

# City of Hemet

PLANNING DIVISION

445 E. Florida Avenue, Hemet, CA 92543

(951) 765-2375

[www.cityofhemet.org](http://www.cityofhemet.org)

Application No.:	MSC
Date Received:	
Approved By:	
Approval Date:	

## METAL STORAGE CONTAINER PERMIT APPLICATION

### Property Information

Business Name: \_\_\_\_\_

Business Address: \_\_\_\_\_

Name of Center: \_\_\_\_\_

Type of Business: \_\_\_\_\_

Zoning: \_\_\_\_\_ APN(s): \_\_\_\_\_

### Applicant Information –the Applicant is the designated contact to receive materials from the City.

Applicant Name: \_\_\_\_\_

Applicant Address: \_\_\_\_\_

Contact Name: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Email: \_\_\_\_\_

Applicant's Interest in Property:     Own         Rent        Other: \_\_\_\_\_

### Owner Information - Consent Affidavit required if Applicant is not the Property Owner

Owner Name: \_\_\_\_\_

Owner Address: \_\_\_\_\_

Contact Name: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Email: \_\_\_\_\_

### APPLICANT CERTIFICATION

- Existing business with an existing metal storage placed on the property prior to February 11, 2016. These businesses are eligible to apply for a hardship determination **if** the application for a Metal Storage Container Permit is submitted prior to August 11, 2016.
- New business or new request for a metal storage container permit, subsequent to February 11, 2016.
- I agree to meet the operational standards of Sec.90-82(g) and understand that a violation of the standards will result in the revocation of the Metal Storage Container Permit and removal of the container from my property.

\_\_\_\_\_  
Applicant Signature

\_\_\_\_\_  
Date

**B. DETERMINATION OF USE.**

- 1. List of any hazardous materials to be stored in the metal storage container such as propane tanks, chemicals, gasoline, oil, or flammable materials. \_\_\_\_\_  
\_\_\_\_\_
- 2. The metal storage container will be provided with interior lighting, refrigeration, or other electrical service  
 Yes     No
- 3. Description of the color and condition of the metal storage container. Provide photographs of the container on all four sides, the property site, and street view. \_\_\_\_\_  
\_\_\_\_\_
- 4. Plot Plan. Draw here or provide on a separate sheet. Show the property lines, buildings, parking, drive aisles, and the proposed location of the metal storage container. Label the distance in feet of the container from the property lines. Show/label any walls, fences, or landscaping used to screen the container from public view.

Front property line. Name of Street: \_\_\_\_\_

**C. REQUEST FOR HARDSHIP DETERMINATION (Only for eligible existing businesses)**

I am requesting a Hardship Determination because I cannot meet the following requirement(s) of Sec. 90-82(g):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I understand that to be granted an exemption from one or more of the requirements of Sec. 90-82(g) the following findings must be demonstrated by the applicant and approved by the Community Development Director:

1. There are unique physical circumstances applicable to the subject land, including size, shape, topography, location, or surroundings; and
2. The strict application of the provisions of Sec. 90-82(g) would deprive the property of the right to use the land in a manner enjoyed by other conforming property in the vicinity; and
3. The approval of a hardship determination does not constitute a grant of special privileges which other conforming properties in the vicinity do not enjoy.

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**FOR STAFF USE ONLY**

1. Date of Site Visit \_\_\_\_\_

2. Observations \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. Determination:

Approved.

Approved with the following condition(s): \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Approved with the following hardship determination: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Denied for the following reason(s): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
Planner

\_\_\_\_\_  
Date

\_\_\_\_\_  
Community Dev. Director

\_\_\_\_\_  
Date

## Article II. Special Uses and Conditions

### Sec. 90-82: – Metal Storage Containers.

- (a) **Purpose.** The purpose of this section is to establish regulations and application procedures for the placement and use of metal storage containers in specified zones to ensure public safety and compatibility with the surrounding uses and neighborhoods. The City recognizes that certain businesses have relied on the long-term use of storage containers without any previous authority for such use in the municipal code. The establishment of this section seeks to bring these existing storage containers into compliance where possible, while also setting reasonable standards for the future use of storage containers by new businesses and development.
- (b) **Definitions.**
- (1) A *metal storage container (MSC)* is a portable shipping or cargo container made of metal that is used for the onsite storage of property, equipment, documents or goods associated with the primary business housed in an enclosed building on the property, or construction site. A metal shipping container is considered to be a maximum of eight (8) feet wide, and extend to a maximum of 53 feet long. For the purposes of this section, the MSC shall not be used as habitable space.
  - (2) A *Portable Moving Container* or “Portable on Demand” (POD) is a container that is rented by the user for a short period of time for the purpose of moving personal goods. The container shall not to exceed 8x8x16 feet in size.
- (c) **Exemptions.** The following uses are exempt from the metal storage container permit requirements:
- (1) A portable storage structure of 120 square feet or less, that is in compliance with the accessory structure provisions of the zone in which it is located.
  - (2) A portable moving container located on the driveway of private property for moving purposes only and for duration not to exceed 14 days. The container shall not be placed in the street or extend into the sidewalk or public right-of-way, or be placed in the front or side yard areas.
  - (3) Metal storage container(s) at a construction site with an active building permit in effect. The containers shall be removed within seven days of expiration of the building permit or prior to the issuance of a certificate of occupancy, whichever occurs first. The placement of the containers onsite shall be in compliance with the standards contained in Section (g), unless otherwise approved by the Community Development Director.
  - (4) Metal storage containers(s) at an existing and active agricultural operation in an Agricultural Zone, provided that the site is a minimum of five (5) acres in area, and the storage containers are setback a minimum of 25 feet from adjacent property lines or public rights of way.
  - (5) The placement of metal storage containers by public agencies for the storage of equipment and materials in the deployment of emergency preparedness or emergency response operations.
  - (6) Metal storage containers placed at public or private K-12 schools and public parks on sites of five (5) acres in area or larger for the storage of equipment and materials related to the operational use of the site, provided that the containers are setback a minimum of 25 feet from adjacent residential uses and public rights of way.
- (d) **Applicability.** The placement of any metal storage container in the City will require a permit from the Planning Division, exempt as exempted in subsection (c) above. Permits may only be obtained for those zones which allow metal storage containers per the permitted land use matrix of the applicable zone. Metal Storage Containers are not permitted in Specific Plan (SP) and Planned Community Development (PCD) zones unless specifically allowed per the SP or PCD document or referenced to this section.
- (e) **Permit Required - Temporary and Seasonal Uses.** A Temporary Use Permit (TUP) is required for any metal storage containers placed in Commercial and Industrial Zones for the purposes of seasonal overstocking, or other temporary placement less than 90 days, pursuant to the following conditions:

- (1) A metal storage container shall not be placed on any property without the approval of a Temporary Use Permit pursuant to Sec. 90-73 unless otherwise specifically described in the exemption section (c) of this ordinance.
  - (2) The time limit will be capped at a maximum of 90 calendar days in a calendar year unless extended by the Community Development Director, based on unforeseen circumstances. Only one extension may be granted for any valid TUP.
  - (3) The placement of a temporary or seasonal container pursuant to this section may only be allowed in those Commercial and Industrial Zones allowing such use in the permitted uses matrix of the applicable zone.
  - (4) The placement of the containers onsite shall be in compliance with the standards contained in subsection (g) of this ordinance, unless otherwise approved by the Community Development Director for the temporary duration.
- (f) **Permit Required – Permanent Use.** A Metal Storage Container Permit (MSCP) is required to be issued by the City’s Planning Division for any storage container remaining on a commercial or industrial property for longer than a 90-day period, and shall be subject to the following requirements:
- (1) An application for a metal storage container permit shall be filed on forms prescribed by the director and subject to a fee to cover the costs of processing the application in accordance with a schedule adopted from time to time by City Council resolution. A site plan showing the location of the container(s) in relation to the primary building and adjacent streets and properties, with all appropriate dimensions to scale, shall be required at the time of submittal.
  - (2) The permanent use of the metal storage container will only be allowed in the applicable commercial and industrial zoning designations that allow containers per the permitted uses matrix of the zone, Specific Plan, or Planned Community Development.
  - (3) A permit shall not be granted unless the placement and appearance of the metal storage container is in compliance with all of the standards contained in subsection (g) of this ordinance.
  - (4) Existing businesses with existing containers shall apply for the MSC permit within 180 days from the effective date of this ordinance. For existing businesses with existing containers documented as of the effective date of this ordinance that are not able to meet all of the standards contained in subsection (g), they may request the granting of a hardship provision by the Community Development Director, pursuant to subsection (h) of this ordinance.
- (g) **Standards.** All metal storage containers shall be subject to the following requirements, unless otherwise specifically exempted pursuant to this chapter, or a hardship determination is approved by the Community Development Director pursuant to subsection (h).
- (1) The container shall be maintained in good condition with intact structural integrity, free of obvious deterioration, rust or graffiti, with exterior surface areas painted, and in compliance with all applicable federal, state and local laws. If any graffiti is found, it shall be removed by the property owner or business within 48 hours of notice.
  - (2) Metal storage containers shall be concealed from view from the public right-of-way and adjacent land uses to the extent possible through placement on the site behind the primary building, or appropriate screening by walls, fences or landscaping.
  - (3) The color of the metal storage container shall be painted a neutral color or match or complement the main building color. The container shall blend in with the surrounding area and buildings to limit its appearance as much as possible.
  - (4) Metal storage containers shall not contain advertising, logos, or signage for the business, or other text that calls attention to the container.
  - (5) Metal storage containers shall not be placed in any required parking spaces or drive aisles, and shall maintain a clear travel area for fire department and emergency access at all times.

- (6) A MSC shall not be placed in any location that interferes with the on-site drainage system, circulation, safety, or the operations of the uses on the site.
  - (7) A MSC shall not obstruct access to any building or block the visibility triangle of any roadway or driveway approach.
  - (8) In no case shall the container be placed within 25 feet of the front property line or visible from the primary street frontage. Where the property line of the business abuts a residential zone, the container must be setback a minimum of 10 feet at the adjoining property line and screened from view. In all other cases, the setback requirements of the underlying zone shall apply, and no container shall be placed in the required front or side-yard setback, or required landscape area.
  - (9) A site shall be limited to one metal storage container unless unique conditions are demonstrated to the satisfaction of the director at the time of permit.
  - (10) If hazardous materials or chemicals are proposed to be stored in the container, a separate approval is required by the Fire Department. A list of any hazardous materials pursuant to fire and building codes shall be posted on the container at all times.
  - (11) The container is prohibited from being used for any human or animal habitation.
  - (12) Containers are allowed to have electrical connections for the purpose of providing interior lighting and/or refrigeration to the storage unit.
  - (13) Other conditions to mitigate potential land use impacts and public safety concerns may be required at the time of permit issuance on a case-by-case basis.
- (h) ***Determination of Hardship.***
- (1) Businesses that cannot meet all the established standards in subsection (g), but can meet the findings for hardship can request a “hardship determination” by the Community Development Director as part of MSCP application review. The hardship determination is intended to assist businesses in existing buildings constructed prior to the effective date of the ordinance, and is generally not intended for new development.
  - (2) To be granted a hardship determination for one or more of the standards in subsection (g), the following findings must be demonstrated by the applicant and approved by the Director:
    - I. There are unique physical circumstances applicable to the subject land, including size, shape, topography, location or surroundings; and
    - II. The strict application of the provisions of this section deprives the property of the right to use the land in a manner enjoyed by other conforming property in the vicinity; and
    - III. The approval of a hardship determination does not constitute a grant of special privileges which other conforming properties in the vicinity do not enjoy.
- (i) ***Denial of a metal storage container permit.*** The director may deny issuance of a metal storage permit for one or more of the following reasons:
- (1) The placement and use of the metal storage container is incompatible with or would adversely affect adjacent uses, buildings, or the natural environment.
  - (2) The placement and use of the metal storage container would jeopardize, endanger, or otherwise hinder the public convenience, health, safety, or general welfare.
  - (3) The proposed site is inadequate in size or shape to accommodate the metal storage container.
  - (4) Provisions for vehicular access and circulation, off-street parking, pedestrian safety, and/or operational considerations are inadequate to accommodate the metal storage container.
  - (5) The proposed storage container does not meet the required standards in subsection (g) and has otherwise not been granted a hardship determination.

- (j) **Appeals.** Any decision of the Director may be appealed by an interested party to the Planning Commission as prescribed in section 90-43.6. of the municipal code.