

ORDINANCE NO. 2024-943

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, ARIZONA, AMENDING THE CHINO VALLEY TOWN CODE, TITLE XV, LAND USAGE, CHAPTER 154, UNIFIED DEVELOPMENT ORDINANCE OF THE TOWN OF CHINO VALLEY, BY AMENDING SECTION 2.2, MEANINGS OF WORDS AND TERMS, TO DEFINE METAL STORAGE CONTAINERS, BY AMENDING SECTION 3, ZONING DISTRICTS, TO ADD METAL STORAGE CONTAINERS AS ACCESSORY STRUCTURES IN CERTAIN ZONING DISTRICTS, AND BY AMENDING SECTION 4, GENERAL REGULATIONS, TO ADD SECTION 4.32, METAL STORAGE CONTAINERS.

WHEREAS, the Mayor and Common Council of the Town of Chino Valley (the “Town Council”) desires to amend the Chino Valley Town Code, Title XV, Land Usage, Chapter 154, Unified Development Ordinance of the Town of Chino Valley (the “UDO”), by amending Section 2.2, Meanings of Words and Terms, to define “metal storage containers,” by amending Section 3, Zoning Districts, to add metal storage containers as accessory structures in certain zoning districts, and by amending Section 4, General Regulations, to add Section 4.32, Metal Storage Containers, as set forth herein (the “Text Amendment”); and

WHEREAS, the Town Council has determined that the Text Amendment is not in conflict with the Town of Chino Valley General Plan and any applicable specific area plan, neighborhood plan, or any other plan; and

WHEREAS, in accordance with Article II, Sections 1 and 2 of the Constitution of Arizona, the Town Council has considered the individual property rights and personal liberties of the residents of the Town before adopting this ordinance; and

WHEREAS, the Town Council has determined that this ordinance, although a “zoning ordinance text amendment of general applicability” as described in A.R.S. § 9-462.01(J), does not, because of its limited applicability to metal storage containers, have any relationship to, or impact on, housing; therefore, the Town Council has determined it is not possible to prepare or consider a housing impact statement regarding the impact of the Text Amendment that includes the information required by A.R.S. § 9-462.01(J)(1)-(3).

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Common Council of the Town of Chino Valley, Arizona, as follows:

Section 1. The above recitals are hereby incorporated as if fully set forth herein.

Section 2. UDO Section 2.2, Meanings of Words and Terms, is hereby amended by adding the following:

Metal Storage Container. A steel or other metal storage container, sometimes referred to as a cargo container, “CONEX box,” or intermodal shipping container, which is independent of any trailer or axles and is commercially produced and designed for the purposes of storage of personal or commercial belongings or products and is generally unmodified except for passive ventilation. This does not include tractor-trailers, boxcars, or vehicle cargo boxes or bodies.

Section 3. UDO Section 3.6, “AR-5” Agricultural/Residential, Subsection (B)(4), and Section 3.8, “SR-2.5”- Single Family Residential, Subsection (B)(5), are hereby amended as follows (~~deletions~~; **additions**):

Customary accessory structures such as barns, corrals, private arenas, training tracks, coops, non-commercial greenhouses up to 600 sq. ft., ~~and storage sheds,~~ **and metal storage containers (See UDO Section 4.32)** for the care and keeping of non-household animals, fowl, produce, farm machinery, and equipment. Accessory structures shall not be permitted prior to the issuance of a building permit for the primary residence.

Section 4. UDO Section 3.7, “AR-4” Agricultural/Residential, Subsection (B)(4), Section 3.9, “SR-2”- Single Family Residential, Subsection (B)(5), Section 3.10, “SR-1.6”- Single Family Residential, Subsection (B)(6), and Section 3.11, “SR-1”- Single Family Residential, Subsection (B)(6), are hereby amended as follows (~~deletions~~; **additions**):

Customary accessory structures such as barns, corrals, private arenas, training tracks, coops, non-commercial greenhouses up to ~~six hundred (600) square feet~~ **600 sq. ft.**, ~~and storage sheds,~~ **and metal storage containers (See UDO Section 4.32)** for the care and keeping of non-household animals, fowl, produce, farm machinery, and equipment. Accessory structures shall not be permitted prior to the issuance of a building permit for the primary residence.

Section 5. UDO Section 3.15, “CL” – Light Commercial, Subsection (B)(23), is hereby amended as follows (~~deletions~~; **additions**):

Customary accessory buildings, ~~and structures,~~ **and metal storage containers (See UDO Section 4.32)**, provided they are incidental to a permitted use. This shall include a single caretaker residence in conjunction ~~within~~ **with** or in the same buildings as a commercial use. Accessory structures shall not be permitted prior to the issuance of a building permit for a commercial building.

Section 6. UDO Section 3.16, “CH” – Commercial Heavy, Subsection (B)(23), is hereby amended as follows (~~deletions~~; **additions**):

Customary accessory buildings, ~~and structures,~~ **and metal storage containers (See UDO Section 4.32)**, provided they are incidental to a permitted use. This shall include a single caretaker residence in conjunction ~~within~~ **with** or in the same buildings as a commercial use.

Section 7. UDO Section 3.17, “I” – Industrial, Subsection (B)(7), is hereby amended as follows (~~deletions~~; **additions**):

Customary accessory buildings, ~~and structures,~~ **and metal storage containers (See UDO Section 4.32)**, provided they are incidental to a permitted use.

Section 8. UDO Section 4, General Regulations, is hereby amended to add the following as Section 4.32, Metal Storage Containers:

4.32 METAL STORAGE CONTAINERS

- A. Purpose. The purpose of this section is to regulate the siting and use of metal storage containers on commercial, industrial, and larger residential lots while ensuring that the storage container is compatible with the zoning and the surrounding area through the reduction of visual prominence by placement, quantity, and paint.
- B. General Requirements. When allowed, Metal Storage Containers shall meet the following development standards:
1. No metal storage container is allowed to be in any district not specifically authorized by this ordinance.
 2. A primary structure is required on the property in order for any metal storage container to be allowed.
 3. Metal storage containers shall be placed at the rear of any residential lot to reduce the visual prominence of the container.
 4. Metal storage containers are for storage only. No human habitation or occupancy is allowed.
 5. No modification of the metal storage container is allowed, other than painting and passive ventilation.
 6. No addition of plumbing or electrical equipment is allowed.
 7. When required to be painted, as set forth in Table 4.32-1, metal storage containers shall be painted a single color, either the color of the primary/closest structure on-site or an earth tone consistent with the surrounding terrain.
 8. Metal storage containers shall not be placed in retention basins or known flood areas.
 9. Metal storage containers shall not occupy any required off-street parking space.
 10. Metal storage containers shall not be stacked without a valid Conditional Use Permit
 11. No graffiti, logos, or signage is allowed on metal storage containers.
 12. Metal storage containers on properties along SR-89 shall be screened from public view or painted.
 13. Temporary/seasonal (6-week) placement of metal storage containers in commercial and industrial zones is permissible with Administrative Approval of a Temporary Use Permit).
 14. All metal storage containers placed on residentially zoned properties shall be painted. Those placed before September 11, 2024, must be painted no later than September 10, 2025, and those placed on or after September 11, 2024, must be painted within one year of placement.

- C. Grandfathering. Metal storage containers existing in Chino Valley before September 11, 2024, are considered “grandfathered” and not retroactively required to comply with these regulations, with the exception of residential painting. Any containers placed after September 11, 2024, must comply with the standards in Section 4.32.
- D. Containers by Zoning District. Table 4.32-1 below sets forth the number of metal storage containers allowed per zoning district.

Table 4.32-1

Zoning District	Containers* Per Acre	Max. #	Paint Required	If Adjacent to SR-89: Paint/Screening Required
AR-36	1	5**	X	X
AR-5	1	5**	X	X
AR-4	1	4**	X	X
SR-2.5	1	2**	X	X
SR-2	1	2**	X	X
SR-1.6	1	1**	X	X
SR-1	1	1**	X	X
PL	1	1**	X	X
SR-0.16	Prohibited			
SF-24,000	Prohibited			
SF-12,000	Prohibited			
PAD	Prohibited			
MR-1	CUP			X
MHP-4	CUP			X
OS	CUP			X
CL	5		Along 89	X
CH	5		Along 89	X
I	5		Along 89	X
* All containers are limited to 40' in length. Two 20' containers can be used in place of one 40' container in all zones where containers are permitted.				
** For properties larger than the minimum acreage in the zone: for every five acres above the base acreage in the zone, an additional 40' container is allowed.				
For all zones: Contractors and Homeowners may use metal storage containers in any zone for temporary storage of construction equipment, materials, or personal household items during construction that is authorized by a Town of Chino Valley building permit. The containers are allowed for the duration of the building permit				
Property owners requesting more than the maximum number of containers may apply for a CUP.				
No new Metal Storage Containers permitted in HMU-designated areas of the 2040 General Plan.				

Section 3. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance or any part of the Amendments adopted herein is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

Section 4. The Mayor, the Town Manager, the Town Clerk, and the Town Attorney are hereby authorized and directed to take all steps necessary to carry out the purpose and intent of this Ordinance.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Chino Valley, Arizona, this 10th day of September 2024.



Jack W. Miller, Mayor

ATTEST:



Erin N. Deskins

Erin N. Deskins, Town Clerk

APPROVED AS TO FORM:



Andrew J. McGuire, Town Attorney
Gust Rosenfeld P.L.C.

I hereby certify that the foregoing Ordinance No. 2024-943 was duly passed by the Council of the Town of Chino Valley, Arizona, at a meeting held on September 10, 2024, and that quorum was present, and that the vote thereon was 5 ayes and 2 nays and 0 abstentions. 0 Council members were absent or excused.

Erin N. Deskins

Erin N. Deskins, Town Clerk