



# Town of Lake Park Town Commission

Item 2.

## Agenda Request Form

Meeting Date: February 7, 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
- BOARD APPOINTMENT
- ORDINANCE on 2<sup>nd</sup> Reading**
- NEW BUSINESS
- OTHER
- CONSENT AGENDA
- OLD BUSINESS

Approved by Town Manager Bambi McKibbon-Turner

Digitally signed by Bambi McKibbon-Turner  
 DN: cn=Bambi McKibbon-Turner, o=Town of Lake Park,  
 ou=Assistant Town Manager/Human Resources Director,  
 email=btturner@lakeparkflorida.gov, c=US  
 Date: 2024.01.30 10:22:26 -05'00'

*Nadia Di Tommaso, Community Development Director*

Name/Title		
<b>Originating Department:</b>  Community Development	<b>Costs: \$ Legal Review</b>  Funding Source: Legal Acct. 108 -31100  <input type="checkbox"/> Finance <small>Barbara A. Gould</small>	<b>Attachments:</b>  → Ordinance 01-2024 → Legal Ad
<b>Advertised:</b> Date: 01/21/2024 Paper: Palm Beach Post <input type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone or Not applicable in this case_ <b>ND</b>  <b>Please initial one.</b>

### Summary Explanation/Background:

Approved on 1<sup>st</sup> reading at the January 17, 2024 Town Commission meeting with a condition that extensions beyond the 90 days are not permitted and that off-site storage solutions are required for periods over 90 days. This added language has been included in the enclosed Ordinance.

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 T  
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.

**Recommended Motion:** I move to "**ADOPT**" Ordinance 01-2024.

**ORDINANCE NO. 01-2024**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 68, SECTIONS 68-2 AND 68-3. PERTAINING TO 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 established regulations pertaining to outdoor storage in residential districts and has codified these regulations in Chapter 68 of the Town's Code of Ordinances; and

**WHEREAS**, the Community Development Department recommends 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 the legislative findings of the Town Commission.

**Section 2.** Chapter 68, Sec. 68-2, is hereby amended to include the term temporary storage containers within the definition of "outdoor storage" as follows:

**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, trailers, temporary containers, or PODs on a property to be used for the temporary outdoor storage of debris, materials, equipment and/or other personal property, outside an enclosed of a residential or non-residential building for purposes other than decoration, ornamentation and/or proper disposal. Storage of materials, debris, garbage, or junk within an open carport whether or not it is 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, § 1, 9-16-1992; Code 1978, § 30-2)

**Section 3.** Chapter 68, Sec. 68-3, is hereby amended to add subsection (11), as follows:

**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) Appliances 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 temporary storage containers or PODs or any similar type of container are prohibited unless a permit for the placement of such container has been received from the Town's Community Development Department. Outdoor temporary storage containers shall only be permitted on residential properties or construction sites where they are located in an appropriate area and on a surface approved by the town pursuant to a building permit. Outdoor temporary storage containers shall only remain on the property at the approved location for the duration of the time when moving activities, or other active work on a residential property or construction site, is being pursued pursuant to the building permit, not to exceed 90 days. Extensions are not permitted. Off-site storage solutions are required for periods over 90 days.**

**Section 4. 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 5. 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 6. Repeal of Laws in Conflict.**

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

**Section 7. Effective Date.**

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

ORDER DETAILS

PREVIEW FOR AD NUMBER LSAR00526100

Item 2.

Order Number: LSAR0052610
External Order #: 9753750
Order Status: Approved
Classification: Govt Public Notices
Package: General Package
Total payment: 139.05
Payment Type: Account Billed
User ID: L0019963
External User ID: 730028

ACCOUNT INFORMATION

Lake Park, Town Of
535 Park AVE
Lake Park, FL 33403-2603
561-881-3300
lweidgans@lakeparkflorida.gov
Lake Park, Town Of
Contract ID: GOVT

TRANSACTION REPORT

Date: January 18, 2024 8:43:13 AM EST
Amount: 139.05

ADDITIONAL OPTIONS

1 Affidavit

SCHEDULE FOR AD NUMBER LSAR00526100

January 21, 2024
Palm Beach Post

LEGAL NOTICE OF PROPOSED ORDINANCE TOWN OF LAKE PARK

Please take notice that on Wednesday, February 7, 2024 at 6:30 p.m. or soon thereafter the Town Commission, of the Town of Lake Park, Florida to be held at 535 Park Avenue, Lake Park, Florida 33403 will consider the following Ordinances on second reading and proposed adoption thereof:

ORDINANCE NO. 01-2024
AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 68, SECTIONS 68-2 AND 68-3. PERTAINING TO TEMPORARY STORAGE CONTAINERS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR THE REPEAL OF ALL LAWS IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

If a person decides to appeal any decision made by the Town Commission with respect to any hearing, they will need a record of the proceedings and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. For additional information, please contact Vivian Mendez, Town Clerk at 561-881-3311.

Vivian Mendez, MMC, Town Clerk
Town of Lake Park, Florida
PUB: January 21, 2024 - The Palm Beach Post
Publication Dates
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Town of Lake Park Town Commission

Item 3.

Agenda Request Form

Meeting Date: February 7, 2024

Agenda Item No.

Agenda Title: 1100 2<sup>nd</sup> Court – Property Updates.

- SPECIAL PRESENTATION/REPORTS
- BOARD APPOINTMENT
- ORDINANCE
- NEW BUSINESS
- OTHER
- CONSENT AGENDA
- OLD BUSINESS

Approved by Town Manager Bambi McKibbon-Turner Date: \_\_\_\_\_  
*Nadia Di Tommaso / Community Development Director*

Digitally signed by Bambi McKibbon-Turner  
 DN: cn=Bambi McKibbon-Turner, o=Town of Lake Park,  
 ou=Assistant Town Manager/Human Resources Director,  
 email=bturner@lakeparkflorida.gov, c=US  
 Date: 2024.01.30 12:02:05 -05'00'

Name/Title		
<b>Originating Department:</b>  <b>Community Development</b>	<b>Costs: Town Attorney Memo</b>  <b>Funding Source: Legal</b>  <b>Acct. # 108 -31100</b>  <input type="checkbox"/> Finance <small>Barbara A. Gould</small>	<b>Attachments:</b>  <b>➔ Town Attorney Memo</b>
<b>Advertised:</b> Date: Paper: <input checked="" type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone ____ OR Not applicable in this case <i>ND</i> <b>Please initial one.</b>

Summary Explanation/Background:

The Town acquired 1100 2<sup>nd</sup> Court through foreclosure in September 2021. In November 2022, the Town sold the property to the current owners, Natasha A. Quiza and Igor Jose O. De Almeida, through a formal solicitation process which resulted in the current owners being selected by the Town Commission pursuant to their purchase price and proposal to substantially reconstruct the home, but with the ability to keep the existing concrete block system. The sales contract stipulated the following conditions:

**Buyer agrees to meet and comply with the following conditions:**

- (1) Demolition, with the exception of the concrete block system, and construction of a new single-family home in accordance with the Town Code and Florida Building Code.**
- (2) Buyer will apply for permits for the demolition and construction within 60 days of assuming ownership of the Property, and that all associated construction work, along with the issuance of a Certificate of Occupancy, shall be completed on or before 1 year following the issuance of the building permit for construction of the single-family home.**
- (3) Buyer shall occupy the home as the Buyer's or Buyer's immediate family member, primary residence for a period of at least 5 years from the date of issuance of the Certificate of Occupancy. Immediate family member is defined as: parents, spouse, children, domestic partner, sister, brother, grandparents and those relationships that arise as a result of marriage or adoption, or legal guardianship.**

Since November 2022, the Town met with the owners several times and as a courtesy, the Town Manager also granted a couple of extensions due to the owner's difficulties with their consultants. The property owners were communicating monthly updates with Staff however, permit applications