



## 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

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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.