



CITY OF MARSHALL AGENDA ITEM REPORT

Meeting Date:	Tuesday, May 11, 2021
Category:	NEW BUSINESS
Type:	INFO/ACTION
Subject:	Adoption of Ordinance amendments related to placement shipping containers within the City and other minor miscellaneous Ordinance revisions.
Background Information:	<p>Last month, the City received an application for a variance to install a shipping container for the use as a permanent storage. The Ordinance prohibits using shipping containers as accessory buildings (Sec. 86-163 (10) or permanent storages (Sec. 86-248 (f) in Business and Residential zoning districts but permits them in Industrial Districts. The State Statutes and the City Ordinance require the presence of Statute defined “practical difficulties” for the variance to be granted. These practical difficulties were absent in this case and the Council denied the request.</p> <p>Provisions prohibiting shipping containers was added to the City Ordinance in 2013 as a part of multiple revisions to the Performance Standards. This provision was triggered in part at that time by a bright green shipping container installed at Sara Circle next to the house and ensuing complaint. It was determined that shipping containers do not meet building codes and do not fit into the typical city environment, which may lead to a reduction in surrounding properties’ values. Provisions prohibiting shipping containers were not controversial at that time and it was hardly discussed at the meetings, even though the changes went through the Planning Commission, Legislative and Ordinance Committee, and the City Council, some of them several times.</p> <p>In light of the latest request for a variance to install a shipping container as a permanent storage, the Council requested City staff do some research. It was brought up that there are many shipping containers placed around the City for storage use with no granted variances or even variance requests. After thorough review, staff have determined that the majority of the containers are located at Wal-Mart and at Action Sports site at Canoga Park Drive. Based on conversations with the Wal-Mart manager, most of their containers are temporary storage used during their recent construction project and will be removed shortly; this use is permitted by the Ordinance. We received complaints about the containers on Canoga Park Drive in the summer of 2020 and the owner is planning to remove them shortly. This leaves just a few containers scatters around town that are installed in violation of the current Ordinance.</p> <p>In researching other cities, it was determined that most do not have any regulations of shipping containers, which doesn’t mean they do not contemplate having some. Those which do have regulations, prohibit them in all residential areas but allow in some shape or form in commercial areas, mostly by a conditional use permit.</p> <p>At the Legislation and Ordinance Committee meeting on March 1, 2021, staff presented some information from its research, such as the history and extent of the problem, approach that is used in other cities, and possible solutions, which were discussed at length. The Committee made some recommendations and asked staff to revise relevant Ordinances sections. The proposed changes as presented will allow installing a single shipping container in a B-3 General Business District with a conditional use permit. Such containers will still be prohibited in residential districts and other business districts but will remain permitted in industrial districts. Proposed standard conditions limit placement location within a site, specify screening requirements, and regulate exterior look of the containers; additional conditions may always be added as well. Adopting this Ordinance change will still leave some existing containers in the city not in compliance.</p> <p>The Ordinance Amendments related to placement shipping containers within the City and other minor miscellaneous Ordinance revisions was introduced at the April 13, 2021, City Council meeting and the public hearing was conducted at the April 27, 2021, Council meeting.</p>

	<p>At the last Council meeting, a discussion about proposed conditions for containers took place. A motion was made to revise a requirement from a Conditional Use Permit to an Interim Use Permit expiring at the sales of the property, and to make screening not-mandatory, along with a couple other changes. Staff have reviewed the language and revised the Ordinance accordingly. However, considering that revision seems significant, staff believes that the changed ordinance requires another Council review and vote.</p> <p>In addition to two sections revised in conjunction with the shipping containers, staff is presenting minor changes to three other Ordinance sections, which were made in staff's continued efforts to improve the City Ordinance by making it more straightforward and less subject to interpretation and reducing the number of situations which require variances wherever possible.</p> <p>At its meeting on March 18, 2021, Legislative and Ordinance Committee voted to recommend an approval of proposed ordinance amendments to the city council as recommend by staff.</p> <p>At the March 24, 2021, special Planning Commission meeting, Muchlinski made a motion, seconded by Lee to recommend an approval of proposed ordinance amendments to the City Council as recommend by staff. All voted in favor of the motion.</p>
Fiscal Impact:	None.
Alternative/ Variations:	None.
Recommendations:	that the Council adopt Ordinance No. XXX, Second Series, Amending Section 86-248 Outside storage to allow shipping containers' use as a storage as a conditional use permit in a B-3 General Business District and also multiple minor revisions to Sections 86-161 Height modifications, 86-162 Yard modifications, 86-163 Accessory buildings, and 86-164 Accessory equipment.