

Published in Lawrence Journal on the 20 day of October, 2019  
World

ORDINANCE NO 1411

**AN ORDINANCE AMENDING ZONING ORDINANCE #1247 OF THE CITY OF BALDWIN CITY, KANSAS AND AS SET FORTH IN CHAPTER 16 OF THE MUNICIPAL CODE OF THE CITY OF BALDWIN CITY, KANSAS, BY AMENDING ARTICLE 21, SECTION 21-101, COLUMN 2 AND BY AMENDING ARTICLE 21, SECTION 21-105 (8) AND AMENDING ARTICLE 26 BY ADDING A NEW SECTION 26-112, CITY OF BALDWIN CITY, KANSAS, DOUGLAS COUNTY, KANSAS**

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BALDWIN CITY, KANSAS, THAT:**

**SECTION 1**

Zoning Ordinance #1247 of the City of Baldwin City, Kansas, and as set forth in Chapter 16 of the Municipal Code of the City of Baldwin City, Kansas be and the same is hereby amended as follows:

1. **Article 26, Section 26-112 is hereby added as follows:**

**SHIPPING CONTAINERS AND PERSONAL STORAGE UNITS**

**Section 26-112**

**1. Definitions.**

- a. **Shipping containers**: Any temporary structure that is a reusable, enclosed, semi-closed or open vessel, cargo container, or truck trailer which is used for the storage of freight, articles, goods, solid waste, personal belongs, commodities, or the like. Other names include container, storage container, freight contain, ISO container, cargo container, hi-cube container, conex box and sea can. "Intermodal" indicates that the container can be moved from one mode of transport to another. Shipping containers DO NOT include rail box cars, which were manufactured as an integral part of a vehicle, or which have or previously had permanently affixed wheels. Shipping containers consist primarily of a steel exterior, are manufactured to transport goods, and have external measurements of typically twenty (20) or forty (40) feet in length by eight (8) feet six (6) inches in height by eight (8) feet in width but can be smaller and still be defined as a shipping container.

Shipping containers include standardized reusable vessels that were:

- (1) Originally designed for or used in the packing, 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; and/or

(3) 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.

b. Personal storage units: A pre-fabricated unit, made of metal and/or wood, fully fabricated off-site and shall mean any container designed for the temporary storage of property and are typically rented to occupants of property for their storage use, and are delivered and removed by truck and/or trailer. Furthermore, this unit is delivered to and retrieved from a home or business for long term off-site or on-site storage. Portable Storage On Demand or “PODS” are a familiar trade name for such containers. These containers are not on a chassis and do not have axles or wheels. The size of the unit shall not exceed 150 square feet, unless approved by the City.

## 2. Storage on residential use properties.

- a. Shipping containers, personal storage units, 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 accessory storage buildings on property zoned residential or on property the primary use of which is residential.
- b. Notwithstanding the provisions set forth in subsection A of this section, the temporary placement of personal storage units on residentially zoned properties, or on properties the primary use of which are residential, excluding the RP-3 zoning district, for the limited purpose of loading and unloading household contents shall be permitted for a period of time not exceeding 60 days in any one calendar year. No more than one container is allowed to be placed on a single-family or two-family residential property.
- c. Notwithstanding the provisions set forth in subsection A of this section, a property owner, in any residentially zoned district, may use a shipping container for the temporary location of equipment and/or materials storage structure during construction which is taking place on the property where a shipping container is located, if the use of the shipping container is authorized pursuant to an active building permit. Such container must be removed from site prior to final inspection of the building permit or certificate of occupancy.
- d. Notwithstanding the provisions set forth in subsection A of this section, personal storage units shall not be placed on rights-of-way, any drainage or utility easements or in any manner that creates a traffic visibility obstruction as determined by the City.
- e. Notwithstanding the provisions set forth in subsection A of this section, personal storage units shall be placed on a hard surface, gravel or other city-approved surfaces free and clear of grass, weeds and other vegetation.

## 3. Shipping containers – Permitted locations.

The placement of a shipping container as an accessory storage use are limited to commercial and industrial zoning districts. Development Plan approval in accordance with Chapter 19 is required for the CP-4 zoning district.

#### 4. Permit required – Development standards.

- a. A building permit is required in all commercial and industrial zoning districts prior to placement of a shipping container, ensuring effective anchoring/foundation according to the then most current edition of the International Building Code. The application shall show the proposed shipping container is accessory to the permitted use of the property and meets the placement criteria for the underlying zoning district.
- b. Shipping containers shall meet the setback requirements of the underlying zoning district.
- c. Shipping containers shall not be stacked above the height of a single container device, except for placement within industrially zoned districts.
- d. Shipping containers shall not be used for any advertising purpose and shall be kept clean of all alpha-numeric signage and writing. The exterior color shall be similar and compatible with the primary building and adjacent structures.
- e. As a condition of placement, shipping containers shall be required to be fenced or screened from abutting properties and/or rights-of-way pursuant to the provisions of the zoning regulations.
- f. Shipping containers shall not occupy required off-street parking, loading or landscaping areas.
- g. Shipping containers may only be used for the storage of materials that are incidental to the primary use on the site. No storage of hazardous or flammable materials are allowed. Materials stored within shipping containers are subject to review and approval by the fire department.
- h. Under no circumstance shall a container be used for human or animal habitation.
- i. No shipping container shall be placed on a lot which does not contain a principal structure, unless such lot is adjacent to and under the same ownership as a lot with a principle structure.
- j. The maximum size and height of the shipping container shall be 8.5 feet and 1,360 cubic feet (8x8.5x20) respectively.
- k. Graffiti shall be removed within 48 hours.
- l. Shipping containers may be placed in the front yard setback for seasonal sales or a temporary use for no more than 90 days per calendar year. The placement shall not create a traffic visibility obstruction as determined by the City.
- m. Shipping containers shall not be placed on rights-of-way, any drainage or utility easements or in any manner that creates a traffic visibility obstruction as determined by the City.

#### 5. Conflicts.

In the event any conflict exists between the provisions of this chapter and other currently existing provisions of the Code of the City of Baldwin City, Kansas 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 Code of the City of Baldwin City, Kansas or other ordinances of the city shall be and hereby are amended insofar as necessary to conform to the provisions of this chapter.

6. Violations – Penalties.

Violation of this chapter shall be enforced pursuant to the procedures and penalties set forth in Code of the City of Baldwin City, Kansas as the same exists now or may hereafter be amended.

2. **Article 21, Section 21-105 (8) is hereby deleted and a new annotation (8) is added as follows:**

“All required off-street parking and access drives in residential districts shall be paved, unless graveled prior to the adoption of this ordinance. Also, all other areas devoted to off-street parking or providing access to approved accessory buildings on residential properties may be graveled if required off-street parking is paved or existing parking and access drives are graveled.

3. **Article 21, Section 21-101, Column 2, “SPACES REQUIRED PER BASIC MEASURING UNIT” is hereby modified by the following text:**

“2 per dwelling unit”

**SECTION 2** EFFECTIVE DATE OF ORDINANCE. This Ordinance shall take effect on its passage and upon its publication as required by law.

Passed by the City Council this 15<sup>th</sup> day of October, 2019.

  
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Casey Simoneau, Mayor

ATTEST:   
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Laura E. Hartman, City Clerk



**(Approved as to Form):**

  
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Blake Glover, City Attorney