

**MINUTES  
PLANNING BOARD MEETING  
JUNE 05, 2018  
6:00 P.M.**

**CALL TO ORDER: CHAIR JOSEPH HULTS**

**INVOCATION AND PLEDGE OF ALLEGIANCE**

**ROLL CALL: MAMIE DRANE, DEPUTY CITY CLERK**

**Members in Attendance**, Chairman Joseph Hults, Board Member Karen Abdul Hameed, Board member Loretta Vittorio, Board Member Bette Biggar

Also in attendance: Community Development Director Ameé Bailey, Deputy City Clerk Mamie Drane, and CFRPC Marissa Barmby

Members not in attendance: Matthew Noone, Vice Chair Deborah Byrne and Board Member Wanda Daley

**APPROVAL OF MINUTES:** January 9, 2018 Meeting

**Board Member Vittorio** moved to approve the minutes from January 09 meeting seconded by **Board Member Abdul Hameed**. The motion was approved by unanimous voice call vote.

**BUSINESS ITEMS - PUBLIC HEARING:**

**1) BASE BUILDING LINE REQUIREMENTS**

**Marisa Barmby** Central Florida Regional Planning Council presented a City initiated text amendment to the City of Lake Alfred Unified Land Development Code relating to the base building line requirements to provide consistency with the development standards of the Downtown Overlay District. Working with staff Ms. Barmby presented the base building line requirements, with the intent to make sure no building is so close to the road that it impedes pedestrians or traffic. Requirements are based on Arterial roads requiring 150 feet right of way with a base building line of 75 feet from the center of the road. Collector roads require a 100 feet right of way with a base building line of 50 feet from the center of the road. If a collector road has only 60 feet of right of way now the City wants to make sure that if the road is widened in the future the building baseline has been accounted for and respected now. She also explained what this meant In the Downtown Overlay District which requires structures to be set back a maximum of 15 feet. Since 17/92, through the Downtown Overlay District, has already been widened the base building line of 25 feet may be removed.

**Board Member Vittorio** asked if that includes sidewalks on roads that have been widened.

**Board Member Abdul-Hameed** asked if the proposed amendment included the transitional district as well as the Downtown Overlay District.

**Ms. Barmby** stated the CFRPC went with the Downtown Overlay District which is both the transitional and the core.

**Community Development Director Bailey** stated the only roads affected by this amendment change are the Arterial and Collector roads.

**Board Member Bette Biggar** stated that her building is on Hwy 17/92 and her tenants cannot put an awning on their side window because the building is too close to the sidewalk. What happens to buildings already in place. Since there's nothing allowed over the sidewalk, the buildings don't really have a front.

**Community Development Director Bailey** stated this will not affect existing building located on Hwy 17/92, the right of way is not wide enough yet. The provisions are in place to allow future widening of the road easier as there will not be a building located in the space needed to develop the roads. In downtown Lake Alfred the road has been widened and has already met these requirements.

**Board Member Loretta Vittorio** asked if businesses coming into the downtown district of the City will have will be impacted by the setbacks.

**Community Development Director Bailey** stated the City has a conflict within the provisions in the code. The City is requiring the three new businesses coming into the Downtown District to have the maximum setback from Hwy 17/92. The road has already been widened in the area they are coming into.

**Chair Hults** stated there are also contributory roads that should be discussed at a later date.

**Chair Hults** opened the public hearing.

Seeing no one **Chair Hults** closed the public hearing.

**Board Member Abdul-Hameed** moved to recommend approval with amendments to the City Commission of the City initiated the text amendment to the City of Lake Alfred Land Development Code relating to the base building line requirements to provide consistency with the Downtown Overlay District within the City of Lake Alfred. The motion was seconded by **Board Member Biggar**. The motion was approved by unanimous voice call vote.

## 2) HOME OCCUPATIONS DISCUSSION

**Marisa Barmby** stated this item is a City initiated text amendment to the City of Lake Alfred Unified Land Development Code relating to the definition, regulation and approval process for home occupations within the City of Lake Alfred. She then asked the Board Members what they thought of when they heard the term home occupations.

**Board Member Abdul-Hameed** said she read in the handout that the person that lives there should be the person that works there, and there shouldn't different equipment. She asked how does this rule work for daycare, in some cases there will be others that come to work there.

**Ms. Barmby** stated the current definition from Article 2 of the Unified Land Development Code currently states that a home occupation is an activity conducted in a residential dwelling unit that employs only members of the immediate family residing there. The activity may not occupy more than 500 square feet of the dwelling nor may it display anything that will indicate from the exterior that the building is

being utilized for any purpose other than that of a dwelling. Specific regulations are contained in Section 7.10.00 of this Code.

The definition in Article 9 is similar but does include some differences from the policies stated above. It includes that no mechanical equipment used except such as is permissible for purely domestic or household purposes are allowed. It does allow for an unlighted nameplate not more than one (1) square foot in area.

**Community Development Director Bailey** stated as the staff is looking over the Code for home occupations regarding businesses in residential areas and what can the City do to avoid conflict.

**Board Member Abdul-Hameed** stated she had read that power consumption or surges could also be a problem with home occupations.

**Ms. Barmby** stated the City is trying to meet the needs of the people residing in Lake Alfred so they can make their living here.

**Board Member Abdul-Hameed** asked what are the surrounding cities doing and how does the County treat Business Tax Receipts. Do they have the language in their ordinances that we could use as a guideline?

**Chair Hults** asked what is the definition of conducting business in a city and which Business Tax comes first, the City or the County. He stated the Home Owners Association (HOA) rules may have jurisdiction over what goes on in their subdivision. In addition, when he applied for a BTR he was required to have signatures from residents within a proximity to his house, which was more than was required by the HOA.

**Community Development Director Bailey** stated that the Community Development Department will be administrating Business Tax Receipts (BTR). Previously it had been the responsibility of the City Clerk before moving to Finance. As staff reviews the code we realize that there are potential conflicts between the code and Business Tax Receipts. There are provisions that state that any business operating within the City should have a Business Tax Receipt. Some businesses are obvious, others have not been. She then asked the Board what they thought about Business Tax Receipts and how should that relate to home occupations. Staff wants to use the BTR process as an opportunity to evaluate the business. Home occupations should fall in line with the Business Tax Receipt provisions. The City either wants to change provisions, if they are unclear, and enforce them in a fair and equitable manner for the businesses in the community. Staff will be able to qualify zoning and use more efficiently with BTR process located in Community Development. The county has the same provisions as do most surrounding cities. Staff is researching what departments are responsible for the Business Tax Receipt and how do they coordinate with other departments. The City's code states if a business is operating or advertising within the City you are required to obtain a BTR. The business does not have to be physically in the City to require a BTR. Presently the City requires the business to have their state license and the county business tax receipt before a City Business Tax Receipt will be issued. In response to Chair Hults comment, she stated she has seen the opposite after gaining approval from the Home Owners Association businesses will forgo a City BTR. The City requirement of signatures of neighbors is not necessarily as acceptable as it once was. If there is a notification requirement it will be administrated by the staff.

**Board Member Vittorio** asked if there was a percentage of homeowners running businesses out of their homes that the City is unaware of. Also, how do craft and hobbies fit into the categories, some people

make and sell crafts all year round. Also, what is the cost of a BTR and in order to obtain a BTR do you have to be the owner of the business.

**Community Development Director Bailey** stated staff believes there are a lot of unregistered businesses in Lake Alfred. Through code enforcement visiting businesses staff is finding some that haven't renewed or new businesses have moved into an old business' place and we look at Google and Sun Biz you can see new business' popping up in the residential neighborhood.

**Chair Hults** stated he would like to see language in the code that would exempt in home business from having to post their license on the wall

**Ms. Barmby** stated in researching the different classifications she found some were defined by what type of business. Staff thought that defining by minor and major, some classifications would require approval on a staff level, running an office out of your home, baking cakes or teaching piano as examples. More intense business would require a different approval. Some options are already in the code, it must be secondary to your principal residential use,

**Community Development Director Bailey** stated another code for consideration is the one that requires 500 square feet set aside, within your house, for a business, some places list the requirement as 20% of the structure. There are many different ways to look at the standards we need to find what's best for the City.

**Board Member Abdul-Hameed** asked if the code requiring 20% of the home for a business came from the federal tax code used to claim write-offs for a home office.

**Community Development Director Bailey** stated she didn't think that the 20% code was still in practice, but the primary concern for staff is that the house being used for a business must stay, first and foremost, a home. Also, BTR is not just a one-time fee there is also a renewal every year and is used as a provision enabling the City to monitor the business. The cost of the original and the renewal is based on the type of business. Another factor to consider is should the City allow accessory storage structure for a home business and should that type of request be placed into a different approval procedure.

**Board Member Biggar** stated that a lot of small businesses started in the owners home. She doesn't see added employees as a problem right now, nor does she see a problem with how much room a home business needs as long as it does not interfere with the neighbors. As long as they have a license, they're registered and they are operating legally the City shouldn't be concerned. A lot of people have offices in their home and use it as a tax write-off. The City should be careful not to stifle new businesses.

**Community Development Director Bailey** stated as soon as you start bringing in employees you may not qualify as a home occupation. If the Board want to allow other employees, that may be the time to start a public hearing process for approval versus approval by administrative staff.

**Ms. Barmby** said part of the reasoning behind the measured office size is to prevent the entire house becoming a business in a residential area. Size may be one of the factors to dictate which type of approval the owner would go through. She also noted there are provisions in the parking code allowing trucks, under a specific size, to park in the driveway.

**Chair Hults** stated there has been a home occupation license issued for a business but none of the business is conducted at that property the business is by internet or phone. Corporations are scaling down their cost and more directors are working from home. He said another problem would arise if the garage is used for storage. The code states its 500 square feet total, not in addition to the garage.

**Board Member Abdul-Hameed** asked if a cleaning service worked out of a home but no one came to that house, the supplies were mailed, the payroll checks were mailed how would classification be made.

**Board Member Vittorio** stated what starts out with a friend helping, leaving their car, wherever, and picking up a trailer, out could end up being ten extra workers.

**Community Development Director Bailey** stated another issue being researched is when does a home occupation license become invalid. Should their license be revoked if they out-grow the original approval for the business or when the owner fails to renew their BTR. Another issue staff is considering is should a home business be allowed 500 square feet in the garage and an accessory building.

**Community Development Director Bailey** stated currently there is conflict in the code about signage, the primary section says no signage while the definition reads that a very small attached sign is allowed. This will be addressed in the rewrite.

**Ms. Barmby** said not just thinking about home occupations she asked the board what they think about signs in front yards. There could be a provision in the code addressing temporary signs, how big, where they can be located and how long they can be in the yard.

**Board Member Abdul-Hameed** asked if temporary signs are allowed and how can you regulate that.

**Chair Hults** stated there is no appropriate sign for a home occupation if you have a business you put a sign-out. If you have a home occupation, you don't want anyone to know it's there so there should not be signage. You are now allowing customers in the subdivision, does that conflict with the current definition of home occupation.

**Ms. Barmby** stated another issue for home occupation consideration is the use of mechanical devices. There should be language addressing increasing auto trips what is the normal and what is excessive.

**Board Member Biggar** stated if a business has 3 or 4 cars coming and going, should neighbors have approval options.

**Community Development Director Bailey** stated if the home business relies on delivery's, not the regular small truck but the larger semi-truck, what type of occupations would be allowed that have the service beyond the traditional delivery methods.

**Ms. Barmby** said the code could allow only one client, patron or customer time. The time could be set and not allow business before 8:00 am or 9:00 am on weekends or after 8:30 pm any day of the week. Home Occupation is an activity carried out for gain by a resident, conducted entirely within a dwelling unit, which occupation is clearly incidental and secondary to the use of the lot for residential purposes.

Proposed locations:

- dwelling units within residential zoning districts
- zoning districts that allow accessory residential uses
- nonconforming residential

Proposed Process:

- Application to Development Director
- Special Exception Application
- Criteria for Director Approval
  - Resident only person employed
  - No sign
  - Within primary structure
  - No specialized equipment
  - No traffic generation
- Criteria for Planning Board or Board of Adjustment Approval
  - Secondary employee
  - Sign request
  - Use of accessory structure for use or storage
  - Specialized equipment

**Community Development Director Bailey** asked which board should be responsible for deciding on home occupations, the Planning Board or the Board of Adjustment. Does the Board consider the question on home occupations zoning or would the change be considered by the Board of Adjustment.

Discussion followed regarding which board should be responsible for governing home occupations. Staff will work on the suggestions and bring the changes back to the board for their approval.

### 3) GRANT APPLICATIONS AND ULDC AMENDMENTS

**Director Bailey.** The City has been applying for grants with the RPC staff or additional consultants. She presented the highlights of the following projects

17/92 Lane repurpose  
ULDC re-write  
Outline of Amendments  
Green Swamp  
Data and analysis  
Infrastructure Grants

Discussion followed.

#### 4) SCHEDULE

- EAR amendments
- Ongoing text amendments
- Home occupations
- Dwelling units in non-residential districts
- Alcohol sales
- Notice requirement
- The Lakes tract 8 plat
- Lynchburg PUD

A brief question and answer period ensued.

Also, several board members went to training since the last meeting. There will be more training opportunities in the fall.

**Board Member Abdul-Hameed** stated at one of the training sessions she attended the speaker warned about using your personal email. She does not like getting information from the City to her email.

**Ms. Barmby** said a public record request does not require everything on someone's personal email but the specific item. She suggested setting up another email that is designed just for City business.

#### PUBLIC COMMENTS

**Eric Terrell** 215 W Haines came to observe and learn what's going on in the City, would like to see traffic slowed down. From a business point of view, slowing traffic down would improve street visibility. Regarding home businesses, what if a family has two businesses in a house.

#### BOARD MEMBER COMMENTS

**Board Member Abdul-Hameed** stated staff has outdone themselves our city is growing and she appreciates all the work. Also, Mamie has moved up to Deputy City Clerk, and she offered congratulation.

**Board Member Vittorio** stated she appreciates the slides and explanations of acronyms.

**Chair Hults** said if there is any way the board can help he would be willing to start a committee.

**Board Member Biggar** no comment.

**Board Member Vittorio** made a motion to adjourn, **Board Member Abdul-Hameed** seconded the motion.

The meeting was adjourned at 8:30 pm

Respectively Submitted,

Mamie Drane  
Deputy City Clerk