



Date of Council Meeting: April 26, 2016

**TOWN OF LEESBURG
TOWN COUNCIL MEETING**

Subject: TLOA-2015-0005, Temporary Portable Storage Units Zoning Ordinance Text Amendments

Staff Contact: Brandon White, AICP, Assistant Zoning Administrator

Council Action Requested: Approval of the TLOA-2015-0005 to establish a definition and use standards for “temporary portable storage units”.

Staff Recommendation: Approval of TLOA-2015-0005 to establish a definition and use standards for temporary portable storage units as presented in this report. A draft ordinance may be found in Attachment 1.

Commission Recommendation: The Planning Commission public hearing for TLOA-2015-0005 was held on April 7, 2016. One resident spoke in favor of the proposed amendments. The Planning Commission recommended approval of the proposed amendments by a vote of 6-0-1 with three language revisions. These changes have been incorporated into the draft ordinance and are discussed below (Attachment 1):

Fiscal Impact: Approval of TLOA-2015-0005 will have a marginally positive fiscal impact due to potential permit fees offsetting the cost of enforcement.

Work Plan Impact: None. Processing of these types of applications is part of the core function of the Department of Planning and Zoning.

Executive Summary: Town Council initiated Resolution No. 2015-144 in response to community concerns regarding the absence of time limitations, and other sufficient regulatory means to address nuisances related to temporary storage units. In order to remedy this situation, text amendments to Articles 9 Use Regulations and 18 Definitions of the Zoning Ordinance are proposed to establish the term “temporary portable storage unit,” to define it, and to provide standards for the respective use. These amendments will permit the use of such units subject to a size limitation (128 square feet for a single residential unit), a number limitation and location requirements depending on whether the portable storage unit is on residential or commercial property, time limitations, and permitting procedures. The amendments as proposed by staff, and with amendments from the Planning Commission, are enclosed in this report.

Background: Town Council requested information regarding the regulation of portable storage units in June 2015, and was informed that neither the *Town Code* nor the *Zoning*

Ordinance contains regulations that directly address residential portable storage units. In December 2015, Council initiated Resolution 2015-144 directing staff to amend the *Zoning Ordinance* to develop regulations for the use.

Temporary storage units are pre-constructed, and usually trucked onto a site and placed directly on the ground. Typically, the name of the company who owns the unit is prominently displayed on the sides of the unit. Generically, such units are referred to as “PODS,” however, staff notes that PODS[®] is a trademarked brand of storage unit, and that there are other suppliers of similar temporary storage units including UNITS, UPack Moving, and others.

Until recently, the usage of these storage units had not contributed to a level of concern that necessitated the need or desire to establish regulations for them. In the past five years, only three complaints resulting in enforcement actions regarding temporary storage were received by zoning staff. However, given the trend for smaller houses, the need for storage solutions is expected to rise. The proposed amendments would establish “temporary portable storage unit” as a defined use permitted in both residential and nonresidential zoning districts subject to use standards. The maximum size for such units would be 256 square feet for nonresidential users and 128 square feet for most residential users. Location is restricted to paved surfaces or driveways, excess parking areas, and areas outside of required buffers or sidewalks.

The Planning Commission discussion resulted in several changes to the amendment including clarifying language and two significant revisions as follows:

1. Permits: Section 9.5.5.A.1 has been modified to state that no permit shall be required for a temporary portable storage unit that is in place 14 days or less. After these first two weeks, a permit will be required for the additional period of time subject to the Zoning Administrator’s discretion. Commissioners believed most storage units are gone within that time frame so no permit should be required. Originally, staff proposed that a permit be issued with a 60-day time limit in all cases.
2. Location: Section 9.5.5.A.5 has been modified to allow the placement of units on any driveway surface. Since driveways do not have to be paved beyond the first 20 feet from a road, this means storage units can be on a gravel surface in some cases so long as other locational requirements are met.

Further detailed information regarding this ordinance amendment can be found in the attached Planning Commission staff report dated April 7, 2016 (Attachment 4).

Proposed Text Amendments: The amendments are set forth below. Note that all of the language is proposed – none of it is currently in the Zoning Ordinance. The strikethroughs and red text are included to indicate to Town Council the original proposed language and the revisions made as a result of the Planning Commission recommendation.

Legend:

Underlined text = proposed new language

Red, underlined text = text added based on
Planning Commission recommendations

~~Red, underlined, struck through~~ = deleted
text based on Planning Commission
recommendations

The proposed text amendments include the introduction of the term “temporary portable storage unit”, its corresponding definition, and applicable use standards.

Sec. 18.1 Terms Defined

18.1.186.1 Temporary Portable Storage Unit

A commercially constructed, purpose-built container designed for vehicular transport and the storage of equipment, building materials, or household goods. For the purposes of this Zoning Ordinance, a temporary portable storage unit is neither an “accessory structure” nor a “trailer,” as defined in Article III (Storage, Construction, and Sales Trailers) of the Town Code.

Sec. 9.5 Temporary Uses

9.5.5 Temporary Portable Storage Unit

The outdoor storage of temporary portable storage units ~~are allowed may be permitted, upon approval by the Zoning Administrator and~~ in accordance with the standards listed below:

A. General Standards:

1. ~~A temporary use permit shall not be required for the first fourteen (14) days of usage. After such time, a temporary use permit will be required for an additional period of time subject to the discretion of the Zoning Administrator and~~ it shall be the duty of the property owner, property manager, or tenant receiving a temporary portable storage unit and/or any vendor responsible for the rental, delivery, and retrieval of ~~a temporary portable storage units~~ to comply ~~with the regulations contained herein and~~ with the permit procedures of Sec. 3.5 Temporary Use Permits (except for Sec. 3.5.2 Agency Notification);
2. Temporary portable storage units must be stored on the same properties as the individual(s), organization(s), business(es), etc. using them and the properties must contain existing principal uses/structures;

3. The maximum size of a temporary portable storage unit shall not exceed 128 square feet;
4. Temporary portable storage units shall be kept in good condition, free from evidence of deterioration, discoloration, rust, rips, holes, or other signs of abandonment or neglect. Such units shall comply with all applicable building, property maintenance, and fire code requirements;
5. Temporary portable storage units must be placed on a paved surface ~~or any driveway surface~~ on the subject parcel. Such units shall not be placed in any Town right-of-way, easement, or travelway, unless permitted by the *Town Code* and shall not hinder sight distance or create obstructions for vehicular or pedestrian traffic;
6. Temporary portable storage units shall not be used for the storage of extremely hazardous or flammable substances, live animals, or human habitation;
7. Signage on temporary portable storage units shall be limited to that which is standard and customarily placed on the unit by the vendor and/or manufacturer.

B. Duration:

~~The placement of temporary portable storage units shall not exceed sixty (60) cumulative days within the calendar year except for units that are used in conjunction with an active building permit during a period of continuous construction.~~

C. B. Number:

1. Properties containing single family detached or single family attached uses shall be limited to two (2) temporary portable storage units or 128 square feet of temporary portable storage area, whichever is less;
2. Properties containing multi-family developments shall be subject to the following limitations:
 - a. One (1) temporary portable storage unit per dwelling unit, ~~not to exceed 128 square feet~~, with written approval from property management;
 - b. Two (2) temporary portable storage units or 256 square feet of temporary portable storage area, whichever is less, for direct property management usage only;
3. Properties containing a single nonresidential use shall be limited to two (2) temporary portable storage units or 256 square feet of temporary portable storage area, whichever is less. Properties containing multi-tenant nonresidential uses or mixed-use developments shall be subject to the limitations established in 9.5.5.C.2 Number, at the discretion of the Zoning Administrator.

D. C. Location:

In addition to 9.5.5.A.5 General Standards, placement of temporary portable storage units on properties containing nonresidential and/or multi-family uses must be located in excess parking areas, excess loading areas, or other undesignated areas. Storage shall not occur in required and/or restricted parking spaces, loading areas, sidewalks, or buffer/landscape areas.

E. D. Existing Temporary Portable Storage Units:

Temporary portable storage units do not fall under nonconformities, as set out in Article 16. Therefore, any temporary portable storage unit located on a property as of April 26, 2016, shall not be deemed a legal nonconforming use/structure.

F. E. Exclusion:

Temporary portable storage units placed during a period of an officially declared Federal, Commonwealth, or Local emergency that is applicable to a subject property shall be exempt from the requirements of the section for a period of up to six (6) months.

Attachments:

- (1) Draft Ordinance
- (2) Resolution 2015-144
- (3) June 23, 2015 Town Council Memo
- (4) April 7, 2016 Planning Commission Staff Report

PRESENTED: April 26, 2016

ORDINANCE NO. _____

ADOPTED: April 26, 2016

AN ORDINANCE: AMENDING LEESBURG ZONING ORDINANCE ARTICLE 9, USE REGULATIONS, AND ARTICLE 18, DEFINITIONS TO ESTABLISH REGULATIONS FOR TEMPORARY PORTABLE STORAGE UNITS

The Town Council of Leesburg, Virginia, hereby ordains:

SECTION I. That the following sections of the Zoning Ordinance of the Town of Leesburg, Virginia, 2003, as amended, be and the same are hereby amended to read as follows:

9.5.5 Temporary Portable Storage Unit

The outdoor storage of temporary portable storage units are allowed in accordance with the standards listed below:

A. General Standards:

1. A temporary use permit shall not be required for the first fourteen (14) days of usage. After such time, a temporary use permit will be required for an additional period of time subject to the discretion of the Zoning Administrator and it shall be the duty of the property owner, property manager, or tenant receiving a temporary portable storage unit and/or any vendor responsible for the rental, delivery, and retrieval of a temporary portable storage unit to comply with the permit procedures of Sec. 3.5 Temporary Use Permits (except for Sec. 3.5.2 Agency Notification);
2. Temporary portable storage units must be stored on the same properties as the individual(s), organization(s), business(es), etc. using them and the properties must contain existing principal uses/structures;
3. The maximum size of a temporary portable storage unit shall not exceed 128 square feet;
4. Temporary portable storage units shall be kept in good condition, free from evidence of deterioration, discoloration, rust, rips, holes, or other signs of abandonment or neglect. Such units shall comply with all applicable building, property maintenance, and fire code requirements;
5. Temporary portable storage units must be placed on a paved surface or any driveway surface on the subject parcel. Such units shall not be placed in any Town right-of-way, easement, or travelway, unless permitted by the *Town Code* and shall not hinder sight distance or create obstructions for vehicular or pedestrian traffic;

AN ORDINANCE: AMENDING LEESBURG ZONING ORDINANCE ARTICLE 9, USE REGULATIONS, AND ARTICLE 18, DEFINITIONS TO ESTABLISH REGULATIONS FOR TEMPORARY PORTABLE STORAGE UNITS

6. Temporary portable storage units shall not be used for the storage of extremely hazardous or flammable substances, live animals, or human habitation;
7. Signage on temporary portable storage units shall be limited to that which is standard and customarily placed on the unit by the vendor and/or manufacturer.

B. Number:

1. Properties containing single family detached or single family attached uses shall be limited to two (2) temporary portable storage units or 128 square feet of temporary portable storage area, whichever is less;
2. Properties containing multi-family developments shall be subject to the following limitations:
 - b. One (1) temporary portable storage unit per dwelling unit, not to exceed 128 square feet, with written approval from property management;
 - c. Two (2) temporary portable storage units or 256 square feet of temporary portable storage area, whichever is less, for direct property management usage only;
3. Properties containing a single nonresidential use shall be limited to two (2) temporary portable storage units or 256 square feet of temporary portable storage area, whichever is less. Properties containing multi-tenant nonresidential uses or mixed-use developments shall be subject to the limitations established in 9.5.5.C.2 Number, at the discretion of the Zoning Administrator.

C. Location:

In addition to 9.5.5.A.5 General Standards, placement of temporary portable storage units on properties containing nonresidential and/or multi-family uses must be located in excess parking areas, excess loading areas, or other undesignated areas. Storage shall not occur in required and/or restricted parking spaces, loading areas, sidewalks, or buffer/landscape areas.

D. Existing Temporary Portable Storage Units:

Temporary portable storage units do not fall under nonconformities, as set out in Article 16. Therefore, any temporary portable storage unit located on a property as of April 26, 2016, shall not be deemed a legal nonconforming use/structure.

E. Exclusion:

Temporary portable storage units placed during a period of an officially declared Federal, Commonwealth, or Local emergency that is applicable to a subject property shall be exempt from the requirements of the section for a period of up to six (6) months.

SECTION II. All prior ordinances in conflict herewith are hereby repealed.

AN ORDINANCE: AMENDING LEESBURG ZONING ORDINANCE ARTICLE 9, USE REGULATIONS, AND ARTICLE 18, DEFINITIONS TO ESTABLISH REGULATIONS FOR TEMPORARY PORTABLE STORAGE UNITS

SECTION III. Severability. If a court of competent jurisdiction declares any provision of this ordinance invalid, the decision shall not affect the validity of the ordinance as a whole or any remaining provisions of this ordinance.

SECTION IV. This ordinance shall be in effect upon its passage.

PASSED this 26th day of April 2016.

David S. Butler, Mayor
Town of Leesburg

ATTEST:

Clerk of Council

The Town of
**Leesburg,
Virginia**

PRESENTED December 8, 2015

RESOLUTION NO.: 2015-144

ADOPTED December 8, 2015

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. Umstattd, Mayor
Town of Leesburg

ATTEST:

Clerk of Council



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.

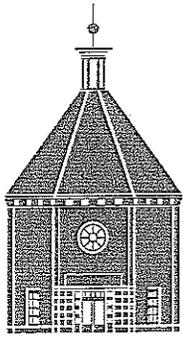
A model of such regulations can be found in the Town of Lovettsville's Zoning Ordinance, Section 42-203, Temporary Portable Storage Containers where it provides the following requirements:

- *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.



The Town of
Leesburg,
Virginia

25 West Market Street ■ P.O. Box 88 ■ 20178 ■ 703-777-2420 ■ Metro: 703-478-1821 ■ FAX: 703-771-2727 ■ www.leesburgva.gov

Wednesday April, 28th, 2010

Shelly Lester Delaney
121 Plaza Street NE
Leesburg VA, 20176

RE: TLVN-2010-0027 / MCPI 188-47-1712 @ 121 Plaza Street, NE, Leesburg

Dear Ms. Delaney;

This letter is meant as a courtesy to alert you to the fact of a potential violation of the Town of Leesburg Zoning Ordinance that currently exists on your property located at 121 Plaza Street NE.

It has been determined by the Zoning Administrator that a temporary storage unit such as a pod is most like a storage trailer for the purposes of the Zoning Ordinance. We believe the intent of a pod is for a temporary solution to moving problems etc. and would normally be located on a paved surface (driveway). Locating it in a front yard off the driveway on a permanent basis is not permitted.

The POD / storage trailer / container located in the front yard of the property referenced above, is in violation of Section 11.6.1.D.1-Pavement Requirements & Section 10.4.5.C.1. Accessory Structures. If the temporary use for which the pod service was ordered has been completed then it should be removed from the property. If you wish to keep the unit in question on a permanent basis it would be considered a shed and therefore should comply with Section 10.4.5.C.1. As a storage shed (accessory structure) it can only be located in a side or rear yard, and no closer than ten feet (10') to the principal structure (house). A zoning permit is required to be obtained from the Town of Leesburg for such structures. If the size of the structure exceeds one hundred and fifty square feet (150 sq ft) in area, then a building permit is also required to be obtained for the Department of Building and Development of Loudoun County (703 777 0220)

I have enclosed the relevant sections of the zoning ordinance for your convenience. In order to avoid future notice of violation, and the possible application of Civil Penalties, the structure in question should be removed from the property, or relocated to the side or rear yard and the required zoning permit applied for.

Please feel free to contact me at your earliest convenience to discuss this matter at 703 737 7183 or by email broden@leesburgva.gov We appreciate your cooperation in this matter.

Sincerely,

Brian Roden, CZO

cc: Christopher Murphy, Zoning Administrator



Date of Commission Meeting: April 7, 2016

**TOWN OF LEESBURG
PLANNING COMMISSION
PUBLIC HEARING**

Subject: TLOA-2015-0005, Temporary Portable Storage Units *Zoning Ordinance* Amendment

Staff Contact: Brandon White, AICP, Assistant Zoning Administrator

Proposal: Amendments to Articles 9 and 18 of the *Town of Leesburg Zoning Ordinance (TLZO)* establishing a new term, definition, and regulations for the use of temporary portable storage units in Town.

Planning Commission Critical Action Date: July 16, 2016

Recommendation: Staff recommends approval of the amendments to the *Zoning Ordinance* as presented in this report.

Background: Town Council requested information regarding the regulation of portable storage units in June 2015 and was informed that neither the *Town Code* nor the *Zoning Ordinance* contains regulations for residential portable storage units. In September 2015, Council initiated Resolution 2015-144 directing staff to amend the *Zoning Ordinance* to address the matter.

These temporary storage units are generically referred to as “PODS,” however, it is important to note that PODS® is a trademarked brand of storage unit and that there are other suppliers of similar temporary storage units including, UNITS, UPack Moving, and others. Until recently, the usage of these storage units had not contributed to a level of concern that necessitated the need or desire to establish regulations for them. In the past five years, only three complaints resulting in enforcement actions regarding temporary storage were received by zoning staff.

Existing Regulations: The *TLZO* does not contain regulations that specifically address temporary storage. Section 9.5 Temporary Uses is geared toward the regulation of sales, special events, and similar activities of a temporary nature. While the list of uses leaves some flexibility for activities that are not specifically listed, the use standards do not effectively apply to temporary storage.

Section 10.4.5 Minimum Yard Requirements regulates the placement of accessory structures including decks, fences, and swimming pools, however, those regulations were crafted for structures that are intended to be in place for periods of time much longer than what would reasonably be considered temporary by zoning standards. They also require varying degrees of site plan review by the Department of Planning and Zoning and/or the Department of Plan Review prior to the issuance of zoning permits and

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Temporary Portable Storage Unit Zoning Ordinance Amendment
Planning Commission Public Hearing
April 7, 2016
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other approvals. The level of detail and scrutiny for accessory structures may be greater than is necessary for temporary structures.

Effect of Existing Regulations: Since the *TLZO* does not contain regulations that specifically address temporary storage, the Zoning Administrator lacks sufficient regulatory guidance to effectively issue permits or grant approvals for temporary storage, provide interpretations or determinations regarding temporary storage, and to address community concerns regarding temporary storage. Moreover, the absence of specific regulations leaves the citizens unclear about the lawful use of temporary portable storage units, any applicable use standards and limitations, and the role of the Town to enforce or require the mitigation of nuisances (e.g. time, location, size, etc.) that may adversely impact the public health, safety, and welfare of the community.

Impact of Proposed Amendment: These proposed amendments, if approved, would provide a consistent set of standards for temporary portable storage units throughout the Town. With the exception of official emergencies and active construction temporary storage would be limited to sixty (60) cumulative days within a calendar year. Currently, no time limitation exists for temporary storage. The inclusion of standards limiting size, number, location, and condition of the units would also be new to the *TLZO* and should aid in minimizing some of the public safety issues (e.g. obstructed driveways and sidewalks) and aesthetic concerns (e.g. storage in neighborhood streets) regarding these units.

Additionally, the amendments allow for an established process of review and permitting for placement of temporary portable storage units. As written, a temporary use permit shall be required for all temporary portable storage units except those used during an officially declared emergency. A temporary use permit will allow the Town to document the proposed duration of the temporary storage and respond accordingly in the event storage exceeds the maximum time allotted or if it is done in any way contrary to the proposed regulations. Without a permit, it would be difficult to document the commencement of temporary storage and to follow-up to verify compliance.

A survey of neighboring jurisdictions indicates that temporary storage is handled in a variety of ways:

Survey of Local Temporary Storage Regulations				
Regulations	Permit Required	Duration	Number Allowed	Maximum Size Limit
Jurisdictions				
Town of Vienna	Yes	30 days per year (6 months for permitted construction activity)	1	128sf
Town of Herndon	No (but 1 day notice prior to placement is required)	16 days, 4 times per year	2	128sf & 8ft (height)
City of Winchester	Yes	120 days	No specific limit	10% of the GFA of the primary use or 400sf, whichever is greater
Fairfax County	TBD	7/30/60 days per 6-month period depending on lot size	No specific limit	130sf & 8.5ft (height)
Loudoun County	Yes (for nonresidential uses and as a residential accessory use)	Nonresidential storage is conditional; residential storage may be permanent	Subject to lot coverage allowance	Subject to lot coverage allowance
	No (for residential temporary storage)	Conditional	No specific limit	No specific limit
Town of Lovettsville	Yes	14 days per year	2	160sf & 8ft (height)

Longer-term storage options currently exist for residents and businesses via commercial self-storage facilities and also through construction of accessory sheds and structures. The intent of these amendments is to provide regulatory guidance for temporary storage options that are necessitated by a construction project, a household move, or some other short-term situation that requires short-term storage of household or business items.

Draft Amendment Language: Below, are the proposed amendments to the *TLZO* (NOTE: ALL NEW LANGUAGE IS UNDERLINED):

Sec. 18.1 Terms Defined

18.1.186.1 Temporary Portable Storage Unit

A commercially constructed, purpose-built container designed for vehicular transport and the storage of equipment, building materials, or household goods. For the purposes of this *Zoning Ordinance*, a temporary portable storage unit is neither an “accessory structure” nor a “trailer,” as defined in Article III (Storage, Construction, and Sales Trailers) of the *Town Code*.

Sec. 9.5 Temporary Uses

9.5.5 Temporary Portable Storage Unit

The outdoor storage of temporary portable storage units may be permitted, upon approval by the Zoning Administrator and in accordance with the standards listed below:

A. General Standards:

1. It shall be the duty of the property owner, property manager, or tenant receiving a temporary portable storage unit and/or any vendor responsible for the rental, delivery, and retrieval of temporary portable storage units to comply with the regulations contained herein and with the permit procedures of Sec. 3.5 Temporary Use Permits (except for Sec. 3.5.2 Agency Notification);
2. Temporary portable storage units must be stored on the same properties as the individual(s), organization(s), business(es), etc. using them and the properties must contain existing principal uses/structures;
3. The maximum size of a temporary portable storage unit shall not exceed 128 square feet;
4. Temporary portable storage units shall be kept in good condition, free from evidence of deterioration, discoloration, rust, rips, holes, or other signs of abandonment or neglect. Such units shall comply with all applicable building, property maintenance, and fire code requirements;
5. Temporary portable storage units must be placed on a paved surface on the subject parcel. Such units shall not be placed in any Town right-of-way, easement, or travelway, unless permitted by the *Town Code* and shall not hinder sight distance or create obstructions for vehicular or pedestrian traffic;
6. Temporary portable storage units shall not be used for the storage of extremely hazardous or flammable substances, live animals, or human habitation;

7. Signage on temporary portable storage units shall be limited to that which is standard and customarily placed on the unit by the vendor and/or manufacturer.

B. Duration:

The placement of temporary portable storage units shall not exceed sixty (60) cumulative days within the calendar year except for units that are used in conjunction with an active building permit during a period of continuous construction.

C. Number:

1. Properties containing single family detached or single family attached uses shall be limited to two (2) temporary portable storage units or 128 square feet of temporary portable storage area, whichever is less;
2. Properties containing multi-family developments shall be subject to the following limitations:
 - a. One (1) temporary portable storage unit per dwelling unit with written approval from property management;
 - b. Two (2) temporary portable storage units or 256 square feet of temporary portable storage area, whichever is less, for direct property management usage only;
3. Properties containing a single nonresidential use shall be limited to two (2) temporary portable storage units or 256 square feet of temporary portable storage area, whichever is less. Properties containing multi-tenant nonresidential uses or mixed-use developments shall be subject to the limitations established in 9.5.5.C.2 Number, at the discretion of the Zoning Administrator.

D. Location:

In addition to 9.5.5.A.5 General Standards, placement of temporary portable storage units on properties containing nonresidential and/or multi-family uses must be located in excess parking areas, excess loading areas, or other undesignated areas. Storage shall not occur in required and/or restricted parking spaces, loading areas, sidewalks, or buffer/landscape areas.

E. Existing Temporary Portable Storage Units:

Temporary portable storage units do not fall under nonconformities, as set out in Article 16. Therefore, any temporary portable storage unit located on a property as of April 26, 2016, shall not be deemed a legal nonconforming use/structure.

F. Exclusion:

Temporary portable storage units placed during a period of an officially declared Federal, Commonwealth, or Local emergency that is applicable to a subject property shall be exempt from the requirements of the section for a period of up to six (6) months.

RECOMMENDATION AND DRAFT MOTIONS

Staff recommends that the Planning Commission forward these amendments to Town Council with a recommendation of approval.

Motion for Approval

I move that *Zoning Ordinance* Amendment TLOA 2015-0005, Temporary Portable Storage Units, be forwarded to the Town Council with a recommendation of approval, on the basis that the amendments further the objectives of the *Town Plan* and that the proposal would serve the public necessity, convenience, general welfare, and good zoning practice.

- Or -

Motion for Approval with Changes

I move that *Zoning Ordinance* Amendment TLOA 2015-0005, Temporary Portable Storage Units, be forwarded to the Town Council with a recommendation of approval, on the basis that the amendments further the objectives of the *Town Plan* and that the proposal would serve the public necessity, convenience, general welfare, and good zoning practice, subject to the following changes to the language proposed in the April 7, 2016 staff report: _____.

- Or -

Alternate Motion

I move that _____.

- Attachments: 1. Resolution 2015-144
2. June 23, 2015 Town Council Information Memo