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City of Hogansville



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COUNCIL ACTION FORM

MEETING DATE: December 16, 2019 **SUBMITTED BY:** Lynne Miller

AGENDA TITLE: Zoning Edits – Temporary Buildings, Cargo Containers and Storage Pods

CLASSIFICATION (City Attorney must approve all ordinances, resolutions and contracts as to form)

- | | | | |
|--|-------------------------------------|--|--|
| <input type="checkbox"/> Ordinance (No. ____) | <input type="checkbox"/> Contract | <input type="checkbox"/> Information Only | <input checked="" type="checkbox"/> Public Hearing |
| <input type="checkbox"/> Resolution (No. ____) | <input type="checkbox"/> Ceremonial | <input type="checkbox"/> Discussion/Action | <input type="checkbox"/> Other |

BACKGROUND (Includes description, background, and justification)

On Nov 21, 2019, the Hogansville Planning & Zoning Commission voted to recommend to the City Council that Section 102-229 of the Hogansville Zoning Ordinance be replaced with language that requires permits for all temporary buildings and allows temporary buildings on construction sites only. Temporary buildings may remain for one year and must be removed no later than 30 days after construction of the permanent building.

The Planning and Zoning Commission voted to recommend to the City Council that cargo containers be addressed in the Zoning Ordinance, allowed in industrial zones with no restriction, in commercial zones with screening (and with no more than one container per acre), and not allowed in residential, commercial/residential and rural development districts.

The Planning & Zoning Commission is also recommending that temporary movable storage pods be allowed for 90 days per calendar year, in a front, side or rear yard, but 5 feet from any property line and other structure.

BUDGETING & FINANCIAL IMPACT (Includes project costs and funding sources)

None.

STAFF RECOMMENDATION (Include possible options for consideration)

The attached ordinance is recommended for City Council adoption.

AN ORDINANCE

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF HOGANSVILLE TO AMEND THE CODE OF THE CITY; TO AMEND THE ZONING ORDINANCE OF THE CITY SO AS TO MODIFY THE REGULATIONS AS TO TEMPORARY BUILDINGS; TO REGULATE THE LOCATION, PLACEMENT AND AVAILABILITY OF CARGO CONTAINERS WITHIN CERTAIN ZONING DISTRICTS OF THE CITY; TO DEFINE AND REGULATE THE LOCATION OF STORAGE PODS WITHIN THE CITY; TO MODIFY THE LOCATION AND AVAILABILITY OF ACCESSORY BUILDINGS WITHIN THE R-1 AND R-2 ZONING DISTRICTS OF THE CITY; TO REPEAL CONFLICTING ORDINANCES; TO FIX AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

THE COUNCIL OF THE CITY OF HOGANSVILLE HEREBY ORDAINS:

SECTION 1:

That the Code of Ordinances of the City of Hogansville be amended by deleting therefrom Section 102-229, regarding temporary buildings, inserting in lieu thereof a new Section 102-229, to read as follows:

“Sec. 102-229. – Temporary buildings.

(a) No temporary building may be located on any lot within the city prior to issuance of a permit pursuant to this code section, the cost for which shall be as established from time-to-time by the governing authority.

(b) Temporary buildings shall not be permitted in any district except when they are used in conjunction with construction work and pending completion of a permanent building. Such building shall be used for a period not to exceed one (1) year and shall be removed no later than thirty (30) days after construction of the permanent building is completed. Construction of the permanent building is said to be completed at the issuance of a certificate of occupancy.

(c) For construction projects which are reasonably anticipated to exceed one (1) year in duration, an owner may apply to the mayor and council for a variance from the requirements of this code section.”

SECTION 2:

That Code Section 102-2 of the Zoning Ordinance of the City be amended by inserting therein a new entry for the term “Cargo Container,” in proper alphabetical order, as follows:

“*Cargo container* means a pre-fabricated, reusable box-like shipping receptacle, with or without wheels, having a volume of sixty-four (64) cubic feet or more, designed and constructed to permit lifting with its contents intact, and intended primarily for intermodal transportation; also, a semi-trailer, which shall be defined as any vehicle, with or without motive power and with or without wheels, having a volume of sixty-four (64) cubic feet or

more and designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle.”

SECTION 3:

That the Code of Ordinances of the City of Hogansville be amended by inserting therein a new Section 102-235, regarding Cargo Containers, and to read as follows:

“Sec. 102-235. – Cargo containers.

(a) *Generally.* No cargo container, as such is defined in the zoning ordinance of the city, shall be erected, placed or otherwise located within the city except in conformity with the regulations of this section and any other applicable zoning or other restriction within the Code. Moreover, no cargo container shall be used for human or animal habitation, and are allowed to be used for storage purposes only.

(b) *Zoning districts: cargo containers prohibited.* Within RD (rural development district), R1 (single-family residential district), R2 (single-family patio homes district), R3 (multifamily residential/townhomes district) and CR (commercial-residential district) cargo containers are prohibited.

(c) *Zoning districts: cargo containers allowed; limitations and restrictions.*

(1) Within G-I (general industrial district) cargo containers shall be allowed without restriction.

(2) Cargo containers shall be allowed, subject to restriction, within the GC (general commercial district) zoning district as follows:

a. *Permanent cargo container.* Cargo containers shall be allowed on a permanent basis, with properly issued permit, within the GC zoning district on lots of one (1) acre or more. Such cargo containers shall be permanently and fully screened from view from all adjacent properties, which shall require either fencing material one (1) foot higher than the height of the cargo container, or planted landscape material that within six (6) months of installation is one (1) foot higher than the height of the cargo container. Placement of cargo containers shall comply with all applicable building and setback lines. No more than one (1) permanent cargo container shall be allowed per lot, regardless of lot size. Any applicant requesting to place a permanent cargo container on a lot must apply for a permit under the terms of this ordinance and shall pay to the city a one-time permitting fee of fifty dollars (\$50.00).

b. *Temporary cargo container.* Cargo containers shall be allowed on a temporary basis within the GC zoning district on lots of one (1) acre or more, but not for greater than ninety (90) days per calendar year. No more than one (1) temporary cargo container shall be allowed per acre. The mayor and council may grant a variance from the provisions of this subparagraph. While a permit shall be required for the placement of a temporary cargo container, no screening shall be required.”

SECTION 4:

That the Code of Ordinances of the City of Hogansville be amended by inserting therein a new Section 102-236, regarding Storage Pods, and to read as follows:

“Sec. 102-236. – Movable modular storage units.

Movable modular storage units, also known as storage pods, are permissible temporary structures in all districts provided that such structures are located in compliance with the following standards:

- (1) Such storage units may not exceed 900 cubic feet in volume;
- (2) Duration for location of such storage pod on any lot within the city shall be limited to ninety (90) days per calendar year, except that a change in ownership of the lot at issue shall entitle any new owner to ninety (90) days per calendar year;
- (3) The storage pod may be placed in a front, side or rear yard, but must be placed at least five (5) feet from any property line and other structure;
- (4) No storage pod shall be placed within an easement, storm water area or required buffer; and
- (5) No storage pod shall be located so as to obstruct pedestrian access.”

SECTION 5:

All ordinances or parts of ordinances in conflict with the provisions of this ordinance shall be and the same are hereby repealed.

SECTION 6:

This ordinance, after adoption by the Council and upon approval by the Mayor, shall become effective immediately.

INTRODUCED AND FIRST READING _____

SECOND READING AND ADOPTED/REJECTED _____

SUBMITTED TO MAYOR AND APPROVED/DISAPPROVED _____

BY: _____
Mayor

ATTEST: _____
Clerk