

**ENOCH CITY CORPORATION
ORDINANCE NO. 2019-05-01**

**AN ORDINANCE AMENDING THE ENOCH CITY ZONING ORDINANCE, CHAPTER
10, SECTION 10-4, STORAGE CONTAINERS**

WHEREAS, the Enoch City Planning Commission has reviewed the changes to Chapter 10, Section 10-4 regarding adding language to regulate storage containers; and

WHEREAS, the Enoch City Planning Commission has reviewed issues that have occurred regarding the lack of requirements for storage containers; and

WHEREAS, the Enoch City Planning Commission held a public hearing on April 23, 2019 and sent a favorable recommendation to the City Council for the changes to the Enoch City Zoning Ordinance, Chapter 10-Section 10-4 regarding storage containers; and

WHEREAS, the Enoch City Council reviewed the favorable recommendation from the Planning Commission to amend the Enoch City Zoning Ordinance, Chapter 10-Section 10-4 as follows;

CHAPTER 10. ZONING DISTRICTS

Section 10-1. ESTABLISHMENT OF ZONING DISTRICTS.

Section 10-2. FILING OF ORDINANCE AND MAP.

Section 10-3. RULES FOR LOCATING BOUNDARIES.

Section 10-4. CARGO STORAGE CONTAINERS

Section 10-5. CLUSTER DEVELOPMENT OVERLAY

Section 10-6. CONGREGATE LIVING FACILITIES

10-4. Cargo Storage Containers

(1) Purpose: The purpose of the cargo storage containers standards is to establish regulations for the use of cargo storage containers within the city limits of Enoch City; requiring a permit for the placement of such containers; providing standards for use of cargo storage containers; and providing a punishment for violations of this ordinance.

(2) Definitions:

- a) Cargo Storage Container: means, generally, an all steel container (some with wooden floors) and strength to withstand shipment, storage and handling. Such containers include reusable steel boxes, freight containers, enclosed highway tractor trailers, and bulk shipping containers; originally a standardized reusable vessel that was designed for and used in the parking, shipping, movement, transportation or storage of freight, articles or goods or commodities; generally capable of being mounted or moved on a rail car, truck trailer or loaded on a ship.
- b) Active building permit: means an unexpired and unrevoked building permit for which the building inspector has not performed a final inspection and has not issued a certificate of occupancy.
- c) Applicant: means an owner, occupant or authorized agent, or a contractor or person with control of the property or lot.

- d) City: means Enoch City, Iron County, Utah.
- e) Cargo Storage Container Permit: means a permit to place a Cargo Storage Container on an Applicant's property, either temporarily or permanently.

(3) Application, Location and Use of Temporary Storage Containers for

Construction. This ordinance applies to any tract of land developed for commercial or residential purposes (but not including Research/Industrial Park (R/IP) Zone) within the City limits. The location and use of Cargo Storage Containers shall be as follows:

- (a) Temporary Cargo Storage Containers for Construction: Excepting as permitted hereafter, no person shall store, maintain, or otherwise keep a cargo or shipping container temporarily on any lot or parcel of property within the City without first having obtained and possessing an active construction building permit issued by the City where construction is ongoing, and Applicant has obtained from the City a Cargo Storage Permit for placement of a cargo storage container.
 - i. Prior to the placement of a cargo storage container the property owner must submit an application for a permit on the form established by the Enoch City staff and shall include with the permit application, at a minimum, a site plan showing the location of all buildings, structures, and fences and the proposed location of the portable storage container, the square footage of the cargo storage container, the zone in which the real property is located, and show how the real property will comply with the terms of this ordinance.
 - ii. Cargo Storage containers may not exceed 41' in length.
 - iii. Permits are valid for a period not to exceed one (1) year or until 30 days after a certificate of occupancy has been granted, or a building permit has expired.
 - iv. Upon review and approval of a request for an extension; the Enoch City Manager may grant one (1) six (6) month extension.
- (b) Cargo Storage Containers must abide by the following standard: (1) a foundation is not required since they are temporary structures; (2) ventilation is not required; (3) electricity is an option but not required; (4) tie-downs are not required unless electricity is installed;
- (c) Placement Requirements: The Cargo Storage Container shall only be placed on the Applicant's property, setbacks are to be at least 8 feet from property line, and placement of portable storage container may not create a sight obstruction to adjoining properties.
- (d) Number of Cargo Storage Containers: Only one (1) Cargo Storage Container may be placed on a property at any time, unless express authorization is received from the Enoch City Council, but in no event, shall exceed three (3) Cargo Storage Containers.
- (e) Historic District: RESERVED.

(4) Application, Location and Use of Temporary Storage Containers for Loading and unloading. A Temporary Cargo Storage Container being utilized for the loading or unloading of goods shall be located at such property for a maximum of ten (10) consecutive days, including the days of delivery and removal. An extension may be granted to the user by the City Manager or designee, subject to conditions, for a reasonable additional time period in an amount not to exceed fifty (50) days.

(5) Application, Location and Use of Permanent Storage Containers in Zones other than Residential Zones and including Commercial. Cargo Storage Containers may be permanently placed in a Research/Industrial Park (R/IP) zone only after an Applicant's application has been approved by the Enoch City Manager or designee. Cargo Storage Containers may be placed in a Commercial zone only after Applicant has filed for a Cargo Storage Container Permit. (The placement and installation of Permanent Cargo Storage Containers shall not be permitted until a Cargo Storage Permit and Applicant has strictly complied with all terms hereunder)

- (a) No Cargo Storage Containers can be stacked, and no container may exceed 41' in length.
- (b) All Cargo Storage Containers must be located behind the main or primary structure on the lot or parcel of land and are subject to the same setback requirements as the main structure.
- (c) Cargo Storage Containers must be free of graffiti and painted an earth tone color or a color to compliment surrounding structures.
- (d) All Cargo Storage Containers shall be structurally sound, stable, and in good mechanical and visual repair.
- (e) No Cargo Storage Container shall be used for human habitation or operation of a commercial business.
- (f) All Cargo Storage Containers must be used for commercial storage only, and no Cargo Storage Container shall be used to store hazardous materials.
- (g) No Cargo Storage Container shall be used to store and keep refuse or debris in, against, on, or under the Cargo Storage Container.
- (h) The use of a Cargo Storage Container must be for the sole benefit of the business or primary, permanent structure located on the same parcel of real property, and shall be located behind the primary structure.
- (i) The use of the Cargo Storage Container shall be a secondary use requiring that a primary, permanent structure be located on the same parcel of real property where the business associated with the Cargo Storage Container is regularly transacted.

(6) Application, Location and Use of Permanent Storage Containers in Residential Zones. Cargo Storage Containers may be permanently placed in any residential lot exceeding 18,000 square feet only after an Applicant's application has been approved by Enoch City Manager or designee. The placement and installation of Permanent Cargo Storage Containers in a residential zone shall not be permitted until a Cargo Storage

Permit has been issued, and Applicant has strictly complied with all terms hereunder within thirty (30) days of placement:

- (a) Each permitted residential lot exceeding 18,000 square feet may have one Cargo Storage Container, provided it is not stacked, and which shall not exceed 41' in length. Each permitted residential lot exceeding 1 acre may have one Cargo Storage Container, provided it is not stacked, and which shall not exceed 61' in length.
- (b) All Cargo Storage Containers must be behind the main or primary structure on a residential lot or parcel of land and are subject to the same setback requirements as the main structure.
- (c) Cargo Storage Containers must be free of graffiti and painted an earth tone color or a color to compliment surrounding structures.
- (d) All Cargo Storage Containers shall be, structurally sound, stable, and in good mechanical and visual repair.
- (e) No Cargo Storage Container shall be used for human habitation or operation of a Home Occupation Business.
- (f) All Cargo Storage Containers must be used for personal home storage only, and no Cargo Storage Container shall be used to store hazardous materials.
- (g) No Cargo Storage Container shall be used to store and keep refuse or debris in, against, on, or under the Cargo Storage Container.
- (h) The use of a Cargo Storage Container must be for the sole benefit of the owner or resident of the Lot, and shall be located behind the primary structure.
- (i) The use of the Cargo Storage Container shall be a secondary use requiring that a primary, permanent residence be located on the same parcel of real property where the Cargo Storage Container is located.

(7) Application Procedures.

- (a) An application for a Temporary or Permanent Cargo Storage Container shall be submitted to the Enoch City Manager or designee for review and approval.
- (b) An application recommended for disapproval by Enoch City Manager or designee may be appealed to the Enoch City Planning Commission in accordance with part 5-25 Appeals found in this code.
- (c) A Cargo Storage Container Permit may be applied for by a renter only with written consent of the property owner and every application must be signed by the property owner.

(8) Existing Storage Containers. The placement and use of Cargo Storage Container placed before the date this ordinance became effective may be continued provided that no such use may be expanded, relocated or changed in any way on the property without conformity with the provisions of this ordinance.

(9) Enforcement. Any person whether owner, lessee, principal agent, employee or otherwise, who violates any of the provisions of this ordinance, or permits any such

violation, or fails to comply with any of the requirements hereof, or who stores, maintains, or otherwise keeps a cargo/shipping container in violation of any detailed statement of plan submitted by owner and approved under the provisions of this ordinance shall be guilty of an Infraction and, upon conviction thereof, shall be subject to punishment as provided by Utah State law.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of Enoch City that the Enoch City Subdivision Ordinance is amended as written above. This Ordinance was voted upon and passed by the Enoch City Council at a regular City Council meeting held on the 1st day of May, 2019. It shall take effect immediately after signing by the Mayor and City Recorder.

DATED this 1st day of May 2019

ENOCH CITY CORPORATION

VOTING:

David Harris	Yea___	Nay___
Jolene Lee	Yea___	Nay___
David Owens	Yea___	Nay___
Katherine Ross	Yea___	Nay___
Shawn Stoor	Yea___	Nay___

Geoffrey L. Chesnut, Mayor

ATTEST:

SEAL:

Julie Watson, City Recorder