



City of Laramie

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LARAMIE PLANNING COMMISSION APRIL 22, 2019 STAFF REPORT

FILE: TA-18-01: Shipping Containers

REQUEST: An amendment to Chapter 15.10.030.E and 15.28.100.A.310 of the Unified Development Code to allow for use of shipping containers within the City, separate from the Temporary Use Requirements.

APPLICANT: City of Laramie

PURPOSE: An amendment to allow for use of shipping containers within the City, separate from the Temporary Use Requirements.

PREPARED BY: Derek T. Teini, AICP, Planning Manager

STAFF RECOMMENDATION:

Move to recommend that the City Council **approve** an amendment to Chapter 15.10.030.E and 15.28.100.A.310, of the Unified Development Code, according to the findings of fact and conclusions of law.

APPLICABLE CODE SECTION(S):

Text Amendments must be reviewed by the Planning Commission and City Council. Planning Commission action is forwarded to the City Council as a recommendation.

- Laramie Municipal Code Title 15, Unified Development Code
- Wyoming State Statutes Title 15 Cities and Towns, Article 5 Planning
- Wyoming State Statutes Title 15 Cities and Towns, Article 6 Zoning
- Laramie Comprehensive Plan
- Housing Study 2030

BACKGROUND AND SUMMARY:

Staff is proposing amendments to Title 15 of the Municipal Code (Unified Development Code) to provide additional guidance related to shipping containers located within the City of Laramie.

Presently shipping containers are allowed in all zone districts subject to the temporary use provisions of LMC 15.10.040 [Temporary Uses and Structures]. Shipping containers are allowed for up to three months and can be renewed for an additional three months. Within the City, shipping containers may only be allowed for a maximum of 6 months, and then must be removed. Over the years staff has found the shipping container regulations burdensome, and not practical, resulting in significant staff

time being spent on enforcement. These proposed changes provide an avenue for property owners to use shipping containers, outside of the temporary use process, in a manner staff believes provides appropriate guidance and meets the intent of the community. These proposed regulations do not change the temporary use regulations.

At the introduction of these proposed amendments on October 8, 2018 to Planning Commission in a Work Session, a discussion occurred regarding the proposed changes as well as how other communities have addressed conversion of containers into occupiable spaces and/or use in residential areas. This was one of the main discussion points at that meeting, which staff has investigated since that meeting. In follow-up meetings staff has had further discussion related to shipping containers with the following summary related to the proposed changes being presented:

Summary:

Below staff has provided a list of summary changes that have been proposed:

- A definition for shipping containers has been created: “Shipping Container” shall mean a unit originally used or designed to store goods or other merchandise during shipping or hauling by a vehicle, including but not limited to rail cars of any kind, truck trailers, or multi-modal shipping containers or similar structures such as look-alike shipping container buildings or metal buildings marketed as “containers” or “portable storage units”.
- Temporary Use regulations found in 15.10.040 have not been modified. Shipping containers can be established as a temporary use under this section in all zoning districts.
- Shipping containers are prohibited from being used as dwellings, sleeping quarters, or permanent occupied commercial uses. (Proposed LMC 15.10.030.E.3) However, shipping containers maybe allowed to be occupied as residential or commercial structures, if constructed to the requirements of Laramie Municipal Code, including Chapter 15.24: Buildings and Construction which require the shipping containers to conform to all building codes and being subject to commercial or residential design standards of Chapter 15.14: Development Standards. Note: Throughout the proposed changes to LMC, the statement “Shipping containers are prohibited” is stated, however once the shipping containers are modified into code compliant structures, they are no longer considered “shipping containers”, thus converting containers into buildings are allowed.
- In Residential Districts, RR, LR, R1, R2, R2M and R3 (single family homes, duplexes, triplexes and multifamily developments) shipping containers are prohibited. Furthermore, shipping containers are prohibited in the NB, O and DC Districts. (Proposed LMC 15.10.030.E.4.a.) Two exceptions were considered within these districts:
 - Non-residential uses; such as schools, offices, and businesses; in residential districts, and NB, DC, and O Districts; may have up to one container, provided it is approved in conjunction with a site plan application and screened from view from neighboring properties and right-of-way. Building permits and engineered foundations are

required for installations that will exceed 6-months. (Proposed LMC 15.10.030.E.4.a). This exception has been included within the proposed language.

- Consideration was given by staff, based on discussion with the Planning Commission related to shipping containers as accessory structures. Staff has not proposed additional language related to shipping containers being used as accessory structures, due to our opinion that they are incompatible in these zoning districts. The City of Laramie has adopted specific regulations related to design guidelines for residential zoning districts and consider shipping containers non-complementary to the standards set forth in code. Furthermore, this prohibition would only apply to structures 200 square feet or less. Any container over 200 square feet would be required to comply with all Laramie Municipal Code requirements including building codes and design guidelines, thus larger structures have an avenue to be approved.
- Up to three containers are allowed in the in the B1, B2, C2, LM and TO Districts provided they are approved in conjunction with a site plan application and screened from view from neighboring properties and right-of-way. Building permits and engineered foundations are required for installations that will exceed 6-months. (Proposed LMC 15.10.030.E.4.b)
- Up to five containers are allowed in the in the IP, I1, I2, AG, AV, and AE Districts provided they are approved in conjunction with a site plan application and screened from view from neighboring properties. Building permits and engineered foundations are required for installations that will exceed 6-months. (Proposed LMC 15.10.030.E.4.c.(v))
- More than five containers are allowed in the in the IP, I1, I2, AG, AV, and AE Districts provided they are located within an approved storage yards. Storage yards are required to be either primary or accessory uses and shall meet the screening and buffering standards of LMC 15.14. The screening and buffering standards require perimeter landscaping and a site obscuring fence. (LMC 15.10.030.E.4.c.(vi)).

Relationship to Laramie Municipal Codes

Based on staff's analysis of code and the proposed changes, the above regulations will allow for the desired flexibility in using storage containers within City Limits. Furthermore, existing codes, specifically, Building Code and Laramie Municipal Code will allow for conversion of shipping containers into occupiable structures.

Related to Building Code, use of shipping containers as either commercial or residential structures are allowed under existing provisions. Conversion of shipping containers into an occupiable structure requires proper foundations, electrical and plumbing, as well as proper structural analysis related to the arrangement of the containers.

Related to Laramie Municipal Code, any occupiable structure would require that it meet all applicable building codes as noted above. Also, depending upon the use as a residential or commercial structure, each would be required to meet building design guidelines set forth in Chapter 15.14. For residential structures all requirements related the design building would apply, such as garage

location and setbacks, as well as material requirements, which would allow for the shipping container metal to be visible as it is steel and considered a “durable high-quality material”.

For multi-family development and commercial development, a higher level of development standards would apply. Generally, for both multi-family and commercial developments, the shipping container metal would be allowed to remain visible as it is steel and considered a “durable high-quality material”. For multi-family developments, additional design criteria, such as windows, covered porches or balconies, structural offsets, accent materials and window grills or shutters would be required to be added into the design for the building. For commercial developments, structural offsets every 30 feet, changes in texture or masonry pattern, windows, covered walkways, canopies or other architectural features would be required to be added into the design for the building. In all cases, staff believes code would allow these structures without modifications to the current design standards.

Adopted Plans and Studies

Both the Comprehensive Plan and The Housing Study 2030 provide some relative guidance related to the potential changes related to the way the City regulates shipping containers.

Generally speaking, the Comprehensive Plan supports Economic Development, with Chapter 9 including the bulk of the recommendations and general discussion throughout the Chapter. Overall, staff views this change as a general improvement and increased flexibility for business that may need the use of shipping containers. By making this change, it meets the goals and intent of many portions of Chapter 9, although no direct statements about shipping containers were made.

On a secondary note, the use of shipping containers as an alternative affordable housing option or as a means of providing housing variety was noted, specifically by the Planning Commission.

Within the Comprehensive Plan, one of the “Key Issues” (page 1-5) states, “**Affordable Housing:** Affordable and quality housing is needed for the entire population - workers, elderly, and students among many others.” Throughout the chapter and the entire plan, additional information is provided that suggests housing is an issue that must be addressed by the community on all levels. Although no statements are directly related to shipping container as homes, general housing statements support the alternative use as homes, suggesting assorted styles, variety and sizes of housing is needed.

PUBLIC COMMENTS:

This amendment was legally advertised in the *Laramie Boomerang* on April 6, 2019. Staff has received no comments regarding this proposed amendment to the UDC.

FINDINGS OF FACT:

The amendment is found to be in accordance with substantive and procedural requirements and necessities in City of Laramie code, and the Comprehensive Plan.

CONCLUSIONS OF LAW:

The amendment is proceeding in accordance with applicable law.

ALTERNATIVES:

1. Approve the Code Text Amendment based on findings of fact and conclusions of law (**Staff recommendation**);
2. Approve the Code Text Amendment based upon modifications recommended by the Planning Commission based on findings of fact and conclusions of law;
3. Deny the Code Text Amendment based on findings of fact;
4. Postpone the Code Text Amendment until issues identified during the meeting can be resolved.

RECOMMENDED MOTION:

An amendment to Chapter 15.10.030.E and 15.28.100.A.310 of the Unified Development Code to allow for use of shipping containers within the City, separate from the Temporary Use Requirements.

Note: If the Planning Commission wishes to recommend **denial** of the applicant's request, the Planning Commission must come up with alternative findings of fact, and to state those in a motion for denial. The item will still go on to City Council for consideration.

ATTACHMENT:

1. Code Text Amendments (3 Pages)

Definition:

15.28.100.A.310

Shipping Container

“Shipping Container” shall mean a unit originally used or designed to store goods or other merchandise during shipping or hauling by a vehicle, including but not limited to rail cars of any kind, truck trailers, or multi-modal shipping containers or similar structures such as look-alike shipping container buildings or metal buildings marketed as “containers” or “portable storage units”.

Regulations:

15.10.030.E Shipping Containers

1. Applicability

Shipping container placement on any property shall comply with the provisions of this subsection. Look-alike shipping container buildings or metal buildings marketed as “containers” or “portable storage units” shall be regulated as shipping containers to which this section shall apply.

2. Exceptions

- a. Portable moving containers/moving pods placed on private property in accordance with LMC 15.10.040 (Minor Temporary Uses) shall not be regulated by this chapter.
- b. Shipping containers shall be permitted on construction sites provided there is an active building permit and placement is ancillary to a project on site. Such shipping containers shall be removed within 30-days of completion of work associated with the building permit.

3. Occupation

Shipping containers shall not be used as dwellings, sleeping quarters or for occupancy for any period of time, unless established per the requirements of this section and all other requirements of Chapter 15, including Chapter 15.24: Buildings and Construction.

4. District Specific Standards

a. RR, LR, R1, R2, R2M, R3, NB, O and DC Districts.

(i) Shipping containers are prohibited.

(ii) Exception

Up to 1 (one) shipping container, per property, may be approved in conjunction with a non-residential use provided the shipping container is approved in conjunction with an application for Site Plan Review; subordinate to the principal use; is not located within any required setback, bufferyard, fire lane or landscape area; parking or loading area; is screened from all public and private rights-of-way and adjacent uses by a sight-obscuring fence, landscaping or other means approved by the City.

b. B1, B2, C2, LM and TO Districts

- (i) Up to 3 (three) shipping containers, per property are permitted provided they are approved in conjunction with application for Site Plan Review.
- (ii) Shipping containers shall be subordinate to the principal use; not located within any required setback, bufferyard, fire lane or landscape area, parking or loading area; screened from all public and private rights-of-way and adjacent uses by a sight-obscuring fence, landscaping or other means approved by the City; and located on a paved surface.
- (iii) Placement of a shipping container for permanent or semi-permanent use exceeding 6-months shall require a building permit, shall have an engineered foundation and shall meet all other applicable codes for placement on the property.
- (iv) Shipping containers shall not be allowed on non-residential zoned property on which the primary use is a nonconforming use.
- (v) Shipping containers shall not be allowed on property where a principal use has not been established.

c. IP, I1, I2, AG, AV and AE Districts

- (i) Shipping containers shall be for the use of the business or accessory to the principal use of property.
- (ii) Shipping containers shall not be allowed on Industrial, Aviation or Airport Enterprise zoned property on which the primary use is a nonconforming use.
- (iii) Shipping containers shall not be allowed on property where a principal use has not been established.
- (iv) Shipping containers shall not be placed within any required setback, bufferyard, fire lane or landscape area; or parking or loading area.
- (v) Containers Allowed Outside Approved Storage Yards
 - (1) Up to 5 (five) shipping containers per property shall be permitted provided they are approved in conjunction with application for Site Plan Review.
 - (2) Placement of a shipping container(s) for permanent or semi-permanent use exceeding 6-months shall require a building permit, shall have an engineered foundation, and shall meet all other applicable codes for placement on the property.
- (vi) Containers Allowed Within Approved Storage Yards
 - (1) More than 5 (five) containers may be permitted on a property provided the shipping containers are located within an approved storage yard. Storage yards shall be either the primary or accessory use on the property, shall have been approved through the Site Plan

Review process and shall meet the screening and buffering standards of LMC Chapter 15.14.