



**AGENDA
PLANNING AND ZONING COMMISSION
SPECIAL CALL WORKSHOP
CITY COUNCIL CHAMBERS
(LIBRARY AUDITORIUM)
220 N. FIFTH STREET
ORANGE, TEXAS
NOVEMBER 30, 2021 5:30 P.M.**

NOTICE IS HEREBY GIVEN that the Planning and Zoning Commission of the City of Orange will conduct a special call workshop scheduled for November 30, 2021 at 5:30 PM in the City Council Chambers located at 220 N. Fifth Street, Orange, Texas.

This Notice and Agenda Packet are posted online at www.orangetexas.gov

The public will be permitted to offer public comments as provided by the agenda and as permitted by the presiding officer during the meeting.

A recording of the meeting will be made and will be available to the public in accordance with the Open Meetings Act upon written request.

- 1. Call to Order**
- 2. Citizen Comments**
 - a. At this time comments will be taken from the audience on any subject matter, whether or not that item is on the agenda. All comments are limited to a maximum three minutes for each speaker. Your comments are appreciated. As the Texas Open Meetings Act does not allow the Planning and Zoning Commission nor City Council to respond to items not listed on the agenda, your comments will be duly noted by the Planning and Zoning Commission and City Council and forwarded to the appropriate department for prompt consideration. A member of the audience that desires to speak during the Planning and Zoning Commission's consideration of any specific agenda item is requested to notify City staff prior to the start of the meeting.
- 3. Workshop**
 - a. Conduct a workshop on regulating POD-type containers and conex-type shipping containers
- 4. Adjournment of Planning and Zoning Commission**

Texas Penal Code 30.06:

“Pursuant to Section 30.06, Penal Code (trespass by license holder with a concealed handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a concealed handgun”

“De conformidad con la Sección 30.06 del código penal (entrada de persona con licencia de portar o llevar armas de mano oculta), una persona licenciada bajo el subcapítulo H, capítulo 411 del código de gobierno (ley de licenciación para portar o llevar armas de mano) no se permite entrar en esta propiedad con “ninguna armas de mano oculta”

Texas Penal Code 30.07:

“Pursuant to Section 30.07, Penal Code (trespass by license holder with an openly carried handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a handgun that is carried openly”

“De conformidad con la Sección 30.07 del código penal (entrada de una persona con licencia de portar o llevar armas de mano visible), una persona licenciada bajo el subcapítulo H, capítulo 411 del código de gobierno (ley de licenciación para portar o llevar armas de mano visible) no se permite entrar en esta propiedad con ninguna “armas de mano visible”

No Firearms Allowed

No se permite ninguna armas de fuego

Public Hearing Policy (adopted on August 3, 2004)

- Public comment time limits
- The applicant’s presentation is limited to fifteen (15) minutes.
- All persons wishing to speak in favor of or against any item shall be limited to three (3) minutes
- If a unified group wished to forfeit their three minutes per person a spokesperson can be selected and comments will be limited to fifteen (15) minutes
- All comments should be directed to the Commission on the case being discussed and comments should focus on the facts of the case and all speakers should refrain from comments based on personalities.

MEMORANDUM

To: Planning and Zoning Commission

From: Kelvin Knauf, Director of Planning and Community Development

Subject: Consider a proposed ordinance amending the Code of Ordinances Chapter 12 “Planning and Zoning”, Section 12.611(21) pertaining to POD-type containers and conex-type shipping containers

Date: November 4, 2021

The Code of Ordinances Chapter 12, Section 12.611(21) currently reads as follows:

(21) Prohibited Accessory Storage Buildings. No structures other than those designed to be used as an accessory building. The following structures are prohibited with the city limits for use as accessory storage buildings:

(A) POD-type moving and shipping structures. These structures may be used for no more than two (2) weeks for moving purposes. Emergency use may be allowed by city council action.

(B) Shipping containers designed to be used for heavy truck and marine transport.

Section 12.611(21) regulates all properties regardless of whether they are residential, commercial or industrial. After a hurricane, we have not enforced this ordinance because sometimes people need a storage container to store items while their home or business are being repaired. Also, this ordinance essentially prohibits storage containers (POD-type and Conex-type) for businesses that are in the storage business, such as mini-warehouses. Recently, the staff has been approached about changing the ordinance to allow mini-warehouses to have storage containers on their property. To have a blanket prohibition against storage containers unless approved by emergency use seems to be very aggressive. Also, it is difficult to regulate storage container placement after a storm given that there are various degrees of repairs that are needed to homes and businesses.

Attached is a proposed ordinance that would address these issues. The proposed ordinance:

- Would allow any number of POD-type and conex-type shipping containers anytime at a warehousing facility that is classified as Standard Industrial Code 4225 in the C-1, C-2, C-S, C-S Cove, OTC and I zoning districts provided they are arranged in a neat and orderly manner and there is an 8 foot opaque fence screening the containers from the street;
- Would allow 1 POD-type structure per residence in the R-1, R-2, R-3, R-4, C-S or C-S Cove zoning districts if there is damage to the primary structure from a declared disaster not to exceed 1 year after the date the disaster is declared but also allows the City Council to extend this time;
- Prohibits conex-type shipping containers in a R-1, R-2, R-3, R-4, C-S or C-S Cove zoning district; and
- Would allow the following combinations on properties where both are allowed (except for warehouses classified as Standard Industrial Code 4225):
 - 2 POD-type containers;
 - 2 shipping containers; or
 - 1 POD-type container plus 1 shipping container (conex-type container)

Below is a picture of a POD-type container:



Below is a picture of a shipping (conex-type container):



The Planning and Zoning Commission discussed this ordinance on November 2, 2021 and voted to table the ordinance. During the discussion, the Planning and Zoning Commission discussed adding a provision that City Council could extend the time that a residential property owner may have to place a POD-type container on their property after a declared disaster¹. The ordinance in your agenda includes this provision. During the November 2, 2021 meeting, the Planning and Zoning Commission and City Council discussed whether or not to limit the height/stacking of containers and whether or not to consider containers as inventory. No decision was reached on these issues and the ordinance included in your agenda packet do not address these issues.

¹ The original proposed ordinance provided that a POD-type container could be on a residential property for one year after the date a disaster is declared.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ORANGE, TEXAS AMENDING THE CODE OF ORDINANCES CHAPTER 12 “PLANNING AND ZONING” SECTION 12.611(21) PERTAINING TO POD-TYPE CONTAINERS AND SHIPPING CONTAINERS; FINDING THAT THIS ORDINANCE IS BENEFICIAL TO THE HEALTH, SAFETY AND GENERAL WELFARE OF THE CITY; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; REPEALING ALL ORDINANCES IN CONFLICT WITH THIS ORDINANCE; PROVIDING A PENALTY CLAUSE; AND MAKING CERTAIN FINDINGS THERETO

WHEREAS, the Code of Ordinances Chapter 12 “Planning and Zoning” Section 12.611(21) regulates the location of POD-type containers and shipping containers; and

WHEREAS, the regulation of POD-type containers and shipping containers is necessary to preserve aesthetics and safety in the community; and

WHEREAS, the current regulations prohibit all POD-type and shipping containers in the community unless granted an emergency exemption by the City Council; and

WHEREAS, flexibility in the regulations is needed to encourage commercial activities, assist residents and businesses in recovering from hurricanes or other disasters; and

WHEREAS, the Planning and Zoning Commission conducted a public hearing on amending the regulations on November 2, 2021 and further discussed regulating POD-type and conex-type containers on November 8, 2021; and

WHEREAS, the Planning and Zoning Commission recommends _____ that the regulations be changed to promote the health, safety and general welfare of the community; now, therefore,

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

Section 1. That, the Code of Ordinances Chapter 12 “Planning and Zoning” Section 12.611(21) shall be amended to read as follows:

(21) Containers

A. POD-type moving and shipping containers:

1. Any number of POD-type containers may be located at a warehousing facility (Standard Industrial Code 4225) located in the C-1, C-2, C-S, C-S Cove, OTC, IDC and I zoning districts provided the containers are arranged in a neat and orderly manner, there is an eight (8) foot opaque fence screening the container from the street and there are also mini-warehouses located on the property.

2. No more than two (2) POD-type containers may be located per business classified as other than Standard Industrial Code 4225 in the side yard or rear yard on a lot or parcel of land in the C-1, C-2, C-S, C-S Cove, OTC, IDC, or I zoning districts.

3. One (1) POD-type container may be located per residence in the R-1, R-2, R-3, R-4, C-S or C-S Cove zoning districts due to damage to the primary structure from a declared hurricane or other declared disaster not to exceed one year from the date of the declared hurricane or other declared disaster. The City Council may take action to extend this time period as it deems necessary.

4. POD-type containers may be used for no more than two (2) weeks for moving purposes in any zoning district.

B. Shipping containers (Conex-type containers):

1. Any number of shipping containers (Conex-type containers) may be located at a warehousing facility (Standard Industrial Code 4225) in a C-1, C-2, C-S, C-S Cove, OTC, IDC and I zoning district provided the containers are arranged in a neat and orderly manner, there is an eight (8) foot opaque fence screening the container from the street and there are also mini-warehouses located on the property.

2. No more than two (2) shipping containers (Conex-type containers) shall be allowed per business classified as other than Standard Industrial Classification Code 4225 on a lot or parcel of land in the C-1, C-2, C-S, C-S Cove, OTC, IDC and I zoning districts provided the containers are arranged in a neat and orderly manner.

3. Shipping containers (Conex-type containers) are not allowed at a residence in the R-1, R-2, R-3, R-4, C-S or C-S Cove zoning districts at any time.

C. No more than two (2) POD-type containers or shipping containers (Conex-type containers), in any combination, shall be placed on a lot or parcel of land where both types of containers are permitted unless the business is classified as Standard Industrial Classification Code 4225.

Section 2. That if any section, or subsection clause, sentence or paragraph of this ordinance, including the attached exhibits, shall be found to be illegal, invalid or void by any court of competent jurisdiction, then such findings shall not affect the remaining portions of this ordinance, but the same shall be valid and in effect, it being the expressed intention of the City Council of the City of Orange, Texas, to pass each and every sentence, clause, paragraph, section or exhibit individually.

Section 3. That this ordinance shall become effective upon second and final reading and publication as required by the City Charter and State law.

Section 4. That all ordinances that are in conflict with the provisions of this ordinance be repealed to the extent of such conflict and all other Ordinances of the City not in conflict with the provisions of this Ordinance shall remain in full force and effect.

Section 5. Whosoever shall violate, or cause to be violated, any provision of this ordinance shall, upon conviction therefore, be punished as provided in the general penalty provision found in Section 1.106 of the City of Orange Code of Ordinances.

PASSED AND APPROVED on first reading this the 8th day of November, 2021.

PASSED, APPROVED AND ADOPTED on final reading this the _____ day of _____, 2021.

Larry Spears Jr., Mayor

ATTEST:

Patricia Anderson, City Secretary

APPROVED AS TO FORM:

City Attorney