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PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
CRAIG DOSSEY, EXECUTIVE DIRECTOR

Date: December 3, 2019

To: Planning Commission
Brian Risley, Chair

Re: LDC-19-008
Shipping Container Amendment

From: Nina Ruiz, Planner III
Mindy Madden, Code Enforcement Supervisor
Craig Dossey, Executive Director

Subject: A request by the El Paso County Planning and Community Development Department to amend recently adopted revisions to the El Paso County Land Development Code (2019) regarding shipping containers to modify the applicable siting requirements.

Background:

On November 12, 2019 the Board of County Commissioners adopted an amendment to the El Paso County Land Development Code (2019) regarding accessory structures and uses (LDC-19-002). The topical items included within the adopted revisions include amendments pertaining to mother-in-law, guest houses, agricultural stands, rural home occupations, temporary uses, and shipping containers. The revisions were reviewed by the Colorado Springs Housing and Building Association as well as 24 outside agencies, which included several neighborhood groups. Staff did not receive input from the outside agencies regarding the shipping container amendments.

The goal of the amendments staff proposed was to allow for the legal use of the containers, which was not included previously in the Code, and to treat such containers as much the same as stick-built accessory structures as possible. Treating them the same also meant that containers over 200 square feet would require a building permit and a foundation. Prior to drafting the regulations, staff



consulted with the Pikes Peak Regional Building Department regarding the permitting requirements for shipping containers and believed there to be an existing requirement that shipping containers over 200 square feet in size would be required to obtain a building permit.

Staff solicited public input prior to the Board of County Commissioner hearing as well as during the public hearing and only received input at the Board of County Commissioner hearing from two members of the audience who did not believe that the County should regulate shipping containers at all.

There has been some public input received since adoption of the amendments by the Board of County Commissioners. Citizens have expressed concerns regarding the screening and painting requirements as well as the potential requirement to place the container on a foundation. Due to the post-approval public input, staff sought to re-evaluate the regulation and, if appropriate, propose revisions to the Code provisions to see if the concerns could be adequately alleviated. Additionally, staff has had subsequent conversation with the Pikes Peak Regional Building staff, resulting in a new interpretation which suggests that they would not issue a building permit for a shipping container, regardless of size, at this time but may develop policies to address them in the future. Staff is recommending a modified approach to shipping containers based upon input from residents and more recent discussions with the Pikes Peak Regional Building Department.

Proposed Amendments:

Staff is proposing to modify the shipping container regulations to accomplish the following:

- In residential areas, instead of requiring the painting of the shipping containers to be compatible with the surrounding structures and screening (fencing or vegetative screening) we recommend revising the language to require one or the other (painting or screening). This change should still allow us to sufficiently address any visual neighborhood compatibility issues.
- Revising the “building permit” language to identify that a building permit “may be required” as determined by RBD. This allows for flexibility for RBD into the future while eliminating the language that outright requires a permit.
- Revising the “foundation” language to be more general, while still ensuring public safety is maintained. Staff is proposing to require the placing of the container on a suitable level base, as determined by the PCD Director, to help ensure stability and safety. By making it a decision by the PCD Director, it also ultimately allows any aggrieved party the opportunity to appeal the decision to the BOCC. In some instances, a suitable base may need to be a more substantial foundation, which could include earthwork, gravel, or even concrete to prevent sliding or rolling of the container due to the existing topography of the property.

Public Comment and Notice:

A summary of the proposed Code amendments and the date of the Board of County Commissioner hearing will be published in The Fountain Valley News pursuant to Colorado Revised Statute 30-28-116. A copy of this publication will be included in the backup materials for the Board of County Commissioners hearing.

Attachments:

Land Development Code Redline Revisions for Shipping Containers

SHIPPING CONTAINERS

Shipping Container- A large metal container, typically made of aluminum or steel, designed and built to store and/or ship materials. The term shall include, but is not necessarily limited to, intermodal containers, shipping containers, conex boxes, and cargo containers. The term shall not include semi-truck trailers, mobile or manufactured homes, mobile office trailers, or modular office buildings.

Shipping Container, Temporary- Shipping containers used for storing or shipping of personal property in association with the act of moving and/or property improvement for a maximum of thirty (30) consecutive days during a one year period.

5.2.48. Shipping Containers

(A) **Applicability.** The following standards shall apply to all shipping containers, including those which have ~~been permitted as an accessory structure per the Building Code-received a building permit as an accessory structure.~~ The following standards shall not apply to parcels from which the shipping containers are sold and/or rented as an approved use or may be otherwise categorized as outside storage.

(B) Shipping Containers in Residential, Forestry, and Agricultural Zoning Districts

(1) **Visibility.** All shipping containers, other than those placed within the A-35 zoning district, shall be either:

- Painted to be compatible with surrounding buildings and structures;
- Screened from public view by one or more of the following; ~~means of a seven foot solid fence, trees, shrubbery, or similar screening method.~~

and (2) **Dimensional Standards.** Shipping containers are subject to the applicable zoning district setback requirements, except when located within the A-35 zoning district. Shipping containers may not be stacked.

(3) **Compliance with the Building Code.** A building permit may be required, as determined by the Pikes Peak Regional Building Department, prior to the placement of any shipping container.

(4) **Base Required.** All shipping containers shall be placed on a suitable level base, as determined by the PCD Director, to help ensure stability and safety ~~on parcels greater than half an acre located ground and be placed on a wood base.~~

(C) Shipping Containers in Commercial and Industrial Zoning Districts

~~(1B) **Screening and Setback Requirements, Visibility.** All shipping containers shall be screened from public view meet the outside storage standards in Chapter 5 and ,except when located within the A-35 Zoning District. All shipping containers shall be painted to reduce visibility and to be compatible with surrounding buildings and structures in the area. Shipping containers are subject to the applicable zoning district setback requirements. Shipping containers may not be stacked.~~

~~(2C) Color. Shipping Dimensional Standards. Shipping containers are subject to the applicable zoning district setback requirements. Shipping containers may not be stacked. All shipping containers shall be painted to reduce visibility and to be compatible with surrounding buildings, structures, and existing uses in the area, except for when located within the A-35 Zoning District.~~

~~(3D) Building Permit Required. A building permit, as required, shall be obtained prior to the placement of a shipping container larger than 200 square feet, except when located in the A-35 Zoning District. Compliance with the Building Code. A building permit may be required, as determined by the Pikes Peak Regional Building Department, prior to the placement of any shipping container.~~

~~(4) Base Required. Shipping Containers Not Requiring Building Permits. Shipping containers not requiring a building permit shall be placed on level and stable ground, such as, gravel, concrete pad, or a wooden platform, except for shipping containers to be placed on parcels greater than half an acres in size. All shipping containers shall be placed on a suitable level base, as determined by the PCD Director, to help ensure stability and safety. Shipping containers not requiring a building permit on parcels greater than half an acre shall be located on level ground and be placed on a gravel, concrete, or wood base.~~

5.2.49 Shipping Containers, Temporary

(A) Duration. Temporary use of a shipping container may not exceed 30 consecutive days during a one year period unless the PCD Director has approved an extension of time.

(B) Location. Temporary shipping containers must be located on the same property for which it is utilized.