



Hall County Regional Planning Commission

Wednesday, July 5, 2017

Regular Meeting

Item F1

Public Hearing-Section 4.12(a) Cargo Storage Containers-Alda

Staff Contact:

Agenda Item #4

PLANNING DIRECTOR RECOMMENDATION TO REGIONAL PLANNING COMMISSION:

June 15, 2017

SUBJECT:

Concerning proposed amendments to the Zoning Ordinance for the Village of Alda and its one-mile extra-territorial jurisdiction. Amendments to be considered pertain to Article 4 and would add Section 4.12(a) of the Alda Zoning Ordinance defining Cargo Storage Containers and the regulations pertaining to the placement of such containers on property. (C-24-2017A)

PROPOSAL:

The Alda Village Board has forwarded the proposed additions to the Alda Zoning Regulations for review and recommendation by the Regional Planning Commission. The Village has been dealing with issues regarding the use and placement of cargo containers on property within its jurisdiction. The proposed amendment is designed to provide clear direction to citizens and village staff regarding this use on property within the jurisdiction of the Village.

OVERVIEW:

The proposed changes would add Section 4.12(a) to Article 4 of the Alda Zoning Regulations as shown in the attachment.

Cargo Storage Containers would be permitted in the R-9, BGC, BG, I-1, I-2, PUD, AG and TA districts. Only one container would be permitted unless approval is granted by the Village Board for more than one container. Containers in place for more than six months must be anchored. All containers must be kept free from dents, rust and graffiti and painted to blend in with surrounding structures. Containers cannot be used for as a housing unit or for animal containment or kennels.

RECOMMENDATION:

That the Regional Planning Commission recommend that the Alda **approve** the changes to the Alda Village Code as requested.

_____ Chad Nabity AICP, Planning Director

**LEININGER, SMITH, JOHNSON, BAACK,
PLACZEK & ALLEN**

ATTORNEYS AT LAW

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D. STEVEN LEININGER (RETIRED)

June 7, 2017

Regional Planning Commission
Attn: Chad Nabity, Director
P.O. Box 1968 – City Hall
Grand Island, NE 68801-1968

Re: Request for Hearing and Planning Commission Recommendation Regarding Proposed
Revision to Zoning Regulations of Alda, Nebraska

Dear Chad:

At its meeting on June 6, 2017, the Alda Village Board voted to proceed with effort to change its Zoning Regulations to address the placement of cargo storage containers throughout the Village for use as storage facilities on certain classifications of zoned property subject to the regulatory jurisdiction of Alda, Nebraska.

Consistent with directives from the Board following requests by citizens and a special study session to receive input, I had prepared a proposed Ordinance to provide for the placement of these containers subject to certain restrictions and requirements. Enclosed, you will find a copy of Ordinance No. 289 that reflects the general consensus of the Alda Village Board after receiving that input.

Please provide the Village of Alda with your recommendations following a public hearing that I would request you schedule at the next meeting of the Hall County Regional Planning Commission.

Once we receive the Planning Commission Recommendations, Alda will also schedule a public hearing and then decide whether or not to enact the proposed ordinance.

Thank you for your anticipated input on this proposed revision.

Very truly yours,

LEININGER, SMITH, JOHNSON,
BAACK, PLACZEK & ALLEN



AREND R. BAACK
ARB/skm/encls.
cc: Village of Alda

4-1/636197

ORDINANCE NO. 289

AN ORDINANCE TO AMEND THE EXISTING ZONING ORDINANCE OF THE VILLAGE OF ALDA, NEBRASKA, PREVIOUSLY ENACTED AS ORDINANCE NO. 238, TO ALLOW FOR THE PLACEMENT OF STORAGE CONTAINERS IN CERTAIN ZONING DISTRICTS LOCATED WITHIN THE ZONING JURISDICTION OF THE VILLAGE OF ALDA, NEBRASKA, AND TO REPEAL ANY ORDINANCE OR PARTS OF ORDINANCES IN CONFLICT HEREWITH;

WHEREAS, after referral for action from the Village of Alda, Nebraska and following a public hearing conducted by the Regional Planning Commission of Hall County, Grand Island, Wood River, and the Villages of Alda, Cairo and Doniphan on _____, 2017, the Regional Planning Commission has recommended the amendment of the existing zoning ordinance of the Village of Alda, Nebraska, to allow for the placement of Storage Containers as herein defined within certain zoning districts located within the zoning jurisdiction of the Village of Alda, Nebraska; and

WHEREAS, following a public hearing conducted upon such notice as was required in accordance with Neb.Rev.Stat. § 19-904, the Alda Village Board has determined that its zoning ordinance should be amended consistent with the recommendation from the Regional Planning Commission,

BE IT ORDAINED BY THE CHAIRMAN AND BOARD OF TRUSTEES OF THE VILLAGE OF ALDA, NEBRASKA:

Section 1. That Article 4 shall be amended to include Section 4.121 and such section shall provide as follows:

SECTION 4.12(a) CARGO STORAGE CONTAINERS

- 4.12(a).01 Cargo Storage Containers are defined as an industrial, standardized, reusable enclosed container that is not permanently attached to a semi-trailer and wheels:
- (a) Originally, specifically or formerly designed for or used in the packing, shipping, movement or transportation of freight, articles, goods or commodities, and
 - (b) Designed for or capable of being mounted or moved on a rail car, and
 - (c) Designed for or capable of being mounted on a chassis for movement by truck, train or loaded on a ship.
- 4.12(a).02 A Cargo Storage Container shall be treated in the same manner as an accessory building that may be placed in either the R-9 – Single Family Residential District; BGC - General Commercial District; BG – Highway Commercial District; I-1 – Light Industrial District; I-2 – Heavy Industrial District; PUD – Planned Unit Development District; AG – Agricultural

District; or TA – Transitional Agriculture District, with the following additional conditions:

- (a) Only one (1) Cargo Storage Container shall be permitted per lot unless a request for the placement of more than one (1) Cargo Storage Container shall have first been presented to the Alda Village Board of Trustees and approved.
- (b) A Cargo Storage Container shall be free of dents, rust and/or graffiti and shall be maintained in good condition and painted to blend in with other structures.
- (b) In shall not be permissible to stack Cargo Storage Containers.
- (c) A Cargo Storage Container cannot not exceed dimensions of 9 feet 6 inches in height by 8 feet in width by 40 feet in length and shall not encroach upon any applicable setback requirement applicable to the zoning district on which such Cargo Storage Container is placed.
- (d) A Cargo Storage Container shall be permanently and adequately anchored if it shall remain on a lot in excess of six (6) months.
- (e) A Cargo Storage Container shall be securely locked at all times, other than during actual loading or unloading.
- (f) If the Cargo Storage Container in its unaltered condition is airtight an air vent must be installed.
- (g) Under no circumstances shall a Cargo Storage Container be used as a dwelling unit, housing unit, pet housing, animal containment unit or kennel and no sales shall be conducted from a Cargo Storage Container.

Section 2. If any provision of this ordinance is declared unconstitutional, or the application thereof to any person or circumstances is held invalid, the constitutionality of the remainder of the ordinance and its applicability to other persons and circumstances shall not be affected thereby.

Section 3. Any other ordinance or section passed and approved prior to the passage, approval, and publication or posting of this Ordinance and in conflict with its provisions is hereby repealed.

Section 4. This Ordinance shall take effect and be in full force from and after its passage, approval and publication or posting as required by law.

PASSED AND APPROVED this ____ day of _____, 2017.

ATTEST:

PROOF OF PUBLICATION

() posted on said date in the following three public places:

or () published in the Shelton Clipper, a legal newspaper in and for Hall County, Nebraska.

(S E A L)

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