

ORDINANCE NO. 2021-03

AN ORDINANCE OF THE VILLAGE OF MALCOLM, LANCASTER COUNTY, NEBRASKA, TO DEFINE AND REGULATE THE USE OF SHIPPING CONTAINERS WITHIN THE ZONING JURISDICTION OF THE VILLAGE OF MALCOLM; TO REPEAL ANY CONFLICTING ORDINANCES; AND TO PROVIDE FOR PUBLICATION AND AN EFFECTIVE DATE

BE IT ORDAINED BY THE CHAIRMAN AND BOARD OF TRUSTEES OF THE VILLAGE OF MALCOLM, NEBRASKA:

Section 1. A new "Article 10 Shipping Containers" shall be added to Chapter 12 Zoning Regulations in the Malcolm Village Code as follows:

12-1001 Definition. A "shipping container" is a six-sided steel unit originally constructed as a general cargo container used for the transport of goods and materials and includes Portable on Demand Storage (PODs). The maximum dimensions are twenty feet (20') in length by eight feet (8') in width by eight feet (8') in height. Shipping containers do not include similar structures such as railroad cars, recreational vehicles, bus bodies, semi-trailers, and similar prefabricated items.

12-1002 Permit Required. It shall be unlawful to place, use, allow, or maintain a shipping container on any property within the jurisdiction of the Village of Malcolm without a permit approved by the Village Board of Trustees. Applications for permits shall be available at the Village Office. Completed applications and the application fee shall be submitted to the Village Clerk. The Village Board of Trustees may require supplementary information, such as a site plan or inspection, prior to the approval of any permit.

12-1003 Residential, Commercial, and Mixed Use Districts. Shipping containers are not authorized for permanent use on any property within a Residential (R-1 or R-2), Commercial, or Mixed Use Zoning District. Temporary uses are limited to the following:

- (a) One (1) temporary Portable on Demand Storage (PODS) container for a period not to exceed six (6) months for the limited purpose of temporarily loading and unloading household contents and related items. The size of the approved POD shall not exceed the available hard surface area on which it will be placed, such as a driveway or parking pad, and it shall not encroach upon sidewalks or be placed upon a public street.
- (b) A licensed contractor may use a shipping container for the temporary location of an office or for the storage of equipment and/or materials during construction which is taking place on the property where the shipping container is located, provided the construction is authorized pursuant to a building permit. Such temporary shipping containers must be removed within two weeks of completion of construction.

12-1004 Industrial and Agricultural Districts. Up to two (2) shipping containers may be authorized for temporary or permanent use on any property within an Industrial or Agricultural Zoning District. A special use permit, approved by the Village Board of Trustees following a public hearing, shall be required for temporary or permanent use of more than two (2) shipping containers on any property within an Industrial or Agricultural Zoning District. The application for a special use permit shall include a site plan showing lot lines and setbacks and a description of the purpose for the proposed use.

12-1005 Regulations. Unless specifically waived by permit, the following regulations shall apply to all shipping containers placed, used, allowed, or maintained within the zoning jurisdiction of the Village of Malcolm:

- (a) Shipping containers must be securely anchored to the ground.
- (b) Shipping containers shall be placed on a hard surface, such as concrete, asphalt, or gravel pad, and shall not exceed the size of the hard surface area.
- (c) Shipping containers are not allowed within the floodway or floodplain.
- (d) Shipping containers shall comply with all applicable setbacks for permanent structures and shall not be placed in a manner that impedes access to public rights-of-way, public utility or drainage easements, or adjacent structures and buildings.
- (e) Shipping containers shall not be used for human habitation.
- (f) Shipping containers shall not be used to store hazardous materials in violation of any local, state, or federal law.
- (g) No signage shall be allowed on any permanent shipping container, and all permanent shipping containers shall be painted a non-reflective neutral color that is compatible with the primary structure or to blend in with the surrounding environment.
- (h) Shipping containers shall not be stacked on top of each other or on another structure.
- (i) All shipping containers shall be structurally sound, operated in a safe manner, and maintained in good repair. No shipping container may contain any holes, peeling paint, rust, damage, or structural modifications.
- (j) Shipping containers used for long-term storage shall not be visible from the portion of any public or private street that abuts the property. Acceptable screening features for a shipping container include landscaping, fencing, terrain, existing structure, or a combination of these features.
- (k) Shipping containers used for temporary storage must be placed to the rear of the property where possible.

12-1006. Nuisance. Any shipping container placed, used, allowed, or maintained in violation of any provision of this Article is hereby declared a nuisance and shall be subject to abatement and assessment under the procedures set forth in Sections 4-104 and 4-105 of the Malcolm Village Code.

Section 2. Any conflicting provisions in the Malcolm Village Code or other ordinances are hereby repealed. All other provisions in Village Code Chapter 12 shall remain in full force and effect except as revised herein.

Section 3. This ordinance shall be published in book or pamphlet form and posted in three (3) public locations in the Village of Malcolm. This Ordinance shall take effect and be in full force from and after its passage, approval, and publication as provided by law.

SUSPEND
READINGS
(3/4 VOTE)

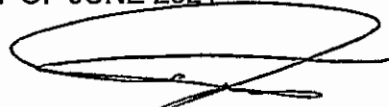
June 2nd 2021

FIRST READING _____

SECOND READING _____

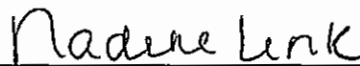
THIRD READING _____

PASSED AND APPROVED THIS 2nd DAY OF JUNE 2021



Jerad Little, Chairperson, Board of Trustees

ATTESTED AND PUBLISHED IN BOOK OR PAMPHLET FORM AND BY POSTING IN THE VILLAGE HALL, POST OFFICE, AND FIRE STATION PER § 1-405 AND § 1-410 OF THE MALCOLM MUNICIPAL CODE WITHIN FIFTEEN (15) DAYS OF PASSAGE ON THE 2nd DAY OF JUNE 2021.



Nadine Link, Village Clerk

