

ORDINANCE NO. 6634-09

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 45, ZONING ORDINANCE, OF THE CODE OF THE CITY OF NEWPORT NEWS, VIRGINIA, ARTICLE V., GENERAL REGULATIONS, BY ADDING THERETO A NEW SECTION, NAMELY: SECTION 45-528, FREIGHT CONTAINERS (SHIPPING CONTAINERS).

BE IT ORDAINED by the Council of the City of Newport News, Virginia:

That Chapter 45, Zoning Ordinance, of the Code of the City of Newport News, Virginia, Article V., General Regulations, be, and the same hereby is, amended and reordained by adding thereto a new section, namely: Section 45-528, Freight containers (shipping containers), as follows:

**CHAPTER 45**

**ZONING ORDINANCE**

**ARTICLE V. GENERAL REGULATIONS**

**Sec. 45-528. Freight containers (shipping containers).**

The same regulations that apply to freight containers shall also apply to shipping containers.

(a) Purpose. The purpose of this ordinance is to regulate portable, weather-resistant receptacles designed for and used in the multi-modal shipment and temporary storage of goods, wares or merchandise.

(b) Storage of freight containers. The use of property for the placement, use and storage of freight containers shall be authorized only as follows:

- (1) Freight containers may only be stored in the port area, which, for purposes of this section, shall be only those areas zoned M2 heavy industrial located south of 73<sup>rd</sup> Street, and west of Huntington Avenue from 73<sup>rd</sup> Street to 50<sup>th</sup> Street, thence west of Washington Avenue from 50<sup>th</sup> Street to 35<sup>th</sup> Street, thence west of West Avenue from 35<sup>th</sup> Street to 23<sup>rd</sup> Street, thence south of 23<sup>rd</sup> Street between I-664 and the James River.
- (2) Freight containers used for the storage of goods or materials, permitted in the M1 and M2 zoning districts, are subject to the following conditions:

- a. The freight containers may be used in the active transport of goods, wares or merchandise or as an accessory use in support of a lawful principal use of property.
- b. The freight containers may only be stored in areas designated for such storage, such as an existing storage, loading or in other designated areas. Freight containers shall not be visible from public rights-of-way.
- c. Except in the port area described in (b)(1) above, freight containers shall not be stacked.

(c) Freight containers as an accessory use. Freight containers that have transported goods to a site may be used for the temporary storage of such transported goods as an accessory use to a principal use only in the O1, O2, O3, C1, C2, and C5 zones subject to the following restrictions and conditions:

- (1) The use of freight containers for temporary storage shall not exceed six (6) months.
- (2) Freight containers shall not be stacked.
- (3) Freight containers shall not be converted into permanent structures nor used for permanent storage.
- (4) A permit from the department of codes compliance shall be required to allow freight containers on a site under this subsection, as follows:
  - a. The owner and/or his representative, and the occupant of the lot or parcel on which the freight container will be used, shall apply for the permit and pay an annual permit fee of three hundred dollars (\$300.00) per site housing freight containers.
  - b. Applicants shall submit to the department of codes compliance a drawing of the property, to scale, or a site plan that identifies the location of the freight container/containers on the property.
  - c. The exterior of each freight container shall be maintained in good repair, and shall be structurally sound.
- (5) The area for placement of freight containers shall be located behind the main building in a paved area or on a concrete pad screened from view from the public and private rights-of-way by existing buildings, landscaping, opaque fencing or by other materials such as berms. The paved area or concrete pad on which freight

containers sit shall comply with the specifications of the Design Criteria Manual.

- (6) All freight containers shall comply with setbacks for accessory buildings and with all required transitional buffer areas as identified in the City Code.
- (7) No freight container shall be used for storage of solid waste, hazardous materials as defined in subsection (e)(5), explosives, weapons, materials which, when combined with another substance in the container may become hazardous or any other unlawful substances.
- (8) No freight container shall be placed on or otherwise block or restrict access to fire hydrants, fire lanes or required parking spaces.
- (9) Graffiti shall be removed immediately from all freight containers.
- (10) Freight containers must be used in connection with a legal use on the site.

(d) Freight containers as an accessory use on P1 Park zoned property. Freight containers may be used for the storage of goods, as an accessory use to a principal use, subject to the following restrictions and conditions:

- (1) The P1 zoned site shall contain more than 15 acres.
- (2) No more than one freight container can be used for storage on the property.

(3) Conditions (4) through (10) of subsection (c) of this Section of the Zoning Ordinance shall apply.

(e) Freight containers are prohibited in residential zones. Except as provided in subsection (f) below, freight containers shall not be placed, stored or used for any purpose on property zoned or used principally for residential purposes. No freight container shall be used as a residence or to support a residential use or home occupation, and no freight container shall be converted into nor used as a permanent structure.

(f) Freight containers used for storage during construction. Freight containers may be used in all zoning districts for the temporary storage of construction-related materials in a temporary construction yard or building site for which a construction permit has been issued by the City of Newport News. The application for such construction permit shall contain express reference to the proposed use of the freight container for storage purposes. The freight containers are subject to the following conditions:

- (1) Freight containers shall not be stacked.

- (2) Freight containers shall be placed in locations that minimize their visibility from the public street or right-of-way and adjacent residential properties.
- (3) Freight containers shall not be placed in the public street or right-of-way or block public access or fire hydrants.
- (4) Freight containers must remain locked when construction activities are not underway.
- (5) The storage of hazardous materials is prohibited. A hazardous material is defined as substances or materials which may pose unreasonable risks to health, safety, property, or the environment when used, transported, stored or disposed of, which may include materials which are in solid, liquid, or gaseous form. Hazardous materials include:
  - a. Toxic substances, flammable and ignitable materials, corrosive materials, or radioactive materials;
  - b. Those substances or materials in the form or quantity which may pose an unreasonable risk to health, safety or property when transported, and which the Secretary of Transportation of the United States has so designated by regulation or order;
  - c. Hazardous substances as defined or designated by law or regulation of the Commonwealth or law or regulation of the United States government;
  - d. Hazardous waste as defined or designated by law or regulation of the Commonwealth.
- (6) Freight containers shall be sealed against leakage and maintained in structurally sound condition.
- (7) Freight containers shall only be allowed for temporary storage during construction.
- (8) Freight containers shall be removed upon completion of construction and prior to the issuance of a certificate of use and occupancy.

PASSED BY THE COUNCIL OF THE CITY OF NEWPORT NEWS ON OCTOBER 27, 2009

Mabel Washington Jenkins, CMC  
City Clerk

Joe S. Frank  
Mayor

A true copy, teste:

City Clerk