

ORDINANCE 555

AN ORDINANCE TO AMEND ARTICLE 8, SECTION 8.1 "ACCESSORY BUILDING" OF THE ZONING ORDINANCES OF THE MUNICIPAL CODE OF THE CITY OF CHAPPELL, NEBRASKA, PERTAINING TO ACCESSORY BUILDINGS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHAPPELL, NEBRASKA:

Section 1. That § 8.1 of the City of Chappell Zoning Ordinance of the Municipal Code of the City of Chappell is amended to read as follows:

8.1 Accessory Building

- a. Buildings and structures may be erected and land may be used for purposes which are clearly incidental to, and customarily and commonly associated with the main permitted use of the premises, in accordance with this section. Such accessory buildings and uses shall be constructed, maintained and conducted as to not produce noise, vibration, concussion, dust, dirt, fly ash, odor, noxious gases, heat or glare which is injurious, damaging, unhealthful or disturbing to adjacent property, or the users thereof; and shall be on the premises of the main use.
- b. No accessory uses, buildings or structures shall be erected in any required front or side yard, and no detached accessory building shall be erected closer than five (5) feet from any other building.
- c. Accessory buildings may be located in the rear yard, but shall not be closer than ten (10) feet to the rear or five (5) feet of side lot line; unless otherwise specifically permitted, any accessory building requiring vehicle access from an alley way shall be a minimum of ten (10) feet from the rear property line. All accessory buildings and a lot collectively shall not cover more than thirty (30) percent of the required yard. In addition, no accessory building shall be constructed upon a lot until the construction of the main building has been started. Finally, no accessory building shall be used for dwelling purposes.
- d. Detached accessory storage buildings for residences shall not have area dimensions with a gross floor area greater than thirty (30) percent of the required rear yard, shall be permanently anchored and shall not exceed eighteen (18) feet in height.
- e. An accessory building in any residential zone shall not be constructed of or be part of any of the following:
 - i. Mobile homes;
 - ii. Grain bins;
 - iii. Pickup toppers;
 - iv. Shipping containers; and
 - v. Railcars.
- f. An accessory building shall not be part of or consist of a vehicle, trailer or portions thereof, originally designated for travel or use upon a public roadway.
- g. An accessory building may not consist of any recycled or salvaged materials unless the structure meets all building codes. The exterior siding of an accessory building shall consist of new materials, with the exception that logs, bricks, cement blocks, non-rusted sheet metal or recomposed plastics are exempt from the need of new material exterior siding.
- h. Enclosed sealed mobile storage containers, including but not limited to, sea containers, cargo containers, shipping containers, and any other storage containers, may be permitted for

permanent storage in the commercial zoning areas only with approval by a conditional use permit by the City Council prior to placement, and subject to the following restrictions:

- (1) Only one (1) cargo container per lot unless the City Council approves more than one (1) container;
 - (2) No stacking of containers;
 - (3) Containers shall be free of dents, rust and/or graffiti and shall be maintained in good condition and painted to blend in with surroundings;
 - (4) Containers shall be permanently and adequately anchored; and
 - (5) Under no circumstances shall the cargo container be used as a dwelling unit, or housing unit, pet housing or containment units or kennel.
- i. In the event of an emergency, such as a fire or natural disaster, a cargo container may be placed on a property for up to thirty (30) days without approval of the City Council; provided however, the Clerk of the City of Chappell must be notified within five (5) working days of the placement of a cargo container by either the property owner, the tenant or the contractor. If the City Clerk is not so notified, the cargo container must be immediately removed. After the initial thirty (30) days has expired, the City Council may extend the permit another thirty (30) days upon application and Hearing before the City Council. The permit must be renewed in the same manner every thirty (30) days and may be renewed up to a total of five (5) times. No more than six (6) months, no exceptions.

Section 2: That any other ordinance or passed and approved prior to the passage, approval and publication of this Ordinance and in conflict with the provisions of this Ordinance, is hereby repealed.

Section 3: This Ordinance shall go into full force and effect upon its passage, approval and publication or posting as required by law.

Passed and approved this 5th day of February, 2024.

Mayor

Ashlea Bauer
City Administrator/City Clerk

[S E A L]