



Hall County Regional Planning Commission

**Wednesday, February 2, 2022
Regular Meeting**

Item F2

**Public Hearing - Proposed changes to Zoning Ordinance -
Doniphan**

Staff Contact:

Agenda Item #5

PLANNING DIRECTOR RECOMMENDATION TO REGIONAL PLANNING COMMISSION:

January 27, 2022

SUBJECT:

Concerning proposed amendments to the Zoning Ordinance for the Village of Doniphan and its one-mile extra-territorial jurisdiction. Amendments to be considered pertain to Article 4 and would add Section 4.12(a) of the Doniphan Zoning Ordinance defining Cargo Storage Containers and the regulations pertaining to the placement of such containers on property. (C-16-2022D)

PROPOSAL:

The Doniphan Village Board has forwarded the proposed additions to the Doniphan Zoning Regulations for review and recommendation by the Regional Planning Commission. The Village has been dealing with issues regarding the use and placement of cargo containers on property within its jurisdiction. The proposed amendment is designed to provide clear direction to citizens and village staff regarding this use on property within the jurisdiction of the Village. The proposed amendment is similar in nature to changes that were proposed and approved for the Village of Alda in 2017.

OVERVIEW:

The proposed changes would add Section 4.12(A) to Article 4 of the Doniphan Zoning Regulations as shown in the attachment.

A Cargo Container shall not be permitted in Residential Zoning districts. A Cargo Container shall be treated in the same manner as an accessory building that may be placed in either GC - General Commercial District; HC - Highway Commercial District; I-1 - Light Industrial District; AG - Agricultural District; or TA - Transitional Agricultural District, with additional conditions. Only one container would be permitted unless approval is granted by the Village Board for more than one container. Containers in place for more than six months must be anchored. All containers must be kept free from dents, rust and graffiti and painted to blend in with surrounding structures. Containers cannot be used for as a housing unit or for animal containment or kennels.

The specific proposed language is shown below:

SECTION 4.12(A) CARGO STORAGE CONTAINERS

4.12(A).01 Cargo Storage Containers are defined as an industrial, standardized, reusable, enclosed container that is not permanently attached to a semi-trailer and wheels:

(a) Originally, specifically or formerly designed for or used in the packing, shipping, movement or transportation of freight, articles, goods or commodities;

(b) Designed for a capable of being mounted or moved on a rail car; and/or

(c) Designed for or capable of being mounted on a chassis for movement by truck, train or loaded on a ship.

4.12(A).02 A Cargo Container shall not be permitted in Residential Zoning districts. A Cargo Container shall be treated in the same manner as an accessory building that may be placed in either GC - General Commercial District; HC - Highway Commercial District; I-1 - Light Industrial District; I-2 - Heavy Industrial District; AG - Agricultural District; or TA - Transitional Agricultural District, with the following additional conditions:.

(a) Only one (1) Cargo Storage Container shall be permitted per lot unless a request for the placement of more than one (1) Cargo Storage Container shall have first been presented to the Doniphan Village Board of Trustees and approved.

(b) A Cargo Storage Container shall be free of dents, rust and/or graffiti and shall be maintained in good condition and painted to blend in with other structures.

(c) It shall not be permissible to stack Cargo Storage Containers.

(d) A Cargo Storage Container cannot exceed dimensions of 9 feet 6 inches in height by 8 feet in width by 40 feet in length and shall not encroach upon any applicable setback requirement applicable to the zoning district on which such Cargo Storage Container is placed.

(e) A Cargo Storage Container shall be permanently and adequately anchored if it shall remain on a lot in excess of six (6) months.

- (f) A Cargo Storage Container shall be securely locked at all times, other than during actual loading or unloading.
- (g) If the Cargo Storage Container is its unaltered condition is airtight an air vent must be installed.
- (h) Under no circumstances shall a Cargo Storage Container be used as a dwelling unit, housing unit, pet housing, animal containment unit or kennel and no sales shall be conducted from a Cargo Storage Container.

RECOMMENDATION:

That the Regional Planning Commission recommend that the Doniphan **approve** the changes to the Doniphan Village Code as requested.

_____ Chad Nabity AICP, Planning Director