

CITY COUNCIL  
Mayor Bill Stankiewicz  
Reginald Jackson, Post 1  
Marichal Price, Post 2  
Mandy Neese, Post 3  
Mark Ayers, Post 4  
Toni Striblin, Post 5

# City of Hogansville



David Milliron, City Manager  
Lisa Kelly, City Clerk  
Jeff Todd, City Attorney

400 E Main St  
Hogansville GA 30230-1196  
706-637-8629 | cityofhogansville.org

---

## COUNCIL ACTION FORM

---

**MEETING DATE:** February 17, 2020      **SUBMITTED BY:** Lynne Miller

**AGENDA TITLE:** Proposed Ordinance: Temporary Buildings, Storage Containers and Storage Pods

**CLASSIFICATION** (City Attorney must approve all ordinances, resolutions and contracts as to form)

- |   |                                     |  |  |
|---|-------------------------------------|--|--|
| <input type="checkbox"/> Ordinance (No. _____)  | <input type="checkbox"/> Contract   | <input type="checkbox"/> Information Only  | <input checked="" type="checkbox"/> Public Hearing |
| <input type="checkbox"/> Resolution (No. _____) | <input type="checkbox"/> Ceremonial | <input type="checkbox"/> Discussion/Action | <input type="checkbox"/> Other                     |

**BACKGROUND** (Includes description, background, and justification)

The attached ordinance proposes new language for the Hogansville Zoning Ordinance relating to temporary buildings, storage containers and storage pods. On 1-22-2020, the Hogansville Planning Commission met to revise its earlier recommendations (dated 12-16-19) after the City Council, on 1-6-2020, tabled action on this item and requested less restrictive language for storage containers.

The Planning Commission is now recommending the attached ordinance. Specific changes to the 12-16-19 version are highlighted in the second attachment. In 2020, the P&Z Commission will be recommending additional ordinance updates relating to tiny homes, accessory structures and accessory dwelling units.

N/A

**BUDGETING & FINANCIAL IMPACT** (Includes project costs and funding sources)

**STAFF RECOMMENDATION** (Include possible options for consideration)

Adopt the recommended Zoning Ordinance updates recommended by the City of Hogansville Planning and Zoning Commission.

**AN ORDINANCE**

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF HOGANSVILLE TO AMEND THE CODE OF THE CITY; TO AMEND THE ZONING ORDINANCE OF THE CITY SO AS TO MODIFY THE REGULATIONS AS TO TEMPORARY BUILDINGS; TO REGULATE THE LOCATION, PLACEMENT AND AVAILABILITY OF CARGO CONTAINERS WITHIN CERTAIN ZONING DISTRICTS OF THE CITY; TO DEFINE AND REGULATE THE LOCATION OF STORAGE PODS WITHIN THE CITY; TO REPEAL CONFLICTING ORDINANCES; TO FIX AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

THE COUNCIL OF THE CITY OF HOGANSVILLE HEREBY ORDAINS:

**SECTION 1:**

That the Code of Ordinances of the City of Hogansville be amended by deleting therefrom Section 102-229, regarding temporary buildings, inserting in lieu thereof a new Section 102-229, to read as follows:

**“Sec. 102-229. – Temporary buildings.**

(a) No temporary building may be located on any lot within the city prior to issuance of a permit pursuant to this code section, the cost for which shall be as established from time-to-time by the governing authority.

(b) Temporary buildings shall not be permitted in any district except when they are used in conjunction with construction work and pending completion of a permanent building. Such building shall be used for a period not to exceed one (1) year and shall be removed no later than thirty (30) days after construction of the permanent building is completed. Construction of the permanent building is said to be completed at the issuance of a certificate of occupancy.

(c) For construction projects which are reasonably anticipated to exceed one (1) year in duration, an owner may apply to the mayor and council for a variance from the requirements of this code section.”

**SECTION 2:**

That Code Section 102-2 of the Zoning Ordinance of the City be amended by inserting therein a new entry for the term “Cargo Container,” in proper alphabetical order, as follows:

“Cargo container means a pre-fabricated, reusable box-like shipping receptacle, without wheels, having a volume of 64 cubic feet or more, a height that does not exceed “low cube” height of 8 feet 6 inches, a length that does not exceed 20 feet, and a poured foundation or wind resistant tie-downs; designed and constructed to permit lifting with its contents intact, and intended primarily for intermodal transportation. May also be referred to as freight container, shipping container, conex box or sea can.”

**SECTION 3:**

That the Code of Ordinances of the City of Hogansville be amended by inserting therein a new Section 102-235, regarding Cargo Containers, and to read as follows:

**“Sec. 102-235. – Cargo containers.**

(a) *Generally.* No cargo container, as such is defined in the zoning ordinance of the city, shall be erected, placed or otherwise located within the city except in conformity with the regulations of this section and any other applicable zoning or other restriction within the Code. No cargo container shall be placed in a front yard. The front yard is defined as the space extending the full width of the lot between the principal building and the front lot line and measured perpendicular to the principal building at the closest point to the front lot line.

(b) *Zoning districts: cargo containers prohibited.* Within RD (rural development district), R1 (single-family residential district), R2 (single-family patio homes district), R3 (multifamily residential/townhomes district) and CR (commercial-residential district) cargo containers are prohibited.

(c) *Zoning districts: cargo containers allowed; limitations and restrictions.*

(1) Within G-I (general industrial district) cargo containers shall be allowed without restriction.

(2) Cargo containers shall be allowed, subject to restriction, within the GC (general commercial district) zoning district as follows:

a. *Permanent cargo container.* Cargo containers shall be allowed on a permanent basis, with properly issued permit, within the GC zoning district on lots of one (1) acre or more. Such cargo containers shall be permanently and fully screened from view from all adjacent properties, which shall require either opaque fencing material one (1) foot higher than the height of the cargo container, or planted landscape material that within six (6) months of installation is opaque and one (1) foot higher than the height of the cargo container. Placement of cargo containers shall comply with all applicable building and setback lines. No more than one (1) permanent cargo container shall be allowed per lot, regardless of lot size. Any applicant requesting to place a permanent cargo container on a lot must apply for a permit under the terms of this ordinance and shall pay to the city a one-time permitting fee of fifty dollars (\$50.00).

b. *Temporary cargo container.* Cargo containers shall be allowed on a temporary basis within the GC zoning district on lots of one (1) acre or more, but not for greater than ninety (90) days per calendar year. No more than one (1) temporary cargo container shall be allowed per acre. The mayor and council may grant a variance from the provisions of this subparagraph. While a permit shall be required for the placement of a temporary cargo container, no screening shall be required.

(3) Cargo containers shall be allowed, subject to restriction, within the RD (rural development), R1 (single-family residential), R2 (single family patio homes), R3 (multi-family residential/townhomes) and CR (commercial-residential) zoning districts as follows:

*Cargo container for storage purposes.* Cargo containers for storage purposes only shall be allowed on a permanent basis, within the RD, R1, R2, R3, and CR zoning districts. Such cargo containers shall be permanently and fully screened from view from all adjacent properties, with either opaque fencing material one

foot higher than the height of the cargo container, or planted landscape material that within six months of installation is one foot higher than the height of the cargo container and which is opaque. Placement of cargo containers shall comply with all applicable building and setback lines. No more than one permanent cargo container shall be permitted per lot, regardless of lot size. Any applicant requesting to place a permanent cargo container must apply for a permit under the terms of this ordinance and shall pay to the city a one-time permitting fee of fifty dollars (\$50.00).”

**SECTION 4:**

That the Code of Ordinances of the City of Hogansville be amended by inserting therein a new Section 102-236, regarding Storage Pods, and to read as follows:

**“Sec. 102-236. – Movable modular storage units.**

Movable modular storage units, also known as storage pods, are permissible temporary structures in all districts provided that such structures are located in compliance with the following standards:

- (1) Such storage units may not exceed 900 cubic feet in volume;
- (2) Duration for location of such storage pod on any lot within the city shall be limited to ninety (90) days per calendar year, except that a change in ownership of the lot at issue shall entitle any new owner to ninety (90) days per calendar year;
- (3) The storage pod may be placed in a front, side or rear yard, but must be placed at least five (5) feet from any property line and other structure;
- (4) No storage pod shall be placed within an easement, storm water area or required buffer; and
- (5) No storage pod shall be located so as to obstruct pedestrian access.”

**SECTION 5:**

All ordinances or parts of ordinances in conflict with the provisions of this ordinance shall be and the same are hereby repealed.

**SECTION 6:**

This ordinance, after adoption by the Council and upon approval by the Mayor, shall become effective immediately.

INTRODUCED AND FIRST READING \_\_\_\_\_

SECOND READING AND ADOPTED/REJECTED \_\_\_\_\_

SUBMITTED TO MAYOR AND APPROVED/DISAPPROVED \_\_\_\_\_

BY: \_\_\_\_\_  
Mayor

ATTEST: \_\_\_\_\_  
Clerk

**AN ORDINANCE**

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF HOGANSVILLE TO AMEND THE CODE OF THE CITY; TO AMEND THE ZONING ORDINANCE OF THE CITY SO AS TO MODIFY THE REGULATIONS AS TO TEMPORARY BUILDINGS; TO REGULATE THE LOCATION, PLACEMENT AND AVAILABILITY OF CARGO CONTAINERS WITHIN CERTAIN ZONING DISTRICTS OF THE CITY; TO DEFINE AND REGULATE THE LOCATION OF STORAGE PODS WITHIN THE CITY; TO REPEAL CONFLICTING ORDINANCES; TO FIX AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

THE COUNCIL OF THE CITY OF HOGANSVILLE HEREBY ORDAINS:

**SECTION 1:**

That the Code of Ordinances of the City of Hogansville be amended by deleting therefrom Section 102-229, regarding temporary buildings, inserting in lieu thereof a new Section 102-229, to read as follows:

**“Sec. 102-229. – Temporary buildings.**

- (a) No temporary building may be located on any lot within the city prior to issuance of a permit pursuant to this code section, the cost for which shall be as established from time-to-time by the governing authority.
- (b) Temporary buildings shall not be permitted in any district except when they are used in conjunction with construction work and pending completion of a permanent building. Such building shall be used for a period not to exceed one (1) year and shall be removed no later than thirty (30) days after construction of the permanent building is completed. Construction of the permanent building is said to be completed at the issuance of a certificate of occupancy.
- (c) For construction projects which are reasonably anticipated to exceed one (1) year in duration, an owner may apply to the mayor and council for a variance from the requirements of this code section.”

**SECTION 2:**

That Code Section 102-2 of the Zoning Ordinance of the City be amended by inserting therein a new entry for the term “Cargo Container,” in proper alphabetical order, as follows:

~~“Cargo container means a pre-fabricated, reusable box-like shipping receptacle, with or without wheels, having a volume of sixty-four (64) cubic feet or more, a height that does not exceed “low cube” height of 8 feet 6 inches, a length that does not exceed 20 feet, and a poured foundation or wind resistant tie-downs; designed and constructed to permit lifting with its contents intact, and intended primarily for intermodal transportation- also, a semi trailer, which shall be defined as any vehicle, with or without motive power and with or without wheels, having a volume of sixty four (64) cubic feet or more and designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle.”~~ **May also be referred to as freight container, conex box or sea can.**

### **SECTION 3:**

That the Code of Ordinances of the City of Hogansville be amended by inserting therein a new Section 102-235, regarding Cargo Containers, and to read as follows:

#### **“Sec. 102-235. – Cargo containers.**

(a) *Generally.* No cargo container, as such is defined in the zoning ordinance of the city, shall be erected, placed or otherwise located within the city except in conformity with the regulations of this section and any other applicable zoning or other restriction within the Code. ~~Moreover, no cargo container shall be used for human or animal habitation, and are allowed to be used for storage purposes only.~~ **No cargo container shall be placed in a front yard. The front yard is defined as the space extending the full width of the lot between the principal building and the front lot line and measured perpendicular to the principal building at the closest point to the front lot line.**

(b) ~~*Zoning districts: cargo containers prohibited.* Within RD (rural development district), R1 (single family residential district), R2 (single family patio homes district), R3 (multifamily residential/townhomes district) and CR (commercial residential district) cargo containers are prohibited.~~

(c) *Zoning districts: cargo containers allowed; limitations and restrictions.*

(1) Within G-I (general industrial district) cargo containers shall be allowed without restriction.

(2) Cargo containers shall be allowed, subject to restriction, within the GC (general commercial district) zoning district as follows:

a. Permanent cargo container. Cargo containers shall be allowed on a permanent basis, with properly issued permit, within the GC zoning district on lots of one (1) acre or more. Such cargo

containers shall be permanently and fully screened from view from all adjacent properties, which shall require either **opaque** fencing material one (1) foot higher than the height of the cargo container, or planted landscape material that within six (6) months of installation is **opaque and** one (1) foot higher than the height of the cargo container. Placement of cargo containers shall comply with all applicable building and setback lines. No more than one (1) permanent cargo container shall be allowed per lot, regardless of lot size. Any applicant requesting to place a permanent cargo container on a lot must apply for a permit under the terms of this ordinance and shall pay to the city a one-time permitting fee of fifty dollars (\$50.00).

b. Temporary cargo container. Cargo containers shall be allowed on a temporary basis within the GC zoning district on lots of one (1) acre or more, but not for greater than ninety (90) days per calendar year. No more than one (1) temporary cargo container shall be allowed per acre. The mayor and council may grant a variance from the provisions of this subparagraph. While a permit shall be required for the placement of a temporary cargo container, no screening shall be required.”

(3) Cargo containers shall be allowed subject to restriction, within the RD (rural development), R1 (single-family residential), R3 (multi-family residential/townhomes) and CR (commercial-residential) zoning districts as follows:

*Cargo container for storage purposes.* Cargo containers for storage purposes only shall be allowed on a permanent basis, within the RD, R1, R3, R3 and CR zoning districts. Such cargo containers shall be permanently and fully screened from view from all adjacent properties, with either opaque fencing material one foot higher than the height of the cargo container, or planted landscape material that within six months of installation is one foot higher than the height of the cargo container and which is opaque. Placement of cargo containers shall comply with all building and setback lines. No more than one permanent cargo container shall be permitted per lot, regardless of lot size. Any applicant requesting to place a permanent cargo container must apply for a permit under this ordinance and shall pay to the city a one-time permitting fee of fifty dollars (\$50).

#### **SECTION 4:**

That the Code of Ordinances of the City of Hogansville be amended by inserting therein a new Section 102-236, regarding Storage Pods, and to read as follows:

##### **“Sec. 102-236. – Movable modular storage units.**

Movable modular storage units, also known as storage pods, are permissible temporary structures in all districts provided that such structures are located in compliance with the following standards:

(1) Such storage units may not exceed 900 cubic feet in volume;

(2) Duration for location of such storage pod on any lot within the city shall be limited to ninety (90) days per calendar year, except that a change in ownership of the lot at issue shall entitle any new owner to ninety (90) days per calendar year;

(3) The storage pod may be placed in a front, side or rear yard, but must be placed at least five (5) feet from any property line and other structure;

(4) No storage pod shall be placed within an easement, storm water area or required buffer; and

(5) No storage pod shall be located so as to obstruct pedestrian access.”

**SECTION 5:**

All ordinances or parts of ordinances in conflict with the provisions of this ordinance shall be and the same are hereby repealed.

**SECTION 6:**

This ordinance, after adoption by the Council and upon approval by the Mayor, shall become effective immediately.

INTRODUCED AND FIRST READING \_\_\_\_\_

SECOND READING AND ADOPTED/REJECTED \_\_\_\_\_

SUBMITTED TO MAYOR AND APPROVED/DISAPPROVED \_\_\_\_\_

BY: \_\_\_\_\_  
Mayor

ATTEST: \_\_\_\_\_  
Clerk