

LEGISLATIVE #

110873B

Appendix “A”

Community Development Committee Backup Documents to the City Commission

~~100755 A~~**100755. Personal Storage Devices (NB)**

This item seeks City Commission approval of a Community Development Committee (CDC) recommendation regarding the referral of the issue of Personal Storage Devices to the Committee for review.

Explanation: At the January 25, 2011 CDC regular meeting, the Committee discussed a recent request that had been forwarded to the Committee Chair regarding the issue of the location of a Personal Storage Device in a residential neighborhood.

The Committee recommended that this matter be brought forward to the full Commission for a referral to the CDC and that it be reviewed at the Committee's regular March meeting.

Fiscal Note: No fiscal impact.

RECOMMENDATION

The City Commission approve the referral regarding the location of Personal Storage Devices in residential neighborhoods to the Community Development Committee.



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PLANNING DEPARTMENT
 PO Box 490, STATION 11
 GAINESVILLE, FL 32602-0490
 306 N.E. 6TH AVENUE
 P: (352) 334-5022
 P: (352) 334-5023
 F: (352) 334-2648

TO: Community Development Committee **Item Number: 00**
FROM: Planning & Development Services Staff **DATE: Tuesday April 12, 2011**
SUBJECT: Community Development Committee Recommendation: Review of Portable On Demand Storage (POD) Units and Roll-Off Containers and Recommended Regulations.

The Community Development Committee met on March 22, 2011 and received a presentation from staff concerning Portable On Demand Storage Units and Roll-offs. The committee voted to forward the following modified version of staff's recommendation to the City Commission for consideration.

1. Definition

This definition is intended to clarify the understanding and characteristics of PODS and roll-offs:

Portable storage unit: Any portable, weather-resistant receptacle designed and used for the storage or shipment of personal property, household goods, wares, building materials or merchandise, which is typically rented, or sold, to owners or occupants of property for their temporary use and which is delivered and removed by truck. The term shall not include structures, buildings, yard waste containers, any other container.

Roll-off: is an open top dumpster characterized by a rectangular footprint, utilizing wheels to facilitate rolling the dumpster in place. The open top container is designed to be transported by special roll-off trucks. Roll-offs are commonly used to accommodate materials associated with construction and demolition waste or other waste types.

Source: [http://en.wikipedia.org/wiki/Roll-off_\(dumpster\)](http://en.wikipedia.org/wiki/Roll-off_(dumpster))

2. Regulations for PODS and roll-offs

2.1 PODS and Roll-off shall be regulated in accordance with the provisions listed in the table below:

Zoning Districts	Regulating Code
Business districts	In accordance with Section 30-67
Industrial Districts	In accordance with Section 30.68
Residential (single family and multi-family) and office districts	Current Proposal to be included in Sec. 30-56.2

Additionally, it is important to revisit and extend text in Sec. 30.67 as these provisions will be applicable to the majority of zoning districts. The current extent of this section does not necessarily address the use of PODS in such zoning areas.

2.2 Permits and Placement Standards

- A. No permit is required to establish PODS and roll-offs on property zoned residential and office. However, PODS and Roll-off shall be regulated in accordance with the following standards.
- B. Placement: PODS and roll-offs may be placed in accordance with the following.
1. Shall be placed in a stable location that does not present a safety hazard to the subject property and surrounding adjacent properties.
 2. Shall be placed within the boundaries of private property.
 3. 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.
 4. May be placed within a completely enclosed building in accordance with allowable uses for the specific zoning district.
 5. Shall be placed outside any structure but must be located within the front or side area of the principal building. However, if a location is not feasible in the front or side yard, it may be placed in an alternate location which is visible from the public right-of-way. As a temporary facility, PODS and Roll-offs may be placed within the zoning setbacks.
- C. Duration of time: PODS and Roll-offs may be allowed on a property for no more than 30 calendar days.
- D. PODS and Roll-offs located in a residential or office district shall display a "Proof of Delivery Certificate", 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.
- E. When unattended, PODS and Roll-offs shall be kept in a manner that does not become an attractive nuisance to children and a menace to their health and safety when accessible to them whether or not such children are trespassers.

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- F. PODS and Roll-offs as hereby approved shall not be used as a place for customary residential dwelling

- G. PODS and Roll-offs may 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.

- H. PODS and Roll-offs shall not be used for the storage or handling of hazardous materials.

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A REVIEW OF PORTABLE ON DEMAND STORAGE (POD) UNITS AND ROLL-OFF CONTAINERS WITH PROPOSED REGULATIONS

Introduction

The following proposal to implement city-wide ordinance includes analysis and recommendations for use of Portable on Demand Storage, also known as PODS or Portable Storage Units and roll-offs in residential (Single and Multi-family) and office districts. The report describes PODS and roll-off containers, their impacts on neighborhoods, the importance of regulating them and regulating approaches based on satisfying certain design standards.

The common understanding of PODS and Roll-offs:

- They are typically rented or leased from a distribution company and used for the temporary storage of materials associated with residential development.
- Their use extends to operations other than residential storage
- PODS and roll-offs are not treated as building or structures which can be issued a building permit.

What are the problems associated with PODS and roll-offs:

- Creates visual blight, aesthetically unpleasant, out of character with the general characteristics of residential development
- Causes overcrowding of front yards of residential developments
- Create visual barriers and limited access to the resident
- Disrupts the pedestrian and vehicular circulation on site.
- May obstruct right of way
- Leads to long term and permanent outdoor storage
- Lack of regulations and management guidelines limits the ability of Code Enforcement to act appropriately
- Nuisance to community residents

Since PODS and roll-offs are typically associated with transportation of materials, they are sometimes viewed as part of the loading and unloading of goods and materials and become more difficult to regulate.

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Definition and classification – City of Gainesville

PODS are classified as outdoor storage and display and are partially regulated under the definition of outdoor storage as listed below. Based on current city ordinances roll-offs are not addressed but they serve the same primary function and lead to the same problems as PODS. Roll-off containers add an additional negative dimension of being open, exposed and harbor a variety of waste.

The Gainesville Land Development Code addresses “Outdoor Storage, Sales and Display as listed below:

Section 30-23 of the Gainesville Land Development Code

Outdoor storage means 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.

Section 30-67 - General provisions for business and mixed use districts.

(g) Outdoor storage and sales. All principal uses in any business or mixed use district shall be contained within completely enclosed buildings, except as otherwise specifically provided as a permitted use. When not so specifically provided, outdoor storage or display of goods and commodities not contained within completely enclosed buildings is prohibited, except the following uses under the conditions prescribed herein:

(2) Outside accessory display and storage.

a. The development review board or city plan board at development plan review may authorize accessory display and storage outside of enclosed buildings if specifically requested and designated on a development plan. The proposal must be in accordance with the overall design and conditions of the development plan. If such use is located within 20 feet of a public right-of-way, it shall be enclosed by a screening wall, fence or hedge that is not less in height than two-thirds the height of any equipment or fixtures used or any material stored or offered for sale, and such wall, fence or hedge shall be at least 50 percent opaque. The outdoor storage and display must be clearly incidental or accessory to the principal use of the property and shall be limited to not more than 25 percent of the total stock of the principal use.

b. An independent request (not in connection with an existing request for development plan review) to allow outside accessory display and storage may be permitted by the development review board through the same terms as stated in subsection (g)(2)a. of this section.

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Outdoor storage, sales and display as a primary use are prohibited in all zoning districts except the Warehousing and wholesaling and Industrial districts. Some districts contain a provision allowing "Any accessory uses customarily and clearly incidental to any permitted use". This provision is adequately addressed in the business districts but in office and residential districts, it provides a possible avenue for outdoor storage to occur without being properly regulated. The current proposal attempts to address that void in regulations.

Outdoor storage is addressed in the general provisions for Office Districts and in Article VI where standards are listed. Both areas will be modified as necessary to accommodate the modifications proposed in this document.

Other PODS definitions

- **The City of Coral Springs**

Portable storage unit: Any container designed for the storage of personal property which is typically rented to owners or occupants of property for their temporary use and which is delivered and removed by truck.

- **The City of Virginia Beach**

Portable storage container: A portable, weather-resistant receptacle designed and used for the storage or shipment of household goods, wares, building materials or merchandise. The term shall not include yard waste containers provided by the city pursuant to City Code section 31-35, roll-off containers, or containers having a storage capacity of less than one hundred fifty (150) cubic feet.

Analysis

Local ordinances do not clearly define PODS or roll-offs. More importantly the code does not specifically address the use of those containers in the residential and office districts. In business districts regulations are provided to address outdoor storage and outdoor storage is allowed in industrial and warehousing districts.

In accordance with Sec. 30-67 PODS can be identified as:

- a temporary use with special permission or as accessory to primary uses in most business districts;
- as outdoor storage and display, they are not permitted in several zoning districts, and definitely prohibited in residential districts.

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Recommendations

1. Definition

This definition is intended to clarify the understanding and characteristics of PODS and roll-offs:

Portable storage unit: Any portable, weather-resistant receptacle designed and used for the storage or shipment of personal property, household goods, wares, building materials or merchandise, which is typically rented, or sold, to owners or occupants of property for their temporary use and which is delivered and removed by truck. The term shall not include structures, buildings, yard waste containers, any other container.

Roll-off: is an open top dumpster characterized by a rectangular footprint, utilizing wheels to facilitate rolling the dumpster in place. The open top container is designed to be transported by special roll-off trucks. Roll-offs are commonly used to accommodate materials associated with construction and demolition waste or other waste types.

Source: [http://en.wikipedia.org/wiki/Roll-off_\(dumpster\)](http://en.wikipedia.org/wiki/Roll-off_(dumpster))

2. Regulations for PODS and roll-offs

2.1 PODS and Roll-off shall be regulated in accordance with the provisions listed in the table below:

Sec. 30-68	Industrial Districts
Sec. 30-67	Business zoning districts except those included in Sec. 30.68 and proposal
Current Proposal to be included in Sec. 30-56.2	Residential (single family and multi-family) and office districts

Additionally, it is important to revisit and extend text in Sec. 30.67 as these provisions will be applicable to the majority of zoning districts. The current extent of this section does not necessarily address the use of PODS in such zoning areas.

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2.2 Permit options

A. No permit is required to establish PODS and roll-offs on property zoned residential and office.

B. PODS and roll-offs shall be allowed based on the following criteria:

1. Size

a. PODS located in residential and office districts shall comply with the following dimensions:

- 392 sq.ft. (8x7x7)
- 768 sq.ft. (8x8x12)
- 1,024 sq.ft. (8x8x16)

b. PODS and Roll-offs located in residential and office districts shall comply with the following dimensions:

Container Size	L = Length (feet)	W= Width (feet)	H = Height (feet)
8 Yard	10'	8'	3.5'
10 Yard	12.5'	6.5'	4.5'
15 Yard	16'	8'	4.5'
20 Yard	23.5'	8'	4.5'
30 Yard	23.5'	8'	6.5'
40 Yard	23.5'	8'	8.5'

2 Placement

PODS and roll-offs must be placed in a safe area and must comply with the following criteria:

- a). Storage containers may be placed outside any structure but must be placed in the side or rear yard provided there is a minimum of five feet from the side or rear lot line.
- b). Storage containers are permitted inside any enclosed structure which complies with the dimensional requirements of the particular district.
- c). Storage containers shall not be placed within 10 feet from a regulated tree, the city arborist may be reduce based on the ability to maintain the health of the tree.
- d). Storage containers may be placed outside any structure in the front yard, provided:
 - i). Space is not available in the rear or side yard and no structure for storage is available or there is no access to either the side yard or rear yard
 - ii). The containers must be placed perpendicular to the front property line. No part of the container may extend over a public sidewalk, bike path or street

C. Number of PODS allowed

1. Only one (1) POD or Roll-off may be allowed on any one property identified as a residential or office development.

D. Duration of time PODS and Roll-offs may be allowed on a property.

1. PODS and Roll-offs may be allowed on a property for no more than 30 calendar days.

3. Comments

These provisions do not address containers, such as shipping containers. These and other containers with dimensions bigger than those set in the above shall be regulated in accordance with Sec. 30.67.