

Memorandum

DATE: May 17, 2023

TO: Village of Poplar Grove Planning and Zoning Commission

FROM: Joanne Kalchbrenner, AICP, B&F Construction Code Services Zoning Supervisor

SUBJECT: Storage Containers in Commercial and Industrial Districts

BACKGROUND:

Several commercially and industrially zoned properties within the Village of Poplar Grove have storage containers. The Village Board has expressed interest in reviewing the current regulations and potentially amending the zoning regulations to clarify the requirements for storage containers. The following sections provide information on current regulations as well as several options to address the issue.

CURRENT CODE REGULATIONS:

Storage containers or structures are addressed in several code sections including Height and Area Regulations, Accessory Uses and Temporary Uses. Specifically:

Section 8-8-. H. indicates the following:

“One Main Building Permitted per Lot; Exceptions. Every building hereafter erected shall be located on a lot as defined in this title and in no case shall there be more than one main building on any lot in any district, except industrial buildings being used for industrial purposes in the Industrial Districts, and also except buildings, the location of which is approved in a planned community development pursuant to the regulations found in Chapter 5.”

Based on this language, storage containers and structures are not considered primary structures and therefore would be considered accessory structures.

Section 8-8-3. B. specifically addresses Accessory Uses as follows:

‘Detached Accessory Structures (Except Fences and Walls):

Setbacks: Refer to Chapter 6 for minimum setbacks.

Height: Maximum of 20 feet or equal to that of the principal building, whichever is less.

Size: No detached accessory structure or structures shall occupy more than 50 percent of the area of a required yard. In no instance shall the square footage of the accessory structure(s) be larger than the primary structure.

Residential: The total square footage of all accessory structures combined shall be less than the square footage of the primary structure.

Not within required yards’

Based on the section noted above, accessory uses and structures would require a building permit and would be required to comply with the setback requirements of the district.

Section 8-7-12 Temporary Use regulations indicates the following:

“Purpose. The purpose of this section is to provide regulations that govern the procedure and requirements for the review and approval, or denial, of proposed temporary uses.

Temporary uses are those uses that have the potential to create undesirable impacts on nearby properties if allowed to develop simply under the general requirements of this chapter. In addition to such potential, temporary uses also have the potential to create undesirable impacts on nearby properties that potentially cannot be determined except on a case-by-case basis. In order to prevent this from occurring, all temporary uses are required to meet certain procedural requirements applicable only to temporary uses, in addition to the general requirements of this chapter and the requirements of the zoning district in which the subject property is located.

Required Information. All applications for proposed temporary uses shall be approved as complete by the Village Clerk prior to certification of the proposed temporary use. Said complete application shall contain all of the following:

A map of the subject property showing all lands for which the temporary use is proposed. Said map shall clearly indicate the current zoning of the subject property and its environs, proposed structures or alterations, and the jurisdiction(s) which maintains that control.

A location map, such as the Land Use Plan Map, of the generalized location of the subject property in relation to the Village as a whole.

A written description of the proposed temporary use describing the type of activities, buildings, and structures proposed for the subject property and their general locations.

The Building Official may require a site plan of the subject property.

Applicable Regulations. No public hearing is required to develop a temporary use; however, a demonstration that the developer proposes to meet all temporary use requirements of [Section 8-7-10](#) must be made at time of application. Any temporary use must comply with other applicable codes, including but not limited to building, electrical, plumbing and fire codes. Any temporary use found not to be in compliance with the terms of this chapter shall be considered in violation of this Code and shall be subject to all applicable procedures and penalties.

Building Official Decision. Approval of a temporary use shall be by the Building Official following review of said complete application per subsection B. above.”

This section specifically lists allowable temporary uses, including contractor's offices, contractor equipment, and relocatable buildings.

“Contractor's Project Office: Includes any structure containing an on-site construction management office for an active construction project. The temporary use regulations are:

The structure shall not exceed 2,000 square feet in gross floor area.

The facility shall be removed within ten days of completion of or issuance of occupancy permit for construction project.

The temporary use shall not be used for sales activity. (See subsection E. below.)

Any projects requiring land use to be in place for more than 365 days shall require a special use permit.

The use shall comply with [Section 8-5-9](#), standards and procedures applicable to all temporary uses.

Contractor's On-Site Equipment Storage Facility: Includes any structure or outdoor storage area designed for the on-site storage of construction equipment and/or materials for an active construction project. The temporary use regulations are:

The facility shall be removed within ten days of completion of or issuance of occupancy permit for construction project.

The use shall be limited to a maximum area not exceeding ten percent of the property's gross site area.

The use shall comply with [Section 8-5-9](#), standards and procedures applicable to all temporary uses.

Any projects requiring land use to be in place for more than 365 days shall require a special use permit.

Re-locatable Building: Includes any manufactured building which serves as a temporary building for less than six months. The temporary use regulations are:

The use shall conform to all setback regulations.

The use shall conform to all building code regulations.

The use shall comply with [Section 8-5-9](#), standards and procedures applicable to all temporary uses."

ANALYSIS:

Based on the above noted code sections a permanent storage structure or container would be considered an accessory structure and would be required to comply with the regulations of obtaining a permit, complying with setback requirements and all other accessory structure requirements. The location of these containers should not make the overall site nonconforming with other regulations such as landscape requirements or parking requirements. As an example, any storage structure or container should not be located within a parking lot and use parking spaces that are required to comply with minimum parking requirements, be located in a fire lane or within minimum landscape setbacks. If there is excess parking on a site, a storage building or container could potentially be located on those parking spaces, provided it meets all other regulations.

Temporary storage structures or containers should comply with the temporary use regulations and be approved by the Building Official. There are several other temporary uses listed in the code, but the most applicable are the Contractor's Offices, Contractor's on-site equipment Storage Facility and Relocatable Buildings. Both the Contractor's Office and Contractor's Equipment Storage facility include provisions that it be removed within ten days of completion of the permit or issuance of an occupancy permit. To further clarify the regulations, it would be appropriate to include language that the Contractor's Office or Equipment Storage facility not be on site until a building permit is used.

There is an opportunity to provide clarification on the temporary Use for a Relocatable Building including limitations that it may not be placed in required parking spaces, that no signage shall be erected on the structure or container, and the frequency of allowing the structures or containers. If

they are allowable for a maximum of six months, once it is removed, how quickly can it be replaced?

Another option would be to define storage containers completely differently than other storage structures and create regulations specifically for storage containers. There should be consideration to the existing regulations for permanent and temporary structures that are provided above and if there are any regulations that should be unique to containers that would not otherwise be applicable to accessory structures.

RECOMMENDATION:

Based on input from the Plan Commission and Village Board, staff can prepare a text amendment to clarify the temporary use regulations related to accessory structures and containers.