ORDINANCE NO. 6 , 2011

AN ORDINANCE ESTABLISHING REGULATIONS FOR TEMPORARY STORAGE CONTAINERS

WHEREAS, Temporary Storage Containers, typically PODS units, have been frequently utilized by property owners within the City to provide temporary storage on site during moving or remodeling; and

WHEREAS, the Administration has recommended that the City adopt regulations controlling the location and duration when such Temporary Storage Containers may be placed on site to preserve the character and integrity of the Montgomery community consistent with the purposes of the Zoning Code; and

WHEREAS, the Planning Commission has studied proposed regulations for such units and has recommended specific regulations to be adopted by Council as a part of the Land Usage Code; and

WHEREAS, Council has held a public hearing on February 16, 2011 concerning such specific regulations and desires to adopt such regulations consistent with the procedures of the Land Usage Code.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Montgomery, Hamilton County, Ohio, that:

SECTION 1. Section 150.0302 of the Land Usage Code entitled *Definitions* shall be amended to add the following definition:

(153A) ***Temporary Storage Container:*** Any container, storage unit, or other portable structure designed and primarily used for the temporary storage of personal property and which is located outside an enclosed building. Accessory

buildings complying with all building and zoning requirements shall not be considered a Temporary Storage Container.

SECTION 2. Section 151.1009(B) shall be amended to add the following categories and restrictions in the Table of such section: Temporary storage units are recognized as a Permitted Structure, Building or use, such units are permitted in the front, side and rear yards, such units shall meet the front lot line setbacks consistent with Section 151.1009(K), and such units shall be setback from the side or rear lot line by five (5) feet or more.

SECTION 3. Section 151.1009 shall be amended to add the following subsection (K):

(K) *Temporary Storage Containers:* A Temporary Storage Container may be utilized as a temporary accessory use when in compliance with the following standards:

(1) A Temporary Storage Container may be located as a temporary accessory use on property within the City for a period not exceeding thirty (30) days per calendar year in duration from time of delivery to time of removal.

(2) The owner of the property on which the Temporary Storage Container is located, or the agent of such owner using such container, shall obtain a permit, at no cost, from the Zoning Administrator no later than the first day such container is placed on site.

(3) A Temporary Storage Container shall be located on a paved surface.

(4) No more than one Temporary Storage Container may be located on a specific site at any one time.

(5) A Temporary Storage Container may not exceed eight (8) feet, six (6) inches in height, ten (10) feet in width or twenty (20) feet in length.

(6) A Temporary Storage Container shall be located a minimum of ten (10) feet from the right-of-way line and a minimum of five (5) feet from side or rear of property lines.

(7) A Temporary Storage Container shall be secured in a manner that does not endanger the safety of persons or property in the vicinity of the Temporary Storage Container and it shall be secured and enclosed in such a manner as to not permit waste, litter or debris.

(8) The standards for a Temporary Storage Container may be varied on a case by case basis upon petition to the Zoning Administrator for good cause shown. If the Zoning Administrator should deny any such variance to the standards, then the applicant may appeal such denial consistent with Chapter 150.20 of the Land Usage Code. No such appeal; however, shall stay the enforcement of this section of the Code.

SECTION 4. Section 151.1211, *Accessory Use Regulations,* within the ***Business District Regulations*** chapter shall be amended to read as follows:

(D) *Temporary Storage Containers.* Temporary Storage Containers are considered to be an accessory use within all Business Districts and shall be regulated consistent with the same regulatory standards set forth within Section 151.1009 of the Code.

SECTION 5. All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed.

SECTION 6. All sections, subsections, parts and provisions of this Ordinance are hereby declared to be independent sections, subsections, parts and provisions, and the holding of any section, subsection, part or provision to be unconstitutional, void or ineffective for any reason shall not affect or render invalid any other section, subsection, part or provision of this Ordinance.

SECTION 7. This Ordinance shall take effect the earliest opportunity as allowable by law.

PASSED: April 6, 2011

ATTEST: Susan J. Hamm
Susan J. Hamm, Clerk of Council

Gerri Harbison
Gerri Harbison, Mayor

APPROVED AS TO FORM:
Terrence M. Donnellon
Terrence M. Donnellon, Law Director