

ORDINANCE NO. 324

AN ORDINANCE OF THE TOWN OF NUNN, COLORADO, ALLOWING LIMITED USE OF SHIPPING CONTAINERS IN ZONING DISTRICTS

WHEREAS shipping containers in a variety of sizes and materials have become popular in recent years for meeting a variety of needs both personal and commercial;

WHEREAS chapter 15.12 of the Nunn Municipal Code ("Code") presently imposes extensive restrictions on the use of any conveyance, which includes railway coaches or cars, streetcars, buses, airplanes, trailers, semi-trailers, and any "similar structure, vehicle, or device originally intended for transporting people or goods;"

WHEREAS the Board of Trustees finds that shipping containers are within the definition of "conveyance" as such term is used in chapter 15.12 of the Code and thus their use is generally prohibited outside of the limited exceptions contained in chapter 15.12 of the Code; and

WHEREAS the Board desires to allow expanded use of shipping containers in the Industrial, Commercial, Agriculture zoning districts; and

WHEREAS the Board desires to define the permissible use of shipping containers within the Residential zoning district;

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF NUNN, COLORADO, AS FOLLOWS:

Section 1. Section 15.12.010 of the Code is amended to include the following new subsection D:

D. Shipping Containers

1. For the purpose of this Chapter and Title 17 of this Code, "shipping container" means a detachable, pre-fabricated, standardized, reusable, container designed and intended for and customarily associated with transporting cargo on ocean-going ships, trains or tractor trailers, also commonly called a cargo container, transport container or marine cargo container, having the following approximate dimensions:
 - a. Length: not to exceed forty feet.
 - b. Width: eight and one-half feet.
 - c. Height: eight to nine and one-half feet.
2. A "shipping container," as defined in this subsection D, is a "conveyance" within the meaning of this chapter.
3. Within the Industrial, Commercial, and Agriculture zoning districts, (a) use of shipping containers is permitted as a revocable privilege and (b) shipping containers shall be placed on the ground.
4. Within the Industrial zoning district, shipping containers may be stacked vertically no higher than two units high.
5. Within the Commercial and Agriculture zoning districts, shipping containers may not be stacked.

6. All shipping containers within the residential districts shall be subject to the following requirements and restrictions:
 - a. A permit shall be required for the placement of a shipping container on a residential lot. The permit fee shall be \$250.00, which amount may be revised by the Board of Trustees by resolution.
 - b. The permit application shall be submitted to the Town Clerk's office and shall include the following:
 - (1) A site plan indicating the location of the container on the lot;
 - (2) A description of the container, including size and color;
 - (3) A description of the method of anchoring the container to the ground utilizing hurricane anchors.
 - c. Inspections will be completed by the Town's designated inspection agency upon completion.
 - d. The permittee shall be permitted to have up to two 20 foot containers or a single 40 foot container, subject to the requirements set forth in this ordinance.
 - e. Every such shipping container must be painted in a neutral solid color that matches the primary color or trim color of a house that is located on the same parcel.
 - f. Every such shipping container must be maintained in good condition with no visible rust and not allowed to deteriorate or become unsightly.
 - g. Any shipping container that does not comply with the requirements of this section within six months of the effective date of this new section 15.12.010.D, will be subject to prosecution for violation of this chapter and shall be subject to all the remedies available to the Town, including removal and abatement.
 - h. No person shall have any entitlement or vested right as a result of any permit issued under this section. Such permits provide a revocable privilege and are subject to this section 15.12.010.D and any related ordinance amending, replacing, or repealing this section in whole or in part, including any ordinance that may change, restrict, or forever revoke the privilege to locate a shipping container in a residential district.

Section 2. Effective Date. This ordinance shall take effect thirty days after publication as provided by law.

INTRODUCED, READ, PASSED, AND ADOPTED THIS 20th DAY OF April, 2023.

TOWN OF NUNN


By: Jordan Cable, Mayor

ATTEST:


Cathy Payne, Town Clerk

