

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE TO AMEND VARIOUS SECTIONS OF THE CITY CODE CHAPTER 30, TO MODIFY STANDARDS FOR TEMPORARY STORAGE CONTAINERS (Section 6 of draft ordinance hearing 5/22/2017)

WHEREAS, the City of Fayetteville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statutes, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, a comprehensive amendment to the City's zoning regulations was adopted on December 13, 2010, and is codified in Chapter 30 of the Fayetteville City Code (herein "Unified Development Ordinance"), and maps dividing and classifying the property within the City's zoning jurisdiction were adopted on July 25, 2011, and are on file and maintained in the offices of the Fayetteville Development Services Department (herein "Official Zoning Maps"); and

WHEREAS, the Fayetteville City Council held a public hearing on May 22, 2017, to consider amending certain provisions of the Unified Development Ordinance in Chapter 30-3.H Overlay Zoning Districts; and

WHEREAS, following the public hearing, the Fayetteville City Council determined that the proposed amendment is in the interest of the public health, safety and welfare; it is supported by adopted plans; and it is consistent with state law;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE THAT:

Be it ordained by the City Council of the City of Fayetteville, North Carolina, that the Unified Development Ordinance adopted December 13, 2010 as Chapter 30 of the Code of Ordinances of the City of Fayetteville and as subsequently amended, be amended as follows:

Section 1. Delete Section 30-4.E.6(d) Temporary Storage in a Portable Shipping Container in its entirety and replace with the following standards, to distinguish from temporary storage during construction projects, distinguish the DT and MU from other nonresidential districts, and to add standards for nonresidential districts and nonresidential and institutional uses in residential districts.

30-4.E.6. (d) Temporary Storage in a Portable Shipping Container

Except for containers actively being used for construction purposes associated with a building permit (See Section 30-4.E.6(c) Construction-Related Activities), temporary storage in a portable shipping container shall be permitted subject to the following.

Nothing in these standards shall limit the placement of more than one container on a lot or site, provided compliance with all other applicable standards is maintained.

(1) In residential (SF-15, SF-10, SF-6, MR-5) and the downtown (DT) and mixed use (MU) districts:

a. Size

Storage containers shall not exceed 160 square feet in size or be taller than eight feet.

b. Location

Containers shall be located within a driveway, parking, or loading area. In cases where the driveway, parking, or loading area extends behind the front or corner side façade of a building, the container shall be placed behind the front or corner side façade. In cases where improved driveways, parking, or loading areas are not present, containers shall be located so as to minimize their visibility from streets or adjacent residential areas.

c. Duration

Containers shall not be located on an individual parcel or site for more than 30 consecutive days per site per occurrence. This time period may be extended for a maximum period of 30 days by the City Manager for good cause shown. Storage containers may be placed on a residential site a maximum of two occurrences per year.

(2) Other nonresidential districts and institutional and legal nonconforming uses in residential districts:

a. Size

Temporary storage containers are not limited in size.

b. Location

Containers shall not be located on any required parking or loading spaces except as may be allowed in conjunction with a building permit (See Section 30-4.E.6(c) Construction-Related Activities), nor shall they restrict site access for the visiting public or for emergency vehicles.

Containers shall be located behind the front and corner front façade(s) of the principal structure(s) on the site and, if visible from an adjoining street or by the public visiting the site, shall be screened with opaque fencing.

c. Duration

Containers shall not be located on an individual parcel or site for more than six months within a 48 month period. No extension is permitted. One replacement within the 48 months may be permitted by the City Manager for good cause shown, for a maximum period of 30 days, provided all other standards are met.

(3) Regular use of shipping containers in nonresidential districts for “just-in-time” inventory processes:

Storage containers that are part of a “just in time” process integral to the year-round operation of the business (shipping containers that are delivered, emptied, and removed frequently) are not treated as temporary storage containers. Such activity is deemed permanent outdoor storage activity and must meet those

standards, including transitional standards where applicable, unless placed within a permanent principal structure.

Explanation: In recent years Code Enforcement has noticed problems with temporary storage in commercial districts and for nonresidential uses in residential districts (churches, for instance). The proposed amendment is intended to distinguish between residential and business districts and to relate the standards to the need and character of those different areas. The standards for residential, downtown and mixed use districts remain essentially the same. The new section for non-residential districts provides some opportunity for using the larger shipping containers but addresses their impact on community appearance and value of surrounding investments. The new standards also recognize that portable shipping containers, large or small, do not meet building code and cannot be converted to or treated as an accessory building.

Section 2. The City Clerk is hereby authorized to revise formatting, correct typographic errors, to verify and correct cross references, indexes and diagrams as necessary to codify, publish and/or accomplish the provisions of this ordinance or future amendments as long as doing so does not alter the material terms of this Development Ordinance.

Section 3. It is the intention of the City Council, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code of Ordinances, City of Fayetteville, North Carolina, and the sections of this ordinance may be renumbered to accomplish such intention.

Adopted this the 26 day of June, 2017.

City of Fayetteville, NC

Nat Robertson, Mayor

ATTEST:

Pamela J. Megill, City Clerk