

ORDINANCE # 518-24

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHOWCHILLA, IN THE COUNTY OF
MADERA, CALIFORNIA AMENDING TITLE 18, CHAPTER 60, SECTION 180 – SHIPPING
CONTAINERS (ZONING CODE TEXT AMENDMENT 19-0018)**

WHEREAS, The City of Chowchilla (“City”) undertook a comprehensive Zoning Ordinance update in 2018; and

WHEREAS, the City Council voted to adopt the updated Zoning Ordinance on October 9, 2018 and the updated Zoning Ordinance went into effect on November 8, 2018; and

WHEREAS, City staff received comments from the community in opposition to the current shipping container ordinance, prompting creation of an Ad Hoc Committee to discuss the matter and develop amendments to the existing ordinance for future consideration; and

WHEREAS, these proposed amendments to the existing ordinance provide clarity and ensure uniform enforcement and regulation; and

WHEREAS, a public hearing was duly noticed for the January 23, 2024 City Council meeting; and

WHEREAS, the Zoning Ordinance Update is covered by the Environmental Impact Report that was completed for the City’s 2011 General Plan Update and a determination has been made that no additional CEQA analysis is required as part of these proposed Zoning Ordinance amendments, Pursuant to CEQA Guidelines 15305; and

WHEREAS, at their January 17, 2024, Meeting, the Chowchilla Planning Commission voted unanimously to recommend that the City Council approve the amendments to the Chowchilla Municipal Code Sections 18.60.180 – Shipping Containers.

NOW, THEREFORE, the City Council of the City of Chowchilla does hereby ordain as follows:

Section 1. The above recitals are true and correct and are incorporated herein.

Section 2. The amendment is internally consistent with the goals, objectives, and policies of the General Plan and this title.

Section 3. The amendment would not be detrimental to the public health, safety, or welfare of the community.

Section 4. The amendment would maintain the appropriate balance of land uses within the city.

Section 5. The anticipated land uses on the subject site would be compatible with existing and future surrounding uses.

Section 6. Section 18.60.180 (“Shipping Containers”) of Title 18 (“Zoning”) of the City of Chowchilla Municipal Code is added to read:

- A. Shipping containers shall only be permitted within the City with approval of an Administrative Use Permit issued pursuant to the requirements of Chapter 18.74 of the Municipal Code.
- B. Except as otherwise provided, shipping containers shall be permitted in R-L, R-M-5, R-M-6, R-MH, R-H, I-L, I-H, and PF zones with the following development standards:
 - 1. Except for properties located in an area zoned I-L, I-H or PF, no more than five (5) metal shipping containers are allowed per property.
 - 2. Properties located in an area zoned I-L, I-H, or PF are allowed to have no more than twenty-five (25) metal shipping containers.
 - 3. The size of a shipping container shall not exceed forty (40) feet in length, ten (10) feet in width, and ten (10) feet in height and the storage area shall not exceed four hundred (400) square feet.
 - 4. All shipping containers shall be placed on concrete, asphalt or other comparable all-weather surfacing material approved by during the Administrative Permit process and graded to provide adequate storm water drainage.
 - 5. No shipping container may be placed on top of another shipping container.
 - 6. A principal building or dwelling unit shall be located on the property.
 - 7. Placement shall be to the rear of the principal building or dwelling unit on the rear half of the property.
 - 8. Shipping containers shall meet the following setback requirements:
 - i. Shipping containers must be located at least five (5) feet from a property line.
 - ii. When a shipping container is located within ten (10) feet of a property line adjoining an alley, the side of the container parallel to the alley may not be longer than one-half the length of the alley frontage.
 - iii. When a permanent structure and shipping container are located within ten (10) feet of a property line adjoining an alley, the side of the container parallel to the alley may not be longer than one-half the length of the open alley frontage. Open alley frontage is that portion of the alley frontage where no permanent structure is located on the site within ten (10) feet of the property line adjoining the alley.
 - 9. All shipping containers shall be painted a neutral color or painted to match the existing building(s) on site.
 - 10. Shipping containers shall be placed and/or shall utilize approved screening in such a manner that no more than one foot (1') of the total structure height is visible from public roadways and residential neighborhoods adjacent to the property where located.
 - i. Approved screening includes, but is not limited to, dense landscaping (i.e., trees, shrubs, etc.); or
 - ii. Solid or semi-opaque fencing materials (i.e., wood slates, chain link fencing with solid slate inserts).
 - iii. Screening fences and walls must comply with all applicable ordinances and may not exceed the maximum allowed height or use prohibited fence materials.
- C. Shipping containers shall not be allowed as a principal use in any zone. Shipping containers are not permitted as an accessory use to a stand-alone parking lot and they are not permitted on vacant property. Shipping containers shall not be used for habitable space.
- D. Shipping containers used during construction to temporarily store equipment or material shall be removed upon occupancy of the building and/or expiration of the building permit, whichever occurs first. In no event, shall a Shipping Container remain on the premises in excess of 60 days after the date of the issuance of a certificate of occupancy or expiration of the building permit.
- E. Shipping containers shall be kept in good condition and avoid conditions that contribute to blight, including but not limited to, damage, paint peeling, rust, graffiti, signs, banners, and any

unpermitted signage. Visible damage and graffiti shall be repaired and/or removed within 48 hours of occurrence.

- F. Shipping containers used to store flammable liquids or other hazardous materials shall be properly labeled or marked, as determined by the Fire Chief. For purposes of this section only, shipping containers with hazardous or flammable liquids in an amount not to exceed fifteen (15) gallons (five (5) gallons per container maximum) or one hundred twenty-five (125) pounds in residential zones will be exempt from these requirements.
- G. Shipping containers shall not obstruct adequate access or fire clearance as determined by the Fire Chief. The placement and use of the shipping container shall meet and be used in accordance with all applicable safety, fire, and building codes.
- H. Utility connections to a shipping container are prohibited, unless specifically allowed under an applicable building permit.
- I. Commercial use. Shipping containers converted for commercial use, or any other such occupied commercial area, shall only be permitted if (i.) the property owner has secured all necessary entitlements required of conventional structures, (ii.) the structure will comply with all provisions of the commercial, industrial, or public facility zoning district in which it is located, (iii.) the structure meets and/or satisfies all applicable provisions of the Municipal Code, and (iv.) a building permit and a certificate of occupancy has been issued for the additional occupied area. All other standards within this ordinance shall apply to the extent they do not conflict with other applicable standards or as otherwise exempted.
- J. Effective Date. This ordinance shall become effective upon publication, any pre-existing non-permitted on-site shipping containers or storage containers in place prior to said effective date shall be allowed to remain for a maximum of 180 days from the adoption of this ordinance. Upon expiration of the 180 days all shipping containers shall be required to have an Administrative Use Permit approved by the City and brought into compliance with the current ordinance CMC 18.60.180.
- K. Violations. Any property that has not submitted an Administrative Use Permit application to the City within 180 days of the Effective Date of this ordinance, and upon which a non-permitted shipping container is located, shall be in violation of this ordinance. Violations of this section shall be subject to the penalty and enforcement provisions of the Municipal Code, including, but not limited to Chapters 1.10, 1.12, 1.16 and 1.20.

The foregoing Ordinance was introduced at a Regular Meeting of the City Council of the City of Chowchilla, California, held on the 23rd day of January, 2024 and was passed and adopted at the Regular Meeting of the City Council held on the 13th day of February, 2024 by the following vote to wit:

AYES: 5 – Troost, Chavez, Ahmed, Barragan, Smith

NOES: 0

ABSENT: 0

ABSTAIN: 0

APPROVED:



Mayor Kelly Smith

ATTEST:



Joann McClendon, CMC,
City Clerk