

## ORDINANCE 2024-04

### AN ORDINANCE OF THE VILLAGE OF POPLAR GROVE, ILLINOIS AMENDING THE VILLAGE'S CODE OF ORDINANCES TO ALLOW FOR USE OF SHIPPING CONTAINERS IN CERTAIN ZONING DISTRICTS

WHEREAS, the Village of Poplar Grove, Illinois ("Village") has adopted a Code of Ordinances ("Village Code"); and

WHEREAS, the Village Board of Trustees desires to consider allowing the use of shipping containers in specific zoning districts and in accordance with certain regulations; and

WHEREAS, the Village now desires to amend Chapter 2 (Rules and Definitions) of Title 8 (Zoning), to provide a definition of shipping containers; and

WHEREAS, the Village now desires to amend Chapter 6 (Land Use Districts and Permitted Use) of Title 8 (Zoning), to allow for the use of shipping containers in specific zoning districts as set forth herein; and

WHEREAS, the Village desires to further amend Chapter 7 (Zoning Districts and Land Use Regulations) of Title 8 (Zoning) to add a new Section 13 regulating the use of shipping containers in specific zoning districts as set forth herein; and

WHEREAS, the Village has determined that such amendment is in the best interest of the Village and its citizens.

NOW THEREFORE, be it ordained by the President and Board of Trustees for the Village of Poplar Grove, Illinois, as follows.

1. The above-recitals are incorporated herein and made a part hereof.
2. That Section 8-2-3 of the Village Code providing for "Definitions" is amended to add a definition of the term "Shipping Container" which shall read as follows: (deletions identified by strikethroughs and additions by bold and underline):

**"Shipping Container". A unit originally used or designed to store goods or other merchandise during shipping or hauling by a vehicle, including but not limited to rail cars of any kind, truck trailers, or multi-modal shipping containers or similar structures and are typically constructed of metal and or steel. Shipping Containers shall be considered an accessory structure.**

3. That Title 8, Chapter 7 of the Village Code is hereby amended to include a new Section 13 governing "Shipping Containers" and which new section shall read as follows (deletions identified by strikethroughs and additions by bold and underline):

**“8-7-13: Shipping Containers:**

**A. Applicability. Shipping Containers are allowed as a permanent accessory structure in the Agricultural (A1), General Business (GB), Central Business (CB), Light Industrial (LI) and Heavy Industrial (HI) zoning districts, subject to adherence to the below standards and conditions:**

- 1. Special Use Permit. A special use permit shall be obtained prior to any Shipping Container being permitted to be located or utilized on any property.**
- 2. The location of a Shipping Container shall conform to the following setback requirements:**

<b><u>Agricultural District</u></b>	<b><u>50 ft. (front)</u></b>	<b><u>10 ft. (side)</u></b>	<b><u>15 ft. (rear)</u></b>
<b><u>General Business District</u></b>	<b><u>15 ft. (front)</u></b>	<b><u>10 ft. (side)</u></b>	<b><u>15 ft. (rear)</u></b>
<b><u>Central Business District</u></b>	<b><u>15 ft. (front)</u></b>	<b><u>10 ft. (side)</u></b>	<b><u>15 ft. (rear)</u></b>
<b><u>Light Industrial District</u></b>	<b><u>30 ft. (front)</u></b>	<b><u>10 ft. (side)</u></b>	<b><u>15 ft. (rear)</u></b>
<b><u>Heavy Industrial District</u></b>	<b><u>30 ft. (front)</u></b>	<b><u>10 ft. (side)</u></b>	<b><u>15 ft. (rear)</u></b>

**No Shipping Container shall be located within any easement area.**

- 3. The maximum number of Shipping Containers on any site shall be as follows:**

<b><u>Agricultural District</u></b>	<b><u>5 Containers</u></b>
<b><u>General Business District</u></b>	<b><u>1 Container</u></b>
<b><u>Central Business District</u></b>	<b><u>1 Container</u></b>
<b><u>Light Industrial District</u></b>	<b><u>1 Container/acre, max. of 3 total</u></b>
<b><u>Heavy Industrial District</u></b>	<b><u>1 Container/acre, max. of 3 total</u></b>

- 4. Shipping Containers shall not exceed eight (8) feet in width, sixty (60) feet in length and ten (10) feet in height. Stacking of Shipping Containers is not permitted.**
- 5. Shipping Containers shall be placed on a level surface of asphalt or concrete.**

**Exception: Shipping Containers used exclusively for the purpose of storage (i.e. no human occupancy) shall be allowed to be placed on a bed of compacted gravel no less than twelve (12) inches thick subject to compliance with the following:**

- a. The gravel base shall be level to avoid settlement,**
- b. The area adjacent to the Shipping Container shall be graded to ensure water will runoff away from the Shipping Container,**

c. The excavation for the gravel base shall be removed to a clay base or similar for a suitable base.

6. Use of a Shipping Container must be related to the primary use or business located on the property upon which the Shipping Container is located. The contents of a Shipping Container shall be disclosed to the Village.

7. If a Shipping Container is used for the cold storage of items related to the primary use or business located on the property, the Shipping Container must be located in the rear yard of the property. If the use of a Shipping Container involves human occupancy related to the primary use or business located on the property, then the Shipping Container may be located in the front or side yard of the property. Any Shipping Container involving human occupancy shall conform with any and all applicable law, rules and regulations, including, but not limited to conformance with any laws, rules, and regulations regarding human occupancy and obtaining any and all applicable permits and licenses.

8. Shipping Containers must be maintained in a good condition and must be painted to match or be harmonious with the principal structure on the property. Shipping Containers shall be maintained in a rust-free condition.

9. The Village reserves the right to require screening and/or buffering of a Shipping Container.

10. Violators of any of the regulations in this Section shall be subject to a fine of not less than \$100 nor more than \$500, at the discretion of the Village. Each day that a violation exists shall constitute a separate offense.”

B. Notwithstanding the foregoing, the Village may allow for the use of Shipping Containers on Village owned property and such use shall not be subject to the requirements of this Section with the exception that such Shipping Containers shall 1) be placed on a level surface of asphalt or concrete; and 2) be maintained in a good condition and must be painted to match or be harmonious with the principal structure on the property and shall be maintained in a rust-free condition.

4. That Section 8-6-2(c)(2) of the Village Code regarding the list of allowable accessory uses by special use permit in the Agricultural/Rural District (A1) is hereby amended to add the use of shipping containers to read as follows (deletions identified by strikethroughs and additions by bold and underline):

2. Permitted by Special Use:

Detached Guest House

Employee Living Quarters

In-family Suites

Migrant Labor Camp

Private Clubhouse

Cemetery Related Activities

Mini WECS

**Shipping Containers**

5. That Section 8-6-9(c)(2) of the Village Code regarding the list of allowable accessory uses by special use permit in the General Business District (GB) is hereby amended to add the use of shipping containers to read as follows (deletions identified by strikethroughs and additions by bold and underline):

2. Permitted by Special Use:

Private Recreational Facility

Cemetery Related Activities

Accessory Apartment

Private Clubhouse

Beer Garden

Stadiums/Grandstands

Mini WECS

Outdoor Storage Accessory to Self-Service Storage Facilities

**Shipping Containers**

6. That Section 8-6-10(c)(2) of the Village Code regarding the list of allowable accessory uses by special use permit in the Central Business District (CB) is hereby amended to add the use of shipping containers to read as follows (deletions identified by strikethroughs and additions by bold and underline):

2. Permitted by Special Use:

Private Recreational Facility

Accessory Apartment

Private Clubhouse

Beer Garden

Stadiums/Grandstands

Mini WECS

**Shipping Containers**

7. That Section 8-6-11(c)(2) of the Village Code regarding the list of allowable accessory uses by special use permit in the Light Industrial District (LI) is hereby amended to add the use of shipping containers to read as follows (deletions identified by strikethroughs and additions by bold and underline):

2. Permitted by Special Use:

Private Recreational Facility

Cemetery Related Activities

Private Clubhouse

Beer Garden

Stadiums/Grandstands

Mini WECS

**Shipping Containers**

8. That Section 8-6-12(c)(2) of the Village Code regarding the list of allowable accessory uses by special use permit in the Heavy Industrial District (HI) is hereby amended to add the use of shipping containers to read as follows (deletions identified by strikethroughs and additions by bold and underline):

2. Permitted by Special Use:

Private Recreational Facility

Stadiums/Grandstands

Mini WECS

**Shipping Containers**

9. Except as amended in this Ordinance, all other provisions and terms of Village Code of Ordinances shall remain in full force and effect as previously enacted except that those ordinances, or parts thereof, in conflict herewith are hereby repealed to the extent of such conflict.
10. This Ordinance shall be in full force and effect from after its passage, approval, and publication in pamphlet form as provided by law.

PASSED UPON MOTION BY Costanza

SECONDED BY CHEEK

BY ROLL CALL VOTE THIS 08 DAY OF May, 2024

AS FOLLOWS:

VOTING "AYE": Cheek, Costanza, Daives, Goings, Straw

VOTING "NAY": \_\_\_\_\_  
\_\_\_\_\_

ABSENT, ABSTAIN, OTHER \_\_\_\_\_

APPROVED\_May 08\_\_\_\_\_, 2024

ATTEST:

Karri Miller

CLERK

Don Sattler

PRESIDENT