

Chapter 164

SHIPPING CONTAINERS

§ 164-1. Purpose and Findings

To preserve property values and aesthetic resources of the Town, the Town has determined that regulation of Shipping Containers, and other like structures used for temporary or permanent storage is appropriate. It is the intention of the Town Board to maintain a clean, wholesome and attractive community and to guard against the creation of nuisances and conditions that may: (A) endanger the health, safety and welfare of the residents; (B) reduce the value of properties; (C) interfere with the use and enjoyment of adjoining properties; and (D) interfere with the well-being of the public. The Board finds that from time to time containers are needed by the citizens of the Town for various reasons, including but not limited to construction or storage of personal belongings. Nevertheless, the presence of containers can have a negative impact on health, safety, and welfare of the citizens of the Town. This Local Law is intended to minimize the adverse effects that containers may have by regulating the amount of time and location, where they may be parked, or stored, on properties in certain zoning districts. The purpose of this law is to protect the public health, safety, and welfare of the residents and aesthetic resources, and the general welfare of the Town and its residents. The Town finds that regulation of Shipping Containers is in the best interest of the Town.

§ 164-2. Definitions

ACCESSORY STORAGE CONTAINER – A storage container that is an accessory use for which a Container Permit has been issued in accordance with Chapter 164.

AGRICULTURAL PROPERTY – Property located in an agricultural district, as defined by New York State Agriculture & Markets Law, and being actively farmed or used for agriculture within the last eighteen months.

CONTAINER PERMIT – A permit issued by the Building Inspector authorizing the use of a Shipping Container, portable site storage container, or accessory storage container.

PORTABLE SITE STORAGE CONTAINER or “PODS” – A container, usually made of plastic, used for the temporary storage and/or transport of household or office furnishings and accessories.

SHIPPING CONTAINER – A standardized reusable vessel, which is usually made of steel, that was: (i) originally designed for or used in the packing, shipping, movement or transportation of freight, articles, goods, or commodities; and/or (ii) originally designed for a capable of being mounted or moved by rail, truck or ship by means of being mounted on a chassis or similar transport device. “Transport containers” and “portable site storage containers” having a similar appearance to and similar characteristics of Shipping Containers, shall be included, in the definition of “Shipping Containers.”

§ 164-3. Regulations

- A. The following are the rules governing the use of Shipping Containers, portable site storage containers, and pods.
- (1) Moving/Temporary Storage. Portable site storage containers and “pods” (not Shipping Containers) are permitted in any zoning district for a 60-day period for use during moving or temporary storage. No permit is required.
 - (2) Construction Site. Shipping Containers, construction trailers, and portable site storage containers are permitted for a period of up to 180 days (6 months) during active construction provided a Building Permit has been issued for the property. An extension of the 180-day period may be obtained upon application to the Planning Board. Building Permit required; no Shipping Container permit required.
 - (3) Use of Shipping Containers in Commercial, Corridor Industrial, and Industrial Permitted Upon Issuance of Container Permit. A Container Permit may be obtained from the Building Inspector for the use of a Shipping Container on any lot located in the Commercial (C), Corridor Industrial (CI) and Industrial (I) zoning districts, except in the instance of a new commercial use which needs to comply with site plan review and all other provisions of this code.
 - (4) Long Term Use of Shipping Containers on Lots That Are Residential Agricultural. Use of a Shipping Container for a period in excess of 60 days on lots in Residential Agricultural Zones (RA-1) and (RA-2) requires site plan approval from the Planning Board, except for use on agricultural property.
 - (5) Agricultural Uses/No Permit Required. No permit is required for use of Shipping Containers for agricultural uses on Agricultural Property, as that term is defined in this Chapter.
 - (6) Existing Shipping Containers Grandfathered. Shipping Containers in use as of the effective date of this law are “grandfathered” as long as the Shipping Container is registered with the Building Department within 180 days of the effective date of this law.
 - (7) Shipping Container Prohibited in Waterfront, Rural Residential, High Density Residential and Mixed Use: Use of Portable Site Storage Containers or Pods Permitted in Those Districts. No Shipping Containers are permitted in the following zoning districts: Waterfront, Rural Residential, High Density Residential (HDR-1) and (HDR-2) and Mixed Use (MU) except that Pods, or temporary site storage containers, are permitted in those zoning districts for up to sixty (60) days for moving and temporary storage and up to 180 days for construction.

- B. Containers Prohibited In Certain Zoning Districts Without A Permit. Except as expressly permitted by the provisions of Chapter 164, Shipping Containers, portable site storage containers and pods are not permitted to be used for storage or any other use.
- C. Temporary Use of Containers Permitted Without Permit. The temporary placement of portable site storage containers, or “pods,” on a lot in any zoning district for the limited purpose of temporary storage, or loading and unloading for transport, of household or office furnishings/contents shall be permitted for a period of time not exceeding sixty (60) days.
- D. Containers Permitted During Construction Upon Issuance of Building Permit. Construction contractors may, upon issuance of a building permit, use Shipping Containers and/or portable site storage containers for the temporary storage of equipment and/or materials during the period the contract is engaged in construction on the lot where the Shipping Container and/or portable site storage container is located. If construction ceases or is abandoned for a period of thirty (30) days, the Shipping Container and/or portable site storage container, must be removed from the property. In no event shall the Shipping Container or portable site storage container remain on the premises for a period longer than 180 days. Prior to the expiration of the 180 day period, the owner or contractor may apply to the Planning Board for an extension, and the Planning Board shall have the authority to grant a container permit for a period not longer than 180 days.
- E. Use of Shipping Containers Permitted with Container Permit.
- (1) A property owner who otherwise complies with all provisions of this code may apply for and obtain a Container Permit for long term use of a Shipping Container, without site plan review, provided the lot in question is located in the Commercial, Corridor Industrial or Industrial zoning districts.
 - (2) The application for a Container Permit shall be accompanied by the following:
 - (a) Three (3) copies of a detailed plan (handwritten sketch plans are acceptable) showing the proposed location of the Shipping Container, including, but not limited to, property lines and other structures on the property.
 - (b) Details regarding the Shipping Container, including, but not limited to, height, width, length, floor area and color.
 - (c) Description of method of screening, if any.
 - (d) The plan shall show the proposed location of the Shipping Container in relation to the property line setbacks.

- (e) Such other information as the Building Inspector may require to adequately review an application.
 - (f) Payment of the permit fee, which fee shall be established by resolution of the Town Board.
- (3) The Building Inspector shall not issue a Container Permit if the application does not demonstrate compliance with the following criteria and standards:
- (a) The container shall not exceed 10 feet in height, and shall be located in the side or rear yard.
 - (b) Shipping Containers shall not be placed or located in the front yard of any lot. For a corner lot, yards adjoining each street shall be considered a “front yard” for purposes of this section.
 - (c) The container shall be set back (a) at least 20 feet (if no adjoining residential property) from any side or rear lot line; (b) 50 feet from a side or rear lot line adjacent to a residence or lot in residential use; and (c) at least 10 feet from the main building (principal use) on the lot.
 - (d) The container shall have a maximum of 450 square feet of floor area. All Shipping Containers shall be painted a uniform earth tone color.
 - (e) If visible from any adjoining lot or any bounding street right of way at any time during the year, a Shipping Container shall be painted a uniform earth tone color, and, if directed by the Building Inspector, appropriately screened with either landscaping so as to provide an opaque sight barrier at least equal to the height of the container or by an opaque fence or similar barrier of equal height.
 - (f) A solid, firm base surface shall be provided for the cargo storage container capable of sustaining the load of the cargo storage container and its contents.
 - (g) The siting of the cargo storage container shall not be placed so as to negatively impact drainage on any adjacent lot by diversion or impoundment of storm water flows.
 - (h) The Shipping Container may not occupy any off-street parking spaces or fire lanes required by the Zoning Law or State Law.
 - (i) A container shall be permitted only for purposes as an accessory use to the principal use of the lot on which such container may be located. For lots zoned General Commercial or Highway Commercial, the use of the container must be for the commercial use associated with the lot. For lots

zoned Industrial, the use of the container must be for the industrial use associated with the lot.

- (j) Containers used in a manner that constitute a principal use, such as a storage yard, mini-warehousing establishment, or a motor freight terminal shall be subject to the regulations of the Town's Zoning requirements. In such a case, all containers shall be subject to the minimum set back requirements of the zoning district in which they are located.
- (k) In no event shall the number of Shipping Containers or portable site storage containers on any lot exceed: (i) one (1) in any residential zoning district in which Shipping Containers are permitted; or (ii) five (5) in any Commercial or Industrial zoning district. Provided, however, if the property is zoned for General Commercial or Highway Commercial or Industrial use but is being used as a residence, only one (1) Shipping Container may be permitted.

F. Long Term Use of Shipping Containers Permitted with Site Plan Approval.

- (1) Site plan approval is required for Shipping Containers in Rural/Agricultural District, except for use on an agricultural property.
- (2) Application for site plan approval shall be submitted to the Planning Board. The application shall be accompanied by the following information:
 - (a) Three (3) copies of a detailed plan (handwritten sketch plans are acceptable) showing the proposed location of the Shipping Container, including, but not limited to, property lines and other structures on the property.
 - (b) Details regarding the Shipping Container, including, but not limited to, height, width, length, floor area and color.
 - (c) Description of method of screening, if any.
 - (d) The plan shall show the proposed location of the Shipping Container in relation to the property line setbacks.
 - (e) Such other information as the Building Inspector may require to adequately review an application.
 - (f) Payment of the permit fee, which fee shall be established by resolution of the Town Board.

- (3) Upon application for site plan approval, the Planning Board shall have the discretion to issue a permit for one (1) Shipping Container per lot, provided that the applicant demonstrates compliance with the following standards and criteria:
- (a) The container shall not exceed 10 feet in height, and shall be located in the side or rear yard.
 - (b) The container shall be set back at least (a) 20 feet from any side or rear lot line (if no adjoining residential property), (b) 50 feet from a side or rear lot line adjacent to a residence district or lot in residential use, and (c) at least 10 feet from the main building (principal use) on such lot.
 - (c) The container shall not occupy more than 10% of the required yard area in which it is proposed to be situated.
 - (d) A maximum of one (1) cargo storage container shall be permitted on each lot. All Shipping Containers shall be painted a uniform earth tone color.
 - (e) The container shall have a maximum of 450 square feet of floor area.
 - (f) If visible from any adjoining lot or any bounding street right of way at any time during the year, an accessory cargo storage container shall be painted an earth tone color and appropriately screened, if necessary, at the direction of the Building Inspector, with either landscaping so as to provide an opaque sight barrier at least equal to the height of the container or by an opaque fence or similar barrier of equal height.
 - (g) A solid, firm base surface shall be provided for the cargo storage container capable of sustaining the load of the cargo storage container and its contents.
 - (h) The siting of the cargo storage container shall not be placed so as to negatively impact drainage on any adjacent lot by diversion or impoundment of storm water flows.
 - (i) The Shipping Container may not occupy any off-street parking spaces or fire lanes.
 - (j) A container shall be permitted only for purposes as an accessory use to the principal use of the lot on which such container may be located.
 - (k) The Planning Board may deny site plan approval if the Board, in its discretion, determines that a Shipping Container would have a negative impact on the use and enjoyment of adjoining properties.
- (4) Upon issuance of a site plan approval by the Planning Board, the Building Inspector shall issue a Container Permit.

- G. No Shipping Containers are permitted in the following zoning districts: Waterfront (WR), Rural Residential, High Density Residential (HDR-1 and HDR-2)1 and Mixed Use (MU).
- H. Exceptions. Nothing herein shall be construed to restrict the use of Shipping Containers or portable site storage containers for:
- (1) Agricultural uses on Agricultural Property, provided the Shipping Container is being used in support of an agricultural use on the property in question;
 - (2) Temporary placement of portable site storage containers or pads for sixty days or less (in any one calendar year) and for the limited purpose of loading and unloading household furnishings, office furnishings or commercial inventory, fixtures or equipment;
 - (3) By Greene County's Cocksackie transfer station;
 - (4) For a natural disaster or emergency, including a fire, flood, sewer storm; Notwithstanding this exception, any Shipping Container used for more than sixty (60) days for such natural disaster or emergency shall require a permit or waiver by the Zoning Board of Appeals; and
 - (5) Active military operation.
- I. Current Violations/Grandfathering. Any existing Shipping Container or portable site container that is located on a property as of the effective date of this law is "grandfathered," provided the owner of the property registers the Shipping Container or portable site container with the Building Inspector (on a form provided by the Building Inspector) within ninety (90) days of the effective date of this law. The "grandfathering" exemption shall apply so long as the property owner owns the lot; the exemption expires on the sale or conveyance of the lot to a third-party. Any Shipping Container or portable site storage container not registered with the Building Inspector within ninety (90) days of the effective date of this law shall be presumed to be prohibited, unless there is a valid Container Permit on file with the Building Inspector.
- J. Presumptions. The placement of a Shipping Container or portable site storage container without compliance with this section of the Zoning Law shall be prima facie evidence of the violation of this law by the owner, tenant or other occupant of the premises upon which such item(s) are located.
- K. Enforcement/Penalties. The Code Enforcement Officer and Building Inspector shall have the authority to enforce this law. A Shipping Container that is not removed after notice and an opportunity to remedy the violation shall be deemed to be an

illegal structure and may be removed by the Town of Coxsackie, which shall assess such fines, costs, and expenses against the property on which the storage container is located to be collected and enforced in the same manner as real property taxes. A person who shall knowingly violate any of the applicable provisions of this Local Law or any lawful order, notice, directive, of the Town of Coxsackie Code Enforcement Officer shall be subject to a fine of Two Hundred Fifty Dollars (\$250.00) for each day during which there is a failure to comply with the provisions of this law or any order issued by the Code Enforcement Officer. The property owner shall be given written notice, and 10 days to correct the violation, of any alleged violation of the provisions of this law and notice that the container must be removed. The cost of enforcement and removal may be assessed to the property owner as a special ad valorem tax levy.

- L. Appeals. Appeals of any enforcement action or determination of the Building Inspector shall be determined by the Zoning Board of Appeals of the Town of Coxsackie.