



Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: January 4, 2023

Originating Department: Community Development

ORDINANCE 14-2022

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 78, ARTICLE V OF THE TOWN OF LAKE PARK'S CODE OF ORDINANCES BY REPEALING SECTION 78-151, ENTITLED "HOME OCCUPATIONS" AND REPLACING IT WITH A NEW SECTION 78-151 ENTITLED "HOME-BASED BUSINESSES"; PROVIDING FOR THE AMENDMENT OF TABLE 78-70-1 CONTAINED IN CHAPTER 78, ARTICLE III, SECTION 78-70 AND SECTION 78-78 OF THE TOWN OF LAKE PARK'S CODE OF ORDINANCES TO REPLACE THE TERM HOME OCCUPATIONS WITH THE TERM HOME-BASED BUSINESSES; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Agenda Title:

Approved by Town Manager: Bambi McKibbon-Turner Date: 12/20/22

Cost of Item: Legal ad \$862.60 Funding Source: Note additional item and cost: ordinance review by Town Attorney, Acct. # 001-52-524-500-34910 -

Account Number: 001-52-524-500-34910 Finance Signature:

Advertised: Date: 10-28-2022 Newspaper: Palm Beach Post

Attachments: Staff Report
Town Code – Chapter 30, Article II "Commercial Motor Vehicles"
Ordinance
Legal Ad

Please initial one:
Yes I have notified everyone
KJG Not applicable in this case

UPDATE FROM DECEMBER 7 COMMISSION PUBLIC HEARING

On December 7 the Commission approved Ordinance # 14-2022 on first reading, with the directive that the staff revise the ordinance to provide a quantitative measure for the statutory phrase "...secondary to the property's use as a residential dwelling" Concerns with truck parking were voiced, and staff was asked to provide additional background on permitted truck parking associated with the home-based business.

Definition of secondary use

The ordinance has been revised to limit the area to 30%, which is consistent with regulations in the Zoning Code limiting accessory uses to 30% within certain zoning districts. Proposed section 78-151 (c) (2) would be modified by the addition of the language highlighted in yellow below.

"2. The activities of the home-based business shall be secondary to the property's use as a residential dwelling, and as such may not occupy more than thirty percent (30%) of the dwelling, including any garage or carport."

Truck parking

As discussed at the hearing, the statute states that regulations for vehicles parked at the business or r-o-w may not be more stringent than regulations for residences where no business is conducted. It was agreed that concerns with the current ordinance regarding commercial vehicle parking in neighborhoods was a separate issue to be discussed.

In order to understand the implications of the current regulations and home-based businesses, attached to this Agenda Request Form and staff report is Town Code "Chapter 30, Article II- Commercial Motor Vehicles", which includes Section 30-35 – Parking of commercial vehicles in residential districts". The section provides definitions and pictures of types of commercial vehicles.

- **The following commercial vehicles are currently allowed by town code to be parked on the street, r-o-w, swale, or private property:**
One taxicab, OR one high-capacity passenger van or work van, OR one standard vehicle with equipment or commercial signage.

Standard automobiles, sport utility vehicles, or pickup trucks without commercial signage or visible equipment or cargo storage are exempt from the restriction and are permitted to park in residential areas.

- **Types of vehicles not allowed to be parked in the above areas include step vans or box trucks or other trucks (*other than pickup trucks or light vans*), tractor trailer trucks, truck cabs designed to pull semi-trailers and any other type of truck not listed as allowed. See enclosed regulations.**

However, all commercial vehicles that are restricted by the existing code provisions may still be parked or stored in an enclosed garage on private residential property when completely screened from public view.

Analysis

As stated, the proposed ordinance has been amended to include the thirty percent dwelling area limitation for home-based businesses. If desired, the Town Commission may request that a separate Ordinance on commercial vehicles is brought forward in the future.

The attached staff report contains the background and analysis of the proposed ordinance.

The Planning and Zoning Board held a Public Hearing on November 7 and voted unanimously to recommend approval of the ordinance to the Town Commission.

RECOMMENDED MOTION:

I MOVE TO ADOPT THE ORDINANCE AS AMENDED, ON SECOND READING.