ORDINANCE SUMMARY

No current regulations apply to temporary portable storage containers within Lake County. This ordinance would define what temporary portable storage containers are as well as regulate temporary portable storage containers, including the location, duration, and numbers of containers allowed on properties within Lake County.

Changes are shown as follows: ~~Strikethrough~~ for deletions and Underline for additions to existing Code sections. The notation "* * *" indicates that all preceding or subsequent text remains unchanged. Renumbering and/or relettering were added as needed.

ORDINANCE 2015 –

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY, FLORIDA; AMENDING LAKE COUNTY CODE, APPENDIX E, LAKE COUNTY LAND DEVELOPMENT REGULATIONS, CHAPTER II, ENTITLED "DEFINITIONS", TO CREATE DEFINITIONS RELATED TO TEMPORARY PORTABLE STORAGE CONTAINERS, AMENDING CHAPTER III, LAKE COUNTY LAND DEVELOPMENT REGULATIONS, ENTITLED "ZONING DISTRICT REGULATIONS", TO CREATE SECTION 3.14.00, ENTITLED "TEMPORARY PORTABLE STORAGE CONTAINERS" AND TO AMEND CHAPTER X, LAKE COUNTY LAND DEVELOPMENT REGULATIONS, ENTITLED "ACCESSORY AND TEMPORARY STRUCTURES AND USES", SECTION 10.01.01 "GENERAL REQUIREMENTS FOR ACCESSORY STRUCTURES" TO PROHIBIT CARGO CONTAINERS IN RESIDENTIAL ZONING DISTRICTS; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR FILING WITH THE DEPARTMENT OF STATE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Lake County Board of County Commissioners (the "Board") determines that it is in the best interest of its residents, business and visitors to enact sufficient zoning regulations to ensure their health, safety and welfare in regards to temporary portable storage containers; and

WHEREAS, the Board desires to establish regulations for temporary portable storage containers that are streamlined and appropriate for Lake County; and

WHEREAS, the Planning & Zoning Board, in its capacity as the Local Planning Agency, considered this ordinance and recommended approval at a properly advertised public hearing on _____, 2015; and

WHEREAS, on _____, 2015 and _____, 2015, this Ordinance was heard at a public hearing before the Lake County Board of County Commissioners;

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Lake County, Florida, as follows:

Section 1. Recitals. The foregoing recitals are true and correct and incorporated herein by reference.

Section 2. Amendment. Lake County Code, Appendix E, Lake County Land Development Regulations, Chapter II, entitled "Definitions", is hereby amended to read as follows (changes are shown utilizing ~~strikethrough~~ for deletions and underline for additions to existing Code sections. The notation "* * *" indicates that all preceding or subsequent text remains unchanged):

Chapter II Definitions.

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Structure, Temporary. A structure installed, used, or erected for a period less than one hundred and eighty (180) days.

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Temporary Portable Storage Containers. Any temporary structure that is a reusable, enclosed, semi-closed or open vessel, cargo container or truck trailer which is used for the storage of freight, articles, goods, solid waste, personal belongings, commodities, or the like.

* * *

Section 3. Amendment and Creation. Lake County Code, Appendix E, Lake County Land Development Regulations, Chapter III, entitled "Zoning District Regulations", is hereby amended to create Section 3.14.00, to be entitled "Temporary Portable Storage Containers", and to read as follows:

Section 3.14.00. Temporary Portable Storage Containers

3.14.01 Purpose and Intent. Temporary Portable Storage Containers (TPSC) are permitted in a manner that is safe and compatible with adjacent surrounding uses in compliance with this Section.

3.14.02 Prohibitions. Any TPSC exceeding twenty (20) feet in length shall be prohibited in residential zoning districts.

3.14.03 Criteria for Temporary Portable Storage Containers. A TPSC may be permitted in any zoning district and is not subject to zoning permit or building permit requirements, provided it meets the following criteria:

A. Number of Units. For parcels or lots one (1) acre or less in size, a maximum of one (1) TPSC shall be permitted. For parcels or lots greater than one (1) acre in size, a maximum of three (3) TPSC shall be permitted.

B. Placement/Location. The following criteria shall apply to the location and placement of a TPSC:

1. A TPSC shall be prohibited on a vacant parcel or lot.

2. TPSCs shall not be stacked.

3. A TPSC shall be located a minimum of five (5) feet from any property line and/or structure.

4. A TPSC shall not be permitted within a required landscape area, buffer area, areas that are considered environmentally sensitive or within easements.

5. A TPSC shall not be permitted in a manner that impairs a motor vehicles operator's view of other vehicles, bicycle or pedestrian ways, entering or exiting a sidewalk or right-of-way, or in a manner that obstructs the flow of pedestrian or vehicular traffic.

C. Duration. TPSCs may remain on a parcel or lot for a maximum of one hundred and twenty (120) days during a calendar year.

3.14.04 Exemptions. The following shall be exempt from the provisions of this Section:

A. Structures such as storage sheds that are assembled on site or pre-manufactured, roll off trash bins, trucks, or trailers.

B. Properly permitted businesses that sell, rent or lease TPSCs.

C. A TPSC used in conjunction with an agricultural use on land classified as agricultural by the Lake County Property Appraiser pursuant to Chapter 193, Florida Statutes.

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10.01.01 General Requirements for Accessory Structures. Accessory Structures used in conjunction with a residential dwelling unit may be allowed on a Lot, provided that the following requirements are met. This section does not apply to nonresidential farm structures used for agricultural purposes on a bona-fide farm.

A. There Shall be a lawful dwelling unit on the Lot;

B. An Accessory Structure(s) Shall comply with applicable standards and Codes, unless exempted or superseded elsewhere in these Regulations;

C. An Accessory Structure(s) Shall not be located in a required Buffer area, Landscape Buffer, wetland buffers or minimum Building Setback area;

D. For lots less than one (1) acre in size, the square footage of an Accessory Structure(s) shall not exceed eighty (80) percent of the main floor square footage of the enclosed living area of the dwelling unit, which excludes features such as garages, patios, and porches. If there is more than one (1) Accessory Structure, the combined square footage shall apply;

E. An Accessory Structure(s) shall not exceed the height of the dwelling unit or twenty-five (25) feet, whichever is greater.

F. Accessory structures that are buildings shall be located in side and rear yards, unless:

1. The accessory building is the same architectural style and the exterior walls and roof are the same material and color as the principal dwelling unit; or

2. The accessory building is the type typically found in the front yard, such as gazebos, well coverings, or mailbox enclosures. Such building shall be no greater than one hundred (100) square feet or of the minimum size and height to accomplish the use, whichever is less; or

3. The accessory building is located a minimum of one hundred (100) feet from the front property line.

G. Vehicles, Manufactured Housing and Mobile Homes, Shall not be used as storage Buildings, utility Buildings, or other such uses.

H. Cargo and shipping containers shall not be used as Accessory Structure(s) in residential zoning districts.

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Section 4. Severability. If any section, sentence, clause or phrase of the Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

Section 5. Inclusion in the Code. It is the intent of the Board of County Commissioners that the provisions of this Ordinance shall become and be made a part of the Lake County Code and that the sections of this Ordinance may be renumbered or re-lettered and the word "ordinance" may be changed to "section", "article" or such other appropriate word or phrase in order to accomplish such intentions.

Section 6. Filing with the Department of State. The clerk shall be and is hereby directed forthwith to send a copy of this Ordinance to the Secretary of State for the State of Florida in accordance with Section 125.66, Florida Statutes.

Section 7. Effective Date. This Ordinance shall become effective as provided for by law.

Enacted this _____ day of _____, 2015.

Filed with the Secretary of State _____, 2015.

BOARD OF COUNTY COMMISSIONERS
OF LAKE COUNTY, FLORIDA

_____
_____, Chairman

This _____ day of _____, 2015.

ATTEST:

_____
Neil Kelly, Clerk of the
Board of County Commissioners
of Lake County, Florida

Approved as to form and legality:

_____
Melanie Marsh
County Attorney