

**TOWN COUNCIL STAFF REPORT: ORDINANCE AMENDMENT**

**\*PUBLIC HEARING: TUESDAY, MARCH 7<sup>TH</sup>, 2023\***

**SMITHFIELD ZONING ORDINANCE ARTICLE 2.P.17.:**

**Shipping Containers**

Town Staff have been asked to provide an update to the Smithfield Zoning Ordinance in regard to shipping containers/ Conex boxes. At the Monday, October 24<sup>th</sup>, 2022 Town Council Committee meeting, staff prepared a presentation on the shipping containers that staff were able to identify, on various zoned parcels within Town.

Staff were able to identify approximately sixteen (16) locations throughout Town where a shipping container(s) is present or recently has been present.

Section P.15 and 16 of Article 2 currently states:

15. Portable storage units are considered temporary accessory structures. Portable storage units are permitted for use for a maximum of sixty (60) days with a zoning waiver after which time a zoning permit must be obtained for up to an additional ninety (90) days of use, based upon a legitimate need for further use having been determined by the Zoning Administrator. If additional time is needed beyond what is permitted above, an appeal to the Planning Commission must be made in order to obtain the approval for further use. The Planning Commission shall have the option to attach conditions to the extended use thereof. Portable storage units can be placed in required front or side yard setback areas but cannot be placed in any right-of-way area. The use of portable storage units can be revoked by the town, whether or not previously permitted, if it is determined by the Zoning Administrator that the use or location constitutes a nuisance or a sight distance hazard. A temporary accessory structure shall not be located on any environmentally sensitive lands (RPAs) or wetlands.

16. Construction debris containers, including but not limited to dumpsters, are considered temporary accessory structures. Construction debris containers are permitted for on the premises and may be stored thereon during the time that a valid permit is in effect for construction on the premises. The use of construction debris containers can be revoked by the town if it is determined by the Administrator that the use or location constitutes a nuisance or a sight distance hazard. A temporary accessory structure shall not be located on any environmentally sensitive lands (RPAs) or wetlands.

Staff, under guidance from Town Council and the Planning Commission, is proposing the following Section 17, to be included in Article 2:

17. Shipping containers are considered accessory structures for setback placement purposes and shall not be utilized as a primary building or dwelling. Shipping containers shall be permitted by right in the Heavy Industrial Zoning District (I-2). At no time shall shipping containers be stacked or used for habitation, without the successful acquisition of a Special Use Permit. Shipping containers are permissible in the Light Industrial (I-1) Zoning District, Community Conservation (C-C) Zoning District, and Highway Retail Commercial (HR-C) Zoning District, only after the successful acquisition of a Special Use Permit. Shipping

containers are not permissible in any other zoning district. A shipping container shall not be located on any environmentally sensitive lands (RPAs) or wetlands. Appeals of a decision of the Planning and Zoning Administrator in the administration of this section shall be to the Planning Commission as provided in Section 15.2-2311 (1997) of the Code of Virginia. Appeals of a decision of the Planning Commission by the applicant or a party in interest regarding a site plan, waiver, variation, or substitution shall be to the Town Council, provided that such appeal is filed with the Town Manager within ten (10) calendar days of the decision being appealed. The appeal shall be placed on the agenda of the Town Council at the next regular meeting. The Town Council may reverse or affirm, wholly or partly, or may modify the decision of the Planning Commission.

This draft was presented to the Planning Commission at its Tuesday, January 10<sup>th</sup>, 2023 meeting, as a Public Hearing, and Planning Commission favorably recommend this to Town Council for review and decision at the Tuesday February 14<sup>th</sup>, 2023 Planning Commission meeting.

Town staff recommend a robust discussion and agreement on finalized language.

Adding shipping containers as a by-right use in I-2.

Adding shipping containers as use permitted by special use permit in the I-1.

Adding shipping containers as use permitted by special use permit in the C-C.

Adding shipping containers as use permitted by special use permit in HR-C.

Adding the definition of shipping container to Article 13

**Shipping Containers:** An industrial, standardized reusable metal vessel that was originally, specifically, or formerly designed for or used in the packing, shipping, movement, or transportation of freight, articles, goods, or commodities by commercial trucks, tractor trailers, trains, and/or ships. A shipping container modified in a manner that would preclude future use by a commercial transportation entity shall be considered a shipping container for purpose of this definition. This definition includes, but is not limited to, the following terms, "shipping container," "freight container," "Conex Box," "Container Express," "Transporters," "ISO Container," "Bicon," "Sea Cans," and "Tractor Trailers" for this Ordinance.

Adding the definition of portable storage container to Article 13

**Portable storage container:** A portable storage container is a portable, weather-resistant receptacle designed and used for the storage or shipment of household goods, wares, building materials or merchandise. Portable storage containers are an alternative to traditional mini-storage and moving options and are delivered via truck or trailer directly to the customer and are temporary in nature.

For convenience, redlined versions of the Smithfield Zoning Ordinance follow this staff report.

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