

## Community Development Division Director's Administrative Code Interpretation

File No. MIS16-0021

Date Issued: October 12, 2016

Subject: Storage containers on private property

Code References: Title 15, BUILDINGS AND CONSTRUCTION  
Title 18, ZONING  
Title 13, WATER, SEWERS AND PUBLIC UTILITIES  
City Comprehensive Plan

Zoning Designation(s): Applicable to all zoning designations.

### Background

City staff routinely receives inquiries regarding the placement of storage containers on private property and the conversion of storage containers to habitable living space. The City also regularly encounters circumstances where storage containers are placed on-site without first inquiring with, or obtaining approval from, the City. This results in complaints and a code enforcement response. The reasons that a person may wish to place a container, and the locational setting, vary greatly. Storage containers may be necessary during a demolition or construction activity for storing equipment and supplies. Also, storage containers may be desired to serve as a temporary or permanent storage building in lieu of a shed or outbuilding. Other persons seek to convert a storage container to habitable living space, such as a "guest cottage", etc.. Locational settings vary from residential to commercial to institutional and industrial zones. The purpose of this interpretation is to establish the method for reviewing and when appropriate, authorizing the placement of storage containers, to identify considerations that must be evaluated when reviewing and authorizing, and to clarify that storage containers are subject to the building, land use/zoning, and utility standards established in City Code.

Storage containers demand consideration of existing building, land use/zoning and engineering standards when they are proposed (Storage containers placed within public right-of-way, are subject to the separate right-of-way use permit process and standards of ACC 12.60, and as a result are not address within this decision.) The level of consideration may vary depending upon the length of time that it will be in place on property, the zoning designation in which it is located, and its intended purpose. There is no one size fits all approach for considering these factors, however there are some basic categories and scenarios that this interpretation addresses. Factors that were considered in this interpretation include:

- Whether the container is intended for long term use or to serve temporary needs ("Temporary" in this context means 6 months or less).

- Whether the container is proposed to be located within an residential, commercial, institutional, or industrial zoning district
- The development status of the property on which the storage container is placed, such as whether the site already is already developed with a land use allowed by the zoning district or whether the site is vacant.
- The purpose of the storage container—such as whether the container is to facilitate a move from one location to another, to provide secure storage on a job site, or to serve as an accessory use to a principal use.

Findings/Interpretation:

1. Building Code Findings

- a. Chapter 15.06 of the Auburn City Code adopts the International Building Code (IBC), International Residential Code (IRC) and International Property Maintenance Code (IPMC) as in effect for the city.
- b. ACC 15.07.050 establishes the requirements associated with submittal and issuance of a building permit. This section identifies what must be included with a building permit application and what shall be displayed on the building permit.
- c. IBC and IRC Sections 201 define a structure as “that which is built or constructed.” A storage container is constructed and meets the definition.
- d. Unless the storage container meets one of the exceptions in the IBC/IRC, a building permit is required in order to place a container and to establish an occupancy classification for the container. Exceptions include: (1) one story detached storage containers that are accessory to a residential use and when less than 200 square feet in floor area (Section R105.2 IRC), are not required to obtain a building permit; and (2) one story detached storage containers that are accessory to a commercial use and when less than 120 square feet in floor area (Section 105.2 IBC).

2. Zoning and Land Use Findings

- a. ACC 18.02.030 “Purpose (of the zoning code)” in Subsection C provides guidance and intent for establishing zoning designations. The purpose for establishing zones includes regulating location, height and use of buildings, use of land, setbacks, and parking. It is also stated that zones and regulations are necessary for considering the character, suitability of specific uses, the need for such uses, the common rights and interests of all parties within the zone as well as those of the general public.
- b. ACC 18.02.040, “Applicability (of the zoning code)” in Subsection B states that no use shall be conducted, and no building, structure and appurtenance shall be erected, relocated, remodeled, reconstructed, altered or enlarged unless in compliance with the provisions of this title, and then only after securing all permits and approvals.
- c. ACC 18.02.120, “Permitted land uses established” in Subsection C.4 establishes the authority for the Planning Director or designee to determine if a use that is not specifically described as accessory is permitted. Storage containers are accessory uses. This section also establishes the authority to make an interpretation utilizing the purpose and intent of the zone, comprehensive plan policy guidance, and the definition of accessory use.

- d. ACC 18.04.190 defines a building as “any structure having a roof supported by columns or walls used or intended to be used for the shelter or enclosure of persons, animals or property of any kind.” A storage container meets the definition of a building.
  - e. ACC 18.04.890 defines a structure as “that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner, except benches, statuary, planter boxes less than 42 inches in height, and fences 72 inches or under in height, or paved areas.” A storage container meets the definition of a structure.
  - f. The City of Auburn Core Comprehensive Plan establishes Land Use Policy 14 which state “ensure harmonious transition between land uses and zoning designations through the use of setbacks, vegetation, building orientation, or architectural design.” This policy establishes a stated intent to seek appropriate uses, designs, and siting of structures relative to their surroundings.
3. Public Utilities Code Findings
- a. ACC 13.48.225 states that “all development shall meet all application general and design requirements in accordance with the city of Auburn Engineering Design and Construction Standards and, for purposes of that portion of the standards set forth in the City of Auburn Surface Water Management Manual...” Placement of a storage container is a “development.”
  - b. ACC 13.48.010.K defines “impervious surface”. Generally stated, an impervious surface means a hard surface. A storage container is a hard surface.
  - c. A stormwater utility permit is required for all new hard surfaces.

### Decision

Based on the Findings, Comprehensive Plan, and code authority cited above, the city will review proposals for storage containers and categorize the proposal based on the categories described below and then evaluate storage containers using the process that is identified as follows:

#### **1. General Standards Applicable to Storage Containers**

**1.A. General:** Storage containers can be classified as an “accessory use” under Title 18, if (a) placed on a site that already contains an allowed principal use and (b) the purpose of the storage container is secondary to, and reasonably related to the conduct of the allowed use. Storage containers are allowed only after submittal, review and approval of the appropriate type of permit application. The location, appearance, management of stormwater, and safety are all relevant factors to consider within the particular zone that it is proposed be located. For example, a storage container placed within an industrial zone, on top of existing pavement (not within a drive aisle or potentially a parking space), and that is behind a building in a location that is not visible from any public road will demand a very different evaluation and conditional requirements than a container placed in the rear yard of a residential lot that is viewable by multiple adjacent residences. Additionally, in some settings storage containers are appropriate to treat as “outdoor storage” and submittal of a landscaping plan may be required to provide adequate screening of a container. In residential or commercial settings it will be appropriate to

require that the container be made to appear more visually compatible with adjacent framed construction by adding a pitched roof and siding using materials typical to the commonly found in the nearby residential or commercial construction

**1.B. Storage Container Sales and rental:** This decision does not pertain to the sale of storage containers or advertising the sale of storage containers. Container sales and container sale advertising are commercial uses that are subject to the standards and procedures established within the underlying zone.

**1.C. Modular Buildings and Refuse Containers:** This decision does not pertain to modular buildings or refuse containers.

## **2. Temporary placement of storage containers**

**2A. Temporary placement of storage container associated with an active Construction Site:** A storage container may be placed on a property where (a) construction activity is occurring provided that (b) there is an issued permit that authorizes the construction activity, and (c) that the building permit has not expired. One option for securing an approval of the location of the storage container(s) is to depict it on the building permit plans submitted and approved by the City. Alternatively, city inspection staff is authorized to identify an appropriate location. Factors that will be considered in placing a storage container include presence of critical areas, setbacks, parking displacement, traffic circulation, fire lanes, and other land use regulations. At the conclusion of construction, the storage container(s) must be removed in order to obtain final building inspection or certificate of occupancy approval.

**2.B. Storage Containers as a Temporary Use:** Where a storage container is proposed on a site that is not associated with a construction activity and it is not proposed to remain on site for longer than 6 months, an approved Temporary Use Permit is required prior to placement of the container. It is not appropriate to utilize the Temporary Use Permit as a means to respond to code enforcement situations where the container has already been placed and the intent is to keep it on site for longer than 6 months. A stormwater utility permit is not required if it is placed upon an approved and existing hard surface.

**2.C. Portable Storage Containers:** Containers that facilitate household moving from one location to another may be placed on site without a building permit provided (a) they are located completely on private property and are therefore not located on public streets or sidewalks, (b) that they be placed upon an approved hard surface, and (c) they remain on site for not longer than 30 calendar days.

## **3. Permanent placement of storage containers**

**3.A. Permanent placement of storage container as Habitable Structure:** Where a property owner wishes to place a storage container on a site and use it as habitable or living space (designed for occupancy by persons), a building permit is required irrespective of the size of the storage container. A permit will only be issued upon a finding that the structure complies with all building codes, utility codes, and land use



regulations (including appearance of the structure and consideration of how it fits into the surrounding site development and offsite development). The building permit application shall be accompanied by appropriate utility permit applications and a grading permit application where necessary.

**3.B. Permanent placement of storage container as an Accessory Structure:** Where a property owner wishes to place a storage container (a) on a site for longer than 6 months and (b) it is not associated with an ongoing construction activity, and (c) the storage container use is accessory to a principal use allowed by the zoning, the storage container shall be considered a structure under the terms and definitions of the building code. Such storage containers shall only be authorized after review, approval, and issuance of a permit. Storage containers shall be reviewed for all building, land use/zoning, and engineering considerations similar to any other type of accessory structure and shall be classified as a Group U Occupancy when used for commercial purposes and simply as an accessory use when used for residential purposes. A permit will only be approved upon findings that (a) placement, use and occupancy of the storage container meets all local and state building and fire codes, (b) that the storage container meets all zoning and land use regulations (including, but not limited to, setback and siting requirements, as well as the appropriateness of its appearance within the setting and underlying zoning designation), and (c) that a stormwater utility permit be submitted, approved and issued that establishes appropriate stormwater and erosion control measures to address the impervious surface that is added to the site. For storage containers that are listed as exceptions in the IBC or the IRC a no fee building permit will be utilized for review and authorization of a storage container as an accessory use. A storm utility "repair" permit will be utilized for review of stormwater management and erosion control. The building permit and storm permit will be routed and reviewed in the same manner as other routine building permits.

Signature: \_\_\_\_\_

Jeff Tate, Assistant Director

Date Issued: \_\_\_\_\_

10/13/16

Appeals

Any person aggrieved of this decision may file an appeal with the Planning and Development Director within fourteen (14) days of mailing of the City's written code interpretation. This decision was rendered on October 14, 2016. The appeal must be filed at the Planning and Development Department at second floor, 1 East Main Street, Auburn, WA 98001 prior to 5:00 PM on or before October 31, 2016. The appeal must be accompanied with justification for the appeal required per ACC 18.70.050.E and include the required filing fee payable to the City of Auburn. Once filed, a hearing on the appeal is scheduled with the Hearing Examiner as prescribed in ACC 18.70.050.B.

Code References

**ACC 18.02.060 Rules for administrative interpretations.**

- A. The planning director shall be authorized to interpret the meaning of words, phrases and sentences which relate to the determining of uses permitted in the various zones, approval or disapproval of development plans, or other related zoning actions. Any interpretations regarding implementation of this title shall be made in accordance with the intent or purpose statement of the specific regulation and the comprehensive plan. Life, safety and public health regulations are assumed to prevail over all other regulations.
- B. The planning director may authorize uses in a zone other than those which are listed, if the planning director determines the use is consistent with the intent of the zone and is of the same general character of the uses permitted within the zone. Further guidance on administrative interpretations of land uses can be found in ACC 18.02.120.
- C. Administrative interpretations may be appealed to the hearing examiner as prescribed in Chapter 18.70 ACC.
- D. Administrative interpretations made by the planning director shall be documented, made available for public review, and docketed for inclusion to this title, when consistent with the title format and level of detail required. The city shall incorporate administrative interpretations upon approval of the legislative authority.