

Meeting Date
November 17, 2015



AGENDA	
Section	New Business
Item No.	<i>VI.F.2</i>

AGENDA REPORT
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

SUBJECT:	Use of Portable Storage Units for the Holidays
DEPT/OFFICE:	United Parcel Service Russell Rose

Requested Action:
 Request to modify zoning Codes for use of Storage Units.

Summary Explanation & Background:

It is requested the Board of County Commissioner change the Zoning codes to allow Portable Storage Units anywhere other than residential areas during the holiday season.

Contact: Russell Rose, UPS
 321-432-2488

Clerk to the Board Instructions:

Exhibits Attached:

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

County Manager	Assistant County Manager, Frank Abbate	Department Director / Extension
Stockton Whitten	Assistant County Manager, Venetta Valdengo	



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

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November 19, 2015

MEMORANDUM

TO: Stockton Whitten, County Manager

RE: Item VI.F.2., Citizen Request by Russell Rose, United Parcel Service (UPS), for Use of Portable Storage Units for the Holidays

The Board of County Commissioners, in regular session on November 17, 2015, directed staff to draft legislative intent to amend Ordinance No. 13-16, to allow portable storage units in GML Zoning areas during the holiday season; and to negotiate the price of locating the units on the properties.

Your continued cooperation is greatly appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Etheridge

Tammy Etheridge, Deputy Clerk

cc: Planning and Development Director

**PLANNING & DEVELOPMENT DEPARTMENT
STAFF REPORT RE: SEASONAL PORTABLE STORAGE UNITS**

The Zoning Regulations were amended in 2013 to include a provision that allows a parcel/package delivery service to have temporary storage units to facilitate local delivery within limited service areas during the winter holiday season. UPS has been utilizing this provision to establish temporary storage units in residential and commercial locations, whereby the packages are typically transferred from said storage units to the final destinations via golf carts. Temporary storage units are permitted in commercial, industrial, institutional and residential zoning classifications. Section 62-2117.5 (attached) stipulates conditions for the use of these storage units. In speaking with the UPS representative, he seeks to have the ordinance amended to permit the use of GML zoned (Government Managed Lands) properties.

Temporary storage units are permitted in the BU-1 and BU-2, industrial and institutional zoning classifications. Said units are subject to the following conditions:

1. They are not to be used to operate a business or serve to meet the commercial Business Tax Receipt (BTR) requirements.
2. They shall not remain on site longer than 90 days.
3. A maximum of one 90-day stay per property is allowed in a 12 month period.
4. They shall be located to minimize visibility from residential land uses and shall not be located between the front façade of the principal structure and any street right of way or in the required side or rear setback areas.
5. They shall not exceed 8 feet in width, 45 feet in length and 10 feet in height.
6. They shall not be stacked vertically.
7. No hazardous materials may be stored inside.
8. In the BU-1 classification ,they are limited to "big box" retailers.

In residentially zoned areas, these units are intended to facilitate final stage delivery of parcels to local residents. A building permit is required prior to locating the unit within a residential area, in order to ensure compliance with the locational/operational standards, as follows:

1. The package distribution distance between a site hosting a storage unit from other existing approved sites is a minimum of 1,000 feet in order to limit the truck traffic intrusion into the local residential community. Truck delivery to a unit is limited to two daily restocking visits, that may occur between 8 am and 6 pm, Monday through Saturday. Parcel distribution from the units within the local residential community is limited to the hours of 7 am and 8 pm, Monday through Saturday.
2. Units are limited to a maximum of 62 days and are allowed once per calendar year beginning November 1st and terminating on December 31st.

3. Units may only be placed in a common area tract of a recorded subdivision and must be approved by the local HOA. The use of residential garages and houses is prohibited. Delivery truck visitation of the storage unit shall be performed from approved driveways and driveway aprons in order to avoid damage to curbs, vegetation and sidewalks. The units cannot be located in a manner to obstruct pedestrian or vehicular traffic or impair a motor vehicle operator's view of cars, bicycles, or pedestrians upon entering/exiting a right-of-way.
4. Units cannot exceed 8 feet in width, 20' in length, and 8 feet in height.
5. Units cannot be stacked vertically.
6. No hazardous materials may be stored inside.

When evaluating this request, the Board should take into consideration the location of GML zoned properties. In addition to County office buildings, GML zoning is oftentimes located in residential areas, such as parks and fire stations. Operational needs of County facilities should also be a consideration in that the activities associated with these storage units may hamper or pose safety concerns to County workers, our public customers, or to the temporary labor hired to make seasonal deliveries. Lastly, when considering accommodation of a private entity's business request (such as UPS) on county owned property, it may necessitate offering a competitive selection process open to other delivery service companies.

Sec. 62-2117.5. Temporary storage units and parcel/package delivery service temporary storage units.

A portable temporary storage unit is any container designed for the storage of private property, which is typically rented for temporary use on a property, and which is delivered and removed from the site by truck. A parcel/package delivery service temporary storage unit is any container designed for the temporary storage of parcels or packages destined for local delivery by a parcel/package delivery service.

(1) Residential areas.

- a. Portable temporary storage units shall be permitted in all single family zoning classifications. For the purposes of this section, the TR-3 and RVP zoning classifications are not considered single family residential zones. The placement of temporary portable storage units are subject to the following conditions:
 1. The portable temporary storage unit is only permitted on single family residentially zoned properties that are improved with a single family residence.
 2. A portable temporary storage unit shall not remain on the site longer than 15 days, including the days of delivery and removal. In all circumstances, the maximum stay for single units shall be 15 days. Multiple units are permissible provided that the units are delivered and removed on the same day.
 3. In the case of a county-wide declaration establishing emergency conditions, or when localized emergency conditions such as a tornado, a flood, or a fire exist, the portable temporary storage unit(s) may remain on site until such time that necessary repairs have been made to the principal structure. In all emergency circumstances, the maximum stay shall be one-year.
 4. A maximum of three 15-day stays shall be allowed per calendar year for a single family residence. A minimum of 30 days shall elapse between stays.
 5. The placement of portable temporary storage units shall be limited to an existing driveway serving a single family residence, or in the side yard of a lot.
 6. Portable temporary storage units may be located within a required setback if the following conditions are met:
 - A. The portable temporary storage unit shall not be located in such a manner to obstruct the flow of pedestrian or vehicular traffic.
 - B. The portable temporary storage unit shall not be located in such a manner to impair a motor vehicle operator's view of automobiles, bicycles, or pedestrians upon entering or exiting a right-of-way.
 7. When a portable temporary storage unit is used in connection with permitted construction activity conducted on the property, the unit shall be placed on the lot in such a manner as to minimize impacts to neighboring residences. In such instances, the portable temporary storage unit shall not encroach upon sidewalks, right-of-ways, adjacent properties, or obstruct the view of motorists. The unit may remain on the lot for the duration of the construction in connection with an active building permit, but must be removed within five days of the issuance of a certificate of occupancy or final inspection. The placement of the storage unit is subject to approval during the single-family construction permit review.
 - A. A portable storage unit shall not exceed eight feet in width, 16 feet in length, and eight feet in height in a residential area.
 - B. Portable temporary storage units shall not be stacked vertically.

- C. Hazardous materials such as flammable and biohazard substances shall not be stored in temporary portable 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, 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.
- (3) Parcel/package delivery service temporary storage unit located within residential areas. A parcel/package delivery service temporary storage unit shall be limited as follows:
- a. Purpose and intent. This regulation allows for the temporary utilization of a parcel/package delivery service storage unit within certain residential zoning districts to facilitate the final-

stage delivery of parcels and/or packages to the local residents. A building permit shall be submitted by the vendor to the county prior to locating a parcel/package delivery service temporary storage unit within residential areas. For the purposes of this section, the TR-3 and RVP zoning classifications are not considered residential zoning districts. The distribution, duration, on-site location and other criterion of a parcel/package delivery service temporary storage unit is subject to the following conditions:

1. The distribution distance between a site hosting a parcel/package delivery service temporary storage unit from other existing approved sites shall be a minimum distance of 1,000 feet in order to limit the truck traffic intrusion into the local residential community. Truck delivery to a parcel/package delivery service temporary storage unit shall be limited to two daily restocking visits. Restocking visitation shall be limited to the hours between 8 a.m. and 6 p.m., Monday through Saturday. Distribution from the parcel/package delivery service temporary storage unit to the local residential community shall be limited to the hours between 7 a.m. and 8 p.m. Monday through Saturday.
2. A parcel/package delivery service temporary storage unit shall not remain on the site longer than 61 days, including the days of delivery and removal. This use shall be allowed once per calendar year beginning November 1st and terminating on December 31st to meet the needs for local parcel delivery.
3. A parcel/package delivery service temporary storage unit shall only be permitted on a common area tract of a recorded subdivision after the location receives approval from the local homeowner association (HOA). Written approval from the HOA identifying the site and acknowledging the proposed activity shall be obtained and provided to the county for its review of this temporary use. The county review will be conducted under a building permit and review fees will be billed accordingly. A site plan will be required at part of the building permit package depicting the proposed location of the parcel/package delivery service temporary storage unit within the residential community together with an expanded plan depicting the storage unit's setbacks from the parcel/lot property lines, ingress and egress routes from the street right-of-way to the storage unit location and the temporary truck/vehicle loading/unloading parking area. Additionally, a local area distribution plan shall be required in order to determine the local delivery radius that the storage unit is providing for the vendor to accommodate the local resident's package and parcel delivery service needs. The proposed use of residential garages and homes is prohibited for parcel security purposes. The parcel/package delivery service temporary storage unit shall be locked when not being actively loaded or unloaded.

When located on a common area tract of a recorded subdivision, a single parcel/package delivery service temporary storage unit shall be limited to locations abutting improved hardened surfaces such as parking lots, driveways or sidewalks, but not to be placed into required parking spaces, in order to facilitate the transfer of parcels or packages from/to the various delivery vehicles. Delivery truck visitation to the site shall be performed from approved driveways and driveway aprons in order to avoid damage to curbs, vegetation and sidewalks.

- (A) The parcel/package delivery service temporary storage unit shall not be located in such a manner to obstruct the flow of pedestrian or vehicular traffic.
 - (B) The parcel/package delivery service temporary storage unit shall not be located in such a manner to impair a motor vehicle operator's view of automobiles, bicycles, or pedestrians upon entering or exiting a right-of-way.
4. A parcel/package delivery service temporary storage unit shall not exceed eight feet in width, 20 feet in length, and eight feet in height in a residential area.
 5. A parcel/package delivery service temporary storage unit shall not be stacked vertically.

6. Hazardous materials such as flammable and biohazard substances shall not be stored in parcel/package delivery service temporary storage unit.

(Ord. No. 2013-16, § 1, 5-14-13)

Editor's note— Ord. No. 2013-16, § 1, adopted May 14, 2013, amended § 62-2117.5 to read as set out herein. Former § 62-2117.5 pertained to temporary storage units and was derived from Ord. No. 06-043, § 1, adopted August 3, 2006 and Ord. No. 2007-003, § 21, adopted February 20, 2007.