

VILLAGE OF CARPENTERSVILLE

1200 L. W. Besinger Drive
Carpentersville, Illinois 60110
847-426-3439

Village President
John Skillman

Village Clerk
Tania Gomez

Village Manager
John O'Sullivan _____ *Concur*

Village Trustees
Dickie Abbott
Jeff Frost
Humberto Garcia
Jim Malone
Denise Richardson
Brenda Sandoval

BOARD REPORT

TO: Village President, Board of Trustees, Manager, and Attorney

FROM: Tim Brinkmann, Asst. Community Development Director

DATE: February 13, 2024

SUBJECT: An Ordinance Amending Title 16 of the "Carpentersville Municipal Code," Regarding Shipping Container Storage Units in the Village.

BACKGROUND

In 2018, the Village of Carpentersville was approached by the Chicago Area Mountain Bikers (CAMBr) organization to install one 20-foot-long shipping container at the Keith Andres Bike Park to store their equipment and tools to maintain the mountain bike track at the park. The Village Board approved the installation of the shipping container via resolution in June of 2018 and the CAMBr organization will install the shipping container at Keith Andres Bike Park this spring.

In the fall of 2023, the Community Development Department was notified by the management of the Eden Prairie Apartments on LW Besinger Drive that they will renovate the kitchens in every apartment unit over the next two years. During this time, the contractor hired by the apartment management company wants to have a portable shipping container installed on site to store equipment, parts and tools for the kitchen renovations. Once all of the kitchens are renovated, the portable shipping container will be removed from the property.

In November, 2023, the Community Development Department was contacted by a landscaping company who leases space in the Commerce Parkway Industrial Park to permanently install either a 20- or 40-foot shipping container behind their building to

store landscaping materials (chemicals, fertilizer, seed, etc.) and parts for their business. The landscaping company stated that they do not want to expand the building footprint for extra storage and they would rather keep the landscaping materials and parts out of their existing warehouse but have those items be covered by a weatherproof structure.

ANALYSIS

Staff proposes that Section 16.04 - Definitions of the Zoning Code and Section 16.18.020 – Accessory buildings, structures and uses be amended to accommodate permanent shipping container storage units.

Based on the analysis above, Village staff has drafted the following proposed text amendment to the Definitions and Accessory buildings, structures and uses sections of the zoning code. Within the proposed text amendment detailed in this report, text to be deleted is shown crossed out (e.g. ~~deleted~~) and text to be added is shown in italics and underlined (e.g. added).

Section 16.04 - Definitions of the Zoning Code:

"Shipping container storage unit: a storage unit originally or specifically designed or used to store goods or merchandise during shipping or hauling by container ships, rail, semi-trucks, or other types of transportation which is used to store goods or merchandise."

* * *

Section 16.18.020 – Accessory building, structures and uses:

Accessory buildings, structures and uses are permitted in accordance with the following:

C. In addition to the accessory buildings, structures and uses allowed in Sections 16.18.020(A) and 16.18.020(B), in the commercial and industrial zoning districts, there may also be:

5. Shipping Container Storage Unit: shall comply with the following standards:

a. Shipping Container Storage Units shall only be regularly utilized on properties located in the M-1, M-1-A or M-2 Industrial Zoning Districts or via Special Use Permit approved by the Planning & Zoning Commission

b. A building permit is required for any shipping container storage unit installed in the Village of Carpentersville

c. Only one shipping container storage unit is allowed on any property as an accessory structure to a principal building use on the property. The subject property shall in all other respects be compliant with the Village's Zoning Code Regulations.

d. Placement of the shipping container storage unit must be approved by the Village's Zoning Administrator and must conform with the setbacks of the underlying Zoning District

e. At no time shall any shipping container storage unit be allowed to be placed anywhere other than in the rear yard

- f. Only shipping container storage units up to forty (40) feet in length are permitted in accordance with and subject to all other requirements herein
- g. All signage on the shipping container storage unit shall be removed and the container shall be painted an earth tone color or color of siding material compatible with the surrounding environment or adjacent structures. The painting or siding shall be completed within thirty (30) days of the placement of the container. The shipping container storage unit shall also be surrounded by a minimum eight (8) foot high privacy fence or block/masonry wall with a lockable privacy gate for entry
- h. No stacking of material on top of the shipping container storage unit is permitted
- i. The shipping container storage unit shall be safe, structurally sound, and be placed on a stable surface
- j. Any shipping container storage unit that becomes unsafe, unstable, or dangerous, as determined by the Village's Building Official and/or Building Inspector, shall be removed or repaired immediately by the property owner
- k. All permanent shipping container storage units shall be anchored or otherwise secured to the stable surface they are placed upon
- l. Shipping container storage units shall not be placed in a manner that impedes access to public right-of-way, public utilities, drainage easements, adjacent structures or buildings
- m. No shipping container storage unit may be utilized as a rental unit or be leased to anyone other than the property owner or business where the container is placed
- n. Shipping container storage units shall only be connected to electrical service, not to any other utility service
- o. All shipping container storage units are subject to inspection of contents by the Village to ensure adherence to the ordinance as set forth

* * *

The PZC reviewed the text amendment request according to the criteria listed in the Municipal Code, and found the request in compliance with the Municipal Code. Therefore, The PZC voted (4 aye, 0 nay, 3 absent) on a motion to recommend to the Village Board the approval of the requested text amendment.

FISCAL IMPACT

Staff finds that the approval or disapproval of the proposed amendment to the text of the Zoning Ordinance would have no specific or direct fiscal impact upon the Village. However, approval of the proposed amendment would make it easier for Village staff to permit, process and enforce temporary feather/teardrop signs in the Village.

DEPARTMENT RECOMMENDATIONS

Staff recommends that the Village Board of Trustees uphold the recommendation of the Planning and Zoning Commission and approve the proposed text amendment.

ORDINANCE NO. 24-07

AN ORDINANCE AMENDING TITLE 16 OF THE "CARPENTERSVILLE MUNICIPAL CODE,"
REGARDING SHIPPING CONTAINER STORAGE UNITS

WHEREAS, the "Zoning Ordinance of the Village of Carpentersville," as amended ("**Zoning Ordinance**"), sets forth zoning and land use regulations applicable in the Village of Carpentersville; and

WHEREAS, Section 16.04 – Definitions defines certain terms in the Village's zoning code and Subsection 16.18.020 of the Zoning Ordinance regulates accessory structures in the Village; and

WHEREAS, the Village of Carpentersville has initiated amendments to Section 16.04 – Definitions to define shipping container storage units and Subsection 16.18.020 – Accessory buildings, structure and uses of the Zoning Ordinance to add how shipping container storage units are regulated in the Village (collectively the "**Proposed Amendments**"); and,

WHEREAS, pursuant to Sections 2.52.040.G of the Village Code, a public hearing of the Planning and Zoning Commission of the Village of Carpentersville ("**PZC**") to consider approval of the Proposed Amendments was duly advertised in the Daily Herald on January 1, 2024, and was held on January 18, 2024; and

WHEREAS, on January 18, 2024, the PZC voted (4 aye, 0 nay, 3 absent) to approve a recommendation to the President and Board of Trustees in support of the Proposed Amendments; and

WHEREAS, the President and Board of Trustees have considered the Proposed Amendments and the recommendation of the PZC, and have determined that adoption of the Proposed Amendment, as set forth in this Ordinance, will serve and be in the best interest of the Village and its residents;

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Carpentersville, Kane County, Illinois, as follows:

SECTION 1: RECITALS.

The foregoing recitals are incorporated into, and made a part of, this Ordinance as the findings of the Village President and Board of Trustees.

SECTION 16.04 - Definitions.

A Portion of Section 16.04 titled "Definitions" is hereby amended to read as follows (**Additions are bold and double underlined**; ~~deletions are struck through~~):

"Shipping Container Storage Unit" means a storage unit originally or specifically designed to store goods or merchandise during shipping or hauling by container ships, rail, semi-trucks, or other types of transportation which is used to store goods or merchandise.

SUBSECTION 16.18.020 – Accessory buildings, structures and uses.

A Portion of Subsection 16.18.020 titled "Accessory building, structures and uses" is hereby amended to read as follows (Additions are bold and double underlined; deletions are struck through):

C. In addition to the accessory buildings, structures and uses allowed in Sections 16.18.020(A) and 16.18.020(B), in the commercial and industrial zoning districts, there may also be:

5. Shipping Container Storage Unit: shall comply with the following standards:

- a. Shipping Container Storage Units shall only be regularly utilized on properties located in the M-1, M-1-A or M-2 Industrial Zoning Districts or via Special Use Permit approved by the Planning & Zoning Commission**
- b. A building permit is required for any shipping container storage unit installed in the Village of Carpentersville**
- c. Only one shipping container storage unit is allowed on any property as an accessory structure to a principal building use on the property. The subject property shall in all other respects be compliant with the Village's Zoning Code Regulations.**
- d. Placement of the shipping container storage unit must be approved by the Village's Zoning Administrator and must conform with the setbacks of the underlying Zoning District**
- e. At no time shall any shipping container storage unit be allowed to be placed anywhere other than in the rear yard**
- f. Only shipping container storage units up to forty (40) feet in length are permitted in accordance with and subject to all other requirements herein**
- g. All signage on the shipping container storage unit shall be removed and the container shall be painted an earth tone color or color of siding material compatible with the surrounding environment or adjacent structures. The painting or siding shall be completed within thirty (30) days of the placement of the container. The shipping container storage unit shall also be surrounded by a minimum eight (8) foot high privacy fence or block/masonry wall with a lockable privacy gate for entry**
- h. No stacking of material on top of the shipping container storage unit is permitted**
- i. The shipping container storage unit shall be safe, structurally sound, and be placed on a stable surface**
- j. Any shipping container storage unit that becomes unsafe, unstable, or dangerous, as determined by the Village's Building Official and/or Building Inspector, shall be removed or repaired immediately by the property owner**
- k. All permanent shipping container storage units shall be anchored or otherwise secured to the stable surface they are placed upon**
- l. Shipping container storage units shall not be placed in a manner that impedes access to public right-of-way, public utilities, drainage easements, adjacent structures or buildings**

m. No shipping container storage unit may be utilized as a rental unit or be leased to anyone other than the property owner or business where the container is placed

n. Shipping container storage units shall only be connected to electrical service, not to any other utility service

o. All shipping container storage units are subject to inspection of contents by the Village to ensure adherence to the ordinance as set forth

* * *

SECTION 3: SEVERABILITY.

If any provision of this Ordinance or part thereof is held invalid by a court of competent jurisdiction, the remaining provisions of this Ordinance are to remain in full force and effect, and are to be interpreted, applied, and enforced so as to achieve, as near as may be, the purpose and intent of this Ordinance to the greatest extent permitted by applicable law.

SECTION 4: EFFECTIVE DATE.

The provisions of this Ordinance will be in full force and effect upon its passage, approval and publication, in accordance with law.

Motion made by Trustee Garcia, seconded by Trustee Sandoval, that the Ordinance be passed.

ADOPTED BY THE PRESIDENT AND BOARD OF TRUSTEES of the Village of Carpentersville, Illinois at a regular meeting thereof held on the 13th day of February, 2024, pursuant to a roll call vote as follows:

AYES: 6 (Richardson, Malone, Garcia, Abbott, Sandoval, Skillman)
NAYS: 0
ABSENT: 0
Present: 1 (Frost)
APPROVED by me this 13 day of Feb, 2024.

(SEAL)

ATTEST:

Tania Gomez, Village Clerk

John Skillman, Village President



CERTIFICATION

I, Tania Gomez, do hereby certify that I am the duly appointed, acting and qualified Clerk of the Village of Carpentersville, Kane County, Illinois, and that as such Clerk, I am the keeper of the records and minutes and proceedings of the President and Board of Trustees of said Village of Carpentersville.

I do further certify that at a regular meeting of the President and Board of Trustees of the Village of Carpentersville, held on the 13 day of February, 2024, the foregoing Ordinance entitled, **AN ORDINANCE AMENDING TITLE 16 OF THE "CARPENTERSVILLE MUNICIPAL CODE," REGARDING SHIPPING CONTAINER STORAGE UNITS**, was duly passed by the President and Board of Trustees of the Village of Carpentersville.

The pamphlet form of Ordinance No. 24- 07, including the Ordinance was prepared, and a copy of such Ordinance was available in the Village Hall, commencing on the 13 day of February, 2024, and will continue for at least 10 days thereafter. Copies of such Ordinance are also available for public inspection upon request in the office of the Village Clerk.

I do further certify that the original, of which the attached is a true and correct copy, is entrusted to me as the Clerk of said Village for safekeeping, and that I am the lawful custodian and keeper of the same.

Given under my hand and seal of the Village of Carpentersville this 13 day of February, 2024.



Tania Gomez, Village Clerk
Village of Carpentersville,
Kane County, Illinois

(SEAL)

