

AGENDA	
Section	New Business
Item No.	VI A 2

Meeting Date
May 3, 2016



AGENDA REPORT
 BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

SUBJECT:	LEGISLATIVE INTENT AND PERMISSION TO ADVERTISE 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 consider legislative intent and, if approved, grant permission to advertise 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.

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.

Upon approval of legislative intent and permission to advertise, staff will schedule the ordinance for consideration before the designated advisory bodies (the BCAC and LPA) for recommendations. The ordinance will then be presented to the Board for adoption at a public hearing.

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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May 4, 2016

MEMORANDUM

TO: Robin DiFabio, Planning and Development Director

RE: Item VI.A.2., Legislative Intent and Permission to Advertise for Ordinance Adding Allowance for Temporary Parcel/Package Storage in the GML Zoning Classification

The Board of Commissioners, in regular session on May 3, 2016, approved legislative intent and granted permission to advertise an ordinance permitting temporary (parcel/package delivery) storage units in the GML zoning classifications.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Rowe, Deputy Clerk

/cm

ORDINANCE NO. 2016-

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 *, 2016, reviewed the proposed ordinance and made recommendations; and

WHEREAS, the Local Planning Agency, on *, 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, Sections 62-2117.5(2)a Code of Ordinances of Brevard County, Florida, is hereby amended to read as follows:

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.

- (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 * day of *, 2016.

Attest:

BOARD OF COUNTY
COMMISSIONERS OF BREVARD
COUNTY, FLORIDA

Scott Ellis, Clerk

Jim Barfield, Chairman

(as approved by the Board on *, 2016)

(S E A L)

Reviewed for legal form and content by: _____