



Date of Council Meeting: June 23, 2015

**TOWN OF LEESBURG
TOWN COUNCIL MEETING
INFORMATION MEMORANDUM**

Subject: Storage Trailers/PODS in Residential Areas

Staff Contact: Christopher Murphy, Zoning Administrator

Council Action Requested: None. Information only.

Staff Recommendation: None. Information only.

Commission Recommendation: Not Applicable.

Fiscal Impact: Not Applicable.

Work Plan Impact: Not Applicable.

Executive Summary: At their June 8, 2015 meeting, Council requested clarification on requirements pertaining to the use of storage devices such as PODs in residential areas. Concern was expressed that such devices could remain in place permanently on a residential property.

The Town does regulate storage trailers through Chapter 8, Article III of the Town Code, *Storage, Construction and Sales Trailers*, albeit, for use as part of nonresidential development construction projects.

Although the Zoning Ordinance does not provide specific regulations pertaining to storage trailers for residential uses, it should be noted that a resident could not keep a storage device on their property for an indefinite period of time. For instances of residential uses of PODS, the Town has applied a “reasonableness test” in cases of moving, home renovation or repair projects. In such cases, it is reasonable to permit the temporary use of such a device during the move or during the construction project. However, if the POD is found on a property for what can be considered a longer period of time than “temporary”, i.e., more than two weeks, and the storage use is not clearly associated with a move or active construction project, the Town can apply other zoning requirements to have the POD removed from the property.

Complaints relating to the use of PODS, or other non-permanent storage units, are rare. Within the last five years the Town has received only three complaints that resulted in enforcement actions being taken.

If Council desires to more closely regulate the use of temporary storage facilities in residential districts, then an amendment to the Zoning Ordinance establishing specific use standards for their use should be initiated.

Background: Town Code Section 8-105 *Authorization and regulations of temporary uses* establishes the regulation of temporary storage, construction and sales trailers, by specifically stating:

This chapter authorizes and regulates the temporary use of mobile offices, trailers or other structures for storage and servicing construction sites and as temporary sales offices for new residential development. Construction and storage trailers only shall be permitted for nonresidential development, unless otherwise authorized by this article.

The Article establishes specific regulations for temporary construction trailers including, but not limited to, definitions, permit requirements, applications and fees required, location requirements, and a removal guarantee (bond), etc. These regulations are specifically meant for the use of trailers associated with non-residential construction projects. Residential applications are limited to use of trailers as sales offices for new residential subdivisions. Town Code Section 8-105 does not include regulation of temporary storage facilities used by individuals at their homes. For instances of residential uses of PODS, the Town has applied a “reasonableness test” in cases of moving, home renovation or repair projects.

In 1998, PODS Enterprises, LLC introduced their storage containers for commercial and residential use. As the company grew, they began to offer moving and storage options to their customers. PODS quickly became an affordable option for temporary storage needs. Although PODS and other similar storage and moving services have been available for years, the Town has not experienced many instances of their misuse causing complaints from the public. Since 2010, the Town has only received three complaints related to the use of storage containers/PODS that rose to enforcement action being taken.

To date, neither the Town Code nor the Zoning Ordinance has specific regulations that address residential applications of temporary on-site storage devices. It is likely this is because the use of PODS has never reached a level of public scrutiny that calls for new regulations to be added to address this issue,

Should an instance arise when a PODS unit is being used for what can be considered “permanent” storage on a residential property, the Town can take enforcement action depending on the location of the unit on the property. An example of how this is handled is provided in Attachment 1 where the PODS unit was found in a front yard of a residential property.

If Council determines it to be in the best interest of the Town to more specifically and more closely regulate the use of temporary storage facilities in residential districts, then n

amendment to the Zoning Ordinance establishing specific use standards for their use should be initiated.

A model of such regulations can be found in the Town of Lovettsville's Zoning Ordinance, Section 42-203, Temporary Portable Storage Containers where it provides the following requirements:

- *The standards set forth in this section shall apply to temporary portable storage containers. Temporary portable storage containers shall be allowed in residential zoning districts under the following conditions:*

(1) No more than two containers are permitted on a lot at one time.

(2) The size does not exceed 16 feet by ten feet and eight feet in height.

(3) The length of time they are permitted is not more than 14 days within any 12-month period.