



Town of Lake Park Town Commission

Item 5.

Agenda Request Form

Meeting Date: January 17, 2024

Agenda Item No.

Agenda Title: Amendment to Town Code Sections 68-2 and 68-3 of Chapter 68 to Provide for Regulations Associated with Temporary Storage Containers.

[] SPECIAL PRESENTATION/REPORTS [] CONSENT AGENDA
[] BOARD APPOINTMENT [] OLD BUSINESS
[X] **ORDINANCE on 1st Reading**
[] NEW BUSINESS
[] OTHER

Approved by Town Manager John D'Agostino Digitally signed by John D'Agostino
DN: cn=John D'Agostino, o=Town of Lake Park, ou=Town Manager, email=jdagostino@lakeparkflorida.gov, c=US
Date: 2024.01.11 17:50:05 -05'00' Date: _____

Nadia Di Tommaso, Community Development Director

Name/Title

Originating Department:

Costs: \$ **Legal Review**

Attachments:

Community Development	Funding Source: Legal Acct. 108 [] Finance _____	→ Ordinance __-2024
Advertised: Date: N/A this agenda item must be notified Paper: of meeting date and time. The [] Not Required	All parties that have an interest in following box must be filled out to be on agenda.	Yes I have notified everyone or Not applicable in this case_ ND Please initial one.

Summary Explanation/Background:

This item is fairly simple. Pursuant to certain code enforcement issues experienced recently, Community Development staff and the Town Manager agree that regulations associated with temporary storage containers are needed. Temporary storage containers such as metal containers or PODs are sometimes necessitated by residents to store personal property during temporary work (or moving) that is being performed on their private property. Such work may include tenting for termites, interior bathroom or kitchen renovations, or a more substantial renovation of private property, just to name a few examples. These temporary containers are also often needed when moving in or out of a property. In such circumstances, it is reasonable to assume that up to 90 days may be required to store personal property, or other items.

The intent of the temporary storage containers is **not** to provide permanent storage facilities on private property (as this need can be satisfied through an off-site storage facility), **nor** is the intent of the temporary container to satisfy ongoing construction material needs (this need is satisfied through an approved roll-off container for the duration of the construction work that is permitted through the Town). Consequently, allowing for temporary containers, but providing for a time limitation and placement

provisions, will provide property owners with the flexibility they need, yet preserve the aesthetic appearance of the Town's residential areas by ensuring they are not placed on private property unnecessarily or for a long duration.

Item 5.

Recommended Motion: I move to “**APPROVE**” Ordinance __-2023.

ORDINANCE 01-2024

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING SECTION 68-2., AND SECTION 68-3., OF CHAPTER 68 TO PROVIDE FOR REGULATIONS ASSOCIATED WITH TEMPORARY STORAGE CONTAINERS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR THE REPEAL OF ALL LAWS IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Lake Park, Florida is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, the Town Code establishes signage regulation, and has codified these in Chapter 68 of the Town's Code of Ordinances; and

WHEREAS, as part of ongoing efforts to preserve the aesthetic appearance of the Town's residential areas, the Community Development Department has recommended that the Town Commission amend Chapter 68 to provide for regulations associated with temporary storage containers;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA:

Section 1. The whereas clauses are incorporated herein as true and correct and as the legislative findings of the Town Commission.

Section 2. Chapter 68, Sec. 68-2., and Sec. 68-3 of the Town Code are hereby amended and incorporated herein as Exhibit "A".

Section 3. Severability.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 4. Codification.

The Sections of the Ordinance may be renumbered or re-lettered to accomplish such, and the word "Ordinance" may be changed to "section", "article", or any other appropriate word.

Section 5. Repeal of Laws in Conflict.

All Ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 6. Effective Date.

This Ordinance shall take effect immediately upon adoption by the Town Commission.

EXHIBIT “A”

Sec. 68-2. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Boat means any vessel, with or without motor propulsion, designed for travel over water and for which a trailer is required for transportation over land.

Construction equipment/materials means lumber, concrete blocks, pipe and other building materials, tractors, bulldozers, graders, portable cement mixers, tools and other similar equipment and/or materials.

Element-sensitive means not designed and/or manufactured to withstand exposure to the elements without damage, i.e., outdoor storage.

Light van means any motor vehicle having a generally rectangular bulk which has a carrying capacity of one ton or less with or without an interior designed and used as temporary living quarters.

Motor home and/or RV means a motorized vehicle designed and used as temporary living quarters, other than a light van.

Outdoor storage means intentional placement of vehicles, equipment and/or other personal property, **including temporary storage containers such as metal containers, PODs, or other similar containers**, outside an enclosed building for purposes other than decoration, ornamentation and/or proper disposal. Storage within an open carport and/or storage beneath a tarpaulin or similar cover outside an enclosed building shall be considered outdoor storage.

Pickup truck means any motor vehicle designed primarily for the transportation of property with a permanently attached open cargo or utility box not extending above the vehicle roofline and having a carrying capacity of one ton or less.

Project/special-purpose vehicle means a vehicle having greater than nominal salvage value and/or which has been constructed for purposes other than regular transportation including, but not limited to, racing vehicles or vessels, dune buggies, swamp buggies, show vehicles, active restoration or repair projects, etc.

Trailer means any assembly designed to be towed or hauled by a motor vehicle, including, but not limited to, open or enclosed cargo trailers with or without cargo, boat trailers and campers designed to be hauled within the cargo box of a pickup truck.

(Ord. No. 8-1992, § I, 9-16-1992; Code 1978, § 30-2)

Cross reference(s)—Definitions generally, § 1-2.

Sec. 68-3. Prohibited outdoor storage in residential zoning districts.

Outdoor storage on a site zoned for single-family or duplex residences is subject to the following conditions and restrictions:

- (1) Automobiles, pickup trucks, light vans and/or motorcycles used for regular transportation shall be stored within an open carport, within an approved driveway and/or within a swale area adjacent to the site provided, however, the storage of any vehicles within the swale area shall be prohibited from dawn to dusk. All such vehicles, at all times, shall have affixed a valid license plate.
- (2) A motor home or RV, travel or camping trailer, boat/trailer combination, open or enclosed cargo trailer with or without cargo, project/special-purpose vehicle shall be stored to the rear of the front building line closest to the street and, if possible, set back from the side property lines a distance at least equivalent to the required side yard setback for the principal building. Provided, however, no such equipment shall be stored between any building and an adjacent street, except as provided in subsection (2)c of this section. All such vehicles/trailers shall have affixed a current license plate and all boats shall have affixed a valid registration decal.
 - a. Not more than one each of any two types of equipment set forth in this subsection shall be stored on such site. For purposes of this subsection, a boat/trailer or vehicle/trailer in combination shall be considered one type.
 - b. A boat may not be stored outdoors, unless the boat is on a boat trailer.
 - c. Such equipment shall be screened from adjacent properties on the side property line nearest the equipment by an obscuring fence or landscaping, which such screening shall be a minimum of six feet in height. On corner lots, when such equipment is stored between a building and an adjacent street, such equipment shall be screened on all sides visible from either adjacent street by an obscuring fence or landscaping, which such screening shall be six feet in height. Provided, however, no such equipment shall be stored within a required side yard setback between a building and an adjacent street.
 - d. When stored on the site, such equipment shall not be used for living or sleeping quarters nor for any purpose other than that for which it has been constructed. Such equipment shall not have attached thereto any utility service connection lines, except as may periodically be required to maintain the equipment and its appliances, if any.
- (3) Outdoor storage of element-sensitive equipment/materials is prohibited.
- (4) Outdoor storage of construction equipment/materials, not required for on-site construction pursuant to a valid construction permit or for normal property maintenance, loose vehicle parts and other similar accumulations is prohibited.
- (5) Outdoor storage within a utility easement, drainage easement, alley right-of-way, street right-of-way or front yard area, except as provided herein, is prohibited. Notwithstanding the foregoing, outdoor storage of project/special purpose vehicles, cargo trailers (enclosed or open), boats and motor homes and/or RVs

("vehicles") shall be permitted in utility and drainage easements, subject to the following restrictions:

- a. Any such vehicle shall not have a gross vehicle weight in excess of 30,000 pounds.
 - b. Any such vehicle must be placed at least seven feet from the rear property line.
 - c. Such storage must not interfere with the rights of the easement holder to access and utilize the easement for the purposes intended by the easement.
 - d. No structures may be erected within such easement.
 - e. No vehicle may be stored directly over a culvert or other drainage infrastructure.
 - f. Any such vehicle must be relocated at the request of the easement holder or the town's director of public works or the director's designee.
- (6) Outdoor storage shall be limited to personal property owned or leased by the occupant-owner or occupant-lessee of the site.
- (7) Outdoor storage and the area of storage shall be maintained in a clean, neat and presentable manner.
- (8) Outdoor storage of play-sets, gyms, slides, swing sets and similar equipment is prohibited in the front yard in any residential zoning district.
- a. In the rear or side yards, play-sets, gyms, slides, swing sets and similar equipment shall be screened from abutting properties and adjacent streets by an obscuring fence, wall or hedge, wherever possible.
 - b. Freestanding basketball backboards are exempt from this restriction as long as they are placed in the driveway.
- (9) Alliances and household furniture that are not designated for exterior use are prohibited in front yards, open front porches, and open carports.
- (10) Private swimming pools, to include in-ground or above-ground swimming pools, shall be prohibited in front yards.

(11) Outdoor storage of temporary storage containers, such as metal containers, PODs or similar containers shall be prohibited unless a temporary permit for the placement of such container is received by the Town's Community Development Department. Temporary containers shall be placed on private property, on an approved driveway surface, or within the private property construction site area pursuant to a building permit issued by the Town. Containers shall only be in place for the duration of the work being performed at the property, not to exceed 90 calendar days from the date of installation.