

**ORDINANCE NO. 2024-07**

**AN ORDINANCE AMENDING SECTION 10 GENERAL PROVISIONS OF CITY OF SHENANDOAH ZONING ORDINANCE OF 1982 BY ADDING STORAGE CONTAINERS AND ACCESSORY STORAGE BUILDING REGULATIONS AS SECTION 10.5 ACCESSORY BUILDINGS AS SECTION 10.5 PARAGRAPH 5.**

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF SHENANDOAH, IOWA:

Section 1. **SECTION MODIFIED.** Section 10 General Provisions of City of Shenandoah Zoning Ordinance of 1982 By Adding Storage Containers and Accessory Storage Buildings Regulation as Section 10.5 Accessory Buildings as Paragraph 5.

Section 10.5 paragraph 5 shall read as follows:

1. Purpose- The purpose of this ordinance is to regulate the use of accessory storage containers in the City, which regulations are adopted to protect the public health, safety, welfare and promote public aesthetics in the City.
2. Definitions-
  - A. An “accessory storage container” is an accessory storage building and, in limited circumstances as set out in Section 2 (C) below, a cargo container.
  - B. An “accessory storage building” is:
    1. A building originally constructed for use as an accessory building for storage of material and equipment accessory to a primary use located on the property.
    2. For purposes of this chapter, cargo containers, railroad cars, truck vans, converted mobile homes, trailers, recreational vehicles, bus bodies, vehicles and similar prefabricated items and structures originally built for purposes other than the storage of goods and materials are not accessory storage buildings.
  - C. “Cargo 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 cargo containers.
3. Storage on Residential Use Properties.
  - A. A zoning permit is required prior to construction of an accessory storage building or the temporary placement of cargo container. The application shall show that the construction of an accessory storage building or the temporary placement of a proposed cargo container is accessory to the permitted use of the property and meets the placement criteria for the zone.
  - B. Only accessory storage buildings defined in Section 2 (B) above shall be permitted as accessory storage containers on property in any residential zone of the city, or on any property within the city the primary use of which is residential. Cargo containers, railroad cars, truck vans, converted mobile homes, travel trailers, recreational vehicles, bus bodies, vehicles and similar prefabricated items and structures originally built for purposes other than the storage of goods and materials are not permitted to be used as storage building on property zoned residential or on property the primary use of which is residential.
  - C. Notwithstanding the provisions set forth in subsection B of this section, the temporary placement of cargo containers on residentially zoned properties, or on properties the primary use of which are residential, for the limited purpose of loading and unloading household contents shall be permitted for a period of time not exceeding 90 days in any one calendar year without approval for a limited extension from the City’s Code Enforcement Officer. Original permit holder is allowed two (2) placements of the container within the 90-day period when listed on the original permit. Denials of any extension from code enforcement office can be appealed to the Planning and Zoning Board for an extension.
  - D. Notwithstanding the provisions set forth in subsection B of this section, all contractors may use cargo containers for the temporary location of an office, equipment and/or materials storage structure during construction which is taking place on the property where the cargo container is located, if the use of the cargo container is authorized pursuant to a city zoning permit. **(Exception: With written approval from Adjacent lot owner at the time of permit application container may be placed on adjacent property during construction).**
  - E. Cargo containers shall not occupy required off-street parking or City right-of-ways.
  - F. As a condition of placement, cargo container sites shall be required to meet all zoning regulations and nuisance regulations.
  - G. Material stored within cargo containers are subject to review by fire chief. He/she shall conduct such investigation or inspection and make such recommendations that he/she consider necessary by the Fire Chief and may constitute a municipal infraction.
4. Cargo Containers- Permitted Locations.
  - A. The use of a cargo container as an accessory storage container is limited to the following zoning districts:
    1. Heavy Industrial M-2
    2. Light Industrial M-1
    3. Central Business CB
    4. Highway Business HB
    5. Agriculture

- B. A zoning permit is required prior to placement of an accessory storage cargo container. The application shall show the proposed cargo container is accessory to the permitted use of the property and meets the placement criteria for the zone.
  - C. The use of a cargo container as an accessory storage container is further limited to properties in the above-identified zones only if the property upon which the cargo container is proposed to be located is not primarily for residential purposes.
  - D. Cargo containers shall not be stacked above the height of a single container device, except for placement within the Light Industrial District or Heavy Industrial District.
  - E. Cargo Containers shall not be used for off-site advertising (**Exception: Cargo Containers owner/rental company advertising allowed**).
  - F. As a condition of placement, cargo container sites shall be required to meet all zoning regulations listed including Nuisances and General Provisions.
  - G. Cargo containers shall meet the setback requirements of the underlying zone. (**Exception: For temporary placement in setback on construction sites with an approved Building Permit.**)
  - H. Cargo containers shall be in an approved designated area and on the same property as the principal use and be included in the calculation of overall lot coverage. (**Exception: With written approval from adjacent lot owner at the time of building permit application container may be placed on adjacent property during construction**).
  - I. Material stored within cargo containers are subject to review by fire chief. He/she shall conduct such investigation or inspection and make such recommendations that he/she consider necessary as authorized by Administrative code. Failure to timely eliminate any fire hazards as recommended by the Fire Chief shall constitute a municipal infraction.
5. 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 accessory storage containers that in violation of the terms of this chapter, into full compliance with provisions of this chapter.
6. Conflicts – In the event any conflict exists between the provisions of this chapter and other currently existing provisions of the Shenandoah City Municipal Code or other ordinances of the City, the terms and provisions of this chapter shall take precedence and to the extent of any such conflict, the terms and conditions of any existing provisions of the Shenandoah City Municipal Code or other ordinances of the City shall be and hereby are amended insofar as necessary to conform to the provisions of this chapter.
7. Violations- Penalties. Violation of this chapter shall be enforced pursuant to the procedures for enforcement of Municipal Infractions as the same exists now or may hereafter be amended.

This paragraph 5 is added to Section 10.5 and the balance remains the same.

Section 2. **SEVERABILITY CLAUSE.** If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

Section 3. **WHEN EFFECTIVE.** This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

**PASSED AND APPROVED** by the Council this 12<sup>th</sup> day of November, 2024.

s/s Roger McQueen, Mayor

s/s Karla Gray, City Clerk/Treasurer