

**CITY OF ELEPHANT BUTTE
ORDINANCE NO. 174**

**AN ORDINANCE OF THE CITY OF ELEPHANT BUTTE AMENDING SECTIONS
155.005, 155.026, 155.027, 155.028, 155.029, 155.030, 155.031, 155.032 AND 155.033
RELATING TO USES OF STORAGE CONTAINERS IN RESIDENTIAL AND
COMMERCIAL DISTRICTS**

WHEREAS, the City has experienced a proliferation of portable storage containers in residential and commercial districts throughout the city; and

WHEREAS, the Governing Body finds that the permanent use of such containers in residential districts adversely affects the aesthetics, property values and residential character of the districts, while the containers may be used temporarily in conjunction with construction; and

WHEREAS, the Governing Body finds that portable storage containers may be suitable as accessory structures in commercial districts provided that standards are applied to prevent unsightly, obstructive, dangerous or unhealthy conditions; and

WHEREAS, portable storage containers are currently referenced in multiple sections of the Code of Ordinances; and

WHEREAS, the Governing Body finds that it is necessary and in the interests of the health, safety and welfare of the City to clarify the definitions and standards for use of portable storage containers;

NOW THEREFORE, BE IT ORDAINED by the Governing Body of the City of Elephant Butte that:

SECTION ONE. Section 155.005(B) of the Code of Ordinances, “Definitions,” is amended to revise the definitions of “Accessory Building or Structure” and “Temporary/Portable Accessory building, Structure or Container” and to add a definition of “Storage Container” as follows:

§ 155.005 Definitions.

(B) For the purpose of this chapter, the following definitions shall apply unless the context indicates or requires a different meaning.

ACCESSORY BUILDING OR STRUCTURE. A subordinate, non-dwelling building or structure, the use of which is incidental to and customarily found in connection with the principal building or use and located on the same lot with the principal building or use. This would include, but is not limited to, garage or carport and. A Storage Container may be considered as an Accessory Buildings or Structure in commercial districts and may be considered as a Temporary/Portable Accessory Building, Structure or Container in the residential districts. The accessory building or structure must meet all set back requirements. ~~A metal shipping/storage container shall not be permitted as an accessory building or structure.~~

STORAGE CONTAINER. A container fabricated for the purpose of transporting freight or goods on a truck, railroad or ship, including cargo containers, shipping containers, storage units or other portable structures that are used for storage of items.

TEMPORARY/PORTABLE ACCESSORY BUILDING, STRUCTURE OR CONTAINER. A building or structure which is not attached permanently to a foundation, or trailers, ~~metal shipping/storage containers~~, waste-collection roll-off trailers and similar trailers or portable structures, the use of which is incidental to construction on the property and which may only be approved together with the zoning permit. The approval shall not exceed six months from the date of approval of the zoning permit, provided, that for good cause shown based on continuing construction activities on the property, the permit may be extended for an additional six month period.

SECTION TWO. Section 155.026 “R-1-A Single-Family Residential” is amended to add a provision for Temporary/Portable Accessory Building, Structure or Container as subsection (C)(18) as follows:

(C) Building/development requirements.

(18) Temporary portable structures during construction. A Temporary/Portable Accessory Building, Structure or Container as defined in section 155.005 may be used during construction according to the conditions stated therein.

SECTION THREE. Section 155.027 “R-1-B Single-Family Residential” is amended to add a provision for Temporary/Portable Accessory Building, Structure or Container as subsection (C)(18) as follows:

(C) Building/development requirements.

(18) Temporary portable structures during construction. A Temporary/Portable Accessory Building, Structure or Container as defined in section 155.005 may be used during construction according to the conditions stated therein.

SECTION FOUR. Section 155.028 “R-1-C Single-Family Residential” is amended to add a provision for Temporary/Portable Accessory Building, Structure or Container as subsection (C)(17) as follows:

(C) Building/development requirements.

(17) Temporary portable structures during construction. A Temporary/Portable Accessory Building, Structure or Container as defined in section 155.005 may be used during construction according to the conditions stated therein.

SECTION FIVE. Section 155.029 “R-1-D Single-Family Residential” is amended to add a provision for Temporary/Portable Accessory Building, Structure or Container as subsection (C)(13) as follows:

(C) Building/development requirements.

(13) Temporary portable structures during construction. A Temporary/Portable Accessory Building, Structure or Container as defined in section 155.005 may be used during construction according to the conditions stated therein.

SECTION SIX. Section 155.030 “R-1-P” is amended to add a provision for Temporary/Portable Accessory Building, Structure or Container as subsection (C)(16) as follows:

(C) Building/development requirements.

(16) Temporary portable structures during construction. A Temporary/Portable Accessory Building, Structure or Container as defined in section 155.005 may be used during construction according to the conditions stated therein.

SECTION SEVEN. Section 155.031 “Establishment of Official Residential-Agricultural Zoning District Map, Zoning District and Boundaries” is amended to add a provision for Temporary/Portable Accessory Building, Structure or Container as subsection (D)(15) as follows:

(D) Building/development requirements.

(15) Temporary portable structures during construction. A Temporary/Portable Accessory Building, Structure or Container as defined in section 155.005 may be used during construction according to the conditions stated therein.

SECTION EIGHT. Section 155.032 “R-3 One-, Two-, and Three-Family Residential” is amended to add a provision for Temporary/Portable Accessory Building, Structure or Container as subsection (C)(15) as follows:

(C) *Building/development requirements.*

(15) *Temporary portable structures during construction.* A Temporary/Portable Accessory Building, Structure or Container as defined in section 155.005 may be used during construction according to the conditions stated therein.

SECTION NINE. Section 155.033, “Establishment of Official Commercial Zoning District Map, Zoning Districts and Boundaries,” is amended to add Storage Containers to the provisions of subsection (F)(22), Accessory Buildings and Structures as follows:

§ 155.033 ESTABLISHMENT OF OFFICIAL COMMERCIAL ZONING DISTRICT MAP, ZONING DISTRICTS AND BOUNDARIES.

(F) *Permitted uses.* By right the following uses are permitted in ~~C-2~~ Commercial Districts.

(22) Accessory buildings and structures. Accessory buildings or structures including, but not limited to, garages, storage sheds, storage containers and noncommercial greenhouses. Not more than three accessory buildings or structures shall be permitted per lot except as a conditional use. The combined square footage of all buildings and structures, including the principal building or structure and all accessory buildings or structures, shall not exceed the limitations on lot coverage contained herein. Storage containers shall be subject to the following additional conditions:

(a) Storage containers shall be located to the side of or behind the principal structure, and shall not be located in any public right-of-way, fire access lane or landscaped area

(b) Vertical stacking of storage containers and stacking of any other materials on top of or around any storage container shall be prohibited.

(c) Storage containers must be kept in good repair, be uniform in appearance and free from graffiti, be secured against unauthorized entry, and comply with applicable health and fire

regulations. A storage container that is not in good repair may include, but is not limited to, graffiti, being incapable of being moved intact, having holes in the container due to damage or rust, or being infested with vermin or other pests.

(d) A storage container shall not be used as a dwelling or living quarters, nor for camping, cooking or recreational purposes for any period of time.

SECTION TEN. All provisions within the sections of the code identified herein that are not amended by this ordinance shall remain in full force and effect.

SECTION ELEVEN. *Effective Date.* This ordinance shall be effective five days following publication after adoption.

PASSED, APPROVED AND ADOPTED this 22nd day of January, 2020.

Edna Trager, Mayor

ATTEST:

Rani Bush, City Clerk-Treasurer