



Date of Council Meeting: December 8, 2015

**TOWN OF LEESBURG
TOWN COUNCIL MEETING**

Subject: Temporary Portable Storage Units

Staff Contact: Brandon White, Assistant Zoning Administrator

Council Action Requested: Approve a resolution to initiate amendments to the *Zoning Ordinance* regarding temporary storage units.

Staff Recommendation: Staff recommends that Town Council initiate amendments to the *Zoning Ordinance* to permit temporary portable storage units along with adequate use standards and any necessary related amendments.

Commission Recommendation: None at this time. If initiated, the Planning Commission will review the amendments and make a recommendation to Town Council.

Fiscal Impact: There is no fiscal impact that would result from adoption of these regulatory changes.

Work Plan Impact: The work impact will be relatively minor because staff has a reasonable understanding of the language changes that would be required to change the *Zoning Ordinance* to address temporary storage units.

The list below includes active projects, and projects which have previously been initiated by Council, that remain in the Department of Planning and Zoning work queue:

- Mobile Hope text amendment – A Planning Commission Public Hearing was held on November 5, 2015 and it was referred to a work session. Anticipated for Town Council Public Hearing on January 26, 2016.
- 2015 Zoning Ordinance Batch - Planning Commission Public Hearing was held on November 19, 2015 with continued discussion on December 17, 2015. Town Council Public Hearing is anticipated for January 26, 2016.
- Floodplain Ordinance – On hold pending completion of key land development applications. Anticipate resumption of staff work in winter/spring 2016 with Planning Commission and Town Council public hearings in Spring/early summer 2016.
- East Market Street Small Area Plan – Staff anticipates starting this project in January with a completion by the end of year 2016.
- Low Impact Development regulatory changes – The start date of this project has been planned upon the completion of the Floodplain Ordinance. However, it should not start before the completion of the East Market Street Area Plan. As such, staff anticipates this starting in 2017. This project is expected to take approximately six to eight months.

Executive Summary: Recently, there have been complaints about the use of temporary portable storage units in residential neighborhoods. Neither the *Town Code* nor the *Zoning Ordinance* contain specific regulations regarding the practice, though other jurisdictions control the use of such temporary storage units through specific zoning provisions. At present, *Town Code* Chapter 8, Article III *Storage, Construction and Sales Trailers* is employed to limit the use based on a reasonableness test. In order to provide clarity and certainty regarding the use of temporary portable storage units in Leesburg, an initiation resolution should be approved to authorize staff to develop necessary revisions to the *Zoning Ordinance* that expressly regulate the use of temporary portable storage units. The regulations would likely permit the use of such units for a limited time upon issuance of a zoning permit. Infractions could then be pursued as a zoning violation in accordance with State rules and regulations.

Background: On June 8, 2015, there was a Town Council discussion about the requirements for, and the duration of, temporary storage units (e.g. “PODS”) in residential areas. The Zoning Administrator provided an information memorandum to Town Council on June 22, 2015 to address questions and explain how such uses have been handled historically.

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 also establishes specific regulations for temporary construction trailers including, but not limited to, definitions, permit requirements, applications, fees, 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 residential use of PODS, the town has applied a “reasonableness test” in cases of moving, home renovation, and/or repair projects.

In 1998, PODS Enterprises, LLC introduced the temporary portable storage container for commercial and residential use. Although PODS and other similar storage and moving services have been available for years, the Town has only received three complaints relating to the use of storage containers/PODS since 2010. To date, neither the *Town Code* nor the *Zoning Ordinance* have specific regulations that deal with residential applications for temporary on-site storage devices. However, with the growth of the Town’s population and the trend toward development of smaller homes, staff anticipates the use of temporary portable storage trailers will increase in the future.

In order to establish clear rules for their use in residential areas the *Zoning Ordinance* should be amended to contain specific use standards for such units as follows:

- Definition of the term “temporary portable storage unit;”
- Maximum duration of temporary storage;
- Maximum size of units;
- Number of units allowed;
- Storage location; and
- Other pertinent considerations

A model of such regulations can be found in the Town of Lovettsville’s *Zoning Ordinance*, Section 42-203, *Temporary Portable Storage Containers* where temporary storage units are limited to two containers on one residential lot for no more than 14 days in a 12-month period. Fairfax County and other local jurisdictions also address the issue.

Attachment:

1. Initiating Resolution

PRESENTED December 8, 2015

RESOLUTION NO.: _____

ADOPTED _____

A RESOLUTION: INITIATING AMENDMENTS TO THE *LEESBURG ZONING ORDINANCE* FOR THE PURPOSE OF UPDATING DEFINITIONS AND USE STANDARDS RELATED TO TEMPORARY PORTABLE STORAGE UNIT, INCLUDING, BUT NOT LIMITED TO: ARTICLES 9, 10, 11, AND 18.

WHEREAS, the *Town of Leesburg Zoning Ordinance (TLZO)* was adopted with the input and for the purpose of protecting the health, safety, and welfare of Town residents and businesses by providing regulation of land uses; and

WHEREAS, the Town Council acknowledges that there may be a need for temporary portable storage units along with sufficient safeguards to encourage efficient use of units and discourage storage habits that may be deleterious to the community; and

WHEREAS, the *TLZO* does not contain a definition of “Temporary Portable Storage Unit” or any similar temporary use of a short-term duration in Article 18, Definitions; and

WHEREAS, in particular, Section 9.5, Temporary Uses, allows for certain uses on a temporary basis, subject to specific limitations, that distinguish them from other longer term uses; and

WHEREAS, amendments to the *TLZO* are necessary to address the present and future short term storage needs of the constituency; and

WHEREAS, the public necessity, convenience, general welfare and good zoning practice require the proposed amendments.

RESOLUTION: INITIATING AMENDMENTS TO THE *LEESBURG ZONING ORDINANCE* FOR THE PURPOSE OF UPDATING DEFINITIONS AND USE STANDARDS RELATED TO TEMPORARY PORTABLE STORAGE UNIT, INCLUDING, BUT NOT LIMITED TO: ARTICLES 9, 10, 11 AND 18.

THEREFORE, RESOLVED by the Council of the Town of Leesburg in Virginia that Planning and Zoning Department staff is directed to draft a zoning ordinance text amendment allowing temporary portable storage units with adequate use standards and any related amendments necessary to maintain comprehensible and consistent administration of the *Town of Leesburg Zoning Ordinance* and to forward the amendment to the Planning Commission for review and recommendation to the Town Council.

PASSED this 8th day of December, 2015.

Kristen C. Umstatt, Mayor
Town of Leesburg

ATTEST:

Clerk of Council