

POLK COUNTY DEVELOPMENT REVIEW COMMITTEE STAFF REPORT

DRC Date:	February 27, 2025	Level of Review:	Level 4 Review
PC Date:	October 1, 2025	Type:	LDC Text Amendment
BoCC Date:	November 4, 2025	Case Numbers:	LDCT-2025-7
	December 2, 2025	Case Name:	Cargo Containers on Residential Property
Applicant:	Polk County	Case Planner:	Ian Nance

Request:	A County-initiated LDC Text Amendment to Section 206.K to allow cargo containers on residentially developed properties meeting or exceeding one acre.
DRC Recommendation:	Approval
Planning Commission Vote:	Approve 7-0

Among the changes to Section 206.K:

- Allow cargo containers on residentially developed properties meeting or exceeding one acre for up to one container per acre.
- Provide a “grandfather” clause for cargo containers currently permitted on residential properties below one acre.

Summary:

Land Development Code policy prohibits the use of cargo containers for storage or as accessories on residential properties. The Building Department, though, has viewed them as building material, and permits have been issued to allow them on residential properties. Code Enforcement has been forced to either enact LDC standards or abide by the building permit.

This is a staff-initiated LDC Text Amendment to remedy this confusion and allow cargo containers in residentially developed areas. The Board has directed staff to incorporate a minimum lot size of one-acre to be eligible for a container, with a maximum of one container per acre. Existing standards will then apply, including not allowing these to be stacked, if allowed more than one container; buffering and/or screening from neighbors; requiring a 15-foot setback from residentially developed property lines; placement in the side or rear yard, consistent with most accessory structures; and prohibiting any signage.

While there has been an upward trend in using cargo containers for storage and other purposes, they do create a concern in residential areas given their height, length, and industrial aesthetic. Given the proposed and current standards listed above, these concerns can be mitigated and consistency gained when applying County policy. Staff recommends approval.

Relevant Sections, Policies, and/or Regulations to Consider:

LDC Section 206.K

LDC Section 907 Level 4 Reviews

Findings of Fact

- *This is a County-initiated LDC Text Amendment to Section 206.K to allow cargo containers on residentially developed properties meeting or exceeding one acre.*
- *LDC Chapter 10 defines Cargo Containers as, “A reusable vessel that is originally, specifically or formerly designed for or used in the packing, shipping, movement, or transportation of freight, articles, goods or commodities and is also designed for or capable of being mounted or moved on a rail car, truck or trailer or loaded on a ship.”*
- *Section 206.K “Cargo Containers for Permanent Storage” was added to the LDC by Ordinance 09-058 (LDC 09T-27) on September 2, 2009. This removed a restriction on using “convex shipping containers” and provided allowances for their use in certain non-residential, residential, and non-residential Future Land Use Districts.*
- *According to LDC Section 206.K, “Cargo containers are permitted to be used as permanent storage in accordance with the following:*
 - 1. All cargo containers shall comply with the Florida Building Code, Florida Fire Prevention code, and shall require a building permit.*
 - 2. Cargo Containers for permanent storage are prohibited in the following land use districts: RCC-R, RL, RM, RH, OC, L/R, ROS, and PRESV.*
 - 3. Cargo containers shall be permitted in accordance with the following:*
 - a. As a temporary use in any land use district in conjunction with an authorized construction project, and shall be removed upon completion of the project unless properly permitted to remain as permanent storage in accordance with section.*
 - b. Bona fide agricultural properties are permitted to have one cargo container per five acres of agricultural tax exempt acres of land, with no minimum acreage being required.*
 - c. Parcels designated A/RR and RS shall be permitted one cargo container per five acre parcel, with a minimum property size of five acres.*
 - d. Non-residential properties are permitted one cargo container per acre, with no minimum acreage being required.*

4. *In the instance where more than one cargo container, as outlined in this section, is allowed they shall not be stacked. However, within the IND and BPC-2 land use district they shall be permitted to be stacked two-high.*
 5. *Cargo containers located on a residentially developed lot, or within the CE, LCC, RCC, CC, NAC, CAC land use districts, that is adjacent to residentially developed lots or structures shall be buffered and/or screened from the adjacent off-site residential lot or structure. Additionally, they shall maintain a minimum setback of 15 feet.*
 6. *All cargo containers shall be placed in either the side or rear yard and meet accessory structure setbacks for the applicable land use district or the set back as outlined in the Condition #5 above, whichever is more restrictive.*
 7. *Cargo containers shall not be located within any drainage easements.*
 8. *Cargo containers shall not occupy any required off-street parking spaces, vehicular accesses or drive aisles, pedestrian facilities or landscape areas for the site.*
 9. *Cargo containers shall not be permitted to have signage of any type.*
 10. *Cargo Containers are not considered to be used for permanent storage if they are modified or retrofitted for residential habitation in accordance with the Florida Building Code. This section does not apply to the construction of residential dwellings.*
- *LDC Section 912 allows any property owner, BoCC, or agency to apply to the Department to amend the text of this Code, the text of the Comprehensive Plan, or the Future Land Use Map Series (FLUMS) in compliance with procedures prescribed by the Department.*
 - *This application has been reviewed for consistency with applicable Comprehensive Plan and LDC policies. As an accessory use, the Comprehensive Plan provides no instruction on the placement of cargo containers.*

The Land Development Division, based on the information provided with the proposed text amendment application, finds that the proposed text change request is **CONSISTENT** with the Polk County Land Development Code and the Polk County Comprehensive Plan. Staff recommends **Approval of LDCT-2025-7.**

Analysis:

Prior to September 2, 2009, all cargo containers were prohibited for any use in the County. At the Board's direction and with the adoption of LDC 09T-27, this prohibition was lifted, and allowances were granted to certain non-residential future land use districts, Agricultural/Residential Rural (A/RR) and Residential Suburban (RS) land use districts, and for

bona fide agriculture. Adopted standards included requiring a building permit; prohibiting their use for habitation; increasing setbacks and enhancing screening from residential properties; prohibiting signage; and capping the number allowed on a property (e.g. A/R & RS are allowed one contained per five acres with a five-acre minimum lot size).

In 2023, Section 206.K was amended by LDCT-2023-13 to allow cargo containers for habitation. This was supported because they can be more cost-effective than traditional housing because they require less building materials and labor to construct. Furthermore, shipping containers are versatile and easy to modify. From a Building Code perspective, if designed and permitted properly, the containers are simply another construction material.

This reasoning remains with the subject of using containers for storage and other accessory purposes. The trouble with these containers is they have an industrial look that does not fit well in a residential property. These are eight feet in height and come in a mix of 20- and 40-foot-long models. They simply lack a residential aesthetic, and unlike incorporating containers into single-family dwelling units which will ostensibly be designed to look like homes, this is less likely to be true for an accessory storage structure purchased for cost reasons.

When drafting this text, staff explored options for making them more appealing for neighborhoods by requiring painting or retrofitting with roofs or siding; however, the LDC does not apply architectural standards for other accessory structures, relying instead on buffering and screening techniques. So, if adopted for use in residential areas, the current language will require these to be a minimum of 15 feet from residentially developed property lines and screened by fencing or landscaping. They will be required to be located to the side or rear yards, and any signage on the container must be removed.

Finally, the Board directed staff that a minimum of one acre should be applied to be eligible for a cargo container, with a maximum of one container per acre.

Benefit-cost Analysis of the Amendment

Who does it help?

This amendment allows homeowners that have the necessary property size to have at least one cargo container onsite. The containers provide room for storage in one structure rather than multiple sheds and garages. This amendment also provides clarity to County policy, as there is an existing conflict between the LDC and Building Code.

Who does it hurt?

Homeowners who do not meet the one-acre minimum will not be allowed to have cargo containers onsite. There is also a risk that neighboring properties will be unhappy with the placement of a container next door, even on an acre. These containers are large and lack a residential aesthetic. The County is unable to require these to be retrofitted, relying instead on buffering and screening to mitigate incompatibilities.

What is the cost?

The containers do provide a cost-effective alternative to other types of accessory structures intended for storage, as the price per square-foot is typically lower. A standard 20-foot-long container generally costs between \$1,500 to \$5,000, depending on its condition and features, such as roll-up doors. 80 - 120 sq. ft. manufactured sheds range in cost from \$3,500 to over \$6,000.

Jurisdictional Comparison

Staff commonly surveys Land Development regulations for counties on the I-4 corridor for regulatory comparisons due to their proximity to Polk County. Alachua and Duval are also reviewed because of similar demographic and urban-rural mixture. The cities of Winter Haven and Lakeland were also surveyed for comparison. This method of selection creates a review of 14 total local jurisdictions.

Through this research, staff did not find any regulations in six jurisdictions; five specifically prohibited their use as accessory structures; and three did allow them with conditions. The proposed ordinance compares closely with standards adopted by Manatee and Hardee counties. Manatee County, specifically, requires compliance with the Building Code and LDC for the placement of these containers, which include setbacks. Hardee County requires buffering, as is already required by Polk County.

Table 1

Jurisdiction <i>(Code citation)</i>	General Residential Standards	Aesthetic Standards
Alachua County	None Noted	None Noted
Brevard County	No Cargo Containers for ADUs	None Noted
Duval County <i>Sec. 656.399.60</i>	Shipping containers shall be prohibited.	
Hardee County <i>Sec. 2.16.03</i>	Cargo containers are permitted to be used as accessory structures for permanent storage in the A-1, C-2, I-1, I-2, P-I, and CIBC zoning districts. shall not be stacked above the height of a single container	Cargo containers located on a residentially developed lot, or that is adjacent to residentially developed lots or structures, shall be buffered and/or screened from the adjacent off-site residential lot or structure with a well maintained, minimum ten-inch wide "Type A" landscape buffer
Highlands County <i>Division 3</i>	None	None
Hillsborough County	None	None
Lake County <i>Sec. 10.01.00</i>	Cargo and shipping containers shall not be used as Accessory Structure(s) in residential zoning districts.	None
Manatee County <i>Sec. 511.6</i>	Cargo containers and other transport containers are prohibited except those in compliance with applicable requirements of the building code and the Land Development Code.	Cargo containers and other transport containers may be allowed on A zoned properties of five (5) acres or more and must comply with the setbacks in that zoning district and be placed at the rear of the property.

Table 1

Jurisdiction <i>(Code citation)</i>	General Residential Standards	Aesthetic Standards
Orange County <i>Sec. 38.1426</i>	Unfinished shipping containers and mobile homes are not allowed as detached accessory structures.	None
Osceola County <i>Article 3.6</i>	Cargo containers are prohibited for storage buildings.	None
Seminole County	None	None
Volusia County	None	None
City of Lakeland <i>Sec. 4.3</i>	Overseas shipping containers are prohibited as storage buildings on residential property.	None
City of Winter Haven	None	None

Limits of the Proposed Ordinance

This amendment applies to all residential lots or parcels within the unincorporated areas of the County regardless of the Future Land Use Map district, including the Green Swamp Area of Critical State Concern. The Department of Economic Opportunity (DEO) requires a 45-day review on all policy changes affecting development in the Green Swamp Area of Critical State Concern regardless of whether it has a direct relationship to the primary purpose of the Critical Area, which is aquifer recharge and protection. Therefore, this request will be reviewed by the DEO Community Planning Department Areas of Critical State Concern Program prior to becoming effective. Staff believes that this amendment will have no impact on the Critical Area since it does not change the effect of the current code.

Consistency with the Comprehensive Plan & Land Development Code

The request is consistent with the Comprehensive Plan and the Land Development Code. This text effectively treats cargo containers as accessory structures which are permitted in residential and non-residential Future Land Use designations. As an accessory use, the Comprehensive Plan provides no instruction on the placement of cargo containers.

Comments from Other Agencies: This ordinance was drafted with input provided by the Building Department and Code Enforcement.

Draft Ordinance: Under separate attachment