

ARTICLE 3 - PROCEDURES

SECTION 3-1. Procedure

A. The City Council may from time to time, amend, supplement, or change by Ordinance the boundaries of the districts or the regulations herein established as provided by the Statutes of the State of Texas.

B. Before taking action on any proposed amendment, supplement or change, the governing body shall receive a recommendation and report from the Planning and Zoning Commission.

C. The Planning and Zoning Commission shall hold a public hearing on any application for any amendment or change prior to making its recommendation and report to the City Council. Written notice of all public hearings before the Planning and Zoning Commission on a proposed amendment or change shall be sent to all owners of real property lying within two hundred (200) feet of the property on which the change is requested. Such notice shall be given not less than ten (10) days before the date set for hearing by posting such notice properly addressed and postage-paid to each taxpayer as the ownership appears on the last approved City tax roll.

D. A public hearing shall be held by the governing body before adopting any proposed amendment, supplement or change. Notice of such hearing shall be given by publication in the local newspaper stating the time and place of such hearing and by properly addressed and postage-paid notice to all owners within two hundred (200) feet, which time shall not be earlier than fifteen (15) days from the date of publication.

E. If a proposed amendment or change has been recommended for disapproval by the Planning and Zoning Commission, or if a protest against such proposed amendment or change has been filed with the City Secretary, duly signed and acknowledged by the owners of twenty (20) percent or more of the land area contained in the two hundred (200) foot notification boundary, then such amendment shall not become effective except by a three-fourths vote of the governing body.

SECTION 3-2. Annexation and Temporary Zoning

All land hereafter annexed into the City shall be temporarily zoned as "A", Agricultural District, until permanent zoning is established by the City Council, unless the Council determines that the public interest is better served by imposing a zoning classification other than "A" Agricultural District on all or part of newly annexed land. The procedure for establishing permanent zoning on annexed land shall conform to the procedure established by law for the adoption of zoning of land located within the City.

In an area temporarily classified as “A”, Agricultural District:

(a) No person shall erect, construct or proceed or continue with the erection or construction of any building or structure or add to any building or structure or cause the same to be done on any newly annexed land without first applying for and obtaining a building permit or certificate of occupancy from the Building Official.

(b) No permit for the construction of a building or the use of land shall be issued by the Building Official other than a permit which will allow the construction of a building permitted in the “A”, Agricultural District, until such land has been classified in a zoning district other than “A”, Agricultural District, in a manner provided by law.

SECTION 3-3. Compliance Required

The regulations set by this ordinance within each district shall be minimum regulations and shall apply uniformly to each kind of structure on land, except as herein provided:

(a) No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located.

(b) No building or other structure shall hereafter be erected or altered to accommodate or house a greater number of families, to occupy a greater percentage of lot area, or to have a narrower or smaller front yard, rear yard, side yard, or other open space, in any manner contrary to the provisions of this ordinance.

(c) No part of a lot area, yard or other open space, or off street parking or loading space required in connection with any building or structure for the purpose of complying with this ordinance, shall be included as part of a lot area, yard, open space, or off street parking or loading space similarly required for any other building or structure.

(d) No lot or yard existing at the time of passage of this ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Lots or yards created after the effective date of this ordinance shall meet the minimum requirements established herein.

SECTION 3-4. Classification of New and Unlisted Uses

It is recognized that new types of land use will develop and forms of land use not anticipated may seek to locate in the City of Big Spring. In order to provide for such changes and contingencies, a determination as to the appropriate classification of any new or unlisted land use shall be made as follows:

(a) The Building Official shall refer the question concerning any new or unlisted land use to the Planning and Zoning Commission requesting an interpretation as to the zoning classification into which such use should be placed. The referral of the use interpretation question shall be accompanied by a statement of the facts listing the nature of the use and whether it involves dwelling activity, sales, processing, type of product, storage, and amount and nature thereof, enclosed or open storage, anticipated employment, transportation requirements, the amount of noise, odor, fumes, dust, toxic material and vibration likely to be generated and the general requirements for public utilities such as water and sanitary sewer.

(b) The Planning and Zoning Commission shall consider the nature and described performance of the proposed use and its compatibility with the uses permitted in the various districts and determine the zoning district or zoning districts within which such use shall be permitted.

(c) The Planning and Zoning Commission shall transmit its findings and recommendations to the City Council as to the classification proposed for any new or unlisted use. The City Council shall by resolution approve the recommendation of the Planning and Zoning Commission or make such determination concerning the classification of such use as is determined based upon its findings.

SECTION 3-5. Completion of Building Under Construction

Nothing herein contained shall require any change in the plans, construction or designated use of a building actually under construction at the time of the passage of this ordinance and which entire building shall be completed within one (1) year from the date of the passage of this ordinance.

SECTION 3-6. Amendments

Any person or corporation having a proprietary interest in any property may petition the City Council for a change or amendment to the provisions of this Ordinance or the Planning and Zoning Commission may on its own motion or on request from the City Council initiate study and proposal for changes and amendments in the public interest.

SECTIONS 3-7 through 3-9. Reserved