



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division

m e m o r a n d u m

TO: The Urbana Plan Commission

FROM: Zach Woolard, Planning Intern

DATE: May 24, 2011

SUBJECT: Plan Case No. 2142-T-11: Request by the Zoning Administrator to amend Section VI-9 of the Urbana Zoning Ordinance regarding portable storage containers

Plan Case No. 2142-T-11 is a request to amend the Urbana Zoning Ordinance to include use regulations for portable storage containers on both public and private property. The proposed text amendment would place limits on the allowed time, location, condition and dimensions of portable storage containers within the City of Urbana. This memo is intended to address questions raised by the Plan Commission during its May 5 meeting.

One concern expressed by the Commission was the recommended 7-day time limit. Commissioners felt this was too limited and asked for information about how the City currently regulates construction dumpsters and construction trailers. According to the Urbana Public Works Department, if construction dumpsters or construction trailers are placed in the right-of-way they must have a right-of-way permit and be barricaded by the Urbana Public Works Department. Units in the right-of-way are only allowed for a maximum of 72 hours. Although Public Works prohibits construction dumpsters and trailers from being located in yards, they place no time limits on them when placed in a driveway.

It was also requested that staff contact the City of Champaign to see how they deal with portable storage containers. In Champaign, portable storage containers are managed by the Neighborhood Services Department. The City enforces a 60 consecutive day time limit on the containers located in a driveway. Containers are allowed on a street only in a legal parking space and with a right-of-way occupancy permit. Champaign charges a right-of way permit fee of \$70 for the first week and \$80 each following week as way to discourage long-term right-of-way use. When discussing the regulations with the Champaign Public Works Department, they stated they were considering creating an ordinance placing a time restriction on the amount of time the containers were allowed in the right-of-way.

Dimensions were another concern raised by the Plan Commission. The previously suggested dimension requirements were based on the size of containers offered by PODS Enterprises Inc.

The Commission was concerned that the specific size recommended would favor one company at the expense of others or not keep up with market trends. To address this concern, City staff reviewed the sizes offered by four other container companies. The majority of containers that Box't, Mobile-Mini, Pack-Rat, and U-haul offer would fall into the suggested dimension requirements. The exceptions include an 8-foot wide by 40-foot long container offered by Box't and a 5-foot wide by 45-foot long container offered by Mobile-Mini. The 40- to 45-foot containers would be similar in length to a semi-trailer.

The Commission also asked why containers would only be allowed on a paved surface and whether we should allow them on a gravel driveway. The recommendation to allow them only on a paved surface is based on the recommendation from PODS. The company website states "We always recommend placing the container on a paved surface, but if not available, our professional drivers will work with you to determine other placement options." The website also acknowledges that if a non-paved surface is chosen there is always a possibility of yard damage. The city's primary interest in regulating surface is to uphold conditions of yards and landscaping and avoid rutting and erosion. The Urbana Zoning Ordinance does not allow cars to drive across yards or park on the grass or on dirt.

A final concern of the commission was why would we only allow the containers in residential districts or districts with residential uses. After considering the options, city staff concluded that it would be best to allow the portable storage containers in all zoning districts and make all zoning districts be subject to the same regulations.

City staff discussed use of shipping containers as accessory buildings and agrees with the Plan Commission that this is essentially a separate issue from temporary placement of rented containers for transit.

Revised text to be added as Section VI-9, Portable Storage Containers

After incorporating the considerations above the revised text will read as follow:

Section VI-9. Portable Storage Containers

- A. *Purpose and intent.* The purpose of this Section is to provide standards to insure that portable storage containers as defined herein are used for the short-term, temporary storage and transport of personal property; and do not impede vehicular access, traffic flow or circulation, or create public safety hazards. It is the intent of this Section that portable storage units be placed on private property unless space is not available, in which case placement within a public right-of-way may be allowed with a permit from, and at the discretion of, the Urbana Public Works Department.
- B. *Definition.* For the purposes of this section, portable storage containers shall be defined as any container designed to store personal property and which is typically rented, delivered, loaded, and removed by truck.

- C. Notwithstanding any contrary provision of any City ordinance or regulation, portable storage containers located outside of a fully-enclosed building or structure shall be allowed in any zoning district with the following restrictions:
1. *Permit.* If the portable storage container is located on private property, a permit shall be obtained from Urbana Community Development Services. If the portable storage container is located on public property, a right-of-way permit and barriers shall be obtained from the Urbana Public Works Department.
 2. *Maximum number and time limits.* In all zoning districts, a maximum of one (1) portable storage container shall be allowed on private property for a period no longer than thirty (30) consecutive days within any 12-month period. An extension may be granted by the Urbana Zoning Administrator for a defined period. If located in the right-of-way, the portable storage container shall be allowed no longer than 72 hours.
 3. *Placement.* Portable storage containers shall be placed on a paved or gravel surface in a driveway or parking space and shall meet all minimum setback requirements of the district when possible. When space is not available on site, one (1) portable storage container may be placed on the right-of-way in a legal parking space and only with the approval and permit from the Urbana Public Works Department.
 4. *Dimensions.* No portable storage container shall have dimensions greater than twenty (20) feet in length, eight (8) feet in width, and eight (8) feet in height.
 5. *Signs.* Other than the required city permit(s), no sign shall be attached to a portable storage container.
 6. *Maintenance.* All portable storage containers shall be maintained in a condition free from rust, peeling paint and other visible forms of deterioration.

Summary of Staff Findings

1. Urbana's Zoning Ordinance has been enacted by the corporate authorities of the City of Urbana pursuant to its home rule powers as provided for in the Constitution of the State of Illinois, 1970, and in conformance with the Illinois Municipal Code; and
2. The Urbana Zoning Administrator has submitted a Zoning Ordinance text amendment to establish regulations for the outdoor storage of portable storage units both on private property and in the public right-of-way; and
3. The proposed text amendment will help in administration of the Urbana Zoning Ordinance; and
4. Plan Case No. 2142-T-11 complies with Section XI-7, Amendments, of the Urbana Zoning

Ordinance, and with notification and other requirements of the State Zoning Act (65 ILCS 5/11-13-14).

Options

The Plan Commission has the following options for recommendations to the City Council. In Plan Case 2142-T-11 the Plan Commission may:

- a) Recommend approval;
- b) Recommend approval with specific changes; or
- c) Recommend denial.

Staff Recommendation

Based on the evidence presented in the discussion above, and without the benefit of considering additional evidence that may be presented at the public hearing, staff recommends that the Urbana Plan Commission recommend **approval** of the proposed text amendment to the Zoning Ordinance, as presented herein.

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION

APPROVED

DATE: May 5, 2011

TIME: 7:30 P.M.

PLACE: Urbana City Building – City Council Chambers
400 South Vine Street
Urbana, IL 61801

MEMBERS PRESENT: Jane Burris, Andrew Fell, Tyler Fitch, Lew Hopkins, Dannie Otto, Michael Pollock

MEMBERS EXCUSED: Ben Grosser, Bernadine Stake, Marilyn Upah-Bant

STAFF PRESENT: Robert Myers, Planning Manager; Zach Woolard, Planning Intern; Teri Andel, Planning Secretary

OTHERS PRESENT: Cynthia Hoyle

NEW PUBLIC HEARINGS

Plan Case No. 2142-T-11: Request by the Zoning Administrator to amend Section VI-9 of the Urbana Zoning Ordinance regarding portable storage containers.

Robert Myers, Planning Manager, introduced Zach Woolard, who is a Planning Division intern.

Zach Woolard presented this case to the Plan Commission. He explained that the main reason City staff proposes a text amendment regulating portable storage containers is a small but growing concern. Some residents have placed them in front yards. Also, some people use them as a garage or shed which can circumvent building codes. Lastly, some people store these containers on the street or in the public right-of-way when there is no space in the driveway. He reviewed the proposed language for Section VI-9, Portable Storage Containers. He read the options of the Plan Commission and presented staff's recommendation.

Chair Pollock asked if there is a local office in Champaign-Urbana that rents out portable storage containers. Mr. Woolard answered no. The closest offices are located in Bloomington and Peoria. The companies are willing to work with the City of Urbana and would inform clients of the City's regulations once enacted.

Mr. Fitch asked if a resident would need one permit or two to have a container in the public right-of-way. Mr. Woolard responded that if a resident wanted to place a unit in the right-of-way, then they would need to obtain one permit from the City's Public Works Department. If the resident wants to place the portable unit on their property then they would obtain a permit from the Community Development Services Department. Mr. Fitch questioned how the resident would know where to go to get a permit.

Mr. Fitch inquired if there would be a fee for each type of permit. Mr. Woolard replied that City staff hasn't determined if any fee would be charged.

Mr. Fitch commented that he is unsure if seven days is long enough. He wondered if a resident could rent a portable unit for two seven-day periods for a total of 14 consecutive days. Mr. Woolard assumed that would be possible. Mr. Fitch asked if that person would need to acquire a second permit for the last seven days. Mr. Woolard said that under the proposed amendment, yes. The Zoning Administrator might decide in a situation like this to waive the process for acquiring a second permit if she knows ahead of time that the person needs a unit for more than seven days.

Mr. Fitch inquired about enforcement of the proposed regulations. There is no language included in the proposed text amendment regarding fines or notices of violation. Mr. Woolard noted that other communities do not give fines. They try to work out any issues with their citizens. Mr. Myers added that a violation of the proposed regulations would be considered a general violation of the Urbana Zoning Ordinance and could be subject to fines. The vast majority of the time, City staff does not have to assess fines because we inform people when they are in violation and give time to correct it.

Mr. Fitch asked for clarification on what zoning districts would allow portable storage containers. Mr. Woolard explained that they would be allowed in any residential zoning district as well as for a residence in any other zoning district. Mr. Fitch questioned whether a business could use a portable unit to move their business. Mr. Woolard said that the proposed Zoning Ordinance amendment would allow them just for residences, but City staff is open to suggestions on how to deal with this issue.

Ms. Burris stated that seven days is not enough time for someone moving. It even contradicts the last regulation regarding maintenance. A portable unit would not rust or fall apart in seven days time. She mentioned that if she wanted to move then she would need at least 30 days to load a storage container as she has lived in her home for 20 years and has accumulated a lot of things. Mr. Woolard explained that City staff has recommended seven days with the idea that people would have already gone through their items and decided what to keep and what to discard.

Mr. Otto was curious as to whether the City of Champaign has an ordinance regulating portable storage units. Mr. Woolard replied that he does not believe the City of Champaign has an ordinance. Mr. Otto stated that we need to be sure, and if they do have an ordinance, then we should try to adopt a similar ordinance. Otherwise it might be confusing to have two standards in adjoining communities.

Mr. Fell understands that the maximum unit size was taken based on one company. However, as they become more popular, a new company renting these units might have different sizes. So City staff might want to allow for this in the proposed regulations.

Mr. Fell wondered if the permit would be issued to a person or to an address. He could see a potential problem with issuing a permit to an address. One person might be moving out and rent a portable storage unit, and then the person moving in might need to rent one as well. Mr. Woolard said that City staff would discuss this issue.

Mr. Hopkins asked what mechanisms are there for exceptions. For example, some people still have gravel driveways, and they live on streets with no parking allowed. Chair Pollock added that there are some residents who do not even have driveways. Mr. Otto questioned if the portable storage container companies are willing to set the units up on dirt or gravel and landowners are willing to accept responsibility for any damages, then what interest does the City have if landowners mess up the surfaces of their own lot? Mr. Myers responded that most of the time, when the companies deliver the units, they will drop them off on hard surfaces because they would rather not drive over curbs. The City is concerned with rutting, dead grass, units sinking into the ground, and possibly erosion running off into the storm sewers.

Chair Pollock inquired about the range of time limitations that Mr. Woolard found in his research. Mr. Woolard replied that most communities portable units for 14 days or less once a year. The City of Urbana is proposing seven days twice a year.

Chair Pollock questioned who would be responsible for maintaining the units. Even if the City allowed a resident to have a portable unit for 30 days, they would not rust and peel in this period of time. Wouldn't maintenance be an issue for the owners of the units? Mr. Woolard responded by saying yes. Once the City of Urbana has established regulations, City staff will send copies to companies letting them know of those regulations.

With no further questions for City staff, Chair Pollock opened the hearing for public input. There was none.

Chair Pollock closed the public input portion and opened it to Plan Commission discussion and/or motion(s).

Ms. Burris remarked that she would like to see the time period extended to at least 14 days. She would also like to further discuss the requirement that units must be placed on paved surfaces versus gravel.

Chair Pollock suggested that the Plan Commission discuss the proposed text amendment and try to come to some consensus of the changes they would like to see made and send it back to City staff to fine tune the language. He, then, recommended that they discuss the proposed text amendment one concern at a time.

Mr. Otto suggested that the time limit be split for those units placed on private property versus in a right-of-way. The time limit to store a portable unit in the public right-of-way should be quite short. If it is on private property, then seven or fourteen days is not enough, especially if it is being rented to store furniture during construction purposes such as remodeling a house. Typically neighbors are willing to live with this if their neighbor is making improvements to his/her house. The Plan Commission might need to specify that the units be stored behind the front setback so it is not right out on the sidewalk. He feels that there should be quite broad latitude if the unit is stored on private property. Storage of units in public right-of-way should be limited to 48 to 72 hours. He could see where students moving in and out could rent units up to four times in one year.

Mr. Fitch commented that he would even consider exempting construction trailers and tightening up the definition of what is a personal storage portable container and what is a construction storage container. Chair Pollock pointed out that the text amendment is not about construction storage containers. It is about moving things. Mr. Fitch stated that he is not sure the definition is written in such a way that a construction trailer or a portable storage unit used for construction left on a lot for 30 or 60 days would not be covered by the proposed ordinance.

Mr. Hopkins mentioned that a trigger here is complaints from neighbors about portable storage containers being used in permanent ways and being located in front of the front-yard setback for long periods of time. Because they are essentially permanent, the units are not being maintained. It might be useful to work from this towards improving the language. It seems to him that this problem is coming from much longer period than seven days, fourteen days or even thirty days. It is coming from 2 months or 3 months, and it is coming from a perception that it is not being used in an appropriate way. If he knows his neighbor is remodeling his house and it takes three months, has stored his furniture in a portable container and the unit is reasonably located, then it will not be a problem. However, just like parking a car in the front yard off the driveway on a regular basis, which tears up the yard and looks ugly, there is a public interest in this kind of behavior and is what the City is trying to avoid.

Chair Pollock stated that the Public Works staff looks at the public rights-of-way on a regular basis so violations could be easily noticed. Mr. Myers commented that Public Works does not like them to be placed in the public right-of-way just because there are so many factors involved, such as blocking cars and parking, circulation and visibility. If for some reason, the units cannot be located on private property, then Public Works is willing to allow them to be located on public rights-of-way in parking spaces for short periods of time. Mr. Hopkins responded that it appears to him that Public Works is already dealing with portable storage units and construction trailers somehow. He recommended that the Planning staff find out how they deal with them now and figure out whether to reference it in the proposed text amendment or modify it. Then, we could focus on the question of how to control nuisance use of non-permitted accessory buildings.

Mr. Otto asked how the City controls dumpsters that are placed on the street. Do they have to be permitted? Mr. Myers answered that the person renting the dumpster needs to obtain a right-of-way permit. Mr. Otto suggested that the City staff research how long dumpsters are permitted to

be on the street. There may already be reasonable time limits and permit applications in place that could be used for portable storage units as well.

Mr. Fell expressed concern about if a portable storage unit company delivers a rusty unit then the homeowner could get fined for poor maintenance. Mr. Myers explained that fines are not issued that fast. City staff would notify the property owner and the company and have the company relocate the unit.

Chair Pollock asked how many complaints has City staff received. Mr. Myers said that over time we have received a half dozen over a few years. It is not a pressing problem at this point.

Chair Pollock stated that one issue the members agree on is that it is clear that seven days is not enough time. He asked how the other members wanted to handle this case.

Mr. Hopkins recommended they send it back to City staff to figure out what is already in place with regards to similar situations, such as dumpsters, junk cars, etc.

Mr. Otto did not believe that maintenance would be an issue with the rental units. Most companies keep their equipment – dumpsters, portable storage units, etc. – painted and in good shape. It is only when they are decommissioned that equipment begins to rust and fall apart.

Mr. Myers noted that City staff appreciates the feedback and will make some changes to address the Plan Commission's concerns.

Mr. Fitch stated that one final issue he has is that portable storage units are not allowed to be used for businesses moving from one location to another. Chair Pollock agreed and feels that City staff needs to revisit the zoning districts that these types of units are allowed in.

The Plan Commission then continued this case to the next scheduled meeting.