

ORDINANCE NO. 028 -2021

**AN ORDINANCE AMENDING SECTION 118-1 AND SECTION 118-2
OF THE MUNICIPAL CODE OF THE CITY OF OTTAWA, ILLINOIS
(Cargo Containers/Text Amendments)**

WHEREAS, the Plan Commission of the City of Ottawa, Illinois, met at a public hearing in the Council Chambers of the City of Ottawa on April 26, 2021 at 7:00 p.m. pursuant to a notice of the time and place of the hearing by publication in The Times of Ottawa, Illinois, to hear evidence with respect to proposed amendments to Sections 118-1(d) and 118-2 of the Municipal Code of the City of Ottawa, Illinois regarding the use of Cargo Containers within the zoning districts purposed by City staff; and

WHEREAS, the Plan Commission of the City of Ottawa, Illinois having heard the evidence produced at such public hearing recommended to the Council of the City of Ottawa, Illinois to only permit Cargo Containers in Zoning Districts D (office, research, and light industrial district) and E (industrial district) as accessory structures, to permit cargo containers as a temporary accessory structure for storage during nonresidential construction if a temporary use permit is issued, and to permit cargo containers as a temporary accessory structure for storage purposes only in zoning districts "C-2" (general business district), "C-3" (special business district), "C-4" (central core business district), and "C-5" (secondary central business district) if a temporary use permit is issued; and

WHEREAS, the City Council of the City of Ottawa, Illinois finds the proposed amendments to Section 118-1(d) and 118-2 of the Code would be in the best interest of the public safety, convenience, and general welfare, and would be in harmony with the general purpose and intent of the Code.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OTTAWA, ILLINOIS, AS FOLLOWS:

Section One: That Section 118-1(d) of the Code of Municipal Ordinances of the City of Ottawa is hereby amended by adding the definitions of *Cargo Containers* to read as follows:

Cargo Containers. A standardize, reusable vessel over one hundred twenty (120) square feet in size that:

- (a) was originally, specifically or formerly designed for or used in parking, shipping, movement, transportation or storage of freight, articles, goods, or commodities; or
- (b) was designed for or capable of being mounted or moved on a rail car; or

- (c) was designed for or capable of being mounted on a chassis or bogie for movement by truck trailer or loaded on a ship.

Section Two: That Section 118-2 is hereby amended by the addition of subsection r to read as follows:

(r) *Cargo Containers.*

(1) *Permitted uses.* Cargo containers are prohibited in all zoning districts except as prescribed below:

- a. Cargo containers are permitted as an accessory structure for storage purposes only in zoning districts “D” (office, research, and light industrial district) and “E” (industrial district) and must meet all the regulations applicable to accessory structures in the zoning code set forth in Section 118-2(f).
- b. Cargo containers are permitted as a temporary accessory structure for storage during nonresidential construction if a temporary use permit is issued pursuant to the requirements set forth below.
- c. Cargo containers are permitted as a temporary accessory structure for storage purposes only in zoning districts “C-2” (general business district), “C-3” (special business district), “C-4” (central core business district), and “C-5” (secondary central business district) if a temporary use permit is issued pursuant to the requirements set forth below.

(2) *Location of Cargo Containers on the Parcel.*

- a. Any cargo containers authorized in the City of Ottawa may not be located in the front yard and must be located on the lot or parcel in a location to minimize the visual impact to adjacent properties and right-of-ways.
- b. Cargo containers will not be located within any required setback requirements for the zoning district they are permitted in.
- c. Prior to issuance of a temporary use permit, the building official must approve the placement of the cargo container on the lot or parcel.
- d. A cargo container placed on a lot or parcel for non-residential construction purposes, must be placed on the parcel or lot where the construction is being conducted.

(3) *Temporary Use Permit Application and Fee.* A Temporary Use Permit is required for cargo containers to be used for non-residential construction storage or as a temporary accessory structure used for storage only.

a. *Application.* To receive a Temporary Use Permit, an owner or tenant of the property requesting the cargo container(s) must submit an application on a form prescribed by the City, which must contain the following information.

1. The name, address, phone number, and email address of the property owner or tenant, and if different, the business owner.
2. The address of the location and site where the cargo container(s) will be placed.
3. A diagram showing the proposed placement for the cargo container(s) on the lot or parcel.

4. The number of containers and the dimensions and size of each container.
 5. The date of arrival and removal for each container.
 6. Signature of the property owner or tenant.
 7. Whether the application is for non-residential construction or a temporary accessory structure for storage.
- b. *Fee.* The application must also include a fee of fifty dollars (\$50.00).
- c. *Length of Permit.*
1. A temporary non-residential construction permit will be valid for a maximum of 180 days, beginning the first day the cargo container is placed on the property. A temporary permit may be extended for construction projects exceeding 180 days. The permit will be automatically revoked upon the completion of the construction or the issuance of an occupancy permit, whichever occurs first, and the cargo container(s) must be immediately removed.
 2. A temporary accessory structure permit will be valid for a maximum of ninety (90) days per calendar year. At the discretion of the building official, a one-time extension of the permit may be granted, but the extension will not exceed thirty (30) days in one calendar year.
- d. *Issuance of Permit.* The building official may issue a temporary use permit upon receipt of the application and fee if the building official is of the opinion the cargo container will comply with the regulations stated herein.
- e. *Fine.* If the cargo container(s) is not removed from the property upon the expiration or revocation of the Temporary Use Permit and the Permit has not been extended by the building official, then the applicant will be fined not less than \$100.00 for each cargo container remaining on the property. A separate offense will be deemed committed each day the violation occurs or continues to occur.
- (4) *Prohibited Uses.*
- a. Cargo containers used as mini-warehouse storage, off-premises warehouse storage or any form of rental storage is not permitted in any zoning district.
 - b. Stacking of cargo containers is prohibited.
 - c. Materials stored in cargo containers may not include any hazardous materials.

Section Three: That all ordinances or parts thereof which conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

Section Four: This ordinance shall be in full force and effect immediately following its passage, approval and publication in pamphlet form.

	Aye	Nay	Absent
Commissioner Eichelkraut	<u>X</u>	_____	_____
Commissioner Ganiere	<u>X</u>	_____	_____

Commissioner Rodriguez

X

Commissioner Less

X

Mayor Aussem

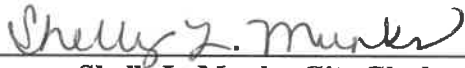
X

Passed and Approved this 18th day of May 2021.



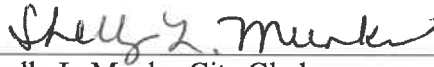
Daniel F. Aussem, Mayor

ATTEST:



Shelly L. Munks, City Clerk

Published in pamphlet form by authority of the Council of the City of Ottawa, LaSalle County,
Illinois this 19th day of May, 2021.



Shelly L. Munks, City Clerk