



Agenda

City Council Work Session Meeting
Oelwein City Hall, 20 Second Avenue SW, Oelwein, Iowa
5:30 PM

November 27, 2023
Oelwein, Iowa

Mayor: Brett DeVore

Mayor Pro Tem: Lynda Payne

Council Members: Karen Seeders, Tom Stewart, Matt Weber, Dave Garrigus, Dave Lenz

Pledge of Allegiance

Discussions

- [1.](#) Discussion on Shipping Containers on Residential Properties.
- [2.](#) Discussion on the Utility Tarp definition and usage.
- [3.](#) Discussion on Special Exception Addition for Setback Relaxations.

Adjournment

In compliance with the Americans with Disabilities Act, those requiring accommodation for Council meetings should notify the City Clerk's Office at least 24 hours prior to the meeting at 319-283-5440



Esteemed City Council,

Per discussions by the Planning and Zoning Commission I, David Kral, am recommending the following code addition which would prohibit usage of shipping containers for accessory use on residential zoned properties:

First section would be defining shipping containers as such in Appendix A – Zoning – Section 104 Definitions:

Shipping containers - include standardized reusable vessels that were:

1. Originally designed for or used in the parking, shipping, movement or transportation of freight, articles, goods or commodities; and/or
2. Originally designed for or capable of being mounted or moved by rail, truck or ship by means of being mounted on a chassis or similar transport device. This definition includes the terms "transport containers" and "portable site storage containers" having a similar appearance to and similar characteristics of shipping containers.
3. INTERMODAL SHIPPING CONTAINER, as defined in IBC 2021 Edition - A six-sided steel unit originally constructed as a general cargo container used for the transport of goods and materials.

Then adding to sections 202.2 and 203.2 and 204.2 and 205.2 which the "Permitted accessory uses and structures" sections of R-1, R-2, R-3, and R-4 zones (202.2 example shown):

202.2.

Permitted accessory uses and structures.

1~~~9

10. Shipping containers and other similar storage units do not qualify as accessory buildings on residentially zoned properties and are prohibited.





Planning and Zoning discussed the following points:

-General allowance of storage containers on residential property either as additions able to be resided in or accessory storage. P&Z decided to only add code to prohibit accessory and not primary use. This is based on the concept of a home or other primary usage, such as the Depot Park buildings, have a directly engineered design and adherence to modern building code for their install as opposed to someone simply having a container delivered and dropped off in their backyard as a storage shed.

-City has adopted IRC and IBC 2021 versions. In each version they reference specific standards of allowing the use of shipping containers as storage or habitable structure. It is very in depth and confusing for anyone who is not an engineer. Main referable sections being IBC 3115 (https://codes.iccsafe.org/content/IBC2021P1/chapter-31-special-construction#IBC2021P1_Ch31_Sec3115) which cross references multiple other sections of code. The primary requirement we have looked for is paint/weather protection, foundation, and anchorage. None of these requirements have been met historically and end up as points of contention.



-We discussed, in depth, adding to zoning code that any use of a shipping container on residential property shall be properly finished/painted and be set on a permanent foundation. Foundations potentially being cement slab with proper footings, or cement pillars, and the ability to properly anchor the container, not just set on top of gravel or ground. We discussed the calculations that would need to go into what would be considered a proper foundation based on the weight of the containers and the difficulty making those calculations properly.

-Discussion revolving around neighboring communities and how they handle shipping containers. Many neighboring communities do **not** allow shipping containers as permanent structures. Some allow it based on major modifications such as permanent foundation, anchorage, lighting, paint, roofing, and ventilation. Some have maximum sizes allowed as well. Discussed that you could theoretically purchase a 40' long storage container. Discussed the blighted appearance that most unfinished and older containers have and that it isn't a desirable appearance.

-David Kral
Building Official/Zoning Administrator



Esteemed City Council,

Per discussions by the Planning and Zoning Commission I, David Kral, am recommending the following code addition which would specify usage of "Utility tarps" in Chapter 25 Housing Maintenance and Occupancy Code:

25-34 Exterior Structure

A~~~W

X. Utility Tarps. A utility tarp or similar plastic membrane may be used as a roof covering for no more than 90 days. Use of a utility tarp to cover a porch, carport, doorway, garage, or window is prohibited. Utility tarp or similar plastic membrane used as outdoor storage coverage in the front yard is prohibited.





20 2nd Ave. S.W.
Oelwein, Iowa 50662



buildingadmin@CityofOelwein.org
www.CityofOelwein.org



Phone: (319) 283-5862
Fax: (319) 283-4032



The purpose of this code would be to detract from continuous blight, dilapidated appearance, and structural safety of homes. We just recently accepted a property on 8th ave SW that had its roof tarped for multiple years leading to water damage that has effectively ruined the home and now requires demolition.

This code wouldn't apply to products designed with a tarp or similar type material built into the designed purpose such as a carport with a canvas top, domed canvas storage building, or patio awning shades.

Examples of other towns code involving utility tarps:

EXAMPLE 1(this is part of this cities outdoor storage code):

308.6 Height limitations: Materials stored outdoors on residentially zoned properties shall be neatly stacked and not exceed a height of six feet (6'). **Tarps** may not be utilized for cover outdoor storage.

308.7 Firewood: Firewood must be split, neatly stacked, and intended for use on the premises on which it is stored. **Tarps** may be used to cover firewood.

308.8 Membrane structures: Membrane structures are considered outdoor storage, and subject to the location restrictions in section 308.3. Such structures shall not exceed two hundred (200) square feet in area. Membrane structures shall be immediately removed or repaired in the event of disrepair or in the event of damage caused by weather, fire, collision, accident, or other forms of damage. **Tarps** and makeshift covers are prohibited for this use





EXAMPLE 2 (this is an amendment to the IPMC in this cities code):

304.7.1 Roof repair. The use of tarps or other temporary roof repair measures may be put in place for a maximum of 90 days before permanent repairs must be made, unless an extension is granted by the Director of Development and Planning Services.

- a. The extension must be applied for and granted prior to the 90-day deadline
- b. Each extension is valid for up to 90 days
- c. Each application for extension must be accompanied by a schedule for compliance and explanation for the extension

EXAMPLE 3 (this is part of this cities nuisance code):

13) To board up or cover with tarps any portion of a structure unless done temporarily because of fire or weather-related emergency or while completing work pursuant to a valid city permit.

-David Kral
Building Official/Zoning Administrator





Esteemed City Council,

Per discussions by the Planning and Zoning Commission I, David Kral, am recommending the following code addition which would allow for a “Special Exception” based Setback relaxation:

202.3 AND 203.3

Special exception uses and structures. Subject to [section 705](#) and other requirements contained herein, the board of adjustment may permit the following:

1~~~~~7

8. Setback relaxations

- a. Setback relaxation shall be based on the average setback of one or more existing principal use buildings on the same side of the road, setback shall be within 10 feet of that average setback distance.**
- b. Setback relaxation shall not exceed 10 feet.**
- c. Setback relaxation shall not allow detached accessory structures in front yard.**
- d. Setback relaxations for side yards shall not be permitted.**

Adding this language to section 202.3 and 203.3 would allow for the Zoning Board of Adjustment to vote on the allowance of a setback relaxation based on the average setback of existing buildings as opposed to the 25’ front and rear setbacks. This would be useful and applicable where existing construction does not meet the modern setbacks.

This also ties into goals in the Comprehensive Plan in Chapter 4’s “Community Elements and Goals”, specifically Housing Goals 1 and 2.

Example for usage on next page.



Example 1:



In the above example from 8th st SW, the original home construction is set approximately 11' back from the lot line. The owner bought the property to the east, a former home demo, and merged it to his parcel. They want to build a garage on the property. They would like to build it in-line, or close there to, with their existing home. There is a severe slope downhill and the bottom area is the flood plain (shown in red and green) While this scenario doesn't constitute a hardship and qualify to be granted a variance, this is where allowing a special exception to allow a relaxation on the setback would work.

2nd Example on next page:





Example 2:

In this example, if the owner north of the highlighted lot wanted to adjoin lots and build a new garage similar to their existing setback this special exception would be able to allow it. It would save them cost on cement for a driveway length and maintain the overall space of the backyard.

-David Kral
Building Official/Zoning Administrator