



**AGENDA**  
**PLANNING COMMISSION**  
**COUNCIL BLUFFS PUBLIC LIBRARY, MEETING ROOM A**  
**400 WILLOW AVENUE, COUNCIL BLUFFS, IA**  
**Tuesday, November 12, 2019 - 6:00 PM**

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. ADOPTION OF AGENDA**
- 4. APPROVAL OF MINUTES**
- 5. PROOF OF PUBLICATION**
- 6. REVIEW OF MEETING PROCEDURES**
- 7. PUBLIC HEARINGS**

**A. Case #ZT-19-004**

Public hearing on the request of the Community Development Department to amend multiple sections of Title 15: Zoning of the Municipal Code by repealing Section 15.02.110(E)(6), Temporary Storage Containers and Section 15.02.110(E)(7), Temporary Storage Trailers and replacing them with Section 15.02.110(E)(6) 'Portable Storage Units'; and enacting Section 15.03.571 'Portable Storage Unit' definition, and Section 15.24.110 'Portable Storage Units in Industrial Districts'.

- 8. OTHER BUSINESS**
- 9. ADJOURNMENT**

If you plan to attend this meeting and require special assistance please contact the Community Development Department at (712) 328-4629 at least 48 hours before the meeting.

## Planning Commission Communication

Department: Community

Development

Case/Project No.: ZT-19-004

Case #ZT-19-004

Council Action: 11/12/2019

Submitted by: Haley Weber, Zoning

Enforcement Officer

### Description

Public hearing on the request of the Community Development Department to amend multiple sections of Title 15: Zoning of the Municipal Code by repealing Section 15.02.110(E)(6), Temporary Storage Containers and Section 15.02.110(E)(7), Temporary Storage Trailers and replacing them with Section 15.02.110(E)(6) 'Portable Storage Units'; and enacting Section 15.03.571 'Portable Storage Unit' definition, and Section 15.24.110 'Portable Storage Units in Industrial Districts'.

### Background/Discussion

See attachments.

### Recommendation

### ATTACHMENTS:

Description	Type	Upload Date
ZT-19-004 Staff Report & Attachments	Other	11/6/2019

## City Planning Commission Communication

Department: Community Development  Case #ZT-19-004  Applicant: City of Council Bluffs	Ordinance No. _____	Planning Commission: 11/12/2019
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### Subject/Title

CASE #ZT-19-004: Public hearing on the request of the Community Development Department to amend Title 15: Zoning of the Municipal Code (Zoning Ordinance) by:

- Repealing Section 15.02.110(E)(6), *Temporary Storage Containers*, and Section 15.02.110(E)(7), *Temporary Storage Trailers*, and replacing it with Section 15.02.110(6), *Portable Storage Units*; and
- Adding Section 15.03.571, *Portable Storage Unit*; and
- Adding Section 15.24.110, *Portable Storage Units in Industrial Districts*

### Background

The City of Council Bluffs Municipal Code (Zoning Ordinance) lacks a clear set of standards for defining and regulating temporary storage containers and trailers. Currently, "*Temporary Storage Trailers*" and "*Temporary Storage Containers*" are listed as two separate permitted temporary uses in Section 15.02.110, *Temporary use permit*, yet neither of these uses are defined within the City's Zoning Ordinance. Additionally, Section 15.02.110(E)(7), *Temporary Storage Trailers*, lacks a set duration for which temporary storage trailers are allowed on a premises. This discrepancy between the two (2) terms and lack of a definition creates a challenge from an enforcement standpoint. The proposed text amendment creates a unified definition for containers and provides clear guidelines for regulating these containers by zoning district.

In the process of drafting the proposed portable storage units section, the Community Development Department conducted research on container regulations in a number cities in Iowa and the Omaha-Council Bluffs metropolitan area including: Cedar Rapids, Davenport, Sioux City, Waterloo, Iowa City, Dubuque, Omaha, Bellevue and La Vista. It was found that regulation of containers was not consistent amongst the cities researched. The following categories were among the most commonly regulated aspects of containers: setbacks; screening; paved surface; and distinguishing whether or not portable storage units were a temporary or permanent use. Upon presentation of this research to the Council Bluffs City Council, Council expressed their support and provided guidance on content to be included in the proposed text amendment. Among their comments, Council was clear that the text amendment should not penalize portable storage units accessory to a construction or remodeling project as containers are central to these operations.

The regular usage and turnover of containers are integral to the operations of large retail stores. In an effort to not unfairly penalize large retailers, staff reached out to five (5) retailers within the city with a retail floor area of 10,000 square feet or more to obtain greater information on how portable storage units were utilized on their property. Responses were collected from four (4) of the five (5) retailers contacted. None of the four (4) retailers have trailers that stay on site for more than ten (10) days at a time, with most trailers getting replaced daily. The proposed amendment would not require a permit for these containers.

The Community Development Department is proposing the following:

- Adoption of a new term, “Portable Storage Units,” and subsequent definition, that provides a clear description of all types of portable storage units that the City regulates from a temporary use standpoint; and
- Replacement of the existing sections 15.02.110(E)(6), *Temporary Storage Containers*, and 15.02.110(E)(7), *Temporary Storage Trailers*, with the new Section 15.02.110(E)(6), *Portable Storage Units*, that clearly lays out the regulations for portable storage units by zoning district

In summary, the proposed amendment includes the following:

#### Section 15.03.571, Portable Storage Unit

The proposed Section 15.03.571, *Portable Storage Unit*, included as Attachment ‘A,’ establishes a definition for a ‘portable storage unit’ within the City’s zoning ordinance. This definition provides a clear description of the portable storage containers that are intended to be regulated by the temporary use section of the Zoning Ordinance. This section also states that portable storage units are not allowed to be used as permanent storage, nor to create a habitable building or structure. This definition is included below:

“Portable Storage Unit” means a container that may be used to transport goods, but may then also be stationary on a single site for any period of time before or after transport. Portable storage units are not allowed to be used to create a habitable building or structure unless an engineering analysis has been completed and the structure complies with all applicable building and fire codes and is issued a building permit. Portable storage units shall not be used for permanent storage. They shall not serve as a substitute for permanent storage needs on the site on which they are located. Portable storage units shall not be permanently attached to the ground or serviced with permanent utilities. The term includes, but is not limited to a:

1. Truck container, with or without chassis attached to it;
2. Portable moving container; or
3. Shipping container

#### Section 15.02.110(E)(6), Portable Storage Units

The proposed Section 15.02.110(E)(6), *Portable Storage Units*, included as Attachment ‘B,’ will replace Sections 15.02.110(E)(6), *Temporary Storage Containers*, and 15.02.110(E)(7), *Temporary Storage Trailers*. This proposed section lists the requirements for portable storage units by zoning district, as discussed below:

#### Portable Storage Unit Requirements by Zoning District

*\* Portable Storage Units accessory to a construction or remodeling project are permitted in any zoning district. Portable storage units are permitted on site for a period not to exceed the duration of the construction or remodeling project and must be removed within one (1) month of receiving approval of final inspections or issuance of a certificate of occupancy. Portable storage units are not required to be located on a hard surface when accessory to a construction or remodeling project.*

Zoning District Type	Duration*	Location	Number of Portable Storage Units
Residential	Two (2) weeks or less: No permit required	Permitted in the front yard setback, provided space is not available in the side or rear yards  Shall not encroach into right-of-way or neighboring properties	One (1) portable storage unit allowed on a premises at any given time
	Greater than two (2) weeks: Permit required; use of portable storage units shall not exceed thirty (30) cumulative days in a calendar year; extensions of time above and beyond thirty (30) days shall		



	require the approval of the City Council		
Commercial	Two (2) weeks or less: No permit required	<ul style="list-style-type: none"><li>• Shall be located behind the front wall of the primary structure to the extent feasible</li></ul>	<ul style="list-style-type: none"><li>• No limit, provided that all required parking spaces, vehicle circulation, drive aisles and vehicle entry paths are not obstructed</li><li>• Portable storage units shall not be stacked</li></ul>
	Greater than two (2) weeks: Permit required; use of portable storage units shall not exceed ninety (90) cumulative days in a calendar year; extensions of time above and beyond ninety (90) days shall require the approval of the City Council	<ul style="list-style-type: none"><li>• Shall be located on hard surface pavement that meets the requirements listed in Section 15.23, <i>Off-Street Parking, Loading and Unloading</i></li></ul>	
	Warehousing and distribution land uses are exempt from the above standards	<ul style="list-style-type: none"><li>• Shall not be located in any drive aisles, required parking spaces, and/or landscaped areas</li></ul>	
Industrial	Portable storage units are considered permanent uses in Industrial Districts and shall conform to the standards listed in Section 15.24.110, <i>Portable Storage Units in Industrial Districts</i> .		

#### Section 15.24.110, *Portable Storage Units in Industrial Districts*

Portable storage units are considered permanent uses in Industrial Districts and are regulated under proposed Section 15.24.110, *Portable Storage Units in Industrial Districts*. The proposed Section 15.24.110 is included as Attachment 'C' and regulates the following aspects of portable storage units:

- Screening;
- Setbacks;
- Location of storage units on a premises; and
- Stacking of storage units.

#### **Comments**

All City departments received a copy of the proposed text amendments. The following comments were received regarding the proposed Sections: 15.02.110(E)(6), *Portable Storage Units*, 15.03.571, *Portable Storage Unit*, and 15.24.110, *Portable Storage Units in Industrial Districts*:

- The Council Bluffs Public Works Department stated that they have no comments.
- The Council Bluffs Fire Department stated that they have no comments.
- The Council Bluffs Permits and Inspections Division stated that if portable storage units remain on a site for storage needs that exceed 180 days then they become a building that is regulated by building code. It may be necessary to amend the building code to exempt these specific structures from regulatory enforcement with respect to the definition of a building.

#### **Recommendation**

The Community Development Department recommends approval to amend the following sections of Title 15: Zoning of the Council Bluffs Municipal Code (Zoning Ordinance):

- Repealing Section 15.02.110(E)(6), *Temporary Storage Containers* and Section 15.02.110(E)(7), *Temporary Storage Trailers* and replacing it with Section 15.02.110(E)(6), *Portable Storage Units*; and

- Adding Section 15.03.571, *Portable Storage Unit*
- Adding Section 15.24.110, *Portable Storage Units in Industrial Districts*

**Attachment(s)**

- **Attachment A:** Proposed text amendment §15.03.571, *Portable Storage Unit*, of the Zoning Definitions chapter of the City of Council Bluffs Municipal Code (Zoning Ordinance)
- **Attachment B:** Proposed text amendment §15.02.110(E)(6), *Portable Storage Units*, of the Administration and Enforcement chapter of the City of Council Bluffs Municipal Code (Zoning Ordinance)
- **Attachment C:** Proposed text amendment §15.24.110 *Portable Storage Units in Industrial Districts*, of the Supplemental Use and Site Development Regulations chapter of the City of Council Bluffs Municipal Code (Zoning Ordinance)

Prepared by: Haley Weber, Zoning Enforcement Officer

**Section 15.03.571 – Portable Storage Unit.**

“Portable Storage Unit” means a container that may be used to transport goods, but may then also be stationary on a single site for any period of time before or after transport. Portable storage units are not allowed to be used to create a habitable building or structure unless an engineering analysis has been completed and the structure complies with all applicable building and fire codes and is issued a building permit. Portable storage units shall not be used for permanent storage. They shall not serve as a substitute for permanent storage needs on the site on which they are located. Portable storage units shall not be permanently attached to the ground or serviced with permanent utilities. The term includes, but is not limited to a:

1. Truck container, with or without chassis attached to it;
2. Portable moving container; or
3. Shipping container



## 6. Portable Storage Units.

## Portable Storage Unit Requirements by Zoning District

*\* Portable Storage Units accessory to a construction or remodeling project are permitted in any zoning district. Portable storage units are permitted on site for a period not to exceed the duration of the construction or remodeling project and must be removed within one (1) month of receiving approval of final inspections or issuance of a certificate of occupancy. Portable storage units are not required to be located on a hard surface when accessory to a construction or remodeling project.*

Zoning District Type	Duration*	Location	Number of Portable Storage Units
Residential	Two (2) weeks or less: No permit required	Permitted in the front yard setback, provided space is not available in the side or rear yards  Shall not encroach into right-of-way or neighboring properties	One (1) portable storage unit allowed on a premises at any given time
	Greater than two (2) weeks: Permit required; use of portable storage units shall not exceed thirty (30) cumulative days in a calendar year; extensions of time above and beyond thirty (30) days shall require the approval of the City Council		
Commercial	Two (2) weeks or less: No permit required	<ul style="list-style-type: none"><li>• Shall be located behind the front wall of the primary structure to the extent feasible</li><li>• Shall be located on hard surface pavement that meets the requirements listed in Section 15.23, <i>Off-Street Parking, Loading and Unloading</i></li><li>• Shall not be located in any drive aisles, required parking spaces, and/or landscaped areas</li></ul>	<ul style="list-style-type: none"><li>• No limit, provided that all required parking spaces, vehicle circulation, drive aisles and vehicle entry paths are not obstructed</li><li>• Portable storage units shall not be stacked</li></ul>
	Greater than two (2) weeks: Permit required; use of portable storage units shall not exceed ninety (90) cumulative days in a calendar year; extensions of time above and beyond ninety (90) days shall require the approval of the City Council		
	Warehousing and distribution land uses are exempt from the above standards		
Industrial	Portable storage units are considered permanent uses in Industrial Districts and shall conform to the standards listed in Section 15.24.110, <i>Portable Storage Units in Industrial Districts</i> .		
Agricultural/ Open Space	No temporary use permit shall be required for portable storage units in an Agricultural/Open Space District, except when used in association with a non-agricultural land use. In such instances, all portable storage units associated with a non-agricultural land use shall comply with the applicable residential or commercial district requirements, as specified above.		

## 6. Temporary Storage Containers.

- a. ~~Temporary storage containers accessory to a construction or remodeling project are permitted in any zoning district. Containers are permitted on site for a period not to exceed the duration of the construction or remodeling project and must be removed within one month of receiving approval of final inspections or issuance of a certificate of occupancy.~~
- b. ~~Temporary storage containers are permitted in any zoning district when used for loading or unloading. Temporary storage containers are permitted on site for this purpose for a period not to exceed seventy-~~



two (72) hours. Such temporary storage containers present for loading or unloading do not require a temporary use permit.

- c. ~~Temporary storage containers shall not be used for permanent storage. They shall not serve as a substitute for permanent storage needs on the site on which they are located. Temporary storage containers shall not be permanently attached to the ground, serviced with permanent utilities or stacked on the site.~~

7. ~~Temporary Storage Trailers.~~

- a. ~~Temporary storage trailers (i.e., rail shipping containers) shall not be used for permanent storage. They shall not serve as a substitute for permanent storage needs on the site on which they are located. All temporary storage trailers require a temporary use permit and, as part of temporary use approval, a time limit shall be determined by the zoning administrator.~~
- b. ~~Temporary storage trailers shall not be permanently attached to the ground, serviced with permanent utilities or stacked on the site.~~
- c. ~~Temporary storage trailers are permitted in non-residential districts only, and must be located within the rear yard and screened from the public right-of-way.~~

**15.24.110 – Portable Storage Units in Industrial Districts.**

Portable storage units are considered a permanent use in industrial districts and shall conform to the following requirements:

1. Areas utilized for portable storage units that are within fifty (50) feet of an adjacent residential or commercial district shall be screened in accordance with the standards outlined in Section 15.24.040 *Fence regulations*.
2. All portable storage units on a premises shall meet the minimum required setbacks for the zoning district in which it is located.
3. Portable storage units shall not be located in any drive aisles, required parking spaces and/or landscaped areas.
4. Portable storage units shall not be stacked, unless they are on property that is being used as a warehousing and distribution, rail yard and intermodal facilities, or truck terminal land use.