



AGENDA REPORT
April 9, 2019

Legislative Intent and Permission to Advertise, Re: Shipping Containers as Residential Accessory Storage Structures

SUBJECT:

Legislative Intent and Permission to Advertise, Re: Shipping Containers as Residential Accessory Storage Structures

DEPT/OFFICE:

Planning and Development

REQUESTED ACTION:

Staff is seeking legislative intent and permission to advertise an amendment to Chapter 62, Article VI, Zoning Regulations, and Board direction on establishing code provisions to allow or prohibit shipping containers as residential accessory storage structures.

SUMMARY EXPLANATION and BACKGROUND:

On January 22, 2019, the Board directed staff to prepare a report evaluating the use of shipping containers as residential accessory storage structures. This was in response to several residents voicing concerns with Zoning Interpretation 11-01 prohibiting the containers as residential storage structures.

The attached staff report evaluates using shipping containers as residential accessory storage structures. It discusses current code provisions considered in establishing the interpretation. While the interpretation does not specifically mention shipping containers, it does classify semi-trailers as commercial equipment. The code also limits the uses and structures within residential and residential/agricultural zoning classifications to "customarily residential". Staff's research on how other jurisdictions regulate the containers did not reveal a predominate trend in regards to allowances or prohibitions. A review of Code Enforcement cases indicated seven cases since the implementation of the interpretation. Containers in an unaltered state (windows, doorway, etc.) can be installed in compliance with the wind load requirements of the Florida Building Code.

The Board may wish to consider a code provision specific to either allowing or prohibiting shipping containers to be used as residential accessory structures. The following options have been provided to aid the Board in providing staff direction with a code amendment.

Option 1: Prohibit intermodal shipping containers in all residential and

residential/agricultural zoning classifications as provided by Zoning Interpretation 11-01, and approve legislative intent directing staff to prepare necessary ordinance amendments to codify the container prohibition.

Option 2: Allow intermodal shipping containers for use as residential accessory storage buildings in all residential and residential/agricultural zoning classifications and require permitting, setbacks, and size regulations as for any other accessory buildings. Approve legislative intent directing staff to prepare necessary ordinance amendments.

Option 3: Allow intermodal shipping containers for use as residential accessory storage buildings in residential and residential/agricultural zoning classifications with certain restrictions or conditions, and require permitting as required for any other accessory buildings. Approve legislative intent directing staff to prepare necessary ordinance amendments. See below list of possible restrictions or conditions:

- Limit the maximum size of containers.
- Provide minimum lot size requirements.
- Limit to one single-unit shipping container used as a storage building.
- Prohibit stacking of containers.
- Allow for residential storage use only, and no other use, i.e., cannot be used for living space, playhouse, studio, office, or other non-storage use.
- Prohibit advertisement or labels on the exterior.
- Require containers to be behind the principal building and shielded from view by 6-foot high opaque fencing, screening, or landscaping.
- Require siding and roof material architecturally and aesthetically consistent with the primary residential building, i.e., exterior finish, color, roof slope, and roof material.

ATTACHMENTS:

Description

- ▢ **Shipping Container Staff Report**
- ▢ **Petition in Support**



Tammy Rowe, Clerk to the Board, 400 South Street • P.O. Box 999, Titusville, Florida 32781-0999

April 10, 2019

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M E M O R A N D U M

TO: Tad Calkins, Planning and Development Director

RE: Item I.1., Legislative Intent and Permission to Advertise Amendment to Chapter 62, Article VI, Zoning Regulations, Regarding Allowing or Prohibiting Shipping Containers as Residential Accessory Storage Structures

The Board of County Commissioners, in regular session on April 9, 2019, approved Option 3, to approve legislative intent and permission to advertise an amendment to Chapter 62, Article VI, Zoning Regulations, to allow intermodal shipping containers for use as residential accessory storage buildings in residential and residential/agricultural zoning classifications with certain restrictions or conditions, and require permitting as required for any other accessory buildings; and directed staff to prepare necessary ordinance amendments, with the possible list of restrictions or conditions as follows:

- Limit the maximum size of containers.
- Provide minimum lot size requirements.
- Limit to one single-unit shipping container used as a storage building.
- Prohibit stacking of containers.
- Allow for residential storage use only, and no other use, i.e., cannot be used for living space, playhouse, studio, office, or other non-storage use.
- Prohibit advertisement or labels on the exterior.
- Require containers to be behind the principal building and shielded from view by six-foot high opaque fencing, screening, or landscaping.
- Require siding and roof material architecturally and aesthetically consistent with the primary residential building, i.e., exterior finish, color, roof slope, and roof material.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Rowe

Tammy Rowe, Deputy Clerk

cc: County Manager
County Attorney



BOARD OF COUNTY COMMISSIONERS

Planning & Development Department

2725 Judge Fran Jamieson Way
Building A, Room 114
Viera, Florida 32940

TO: Board of County Commissioners
THROUGH: Frank Abbate, County Manager
FROM: Tad Calkins, Planning & Development Director
SUBJECT: Shipping Container Staff Report Executive Summary
DATE: March 18, 2019

The Board at the January 22, 2018 regular meeting directed staff to create a report concerning the use of shipping containers as residential accessory buildings. The request was in response to public comments made by citizens that expressed their dissatisfaction with recent code enforcement actions concerning shipping containers. Staff informed the Board that code enforcement relies upon formal Zoning Interpretation 11-01, approved by the former Planning and Development Director on March 25, 2011 prohibiting the use of shipping containers on residential property.

Zoning Interpretation 11-01 references the various residential and residential agricultural zoning classifications within the County zoning codes. These zoning classifications allow accessory buildings and uses that are incidental to and customary to residential uses. The interpretation categorizes shipping containers as commercial equipment and therefore not considered customary to the nature and character of residential properties or neighborhoods.

The staff report provides information on the code sections utilized in the creation of Zoning Interpretation 11-01, background of shipping container use in the county, description and information on shipping containers and their construction, research results for other jurisdictions local, state and nationwide, current Code Enforcement actions, and Florida Building Code concerns.

Three options for consideration to assist the Board in achieving appropriate regulation and a reasonable level of code compliance, with an overall interest in the safety and economic welfare of the community are offered.

Option 1: Prohibit the use of shipping containers for use as residential storage buildings.

Option 2: Allow shipping containers for use as residential storage buildings.

Option 3: Allow shipping containers as residential storage buildings with certain restrictions, conditions, or limitations.



BOARD OF COUNTY COMMISSIONERS

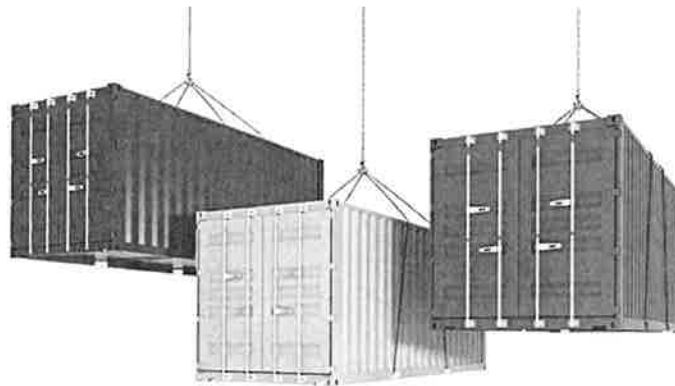
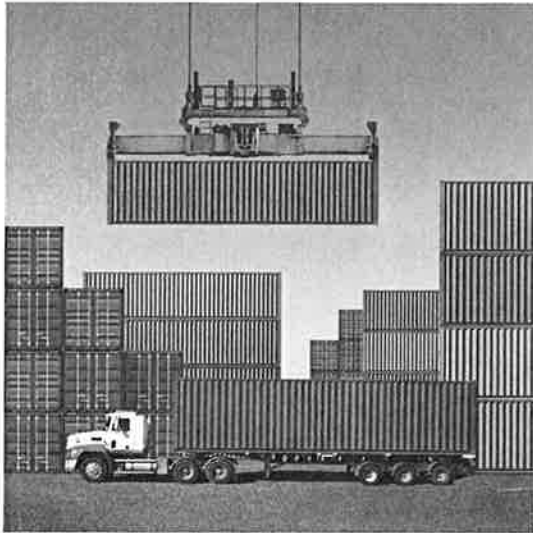
Planning & Development

2725 Judge Fran Jamieson Way

Building A, Room 114

Viera, Florida 32940

STAFF REPORT INTERMODAL SHIPPING CONTAINERS AS RESIDENTIAL STORAGE BUILDINGS



STAFF REPORT

Repurposed Intermodal Shipping Containers Used As Residential Storage Buildings

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EXHIBIT 1: Brevard County Clerk of Court memo dated January 23, 2019

EXHIBIT 2: Zoning Interpretation 11-01

EXHIBIT 3: Brevard County Code of Ordinances Sections 62-1102, 62-2117, 62-2115, & 62-1341

EXHIBIT 4: List of jurisdictions that prohibit and allow containers for residential storage

EXHIBIT 5: Example shipping container requirements, San Diego, CA.

STAFF REPORT
Repurposed Intermodal Shipping Containers
Used As Residential Storage Buildings

INTRODUCTION.

At the January 22, 2019, Board meeting several citizens spoke about their dissatisfaction with recent code enforcement actions against property owners prohibiting the use of shipping containers as residential storage buildings. Staff informed the Board that a formal Zoning Interpretation prohibiting the use of shipping containers on residential property was the basis of the code enforcement actions. Recognizing that the repurposing of shipping containers as stand-alone single unit buildings, combined multi-unit structures or incorporating containers as structural building elements and building materials is becoming more popular, the Board directed staff to create a report concerning the use of shipping containers as residential storage buildings [EXHIBIT 1].

This report provides information on the background of shipping container use in the county, description and information on shipping containers and their construction, current Code Enforcement actions, Florida Building Code concerns, and a summary that includes options for Board consideration to assist in achieving appropriate regulation and a reasonable level of code compliance, with an overall interest in the safety and economic welfare of the community. The focus of this report is on the use of single unit containers used for residential storage buildings.

ZONING INTERPRETATION 11-01.

Zoning Interpretation 11-01 identifies shipping containers among a list of commercial and industrial equipment, vehicles, and devices that, because of their commercial/industrial design and purpose, are not customary to residential settings, and therefore not permitted for use on residentially zoned properties [EXHIBIT 2]. The 2011 interpretation was in response to citizen complaints concerning shipping containers located on residential properties near them and concerns that the appearance and aesthetics of shipping containers were a detriment to residential property values and not in keeping with the nature of residential neighborhoods. The Zoning interpretation became necessary to clarify the use of shipping containers for customers and staff to insure consistency in code application.

The interpretation relies in part on the stipulation that accessory buildings and uses allowed in the individual residential and residential agricultural zoning classifications of the County Zoning Regulations are "customary" to residential uses and conducted in such a way as to minimize possible incompatibility with residential development. Furthermore, zoning regulations

considers semi-trailers as “commercial vehicles & heavy equipment” and limits them to commercial and industrial zoning classifications. Since containers are designed for and utilized as equipment for transporting cargo and freight goods on semi-trailers, by railroad, and on ships, they currently fall under the commercial equipment rather than being customary to residential uses.

CODE SECTIONS.

Relevant code sections include, but are not limited to, Sections 62-1102, 62-2117, 62-2115, and any of the residential zoning classifications. (Please note that 62-1341 has been included as example of typical residential classifications.) Please refer to full code sections attached [EXHIBIT 3].

Section 62-1102. - Defines accessory building or use as a building, structure or use with a nature customarily incidental and subordinate to, the principal use or structure. In addition, it identifies storage sheds as accessory structures.

Section 62-2117. – Defines commercial vehicles and heavy equipment as semi-trailers; tractors for semi-trailers; trucks; step-vans; box trucks; construction equipment; cement mixers; compressors; forklifts; buses; tow trucks; dump trucks; trucks with roll-back beds; trailers; any other similar vehicles, equipment and machinery classified as commercial by the manufacturer. Section 62-2117(c)(2) limits the parking and storage of the commercial vehicles and heavy equipment to BU2, GML, IU, IU-1, PBP and PIP zoned property.”

Section 62-2115(c). - Exempts metal buildings as accessory structures in residential land use categories from the standards intended for commercially metal buildings.

Section 62-1341. (residential zoning classification example) - Establishes the standards for residential character of the RU-1-9 zoning classification as lands devoted to single-family residential development of spacious character, together with such accessory uses as may be necessary or are normally compatible with residential surroundings. Section 62-1341(2) allows accessory buildings and uses customary to residential as a permitted use.

SHIPPING CONTAINERS IN GENERAL.

The repurposed intermodal shipping container industry is a multi –billion-dollar market and there are over thirty million shipping containers in use around the world today. Drivers for this industry include availability, security, strength and durability, mobility, stackability, and speed of construction and installation.

Intermodal shipping containers, commonly referred to as shipping containers, CONEX (Container for Export) boxes, and Cargo or freight containers are heavy steel constructed

containers used for transporting freight and cargo by road, rail, and sea. Shipping containers are required to meet the International Standardization Organization (ISO) design and testing standards and maintained to standards defined by the International Maritime Organization (IMO) "Convention for Safe Containers". ISO is a worldwide membership federation of national standards bodies that has established ISO Standard 1496-1 freight and general-purpose cargo container specifications and testing standards. ISO Standard 1496-1 is also adopted by the U.S. Federal Government under 49 CFR Sections 173.411(b) (6) (iii). The IMO is a specialized agency of the United Nations responsible for international shipping safety and security.

ISO steel shipping container design and construction ensures survival in the harsh environment of the high seas, open road and rail travel. The typical construction of the steel containers includes 14 gauge-corrugated steel wall and roof panels attached to seven gauge tubular steel frames, with one and one half inch thick marine grade plywood or hardwood floors, locking steel doors, and water resistant welded seams. Typical containers sizes are 10, 20, 40, and 45 feet in length, 8 feet wide and 8.5 feet in height. Taller 9.5 feet high containers, known as high cube containers, are also common.

Staff research found that shipping container cost range is about \$1,500- \$7,000 (not including delivery costs). Shipping companies typically depreciate container service lifespan over a 10-12 year period. Dependent upon condition, maintenance and use, containers offered for sale in the aftermarket can last many years. "One Trip" containers are also available for aftermarket sale that are like new condition, and dependent upon use can last 25+ years.

OTHER JURISDICTIONS.

Staff inquiries to surrounding jurisdictions and research at the state level revealed the prohibition or allowance of shipping containers for use as residential storage buildings varied from jurisdiction to jurisdiction [EXHIBIT 4]. There were no apparent trends relating to the prohibition or allowance of the shipping containers with 55% of 27 jurisdictions prohibiting them. Some jurisdictions have developed additional requirements such as visual/architectural design standards to address aesthetic concerns, and others have included screening/fencing requirements and provisions requiring containers be placed behind the primary residence and not be visible from the street or adjoining properties of less intense zoning or use. (See example EXHIBIT 5, San Diego, CA requirements.)

CODE ENFORCEMENT.

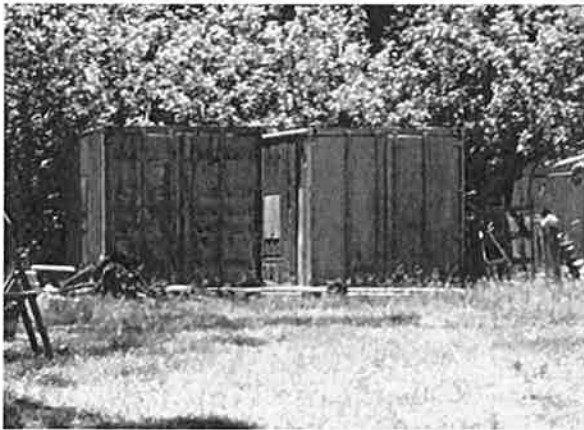
Review of Code Enforcement case files from December 2017 to the present reveals seven cases investigated for placement of shipping containers on residential property out of 2,279 total cases investigated. Pursuant to Board direction, active cases are on hold pending Board consideration of the shipping container issue and those with fines accruing or liens are in deferral. The table below identifies the aforementioned Code Enforcement cases. The majority

of the cases have been complied prior to fines be assessed. Also, the bulk of the cases are in the Canaveral Groves Area.

Case Number	Commission District/Location	Zoning Classification	Acres	Case Status
17CE-02269	District 1, Canaveral Groves Area	Agricultural Residential (AU)	1.00 acres	Complied, \$350.00 hearing administrative costs assessed.
18CE-01083	District 4, Harlock Road, Melbourne Area	Rural Residential (RR-1)	1.02 acres	Lien Order, Lien imposed for \$25.00 per day fine beginning November 11, 2018, \$550.00 hearing administrative costs assessed.
18CE-00033	District 1, Sharpes Area	Single Family Residential (RU-1-7)	0.24 acres	Complied (container removed) prior to hearing, no fines, costs, or lien
18CE-01986	District 1, Canaveral Groves Area	General Use (GU)	1.00 acres	Complied (container removed) prior to hearing, no fines, costs, or lien
18CE-02061	District 1, Canaveral Groves Area	General Use (GU)	1.00 acres	Complied (container removed) prior to hearing, no fines, costs, or lien
18CE-02107	District 1, Canaveral Groves Area	General Use (GU)	1.17 acres	Complied (container removed) prior to hearing, no fines, costs, or lien
18CE-02161	District 1, Mims Area	Single Family Residential (RU-1-7)	0.53 acres	Notice of violation sent to owner

Code Enforcement case file photos of shipping containers on residential properties:





FLORIDA BUILDING CODE.

The Florida Building Code provides for minimum structural design loads including gravity loads and wind loads, as well as fire safety and life safety standards. The International Standardization Organization (ISO) 1496-1 testing standards for shipping containers mentioned earlier stipulate compliance with static and dynamic design load factors far in excess of the minimum design load requirements of the Florida Building Code. The probability of damage from hurricane or high wind events is very low, however uplift and overturning are a concern for containers not anchored or secured to the ground in such events. Additionally, container installation should require placement on foundation piers or on concrete slabs to safeguard against rust and corrosion, and provide protection from insect damage to the wood flooring. Generally, shipping containers repurposed for use as residential storage buildings can comply with Florida Building Code standards when properly installed and anchored to the ground. Compliance with these concerns can be resolved through the building permit and inspection process. Shipping containers are more durable than most manufactured residential storage sheds and storage buildings on the market today.

SUMMARY/ACTIONS FOR BOARD CONSIDERATION.

Zoning Interpretation 11-01 relies upon language within the County Zoning Regulations classifying containers as commercial vehicles or heavy equipment that are not customary uses on residential properties and therefore not allowed for use as residential storage buildings. The interpretation was in response to citizen complaints received in 2010/2011 concerning shipping containers placed on residentially classified properties. The key concern raised by the complainants was the visual appearance or aesthetics and potential negative affect upon property values.

Information in this report provides background on the shipping container industry standards, building code concerns, and how other jurisdictions are regulating containers. Current Code

Enforcement actions reveals, most shipping containers are located on agricultural and rural residential lands with lots or parcels of one acre +/- in area. Research of other jurisdictions revealed a mixture of regulations ranging from prohibiting containers on residential land to allowing or allowing with certain conditions.

The Board directed staff to examine shipping containers and the possible utilization of said containers for residential storage buildings. Staff research reveals that the containers, when properly installed, can meet the minimum structural standards of the Florida Building Code. The key concern is the commercial/industrial aesthetic appearance and nature of shipping containers and if they can be considered compatible to residential property when repurposed as storage buildings.

The Board should first determine whether they desire to allow intermodal shipping containers as residential storage buildings, or prohibit the containers. Below are options for the Board to consider.

Option 1:

Prohibit intermodal shipping containers in all residential and residential/agricultural zoning classifications as provided by Zoning Interpretation 11-01, and approve legislative intent directing staff to prepare necessary ordinance amendments to codify the container prohibition.

Option 2: Allow intermodal shipping containers for use as residential accessory storage buildings in all residential and residential/agricultural zoning classifications and require permitting, setbacks, and size regulations as for any other accessory buildings. Approve legislative intent instructing staff to prepare necessary ordinance amendments.

Option 3: Allow intermodal shipping containers for use as residential accessory storage buildings in residential and residential/agricultural zoning classifications with certain restrictions or conditions, and require permitting as required for any other accessory buildings. Approve legislative intent directing staff to prepare necessary ordinance amendments. See below list of possible restrictions or conditions:

- Limit the maximum size of containers.
- Provide minimum lot size requirements.
- Limit to one single-unit shipping container used as a storage building.
- Prohibit stacking of containers.
- Allow for residential storage use only, no other use, i.e., cannot be used for living space, playhouse, studio, office or other non-storage use.

- Prohibit advertisement or labels on the exterior.
- Require containers to be behind the principal building and shielded from view by six foot high opaque fencing, screening or landscaping.
- Require siding and roof material architecturally and aesthetically consistent with primary residential building, i.e., exterior finish, color, roof slope and roof material.

The information in this report and the options are to assist the Board in establishing appropriate regulations and a reasonable level of code compliance, with an overall interest in the safety and economic welfare of the community.

REFERENCES.

- International Organization for Standardization (ISO) 1496-1: Series 1 Freight Containers Specifications and Testing.
- Residential Shipping Container Primer, ISO Shipping Container and Building Code Requirements.
- International Code Council (ICC) ICC G5-20-18 Guidelines for Safe Use of ISO Intermodal Shipping containers Repurposed as Buildings and Building Components.
- Intermodal Steel Building Units and Container Homes (ISBU) Association Shipping container Specifications.
- Container Tech, Inc. - How Durable are Shipping Containers?
- County of San Diego, Planning and Development Services – Requirements for Placing Sea Cargo Container on Private Lot.
- City of Portland, Oregon Bureau of Development Services Code Guide Cargo Containers used as Accessory Storage Structures.

BREVARD County

BOARD OF COUNTY COMMISSIONERS

FLORIDA'S SPACE COAST



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

January 23, 2019

MEMORANDUM

TO: Tad Calkins, Planning and Development Director

RE: Item G., Report to Examine Containers

The Board of County Commissioners, in regular session on January 22, 2019, directed you to prepare a report that examines containers and to see how they may be possibly utilized for residential storage buildings or not; authorized Code Enforcement not to proceed with Code Enforcement complaints for eight weeks regarding containers; and directed you to include in the report the deferral of any fines that have already been imposed.

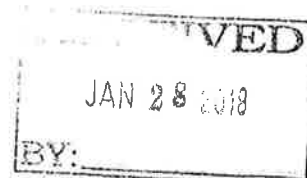
Your continued cooperation is greatly appreciated.

Sincerely yours,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Rowe, Deputy Clerk

/ds

cc: Code Enforcement Manager
Each Commissioner
County Manager
County Attorney
Finance
Budget



ZONING INTERPRETATION

BREVARD COUNTY PLANNING & DEVELOPMENT DEPARTMENT

NUMBER	11-01
SHORT TITLE	Residential Accessory Structures
APPROVED	March 25, 2011
CANCELS	N.A.

I. PROVISIONS INTERPRETED:

Accessory structure provisions in all residential and residential/agricultural zoning classifications (excluding Sections 62-1332 and 62-1333, which are intended for productive agriculture), including single family, multi-family, mobile home, PUD/RPUD and RP zoning classifications.

(2) *Accessory buildings or uses.* Accessory buildings and uses customary to residential uses are permitted.
and

(2) *Accessory buildings or uses.* Accessory buildings and uses customary to residential and agricultural uses are permitted.

II. SITUATION DESCRIPTION:

There have been requests to obtain building permits to place/use/install shipping containers, semi-tractor trailer style compartments, buses, commercial vehicles, and similar items as accessory or storage structures on residential and residential/agricultural zoning classifications.

III. INTERPRETATION STATEMENT:

The above style devices are designed for commercial or industrial purposes and are not customary to residential settings. Therefore, they cannot qualify as accessory structures or uses in residential or agricultural/residential zoning classifications, regardless of whether they can meet zoning setbacks, building code structural integrity standards and may otherwise be eligible for building permits.

This interpretation is not intended to regulate the temporary placement of storage containers as provided for in Section 62-2117.5.

March 25, 2011
Date

Robin M. Sobrino

Robin M. Sobrino, AICP, Director
Planning & Development Department

EXHIBIT 3

Section 62-1102. - Definitions and rules of construction.

For the purpose of this article, the following terms shall have the meaning set forth in this section. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular, and words in the singular number include the plural. The word "shall" is always mandatory and not merely directory.

Accessory building or use means a building, structure or use on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure, provided the building, structure or use shall be constructed after or concurrently with the principal structure.

(1) Accessory buildings or structures include but are not limited to private garages, storage sheds, carports, greenhouses, gazebos, cabanas, utility buildings/rooms, verandas, glass rooms, porches, screened porches or awnings, swimming pools and screened enclosures, and private residential boat docks with up to two slips for use of the occupants of the principal residential structure. Buildings or structures secondary and incidental to agricultural uses include, but are not limited to stables, barns, paddock areas and storage areas. Accessory buildings or structures may have a full or half bath; but may not have living quarters or a kitchen, unless such structure is a guesthouse consistent with section 62-1932.

(2) Accessory uses include a child or adult day care center accessory to a church, a golf driving range accessory to a golf course, and the package sales of alcoholic beverages accessory to a convenience store. Pursuant to subsection 62-2100.5(1)(f), one single-family garage apartment is accessory to a single-family residence in multi-family zoning classifications. Pursuant to subsection 62-2100.5(2), horses and agricultural pursuits are accessory to a principal residence.

(3) Except where otherwise provided in this section, an addition which is attached to a principal structure shall not be considered an accessory building, but shall be considered part of the principal structure. "Attached" for the purpose of this regulation means that the addition is integrated visually, structurally and architecturally with the principal structure, contains a common roof with similar design to the principal structure, and permits access between the principal structure and the addition either internally or under the common roof. If there is a connection between the addition and the principal structure which is not enclosed but is comprised solely of the common roof, then the addition shall be considered part of the principal structure if the length of the connection does not exceed the length of the addition by more than 50 percent (or 20 feet, whichever is less). Otherwise, the addition shall be considered a detached accessory structure. "Enclosed" for the purpose of this regulation means an area under a roof which has solid walls at least four feet in height around its entire circumference, or which is 100 percent screened from floor to ceiling, such that the enclosed inside space is clearly separated from the outside space.

EXHIBIT 3

Section 62-2117. - Parking, locating and storing of recreation vehicles and equipment, commercial vehicles and heavy equipment, and motor vehicles and recreational vehicles for sale.

(a) Definitions. For purposes of this section:

(1) Cargo van means any van under 24 feet where the area behind the driver is designed for transporting cargo or operated for general commercial use but has the same body shape as a passenger van.

(2) Commercial vehicles and heavy equipment means commercial, industrial or agricultural vehicles, equipment or machinery, whether or not the vehicle, equipment or machinery is licensed or otherwise authorized to travel upon the roads of the state, specifically including but not limited to: semi-trailers; tractors for semi-trailers; trucks; step-vans; box trucks; construction equipment; cement mixers; compressors; forklifts; buses; tow trucks; dump trucks; trucks with roll-back beds; trailers; any other similar vehicles, equipment and machinery classified as commercial by the manufacturer; and pickup trucks, passenger vans, and cargo vans used for commercial purposes.

(3) Developed property means that there is a structure or other improvement on the property that meets the requirements of the zoning classification.

(4) Driveway area means that area of a lot between the garage or motor vehicle parking area and the abutting right-of-way that is stabilized or paved and utilized for the purpose of giving access for moving motor vehicles from the motor vehicle parking area to the abutting right-of-way. As part of this definition, driveway access means a path for a vehicle giving access from abutting property to a road.

(5) Front yard area means that portion of the lot area extending along the full width of a front property line between side property lines and from the front lot line to the front building line of the residential building.

(6) Opaque barrier means complete visual screening accomplished by way of vegetation, wall or fencing, a minimum of six feet in height, but not exceeding the height standards set forth under section 62-2109 for walls and fences.

(7) Passenger van means any van under 24 feet where the area behind the driver is designed for carrying passengers.

EXHIBIT 3

(8) Pickup truck means any truck under 24 feet where the cab is designed for carrying passengers and the open bed is designed primarily for carrying property.

(9) Rear yard shall mean that portion of the lot extending from the back building line of the principal structure between the side property lines and the back lot line.

(10) Recreational equipment means any vehicle, vessel or equipment designed for outdoor recreational use that is not otherwise defined as a recreational vehicle. Such equipment may include, but is not limited to, boats (including airboats and jet-boats), personal watercraft (jet-skies and the like), all-terrain vehicles (ATVs), dirt bikes, go-karts, golf carts, low-speed vehicles as defined by F.S. § 320.01 (such as neighborhood vehicles), and any other similar vehicle, vessel or equipment, but does not include trailers designed to haul such equipment (such as boat trailers).

(11) Recreational vehicle means any vehicle, as defined by F.S. § 320.01(1)(b), which is designed as temporary living quarters for recreational, camping, or travel use, which either has its own mode of power or is mounted on or drawn by another vehicle. Such vehicles include travel trailers, camping trailers, truck campers, motor homes, private motor coaches, van conversions and fifth-wheel trailers, but does not include park trailers, which are designed for permanent location and connected to utilities in a RV park.

(12) Side yard means that portion behind the front yard area of the primary structure between the side lot lines and the back yard area.

(13) Stabilized area means an area constructed of aggregates, concrete, asphalt, gravel, masonry, road base, or other similar type materials utilized to support the storage of recreational vehicles and equipment. For purposes of this section, the term stabilized shall not include a grassed area or an area that is only cleared of vegetation or mulched.

(14) Trailer means any vehicle, with or without full or partial walls or roof, which is designed to haul any type of cargo while being towed behind a motor vehicle on public roads. This does not include trailers for semi-trucks.

(b) Recreational vehicles and recreational equipment. Recreational vehicles and recreational equipment may be parked, located or stored at developed single-family or multiple-family residential properties (not on vacant properties) under the following conditions:

(1) Use. The recreational vehicle or recreational equipment shall:

a. Be owned or used by the property owner, occupant or guest.

EXHIBIT 3

- b. Be for the personal off-site recreational use of the owner, occupant, or guest.
- c. Not be used for residential or commercial purposes.
- d. Not be connected to utilities to accommodate residential use.

(2) Number and location. The maximum number and location of recreational vehicles and recreational equipment is as follows:

- a. Where the property is greater than $\frac{1}{2}$ acre in size, there is no limitation upon the number of recreational vehicles and/or recreational equipment permitted on the property.
- b. Where the property is $\frac{1}{2}$ acre or less, the following requirements shall apply:
 - 1. Not more than one recreational vehicle or recreational equipment shall be permitted in the front yard area. The recreational vehicle or recreational equipment shall be parked in a driveway area, shall observe the side/side street setback requirement of the applicable zoning classification, but not less than five feet, and shall be parked perpendicular to the street upon which the driveway is accessed. The interior edge of the driveway may be expanded to accommodate the parking and storage where the required side setback cannot otherwise be met without widening the driveway area.
 - 2. The side yard areas may be used for the parking and storage of the recreational vehicle or recreational equipment, provided that said vehicle or equipment is parked/stored behind the front building line of the primary structure. In the event that the recreational vehicle cannot be entered or exited by the owner when parked behind the front building line, the recreational vehicle may extend forward of the front building line only to the extent to permit entry into/exit from the vehicle.
 - 3. The rear yard area may be used for the parking and storage of recreational vehicle or equipment.
 - 4. A maximum of two recreational vehicles or recreational equipment may be parked or stored on a property of $\frac{1}{2}$ acre or less, in accordance with this subsection, without opaque screening. In the event that more than two recreational vehicles or recreational equipment are parked and stored on a property of $\frac{1}{2}$ acre or less, said additional vehicles/equipment must be screened on all four sides by an opaque barrier.

EXHIBIT 3

- c. There is no limit imposed for recreational vehicles or recreational equipment that are parked or stored in a garage or other completely enclosed structure.
- d. Recreational vehicles or equipment may be temporarily parked in the right-of-way or front or side street yard (subject to local traffic regulations) only when expeditiously packing or unloading for up to 24 hours, but not in a manner that blocks the street or sidewalk.
- e. Boats that are stored in the water or on a dock at waterfront lots are exempt from the limitations of this subsection.
- f. A boat that must be transported by trailer shall be stored on a trailer.
- g. Empty boat trailers and jet-ski trailers may be parked or stored in the five foot front-side property line setback.

(3) In any single-family or multiple-family residential development, the common storage of trailers, recreational vehicles and boats may be permitted if a portion of the project is specifically designed and designated on the plat or site plan for the storage of such vehicles. An enclosure providing a visual barrier for such areas shall be required as a condition of subdivision plat or site plan approval. All multiple-family developments of 30 dwelling units or more shall provide, at a minimum, one such space for each 15 dwelling units.

(c) Commercial motor vehicles; heavy equipment; commercial pickup trucks, passenger vans and cargo vans; and trailers.

(1) Commercial motor vehicles and heavy equipment shall not be permitted to be parked or stored on any zoning classification or the abutting right-of-way unless specifically permitted under this chapter. Commercial vehicles shall not be parked, stored or located at any location in a manner that blocks a street or sidewalk or causes a traffic sight obstruction.

(2) Commercial motor vehicles or heavy equipment shall be permitted to be parked, stored or located on developed BU2, GML, IU, IU-1, PBP and PIP zoned property.

(3) Commercial motor vehicles may be parked, stored, or located in any zoning classification or abutting right-of-way, if it is being temporarily utilized on the site in conjunction with a lawful or permitted activity on that specific lot, parcel or track of land, or is in the process of expeditiously loading or unloading goods or merchandise but not in a manner that blocks the street or sidewalk or causes a traffic sight obstruction.

EXHIBIT 3

(4) Commercial motor vehicles may be parked, stored, or located on developed BU-1-A, BU-1, and IN(H) zoned property under the following conditions: a. If the BU-1-A, BU-1, or IN(H) zoned property abuts residential zoned properties, then all commercial vehicles or equipment in conjunction with that business operations must be parked, stored, or located to the rear of the main structure and be completely screened on all four sides by an opaque visual barrier. b. If the BU-1-A, BU-1, or IN(H) zoned property does not abut residential zoned properties, then all commercial vehicles or equipment in conjunction with that business operations must be parked, stored, or located to the rear of the main structure or at a designated loading dock specifically designed and site planned for loading and unloading cargo, or in an area designated on a site plan that complies with section 62-3206.

(5) Commercial pickup trucks, passenger vans and cargo vans, and trailers. a. Pickup trucks, passenger vans, and cargo vans may be parked, stored or located on developed BU-1-A, BU-1 and IN(H) zoned properties if minimum conditions set forth in section 62-3206 have been satisfied. b. Pickup trucks, passenger vans, cargo vans and trailers may be parked, stored or located on developed IN(L) and any developed residential zoned property within the boundaries of the property lines.

(6) Commercial motor vehicles or heavy equipment of an agricultural nature which is accessory to a primary agricultural use shall be allowed to be parked, stored or located in the GU, AU, AGR, ARR, and PA zoning classifications. Equipment which is necessary to maintain privately maintained, unpaved roads or access easements and which is not otherwise used for offsite commercial purposes shall also be allowed to be parked or stored on lots within areas defined in section 62-1334.5. The lot on which such equipment is stored must be located on a privately maintained, unpaved road or access easement as described above, and if such road or easement is paved or becomes publicly maintained, the equipment must be removed from the lot within a six month period.

(7) Certain commercial motor vehicles may be parked in the TU-1 and TU-2 zoning classifications under the following conditions: a. Commercial buses may be parked at hotels, restaurants, and attractions so that passengers can temporarily utilize these facilities. b. Commercial motor vehicles may be parked at hotels and restaurants if passengers of the vehicles are customers of such establishments. c. Commercial vehicles shall not be parked within 50 feet of any property zoned for residential uses. d. Commercial vehicles with refrigeration units shall not be permitted under any circumstances. e. Commercial vehicles shall be expeditiously started for departure and their engines shall not be engaged except when entering and leaving the parking lot.

EXHIBIT 3

(8) Two-axle step-vans. Two-axle step-vans associated with the principal use of the property may be parked, stored or located on developed IN(L) zoned property within the boundaries of the property lines.

(9) Tow trucks. Tow trucks may be parked, stored or located on developed IN(L) and any developed residential zoned property if the tow truck is parked behind a six-foot high fence and behind the front building line.

(d) Motor vehicles or recreational vehicles for sale which are parked, stored or located on property not a licensed and permitted sales facility:

(1) No motor vehicle or recreational vehicle or equipment shall be placed for sale or parked, stored or located on unimproved vacant or vacant improved property unless the property has been specifically site planned for such placement or storage.

(2) At no time shall any vehicle for sale be parked, stored or located on the right-of-way.

Section 62-2115. - Metal buildings.

(a) Metal buildings are permitted in the BU-1 general retail commercial, TU-1 general tourist commercial, TU-2 highway transient tourist and the PBP planned business park zoning classifications subject to the following criteria:

(1) The front of the metal structure shall be galvanized, and shall utilize factory finished painted siding, at a minimum.

(2) The roofline shall be architecturally treated with a mansard roof or in another acceptable manner to enhance the appearance of the front of the metal structure.

(b) Accessory metal structures with exterior metal skin may be utilized in the commercial zones listed in this section if they are located to the rear of the rear building line of the principle structure and to the rear of the side building line of the principle structure from a side street.

(c) Nothing in this section shall prohibit the use of metal buildings for accessory structures in residential land use categories.

(d) This section shall not prohibit the use of metal buildings in BU-2 retail warehousing and wholesale business or any industrial zoning classification.

EXHIBIT 3

Section 62-1341. - Single-family residential, RU-1-9.

The RU-1-9 single-family residential zoning classification encompasses lands devoted to single-family residential development of spacious character, together with such accessory uses as may be necessary or are normally compatible with residential surroundings.

(1) *Permitted uses.*

a. Permitted uses are as follows:

One single-family residential detached dwelling.

Parks and public recreational facilities.

Private golf courses.

Foster homes.

Sewer lift stations.

b. Permitted-uses with conditions are as follows (see division 5, subdivision II, of this article):

Group homes, level I, subject to the requirements set forth in section 62-1835.9.

Power substations, telephone exchanges and transmission facilities.

Preexisting use.

Private parks and playgrounds.

Resort dwellings.

Temporary living quarters during construction of a residence.

(2) *Accessory buildings or uses.* Accessory buildings and uses customary to residential uses are permitted. (Refer to definition cited in section 62-1102 and standards cited in section 62-2100.5).

(3) *Conditional uses.* Conditional uses are as follows:

Bed and breakfast inn.

Change of nonconforming agricultural use.

Guesthouses or servants' quarters, without kitchen facilities.

Land alteration (over five acres and up to ten acres).

Recreational facilities.

Recreational/residential marina.

EXHIBIT 3

Resort dwellings.

Single-family residential second kitchen facility.

Skateboard ramps.

Substantial expansion to a preexisting use.

Wireless telecommunication facilities and broadcast towers.

Zero lot line subdivision.

- (4) *Minimum lot size.* An area of not less than 6,600 square feet is required, having a width of not less than 66 feet and having a depth of not less than 100 feet.
- (5) *Setbacks.*
 - a. Structures shall be set back not less than 20 feet from the front lot line, not less than seven and one-half feet from each side lot line, and not less than 20 feet from the rear lot line, except for screen porches, which shall be set back not less than ten feet from the rear lot line. On a corner lot, the side street setback shall be not less than 15 feet. If a corner lot is contiguous to a key lot, then the side street setback shall be not less than 20 feet.
 - b. Accessory buildings shall be located to the rear of the front building line of the principal building, and no closer than seven and one-half feet to the rear and side lot lines, but in no case within the setback from a side street, with a minimum spacing of five feet from all other structures.
 - c. The front setback may be reduced to 15 feet where an alley is provided and all lots in the development utilize the alley for vehicular access.
- (6) *Minimum floor area.* Minimum floor area is 900 square feet of living area.
- (7) *Maximum height of structures.* Maximum height of structures is 35 feet.

EXHIBIT 4

List of Jurisdictions that prohibit or allow shipping containers for residential storage building use.

PROHIBIT	ALLOW
City of Cocoa	City of Cape Canaveral
Town of Grant Valkaria	City of Cocoa Beach
Town of Indialantic	City of Melbourne
City of Indian Harbor Beach	City of Palm Bay
Melbourne Village	City of West Melbourne
Town of Melbourne Beach	City of Satellite Beach
Town of Palm Shores	Town of Malabar
City of Rockledge	Orange County
City of Titusville	Seminole County
City of Orlando	Indian River County
Osceola County	Polk County
Volusia County	Palm Beach County
Collier County	
Lake County	
Miami Dade County	



County of San Diego, Planning & Development Services

**REQUIREMENTS FOR PLACING A SEA
CARGO CONTAINER ON A PRIVATE LOT**
ZONING DIVISION

Pursuant to Section 6162 of the Zoning Ordinance, a building permit is required to place a Sea Cargo Container on a lot and a demolition permit to remove a Sea Cargo Container

A. Requirements: before placing a Sea Cargo Container on a lot, you must fully comply with Section 6162 of the County of San Diego Zoning Ordinance:

1. Property owners claiming to be an agricultural operation must provide substantial evidence of use, **such as aerial photos of the last 30 years, showing the agricultural operation in place**, or dated photographs, business tax records, business receipts, customer orders, or other significant information related to an active agricultural operation. The **burden of proof of use is the responsibility of the property owner**, they must show evidence that the agricultural operation has been in place for the last 30 years; or was legally established with the appropriate permits.
2. On building sites where the primary use is residential a Sea Cargo Container shall only be allowed if it is not visible from that portion of any road (whether public, private, and/or private road easement) that directly abuts the subject parcel (See next page for illustration only). If existing landscaping is used as screening, it shall be indicated on the building plans and photos shall be submitted as evidence. If fencing is used as screening, please see Section 6708 of the Zoning Ordinance for fencing regulations.
3. On building sites of less than 2 acres (net) where the primary use is residential only one Sea Cargo Container is allowed, not exceeding 320 square feet and the container is only permitted for up to 180 consecutive days, starting from the date of permit issuance. A demolition permit is required to confirm removal of the Sea Cargo Container. On building sites of more than 2 acres (net) with a legally established primary use, a Sea Cargo Container(s) is allowed if it complies with the other requirements of Section 6162.
4. Sea Cargo Containers must meet setback requirements for accessory structures.
5. Sea Cargo Containers can normally only be used for storage. However, if it is used for any other approved purpose, such as a pool, residence, or recreation room, etc. the Sea Cargo Container must be completely screened, so it does not look like a Sea Cargo Container anymore.
6. A Sea Cargo Container may be allowed in commercial and industrial zoned areas only if there is a legally established primary use on-site and all parking requirements are maintained.
7. Sea Cargo Containers are allowed in all zones temporarily to store building materials during the construction pursuant to an active building permit. If the building permit is expired, the Sea Cargo Container shall be removed with a demolition permit.



County of San Diego, PDS, Zoning Division
REQUIREMENTS FOR PLACING A SEA CARGO CONTAINER ON A PRIVATE LOT

Continued

ILLUSTRATION: Possible location of a Sea Cargo Container, because the container is not visible from abutting street. (A street is a County road, State highway, public road, street or alley, or private thoroughfare or easement (or proposed private thoroughfare or easement shown on a recorded parcel map) not less than 10 feet in width which affords primary access to an abutting lot.)

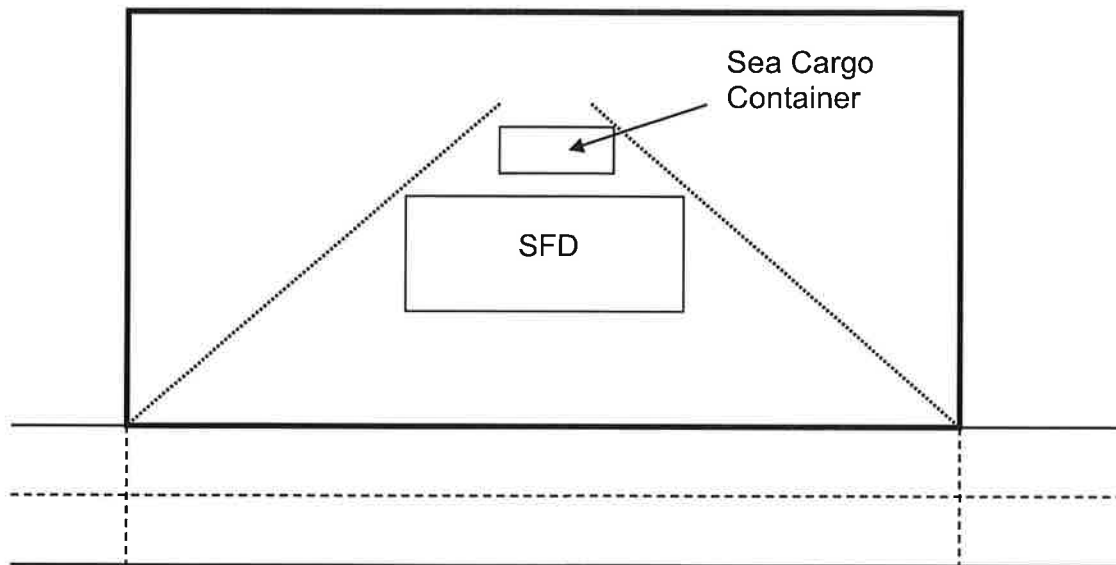
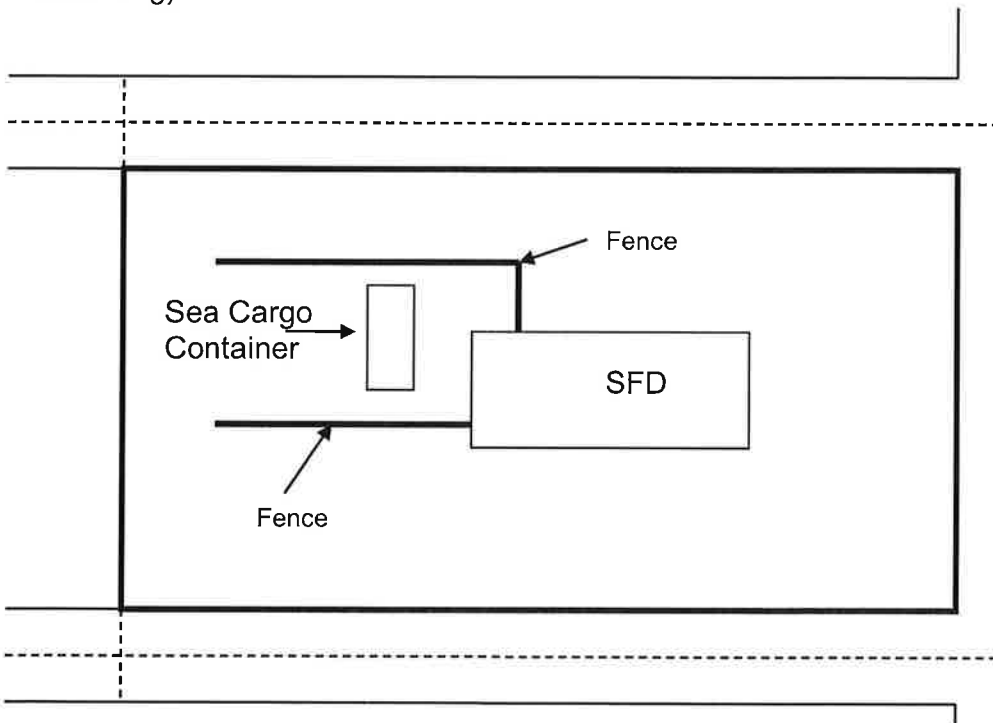


ILLUSTRATION: Possible location of a Sea Cargo Container, because the container is screened by an existing fence (see Section 6708 of the Zoning Ordinance for fencing regulations). A Sea Cargo Container can only be screened by existing landscaping (new landscaping does not qualify as screening).





County of San Diego, PDS, Zoning Division
REQUIREMENTS FOR PLACING A SEA CARGO CONTAINER ON A PRIVATE LOT

Continued

8. The square footage of the Sea Cargo Container shall be added to the allowable combined square footage of all existing and/or proposed accessory structures pursuant to 6156.g.

Lot Size (gross)	Det. Accessory Structures in all Res, Ag & S92 Zones (formerly 6156.g and 6156.h)
< 1/2 ac	1,450 sf <i>(only in zones subject to a Residential Use Regulation and in the S88 Use Regulations where residential uses occur)</i>
< 1 ac	2,000 sf
1 ac - <2 ac	3,000 sf
2 ac - <4 ac	4,000 sf
4 ac - <8 ac	5,600 sf
8 ac - <12 ac	6,400 sf
12 ac - <16 ac	7,200 sf
16 ac or more	8,000 sf

9. The exterior of every Sea Cargo Container shall be painted with one of the approved colors. The color shall be indicated on the plot plan. The following colors are approved:
- a. Flat, non-reflective dark green to match the surrounding area;
 - b. Flat, non-reflective white (this color is typically limited to AG uses);
 - c. Flat, non-reflective, tan to match the surrounding area; or,
 - d. Other solid neutral color that matches the surrounding natural environment (applicant must provide pictures of surrounding area to show compliance)
10. If you have an existing Sea Cargo Container that was legally placed on your parcel (with a building permit and before May 18, 2007) you are allowed to continue the use of the Sea Cargo Container as a non-conforming use for two more years. At or before May 17, 2009, the Sea Cargo Container shall be removed from the parcel with a demolition permit or you have to obtain a new building permit and be fully in compliance with Section 6162 of the Zoning Ordinance.

We, the undersigned people, are signing our names in support of changing the zoning interpretation in Section 62-2117.5 in such a way to allow for Conex and other such storage containers and sheds on our private property. We are willing to make modifications to the exterior of said containers and/or sheds; to include securing the containers to the ground in order to be hurricane code compliant.

Name	Email	Signature
Nan Alden	aldnan@aol.com	Nan Alden
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Brandon Jones		Brandon Jones
Samantha Anderson		Samantha Anderson
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[illegible]



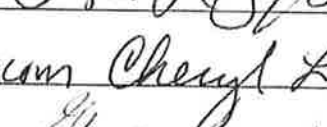
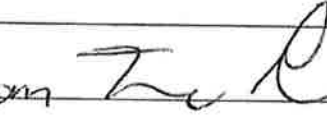

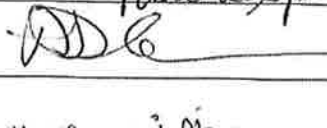
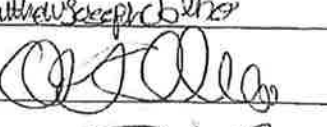
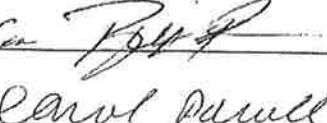

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Olena Williams		Olena Williams
Peter Polichonuk		Peter Polichonuk
Nataly Polichonuk		Nataly Polichonuk
Sutlana Lesyk		Sutlana Lesyk
Nancy Butler		Nancy Butler
Michael Clark		Michael Clark

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Karen Lepp	—	Karen Lepp
Karin Atwell	—	Karin Atwell
Yanion Loria	—	Yanion Loria
Cameron Wing	—	Cameron Wing
Janet Hall	—	Janet Hall
Lisa Atwell	—	Lisa Atwell

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