

ORDINANCE NO. 261

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF HUGO, LINCOLN COUNTY, COLORADO, TO AMEND THE HUGO LAND DEVELOPMENT CODE CONCERNING THE REGULATION OF THE USE OF SHIPPING CONTAINERS WITHIN THE TOWN OF HUGO

Whereas, the Town of Hugo, hereinafter referred to as the “Town”, in the County of Lincoln, State of Colorado, is the body corporate operating as a statutory town pursuant to the general statutes of the State of Colorado; and

Whereas, on March 11, 2019, the Board of Trustees, hereinafter referred to as the “Board” did adopt the Hugo Land Development Code, in accordance with C.R.S. 31-16-201, et. seq., and

Whereas, C.R.S. 31-16-207 allows the Town to amend the Hugo Land Development Code, provided that certain procedures are followed; and

Whereas, the Board has determined that the use of shipping containers should be defined and regulated in such a manner as to allow such containers within the Town, but subject to reasonable restrictions as to all zoned districts within the Town;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF HUGO, COLORADO:

SECTION 1 - AMENDMENT OF HUGO LAND DEVELOPMENT CODE, CREATING A NEW ARTICLE VII, SHIPPING CONTAINERS.

Upon adoption of this Ordinance, a new Article VII, Shipping containers, shall be added to the Hugo Land Development Code, as follows:

1. **AUTHORIZATION AND PURPOSE.** Colorado Revised Statutes 31-15-401, et. seq, give to the governing body of each statutory municipality the power, authority, and discretion to do all acts and make all regulations which may be necessary or expedient for the promotion of health or the suppression of disease within a town, including declaring certain acts or structures to be a nuisance. The purpose of this ordinance is to regulate the use of shipping containers within the Town of Hugo, Lincoln County, Colorado, to protect the public health, safety, welfare, and to promote public aesthetics within the Town.

2. **DEFINITIONS.** The following definitions shall be applicable to this Article VII of the Hugo Land Development Code:

- A. “Shipping Containers” shall be defined as a detachable prefabricated reusable container intended for transporting cargo and commonly called cargo containers, storage containers, transport containers or marine cargo containers. The definition includes Conex and rail cars. They are self-contained without axles or wheels. Shipping containers will be allowed as buildings in the Town of Hugo with the restrictions within this Art. VII.
- B. “Residential Property” shall mean a property zoned residential or property where the primary use of which is residential.
- C. “Commercial Property” shall mean property not used for a residential use.

- D. "Parcel" shall mean any lot or contiguous group of lots owned by the same person, persons or entity
- E. "Portable/rental container business" is a business that leases or sells containers that are transported to another site.
- F. Self-service storage facility means any real property designed and used for the purpose of renting or leasing individual storage space to occupants who are to have access to such facility for the purpose of storing and removing personal property. A self-service storage facility is not a public warehouse.
- G. Semi-Truck Trailer is a mobile trailer with or without a chassis, axles and wheels that is towed by a truck or tractor, including dry van trailers and refrigerated van trailers. This includes a box-trailer.

3. R1 AND C1 ZONES AS A PERMANENT USE.

3.1 A single shipping container is allowed in an R1 and C1 zoned district for a permanent use subject to the following conditions:

- a. Foundations and footings are required for containers that are repurposed for use as a permanent building or structure.
- b. No more than one (1) container is allowed on a parcel of land.
- c. Containers shall not be stacked above the height of a single container and no other materials may be stacked on top of the shipping container.
- d. Containers shall resemble the principal occupied structures. Without limiting the generality of the foregoing, such resemblance shall be with color.
- e. Containers shall be in an approved designated area, behind the primary structure, on the same property as the principal use and will be included in the calculation of overall lot coverage.
- f. No container may be placed on a vacant parcel of land.
- g. Semi-truck trailers are not allowed to be used as storage containers.

3.2 A property owner requesting more than one permanent container in an R1 or C1 zone may potentially be permitted to do so by special review upon approval of the Town Board of Trustees, subject to the following procedure and criteria:

- a. Applications for this review shall be submitted with a building permit to the Town Clerk at least fifteen (15) days before the regular or special meeting of the Town Board of Trustees at which the request is to be considered.
- b. The permit must include a site plan, plan for footers, foundation and anchoring.
- c. The Town Board of Trustees shall review the request in relation to the health, safety, and general welfare of the community and the character of the surrounding neighborhood, and the desirability and need for such proposed structure.

- d. The Board of Trustees shall make a decision of approval, of approval with conditions, or shall deny the application.
- e. If more than one container is allowed and are placed side by side each other they must be engineered and attached.
- f. If they are placed apart from each other a minimum of three (3) feet is required between each container.
- g. Approval of a special review request shall be valid for a period of one (1) year. If the container(s) has not been placed within one (1) year, the Board's approval for that permit shall be considered void.

4. R1 AND C1 ZONES AS A TEMPORARY USE.

4.1 A single container is allowed in a R1 and C1 Zone property as a temporary use for a period of no more than sixty (60) days for the purpose of loading and unloading household contents provided that:

- a. A temporary permit has been issued for such placement by the Hugo Town Clerk, Deputy Clerk or Public Works Director.
- b. No container shall be located closer than five (5) feet to any side or rear lot line and fifteen (15) feet from the front lot line.
- c. No container shall be placed in any street or alley.

4.2 A single container may be temporarily placed on a construction site, for storage incidental to an active construction or remodeling project provided that:

- a. A building permit has been issued for construction of the site and the permit has not expired, and
- b. The container is removed once construction is completed or once the building permit expires, whichever occurs first.
- c. A temporary permit has been issued for such placement by the Hugo Town Clerk, Deputy Clerk or Public Works Director.
- d. No container shall be placed in any street or alley.
- e. If more than one (1) container will be needed for a construction site, the applicant may be approved for more containers through the Town Clerk's office.

5. C2 ZONE INDUSTRIAL / COMMERCIAL PROPERTY

5.1 Containers are allowed permanently in a C2 zone on industrial / commercial property subject to the following conditions:

- a. Foundations and footings are required for containers that are repurposed for use as permanent building or structure. The foundation and anchoring system will be inspected by the Town of Hugo's building inspector.

- b. If containers are placed side by side each other they must be engineered and attached. If they are placed apart from each other a minimum of 3 feet is required between each container.
- c. Containers shall not be stacked above the height of a single container and no other materials may be stacked on top of the cargo container.
- d. Containers shall resemble and compliment the aesthetics of the adjacent structures.
- e. Containers must be screened from the public on all sides by a six (6) foot fence with either solid or slat material. The type of fencing to be used for this purpose must be approved by the Board of Trustees prior to the issuance of a building permit, and prior to the use of the property for sale or storage purpose.
- f. Self-service storage facilities must be placed on a foundation and footings.
- g. A portable/rental container business does not need to be placed on a foundation and footings.

5.2 A single container may be temporarily placed in a C2 zone on a commercial property for a period of no more than sixty (60) days for the purpose of loading and unloading contents provided that:

- a. A temporary permit has been issued for such placement by the Hugo Town Clerk, Deputy Clerk or Public Works Director.
- b. No container shall be located closer than five (5) feet to any side or rear lot line and fifteen (15) feet from the front lot line.
- c. No container shall be placed in any street or alley.

5.3 A storage container may be placed in a C2 zone on a construction site for the storage incidental to an active construction or remodeling project provided that:

- a. A building permit has been issued for construction of the site and the permit has not expired, and
- b. The container is removed once construction is completed or once the building permit expires, whichever occurs first.
- c. A temporary permit has been issued for such placement by the Hugo Town Clerk, Deputy Clerk or Public Works Director.
- d. No container shall be placed in any street or alley.
- e. If more than one (1) container will be needed for a construction site, the applicant may be approved for more containers through the Town Clerk's office.

6. STORAGE CONTAINERS AS A NON-CONFORMING USE

6.1 Storage containers existing in an R1, C1, and C2 zones at the time of the passage of this Ordinance shall be permitted to continue as a non-conforming structure provided that the containers are not moved. If the property owner subsequently moves the container in the stated zones, the use shall be required to conform to this Code. Further, any approved non-conforming use of a storage container in a C2 zone, shall be screened from the public view on all sides by a six (6) foot fence with either solid or slat material as approved by the Board of Trustees within one hundred twenty (120) days of the passage of this Ordinance.

SECTION 2 – SEVERABILITY.

If any one or more sections or parts of this Ordinance shall be adjudged unenforceable or invalid, such judgment shall not affect, impair, or invalidate the remaining provisions of this Ordinance, it being the intention that the various provisions hereof are severable.

SECTION 3 – REPEALER.

All acts, orders, resolutions, ordinances, or parts thereof, of the Town of Hugo that are inconsistent or in conflict with this Ordinance is hereby repealed to the extent only of such inconsistency or conflict.

SECTION 4 – RECORDING AND AUTHENTICATION.

Following adoption upon the second reading of this Ordinance, after notice and public hearing, this Ordinance shall be authenticated by the signature of the Mayor and the Town Clerk and shall be recorded in the Town of Hugo book of ordinances. This Ordinance shall become immediately effective upon adoption pursuant to C.R.S. 31-16-201, et. Seq.

Adopted this 13th day of July 2020

Lora Bledsoe, Mayor

ATTEST:

Maria Nestor, Town Clerk