

LEGISLATIVE #

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TO: City Plan Board **Item Number: 2**
FROM: Planning Department Staff **DATE: March 22, 2012**
SUBJECT: Petition PB-12-13 TCH: City Plan Board. Amend the Land Development Code to allow personal outdoor storage facilities as temporary outdoor storage within residential zoning districts.

Recommendation

Staff recommends approval of Petition PB-12-13 TCH.

Description

This petition is the result of a referral from the City Commission to the Community Development Committee in response to neighborhood concerns about portable storage facilities (generally known as PODS) in residential areas. After several meetings and receiving information from staff and the general public on the subject matter, the Community Development Committee submitted a recommendation to the City Commission that regulations should be designed to address the placement of PODS in residential zoning districts. The City Commission held a public hearing on March 3rd, 2011 and approved the referral authorizing the City Plan Board to initiate a petition to implement the recommendations of the Community Development Committee.

Generally the land development code treats uses such as PODS as a use that is considered customary and incidental to a residential use. City staff as well as others across the country feels that PODS often are beneficial to a property owner but the goal was not to have them become a permanent feature of the landscape. The idea behind the proposed regulations is to allow PODS but to regulated them so that they don't take on the functionality of permanent garages or sheds.

As part of this petition the Code Enforcement Department has indicated that along with PODS the City needs to address roll-offs (large open air containers generally used for construction debris), and large steel conex containers (see attached photo). It is staff's opinion that all of these facilities will be regulated the same when use as storage. Roll-offs will continue to be allowed along with building permits during construction activity.

Definition and classification – City of Gainesville

Based on the current definitions from the Land Development Code, the use of PODS and associated activities are classified as outdoor storage which is partially regulated under the definition of outdoor storage. Roll-offs are not addressed by name but they serve the same primary function and lead to the same problems as PODS. Roll-off containers add an additional dimension of being open, exposed and harbor a variety of waste which may include hazardous materials.

The land development code defines outdoor storage to mean: **“the storage or display, outside of a completely enclosed building, of merchandise offered for sale as a permitted use or of equipment, machinery and materials used in the ordinary course of a permitted use, or the storage of inoperable motor vehicles, or the storage of used materials or items whether for sale or not. This term expressly does not include junk or junkyards as defined in this section”**. Generally this definition was intended to address outdoor storage in non-residential areas as a permnant use and would not allow outdoor storage in residential area because outdoor storage is not a permitted use in residential area. This code deficiency point to the reason the City needs to develop regulations for use of storage facilities in residential areas.

As this relates to residential areas other communities have used the following definitions for use:

“Portable Storage Structure” is any container, storage unit, shed-like container or other portable structure, other than an accessory building or shed complying with all building codes and land use requirements, that can or is used for the storage of personal property of any kind and which is located for such purposes outside an enclosed building.

Temporary Storage Unit shall mean a transportable unit designed and used primarily for temporary storage of building materials (before they are utilized for building purposes), household goods, and other such materials for use on a limited basis on residential property. Such unit shall not be considered an accessory structure

The term "portable on-demand storage structures" shall be defined to be: any container, storage unit, shed-like container or other portable structure that can or is used for the storage of personal property of any kind and which is located for such purposes outside an enclosed building other than an accessory building or shed complying with all building codes and land use requirements.

The following is a list of the common understanding of PODS and Roll-offs:

- They are typically rented or leased from a leasing company and used for the temporary storage of materials associated primarily with residential development.
- Sometimes their use extends to operations other than residential storage
- They are considered as storage containers and are not treated as buildings or structures which can be issued a building permit
- Their use is temporary but in some instances could remain in place for several months.
- Their placement on a parcel is based primarily on convenience, flexibility and ease of access by the leasing company with little regard to impacts to surrounding developments.

Problems commonly associated with PODS and Roll-offs:

- Complaints from residents about the visual blighting effects of units on residential neighborhood.
- Unsightly placement of units in front yards.
- Placement of units that create physical barriers and restricts access to the resident, both pedestrians and vehicles.
- Lack of enforceable regulations that leads to long term and permanent outdoor storage of units in a chaotic manner

The intent of this code modification is to continue allowing the use of PODS and roll-offs in residential zoning districts but to provide regulations that would facilitate the orderly use and placement of such units so as to maintain the general characteristics of single-family residential district. It is further intended to provide a set of regulations to residents needing to use such facilities and to do so in a manner that does not result in the common problems listed above. The regulation is in no way intended to restrict or limit the avenue of approval and use of those or similar type facilities used by the construction industry as part of a building permit.

Proposed Regulations (Temporary Storage Units)

Definition: Temporary Storage Unit - " is any container, storage unit, shed-like container, **roll-offs not used in conjunction with an active building permit** or other portable structure, other than an accessory building or shed complying with all building codes and land use requirements, that can or is used for the storage of personal property (not for use as part of any business) of any kind and which is located for such purposes outside an enclosed building.

The use of temporary storage units are allowed under the following conditions:

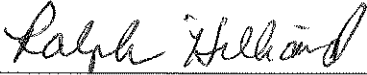
1. There must be no more than one temporary storage unit per property,
2. Must be placed within the boundaries of private property on an existing driveway, the city may allow the units to be placed in the front yard perpendicular to the front property line based on a demonstration that there are no other suitable location on the property.
3. The temporary storage unit must be setback a minimum of 5 feet from all property lines and from the nearest building walls. No part of the unit may extend over a public sidewalk, bikepath or street (public or private)
4. Must be placed no closer than 5 feet from a regulated tree, the City Manager or designee may allow placement closer than 5 feet based on the ability to maintain the health of the tree.
5. The temporary storage unit may be allowed on a property for no more that 30 calendar days.
6. A "Proof of Delivery Certificate" must be provided showing the date on which the storage facility was placed on the property. The "Proof of Delivery Certificate" shall be conspicuously displayed in a manner that is visible to a city official from the nearest property line.
7. The temporary storage unit shall not be used to store hazardous materials
8. Except as approved by Public Works, shall not be placed within the public right-of-way or within the limits of a private street intended to provide access and circulation to more than one property owner.
9. The height of the units shall not exceed 10 feet.

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Violations

Violations of these standards shall be subject to the Civil Citation process per Chapter 162 and Section 2-237 of the Code of Ordinances.

Respectfully submitted,



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Planning Manager



Prepared by: _____
Lawrence Calderon, Lead Planner

List of Appendices

Appendix "A" Community Development Committee Backup Document to the City Commission.

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