

Revised  
10

**INTRODUCTORY LOCAL LAW #\_\_ OF 2013**  
**A LOCAL LAW AMENDING CHAPTER 185 ENTITLED**  
**“ZONING”**  
**OF THE CODE OF THE TOWN OF NEWBURGH**  
**TO ADD CARGO STORAGE CONTAINERS AS A**  
**PERMITTED ACCESSORY USE TO CERTAIN USES**  
**IN THE B, IB AND I DISTRICTS**  
**AND THE LHI OVERLAY DISTRICT**  
**AND TO ADD STORAGE BUILDINGS AS A**  
**PERMITTED ACCESSORY USE TO**  
**OFFICES FOR BUSINESS, RESEARCH AND PROFESSIONAL USES**  
**IN THE IB DISTRICT**

**BE IT ENACTED** by the Town Board of the Town of Newburgh as follows:

SECTION 1 – TITLE

This Local Law shall be referred to as “A Local Law Amending Chapter 185 entitled ‘Zoning’ of the Code of the Town of Newburgh to add Cargo Storage Containers as a Permitted Accessory Use to Certain Uses in the B, IB and I Districts and the LHI Overlay District and to add Storage Buildings as a Permitted Accessory Use to Offices for Business, Research and Professional Uses in the IB District”.

SECTION 2 – PURPOSE AND INTENT

The purpose of this local law is to regulate the use of cargo containers for storage on properties in the Town, which regulations are adopted to protect the public health, safety, and welfare, and to promote convenience, economy, aesthetics and the general welfare of the Town. The Town Board declares its intent to regulate the use of Cargo Containers for storage on properties in the Town

SECTION 3 – AMENDMENTS TO CHAPTER 185

1. Section 185-3 entitled “Definitions; word usage” is hereby amended by the addition of the following definition:

“CARGO CONTAINER - a standardized reusable metal vessel that was:

1. Originally designed for or used in the packing, shipping, movement or transportation of freight, articles, goods or commodities; and/or
2. Originally designed for or capable of being mounted or moved by rail, truck or ship by

means of being mounted on a chassis or similar transport device. This definition includes the terms “transport containers” and “portable site storage containers” having a similar appearance to and similar characteristics of cargo containers.

For purposes of this chapter, cargo containers originally built for purposes other than the storage of goods and materials are not accessory buildings. For purposes of this chapter, trailers, as defined by the Vehicle and Traffic Law, including those with mounted containers, are not cargo containers.”

2. A new Subsection 185-15.1 entitled “Cargo Container Use for Storage” is hereby added to Chapter 185 to read as follows:

“§ 185-15.1 Cargo Container Use for Storage.

A. Permitted Locations. The placement of a cargo container as an accessory storage use is limited to the following zoning districts and overlay district:

1. Business (B).

2. Interchange Business (IB).

3. Industrial (I).

4. Light and Heavy Industrial Equipment and Recreational Vehicle Sales, Service and Repair Overlay (LHI)

The placement of cargo containers for storage is further limited to lots in the above-identified zoning districts only if the lot upon which the cargo container is proposed to be located falls within a use classification in the applicable Table of Use and Bulk Requirements for which cargo storage container is identified as a permitted accessory use and does not contain an accessory storage building.

B. Cargo containers are not permitted to be used for accessory storage on property zoned residential or on property the primary use of which is residential.

C. Notwithstanding the provisions set forth in subsection B of this section, the

temporary placement of transport containers and/or portable site storage containers on residentially zoned properties, or on properties the primary use of which are residential, for the limited purpose of loading and unloading household contents shall be permitted for a period of time not exceeding ~~30~~ 90 days per residence in any one calendar year.

- D. Notwithstanding the provisions set forth in subsection A, and B and C of this section, construction contractors may use cargo containers for the temporary location of equipment and/or materials storage structure during the period the contractor is engaged in construction which is taking place on the property where the cargo container is located. If construction ceases or is abandoned, the cargo container must be removed from the property.
- E. A permitted accessory cargo storage container may be located in any required side or rear yard provided that:
1. Such cargo storage container shall not exceed ~~45~~ 10 feet in height
  2. Such cargo storage container shall be set back at least 20 feet from any side or rear lot line or 50 feet from a side or rear lot line adjacent to a residence district or lot in residential use and at least 10 feet from the main building.
  3. Such cargo storage container shall not occupy more than 10% of the required yard area in which it is proposed to be situated.
  4. A maximum of one (1) cargo storage container shall be permitted on each lot.
  5. Accessory cargo storage containers shall have a maximum of ~~500~~ 320 square feet of floor area.
  6. Yards having a line bounding on the right of way of Interstate 87 or Interstate Route 84 shall not be considered front yards for purposes of this §185-15.1

7. Vegetative screening at least 10 feet in width shall be provided between the cargo storage container and any side or rear lot line within 50 feet of the container. If visible from any adjoining lot or any bounding street right of way at any time during the year, an accessory cargo storage container shall be appropriately screened with either landscaping so as to provide an opaque sight barrier at least equal to the height of the container or by an opaque fence or similar barrier of equal height, and vegetative screening or a barrier shall be installed to prevent the container from being visible from any bounding street right of way.
8. A solid, firm base surface shall be provided for the cargo storage container capable of sustaining the load of the cargo storage container and its contents.
9. The cargo storage container shall have exterior doors or a roll up door which shall be kept closed except during the placement and removal of stored items.
10. The siting of the cargo storage container shall comply with Chapter 157, Stormwater Management and the cargo storage container shall not be placed so as to negatively impact drainage on any adjacent lot by diversion or impoundment of storm water flows.
11. No additions or attachments shall be affixed to the cargo storage container, including but not limited decks or "lean to's."
12. The color of the exterior walls of the cargo storage container shall closely resemble the main color of the principal building.
13. The cargo storage container shall not be used to store hazardous materials and no refuse or debris shall be placed in, against, on or under the cargo storage container.

14. The cargo storage container may not occupy any required off-street parking spaces or loading/unloading areas or fire lanes in any district

F. Nothing herein shall be construed to restrict the use of cargo containers for agricultural operations.”

3. The Table of Use and Bulk Requirements for the B District-Schedule 7 as referenced by Section 185-10 “Utilization of Use Table” is hereby amended to add the following to Column A “Accessory Uses” and Column B “Permitted with”:

A. Accessory Uses	B. Permitted with:
<u>“18. Cargo storage containers</u>	<u>“D2 and 11”</u>
<u>in accordance with §185.15.1”</u>	

4. The Table of Use and Bulk Requirements for the IB District-Schedule 8 as referenced by Section 185-10 “Utilization of Use Table” is hereby amended to add the following to Column A “Accessory Uses” and Column B “Permitted with”:

A. Accessory Uses	B. Permitted with:
<u>“18. Cargo storage containers</u>	<u>“C1, D5, 7, 11 and</u>
<u>in accordance with §185.15.1”</u>	<u>13”</u>

5. The Table of Use and Bulk Requirements for the I District-Schedule 9 as referenced by Section 185-10 “Utilization of Use Table” is hereby amended to add the following to Column A “Accessory Uses” and Column B “Permitted with”:

A. Accessory Uses	B. Permitted with:
<u>“13. Cargo storage containers</u>	<u>“D1, 2, 3, 10 and 12”</u>
<u>in accordance with §185.15.1”</u>	

6. The Table of Use and Bulk Requirements for the LHI District-Schedule 7A as referenced by Section 185-10 “Utilization of Use Table” is hereby amended to add the following to Column A “Accessory Uses” and Column B “Permitted with”:

A. Accessory Uses	B. Permitted with:
-------------------	--------------------

“3. Cargo storage containers

“D1”

in accordance with §185.15.1”

7. The Table of Use and Bulk Requirements for the IB District-Schedule 8 as referenced by Section 185-10 “Utilization of Use Table” is hereby additionally amended to add “D5”, the use classification for “Offices for business, research and professional use” to Column B “Permitted with” for item 1 “Storage buildings up to 50% of the floor area of the principal building” as follows:

A. Accessory Uses

B. Permitted with:

“1. Storage Buildings up to 50% of

“C1, D5, 7, 11 and 13”

the floor area of the principal building”

#### SECTION 5 – VALIDITY

If any word, clause, sentence, paragraph, section or part of this local law or the application thereof to any person or circumstance shall be adjudged by any court of competent jurisdiction to be unconstitutional, illegal or invalid, such judgment shall not affect, impair or invalidate the remainder thereof or the application thereof to any other persons or circumstances but shall be confined in its operation to the clause, sentence, paragraph, word, section or part thereof directly involved in the controversy in which such judgment shall have been rendered. The Town Board hereby declares that it would have enacted this Local Law or the remainder thereof if the invalidity of such provision or application thereof had been apparent.

#### SECTION 6 – EFFECTIVE DATE

This Local Law shall take effect immediately when it is filed in the Office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.