

Ordinance No. 763

AN ORDINANCE ADOPTING THE PLANNING COMMISSION'S RECOMMENDATIONS REVISING THE OGDEN ZONING REGULATIONS BY PROVIDING AMENDED AND UPDATED REGULATIONS FOR THE USE OF SHIPPING CONTAINERS WITHIN THE CITY OF OGDEN.

WHEREAS, the City Planning Commission has recommended that the Governing Body amend the City's Zoning Regulations to provide for updated regulations on use of Shipping Containers within the City of Ogden; and

WHEREAS all newspaper notifications were performed, and a public hearing was properly held before the City Planning Commission as to the requested text amendment; and

WHEREAS, after review of the proposed text amendment, the Planning Commission recommended that the Zoning Regulations be amended as set forth in this ordinance; and

WHEREAS, after careful consideration and discussion concerning the proposed regulations, the City Governing Body voted to adopt the amendments recommended by the Planning Commission.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF OGDEN, KANSAS:

Section 1. AMENDMENT. That Sections 16-701 through 16-706 of the Zoning Regulations of the City of Ogden, Kansas are hereby amended to read as follows:

16-701. Definitions. The following terms used in this Sections shall be defined as follows:

- (a) "Residential District" shall be defined to mean any district zoned R-1, R-2 or R-3.
- (b) "Semi-trailer" shall be defined to mean a detachable trailer designed to be attached to a coupling at the rear of a Truck Tractor.
- (c) "Truck Tractor" shall be defined to mean every motor vehicle designed and used primarily for drawing other vehicles or trailers, and not so constructed as to carry a load other than a part of the weight of the load so drawn.

16-702 No person shall park, store, or deposit a Semi-trailer on any property in a Residential District, except as otherwise permitted in this section.

16-703 A Semi-trailer may be located as a temporary storage structure on property within a Residential District for a period not exceeding 72 hours in duration from the time of delivery until the time of removal. No more than two Semi-trailers may be located on a specific piece of property within the City at one time. Such items may not be used at a property more than two times in a six-month period.

16-704 The placement of a Semi-trailers shall comply with all setback requirements for structures applicable to the property on which they are located.

16-705 Any person utilizing a Semi-trailer on their property shall secure the same in such a manner that it does not endanger the safety of persons or property in the vicinity.

16-706 In the event of fire, natural disaster or other special circumstances, a property owner may petition the City for permission to extend the time that a Semi-trailer may be located as a temporary structure on the property. Application for such extended duration shall be made in writing and filed with the Zoning Administrator and shall give sufficient information to determine whether such extended duration should be granted. The Zoning Administrator shall review the application and determine whether or not to grant such the extension. In the event of an adverse decision by the Zoning Administrator, the applicant may appeal such decision to the Governing Body, by filing a written appeal with the City Clerk within 10 days of the decision of the Zoning Administrator.

Section 2. AMENDMENT. That Sections 16-801 through 16-808 of the Zoning Regulations of the City of Ogden, Kansas are hereby amended to read as follows:

16-801. Definitions. The words and phrases set forth in section 16-701 of the Zoning Regulations of the City of Ogden, KS shall be incorporated for use in this Section and shall have the same meanings and definitions.

16-802. No person shall park, store or deposit a Semi-trailer on any property in a Central Business District, Mixed Use District, General Commercial District, or Light Industrial District, except as otherwise permitted in this section.

16-803. A Semi-trailer may be located as a temporary storage structure on property within a Central Business District or Mixed-Use District for a period not exceeding Thirty (30) days in duration from the time of delivery until the time of removal. No more than two semi-trailers, total, may be located on a specific piece of property within the City at one time. Such items may not be used on a property more than two times in a six-month period.

16-804 A semi-trailer may be located as a temporary storage structure on property within the General Commercial District or Light Industrial District for a period not exceeding Sixty (60) days in duration from the time of delivery until the time of removal. In the event an extension of the Sixty (60) days is granted pursuant to Section 16-807, then the owner shall comply with the following:

- a. Any structure which is visible from the public right-of-way shall be screened with a six-foot tall privacy fence that extends the length of the structure. The fence shall be maintained in a good condition; and,
- b. The structure shall not occupy any required parking spaces.

16-805 Whenever Semi-trailers are used pursuant to this Section, they shall not be located in front of the principal structure, be located any closer than 10 feet to the rear property line, nor be located closer than 10 feet to the side property line.

16-806 Any person utilizing a Semi-trailer on their property shall secure the same in such a manner that it does not endanger the safety of persons or property in the vicinity.

16-807 In the event of fire, natural disaster or other special circumstances, a property owner may petition the City for permission to extend the time that a Semi-trailer may be located

as a temporary structure on the property. Application for such extended duration shall be made in writing and filed with the Zoning Administrator and shall give sufficient information to determine whether such extended duration should be granted. The Zoning Administrator shall review the application and determine whether or not to grant such an extension. In the event of an adverse decision by the Zoning Administrator, the applicant may appeal such decision to the Governing Body, by filing a written appeal with the City Clerk within 10 days of the decision of the Zoning Administrator.

16-808 Whenever a Semi-trailer is parked, stored, or deposited pursuant to this Article, whether temporary or for an extended period, then a \$25.00 fee shall be paid to the City prior to the initial placement of the unit.

Section 3. AMENDMENT. That Section 20-101 of the Zoning Regulations of the City of Ogden, Kansas is hereby amended by adding the following definition:

SHIPPING CONTAINER - A standardized reusable steel intermodal container commonly used for the storage and movement of materials and products in a containerized freight transport system. Other names include container, storage container, freight container, ISO container, cargo container, hi-cube container, Conex box, PODS, and sea can. "intermodal" indicates that the container can be moved from one mode of transport to another. Shipping Containers shall not include rail box cars, truck trailers, Semi-trailers or vehicular transport truck box enclosures which were manufactured as an integral part of a vehicle, or which have or had permanently affixed wheels.

SECTION 4. AMENDMENT. That Section 12-301 of the Zoning Regulations of the City of Ogden, Kansas is hereby amended to read as follows:

12-301 Except where expressly provided otherwise in these regulations, the regulations set forth in this section shall govern the location and size of accessory structures. The use of shipping containers as accessory structures shall be regulated by Section 12-302.

No accessory structure shall be erected in any required front yard. No detached accessory structure shall be erected closer than five feet to any other structure. Accessory structures may be located in the rear yard but shall not be closer than five feet to the rear lot line and shall not be closer to the side lot line than the required side yard setback of the district. No accessory structure shall have a total square footage that exceeds 50% of the square footage of the ground floor of the principal building. No accessory structure with a permanent foundation shall be located within the setbacks set forth in these regulations.

Section 5. AMENDMENT. That the Zoning Regulations of the City of Ogden, Kansas are hereby amended by adding a new section, Section 12-302, which shall read as follows:

12-302. Accessory Structures - Shipping Containers

Shipping Containers are allowed for use as accessory structures in all districts except the C-1 and MU districts, subject to the following restrictions:

1. A building permit shall be obtained from the City prior to the placement of any shipping container. All shipping containers shall be inspected by the City prior to placement within the City.
2. Shipping Containers are prohibited on residential parcels with less than 7,200 sq. ft.
3. Shipping Containers shall be included as coverage when calculating yard standards. Setbacks and coverages for the zoning district apply.
4. Shipping Containers must be at least 5 ft. from any other structure and 5 ft. from any property line.
5. Shipping Containers may only be placed in rear or side yards.
6. The maximum size of all shipping containers on any zoning lot at any one time shall be 2,720 cubic feet. (this allows for two containers measuring 20'x8'x8.5').
7. Maximum height is 8.5 feet
8. No Shipping Container may be placed on a zoning lot which does not contain a principal structure, unless such zoning lot is adjacent, contiguous, and under the same ownership as a zoning lot with a principal structure. If ownership is severed shipping containers shall be removed within 15 days.
9. All signage on the shipping container shall be removed and the shipping container shall be maintained in good condition and painted a color complementary to the primary structure.
10. Shipping containers shall not be stacked on top of each other and shall be safe, structurally sound, stable, in good repair, and in compliance with all other City requirements, including building codes.
11. Adequate means for fire and emergency vehicle access to shipping containers shall be provided.
12. Shipping containers shall not be stored in a manner that impedes access to public rights-of-way, public utility or drainage easements, adjacent structures, and buildings.
13. Materials Stored: Materials stored inside the Shipping Container shall be normal personal household items. No commercial or business products, equipment or materials shall be stored in a Shipping Container for the purpose of operating a business from the shipping container. No hazardous materials shall be stored in a Shipping Container.
14. All Shipping Containers shall be placed on a solid surface, which will prevent the Shipping Container from sinking below the surface of the surrounding site. Such

surface must be a solid surface capable of preventing the growth of grass or weeds and capable of sustaining vehicle and foot traffic loads without the formation of muddy or soft conditions. These surfaces may include concrete, asphalt, gravel, paving stones, or other similar durable, non-biodegradable materials.

15. Shipping containers shall not be inhabited by persons or animals.

Section 6. AMENDMENT. That the Zoning Regulations of the City of Ogden, Kansas are hereby amended by adding a new section, Section 12-404, which shall read as follows:

12-404. Temporary Use: Shipping containers are allowed in all zoning districts as temporary uses for purposes of relocation of home or business, remodeling, or temporary storage of goods, equipment, or personal possessions, subject to the following restrictions:

1. A building permit shall be obtained from the City prior to the placement of any shipping container. All shipping containers shall be inspected by the City prior to placement within the City.
2. The maximum size of all shipping containers on any zoning lot at any one time shall be 2,720 cubic feet. (this allows for two containers measuring 20'x8'x8.5').
3. The maximum number of containers on any zoned lot at any one time shall be two.
4. Shipping containers are allowed for a maximum period of 30 days. Time extensions of up to an additional 60 days may be approved by the Code Enforcement Official. Temporary placement shall not exceed 90 days in total.
5. All Shipping Containers shall be placed on a solid surface, which will prevent the Shipping Container from sinking below the surface of the surrounding site. Such surface must be a solid surface capable of preventing the growth of grass or weeds and capable of sustaining vehicle and foot traffic loads without the formation of muddy or soft conditions. These surfaces may include concrete, asphalt, gravel, paving stones, or other similar durable, non-biodegradable materials.
6. Shipping containers shall not be stacked on top of each other and shall be safe, structurally sound, stable, in good repair, and in compliance with all other City requirements, including building codes.
7. Adequate means for fire and emergency vehicle access to shipping containers shall be provided.
8. Shipping containers shall not be stored in a manner that impedes access to public rights-of-way, public utility or drainage easements, adjacent structures, and buildings. No shipping container shall be placed in a manner that blocks visibility for motorists, or otherwise presents a safety hazard, in the judgment of the Code Enforcement Official.

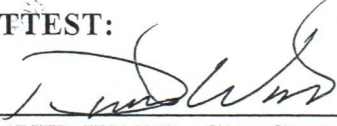
Section 7. Effective Date. This ordinance shall take effect and be in force from and after its publication in the official city newspaper.

PASSED AND ADOPTED THIS 17th DAY OF APRIL 2024, BY THE GOVERNING BODY OF THE CITY OF OGDEN, KANSAS.





ROBERT PENCE
Mayor

ATTEST:


DAVID WARD, City Clerk