

**ORDINANCE NO. 21-25**

**AN ORDINANCE OF THE CITY OF RICHMOND, KENTUCKY RELATING TO THE PLACEMENT OF SHIPPING CONTAINERS, MOVING PODS AND STORAGE PODS ON RESIDENTIAL AND COMMERCIAL PROPERTY WITHIN THE CITY**

**WHEREAS**, the City’s development ordinance makes reference, in Section 409 B, to accessory uses and structures in residential, commercial, and industrial zoning districts; and

**WHEREAS**, numerous owners of properties and businesses within the City’s B (commercial) zoning districts have determined to place shipping containers, moving pods, or storage pods on their properties and to use them as permanent or semi-permanent storage structures visible from public right of ways, a use which the Board of Commissioners finds to be inappropriate in that these containers and pods are designed to be used merely as containers to move materials from one location to another and are not designed to be plunked down on business properties permanently or semi-permanently as an accessory use structure where they are an eyesore and a blight to that property and to surrounding properties; and

**WHEREAS**, the existing provisions of the development ordinance do not expressly address the use of shipping containers, moving pods or storage pods as accessory storage structures or the placement of them on residential or commercial properties within the City, and the Board of Commissioners wishes to clarify the development ordinance on that point; and

**WHEREAS**, the Board finds it to be in the public interest that the use of shipping containers, moving pods and storage pods within the City and their placement on properties within either the City’s residential or commercial zoning districts and used as accessory structures is an inappropriate use of these containers when it results in an eyesore, a blighted appearance, and the potential depreciation in the value of surrounding properties, all conditions which are so apparent to the Board that it frankly finds it difficult to understand why any property owner would place these containers or permit them to be placed on their properties for such purposes;

**NOW, THEREFORE, BE IT ORDAINED** that:

**SECTION I**

Section 409 B of the City’s development ordinance is hereby amended by adding to it the following provisions:

- “6. (a) Shipping containers, moving pods, and storage pods shall not be considered to be accessory structures as that term is used in Subsections 1, 2, 4, and 5, above. Shipping containers, moving pods and storage pods, except as provided below, shall not be placed on properties within any of the City’s R-1, R-2, R-3, RE, MP, PUD, B-1, B-2, B-3, B-4, P-1, or PSP zoning districts.

(b) The above provisions in sub-section (a), above, to the contrary notwithstanding, a shipping container may be placed on the properties enumerated in sub-section (a) when such placement occurs for purposes of making delivery to the premises on the property of items within the container or when placed on the property for purposes of loading the container with items from the premises on the property to be shipped to another location. In such instances, (i) the container may be on the premises for no longer than may reasonably be required to unload or to load it, as the case may be, but in any case for no longer than 30 days; (ii) no container shall be placed on any City street; and (iii) prior to the placement of the shipping container, moving pod, or storage pod on property within any of the City's B, I, PUD, MP, P1 and PSP zoning districts for these purposes, the property owner shall procure from the Codes and Planning Department a permit authorizing such placement, for which there shall be a fee of \$30.00 (THIRTY DOLLARS).

(c) The above provisions in sub-section (a), above, to the contrary notwithstanding, a storage pod may be placed on the properties enumerated in sub-section (a) when the principal structure on the property is under construction or repair and the storage pod is used to store contents from that structure pending the completion of construction or repair. In such instances, the property owner shall procure from the City's Codes and Planning Department a permit authorizing such placement for a given period of time; should construction or repair not be completed within the permitted period of time, the property owner shall apply for an extension of the initial permit. There shall be a charge of \$30.00 (THIRTY DOLLARS) for such a permit and no charge for an extension of the permit.

(d) The above provisions in sub-section (a), above, to the contrary notwithstanding, a moving pod may be placed on the properties enumerated in sub-section (a) when it is to be used for purposes of moving furniture or other personal items from a residential premises to another location. In such instances, the moving party shall have such placement for a period of time not exceeding 30 (THIRTY) days; the time may be extended by the Codes and Planning Department at the request of the moving party for an additional 30 (THIRTY) days. If their time has expired and the container remains the moving party shall be fined under the structure defined in paragraph (g).

(e) The above provisions in sub-section (a), above, to the contrary notwithstanding, a storage pod/container may be placed on commercial properties enumerated in sub-section (a) when the container is properly shielded from public view from the vantage point of a public right-of-way. In such instances, the property owner shall procure from the City's Codes and Planning Department a determination of proper shielding from view and if obtained apply and procure a permit from the same department. There shall be a charge of \$30.00 (THIRTY DOLLARS) for such a permit and no charge for an extension of the permit.

(f) The term "shipping container" as used herein shall be defined to mean a standardized, re-sealable transportation box, sometimes referred to as an intermodal

freight container, usually made of steel and designed for unitized freight handling with standardized equipment for bulk shipment of goods via truck, train, or ship, typically of either twenty or forty feet in length.

The term “moving pod” as used herein shall be defined to mean a re-sealable transportation box, usually made of steel and designed for ease of loading to and from a motor vehicle for purposes of the bulk shipment of goods and equipment, typically ranging in size from seven to sixteen feet.

The term “storage pod” as used herein shall be defined to mean a purpose-built, box-like container designed for the temporary bulk storage of household goods and/or equipment, including a “moving pod” when used for storage purposes.

- (g) The owner of any property in violation of the provisions of this Paragraph 6 shall be subject to a fine in the amount of \$100.00 for a first violation, \$300.00 for a second violation, and \$500.00 for each subsequent violation. Each day during which such a violation exists shall be deemed to be a separate violation. Fines remaining unpaid for greater than 30 days after the violation becomes final shall be added to the ad valorem tax bill for the property in question, shall bear interest and penalties the same as does the ad valorem tax, and shall constitute a lien against the property the same as do the ad valorem taxes.

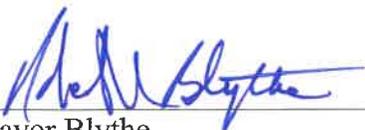
## SECTION II

This ordinance shall become effective immediately upon its enactment following second reading and publication in accordance with the requirements of applicable Kentucky law.

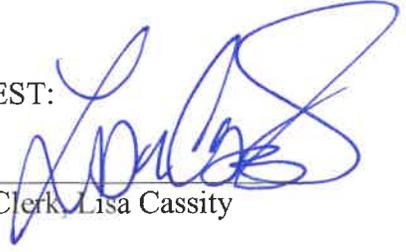
<b>DATE OF FIRST READING:</b>	<b>September 28, 2021</b>
<b>MOTION BY:</b>	<b>Commissioner Newby</b>
<b>SECONDED BY:</b>	<b>Commissioner McDaniel</b>

<b>DATE OF SECOND READING:</b>	<b>October 12, 2021</b>
<b>MOTION BY:</b>	<b>Commissioner Brewer</b>
<b>SECONDED BY:</b>	<b>Commissioner McDaniel</b>

<b>VOTE</b>	<b>YES</b>	<b>NO</b>
Commissioner Arnold	X	
Commissioner Brewer	X	
Commissioner McDaniel	X	
Commissioner Newby	ABSENT	
Mayor Blythe	X	

  
\_\_\_\_\_  
Mayor Blythe

ATTEST:

  
\_\_\_\_\_  
City Clerk, Lisa Cassity

Approved as to form:

  
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City Attorney, Tyler Frazier