

**CITY OF FREEPORT
PLANNING COMMISSION
Tuesday, November 22, 2011, 6:00 P.M.
Freeport Police Department, Municipal Court Room,
430 North Brazosport Boulevard
Freeport, Texas**

AGENDA

Edward Garcia, Acting Chairman
Tobey Davenport
Jesse Aguilar, Jr.

Reuben Cuellar
Eddie Virgil

NOTICE is hereby given that the Planning Commission of the City of Freeport, Texas will meet in a regular meeting on **Tuesday, November 22, 2011 at 6:00 P.M.** at the Freeport Police Department Municipal Courtroom, 430 North Brazosport Boulevard, Freeport, Texas to discuss the following:

1. Open Meeting.
2. Invocation.
3. Approval of the Minutes for October 25, 2011.
4. Election of Chairman and Vice-President.
5. Discuss/consider parking and storing options for unpaved area of the house/building.
6. Discuss/consider making a recommendation to the City Council to add the Sale of Firearms, Ammunition and Hunting Supplies as a permitted use in the C-2 District, General Commercial, per Section 155.024, Classification of New and Unlisted Commercial Uses.
7. Discuss/consider amending Section 150 of the Code of Ordinances book adopting the International Building Code, Dwelling Code, Housing Code, Plumbing Code, Gas Code Mechanical Code and Energy Conservation Code 2009; and adopting the Electrical Code 2008.
8. Discuss/consider a proposed Marina District Zone.
9. Adjourn.

I, Melissa Farmer, Building/Permit Department Secretary, City of Freeport, Texas, hereby certify that this Agenda was posted on the official bulletin board/glass door of City Hall facing the rear parking lot of the building with 24-hour access at 200 West 2nd Street, Freeport, Texas on or before Friday, November 18, 2011 at 5:00 P.M.



Melissa Farmer
Melissa Farmer
Building/Permit Department

**Code of Interpretation
Request**

**Lakota Arms
Sheila Thornton
Owner, Operator**

**1712 W. 9th Street
Freeport, Texas**

To Whom It May Concern:

Lakota Arms carries a Class 1 Federal Firearms License. Conducted business consists of retail buying, selling, trading of firearms, sell of ammunition, and retail sell of hunting and shooting accessories.

Lakota Arms has been conducting business for the past year on County Road 506, Brazoria, Texas. Due to location I have had to operate said business on a By Appointment Only basis. I have reached a point, however, it is time for Lakota Arms to move forward with a store front and regular business days and hours if my business is going to flourish and succeed.

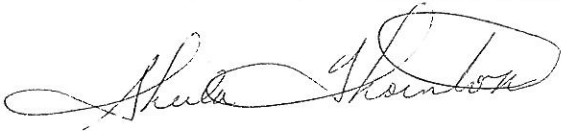
I have located a premise at 1014B North Gulf Boulevard and have negotiated a verbal agreement with Mike Sanchez, owner of said premise.

Security for the premise will consist of a three fold security system of bars on the inside of the door and windows, cameras with monitoring and recordable tape, and a monitored security system.

There is already a pawn shop down the street from the location I have selected that buys new firearms from distributors for retail sale, which is, exactly what Lakota Arms will be doing.

I have resided in Freeport for the past 8 years. Opening my store in Freeport will be a convenience for me and, I believe, an asset for the City of Freeport and its economy.

Thank you for your time and consideration,

A handwritten signature in cursive script, appearing to read "Sheila Thornton". The signature is written in black ink and is positioned above the printed name.

Sheila Thornton

(6) Every single-family or duplex modular or industrial home erected within the city shall have exterior siding, roofing, roofing pitch, foundation fascia and fenestration compatible with each dwelling that is not a modular or industrial home and that is located within 500 feet of the proposed installation site for such modular or industrial home.

(7) Every single-family or duplex modular or industrial home erected within the city shall comply with the aesthetic standards, building setbacks, side and rear yard offsets, subdivision control, architectural landscaping, square footage and other site requirements applicable to dwellings located within the city that are not modular or industrial homes.

(8) Every single-family or duplex modular or industrial home erected within the city shall be securely fixed to a permanent foundation. The use of ground anchors is not approved for permanent foundations.

(9) Every modular or industrial building and every modular or industrial home erected within the city that is not maintained shall be considered altered and must be removed from the city unless recertified by the Texas Industrialized Building Code Council.

(10) A modular or industrialized building cannot be erected or located in a residential zoning district and all modular or industrialized housing must be erected or located within a residential zoning district.

(11) The provisions of this division do not apply to a construction site building while construction is actually occurring at the site where such building is located.

(Ord. 1100 § 8, passed 4-3-64; Am. Ord. 1100-L, passed 2-18-74; Am. Ord. 1100-X, passed 10-24-77; Am. Ord. 1100-NN, passed 5-5-80; Am. Ord. 1100-DDD, passed 4-19-82; Am. Ord. 1100-88-4, passed 11-21-88; Am. Ord. 1100-94-1, passed 4-4-93; Am. Ord. 1901, passed 6-5-00; Am. Ord. 2004-2071, passed 12-6-04; Am. Ord. 2006-2118, passed 3-20-06; Am. Ord. 2007-2178, passed 10-15-07; Am. Ord. 2009-2232, passed 12-7-09)

§ 155.024 CLASSIFICATION OF NEW AND UNLISTED COMMERCIAL USES.

It is recognized that new types of commercial land use will develop and forms of commercial land use may seek to locate in the city which were not anticipated at the time the lists of permitted uses contained in this chapter as originally adopted were developed or were thereafter amended. In order to provide for such changes and contingencies, a determination as to the appropriate classification of any new or unlisted form of commercial land use shall be made as follows:

(A) The Building Official shall refer the question concerning any proposed new or unlisted use of land located in an existing commercial zoning district (e.g., C-1 District, Retail Business), but excluding (a) any uses permitted in any zoning district other than C-1 or C-2 and (b) sexually oriented businesses, to the Planning Commission requesting an interpretation as to which then existing commercial zoning district, if any, such use should be added. The referral shall be accompanied by a statement of facts listing the nature of the use and whether it involves sales, processing, type of product, 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 Commission shall consider the nature and described performance of the proposed use and its compatibility with the already listed uses permitted in the various commercial zoning districts and determine the commercial zoning district, if any, within which such use is most similar and should be permitted.

(C) The Planning Commission shall transmit its findings and recommendations to the City Council as to the classification, if any, proposed for any new or unlisted commercial use. The City Council shall by resolution approve or reject the recommendation of the Planning Commission or make such determination considering the classification of the unlisted use as is determined by the City Council to be appropriate based upon its findings.

INTEROFFICE MEMORANDUM

TO: MR. WALLACE SHAW, CITY ATTORNEY
FROM: KOLA OLAYIWOLA, BUILDING OFFICIAL
SUBJECT: PROPOSAL TO ADOPT NEW CODES (ICC'2009 SERIES)
DATE: 11/17/2011
CC: CITY ADMINISTRATION (JEFF & GILBERT)

As a result of an audit conducted in late 2010 by the Insurance Services Office (ISO) the City has been mandated to adopt new codes in order to maintain a good standing on the "Building Code Effectiveness Grading Schedule Classification." Per ISO, the new codes should be put into service no later than April 6th, 2012. In an effort to meet this significant deadline, I'm proposing that the City move expeditiously and adopts the 2009 edition of the International Code Series, known as the I-Codes.

Below are the sections of the City code of ordinances that shall be amended to bring about the adoption of the new codes:

BUILDING CODE

150.001 International Building Code Adopted

The International Building Code, 2009 Edition, published by the International Code Council, Inc., together with all amendments thereto, save and except such portions as are inconsistent with the provisions of this subchapter, is hereby adopted and incorporated and made a part of this chapter as fully as if set forth at length herein. One copy of such code shall be maintained at all times in the office of the City Secretary. Any person violating such code shall be guilty of a misdemeanor and on conviction punished as provided in Section 10.99.

DWELLING CODE

150.010 International Residential Code Adopted

The International Residential Code, 2009 Edition, published by the International Code Council, Inc., together with all amendments thereto, save and except such portions as are inconsistent with the provisions of this subchapter, is hereby adopted and incorporated and made a part of this chapter as fully as if set forth at length herein. One copy of such code shall be maintained at all times in the office of the City Secretary. Any person violating such code shall be guilty of a misdemeanor and on conviction punished as provided in Section 10.99.

HOUSING CODE

150.035 International Property Maintenance Code Adopted

The International Property Maintenance Code, 2009 Edition, published by the International Code Council, Inc., together with all amendments thereto, save and except such portions as are inconsistent with the provisions of this subchapter, is hereby adopted and incorporated and made a part of this chapter as fully as if set forth at length herein. One copy of such code shall be maintained at all times in the office of the City Secretary. Any person violating such code shall be guilty of a misdemeanor and on conviction punished as provided in Section 10.99.

PLUMBING CODE

150.045 International Plumbing Code Adopted

The International Plumbing Code, 2009 Edition, published by the International Code Council, Inc., together with all amendments thereto, save and except such portions as are inconsistent with the provisions of this subchapter, is hereby adopted and incorporated and made a part of this chapter as fully as if set forth at length herein. One copy of such code shall be maintained at all times in the office of the City Secretary. Any person violating such code shall be guilty of a misdemeanor and on conviction punished as provided in Section 10.99.

GAS CODE

150.055 International Fuel Gas Code Adopted

The International Fuel Gas Code, 2009 Edition, published by the International Code Council, Inc., together with all amendments thereto, save and except such portions as are inconsistent with the provisions of this subchapter, is hereby adopted and incorporated and made a part of this chapter as fully as if set forth at length herein. One copy of such code shall be maintained at all times in the office of the City Secretary. Any person violating such code shall be guilty of a misdemeanor and on conviction punished as provided in Section 10.99.

MECHANICAL CODE

150.065 International Mechanical Code Adopted

The International Mechanical Code, 2009 Edition, published by the International Code Council, Inc., together with all amendments thereto, save and except such portions as are inconsistent with the provisions of this subchapter, is hereby adopted and incorporated and made a part of this chapter as fully as if set forth at length herein. One copy of such code shall be maintained at all times in the office of the City Secretary. Any person violating such code shall be guilty of a misdemeanor and on conviction punished as provided in Section 10.99.

150.066 Modifications.

For the purpose of the International Mechanical Code adopted by 150.065, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

APPLICABLE GOVERNING BODY. The City Council.

BOARD OF ADJUSTMENTS. The City Council.

CHIEF ADMINISTRATOR. The City Manager for the City of Freeport.

CHIEF APPOINTING AUTHORITY. The City Council.

ENERGY CONSERVATION CODE

150.100 International Energy Conservation Code Adopted.

The International Energy Conservation Code, 2009 Edition, published by the International Code Council, Inc., together with all amendments thereto, save and except such portions as are inconsistent with the provisions of this subchapter, is hereby adopted and incorporated and made a part of this chapter as fully as if set forth at length herein. One copy of such code shall be maintained at all times in the office of the City Secretary. Any person violating such code shall be guilty of a misdemeanor and on conviction punished as provided in Section 10.99.

ELECTRICAL CODE

151.01 International Electrical Code Adopted

The International Electrical Code/National Electrical Code, 2008 Edition (IEC/NEC), published by the National Fire Protection Association (NFPA), together with all amendments thereto, save and except such portions as are inconsistent with the provisions of this subchapter, is hereby adopted and incorporated and made a part of this chapter as fully as if set forth at length herein. One copy of such code shall be maintained at all times in the office of the Building Official. Any person violating such code shall be guilty of a misdemeanor and on conviction punished as provided in Section 10.99.

NEW MARINA ORDINANCE

First, Section 155.002 of the Code of Ordinances would be amended to add, in its alphabetical sequence, the following definition:

“ MARINA. A dock or basin providing secure moorings for pleasure boats and often offering supply, repair, and other facilities.

“MARINA RELATED BUSINESS. Any business which primarily provides goods and services to any customer of any marina located in the W-4 Marina Zoning.”

Second, a new Section 155.048 would be added to the Code of Ordinance which would read as follows:

“SECTION 155.048 – W-4 MARINA DISTRICT

This district includes all of the land within the City which is located within the following boundary:

Starting at the intersection of the North ROW line of West Second Street and its intersection with the East ROW line of Cherry Street North to the Northern ROW line of the Freeport Townsite Levee through East to the extension of the Eastern property line of Western Seafood then North along that line to the centerline of the Old Brazos River Channel follow the centerline of the Channel East to the extension of the Western property line of Trico Shrimp Company and South along that line to the West ROW line of Spruce Street to its intersection with the North ROW line of East Second Street then west along that line to the beginning.

- (A) Minimum requirements for lot area, width and setback shall be the same as provided elsewhere within the zoning ordinance for the particular use or uses specified in the W-4 District.**
- (B) See Section 155.023 for supplementary district regulations, exceptions and parking requirements applying to the W-4 District.**
- (C) See Section 155.060 (D) and (E) for temporary use permits that may be granted by the Board of Adjustments and specific use permits that may be recommended by the City Planning Commission within the W-4 District under certain circumstances and conditions.**

(D) Permitted uses.

Any use permitted in R-1, R-2, R-2A, R-3, C-1, W-1 or W-1R

AND;

Bait Store

Clothing

Convenience Store

Eating Establishment (Restaurant), Closed or Open

Food or Grocery Store (Retail)

Hotel

Ice (Manufacture or Vending)

Jewelry

Laundry – Pickup or self service

Lounges – Serving alcoholic beverages

Offices – Any Type

Physical culture & Health Studies

Post Office

Sporting Goods Store

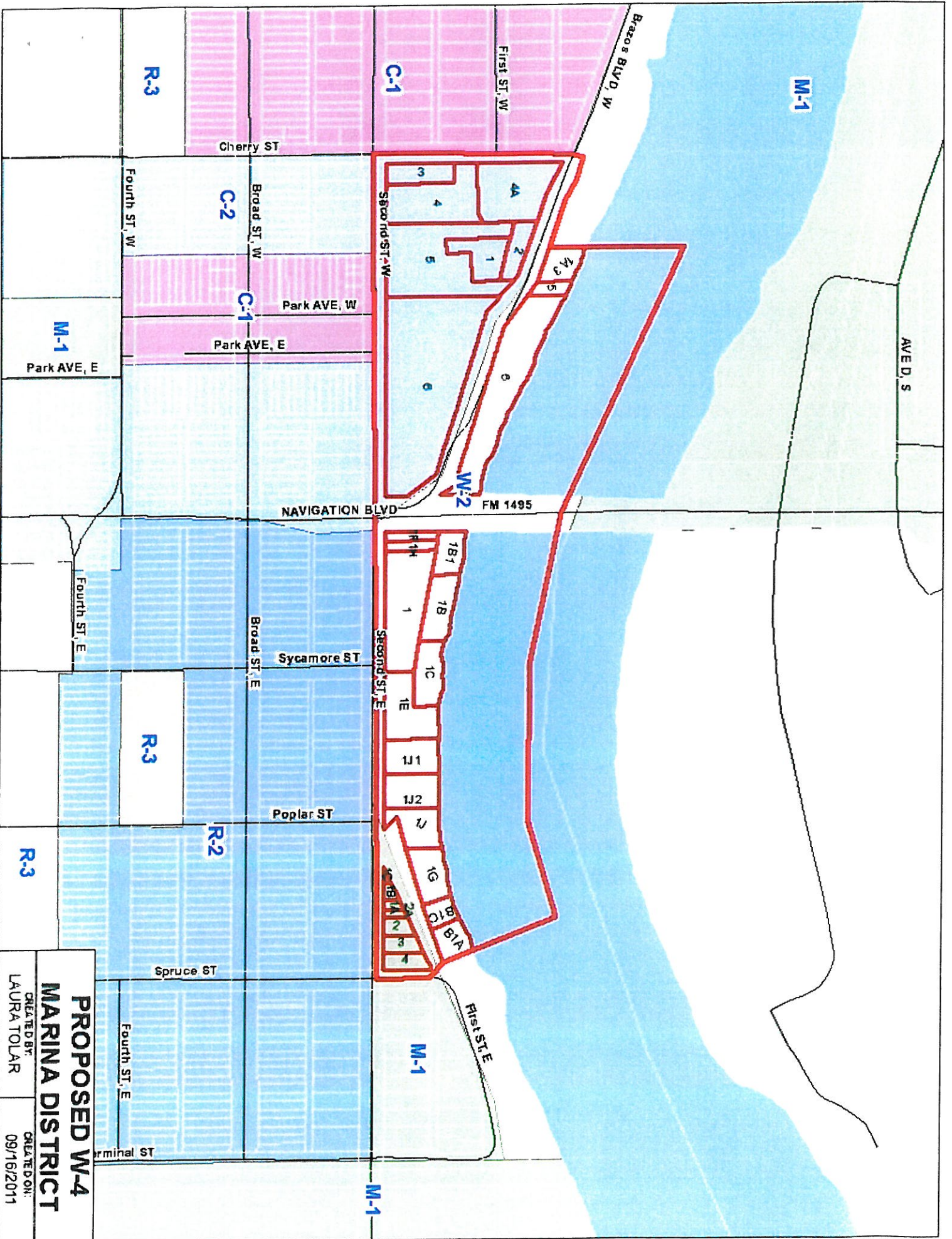
Taxidermist

Toy Store

All others by Specific-Use Permit.

(E) Parking Requirements and site plans as provided elsewhere in the zoning ordinance for the particular use or uses specified in W-4.

(F) Building Height – In Marina W-4 District, building height shall be allowed up to 100 ft., plus additional height of 1-ft. for every 4 ft. setback from yard line.



PROPOSED W-4
MARINA DISTRICT
 CREATED BY:
 LAURA TOLAR
 CREATED ON:
 09/16/2011