

ORDINANCE NO. 2016

AN ORDINANCE TO ENACT ARTICLE 6-11 AND TO AMEND ARTICLE 2-22 OF THE AUGUST 2006 LAND DEVELOPMENT ORDINANCE, FOR THE CITY OF PLATTSMOUTH, NEBRASKA RELATED TO GOVERNING SHIPPING CONTAINERS; TO REPEAL ALL ORDINANCES IN CONFLICT; TO PROVIDE FOR PUBLICATION IN PAMPHLET FORM; AND TO PROVIDE AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA.

Section 1. Article 6-11 of the August 2006 Land Development Ordinance for the City of Plattsmouth, Nebraska, is hereby enacted and stated in its entirety as follows:

6-11 Supplemental Use Regulations: Shipping Containers

- A. Subject to the requirements of this Section 6-11 and other provisions of this ordinance, two(2) shipping containers are authorized for permanent use in the RR and AG zoning districts. GI and HI districts are exempt from all provisions of article 6-11
- B. It shall be unlawful to place, use, allow, or maintain a shipping container on any lot, parcel, or site or part thereof within the zoning jurisdiction of the City of Plattsmouth without the issuance of a permit by the Building Official. Applications for permits are available from the Building Official. A completed application and the application fee set forth in the City's Fee Ordinance shall be submitted to the Building Official. The application shall include a site plan showing accurate lot lines and setbacks; locations of other buildings; the purpose and proposed use of the shipping container; the proposed location of the shipping container; and the proposed length of time the shipping container will be located on the lot, parcel, or site. The Building Official may require supplemental information or inspection prior to the approval of any permit.
- C. Shipping containers are not authorized for use in the R1, R2, R3, CBD, UC, LC, BP, and MH zoning district except as expressly permitted in this Section 6-11(C)
 1. Upon the issuance of a permit by the Building Official, one (PODS OR similar) temporary shipping container may be permitted on a lot, parcel, or site within the Plattsmouth zoning jurisdiction for a period not to exceed 30 days for the limited purpose of loading and unloading household contents and related items. The shipping container shall be located at the rear of the lot, parcel, or site where and when possible.
 2. Upon the issuance of a permit by the Building Official, temporary shipping containers may be permitted on a lot, parcel, or site solely for use by a contractor for the temporary location of an office or for the storage of equipment or materials during construction which is taking place on the lot, parcel, or site where the shipping containers are to be located. The number of containers allowed will be determined by the building official. The permit shall be issued for an initial period not to exceed 180 days and may be renewed, upon application, for projects which extend beyond 180 days if construction is proceeding in a timely fashion and that the use of the shipping container is otherwise in compliance with this Section 6-11. All shipping containers shall be removed within 14 days after completion of construction. All shipping containers shall be located at the rear of the lot, parcel, or site where and when possible.
- D. Unless specifically waived by the permit, each shipping container for which a permit is issued by the City Building Official shall conform to the requirements of this Section 6-11(D).

1. The shipping container shall be placed so that it rests entirely on a hard surface (asphalt, gravel, or concrete).
2. The shipping container shall comply with applicable setbacks for permanent structures (except for temporary shipping containers authorized in Section 6-11(C)(1) and (2)) and shall not be placed in a manner that it encroaches on any sidewalk or street or impedes access or line of sight to public rights-of-way, public or utility drainage, easements, or adjacent structures and buildings.
3. The shipping container shall not be used for any purpose not authorized in the zoning district in which the lot, parcel, or site is located; shall not be used for human or animal habitation; shall not be used for: convenience storage (use type); shall be subject to any regulations applicable to accessory buildings and accessory structures in the zoning district in which the shipping container is proposed to be located; and shall be used only for accessory uses.
4. Except for a temporary shipping container authorized in Section 6-11(C)(1) and (2), the shipping container shall not have any signage or lettering on it and shall be painted a non-reflective neutral color that is compatible with the primary structure located on the lot, parcel, or site where the shipping container is proposed to be located.
5. The shipping container may not be stacked on another shipping container or stacked or joined to any other structure, unless specifically engineered as a structure and comply with all applicable building codes.
6. The shipping container shall be structurally sound, operated in a safe manner, and maintained in good repair and shall be free of holes, peeling paint, rust, damage, and structural modifications.
7. Except for a temporary shipping container authorized in Section 6-11(C)(1) or (2), the shipping container shall be screened so that it is not visible from the portion of any public or private street that abuts the lot, parcel, or site where the shipping container is proposed to be located by such screening (e.g., landscaping, fencing, terrain, existing structures, or a combination thereof) as may be required and approved by the Building Official.
8. Except for a temporary shipping container authorized in Section 6-11(C)(1) or (2), shipping containers are prohibited in the CCD and HD overlay districts.

E Nothing in this Section of 6-11 shall prohibit the use of shipping containers as a building component in the construction of a building or other structure; provided, such use of the shipping containers shall comply with all other applicable provisions of this ordinance and building codes.

Section 2. Article 2-22 of the August 2006 Land Development Ordinance for the City of Plattsmouth, Nebraska, is hereby amended and restated in its entirety as follows:

2-22 S

1. Screening: The method by which a view of one site from another adjacent site is shielded, concealed, or hidden. Screening techniques include fences, walls, hedges, berms, or other features.
2. Setback: A line within a lot parallel to and measured from a corresponding lot line, forming the boundary of a required yard and setting forth the nearest that a building face may come to that lot line.

3. Shipping container: A container originally constructed for intermodal freight transport the transportation and similarly constructed containers, including:
 - a. Containers originally, specifically, or formerly used in the parking, shipping, movement, transportation or storage of freight, articles, goods, or commodities; and/or
 - b. containers designed for or capable of being mounted or moved on a rail car; and/or
 - c. containers designed or capable of being mounted on a chassis or bogie for movement by truck trailer or loaded on a ship; and
 - d. portable on demand storage (PODS) units.
4. Sign: A symbolic, visual device fixed upon a building, vehicle, structure, or parcel of land, which is intended to convey information about a product, business, activity, place, person, institution, candidate, or political idea.
5. Site: The parcel of land to be developed or built upon. A site may encompass a single lot, a portion of a lot, or a group of lots developed as a common development. A site must be in one base district, and cannot be separated by a public street or alley.
6. Site Plan: A plan, prepared to scale, showing accurately and with complete dimensioning, the boundaries of a site and the location of all buildings, structures, uses, and principal site development features proposed for a specific parcel of land.
7. Special Permit Use: A use with operating and/or physical characteristics different from those of permitted uses in a given zoning district which may, nonetheless, be compatible with those uses under special conditions and with adequate public review. Special permit uses are allowed in a zoning district only at the discretion of and with the explicit permission of the City Council, upon the recommendation of the Planning Commission.
8. State: The State of Nebraska.
9. Story: The portion of a building included between the surface of any floor and the surface of the next floor above it; if there is no floor above it, the space between such floor and the next ceiling above it. A half story is a story under a sloped roof, the wall heights of which on at least two opposite, exterior walls are less than four feet.
10. Street, Local: A street which is used primarily for access to the abutting properties.
11. Street, Private: A right-of-way, outlot, or other area, designated in a plat and protected by a permanent easement, established to provide vehicular access within a development. A private street is not dedicated or intended to be dedicated to the city or maintained by the city.
12. Street, Public: A right-of-way, dedicated to public use and maintained by the city, county, or state, that affords a primary means of access to the abutting property. This definition is intended to be inclusive of the term as defined in Nebraska statute.
13. Street, Intersecting and Principal: In regard to a site, the principal street shall be the street to which the majority of lots on a block face are oriented; the intersecting street shall be a street other than a principal street.
14. Street Major: A street carrying traffic between neighborhoods, connecting neighborhoods with

major activity centers, or accommodating major through traffic. Major streets are designated as collectors, arterials, or expressways by the Comprehensive Development Plan.


15. Structure: Any object constructed or built, the use of which requires location on the ground or attachment to something located on the ground.
16. Swimming Pool: A body of water in an artificial or semi-artificial receptacle or other container either located indoors or outdoors, used or intended to be used by the public, semi-public, or private swimming by adults, children, or both adults or children, operated and maintained by any person or entity whether as an owner, lessee, operator, licensee, or concessionaire, including a family pool (a swimming pool used or intended to be used solely by the owner, operator, or lessee thereof and his or her family, and by friends invited to use it without payment of any fee). This definition includes structures, appurtenances, equipment, appliances and other facilities appurtenant to and intended for the operation and maintenance of a swimming pool.

Section 3. All other ordinances approved prior to the passage, approval, and publication or posting of this ordinance which conflict with these provisions are repealed.

Section 4. This ordinance is adopted and published in pamphlet form and shall take effect and be in full force from and after its passage, approval, and publication or posting as required by law.

Passed and approved this 17 day of June 2024.

ATTEST:


Sandra J. Meyer, City Clerk




Paul Lambert, Mayor

Publication Date: June 20, 2024.



**CITY OF PLATTSMOUTH
NOTICE OF PUBLICATION OF
ORDINANCE IN PAMPHLET FORM**

On the 17th day of June, 2024, the Mayor and City Council of the City of Plattsmouth, Nebraska adopted an ordinance entitled:

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Said Ordinance was published in pamphlet form and copies thereof are available at the office of the City Clerk, 136 North 5th Street, Plattsmouth, Nebraska.

/s/Sandra J. Meyer, City Clerk