

# **City of Scottsbluff, Nebraska**

**Monday, January 11, 2016**

**Regular Meeting**

## **Item NewBiz3**

### **Ordinance: Chapter 25, Article 3 - 25 Miscellaneous Regulations**

*Ordinance Text Change/Amendment: 25-3-25*

**Staff Contact: Annie Urdiales**



# SCOTTSBLUFF PLANNING COMMISSION Staff Report

**To:** Planning Commission  
**From:** Staff Development Services  
**Date:** January 11, 2016  
**Subject:** Proposed Ordinance text change in Chapter 25, Article 3, dealing with zoning and miscellaneous regulations adding language for shipping containers used for storage.

Development Services Staff has had inquiries about the uses of shipping containers for storage in residential and commercial zoning districts. Code Administrator, Sheila Hort, researched different options on requirements for this type of storage container. She also talked with legal about the guidelines and the placement of this additional language to the code. It was decided to put the definition for shipping containers and the requirements for placement of this type of storage under Section 25-3-25 Miscellaneous Regulations. The language below is what was added to the miscellaneous regulations.

**25-3-25(16) Shipping Containers.**

**A. Shipping containers defined.** For the purposes of this Chapter, a shipping container shall mean any container, which may otherwise be known as a container, freight container, ISO container, shipping container, high-cube container, box, C container or container van, designed to store and move materials and products across various modes of the Intermodal Freight Transportation System.

**B. General restrictions for shipping containers:**

1. A shipping container may be placed in the front yard setback only if being used for moving or relocating purposes.
2. A shipping container may not be placed within the site triangle as defined in Section 25-2-104.1 of the Scottsbluff Municipal Code.
3. A shipping container may not exceed 8 feet in width, 9 feet in height or 40 feet in length.
4. A shipping container must be kept out of easements, public rights-of-way, and setbacks except as otherwise provided for in this Code.
5. A shipping container may be placed on a lot without a permit if it is incidental to the permitted construction activities on the same lot. The shipping container must be removed at the completion of the construction project or expiration of the building permit.

**C. Residential and commercial zoning districts.** No shipping container shall be allowed, except on a temporary basis for moving, in all residential and commercial zoning districts. A shipping container may be allowed on a developed lot for a period of 30 days if used for moving purposes. If additional time is required, the owner of the lot may apply for one 30 day extension.

**D. In Ag, M-1 and M-2 zoning districts, no shipping containers shall be allowed except as provided:**

1. A building permit is required for a shipping container which will remain on the lot for a period greater than six months and used for onsite storage of material incidental to the permitted or accessory use of the lot. The building permit must be procured through the Planning and Development Department of the City.
2. A shipping container located in a front or side yard must be painted so no signage or language is visible.
3. A shipping container may not be connected to any City utility.
4. A shipping container must be kept in good repair with no holes or rust.
5. A shipping container must be placed on a level surface with a base of rock or concrete so as to prevent any settling of the shipping container while it is on the lot.

The complete ordinance is attached for your review.

## **RECOMMENDATION**

### **Approve**

Make a motion for positive recommendation for City Council to approve proposed ordinance text amendment – adding to Chapter 25, Article 3, relating to defining and requirements for shipping containers used for storage subject to the following condition(s):

### **Deny**

Make a motion for negative recommendation to City Council to disapprove proposed ordinance text amendment – adding to Chapter 25, Article 3, relating to defining and requirements for shipping containers used for storage for the following reason(s):

### **Table**

Make the motion to TABLE the proposed ordinance text amending Chapter 21, Article 1, relating to amendment – adding to Chapter 25, Article 3, relating to defining and requirements for shipping containers used for storage for the following reason(s):

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF SCOTTSBLUFF, NEBRASKA AMENDING CHAPTER 25, ARTICLE 3, SECTION 25 OF THE SCOTTSBLUFF MUNICIPAL CODE IN DEALING WITH ZONING AND MISCELLANEOUS REGULATIONS BY INCLUDING REGULATIONS CONCERNING SHIPPING CONTAINERS USED FOR STORAGE, ADDING §25-3-25(16) RESTRICTING THE USE OF SHIPPING CONTAINERS AS STORAGE, REPEALING ALL PRIOR SECTIONS, PROVIDING FOR AN EFFECTIVE DATE AND PROVIDING FOR PUBLICATION IN PAMPHLET FORM.**

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SCOTTSBLUFF, NEBRASKA:

Section 1. Chapter 25, Article 3, Section 25 of the Scottsbluff Municipal Code is amended by repealing the existing language and adding subsection (16) with the following language:

**“Section 25-3-25. Miscellaneous regulations.**

No provisions of this section, except sections 25-3-22 (1) and 25-3-22 (2) are applicable to a PBC Zone. Any provisions in the aforementioned sections which conflict with any of the provisions of Article 13 shall, to the extent of the conflict, constitute exceptions to and modify the conflicting provisions of such Article.

(1) Basement garages; grade. No basement garage may be constructed with a front entrance below the established grade nor may such an entrance be constructed in an existing building or structure, unless proper drainage, as determined by the development Services Director, is provided.

(2) Buildings, structure; design; construction. No building or structure may be erected or structurally altered unless its architectural design and construction conforms to applicable provisions of this Chapter insofar as such conformity may be accomplished without unreasonable hardship or substantial interference with the lawful intended use of such building or structure.

(3) Dwelling unit; inside entrance. Rooms within a dwelling unit must have their principal entrance from inside the dwelling unit.

(4) Grades; flood requirements. No building may be built, rented, or occupied which is located on a lot or other tract of land that does not comply with all lawful grade requirements for flood purposes.

(5) Ground cover, surfacing. Front yard and side yard setback areas may be landscaped and maintained with low ground cover, except in the case of an approved off-street parking area. Asphaltic concrete, masonry, rock, gravel or other forms of artificial surfacing may not be used as a principal ground cover.

(6) Manufactured Homes.

a. A manufactured home shall be located and installed according to the same standards for foundation system, permanent utility connections, setback, and minimum square footage which would apply to a site-built, single-family dwelling on the same lot.

b. Manufactured homes shall meet the following standards:

1. The home shall have no less than nine hundred square feet of floor area;

2. The home shall have no less than an eighteen-foot exterior width;

3. The roof shall be pitched with a minimum vertical rise of two and one-half inches for each twelve inches of horizontal run;

4. The exterior material shall be of a color, material, and scale comparable with those existing in residential site-built, single-family construction.

5. The home shall have a nonreflective roof material which is or simulates asphalt or wood shingles, tile, or rock; and

6. The home shall have wheels, axles, transporting lights, and removable towing apparatus removed.

Mobile Home Parks shall be excluded from these guidelines. All manufactured (mobile) homes shall meet the standards set forth in the HUD - Manufactured Housing & Standards or Verification of HUD Standard Upgrades.

- (7) Multiple unit buildings; exits. Each dwelling unit in a multiple unit residence building, or in a multiple use building, shall have a front and rear exit, or an exit to a corridor on the same level which has a front and rear exit.
- (8) Public storage garages; location. No public garage used only for storing motor vehicles may have either a motor vehicle entrance or exit which is within two hundred (200) feet of an entrance or exit of any existing public or private school playground, public library, church, hospital, children's or old people's home, or a similar public or private institution. No public or private school playground, public library, church, hospital, children's or old people's home, or a similar public or private institution may be built within two hundred (200) feet of either the motor vehicle entrance or exit to a public garage used for storing motor vehicles.
- (9) Public street; abut; necessity. No building or structure shall be so constructed on a lot or tract of land which does not abut on a public street for a distance of at least twenty (20) feet.
- (10) Railroad premises; tracks; docks. A railroad right-of-way may be used for railroad or spur tracks. Loading and unloading platforms or structures may be located on a railroad right-of-way only if the abutting property is in a C-3 or M Zone and no R zone is within three hundred (300) feet of the platform or structure on the same side of the right-of-way.
- (11) Residence buildings; number. Except as provided in Article 9, no more than one (1) building used for residence purposes may be located on any lot.
- (12) Residence; sleeping quarters. Permanent sleeping quarters may not be located or used in any building or structure in an R zone other than a main residence building.
- (13) Residence; rear of lot. No building, designed to provide living or sleeping quarters, or both, may be located on an interior lot to the rear of the main building which is used for nonresidence purposes.
- (14) Single family dwelling; walls. A single family dwelling shall be constructed as a single building with connecting walls. The plane surface of any connecting wall shall be at least eight (8) feet in length.
- (15) Quonset; R zone. No quonset-type building or structure may be built or placed on any lot or tract of land in an R zone.
- (16) Shipping containers.
- a. Shipping containers defined. For the purposes of this Chapter, a shipping container shall mean any container, which may otherwise be known as a container, freight container, ISO container, shipping container, high-cube container, box, C container or container van, designed to store and move materials and products across various modes of the Intermodal Freight Transportation System.
  - b. General restrictions for shipping containers:
    1. A shipping container may be placed in the front yard setback only if being used for moving or relocating purposes.
    2. A shipping container may not be placed within the site triangle as defined in Section 25-2-104.1 of the Scottsbluff Municipal Code.
    3. A shipping container may not exceed 8 feet in width, 9 feet in height or 40 feet in length.
    4. A shipping container must be kept out of easements, public rights-of-way, and setbacks except as otherwise provided for in this Code.
    5. A shipping container may be placed on a lot without a permit if it is incidental to the permitted construction activities on the same lot. The shipping container must be removed at the completion of the construction project or expiration of the building permit.
  - c. Residential and commercial zoning districts. No shipping container shall be allowed, except on a temporary basis for moving, in all residential and commercial zoning districts. A shipping container may be allowed on a developed lot for a period of 30 days if used for moving purposes. If additional time is required, the owner of the lot may apply for one 30 day extension.
  - d. In Ag, M-1 and M-2 zoning districts, no shipping containers shall be allowed except as provided:
    1. A building permit is required for a shipping container which will remain on the lot for a period greater than six months and used for onsite storage of material incidental to the permitted or accessory use of the lot. The building permit must be procured through the Planning and Development Department of the City.
    2. A shipping container located in a front or side yard must be painted so no signage or language is visible.

3. A shipping container may not be connected to any City utility.
4. A shipping container must be kept in good repair with no holes or rust.
5. A shipping container must be placed on a level surface with a base of rock or concrete so as to prevent any settling of the shipping container while it is on the lot.

Section 2. Previously existing Section 25-3-25 and all other ordinances and parts of ordinances in conflict herewith are repealed. Provided, however, this Ordinance shall not be construed to effect any rights, liabilities, duties or causes of action, either criminal or civil, existing or actions pending at the time when this Ordinance becomes effective.

Section 3. This Ordinance shall become effective upon its passage and approval as provided by law, and publication shall be in pamphlet form.

PASSED AND APPROVED on \_\_\_\_\_, 2015.

Attest:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk (Seal)

Approved as to form:

\_\_\_\_\_  
City Attorney