

## **VILLAGE OF EAST SPARTA, OHIO**

### **ORDINANCE NO. O-07-24-12**

**TITLE: AN ORDINANCE AMENDING SECTION 402.4 OF THE VILLAGE OF EAST SPARTA ZONING ORDINANCE TO INCLUDE RULES AND REGULATIONS REGARDING THE USE, SIZE AND LOCATION OF PERMANENT AND TEMPORARY STORAGE CONTAINERS WITHIN THE VILLAGE OF EAST SPARTA.**

**WHEREAS**, the village council has determined that the current zoning ordinance needs to be amended to include reference to size, placement, and condition of the temporary and permanent storage containers (cargo containers) in the village.

**NOW THEREFORE**, be it Ordained by the Council of the Village of East Sparta, Ohio that Section 402.4, Location of Accessory Buildings and Uses, shall be amended to include the following regulations and rules relating to the use, location, and condition of temporary and permanent storage containers (cargo containers) in the village.

#### **Section 1:**

##### **1. Regulations and rules for Permanent and Temporary cargo containers**

###### **A. PERMANENT:**

- 1) **Maximum Dimensions.** Shipping containers may not exceed 10' in height, 10 feet in width, and 20' in length.
- 2) **Residential lots** must have an occupied dwelling to obtain a permit. Only one shipping container is permitted on each lot with a dwelling. Shipping containers are not permitted on vacant parcels.
- 3) **Placement** shall be to the rear of the principle dwelling on the rear half of the lot with the exception that cargo containers may be allowed in the side yard but not forward of the main dwelling.
- 4) **Dwellings** that sit on multiple connected lots by the same owner are considered one lot therefore only one container is permitted.
- 5) **Lot size** must be 1 acre or greater to obtain a permit.
- 6) **Permits** are required for all Cargo container units. Only the owner of the parcel of land where the cargo container is to be placed can request a permit. The zoning inspector must approve all containers. Yeah in a second
- 7) **Unit** must be an approved Shipping Container. No trailers from Semi Tractor Trailer units are permitted.
- 8) **Condition** - All shipping containers should be free from rust, peeling paint, graffiti, and other forms of deterioration, disassembly, or disrepair. Permanent shipping containers shall only be single earth tone colors (e.g., Brown, Grey, Tan, or Forrest Green) other colors (e.g., orange, blue, multi color, including

camouflage patterns) are prohibited. No signage or other writing or symbols shall be on the shipping container. Wherever shipping containers may be placed they shall be subject to all property maintenance standards in the Village of East Sparta zoning ordinances. The area surrounding the shipping container shall be kept in a clean and neat condition.

- 9) Shipping containers must meet zoning conditions prior to receiving a permit to being set in place. Pictures must be available to obtain a permit. Actual pictures of the container are required for a used container or catalog pictures for a new container. Photos must include all four sides. Containers must be painted and meet all zoning requirements prior to being set in place.
- 10) Only non-hazardous materials shall be stored in container.
- 11) The Container is to be used for private storage only and shall not be used for retail, rental, or other similar business use. "Private storage" in this case means storage only of goods incidental to an existing permitted use and not available for public access or use.
- 12) Containers shall be used for storage and not be used for habitable space.
- 13) Container shall not be attached to other structures. Also, must follow the zoning rules for accessory buildings (10 feet from principal structure)
- 14) The container shall meet all set back requirements.
- 15) Wiring may be installed for general purpose receptacles and lighting outlets only. Wiring shall be in conduit and limited to one 20 amp circuit from an existing service. No plumbing may be run or connected to a cargo container.
- 16) No structural modifications may be made to cargo containers without a permit and approval from the zoning inspector.
- 17) No livestock or pets may be stored in cargo containers.
- 18) Cargo containers meet all required setbacks
- 19) A solid foundation is required (road base material/gravel or better) is required (possibly define this a little better)

#### **B. TEMPORARY:**

- 1) The fee for a zoning permit for temporary storage/shipping container shall be \$50
- 2) The owner of the parcel of land where the temporary container shall be placed must obtain the permit.
- 3) Maximum Dimensions. Shipping containers may not exceed 10' in height, 10 feet in width, and 20' in length.
- 4) Temporary storage containers are permitted to remain on a property for a period of 90 days. The building inspector has the authority to grant an additional 90 days for a fee of an additional \$25 if the property owner requests the extension prior to the expiration of the original 90-day period and shows just for the extension. If the request for the additional 90 days is not made prior to the expiration of the original 90-day period, the zoning inspector has the authority to grant an additional 90 days for a fee of \$100. The maximum time allowance for a temporary storage container is 180 days in a calendar year. For each day, the temporary container remains on the property after the 90-day period (180-days with an extension) a fine of up to \$100 per day will be charged until the container

is removed. The exception is for the temporary moving container (Pod) in item 5 below.

- 5) Temporary storage containers are only permitted on a property containing an existing residential dwelling, or residential dwelling under construction, renovation, or repair, and where a valid building permit has been issued. The exception is for a container used for moving purposes (such as a Pod). No permit is required for a container used for moving as long as the container is located at an existing residential dwelling for no more than 10 days. If more than ten days are required a permit will need to be obtained (\$50). If no permit is obtained, a daily fine of up to \$50 will be issued.
- 6) The container shall be located in the driveway of the residential dwelling. For residential construction projects the container shall be located in the proposed driveway location.
- 7) The container shall not be located on the right of way, on the street, or block a public sidewalk.
- 8) Human or animal habitation is prohibited in a temporary storage container.
- 9) Only one container can be placed on a property at one time
- 10) Public Nuisance – No temporary storage container shall be located in such a manner on any property as to create a public nuisance such as, but not limited to creating a motor vehicle visibility issue of storing hazardous materials.
- 11) Temporary storage containers shall not be placed on vacant lots unless a building permit has been issued for a construction project.
- 12) Cargo containers meet all required setbacks

#### **C. Notice Violations**

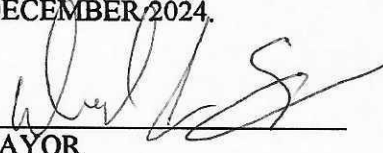
- 1) Before any summons shall be issued for a violation the Village shall mail a written notice to the property owner at the address identified in the tax assessment records of Stark County, which notice shall set forth a description of the alleged violation and include a warning that a summons shall be issued unless proof of abatement is received by the village within 30 days after the issuance of the warning. If the village does not receive proof within the said 30-day period the village shall issue a second notice permitting an additional 7 days from the date thereof to provide the village with proof of abatement of the alleged violation; and if the village shall not have received such proof by that deadline, the village at its discretion cause a summons to be issued
  - 2) In addition, the village has the right to remove any cargo container that is not in compliance with the said zoning regulations and to charge the costs thereof including but not limited to any storage and disposal fees as a lien against the property from which the cargo container was removed.
- 2. All other provisions of zoning ordinance 402.4 shall remain in full force and effect.**

**Section 2:**

This ordinance is declared an emergency immediately necessary for the preservation of the health, safety, and welfare of the community and for the additional reason it is needed to assist homeowners in the proper use, regulations and rules for the permanent and temporary storage containers (cargo containers) Within the village of East Sparta. Provided it receives the affirmative vote of two thirds of the elected members of council, it shall take effect and be enforced immediately upon its passage and approval by the mayor. Otherwise, it shall take effect and be in force from and after the earliest allowed by law.

PASSED IN COUNCIL THIS 17<sup>th</sup> DAY OF DECEMBER 2024.

  
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VILLAGE CLERK

  
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MAYOR