c) All portable temporary storage units must be brought into compliance with this article by July 21, 2014.

5.4.7 Penalty

Any person or entity violating any provision of this section shall be guilty of a misdemeanor and punished in the manner prescribed by Section 9.21 of this appendix.

SECTION 2. PUBLIC PURPOSE. The City Council declares that the amendments to the zoning code are in the public interest and are necessary for the good government, peace, and order of the municipality.

SECTION 3. REPEALER. All ordinances, code sections, ordinances, or parts thereof in conflict herewith are repealed to the extent of such conflict.

SECTION 4. INCORPORATION OF RECITALS. The City Council finds the recitals contained in the preamble to this ordinance are true and correct and incorporates them as findings of fact.

SECTION 5. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional or illegal, such decision shall not affect the validity of the remaining sections of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared void; and that in lieu of each clause or provision of this ordinance that is invalid, illegal, or unenforceable there be added by the Mayor as necessary with the approval of the City Attorney as to form, and the City Council as to substance, and as a part of the ordinance a clause or provision as similar in terms to such invalid, illegal or unenforceable clause or provision as may be possible, legal, valid and enforceable.

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SECTION 6. EFFECTIVE DATE. The ordinance shall be effective after approval by the City Council.

ORDERED AND APPROVED this _____ day _____, 2014.

By: _____
Suzanne de Leon
Mayor

ATTEST:

Delia Flores
City Secretary