

Meeting Date
<b>August 4, 2016</b>



AGENDA	
Section	Public Hearing
Item No.	<b>IV.C</b>

**AGENDA REPORT**  
 BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

SUBJECT:	PUBLIC HEARING RE: ORDINANCE ADDING ALLOWANCE FOR TEMPORARY PARCEL/PACKAGE STORAGE UNITS IN THE GML ZONING CLASSIFICATION
DEPT/OFFICE:	PLANNING & DEVELOPMENT DEPARTMENT

Requested Action:  
 It is requested that the Board conduct a public hearing and consider adoption of an ordinance permitting temporary (parcel/package delivery) storage units in the GML zoning classifications.

Summary Explanation & Background:

On November 17, 2015, at the request of UPS, the Board of County Commissioners directed staff to draft legislative intent to include an allowance for temporary storage units, specifically parcel/package delivery service temporary storage units, in the GML zoning classifications. On May 3, 2016, the Board granted legislative intent and permission to advertise the ordinance.

This ordinance would amend Section 62-2117.5 by adding GML classifications to the list of zoning classifications where temporary portable commercial storage units and parcel/package delivery service temporary storage units are currently permitted. The Zoning Regulations currently allow these units in BU-1, BU-2, industrial and institutional zoning classifications, subject to conditions. All regulations currently governing these uses would apply in the GML zoning classification.

The BCAC considered the proposed ordinance at its July 13, 2016 meeting and unanimously recommended approval. The LPA conducted a public hearing regarding this ordinance on July 25, 2016 and recommended approval by a vote of 9-1. This public hearing by the Board is the first and only required reading of the proposed ordinance.

#13

Clerk to the Board instruction:

Exhibits Attached: Proposed Ordinance

Contract /Agreement (If attached): Reviewed by County Attorney    Yes     No     PR

County Manager  Stockton Whitten	Assistant County Manager	Department Director / Extension  Robin M. DiFabio, AICP 5-6363
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Tammy Rowe, Clerk to the Board, 400 South Street • P.O. Box 999, Titusville, Florida 32781-0999

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Tammy.Rowe@brevardclerk.us

August 5, 2016

MEMORANDUM

TO: Robin DiFabio, Planning and Development Director

RE: Item IV.C. Ordinance Adding Allowance for Temporary Parcel/Package Storage Units in the GML Zoning Classifications

The Board of County Commissioners, in regular session on August 4, 2016, adopted Ordinance No. 16-13, adding Allowance for Temporary Parcel/Package Storage Units in the GML Zoning Classifications. Enclosed is one certified Ordinance.

Your continued cooperation is greatly appreciated.

Sincerely yours,

BOARD OF COUNTY COMMISSIONERS  
SCOTT ELLIS, CLERK

*Tammy Rowe*

Tammy Rowe, Deputy Clerk

/kp

Encl. (1)

cc: County Manager

ORDINANCE NO. 2016-13

AN ORDINANCE AMENDING CHAPTER 62, "LAND DEVELOPMENT REGULATIONS", CODE OF ORDINANCES OF BREVARD COUNTY, FLORIDA; AMENDING ARTICLE VI, SECTION 62-2117.5(2)a, TO PROVIDE FOR TEMPORARY STORAGE UNITS AND PARCEL/PACKAGE DELIVERY SERVICE TEMPORARY STORAGE UNITS IN ALL GML ZONING CLASSIFICATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AREA ENCOMPASSED; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR INCLUSION IN THE BREVARD COUNTY CODE OF ORDINANCES.

WHEREAS, the Board of County Commissioners, on November 17, 2015, directed preparation of an amendment to the Zoning Regulations that would add temporary storage units and parcel/package delivery service temporary storage units in all GML zoning classifications; and

WHEREAS, the Building Construction Advisory Committee, on July 13, 2016, reviewed the proposed ordinance and made recommendations; and

WHEREAS, the Local Planning Agency, on July 25, 2016, reviewed the proposed ordinance and made recommendations; and

WHEREAS, the Board of County Commissioners has reviewed the recommendations of the above referenced advisory bodies and has considered the comments of interested citizens in public hearing; and

WHEREAS, the Board of County Commissioners has determined that the proposed amendment serves the public health, safety and welfare of the citizens of Brevard County.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, as follows:

**SECTION 1.** Chapter 62, Article VI, Section 62-2117.5(2) Code of Ordinances of Brevard County, Florida, is hereby amended to revise subparagraph (a) and to read as follows:

**Sec. 62-2117.5 (2)(a) Temporary storage units and parcel/package delivery service temporary storage units.**

- (2) Non-residential areas. Portable temporary commercial storage units are portable containers which are used for the storage of items such as excess inventory, equipment and tools, and seasonal items. The placement of such units and the placement of parcel/package delivery service temporary storage units shall be limited as follows:

- a. Portable temporary commercial storage units and parcel/package delivery service temporary storage units shall be permitted in the BU-1, and BU-2, and all GML, industrial and institutional zoning classifications, subject to the following conditions:
1. A portable temporary commercial storage unit and parcel/package delivery service temporary storage units shall not be used to operate a business or serve to meet the commercial business tax receipt requirements.
  2. A portable temporary commercial storage unit and parcel/package delivery service temporary storage units shall not remain on the site longer than 90 days, including the days of delivery and removal. In all circumstances, the maximum stay for single units shall be 90 days. Multiple units are permissible provided that the units are delivered and removed on the same day.
  3. A maximum of one 90-day stay per property shall be allowed in a 12-month period. Portable temporary commercial storage units and parcel/package delivery service temporary storage units shall not be placed on out-parcels or other such properties. Units shall be placed only on the property that contains the principal commercial or industrial structure.
  4. The portable temporary commercial storage unit(s) and parcel/package delivery service temporary storage units shall be located so as to minimize visibility from residential land uses and shall not be located between the front facade of the principal structure and any street right of way or in any required side or rear setback area. A portable temporary commercial storage unit shall be screened from view from any public right of way (ROW) or residential area and maintain a minimum 15-foot setback to residential zoning classifications. Said screening shall consist of an opaque barrier, such as a fence or vegetation. Appropriate screening can also include conditions where the container is located in such manner that existing structures shield the container from ROWs and/or residential areas. Such storage units are prohibited to be placed in sidewalks, road rights-of-way, required parking spaces, driveway aisles, or required loading zones.
  5. A portable temporary commercial storage unit and parcel/package delivery service temporary storage units shall not exceed eight feet in width, 45 feet in length, and ten feet in height.
  6. Portable temporary commercial storage units and parcel/package delivery service temporary storage units shall not be stacked vertically.
  7. Hazardous materials such as flammable and biohazard substances shall not be stored in temporary portable storage units or parcel/package delivery service temporary storage units.
  8. The placement of portable temporary storage units and parcel/package delivery service temporary storage units in the BU-1 zoning classification shall be limited to "big box" retailers having a minimum floor area of 100,000 square feet and minimum site size of ten acres.

**SECTION 2. Conflicting Provisions.** In the case of a direct conflict between any provision of this ordinance and a portion or provision of any other appropriate federal, state or county law, rule code or regulation, the more restrictive shall apply.

**SECTION 3. Severability.** If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid

provision or application, and to this end the provisions of this ordinance are declared severable.

**SECTION 4. Area Encompassed.** This ordinance shall take effect only in the unincorporated area of Brevard County, Florida.

**SECTION 5. Effective Date.** A certified copy of the ordinance shall be filed with the Office of the Secretary of State, State of Florida within ten (10) days of enactment. This ordinance shall take effect upon adoption and filing as required by law.

**SECTION 6. Inclusion in Code.** It is the intention of the Board of County Commissioners that the provisions of this ordinance shall become and be made a part of the the Code of Ordinances of Brevard County, Florida; and that the sections of this ordinance may be renumbered or relettered and that the word "ordinance" may be changed to "section", "article", or such other appropriate word or phrase in order to accomplish such intentions.

**DONE, ORDERED AND ADOPTED,** in regular session, this 4th day of August, 2016.

Attest:



*Scott Ellis*

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Scott Ellis, Clerk

( S E A L )

BOARD OF COUNTY  
COMMISSIONERS OF BREVARD  
COUNTY, FLORIDA



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Jim Barfield, Chairman  
(as approved by the Board on August 4, 2016)

Reviewed for legal form and content by: \_\_\_\_\_



## FLORIDA DEPARTMENT *of* STATE

**RICK SCOTT**  
Governor

**KEN DETZNER**  
Secretary of State

August 5, 2016

Honorable Scott Ellis  
Clerk  
Board of County Commissioners  
Brevard County  
Post Office Box 999  
Titusville, Florida 32781-0999

Attention: Ms. Deborah Thomas, Administrative Assistant

Dear Mr. Ellis:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Brevard County Ordinance No. 2016-13, which was filed in this office on August 5, 2016.

Sincerely,

Ernest L. Reddick  
Program Administrator

ELR/lb

Brevard County Attorney  
Ordinance Approval Sheet

**SECTION I**

The following information must be completed on all ordinances submitted to the Board:

Ordinance Name: <i>Temp. Package Storage Units</i>		Ordinance Author: <i>Rick Enos</i>	
Division Name: <i>Zoning</i>	Mail Stop: <i>81</i>	Review Deadline: <i>6/17/16</i>	
Date Sent by P&D: <i>5/10/16</i>			
Dept/Office Director: <i>Robert M. DeJairo</i>			
Meeting Date: (P&Z/LPA) <i>7/25/16</i>	(BCC) <i>8/4/16</i>	Advertising Deadline:	

**SECTION II**

COUNTY OFFICE

APPROVAL  
Yes No

INITIALS DATE

County Attorney's Office

*EB*

*5/17/2016*

Comments:

*Rec'd EB 5/17/2016*

*Approved w/changes noted. EB 5/17/2016.*