

ORDINANCE NO. \_\_\_\_

**AN ORDINANCE AMENDING THE ZONING ORDINANCE (ORDINANCE NO. 9263) TO INCLUDE DEFINITIONS, USES, AND RESTRICTIONS REGARDING METAL SHIPPING CONTAINERS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.**

WHEREAS, on July 13, 2020, the City Council passed Ordinance No. 9263, adopting a new City of North Little Rock Zoning Ordinance (“Zoning Ordinance”)(amended by Ordinance 9391, adopted September 13, 2021; Ordinance No. 9311, adopted December 14, 2020; Ordinance No. 9522, adopted November 28, 2022; and Ordinance No. 9615, adopted October 23, 2023); and

WHEREAS, cargo containers, shipping containers, MODS/PODS, Conex boxes and similar containers are becoming common additions to cities as homeowners acquire these containers as temporary or permanent accessory buildings in residential zones; and

WHEREAS, these types of containers have a useful and valid purpose when properly used and situated; and

WHEREAS, the improper use and location of these types of containers, including their uses as accessory storage structures can be unsightly, dangerous and inappropriate so as to negatively affect municipal aesthetics and impact property values and the overall health, safety and welfare of the City; and

WHEREAS, the City Council desires to regulate and accommodate the proper use of these types of containers in order to protect the health, safety and welfare of the City; and

WHEREAS, it is in the best interests of the City and its citizens to amend the Zoning Ordinance (Ordinance No. 9263) to include the subject regulations.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTH LITTLE ROCK, ARKANSAS:

SECTION 1: That Article 2 of the Zoning Ordinance (Ordinance No. 9263) is hereby amended to add the following definitions:

**Section 2.2 - Definitions**

*Cargo Containers:* See Metal Shipping Containers

*Metal Shipping Containers:* A reusable transport and storage unit constructed of metal that is designed for or used in the packing, shipping, movement, or transportation of freight, articles, goods, or commodities; that is constructed in a manner to provide for structural integrity; that is designed to be placed directly on the ground without a foundation, and

without wheels or axles; and that is and designed for or capable of being mounted or moved on a rail car, truck trailer or loaded on a ship.

SECTION 2: That Article 2 of the Zoning Ordinance (Ordinance NO. 9263) is hereby amended to remove the following language:

**Section 2.2 - Definitions**

*Mobile Storage Container:* A portable storage unit, which includes but not limited to: ~~eargo containers, shipping containers~~, truck boxes, truck trailers and train cars. Manufactured homes and recreational vehicles shall not be used as mobile storage containers. Mobile storage containers are not permitted as accessory structures in residential areas. (see Section 5.18)

SECTION 3: That Article 4 of the Zoning Ordinance (Ordinance No. 9263) is hereby amended to add the following section:

**Section 4.1.10 – Metal Shipping Containers/Cargo Containers**

A. Scope

The purposes of the Section is to regulate the use of metal shipping containers. Metal shipping containers are allowed to be used as a residential accessory structure. Look-alike shipping container buildings or other metal buildings that are marketed as shipping containers shall be regulated as shipping containers to which this section applies.

B. Safety Requirements

1. Metal shipping containers shall be safe, structurally sound, in good repair, and placed on a stable surface. Any metal shipping container that becomes unsound, unstable or otherwise dangerous, as determined by the building inspector, shall be immediately repaired or removed by the property owner and at the expense of the property owner.
2. Any alteration or change to a metal shipping container to create opening(s) for windows or doors must be approved by an engineer.
3. All metal shipping containers shall be located at ground level for safety. Vertical stacking and/or the stacking of material on top of the metal shipping container is prohibited. Metal shipping containers must meet all Building Code requirements.
4. Metal shipping containers shall provide adequate ventilation for personal safety.

C. Placement

Metal shipping containers may be located in the rear or side yard in residential zoning

districts in accordance with the accessory structure requirements of the zoning district in which they are located.

D. Appearance

1. Alterations of metal shipping containers must meet the requirements for permitting of any accessory structure.
2. Metal shipping containers shall be uniformly painted or covered with a supplemental building material, including but not limited to wood, masonry, stucco or brick. Metal shipping containers shall be free from surface rust and any lettering, numbers and advertising signage, including, but not limited to, corporate names or trademarks on the original shipping containers.
3. Roofs shall not have a shiny finish.
4. Metal shipping containers must not exceed ten feet (10') in height and must not exceed a cumulative gross floor area of 400 square feet.
5. Screening is required if the bottom six feet (6') of a permanent metal shipping container is visible to adjacent properties or a public right of way or easement. The property owner shall install a landscape screening to buffer the visible view, with a minimal initial planting height of four feet (4') and a minimum plant spacing distance of two feet (2'). If existing landscaping is used as screening, it shall be indicated on the site plan presented to the Planning Department for building permit review. Opaque fencing may also be used to meet screening requirements

E. Requirements

1. Containers subject to this Section are subject to the accessory structure requirements of the residential zoning district in which they are located.
2. The property owner where a metal shipping container will be placed must obtain a building permit for an accessory structure prior to moving the container onto the property.
3. Metal shipping containers shall not be modified or retrofitted for habitation. Habitation includes single-family dwelling units, accessory dwelling units, apartments, commercial spaces, and any other building/modification out of a single or multiple metal shipping containers
4. Metal shipping containers shall not connect to utility services, with the exception of electricity, nor shall any other utility service be utilized within a metal shipping container.
5. No more than one metal shipping container shall be allowed on any residential lot.

SECTION 4: All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

SECTION 5: That the provisions of this ordinance are hereby declared to be severable and if any section, phrase or provision shall be declared or held invalid, such invalidity shall not affect the remainder of the sections, phrases or provisions.

SECTION 6: That it is hereby found and determined that the amendment as provided for herein is to be in the best interests of the City, and is immediately necessary in order to insure the proper and orderly growth of this land and of the City of North Little Rock, Arkansas, and being necessary for the immediate preservation of the public health, safety and welfare; THEREFORE, an emergency is hereby declared to exist, and this Ordinance shall be in full force and effect from and after its passage and approval.

PASSED:

APPROVED:

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Mayor Terry C. Hartwick

SPONSOR:

ATTEST:

Steve Baxter  
Council Member Steve Baxter *by AF*

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Diane Whitbey, City Clerk

APPROVED AS TO FORM:

Amy Beckman Fields  
Amy Beckman Fields, City Attorney

PREPARED BY THE OFFICE OF THE CITY ATTORNEY/ABF

FILED	11:05	A.M.	_____	P.M.
By	Amy Fields CA			
DATE	2/10/29			
Diane Whitbey, City Clerk and Collector North Little Rock, Arkansas				
RECEIVED BY	_____			