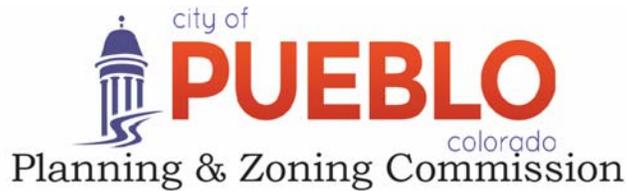


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Chair

Mike Castellucci
Vice Chair

Bob Schilling
City Council Representative



Patrick Avalos

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Yvonne Lujan-Slak

Alex San Filippo-Rosser

TEXT AMENDMENT TA-18-04

TO: City of Pueblo Planning and Zoning Commission
FROM: Kelly Grisham, Senior Planner
THROUGH: Steven Meier, Director of Planning and Community Development
DATE: October 10, 2018
SUBJECT: An Ordinance amending Chapter 2 and Chapter 4 of Title XVII of the Pueblo Municipal Code relating to shipping containers

Background:

Shipping containers are essentially corrugated boxes that come mostly in standard sizes due to their use for shipping. In the past several years the use of shipping containers for purposes other than freight containers has become prevalent. In the City of Pueblo, they have become a cheap and easy for storage and are being used on all types of lots within the City. Currently, the Zoning Code does not provide regulations for shipping containers, except that they are considered accessory structures and not permitted due to their inability to be architecturally compatible. The proposed ordinance provides regulations for shipping containers, outlines where they are allowed, and the process required to allow them in all types of zone districts. In addition, the proposed ordinance provides updates to the accessory code regarding the size requirements for accessory structures and providing exemptions from the accessory structure code for accent structures.

Attachments:

- A. Draft Ordinance

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 2 AND CHAPTER 4 OF TITLE XVII OF THE PUEBLO MUNICIPAL CODE RELATING TO SHIPPING CONTAINERS AND ACCESSORY STRUCTURES AND PROVIDING PENALTIES THEREOF

BE IT ORDAINED BY THE CITY COUNCIL OF PUEBLO, that: (brackets indicate matter being deleted, underscoring indicates new matter being added)

SECTION 1.

Section 17-2-1, Chapter 2, Title XVII of the Pueblo Municipal Code, as amended, is hereby modified by the addition of subsection (25.5) and (40.5) to read as follows:

Sec. 17-2-1. – Definitions.

For the purpose of this Title, certain terms or words used herein shall be interpreted as follows:

. . .

(40.5) Pole barn means a farm building with no foundation, and sides typically consisting of corrugated steel or aluminum panels, supported by poles set in the ground. Pole barns are typically unfinished, and uninsulated and are normally used for agricultural purposes, for construction trade storage, or for general storage and not intended for human habitation.

. . .

(50.5) Shipping Container means a standardized, reusable vessel that appears to be originally, specifically or formerly designed for or used in the transportation of freight and capable of being mounted and moved on a rail car or mounted on a chassis for movement by truck trailer or a ship. The shipping containers may be temporary or permanent per the regulations in Section 17-4-23. Shipping containers include moving pods, shipping containers, and other similar metal containers.

. . .

SECTION 2.

Section 17-4-23(c)(5), Chapter 4, Title XVII of the Pueblo Municipal Code, as amended, is hereby modified by the amendment of subsection (5) to read as follows:

Sec. 17-4-23. - Accessory buildings and structures.

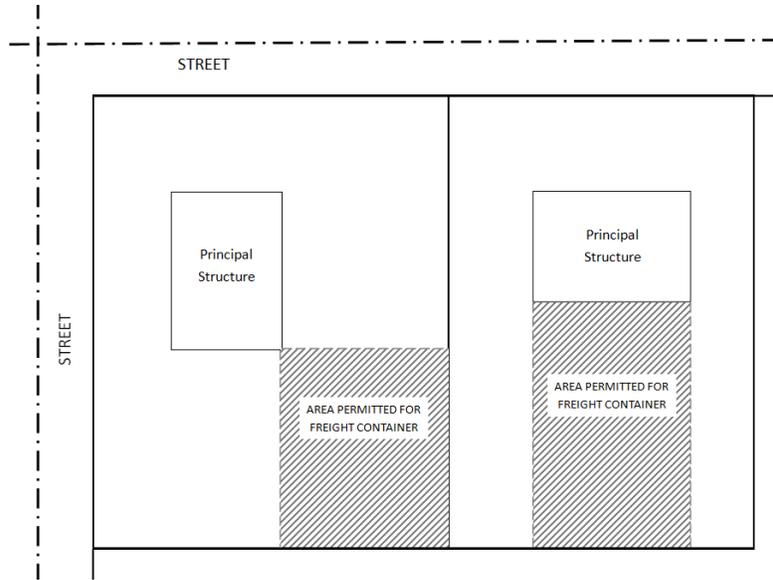
. . .

(c) Unless otherwise specified, all detached accessory structures shall comply with the following:

. . .

- (5) **[Any detached] Detached accessory structures one hundred sixty (160) square feet or more shall be approved by the Planning and Community Development Department prior to installation, and shall comply with the following requirements:**
- a. Structures less than one hundred sixty (160) square feet, and less than eight (8) feet at the highest point shall match the colors of the principal structure;**
 - b. Structures larger than [seventy-five (75)] one hundred sixty (160) square feet, or higher than [seven (7)] eight (8) feet at the highest point shall be architecturally compatible with the principal structure;[.]**
 - c. For the purposes of this Section, compatibility shall mean construction of similar material and details, which shall include similar siding material and color, and similar roofing material, color and pitch; [and shall specifically exclude]**
 - d. [prefabricated] Unless otherwise permitted in Subsection e. below, prefabricated metal structures, permanent shipping containers located in residential zone districts or residential properties, pole barns, or the use of corrugated metal panels as a siding material are strictly prohibited, and the Zoning Board of Appeals shall not have the authority to provide a variance from this Section;[.]**
 - e. Pole barns and prefabricated metal structures located on conforming, agriculturally-zoned properties are permitted upon compliance with the following conditions:**
 - 1. May not be located closer to the front right-of-way than the front of the principal structure,**
 - 2. Shall be similar in color to the principal structure,**
 - 3. If over sixteen (16) feet in height, must be located fifteen (15) from the side and rear property lines; and**
 - 4. Prefabricated metal carports shall only be allowed if the requirements of Section 17-4-23(d)(5) are met.**

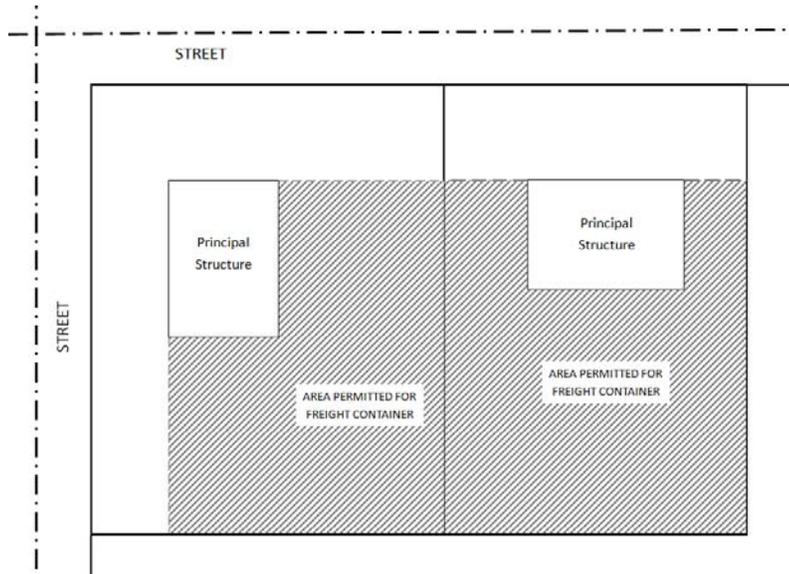
- f. Temporary shipping containers in residential zone districts and residential properties are permitted during construction, for up to six (6) months as long as there is an active building permit for the property. Prior to placement of the temporary shipping container, the applicant must obtain approval from the Planning and Community Development Department. The Planning Department will issue a permit, a minimum size of 11" x 17", which outlines the dates of approval, the date the container must be removed by, and the address of the property the container is permitted to. The sign must be posted on the outside of the container, visible from the street at all times during the permit. The Administrative Official may grant a one (1) time extension for up to an additional six (6) months for just cause. The request for extension must be requested, in writing, 15 days prior to the expiration of the permit. Upon extension approval, a revised sign will be issued which provides new dates of approval.**
- g. Temporary shipping containers are permitted in commercial zone districts, for construction storage only when an active building permit exists for the property. The Zoning Board of Appeals may grant a variance to permit permanent shipping containers in commercial zone districts. The Zoning Board of Appeals shall have the authority to add reasonable conditions of approval related to mitigating the negative impact of the container. These conditions may include but are not limited to painting the container to match the principal structure, prohibit the use of signage on the container, fully screen the container by an opaque fence, clad the container to be architecturally compatible with the principal structure, require the container to be placed so it is not visible from a public or private right-of-way, and/or residential properties.**
- h. Temporary shipping containers are permitted in industrial zone districts for construction storage when an active building permit exists for the property.**
- i. Permanent shipping containers located on high-visibility, industrial-zoned properties are permitted, subject to the following requirements:**
- 1. Be located behind the principal structure and away from public or private rights-of-way;**
 - 2. If on a corner lot, be located in the rear portion of the property; and**



3. If visible from a right-of-way or non-industrial-zoned properties, shall be clad with architecturally compatible materials or fully screened by an opaque fence.

j. Permanent shipping containers located on low-visibility industrial-zoned properties are permitted, subject to the following requirements:

1. Be located no closer to the right-of-way than the front edge of the principal structure;



2. Be painted to match the principal structure;

3. Be screened fully so it is not visible from residential properties.

- 4. The Administrative Official may waive or modify the requirements j. 1. through j.3. above if the conditions required for a variance, according to Section 17-5-34(4), are met.**
- k.** The Zoning Board of Appeals may **only** grant [exceptions to this] **a variance, according to Section 17-5-34 of the Title, to the** architectural compatibility requirement for **the following:**
- 1. Greenhouse** [greenhouse] structures accessory to single family residential uses; **or** [or agricultural]
 - 2. Agricultural** buildings located on conforming agriculturally zoned lots **as long as the building color is similar to the principal structure.** [as a use by review as provided in Section 17-5-33;] **17-5-34;**
- l. The Administrative Official may waive the requirement of architectural compatibility for accent structures, such as pergolas, gazebos, canopies and other freestanding temporary structures which are not used for storage of any kind, so long as the structure is maintained in a manner that does not detract from the aesthetics of the property or neighborhood.**

SECTION 3.

This Ordinance, and the amendments made herein to Title XVII of the Pueblo Municipal Code shall be subject to administration and enforcement in accordance with Chapters 5 and 7 of Title XVII, Pueblo Municipal Code, as amended. Any person who violates any provision of this Ordinance or the amendments made herein to Title XVII of the Pueblo Municipal Code shall be guilty of a municipal offense and subject to punishment and all other remedies as provided in Chapter 7 of Title XVII of the Pueblo Municipal Code, as amended.

SECTION 4.

The officers and staff of the City are authorized and directed perform any and all acts consistent with this Ordinance which are necessary to implement the policies and procedures described herein.

SECTION 5.

This Ordinance shall become effective thirty (30) days following final passage and approval.

INTRODUCED: _____

BY: _____
COUNCIL PERSON

APPROVED: _____
PRESIDENT OF THE CITY COUNCIL

ATTESTED BY: _____
ACTING CITY CLERK

PASSED AND APPROVED: _____