

**CITY OF PALMETTO  
CITY COMMISSION WORKSHOP MEETING  
December 15, 2014  
4:30 PM**

*PLEDGE OF PUBLIC CONDUCT  
We may disagree, but we will be respectful to one another.  
We will direct all comments to issues.  
We will avoid personal attacks.*

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516 8<sup>th</sup> Avenue West  
Palmetto, Florida 34221

(941) 723-4570  
<http://www.palmettofl.org>

**Shirley Groover Bryant, Mayor**

**Commission Members**

**Jonathan Davis, Vice Mayor, Commissioner-at-Large 1  
Tamara Cornwell, Commissioner-at-Large 2  
Harold Smith, Commissioner, Ward 1  
Tambra Varnadore, Commissioner, Ward 2  
Brian Williams, Commissioner, Ward 3**

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Any Hansen, Florida League of Cities, will present an insurance refund check to the City of Palmetto.

**1. RECOGNITION BRIAN WILLIAMS**

Andy Hansen, Florida League of Cities, will recognize Commissioner Brian Williams for his 20 years of service.

**2. ORDINANCE 2013-21 REGULATION OF USE AND LOCATION OF PORTABLE STORAGE CONTAINERS (M. Barnebey)** (TAB 1)

This item is on the 7:00 p.m. agenda for adoption.

If any person desires to appeal any decision of the City Commission, CRA Board, or of any other Board of the City, that person will 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 (FS §286.0105).

The City of Palmetto does not discriminate on the basis of race, color, national origin, sex, religion, age, marital status or handicapped status in employment or in the provision of services. Handicapped individuals may receive special accommodation in services on forty-eight hours notice (FS §286.26). Anyone requiring reasonable accommodation for this meeting as provided for in the American with Disabilities Act should contact the City Clerk by telephone at 941-723-4570, fax 941-723-4576 or e-mail [jfreeman@palmettofl.org](mailto:jfreeman@palmettofl.org) or [afoley@palmettofl.org](mailto:afoley@palmettofl.org).

POSTED: December 11, 2014



# City of Palmetto Agenda Item

Meeting Date

10/20/2014

Presenter: **Mark P. Barnebey**

Department: **City Attorney**

## Title: Ordinance 2013-21 Regulation of the Use and Location of Portable Storage Containers

### Background:

Large portable storage containers, including Pods and train containers, have been placed on private property for extending periods. While there is a recognized need for these uses to be on property for temporary periods to allow for the filling or emptying of the storage units, there have been concerns raised related to both safety and aesthetics.

### Discussion:

The proposed ordinance has been modified based upon the City Commission workshop comments to allow portable storage containers to be placed on site for up to 60 days at one period or up to 60 days per year. There are proposed limitations on the maximum number of containers on a parcel and the maximum size of the containers, and small storage boxes have been exempted from the requirements. The ordinance puts certain limitations on container location while on a property. Large portable storage containers associated with construction are exempt from all of the requirements except that they must be removed within fourteen days of the end of construction.

### PLANNING AND ZONING BOARD:

The Planning and Zoning Board met on Thursday, February 20, 2014. Planning and Zoning Board recommended adoption of Ordinance 2013-19 by a vote of 3-0.

### SINCE THE LAST DISCUSSION:

The members of the Commission were offered the opportunity to tour the City regarding the need for further regulation.

<b>Budgeted Amount:</b>	<input type="text" value="\$0.00"/>	<b>Budget Page No(s):</b>	<input type="text"/>	<b>Available Amount:</b>	<input type="text" value="\$0.00"/>	<b>Expenditure Amount:</b>	<input type="text" value="\$0.00"/>
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**Additional Budgetary Information:**

<b>Funding Source(s):</b>	<input type="text"/>	<b>Sufficient Funds Available:</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No	<b>Budget Amendment Required:</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No	<b>Source:</b>	<input type="text"/>
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<b>City Attorney Reviewed:</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<b>Advisory Board Recommendation:</b>	<input type="checkbox"/> For <input type="checkbox"/> Against <input type="checkbox"/> N/A	<b>Consistent With:</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<input type="text"/>
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**Potential Motion/ Direction Requested:**

**Staff Contact:**

**Attachments:**

## ORDINANCE 2013-21

**AN ORDINANCE OF THE CITY COMMISSION FOR THE CITY OF PALMETTO, FLORIDA, AMENDING THE PALMETTO CODE OF ORDINANCES; PROVIDING FOR THE REGULATION OF THE USE AND LOCATION OF PORTABLE STORAGE CONTAINERS; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Article VIII, Section 2 of the Florida Constitution provides that municipalities shall have governmental, corporate and proprietary powers to enable municipalities to conduct municipal government, perform municipal functions and render municipal services; and,

**WHEREAS**, pursuant to the referenced provision of the Florida Constitution, a city may exercise any power for municipal purposes except as otherwise provided by law; and,

**WHEREAS**, Chapter 166, Florida Statutes, the "Municipal Home Rule Powers Act," implements the applicable provisions of the Florida Constitution and authorizes municipalities to exercise any power for municipal purposes, except when expressly prohibited by law and to enact ordinances in furtherance thereof; and,

**WHEREAS**, the City Commission has held at least one discussion on the issue of the location and use of portable storage containers; and

**WHEREAS**, the City Commission desires to portable storage structures to be temporary uses and to regulate the use and location of portable storage containers within the City; and

**WHEREAS**, the City Commission finds that use of portable storage containers can cause safety hazards and blight upon neighborhoods and locations, if maintained in such locations for extended periods of time; and

**WHEREAS**, consistent with the findings stated above, the City Commission has determined that adoption of this ordinance is in the best interest of the public health, safety and welfare.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF PALMETTO, FLORIDA, as follows:**

**Section 1.**     **Findings of Fact.** The above “WHEREAS” clauses are adopted herein as findings of fact.

**Section 2.**     **Code Language and Effect on Other Subsection Language.**

a.     A new Article VIII of Chapter 19 of the Palmetto Code of Ordinances is hereby created titled “Regulation of the Use of Various Portable or Temporary Uses.”

b.     Section 19-220 of the City of Palmetto Code of Ordinances is hereby amended to add the following definition:

“Large Portable Storage Container” is any container, (including a shipping or cargo container), storage unit, shed-like unit or other portable container or structure, other than an accessory building or shed complying with all building codes and land use requirements, that can or is used for the storage of personal property of any kind, which is located for such purposes outside an enclosed building and is larger than three feet long, two feet wide or two feet high.

c.     Section 19-221 of the City of Palmetto Code of Ordinances is hereby created to read as follows:

**Section 19-221 – Large Portable Storage Containers**

(a)     Except in the CHI zoning category, the use of Large Portable Storage Containers shall be allowed under the following conditions:

1. There shall be no more than one (1) Large Portable Storage Container per property.
2. Large Portable Storage Containers shall be no larger than ten (10) feet wide, twenty (20) feet long and ten (10) feet high.
3. A Large Portable Storage Container shall not remain at a property in any zoning district in excess of sixty (60) consecutive days, and must not be placed at any one property more than twice during each calendar year.
4. A Large Portable Storage Container shall be set back a minimum of five (5) feet from the nearest wall of a building and from all property lines.
5. A Large Portable Storage Container shall not be placed over a catch basin or in any location that interferes with the drainage system.
6. A Large Portable Storage Container shall not obstruct access to any building or block the visibility triangle of any roadway.
7. For all non-residentially zoned property, Large Portable Containers shall not be located in any part of a drive aisle.
8. Large Portable Storage Containers associated with construction at a site where a building permit has been issued shall be permitted for the duration of construction and shall

be removed from the site at the end of construction pursuant to Section 7-9(c)(4). Large Portable Storage Containers associated with construction are exempt from the other conditions set forth in this Section.

(b) In the CHI zoning district, the use of Large Portable Storage Containers is allowed under the following conditions:

1. The Large Portable Storage Container must be no larger than ten (10) feet wide, twenty four (24) feet long and ten (10) feet high.
2. A Large Portable Storage Container shall be set back a minimum of five (5) feet from the nearest wall of a building and from all property lines.
3. A Large Portable Storage Container shall not be placed over a catch basin or in any location that interferes with the drainage system.
4. A Large Portable Storage Container shall not obstruct access to any building or block the visibility triangle of any roadway.
5. Large Portable Containers shall not be located in any part of a drive aisle.
6. Large Portable Storage Containers associated with construction at a site where a building permit has been issued

shall be permitted for the duration of construction and shall be removed from the site at the end of construction pursuant to Section 7-9(c)(4). Large Portable Storage Containers associated with construction are exempt from the other conditions set forth in this Section.

**Section 3.**     **Enforcement.** The time frames applicable for all Large Portable Storage Containers under this Code shall begin upon the effective date of this Ordinance.

**Section 4.**     **Repeal of Inconsistent Ordinances.** This Ordinance hereby repeals all ordinances, or parts thereof, in conflict herewith to the extent of such conflict.

**Section 5.**     **Severability.** If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, the invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

**Section 6.**     **Effective Date.** This Ordinance shall take effect as provided for by law and by City Charter, Section 14, upon execution by the Mayor or, if disapproval occurs, upon reconsideration by the City Commission and passing of the Ordinance by at least four (4) votes.

FIRST READING	December 16, 2013
PUBLICATION DATE	January 24, 2014
PUBLIC HEARING AND SECOND READING	

PASSED AND DULY ADOPTED, BY THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, with a quorum present and voting, in regular session assembled, this \_\_\_\_\_, day of \_\_\_\_\_, 2014.

By: \_\_\_\_\_  
Shirley Groover Bryant, Mayor

ATTEST:

By: \_\_\_\_\_  
James R. Freeman, City Clerk