

CITY OF SNELLVILLE

STATE OF GEORGIA

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND PORTIONS OF ARTICLE VII OF THE ZONING ORDINANCE OF THE CITY OF SNELLVILLE, TO REGULATE PORTABLE ACCESSORY STRUCTURES AND PORTABLE OUTDOOR STORAGE CONTAINERS; TO PROVIDE DEFINITIONS; REQUIRING THE PERMITTING OF PORTABLE ACCESSORY STRUCTURES AND PORTABLE OUTDOOR STORAGE CONTAINERS; ESTABLISHING FEES RELATING TO PORTABLE ACCESSORY STRUCTURES AND PORTABLE OUTDOOR STORAGE CONTAINERS; PROVIDING A PENALTY FOR VIOLATION OF ANY PROVISION; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY, AND FOR OTHER PURPOSES

WHEREAS, the Mayor and the Council of the City of Snellville, Georgia, the governing body of the City of Snellville, Georgia, desire to amend Article VII of the Zoning Ordinance of the City of Snellville;

WHEREAS, the Mayor and the Council of the City of Snellville, Georgia is authorized by O.C.G.A. § 36-35-3 to adopt ordinances relating to its property, affairs and local government;

WHEREAS, the Mayor and Council of the City of Snellville, Georgia has experienced an increase in the number of portable outdoor storage containers (commonly referred to by the trademarked brand name “PODS” but referencing all similar portable outdoor storage containers located on residential properties;

WHEREAS, such storage containers may serve legitimate purposes as a convenient means of temporarily storing personal property relating to a residential move-in/move-out; following a natural disaster or when homes are undergoing renovation, remodel, or reconstruction, but are potentially hazardous to the public safety and negatively impact the aesthetics of the property and the surrounding neighborhood; and

WHEREAS, the Mayor and Council of the City of Snellville, Georgia has determined that the use of portable accessory structures and portable outdoor storage containers should be permitted but should be subject to reasonable regulation in the interest of public safety, the protection of property values, and the minimization of disorderly or unsightly properties;

IT IS HEREBY ORDAINED BY THE GOVERNING AUTHORITY OF THE CITY OF SNELLVILLE, GEORGIA, and by the authority thereof:

**Section 1.** Article VII of the Zoning Ordinance of the City of Snellville is hereby amended as follows:

**Section 7.1 ACCESSORY USES OR STRUCTURES is hereby amended by deleting the following language:**

Portable Accessory Structures: Portable accessory structures shall be defined as any structure or building designed to be moveable from one location to another and which are not designed to be permanently attached or anchored to the ground, except consumer fireworks retail sales stands licensed in accordance with O.C.G.A. Title 25, which are exempt under this Article.

Portable accessory structures must meet the following requirements:

- 1). The business owner and/or property owner upon which the portable accessory structure(s) shall be located must acquire a Portable Accessory Structure Permit from the City of Snellville prior to locating any structure(s) on-site. Permits are valid for one calendar year and are required for each year a structure(s) shall be located on-site. The City shall reserve the right to deny issuance or renewal of permits for those businesses/property owners not in compliance with said regulations. The Mayor and Council shall set fees for the Portable Accessory Structure Permit;
- 2). Structure(s) shall be located only within the designated side or rear yard of the associated business(es). The portable accessory structure(s) shall not be located in front of the primary associated business. A site plan designating the proposed location of the structure(s) shall be submitted with the Portable Accessory Structure Permit application. Said site plan shall be approved by the Fire Marshal prior to submittal;
- 3). The structure(s) shall not be visible from the public right-of-way and/or view or shall be screened of sufficient height with materials similar to the main building façade or with landscaping to shield the structure from public view, as determined by the Zoning Enforcement Officer. Any required screening shall be installed before the portable accessory structure(s) may be located on-site. A rendering(s) of the screening materials shall be submitted with the Portable Accessory Structure Permit application;
- 4). Revised parking ratio calculations that are in compliance with the City's current ordinances must be submitted with the Portable Accessory Structure Permit application for any structure(s) to be located in a designated parking area;
- 5). Should the applicant not be the property owner upon which the structure(s) will be located, the applicant shall furnish to the City of Snellville a letter from the property owner acknowledging understanding of all regulations concerning portable accessory structures and granting permission for the location;
- 6). Structure(s) shall be constructed of rigid walls;
- 7). Structure(s) shall not exceed twenty feet in height;
- 8). Structure(s) shall be allowed in non-residential zoning districts only;
- 9). Storage of materials in these structures shall be in association with the existing business(es) only and shall be an accessory use to the primary

structure. Space may not be rented/leased for the use of these structures by off-site businesses;

- 10). Shall not be occupied (other than to add or remove materials from storage) and/or be used for retail sales;
- 11). Shall be stored at a single unit story height (no stacking); and
- 12). No portable accessory structure shall be furnished electrical power, gas, exterior lighting, telephone service, or any utilities, etc.

**and replacing the deleted language with the following:**

Portable Accessory Structure (“PAS”): Defined as any box-like storage container transported by truck or trailer to the desired location for drop-off with a storage capacity of more than 216 cubic feet that would normally be stored at an offsite location. Although these containers are often generically referred to by the trademarked brand name “PODS,” this ordinance shall be applicable to any brand of portable outdoor storage container meeting the specifications of this paragraph.

This definition shall not include: a) consumer fireworks retail sales stands licensed in accordance with O.C.G.A. Title 25; b) a contractor office trailer which is used in association with a Land Disturbance Permit/Site Development Permit approved by the Director of Planning and Development; c) semi-trailers or cargo trailers containing two or more tandem axles at the rear and which attaches to the tractor with a fifth wheel hitch; or d) roll-off open top dumpsters used for the collection and transport of solid waste, which are exempt under this Article.

The use of portable accessory structures in any residential zoning district (RM, RG-75, PRC, R-TH, RS-150, RS-180, and R-HOP Districts) must comply with the following requirements:

- 1). Shall be used as temporary storage structures as a convenient means of temporarily storing belongings relating to a move-in/move-out, or following damage by a fire or natural disaster or when the dwelling is undergoing renovation, repair or reconstruction.
- 2). Shall not be used for permanent storage.
- 3). No PAS can be used to store commercial goods (i.e. used for retail sales), goods for property other than that of the residential property where the PAS is located.
- 4). The PAS cannot be used for the storage or repair of motorized vehicles of any type.
- 5). Solid waste, recyclable materials, business inventory, refuse, and/or construction demolition debris cannot be stored in, against, on or under any PAS.
- 6). Containment and/or storage of any combustible, flammable, or other hazardous materials within a PAS is strictly prohibited.

- 7). The PAS must be placed flush on the ground as designed and not raised for underneath storage; cannot be stacked vertically or placed upon any structure.
- 8). The PAS cannot exceed 16 feet in length, 8 feet in width, or 8.5 feet in height.
- 9). The PAS cannot be used for vegetative, human, and/or animal shelter or habitation.
- 10). No temporary or permanent electrical wiring shall be installed in or attached to a PAS.
- 11). When not attended, the PAS must be locked or secured to prevent unauthorized access or access by children.
- 12). During remodeling, renovation or other construction, the PAS may be used to store on-site tools, equipment and materials to be used, provided an active building permit has been issued for the property. The PAS must be removed upon completion or cessation of construction, or by the permit expiration, whichever is earliest.
- 13). The number of PAS's allowed on any developed lot or contiguous lots under the same ownership:
  - a). One (1) PAS may be used for the first 2,000 sq. ft. of conditioned floor area of the principal dwelling. Two (2) PAS's may be used for dwellings with 2,001 sq. ft. to 5,000 sq. ft. of conditioned floor area. Three (3) PAS's may be used for dwellings that exceed 5,000 sq. ft. of conditioned floor area.
  - b). In no event shall there be more than three (3) PAS's placed on any developed lot or contiguous lots under the same ownership.
  - c). The above restrictions notwithstanding, when the principal structure on the property has been made uninhabitable as a result of a declared natural disaster, or a fire or other damaging event beyond the control of the owner, the Director of Planning and Development may authorize the use of more than one (1) PAS for on-site storage, provided the authorization for such use is dependent upon issuance of a building permit for the reconstruction/repair of the principal structure.
- 14). When possible, shall be placed on the driveway or other hard-surfaced area and located at least five (5) feet from the side property line and ten (10) feet from any public or private street.
- 15). May not be placed in the street or block any sidewalk or placed where it can obstruct or diminish a motor operator's view of other vehicles, bicycle or pedestrian ways, or placed in a manner that obstructs any fire hydrant.
- 16). The PAS cannot block or obstruct any required exits, parking spaces, and/or any driveways for access to multi-family dwelling units.
- 17). The PAS shall not be permitted within a required landscape area; buffer area; areas that are considered environmentally sensitive; within any drainage easement; or on top of a septic tank or septic system drain field.

- 18). The placement of a PAS on any lot shall not cause vehicles to be illegally parked (i.e. parked in the yard or on the street/right-of-way where the posted speed limit is above 25 MPH).
- 19). PAS's must be kept in good condition, free from weathering, discoloration, graffiti, rust, peeling/flaking paint, tearing or other holes or breaks, and other visible forms of deterioration or blight at all times. The area around the PAS shall be kept free of debris and litter and shall be in strict compliance with the weed and refuse provisions of the City's property maintenance code.
- 20). The Mayor and Council shall set fees for the Portable Accessory Structure Permit.
- 21). Duration/Length of time allowed:
  - a). Where a PAS is used for the storage of items for moving:
    - 1). First 30-day period in any 12-month period. No permit required.
    - 2). Second 30-day period in any 12-month period. Permit required.
    - 3). PAS must be removed on or before the 60<sup>th</sup> day from initial drop.
  - b). Where a PAS is used during renovation, remodel or repair of the dwelling with an approved building permit being issued:
    - 1). First 90-day period in any 12-month period. Permit required.
    - 2). 30-day renewal period in any 12-month period. Permit required.
    - 3). PAS must be removed on or before the 120th day from initial drop, or upon issuance of Certificate of Occupancy, whichever occurs first.
    - 4). Permit fee shall be waived/refunded upon providing proof of a filed insurance claim for the repair or damages caused by fire, water, lightning, fallen tree, or other unforeseen acts.
  - c). Where a PAS is used due to a declared natural disaster with an approved building permit being issued:
    - 1). First 180-day period in any 12-month period. Permit required; however, permit fee is waived.
    - 2). 90-day renewal period in any 12-month period. Permit required; however, permit fee is waived.
    - 3). PAS must be removed on or before the 270th day from initial drop or upon issuance of Certificate of Occupancy, whichever occurs first.
    - 4). The Director of Planning and Development shall have the authority to grant a onetime extension up to an additional 90-days.
    - 5). In no event shall a PAS be allowed to remain on any property for a period exceeding one (1) year.

The use of portable accessory structures in any commercial zoning district (OP, CI, BN, BG, HSB, or LM Districts) must comply with the following requirements:

- 1). The business owner and/or property owner upon which the portable accessory structure(s) shall be located must acquire a Portable Accessory Structure Permit from the City of Snellville prior to locating any structure(s)

on-site. Permits are valid for one calendar year and are required for each year a structure(s) shall be located on-site. The City shall reserve the right to deny issuance or renewal of permits for those businesses/property owners not in compliance with said regulations. The Mayor and Council shall set fees for the Portable Accessory Structure Permit;

- 2). Structure(s) shall be located only within the designated side or rear yard of the associated business(es). The portable accessory structure(s) shall not be located in front of the primary associated business. A site plan designating the proposed location of the structure(s) shall be submitted with the Portable Accessory Structure Permit application. Said site plan shall be approved by the Fire Marshal prior to submittal;
- 3). The structure(s) shall not be visible from the public right-of-way and/or view or shall be screened of sufficient height with materials similar to the main building façade or with landscaping to shield the structure from public view, as determined by the Zoning Enforcement Officer. Any required screening shall be installed before the portable accessory structure(s) may be located on-site. A rendering(s) of the screening materials shall be submitted with the Portable Accessory Structure Permit application;
- 4). Revised parking ratio calculations that are in compliance with the City's current ordinances must be submitted with the Portable Accessory Structure Permit application for any structure(s) to be located in a designated parking area;
- 5). Should the applicant not be the property owner upon which the structure(s) will be located, the applicant shall furnish to the City of Snellville a letter from the property owner acknowledging understanding of all regulations concerning portable accessory structures and granting permission for the location;
- 6). Structure(s) shall be constructed of rigid walls;
- 7). Structure(s) shall not exceed twenty feet in height;
- 8). Storage of materials in these structures shall be in association with the existing business(es) only and shall be an accessory use to the primary structure. Space may not be rented/leased for the use of these structures by off-site businesses;
- 9). Shall not be occupied (other than to add or remove materials from storage) and/or be used for retail sales;
- 10). Shall be stored at a single unit story height (no stacking); and
- 11). No portable accessory structure shall be furnished electrical power, gas, exterior lighting, telephone service, or any utilities, etc.

**Section 2.** The Department of Planning and Development Fee Schedule is amended by adding the following permit fee:

Portable Accessory Structure (residential).....\$ 25.00

**Section 3.** (a) It is hereby declared to be the intention of the Mayor and Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

(b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.

(c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

**Section 4.** Any person who shall intentionally, knowingly, recklessly, or with criminal negligence, violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed \$250.00. Each day of violation shall constitute a separate offense.

**Section 5.** All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

**Section 6.** This Ordinance was adopted May 14, 2018. The effective date of this Ordinance shall be the date of adoption unless otherwise stated herein.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]

**ORDAINED** this 14<sup>th</sup> day of May, 2018.

\_\_\_\_\_  
Barbara Bender, Mayor Pro Tem

*ATTEST:*

\_\_\_\_\_  
Dave Emanuel, Council Member

\_\_\_\_\_  
Melisa Arnold, City Clerk

\_\_\_\_\_  
Cristy Lenski, Council Member

*APPROVED AS TO FORM:*

\_\_\_\_\_  
Roger Marmol, Council Member

\_\_\_\_\_  
Anthony O. L. Powell, City Attorney

\_\_\_\_\_  
Gretchen Schulz, Council Member