BP, I-20 Business Park District Regulations

a.

Purpose: This district is designed to encourage development along the Interstate Highway 20 (I-20) corridor, which is recognized for its important economic development potential.

b.

Use regulations: Land and buildings in the "BP", I-20 Business Park District, may be used for any of the following listed uses; provided, however, no land shall hereafter be altered, or converted which is arranged, designed, or used for single family residences, mobile home, manufactured home and duplexes:

(1)Agricultural implement, manufacture and wholesale.

(2)Air conditioning, manufacture and wholesale.

(3)Aircraft parts, manufacture and wholesale.

(4)Antique shops.

(5)Apartments.

(6)Art galleries.

(7)Art supply store.

(8)Auto glass, muffler, tire or seat cover.

(9)Auto laundry or carwash.

(10)Automobile assembly.

(11)Automobile parking lots and parking garages.

(12)Automobile parts, manufacture and wholesale.

(13)Auto repair garage and body shop, but not including wrecking or salvage of used parts.

(14)Auto sales, new or used, and mechanical and body repair when incidental to the sale of new automobiles by a factory-authorized dealer (not including wrecking or auto salvage yard).

(15)Auto servicing.

(16)Bakery or confectionery shop, retail and wholesale.

(17)Barber and beauty shops and nail technicians.

(18)Boat sales.

(19)Book or stationery shop or newsstand.

(20)Bottling works.

(21)Bowling alley or similar indoor commercial amusements.

(22)Building material sales.

(23)Cabinet (custom) shops.

(24)Cement, storage only.

(25)Cleaning plants for carpets, bags and other materials when no direct exterior exhaust from the plant is used and when dust is controlled by a bag filter, separator or precipitator so as to eliminate the exhausting of dust.

(26)Consignment clothing store.

(27)Contractor's shop and storage yard.

(28)Custom personal service shop, such as tailor, dressmaker or shoe repair.

(29)Dancehall.

(30)Drugstore or pharmacy.

(31)Duplication-copying service.

(32)Electrical supply, manufacture and wholesale.

(33)Electric and neon sign manufacture.

(34)Electroplating, electric works, including armature winding and galvanizing.

(35)Elevator manufacture and wholesale.

(36)Engine and motor repair and armature winding.

(37)Establishments offering household goods and/or appliances, normally used indoors, for purchase, sale, lease or rental (commonly referred to as "rent-to-own").

(38)Establishments primarily offering appliances, equipment, vehicles or other commodities for rent or lease (commonly referred to as "rent-all"). Vehicles licensed for use on public roadways may be stored and displayed outside.

(39)Feed store.

(40)Florist or garden shop.

(41)Food and beverage sales store.

(42)Gasoline or fuel service station.

(43)Gasoline self-service pumps.

(44)Greenhouse or plant nursery, retail and wholesale.

(45)Handcraft, ceramic, sculpture or similar artwork; or custom drapery shop; including such facilities to individually create, prepare, process or fit objects for sale at retail on the premises only.

(46)Hardware, manufacture and wholesale.

(47)Health, reducing or similar studio.

(48)Heavy machinery sales and storage.

(49)Heavy truck (exceeding one-ton capacity) sales, rental and service.

(50)Hotels and motels.

(51)Job printing or blueprinting service.

(52)Laundry, dyeing and cleaning plants.

(53)Light manufacturing, subject to the IP-3 performance standards contained in section 11-1-6(B)13.c.

(54)Machinery, manufacture, repair and wholesale.

(55)Mattress manufacturing.

(56)Medical or dental laboratory or optical shop or laboratory.

(57)Medical supplies, retail and wholesale.

(58)Metal products, stamping, manufacturing and wholesale.

(59)Milk deposit, dairy plant, ice cream manufacture, ice manufacture and cold storage.

(60)Millinery, manufacture and wholesale.

(61)Mobile home, manufactured home, camping or travel trailer and motor-home, sales, rental and service.

(62)Monument sales.

(63)Mortuary or funeral home.

(64)Newspaper or book publishing and printing.

(65)Neighborhood laundry or cleaning (self-service) or neighborhood cleaning and pressing shop and/or pickup station.

(66)Outdoor commercial amusements such as driving ranges, skating rinks or miniature golf courses.

(67)Paint shop, paint mixing, but excluding all cooking or baking of varnish, paint or lacquer.

(68)Pet shop.

(69)Petroleum products (refined), bulk storage only, no retail station.

(70)Plastic products, molding, casting and shaping.

(71)Plumbing shops of the retail or minor repair and maintenance type.

(72)Professional and administrative offices.

(73)Public utilities, including railroad rights-of-way and tracks, transformer station, transmission lines, telephone exchanges and similar uses.

(74)Railroad or bus passenger station.

(75)Restaurant, cafe or cafeteria. (including drive-in type)

(76)Retail stores offering all types of consumer goods for sale.

(77)Rug and carpet, manufacturing and wholesale.

(78)Sale of all alcoholic beverages for off-premises consumption only.

(79)Scientific or research laboratories which comply with the noise and odor control standards of an IP-3, Industrial Park District.

(80)Secondhand goods (including pawnshop).

(81)Storage and repair of furniture and appliances and upholstery shops when inside a building.

(82)Storage, warehouse and wholesale warehouse.

(83)Studio of photographer, artist, music, drama or dance.

(84)Studio of radio or television station but not including transmitter stations or broadcast towers.

(85)Team tracks and freight depots, railway terminals and docks.

(86)Theater (not of drive-in type).

(87)Tire retreading and capping.

(88)Tool, manufacture and wholesale.

(89)Transfer, storage and baggage terminal.

(90)Veterinarian clinics and hospitals.

(91)Welding shop, blacksmith or horse shoeing shop.

(92)Wholesale office and sample room.

c.

Area regulations: No building shall be erected, altered or converted for any main or principal use permitted in this District unless the following minimum area, parking, height, storage and other enumerated regulations are provided and observed.

(1)Parking: Land uses shall provide the minimum number of parking spaces required in Section 11-1-7(I), Vehicle Parking Regulations.

(2)Vehicle Loading: No loading docks shall have direct access to any public street and shall be located in such a manner that all parking or maneuvering of trucks or other motor vehicles shall be entirely on and within the premises.

(3)Setbacks: All buildings shall be set back a minimum of 35 feet from the lot line(s) facing a street. There shall be a minimum ten foot sideyard setback and minimum of a 20 foot rear yard setback.

(4)Building Heights: Maximum building height shall be 60 feet.

(5)Site Coverage: All buildings and structures, or portions thereof, placed on the lot(s) shall not cover more than 75 percent of the total lot area and shall not exceed a floor to land-area-ratio (F.A.R.) of 1:1.

(6)Storage Facilities: Outdoor storage is prohibited in the front 100 feet or the side 35 feet or the front one-third of the lot, whichever is less. Autos, trucks and other vehicles designed for highway travel shall be exempt. Specialized machinery or equipment such as tractors, graders, etc., which are for sale or lease are also exempt.

d.Performance standards: No land or structure shall be used or occupied in any manner so as to create any dangerous, injurious, noxious or otherwise objectionable conditions which may affect any other property, including but not limited to: fire and explosive hazard; noise, vibration or shock; smoke dust, odor or other forms of air pollution; heat; glare; electrical or other disturbance; liquid or solid refuse or wastes; and other substance, condition or element in such amount as to affect the surrounding area or adjoining premises.

(1)Fire and Explosive Hazard: No activity shall be undertaken involving fire or explosive hazard which shall endanger the property, improvements or employees of any other property owner or tenant.

(2)Noise: At no point on any property line shall the sound pressure level of any individual plant or operation (other than the operation of motor vehicles, aircraft or other transportation facilities) exceed the decibel levels in the designated octave bands shown below:

Octave Band Cycles Per Second

Maximum Permitted Sound Level in Decibels Re 0.0002 dyne/cm2

0—300

75

300—1,200

55

1,200—4,800

45

4,800 and above

40

(3)Vibration or Shock: No vibration or shock perceptible to a person of normal sensibilities shall be permitted within fifty feet (50') inside of the property line.

(4)Air Pollution:

(a)Any use producing smoke, gas, dust, fumes, aerosols, particulate, products of combustion or any other atmospheric pollutant, shall be conducted within a completely enclosed building.

(b)Visible emissions of smoke will not be permitted which exceed Ringlemann No. 1 on the Ringlemann Chart of the U.S. Bureau of Mines other than the exhausts emitted by motor vehicles or other transportation facilities. This requirement shall also be applicable to the disposal of trash and waste materials. Wind borne dust, sprays and mists originating in plants will not be permitted.

(c)No plant or operation shall discharge into the atmosphere toxic or noxious matter.

(d)The emission of odors which are detectable at any point beyond the property line of any plant will not be permitted.

(e)All emissions shall comply with applicable regulations issued by the TNRCC, EPA or other government agency having jurisdiction.

(5)Dust Control: All ground areas not covered by structures shall be landscaped or surfaced with concrete, asphaltic concrete, asphalt oil or other comparable dust-free surfacing; shall be maintained in good condition, free of weeds, trash and other debris; and shall be properly drained and graded. Such development shall be accomplished before issuance of a certificate of occupancy.

(6)Heat or Glare: Any operation producing intense glare or heat shall be performed within an enclosed or screened area in such a manner that the glare or heat emitted will not be discernible from the property line.

(7)Illumination:

(a)The source of illumination of any kind within the property shall not be visible at the property line except for normal installation of standard interior lighting fixtures within the buildings.

(b)The maximum height of any lighting standard shall not exceed 30 feet above average adjacent grade.

(c)The intensity of illumination shall be limited to ten foot candles or one-tenth lumens per square foot for open areas or surfaces visible at the property line.

(d)The design and location of exterior lighting shall comply in all respects to the Federal Aviation Administration or any successor agencies and other governmental agencies having applicable jurisdiction with respect to height, type and placement of lighting standards as they may affect the safety of flight operations into, from and around airports.

e.Signs: All signs shall conform to the regulations of the City Code.

f.Animals: No poultry, livestock or other animals shall be kept upon any parcel or lot, and no stable, hutch, barn or coop shall be placed or maintained upon any parcel or lot.

(C)Classifications 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. In order to provide for such changes and contingencies, a determination of the appropriate classification of any new or unlisted form of land use shall be made as follows:

1.The building official shall refer the question concerning any new or unlisted use to the planning and zoning commission requesting a determination as to the zoning classification into which such use should be placed. The referral of the use determination question shall be accompanied by a statement of 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.

2.The planning and zoning commission shall meet with the parties at interest and 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 districts within which such use should be permitted.

3.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 approve the recommendation of the planning and zoning commission or make such determination concerning the classification of such use as is determined appropriate. If the use is distinctly different from those listed as permitted uses in the selected zoning district or districts, the zoning district classification shall be by amendment to this Chapter, following a public hearing and otherwise as provided by law for such amendments. If the use is determined to be closely related to one or more of the listed permitted uses, the determination of zoning district classification shall be by resolution, which shall be filed in the records of the City secretary with appropriate reference to this Section and Chapter of the Midland City Code.

(D)Temporary uses of land. The following types of uses shall be allowed on a temporary basis by resolution approved by the City Council when it determines that the proposed temporary use will not be detrimental to the use of land in the established zoning district, according to the uses allowed by such district. The maximum time limit of such temporary use shall be one year, but subject to renewal by subsequent public hearings by the City Council, and the Council may impose any conditions it deems necessary to insure that the conditions of construction or operation associated with any temporary use will not be inconsistent with the intent of the use of land according to the established zoning district. Land used as a roping arena as approved by the City Council shall have a maximum time limit of three (3) years and any renewal process shall be subject to the same public hearing process and procedures described herein as for all other allowable temporary uses of land. Such temporary uses shall not be considered as established uses of land when approved as provided herein. Therefore, the procedures applicable to re-zoning of properties shall not apply, except that a single public hearing shall be held by the City Council, with prior notice to owners of property within 200 feet of the proposed location, a minimum of ten days before such hearing, prior to approval of such temporary use, if the period of use will extend in excess of one calendar day (except in the case of a mobile food vendor, as provided in (D)5 herein) or the use is located within any residential zoning district or is located within 1,000 feet of any residential zoning district.

All buildings or other structures which are erected or located on the property in connection with the temporary use shall be removed not later than two days after the same time period for which the use is approved as set forth in the resolution, or sooner if specified in the conditions of approval.

1.Carnival, circus or amusement facility or function.

2.Asphalt or concrete batching plant.

3.Seasonal fruit, vegetable, plant or Christmas tree sales.

4.Religious or cultural observance or performance.

5.Mobile food vendors at fixed location.

A mobile food vendor shall be considered to have a fixed location any time it operates four (4) or more consecutive days at one location.

Mobile food vendors at a fixed location shall be connected to an individual electric meter, shall not be connected to water or sewer lines, and shall only be located on a paved surface or other similar type surface in zoning districts that allow restaurants. The mobile food vendor structure shall either be anchored to the ground or mounted on wheels and shall be wired in metal conduit. Mobile food vendors shall not sell alcoholic beverages.

The following shall be submitted with all applications for Mobile Food Vendors at Fixed Locations:

A.Health Department certificate.

B.If no restroom is provided by the mobile food vendor: a letter from a business whose entrance is within 500 feet from the proposed location granting restroom access for the mobile food vendors' employees; hours of operation shall not exceed said businesses' hours of operation.

C.A site plan for all proposed locations showing: a minimum of three (3) paved parking spaces in addition to the parking spaces required for the business upon whose property the mobile food vendor is located, building setbacks in accordance with the zoning district, proposed signage, and distances from the mobile food vendor to all driveways on the property.

D.A letter of permission from the owner of the property on which the mobile food vendor proposes to locate.

6.Roping arenas.

7.Freight containers.

8.Any temporary activity determined to be of a similar nature by the City Council.

9.Outside sale of dogs.

The following shall be submitted with all applications for temporary land use permits for the outside sale of dogs.

A.A letter from the property owner stating that the applicant is allowed to sell dogs between the times of 9:00 a.m. and 6:00 p.m. on the said date(s) on the said property;

B.Veterinary records showing that each dog to be sold has its rabies vaccination;

C.Proof that each dog to be sold has had its Distemper/Parvo vaccination, and its Bordatella vaccination;

D.Each dog to be sold will be required to have a current City license. See Title VI, Chapter 2, Section 7, of the City Code of Midland, Texas, for license requirements;

E.Each dog to be sold must be spayed or neutered;

F.Each dog to be sold will require prior inspection by the Director of Animal Services or his designee. The inspection will verify the general health of the dog, and compliance with requirements D and E above.

G.The applicant must display the temporary land use permit in a location that can be seen by customers;

H.The applicant must provide a City of Midland Animal Services Information Packet with each dog that is sold. The packets will be issued to applicant at the time the permit is issued;

I.The applicant must provide adequate water and shelter for the dog during all times that said dog is on the premises of the sale

J.The temporary land use permit for the outside sale of dogs shall be subject to a $20.00 review fee. This fee does not apply to or affect any other temporary land use permit but only applies to a permit for the outside sale of dogs.

K.The issuance of any temporary land use permit for the outside sale of dogs by the City of Midland does not constitute any assumption of liability by the City of Midland regarding the dog(s) to be sold or any occurrences taking place on the premises of the sale. The City of Midland assumes no liability and makes no representations that the dog(s) to be sold are fit for any particular purpose.

A review fee of $200.00 shall accompany each request for approval of a temporary use as described above.

For purposes of this subsection the term "one day" shall have the following meaning: A time period which begins no earlier than 8:00 a.m. and ends no later than 10:00 p.m. on the same day.

(Ord. No. 5585, 5-13-1980; Ord. No. 5627, 8-12-1980; Ord. No. 5922, 1-26-1982; Ord. No. 6143, 1-25-1983; Ord. No. 6228, 6-14-1983; Ord. No. 6252, 7-26-1983; Ord. No. 6317, 11-22-1983; Ord. No. 7016, 7-10-1990; Ord. No. 7049, 9-25-1990; Ord. No. 7291, 12-14-1993; Ord. No. 7385, 11-8-1994; Ord. No. 7484, § 4, 11-14-1995; Ord. No. 7588, § 1, 1-28-1997; Ord. No. 7593, § 1, 3-11-1997; Ord. No. 7721, § 1, 3-24-1998; Ord. No. 7833, §§ 1—3, 5, 4-13-1999; Ord. No. 7848, §§ 1, 2, 4-13-1999; Ord. No. 7876, § 1, 9-28-1999; Ord. No. 7921, § 3, 2-22-2000; Ord. No. 8029, § 2, 7-10-2001; Ord. No. 8111, § 1, 7-23-2002; Ord. No. 8262, § 1, 9-28-2004; Ord. No. 8383, §§ 2, 3, 2-14-2006; Ord. No. 8447, § 3, 9-26-2006; Ord. No. 8448, § 2, 11-14-2006; Ord. No. 8496, §§ 1, 2, 2-3-07; Ord. No. 8497, § 1, 2-13-07; Ord. No. 8686, § 1, 11-25-2008)