

## **ARTICLE 8 - SUPPLEMENTAL USE STANDARDS**

### **SECTION 8-1. Accessory Uses**

(a) The following uses which are classified as accessory uses shall be allowed by permit as set forth in the Building Code of the City of Big Spring: For a residential use, a subordinate use customarily incidental to and located on the lot or contiguous tract occupied by the main or principal use, not separated by a street or alley, for a purpose customarily incidental to the use of the main structure, such as a private garage for automobile storage, tool house, greenhouse as a hobby only, home workshop, children's playhouse, storage house or garden shelter, but not involving the conduct of a business and excluding living and sleeping quarters except as permitted by specific use permit.

(b) The above uses shall also be allowed by permit in other than residential districts, or for nonresidential uses permitted in residential districts, as subordinate use which is customarily incidental to and used only in conjunction with the main building, and which is located on the lot or contiguous tract occupied by the main or principal use, not separated by a street or alley (except for parking).

(c) Freight containers and portable storage containers shall be painted to match the main building or painted tan or beige and may not be stacked. This sections shall apply to all accessory uses of such containers including legal non-conforming uses in existence at the time of adoptions of this ordinance.

(d) A carport is not an accessory use and is subject to front, rear and side yard setback requirements unless construction is otherwise approved pursuant to Section 4-6 (e), Special Carport Exception.

### **SECTION 8-2. Zoning Designation of Vacated Streets and Alleys**

Whenever the street, alley or other public way is vacated by official action of the City Council, the zoning district line adjoining each side of such street, alley or public way shall be automatically extended to the center of such vacated street, alley or public way and all areas included in the vacated street, alley or public way shall then and henceforth be subject to all regulations of the extended district.

### **SECTION 8-3. Railroad Rights-of Way and Tracks**

Railroad rights-of-way and tracks shall be permitted in any zoning district established and created by this ordinance except that passenger stations, railroad yards, switching tracks and loading facilities shall be located only in a district authorized and permitted by this ordinance.

#### **SECTION 8-4. Water Areas**

The water surface and the land under the water surface of all rivers, waterways, ponds, lakes, and other water areas in the City of Big Spring not otherwise zoned are hereby placed in the same zoning district as the land on which such water areas abut, as shown on the Official Zoning Map. Where the zoning districts shown on the Official Zoning Map are different or on opposite sides of the water area, then the zoning district boundary shall be at the center line or midpoint of the water area.

#### **SECTION 8-5. Temporary Uses**

(A) The following uses, which are classified as temporary uses, may be permitted in any district when authorized by the City Manager or designee, subject to the restrictions set out in this section and in compliance with all other ordinances of the City, not to exceed a period of thirty (30) days, unless otherwise stated below:

- (1) Carnivals or circuses for up to ten (10) days
- (2) Fairgrounds
- (3) Concrete mixing or batching plant uses temporarily by contractors during the construction of public improvements or buildings, and in such cases, the period of time for which the use is granted may be for a period of time provided in the contract for completion of such public improvement or building, provided that such use shall not be permitted nearer than two hundred fifty (250) feet from a residence.
- (4) Temporary portable wireless telecommunications facilities, commonly known as a "cell site on wheels" if needed to provide service to special or seasonal events or to construction sites that are likely to cause a substantial but temporary increase in wireless telecommunications traffic. These must be removed not later than 10 days following the above described usage.
- (5) Snow cone or shaved ice stands or trailers or firewood sales for up to one- hundred fifty (150) days.
- (7) Christmas tree or pumpkin sales, for up to forty-five (45) days.

(B) Any equipment related to an approved temporary use shall not be permitted nearer than one hundred (100) feet from the abutting property line of an occupied residence.

(C) A permit for the temporary use of any property for the above listed uses shall be secured from the City Manager or designee prior to such use.

(D) Use of a parcel of property for any of the above listed uses at any time on any day shall constitute a day's use. Use of a parcel of property for any of the above listed uses for more than the maximum number of days for which a permit may be issued along with any allowed renewal period during any three hundred sixty-five-day period shall constitute a permanent use subject to the district regulations of the zoning district in which such parcel of property is located.

(E) Upon application being made, the City Manager or designee may, by special permit, approve the use of any property for the foregoing temporary uses or any other temporary use not to exceed one hundred eighty (180) days, under such conditions and restrictions as the City Manager or designee shall determine.

(F) An applicant for a temporary use permit shall submit written evidence to the City Manager or designee that the owner of the subject property authorizes the proposed use.

### **SECTION 8-6. Temporary Use Permits for Mobile/Manufactured Homes**

#### **1. Circumstances for Permit Issuance**

Subject to conditions and standards otherwise required by this Ordinance, a temporary use permit may be issued:

(a) to an applicant in the process of building a conventional dwelling to locate a manufactured or mobile home on a building lot during the course of construction of the dwelling; such permit shall not be issued until after a building permit for the dwelling has been issued

(b) to an applicant to use a manufactured or mobile home as a construction office at a job site

(c) to an applicant whose own health or the health or another necessitates care, and where the facts show that an unnecessary hardship would occur if permitted to locate a manufactured home adjacent to the residence of one who is able to provide such care or in need of such care.

2. Length of Permit

A temporary use permit may be issued by the City Council for a permit not to exceed one (1) year. The temporary permit may be renewed for additional one (1) year periods upon showing of good cause, and with permission to do so. However, at the discretion of the City Council, a temporary use permit may be issued to an applicant for a health or age related circumstance for a period coterminous with the health or age related circumstance.

3. Permit Expiration

At the time the temporary permit expires, the manufactured or mobile home and all appurtenances shall be removed from the property within ninety (90) days.

4. Utility Requirements

Manufactured or mobile homes used for temporary uses shall have an approved water supply, sewage disposal system, and utility connections.

**SECTION 8-7. Temporary Use Permits for Travel Trailer or Recreational Vehicles as Living Quarters**

1. Permitted: Travel trailers and recreational vehicles are permitted by right as living quarters in properly authorized and developed Mobile/Manufactured Home Parks.

2. Emergency Residence: Travel trailers and recreational vehicles may be used as temporary living quarters located on the same lot as a residence made uninhabitable by fire, flood or other natural disaster and occupied by persons displaced by such disaster during the reconstruction of the permanent residence with approved temporary use permit that has a one (1) year term.

3. Temporary Use of a Travel Trailer or Recreational Vehicle as Living Quarters: A travel trailer or recreational vehicle may be used temporarily for living quarters for no more than five (5) consecutive days in any thirty (30) day period, except as listed above by obtaining a 5-day permit in the Public Works office at no charge. The permit must be displayed in a manner visible to the public.

**SECTION 8-8 THROUGH 8-9. Reserved**