

AN ORDINANCE ADDING CHAPTER 246 TO THE CITY CODE IN REGARD TO USE OF CARGO CONTAINERS WITHIN THE CITY.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CHILLICOTHE, MISSOURI as follows:

Section 1: A new Chapter 246 is added to the City Code of the City of Chillicothe is to read as follows:

Chapter 246 – Cargo Containers and Portable Storage Units.

Section 249.010. Introduction

A. Purpose. The purpose of this Chapter is to regulate the use of Cargo Containers and temporary storage units to protect the public health, safety, welfare and promote aesthetics in the City.

B. Definitions

“**Cargo Containers,**” are Intermodal Shipping Containers which means a standardized intermodal containers constructed of metal, in the shape of a rectangular parallelepiped, designed and used to transport goods from one port to another by road, rail, sea, or air, manufactured to the specifications outlined by the International Organization for Standardization. Railroad cars, shipping containers, truck vans, converted mobile homes, trailers, recreational vehicles, bus bodies, vehicles and similar prefabricated items and structures originally built for purposes other than the shipment of goods and materials **are not** Cargo Containers and **are not** permitted in any district zones except in I-1 and I-2 zones with prior permits.

"**Portable storage units**" shall mean a transportable unit designed and used primarily for temporary storage of building materials, household goods, and other personal property for use on a limited temporary basis, other than an accessory building or shed complying with all building codes and land use requirements. It does not include a debris dumpster or an temporary construction trailer.

Section 246.020. Cargo Containers Permission by Zones

It is the intent of this chapter to limit, except as provided herein, the placement and use of any cargo container as an accessory building, storage building, or storage or living unit in residential and commercial zoned districts (being R-1, R-2, R-3, R-5, MU-1, C-1, C-2, and C-3 zones) and to regulate the placement and use in other zones.

A. Cargo Containers – Prohibited Locations.

No person shall place or cause to be placed or use or permit the use of any cargo container as an accessory building, storage building, or storage or living unit in

residential and commercial zoned districts (being R-1, R-2, R-3, R-5, MU-1, C-1, C-2, and C-3 zones) except as permitted in this Chapter.

B. Cargo Containers – Permitted Locations.

The use of a Cargo Container as an accessory storage container is permitted in the following zoning districts:

- a. Light Industrial (I-1)
- b. Industrial Manufacturing (I-2)
- c. Open Space (O-1)

1. A permit is required prior to placement of any Cargo Container. The application shall show that the proposed Cargo Container is accessory to the permitted use of the property and meets the placement criteria for the zones which are:

- a. There must be a principal structure established on the lot; and
- b. The container shall not be located in front or on a side of the principal structure facing a street; and
- c. The container shall be placed on a concrete or asphalt surface; and
- d. The container shall be subject to all state, local, and federal permits including a City Building permit; and
- e. The container shall be painted one color which may be the color as the principal structure or its trim; and
- f. Rail cars, semi-trailers, buses, and similar structures may not be used for accessory storage buildings.

2. A business in a zone listed above which sells or rents Cargo Containers may store its inventory of Cargo Containers at its place of business without a permit but may not rent or offer for use the Cargo Containers on its business location without obtaining a permit as required above.

3. Cargo Containers shall not be stacked, except when placed in an Industrial Manufacturing District.

4. Contractors and other similar businesses which use Cargo Containers in the normal course of their business for off-site uses may store such Cargo Containers on their business property when not in use off site.

C. Contractor Use.

Licensed contractors may use shipping containers in residential and commercial zoned districts for temporary offices, and the housing of equipment and materials during construction, as authorized by a City building permit.

D. Other Restrictions.

1. Cargo Containers shall not be used for advertising.
2. Cargo Containers shall be properly maintained.
3. Cargo Containers shall meet all setback requirements and shall not be placed on sidewalks or so as to obstruct sightlines of driveways or streets.

Section 246.030 Temporary Portable Storage Units.

A. Residential Zones. In residential zoned districts temporary portable storage units use is permitted as follows:

1. Before placing a portable storage unit within a residential district, a portable storage unit vendor must apply and receive a permit from the Codes Department. The application shall contain the name of the portable storage unit vendor, the name of the person(s) to whom the portable storage unit is supplied, whether the person(s) owns, rents, occupies or controls the property, the address at which the portable storage unit will be placed, the delivery date and removal date. A copy of such permit shall be posted on the portable storage unit.

Temporary portable storage units are permitted for a period not to exceed a total of 30 days within any consecutive six-month period. However, in cases where a dwelling has been damaged by natural disaster or casualty, the Zoning Officer is authorized to allow a temporary portable storage units for a longer period. If a portable storage unit is to be placed for any part of three (3) calendar days or less, excluding Sunday, the permit fee shall be Ten Dollars (\$10). If such portable storage unit is to be placed for more than three (3) calendar days, the fee for such permit shall be Twenty-five Dollars (\$25.00).

2. Temporary portable storage units may not exceed a cumulative gross floor area of 260 square feet.
3. Temporary portable storage units must be located on a driveway or other paved surface and may not be located in a required exterior setback.
4. Temporary portable storage units may not exceed 8.5 feet in height.
5. Temporary portable storage units may not be located in any required open space, landscaped area, on any sidewalk or trail, or in any location that blocks or interferes with any vehicular and/or pedestrian circulation. Such units are also subject to the intersection visibility requirements of this Code.
6. Signs on temporary portable storage units must comply with the sign regulations of this Code.

7. Rail cars, semi-trailers, buses, and similar structures may not be used for temporary or permanent storage.

8. Permits to place a portable storage unit within a public right of way shall be granted for a period of not more than Seven (7) calendar days or part thereof. At the expiration of the seven day period, an applicant may seek a onetime extension of such permit for an additional period of not more than Seven (7) calendar days, or part thereof, by submitting an extension application to the Codes Department. Extension of a permit shall require an additional Twenty-Five Dollars (\$25) permit fee.

Permits to place a portable storage unit on private property shall be granted for a period of not more than thirty (30) calendar days or part thereof. It shall be a violation of this ordinance to permit any portable storage unit to remain on private property for more than thirty (30) days or part thereof, except as permitted herein.

The Codes Department shall not issue more than Two (2) portable storage unit permits to the same applicant for the same address within any Twelve (12) month period. Such permits shall not be granted so as to be allowed to run either concurrently or consecutively.

9. The provisions of this section shall not apply to the use or placement of construction dumpsters or trailers on property in association with ongoing construction activities carried out pursuant to a valid building permit

Section 246.040 - Current Violations – Time to Comply.

All owners of property within the City shall have 120 days from the effective date of the ordinance codified in this chapter to bring the properties, which currently contain Cargo Containers that are in violation of the terms of this Chapter, into full compliance with the provisions of this Chapter.

Section 2: The portions of this Ordinance shall be severable. In the event that any portion of this Ordinance is found by a court of competent jurisdiction to be invalid, the remaining portions of this Ordinance are valid, unless the court finds the valid portions of this Ordinance are so essential and inseparably connected with and dependent upon the void portion that it cannot be presumed that the City Council would have enacted the valid portions without the invalid one, or unless the court finds that the valid portions standing alone are incomplete and are incapable of being executed in accordance with the legislative intent.

Section 3: This ordinance repeals any prior ordinance or parts of any prior ordinance that might be in conflict herewith.

Section 4. It is the intent of the City Council that this Ordinance be made a part of the City Code and such inclusion shall have the same force and effect as if the ordinance had been included in the original code at the time of its adoption by the City Council.

Section 5: This ordinance shall be in full force and effect from and after the date of its passage and approval.

PASSED AND APPROVED THIS 9th DAY OF AUGUST 2021.

CITY OF CHILLICOTHE, MISSOURI

Theresa Kelly, Mayor

ATTEST:

Rozanne Frampton, City Clerk