



City Council Report

DATE: August 14, 2014
TO: City Council
THROUGH: Kari Kent, Deputy City Manager
Christine Zielonka, Development and Sustainability Director
John Wesley, Planning Director
FROM: Gordon Sheffield, Zoning Administrator
SUBJECT: Amendments to the Zoning Ordinance related to Portable Storage Containers (PSCs)
(Citywide)

PURPOSE AND RECOMMENDATION

City Council directed staff to review this issue as it pertains to using Portable Storage Containers (PSCs) as permanent storage devices on residential sites. The attached amendment addresses the use of PSCs on residential sites. It also addresses how these devices may be used to support commercial and industrial activities, and temporary situations that occur such as storage of materials during remodeling or construction, or when expanded storage may be needed for intermittent periods, such as lay-away storage for retail activities during a holiday gift season.

Recommended Action: The City Council **APPROVE** the proposed amendments to the zoning ordinance for PSCs, as written. The Planning and Zoning Board also recommended the amendment be approved (6-0, DiBella absent).

BACKGROUND

PSCs are typically those modular containers made of steel and used to ship freight and other goods over long distances. The standardized size and construction (set by the International Standards Organization, or ISO) allows them to be stacked and transported on a variety of shipping platforms, including ships, trains and trucks. Once a container has made an ocean crossing, often the economics of making new containers and shipping empty containers are such that it is less expensive to sell the device for an alternative use than it is to ship an empty container back across the ocean. Given this, the use of these shipping devices as secure storage containers becomes financially feasible for a number of different situations.

PSCs are not buildings, but are considered a device, or a piece of equipment, such as a vehicle, forklift or pipe. In addition, a previous interpretation of portable storage containers determined that because of the commercial nature of the device, using a PSC outdoors constituted a commercial outdoor use, and would, therefore, be limited to placement on commercial or industrial sites that expressly allowed outdoor storage as a permitted land use. For this reason, PSCs are not currently allowed for use on properties located in residential zoning districts, and are not allowed on most commercial districts.

The proposed zoning ordinance amendments address 5 varying situations in which a PSC would most likely be used. It addresses: 1) Temporary use of PSCs during construction or remodeling; 2) Temporary intermittent or periodic commercial storage for retail uses during busy retail seasons; 3) The traditional use of PSCs as outdoor storage for commercial or industrial uses; 4) The use of PSCs to facilitate do-it-yourself moving of household

goods between 'old' and 'new' residences; and 5) The use of PSCs as permanent storage devices on residential lots.

Also included is a definition of a PSC that is intended to allow devices not initially designed as PSCs to be used for such things as secure bins used to facilitate moving household goods.

DISCUSSION *(For specific text amendment language, see Appendix B)*

Temporary Use during Remodeling or Construction: The proposed amendment addresses this situation by allowing the activity in every district. The proposed amendment would allow the use of a PSC concurrently with the issuance of a building permit. If the construction activity did not require a building permit (for example, installation of new carpet), the use of a PSC would require issuance of a Administrative Use Permit (AUP). Standards related to this use would restrict the placement of the PSC to those areas that would not generally interfere with the day-to-day operation of a site, or with an emergency response. The time period allowed would be limited to the construction/remodeling activity, either during the period of time that a construction permit is active, or in the event a permit is not required, for a period of up to 1-year (with one 1-year renewal option).

Temporary Commercial Storage (in the LC, GC, PEP and LI districts): Occasionally, retail stores have a short, temporary need to increase their on-site capacity to warehouse items. This typically occurs on periodic basis about the same time each year during a heavy gift giving seasons, such as before Christmas for general retail stores, or before Spring and Summer for outdoor furniture sales. The proposed amendment addresses this type of activity by allowing the periodic PSC use subject to approval of a Special Use Permit (SUP). The SUP process allows a review of the use, its impacts, and can review numbers and time periods to assure the PSC does not become a permanent use on the site.

Permanent Use in Industrial Districts (LI, GI and HI), and in the Downtown Business-2 District (DB-2): The proposed amendment as it relates to this activity reinforces existing requirements for outdoor storage in industrial districts. It confirms that PSCs may be used as outdoor storage devices, reinforces where the PSCs may be placed, and provides a reference to screening requirements related to outdoor storage requirements. Outside of reinforcing existing outdoor storage requirements, it would not treat a PSC any differently, and no other standards or processing requirements are proposed for the use of a PSC in Industrial districts that authorize outdoor storage.

The DB-2 district tends to be a hybrid combination of heavy commercial uses and light to medium industrial uses. In addition, the principal location of this district (south of Downtown Mesa) is such that many parcels with this zoning classification are adjacent to smaller residential uses that may be adversely impacted by the use of PSCs. Given these circumstances, the use of PSCs, and the scale of use of PSCs, for these types activities and locations are best reviewed on a case-by-case basis. Doing so can allow for conditions to be placed on a particular request that can mitigate negative impacts that may be created. For this reason, a Special Use Permit is proposed for locating PSCs in the DB-2 district

Temporary Use for Residential Loading and Unloading: Any associated residential use would be allowed a 7-day period to load or unload a PSC. This proposal would provide a specified time period to a practice that is already taking place in residential areas in which a company provides an empty PSC on the person's lot; the PSC is filled with household goods, the company moves the PSC to the 'new' residence, and the PSC is unloaded by the resident.

Permanent Use in Single Residence (RS) and Agriculture (AG) districts: The draft amendment proposes to allow

PSCs only in RS-43, RS-90 and AG districts with placement, roof area and height standards similar to the existing requirements for detached accessory buildings (See Appendix A, a diagram excerpted from Section 11-30-17 of the Zoning Ordinance regarding placement of detached accessory buildings).

During the Planning and Zoning Board hearing, the Board was asked about whether the use of PSCs in Single Residence districts should be extended to all RS districts (RS-6, RS-9 all the way through RS-90), or be limited to just the large lot districts (RS-43, RS-90 and AG). After consideration, the Board specifically recommended that the use of PSCs in Single Residence districts should be limited to large lot districts only (listed as Alternative B in the P&Z Board Report, and Alternative A in this Council Report), and remain prohibited in smaller lot single residence districts.

In addition, because PSCs are initially designed to serve an industrial or commercial purpose of shipping freight, the appearance of PSCs has a strong, metallic industrial look that is considered at-odds with conventional aesthetic tastes for residential areas. To address this question, the proposed amendment also requires that the exterior appearance of the PSC be modified through the use of veneers, paint, and/or landscaping screens. A building permit would be required, primarily to assure the aesthetic treatment and placement requirements are satisfied.

Definition: When first considered, it was thought that the reference to the ISO construction standard for shipping containers would be sufficient to determine what is or is not a PSC. However, as the draft ordinance was being prepared, it became more evident that not all PSCs are constructed to the ISO standard. To correct this, a definition has been developed that distinguishes a PSC from other storage devices, and would otherwise separate a PSC from similar items, like a manufactured ‘kit’ building.

ALTERNATIVES

Alternative A (P&Z Board Recommendation) — Adopt the proposed Zoning Ordinance amendment, as written: Alternative A would allow the use of PSCs in larger lot Single Residence zoning districts, limited to the RS-43, RS-90 and AG districts. The industrially-oriented design character of PSCs is thought by some to be contrary to aesthetic standards desired for higher density residential neighborhoods. Limiting PSCs to larger lot residential areas, particularly those that are more rural in nature would provide opportunity for secure storage in zoning districts that are designed to allow small farm and plant nursery operations, as well as larger scale agricultural activities such as dairies and citrus orchards. Such a limitation would also keep in place the existing design standard of no PSCs in smaller lot, more urban-oriented subdivisions, including those located in RS-35 and smaller minimum lot zoning districts.

The proposed amendment (as written) is designed to address several circumstances in which a PSC is most likely to be utilized, and mitigate and control possible impacts that may be created by their use. The proposed PSC processes and standards are predictable, understandable, and consistent with related policies for similar activities.

Alternative B - Revise the suggested amendment language: The draft language presented has been developed based on discussions with interested residents that have or see the benefit of using PSCs, typically on large residential lots. As with the development of any new policy, there may be items or typical circumstances related to this topic that were somehow overlooked and should be addressed, but the proposed language does not take into account as presently written.

Alternative C (Not Recommended) - Make no changes to the existing zoning ordinance: Doing so would leave the existing ‘outdoor storage’ interpretation in place. The use of PSCs would not be allowed in residential areas,

and periodic commercial use of PSCs would remain prohibited. The use of PSCs for moving household goods would remain 'unsettled' as a land use.

FISCAL IMPACT

Fees would be collected for Administrative Use Permits and for Building Permits. It is not anticipated that there will be an overwhelming demand for this use, although it is likely to be a considered option in rural and large-lot areas of Mesa. Because of this, adoption of this proposed amendment to the Zoning Ordinance is unlikely to have more than a minimal impact on the budget.

COORDINATED WITH

Development and Sustainability Department staff working on this topic included members of the Planning, Development Services (Building Code) and Code Compliance Divisions. The City Manager's Office coordinated several citizen volunteer meetings used to develop and discuss alternatives. Neighborhood Services provided publicity of the topic, and survey opportunities to solicit citizen comment and input. The Planning and Zoning Board held a public hearing on July 16, 2014, and forwarded a recommendation of approval of what is listed as Alternative A in this report (Vote: 6-0, DiBella absent).