TOWN OF FREDERICK
BOARD OF TRUSTEES
INFORMATION MEMORANDUM

Tony Carey, Mayor

Laura Brown, Mayor Pro Tem
Rocky Figurilli, Trustee
Salvatore "Sam" DeSantis, Trustee

Tracie Crites, Trustee
Rusty ONeal, Trustee
Dan March, Trustee

Discussion of Draft Regulations on Storage Containers

Agenda Date: Town Board Meeting – September 24, 2019

Attachments:

a. Original letter sent May 15, 2019
b. Second letter sent June 6, 2019
c. Third letter sent August 23, 2019
d. Draft Regulations with Business Owner Feedback (Version 1)
e. Draft Regulations with Board Feedback (Version 2)
f. Draft Regulations Intermediate (Version 3)
g. Draft Regulations with Business Owner Feedback (Version 4)
h. Current Zoning Map
i. Sample 1 Acre Site Drawing

Submitted by: Jennifer Simmons
Planning Director

Approved for Presentation: _____
Acting Town Manager

Detail of Issue/Request:

Recently, concerns were expressed regarding the use of containers for outdoor storage on private property, which is prohibited by the Town's Land Use Code. As a result, research was completed earlier this year to estimate the number of properties currently utilizing containers. As part of this process, staff reviewed aerial photography and drove through business parks to identify properties with existing storage containers. As a result, it was determined that approximately 45 properties were utilizing storage containers on their properties.

Letters were sent on May 15, 2019 to all property owners of land zoned: C-N, Neighborhood Commercial; C-C, Community Commercial; C-H52, Mixed Use Highway 52; C-E, Employment; DN-A, Downtown A; DN-B, Downtown B; BLI, Business Light Industrial; and I, Industrial, as well as all licensed business owners, informing them of the Land Use Code prohibition on the use of containers for outdoor storage. In

addition, the letter advised that a meeting was scheduled for Wednesday, May 29, to further discuss the Code and indicated enforcement would begin June 19, 2019.

The May 29 meeting was held at the Carbon Valley Senior Center and forty-five people signed in. There were many questions including:

- Why the Town had never enforced this in the past?
- Is there a way to get grandfathered?
- Is the Town trying to get businesses to leave town?
- Is there a way to get a variance?

After the meeting, a follow up letter was sent on June 6, 2019 indicating that enforcement would be delayed until August 28, 2019, while the Town considered public feedback and explored a mutually beneficial solution.

In addition, the Glacier Business Park Business Owners' Association requested a meeting to discuss their concerns on May 28. Nine businesses were represented and provided feedback on the use of containers and expressed understanding for the need for regulation of the containers. Many of these business owners have remained active in providing their thoughts and opinions on the draft regulations.

Based on direction from the Board of Trustees at the June 11, 2019 meeting, staff drafted regulations that would allow storage containers on properties in Business Light Industrial and Industrial zoning districts with some parameters as outlined in the attachment. The regulations were drafted and emailed to folks who indicated they wanted further information. They were also placed online.

A working group of seven business/property owners met on July 10, 2019 to review the draft regulations and provide feedback. Feedback was also received from business and property owners who read the regulations online. The feedback was incorporated into the original version of the draft regulations included in the July 16, 2019 Board meeting packet. These draft regulations are attached as Version 1.

The Board of Trustees held a work session on July 16, 2019 to review the draft regulations (Version 1) and provide feedback to staff. Among the feedback received was:

- Does the International Building Code require the ability to exit the container if someone is inside and the door closes?
- The ability to have five (5) containers per acre seemed generous.
- The ability to have a temporary container on site for 180 days seemed generous.
- The desire to have a maximum number of containers per site.

The Chief Building Official conducted further research of the International Building Code and determined that as long as the container door is not self-locking upon closing, there is no need for emergency egress hardware from inside the container.

The Board requested that the draft version of regulations be amended. Draft Regulations Version 2 attempts to reflect the feedback received during the July 16 work session. Draft Regulations Version 3 provides a middle ground between what was originally proposed (Version 1) and the version incorporating Board feedback (Version 2). Additionally, a simplistic drawing of a oneacre site with one container on it is included for context. The Board requested that the item be brought back to the Board with additional information. As a result, the Board discussed this item again during its August 13 Board meeting and requested that staff meet with businesses to discuss the various versions presented to the Board.

On August 29, 2019, a meeting was held to hear from business owners what would work for them. Three property owners were not able to attend; however, they provided written feedback. Eight property owners attended representing businesses that have been in Frederick between four and twenty-four years with properties ranging in size from 0.623 to 11.062 acres. A few of the comments provided by these businesses during the course of this meeting include:

- Theft is a major concern.
- The maximum limit is what really hurts.
- Containers are part of the business' equipment.
- If the containers are screened from view, what's the concern?
- The proportionality of a number of containers per acre seems fair.

A concern was also raised about the amount of time allowed for a transitory container and whether the Town was actually going to track how long they were kept on site. During a prosperous economy, one hundred twenty days doesn't seem burdensome. However, during a down economy, it is very burdensome. The business owners asked that this requirement be removed from the regulations.

The general consensus of the group was that there was no need for a maximum if the regulations included a number permitted per acre. However, they understand the Board of Trustees preference to include a maximum number and as such, they support Version 4 of the draft regulations, with a request that item 3.i be removed.

Should the Board choose to move forward with the draft regulations, further amendments to the Land Use Code will be completed to ensure there is no conflict between sections of the Code.

Legal Comments:

The Town Attorney has reviewed the revisions and found they can move forward should the Board choose to do so.

Alternatives/Options:

There are many alternatives available for this topic.

Financial Considerations:

Not applicable.

Staff Recommendation:

Staff is requesting direction from the Board.

401 Locust Street • P.O. Box 435 • Frederick, CO 80530-0435

Phone: (720) 382-5500 • Fax: (720) 382-5520

WWW.FREDERICKCO.GOV

May 15, 2019

Re: Shipping Containers

Dear Property Owner/Business Owner,

The Town is holding a meeting to discuss the use of shipping containers as storage containers on property within the Town. **This meeting will be held at the Carbon Valley Senior Center, 6615 Frederick Way** in Frederick **on Wednesday, May 29, 2019 at 7:00.**

Currently, the Town's Land Use Code does not allow the use of shipping containers for storage on an ongoing basis. If you have one or more containers on your site, and you have a current construction project with active Town permits, a shipping container may be used during the construction. If you have one or more containers on your site without a current construction project with active Town permits, your property is out of compliance with the Land Use Code. We would like to discuss with you the options for resolving this issue in order to bring your property into compliance, as well as what timelines and other expectations are reasonable. It's our hope that this meeting will eliminate the need for more serious action relating to violations.

Any property not in compliance with the Land Use Code on Wednesday, June 19, 2019 will be receiving a written warning which may lead to a citation.

We have attempted to notify everyone who owns a property having a non-residential zoning designation. We are also reaching out to business owners on these properties. If you know someone who did not receive notice, please invite them to the meeting, or let us know how to get in touch with them. If you aren't available for this meeting, or would like to set up a separate meeting with Town staff to discuss your property, please call 720.382.5651 to schedule a time.

Regards,

J Simmons

Jennifer Simmons, AICP
Planning Director

Cc: Town Attorney
Town Prosecutor

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WWW.FREDERICKCO.GOV

June 6, 2019

Re: Shipping Containers

Dear Property Owner/Business Owner,

Thank you for your patience as the Town continues to consider how to best address shipping containers and the complexity with the Land Use Code. We've heard from many of you and are doing further research to explore a mutually beneficial solution.

Accordingly, we will be delaying enforcement until Wednesday, August 28, 2019.

We have created a page on our website that will include ongoing information. That page can be found at https://www.frederickco.gov/795/Storage-Containers or by searching for storage container on the Town's home page. If you would be interested in receiving e-mail communication regarding updates on this topic, please send me the following information: (1) your business name; (2) your business address; (3) your name; (4) your email address. As we proceed through this process we will post information online and email those who provide their contact information.

Regards,

J Simmons

Jennifer Simmons, AICP
Planning Director

Cc: Town Attorney
Town Prosecutor

401 LOCUST STREET • P.O. BOX 435 • FREDERICK, CO 80530-0435

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WWW.FREDERICKCO.GOV

August 23, 2019

Re: Shipping Containers

Dear Property Owner/Business Owner,

Thank you for your patience as the Town continues to consider how to best address shipping containers and the complexity with the Land Use Code. We've heard from many of you and continue to explore a mutually beneficial solution.

Accordingly, we will be delaying enforcement until Thursday, October 31, 2019.

The Town's website continues to be update with the most current information. You can find it at https://www.frederickco.gov/795/Storage-Containers or by searching for storage container on the Town's home page. If you have not yet e-mailed me your information to included on e-mail communication regarding updates on this topic, please send me the following information: (1) your business name; (2) your business address; (3) your name; (4) your email address. As we proceed through this process, we will post information online and email those who provide their contact information.

Regards,

J Simmons

Jennifer Simmons, AICP
Planning Director

Cc: Town Attorney
Town Prosecutor

DRAFT REGULATIONS ON CONTAINERS (AKA SHIPPING OR STORAGE CONTAINERS)

VERSION 1

These regulations are proposed to be added to the Specific Use Standards found in the Land Use Code Section 3.4.2.b(new number).

1. Containers shall further be limited as follows:
   - (a). In the Business Light Industrial or Industrial zones, containers used for permanent on-site storage will be considered an accessory structure and:
     - i. Must apply for a building permit
     - ii. Must be identified on site plan application, which may occur in conjunction with a building permit.
     - iii. Must be permanently anchored in accordance with the International Building Code.
     - iv. Must be painted to complement the primary structure.
     - v. Must be placed in an outdoor storage area meeting the regulations defined in Land Use Code Section 3.4.2.b.6.
     - vi. Must meet all setbacks.
     - vii. Must be outside all easements.
     - viii. May only be accessed by the landowner or employees of the business on site.
     - ix. Shall not be stacked.
   - (b). In the Business Light Industrial or Industrial zones, containers used for temporary on-site storage:
     - i. May not be on site more than one hundred eighty (180) consecutive days.
   - (c). Shall be allowed at a ratio of five (5) containers per acre.
   - (d). In the all other zones:
     - i. Containers used for temporary on-site storage may be on an individual's private property for up to 30 days per year.
     - ii. Containers may be used for temporary storage in conjunction with a valid building permit.
     - iii. May be allowed in conjunction with an approved temporary use permit for seasonal sales.

DRAFT

DRAFT REGULATIONS ON CONTAINERS (AKA SHIPPING OR STORAGE CONTAINERS)

These regulations are proposed to be added to the Specific Use Standards found in the Land Use Code Section 3.4.2.b(new number).

1. Containers shall further be limited as follows:
   - (a). In the Business Light Industrial or Industrial zones, containers used for permanent on-site storage will be considered an accessory structure and:
     - i. Must apply for a building permit
     - ii. Must be identified on site plan application, which may occur in conjunction with a building permit.
     - iii. Must be permanently anchored in accordance with the International Building Code.
     - iv. Must be painted to ~~match~~ complement the primary structure.
     - ~~v. Shall be allowed at a ratio of x containers per y area.~~
     - ~~vi.~~v. Must be placed in an outdoor storage area meeting the regulations defined in Land Use Code Section 3.4.2.b.6.
     - ~~vii.~~vi. Must meet all setbacks.
     - ~~viii.~~vii. Must be outside all easements.
     - ~~ix.~~viii. May only be accessed by the landowner or employees of the business on site.
     - ~~x.~~ix. Shall not be stacked.
   - (b). In the Business Light Industrial or Industrial zones, containers used for temporary on-site storage:
     - i. May not be on site more than one hundred eighty (180) consecutive days.
     - ~~ii. No more than 10 temporary containers may be on site at any one time.~~
   - (c). Shall be allowed at a ratio of five (5) containers per acre.
   - ~~(c).~~(d). In the all other zones:
     - i. Containers used for temporary on-site storage may be on an individual's private property for up to 30 days per year.
     - ii. Containers may be used for temporary storage in conjunction with a valid building permit.
     - ~~ii.~~iii. May be allowed in conjunction with an approved temporary use permit for seasonal sales.

Commented [JS1]: This ratio has not yet been determined.

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DRAFT REGULATIONS ON CONTAINERS (AKA SHIPPING OR STORAGE CONTAINERS)

VERSION 3

These regulations are proposed to be added to the Specific Use Standards found in the Land Use Code Section 3.4.2.b(new number).

1. Containers shall further be limited as follows:

Table 3.x			
Zoning District	Number of Permanent or Transitory Containers Permitted On Site	Maximum Number On Site At Any Time	Additional Regulations
R-E Estate District	0	0	4
R-1 Residential Low Density District	0	0	4
R-2 Residential Medium Density District	0	0	4
R-3 Residential High Density District	0	0	4
R-MH1 Manufactured Home District 1	0	0	4
C-N Neighborhood Commercial District	0	0	4
C-C Community Commercial District	0	0	4
C-H52 Mixed Use Highway 52 District	0	0	4
C-E Employment District	0	0	4
DN-A Downtown A	0	0	4
DN-B Downtown B	0	0	4
BLI Business Light Industrial District	1/acre	3	2, 3, 4
I Industrial District	3/acre	10	2, 3, 4
A Agriculture District	1/acre	3	2, 3, 4
P Public District	0	0	4

2. Permanent Containers are containers which remain on site at all times. They will be considered an accessory structure and:
   i. Must apply for a building permit
   ii. Must be identified on site plan application, which may occur in conjunction with a building permit.
   iii. Must be permanently anchored in accordance with the International Building Code.
   iv. Must be painted to complement the primary structure.
   v. Must be placed in an outdoor storage area meeting the regulations defined in Land Use Code Section 3.4.2.b.6.
   vi. Must meet all setbacks.
   vii. Must be outside all easements.
   viii. May only be accessed by the landowner or employees of the business on site.
   ix. Shall not be stacked.

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3. Transitory Containers are containers which are not consistently kept on site. These containers are not considered an accessory structure as they come and go from the site and:
    i. May not be on site more than ninety (120) consecutive days.
    ii. Must be identified on site plan application, which may occur in conjunction with a building permit.
    iii. Must be placed in an outdoor storage area meeting the regulations defined in Land Use Code Section 3.4.2.b.6.
    iv. Must meet all setbacks.
    v. Must be outside all easements.
    vi. May only be accessed by the landowner or employees of the business on site.
    vii. Shall not be stacked.
4. On properties not able to have permanent or transitory containers:
    i. Containers used for temporary on-site storage may be on an individual's private property for up to 30 days per year.
    ii. Containers may be used for temporary storage in conjunction with a valid building permit.
    iii. May be allowed in conjunction with an approved temporary use permit for seasonal sales.

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DRAFT REGULATIONS ON CONTAINERS (AKA SHIPPING OR STORAGE CONTAINERS)

VERSION 4

These regulations are proposed to be added to the Specific Use Standards found in the Land Use Code Section 3.4.2.b(new number).

1. Containers shall further be limited as follows:

Table 3.x			
Zoning District	Number of Permanent or Transitory Containers Permitted On Site	Maximum Number On Site At Any Time	Additional Regulations
R-E Estate District	0	0	4
R-1 Residential Low Density District	0	0	4
R-2 Residential Medium Density District	0	0	4
R-3 Residential High Density District	0	0	4
R-MH1 Manufactured Home District 1	0	0	4
R-MH2 Manufactured Home District 2	0	0	4
C-N Neighborhood Commercial District	0	0	4
C-C Community Commercial District	0	0	4
C-H52 Mixed Use Highway 52 District	0	0	4
C-E Employment District	0	0	4
DN-A Downtown A	0	0	4
DN-B Downtown B	0	0	4
BLI Business Light Industrial District	1/acre	3	2, 3
I Industrial District			
- For properties 0 – 4.99 acres	4/acre	15	2, 3
- For properties 5 – 9.99 acres	4/acre	30	2, 3
- For properties over 10 acres	4/acre	50	2, 3
A Agriculture District	1/acre	3	2, 3
P Public District	0	0	4

2. Permanent Containers are containers which remain on site at all times. They will be considered an accessory structure and:
   i. Must apply for a building permit
   ii. Must be identified on site plan application, which may occur in conjunction with a building permit.
   iii. Must be permanently anchored in accordance with the International Building Code.
   iv. Must be painted to complement the primary structure.

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v. Must be placed in an outdoor storage area meeting the regulations defined in Land Use Code Section 3.4.2.b.6.
vi. Must meet all setbacks.
vii. Must be outside all easements.
viii. May only be accessed by the landowner or employees of the business on site.
ix. Shall not be stacked.
x. Contiguous lots under single ownership may be considered as a single lot for this provision.

3. Transitory Containers are containers which are not consistently kept on site. These containers are not considered an accessory structure as they come and go from the site and:
   i. May not be on site more than one hundred twenty (120) consecutive days.
   ii. Must be identified on site plan application, which may occur in conjunction with a building permit.
   iii. Must be placed in an outdoor storage area meeting the regulations defined in Land Use Code Section 3.4.2.b.6.
   iv. Must meet all setbacks.
   v. Must be outside all easements.
   vi. May only be accessed by the landowner or employees of the business on site.
   vii. Shall not be stacked.
4. On properties not able to have permanent or transitory containers:
   i. Containers used for temporary on-site storage may be on an individual's private property for up to 30 days per year.
   ii. Containers may be used for temporary storage in conjunction with a valid building permit.
   iii. Containers may be allowed in conjunction with an approved temporary use permit for seasonal sales.

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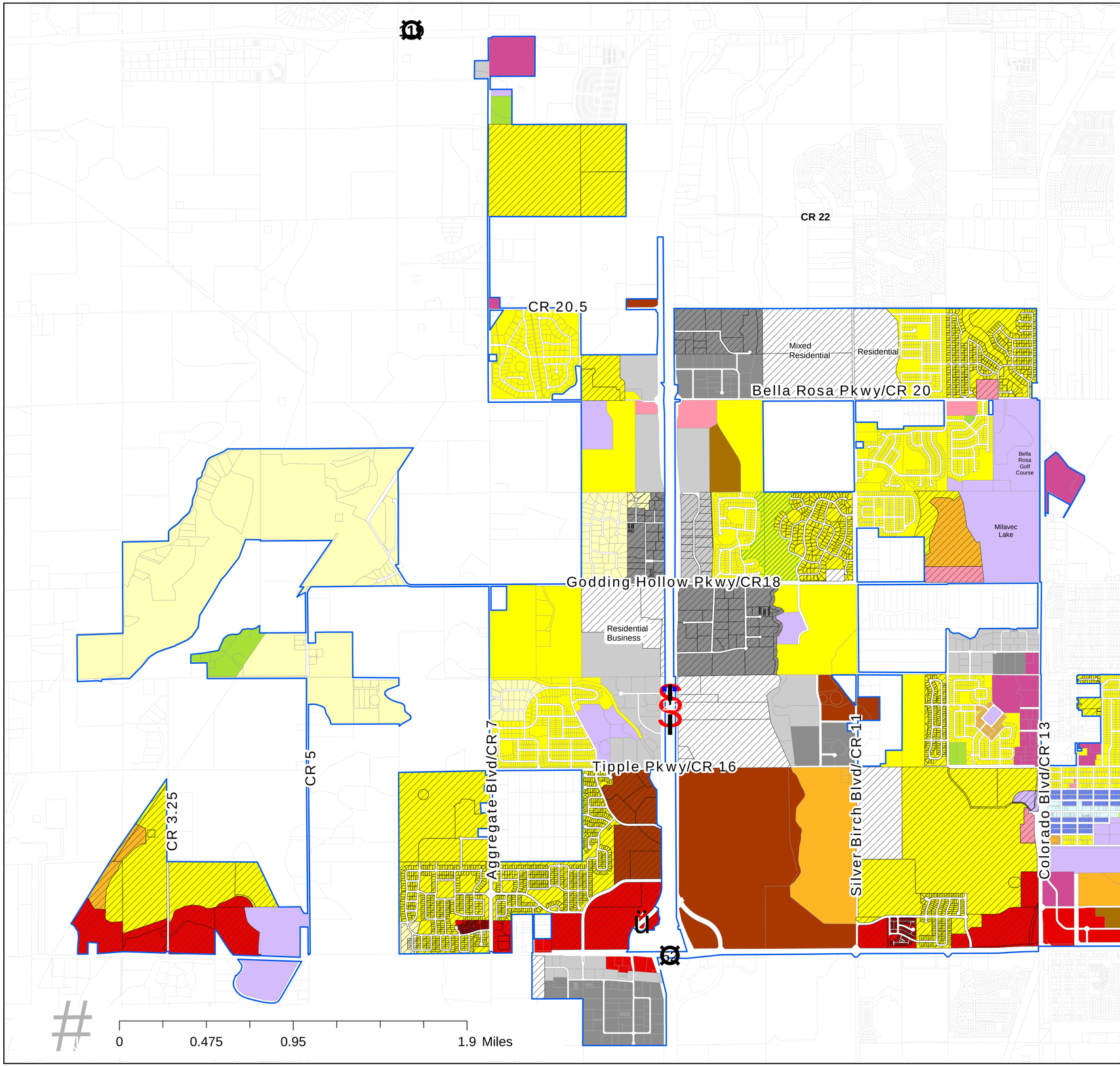
TOWN OF FREDERICK

Zoning District Map

June 20, 2019



Residential Zoning Districts

- R-E Estate District
- R-1 Residential Low Density District
- R-2 Residential Medium Density District
- R-3 Residential High Density District
- R-MH1 Manufactured Home District 1

Commercial Zoning Districts

- C-N Neighborhood Commercial District
- C-C Community Commercial District
- C-H52 Mixed Use Highway 52 District
- C-E Employment District

Downtown Zoning Districts

- DN-A Downtown A
- DN-B Downtown B

Industrial Zoning Districts

- BLI Business Light Industrial District
- I Industrial District

Special and Overlay Zoning Districts

- A Agricultural District
- P Public District
- H-O Hazard Overlay District
- PUD-O Planned Unit Development Overlay District*
- Town Boundary

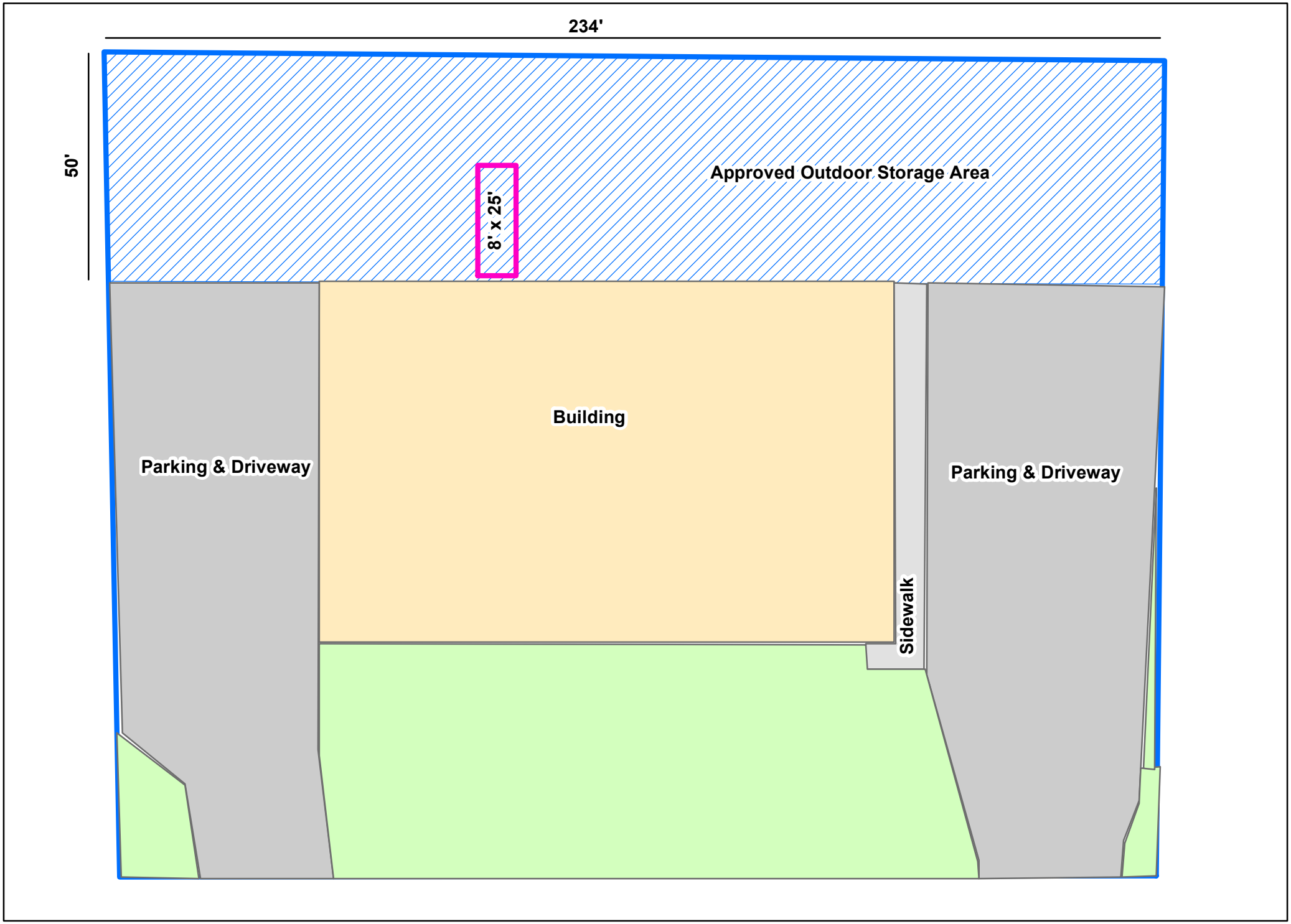
*Certain PUDs require underlying zoning to be established at time of development.

Disclaimer:

This map is general representation of the Zoning within the Town of Frederick. The map is for general representation only and may contain information that is not current.

The Town of Frederick does NOT warrant the precise boundaries and shall assume no liability for any errors, omissions, or inaccuracies in the information provided regardless of cause. The Town of Frederick assumes no liability for any decisions made or actions taken or not taken in reliance upon this map or any information provided on this map.

Records and additional maps are available for review at the Town of Frederick, Planning Department, 401 Locust Street, Frederick, CO 80530. Telephone 720.382.5500, Fax 720.382.5520, Website: www.frederickco.gov



Sample Site - 0.99 acres - Shown with 1 container on it

0 5 10 20 30 Feet

N