

AN ORDINANCE REGULATING THE LOCATION AND USE OF CARGO CONTAINER FACILITIES FOR GOVERNMENTAL UNITS WITHIN WILL COUNTY

Statement of Purpose

The objective of this ordinance is to regulate cargo container facilities throughout Will County, referred to herein as the "County", and municipalities as defined herein. Governmental units refers to the County and each municipality, respectively. These facilities should meet the following purposes:

To provide for safe and orderly storage, staging, and maintenance of cargo containers in a manner that minimizes the noise, dust, traffic congestion, aesthetic blight and other adverse environmental impacts of such a use upon the participating governmental units.

To ensure that the cargo container facilities are operated in a safe manner based upon such factors as the permitted height of stacking of such containers, the cargo within the containers, the location and surface used, methods of securing the containers so as to prevent safety hazards, and accessibility for emergency and maintenance equipment.

To ensure adequate visual screening and landscaping of cargo containers from the public right-of-ways and adjacent properties is provided.

To ensure that the site is of sufficient size to accommodate the clean, safe and orderly storage and maintenance of cargo containers with adequate lighting and signage, in accordance with this ordinance.

SECTION 1: DEFINITIONS: The following definitions shall apply to this ordinance.

1. **Cargo Containers:** Means an industrial, standardized reusable vessel that was:

a. Originally, specifically or formerly designed for or used in the packing, shipping, movement or transportation of freight, articles, goods or commodities, and/or,

b. Designed for or capable of being mounted or moved on a rail car, and/or,

c. Designed for or capable of being mounted on a chassis or bogie for movement by truck trailer or loaded on a ship.

2. **Cargo Container Facilities:** Means any site in which the principal use is the movement, storage on a non-permanent basis, staging, or redistribution of cargo containers either on or off of a chassis, but not to include railroad operations that are subject to jurisdiction of the U.S. Department of Transportation Surface Transportation Board.

3. **Chassis:** Means that portion of a semi-trailer configuration that is the non-powered portion that provides a way of transporting the cargo container.

4. **Permanent:** Means a time limit of storage that exceeds six (6) months on site without being utilized for transportation purposes.

5. **Racking:** Means a method of storing a chassis on end in an upright position where the bed is perpendicular to the ground.

6. **Spotting Tractor:** Means a tractor utilized to pull a chassis only within the cargo container yard. Not utilized for over-the-road hauling.

7. **Stacking:** Means a method of storing cargo containers or a chassis in a vertical manner where the floor of the container or bed of the chassis remains parallel to the ground.

8. **Staging/Storage:** Means the outdoor locating and containing cargo containers on and off a chassis, or the chassis by itself until a method of transportation is established and utilized.

9. **Tractor:** Means that portion of a semi-trailer configuration that is utilized to power and pull the chassis.

10. **Truck Trailer:** See Chassis.

SECTION 2: LOCATION: The location of these facilities are prohibited in all zoning districts except as a special use in the governmental unit's most intense industrial/manufacturing zoning district, provided they meet the requirements established in this ordinance and special use provisions.

SECTION 3. REQUIREMENTS: All cargo container facilities shall be subject to the following provisions:

1. **Access:** Cargo containers on or off a chassis may not be stored in a manner that impedes access to public right-of-ways, public utility or drainage easements, adjacent structures, and buildings.

2. **Lighting:** Cargo container facilities shall provide adequate lighting on site including at all entrances and exits. A lighting plan must be submitted and approved in conjunction with a special use permit. Lighting shall not affect adjacent properties.

3. **Materials stored:** Materials stored in the cargo containers shall not include any material that is required to be placarded as Class 7 (radioactive materials) according to the U. S. Department of Transportation (DOT) Emergency Response Guidebook (ERG). All other materials stored at the facility should be properly placarded according to the ERG.
4. **Minimum Lot Size:** Cargo container facilities shall have a minimum lot size of twenty (20) acres.
5. **Noise:** Cargo container facilities shall make every effort to contain noise within the site. In the event noise becomes excessive, it shall be treated accordingly as a public nuisance violation in accordance with the governmental unit's ordinances.
6. **Paving:** Cargo container facilities shall be paved in accordance with each governmental unit's standards, including drainage and storm water detention. The paving must consist of asphalt, concrete, or other materials found to be acceptable to the governmental units. Gravel, grindings, or tar and chip surfaces are not allowed.
7. **Parking:** No portion of any required off-street parking or loading/unloading areas shall be used for the storage of cargo containers or similar storage devices. The minimum amount of off-street parking spaces shall be one per employee, but not less than six (6) spaces, and one space per 500 sq. ft of gross floor area of any structure located on site.
8. **Racking Height:** Racking of a chassis shall be limited to fifty-seven (57') feet in height. When a racked chassis exceeds thirty (30') feet in height, an additional one-foot (1') shall be added to all setbacks (from property line) for each additional one-foot (1') of height for the racked chassis.
9. **Screening and Landscaping:** Screening shall be provided within a landscape easement, a minimum width of 100-feet, adjacent to public right-of-ways and non-industrial zoning districts. Screening shall be a combination of fencing, berming, natural vegetation and landscaping in accordance with the governmental unit's standards. A berm shall contain a 3:1 slope and a minimum height of fifteen (15) feet. Additional landscaping may be required around the entire perimeter of the facility, subject to site plan review by the governmental unit. A landscaping plan must be submitted in conjunction with a special use permit.
10. **Separation distance:**
 - a. No storage of a cargo container or a chassis shall be closer than 1000 feet from any property zoned or used for residential land uses or be stored closer than thirty (30) feet to any existing structure or building on site.
 - b. No side-by-side grouping shall exceed twenty (20) containers or twenty (20) chassis in width and no end-to-end grouping shall exceed two (2) containers or two (2) chassis in length. Thirty (30) foot paved access drives shall be maintained at all times on all sides of a grouping.
11. **Signage:** No signage, other than company identification logos, shall be allowed on any cargo container unless approved in accordance with each governmental unit's sign ordinance.

12. **Site Plan:** A site plan must be submitted in conjunction with the special use permit.

13. **Stacking Height Cargo Containers:** Cargo containers shall not be stacked more than three units high. When stacked, an additional thirty (30) feet shall be added to all setbacks for each additional level of stacked containers.

14. **Stacking Height Chassis:** Empty chassis shall not be stacked more than five units high.

SECTION 4: CARGO CONTAINER MAINTENANCE FACILITY: Any business that engages in the maintenance and repair of cargo containers, not located within a storage facility, that removes containers from the chassis, shall be subject to the same requirements as a cargo container facility. This may include facilities or operations engaged in the conversion of cargo containers for a secondary use or sale.

SECTION 5: CONTAINER MODIFICATIONS: Cargo containers may not be modified or retrofitted for on site habitation. Containers shall be prohibited from having windows, heating and cooling, plumbing, or multiple entrances. Cargo containers are allowed to have electric and ventilation systems installed that would be necessary to meet the minimum codes and standards for lighting and air circulation for storage purposes.

SECTION 6: FIRE SUPPRESSION AND INSURANCE: All cargo container facilities must provide adequate means for fire and emergency vehicles (as approved by the governmental unit's fire protection agency) to access cargo containers both on and off a chassis in the event of an emergency. All facilities engaged in storage and stacking, must carry adequate insurance and provide a Certificate of Insurance prior to issuance of a special use permit.

SECTION 7: STRUCTURAL INTEGRITY, SURETY FOR REMOVAL:

1. Any cargo container stored or kept on property under the jurisdiction of the governmental unit shall be safe, structurally sound, stable, and in good repair.

2. Any Cargo container that becomes unsound, unstable or otherwise dangerous shall be immediately repaired or removed from the property where kept, subject to the governmental unit's requirements.

3. Any cargo container stored or kept in violation of the governmental unit or any municipalities' ordinances shall be deemed a dangerous condition and a public nuisance and may be immediately removed by the governmental unit.

4. Any cost or expense associated with the removal of the violating cargo containers is the responsibility of the property owner. All associated costs

including but not limited to legal fees and court cost, shall constitute a debt due and owed to the governmental unit and shall be recordable as a lien upon the land of the cargo container storage facility and/or property owner.

SECTION 8: EXISTING CARGO CONTAINERS FACILITIES: Any cargo container facility which existed lawfully on a parcel at the time of the adoption of this ordinance, or of any subsequent amendment thereto, shall be removed from the property within six (6) months of the adoption of this ordinance, unless such cargo container facility meets the requirements of this Ordinance or a special use permit approved by the governmental unit.

SECTION 9: PAYMENT IN LIEU OF TAXES: The governmental unit, as a condition of a special use permit, may require a payment in lieu of taxes (P.I.L.O.T).

SECTION 10: DEDICATION OF RIGHT-OF-WAY: Cargo container facilities shall dedicate right-of-way to the governmental unit for public highway and other public purposes. The dedication shall be in a form acceptable to the governmental unit and shall be made at no expense to the governmental unit.

SECTION 11: RESPONSIBILITY FOR PUBLIC IMPROVEMENTS: Cargo container facilities shall design and install, at no expense to the governmental unit or each governmental unit, public improvements adjacent to the facility at the time and in the manner specified by the governmental unit in conjunction with the development or subdivision of the Parcel, whichever occurs first. The improvements shall be engineered, reviewed, approved and installed according to the procedures and conditions set forth by the governmental unit.

SECTION 12: This Ordinance is severable and the invalidity of any portion hereof shall not be deemed so as to invalidate the remainder.

SECTION 13: This Ordinance is strictly intended to only make those amendments specified herein. No other amendment or repeal is intended or made hereby.

SECTION 14: This Ordinance shall take effect immediately upon its passage.

PASSED this _____ day of _____, 20____.

