

## **CITY OF TRUTH OR CONSEQUENCES**

### **ORDINANCE 731**

#### **AN ORDINANCE AMENDING THE CITY OF TRUTH OR CONSEQUENCES MUNICIPAL CODE OF ORDINANCES, BY AMENDING SECTIONS 11-10-4 AND 11-10-5 AND ADDING SECTION 11-10-6 TO THE PLANNING AND ZONING CODE PERTAINING TO STORAGE UNITS/SHIPPING CONTAINERS**

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS, CITY COMMISSIONERS OF THE CITY OF TRUTH OR CONSEQUENCES:

*Section one.* That section 11-10-4 of the Code of Ordinances of the City of Truth or Consequences be amended so that such section shall read as follows:

##### **Sec. 11-10-4 – Storage Units/Shipping Containers**

The regulation of storage units/shipping containers within the city limits of the City of Truth or Consequences shall be controlled by and shall conform to the regulations prescribed in this section. A storage unit/shipping container means a unit originally or specifically designed or used to store goods or merchandise during shipping or hauling by container ships, rail, commercial trucks, or other types of transportation.

- A. Placement of storage units/shipping containers within C-1, M-1 and T-1 districts are permitted as accessory storage units as long as they are not used for dwelling purposes and with the following exceptions:
1. Conditional Use Permit is required for placement of all storage units/shipping containers within the boundaries of the Metropolitan Redevelopment Area (MRA) and Historic MainStreet District Area defined in the Downtown Master Plan.
  2. Containers may not exceed 46 feet in length and 10 feet in height
  3. Must be a subordinate use or structure customarily incidental to and located on the same lot with the principal use or building
  4. Interior lot: No less than ten (10) feet from main use or structure and in conformance with the front setback for that district and no less than five (5) feet from the property lines of side and rear yards
  5. Lots with more than one street frontage: No less than ten (10) feet from main use or structure, and no less than five (5) feet from the property line of yards without street frontage.
  6. May not encroach in the clear-sight triangle.
  7. Shall not create unsanitary or hazardous premises as outlined in Sec 6-74 and 6-75.

B. Placement of storage units/shipping containers within Residential Districts is allowed as accessory storage units as long as they are not used for dwelling purposes and with the following exceptions:

1. Conditional Use Permit is required for placement of all storage units/shipping containers within the following districts: R-1, R-2, R-3, R-4 and RR-1.
2. Containers may not exceed 46 feet in length and 10 feet in height
3. Must be a subordinate use or structure customarily incidental to and located on the same lot with the principal use or building
4. Interior lot: No less than ten (10) feet from main use or structure and in conformance with the front setback for that district and no less than five (5) feet from the property lines of side and rear yards
5. Lots with more than one street frontage: No less than ten (10) feet from main use or structure, and no less than five (5) feet from the property line of yards without street frontage.
6. May not encroach in the clear-sight triangle.
7. Shall not create unsanitary or hazardous premises as outlined in Sec 6-74 and 6-75.

C. Temporary placement of storage containers within Conditional Use Areas are allowed through written approval of the Designated Zoning Official as long as they are not used for dwelling purposes for:

1. The purpose of moving household contents in to or out of a house are allowed for up to 30 days in any 12-month period and can only be on the property or driveway.
2. The purpose of construction projects are allowed up to 3 months in any 12-month period from the time it's put on the construction site. The designated zoning official or designee may grant an extension but only if it is determined that:
  - a. The storage unit/shipping container is located on a site with an active building permit
  - b. The storage container is necessary part of the construction process
  - c. Not be allowed in public right-of-way
  - d. Construction is moving forward in a timely manner and in accordance with generally accepted industry standards.

**Section two.** That section 11-10-5 of the Code of Ordinances of the City of Truth or Consequences be amended so that such section shall read as follows:

Sec. 11-10-5. - Water Run-Off.

There shall be no water run-off on an adjacent property caused by an accessory building structure. Side gutters may be required by the designated Zoning Administrator.

**Section three.** That section 11-10-6 of the Code of Ordinances of the City of Truth or Consequences be amended so that such section shall read as follows:

Sec. 11-10- 6. - Use.

An accessory building shall not be used for commercial or dwelling purposes unless approved by the City by Sec. 11-5-6. - Special Use Permit.

**Section three.** All Ordinances or Resolutions, or parts thereof, inconsistent herewith are hereby repealed to the extent only of such inconsistency. This Repealer shall not be construed to revive any Ordinance or Resolution or part thereof, heretofore repealed.

**Section four.** This Ordinance shall take effect on the 15<sup>th</sup> day of August 2022.

**PASSED, APPROVED, and ADOPTED by the GOVERNING BODY of the CITY OF TRUTH OR CONSEQUENCES this 10<sup>th</sup> day of August, 2022.**

  
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**Amanda Forrister, Mayor**  
  
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**Angela A. Torres, City Clerk**