

City of Lake Alfred
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Community Development

Building | Code Enforcement | Planning | Zoning

AGENDA

PLANNING BOARD MEETING

**CITY COMMISSION CHAMBERS
CITY HALL**

**JUNE 5, 2018
REGULAR MEETING 6:00 P.M.**

CALL TO ORDER: CHAIR JOSEPH HULTS

INVOCATION AND PLEDGE OF ALLEGIANCE

ROLL CALL: MAMIE DRANE, ADMINISTRATIVE ASSISTANT

APPROVAL OF MINUTES: JANUARY 9, 2018 MEETING

BUSINESS ITEMS - PUBLIC HEARING:

- 1) BASE BUILDING LINE REQUIREMENTS
- 2) HOME OCCUPATIONS DISCUSSION
- 3) GRANT APPLICATIONS AND ULDC AMENDMENTS
- 4) SCHEDULE

PUBLIC COMMENTS

BOARD MEMBER COMMENTS

ADJOURN

NEXT MEETING: JULY 10, 2018

Any person who decides to appeal any recommendation of the City Commission and/or Planning Board with respect to any matter considered at this meeting 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. Persons with disabilities needing special accommodations to participate in this proceeding should contact the City Clerk no later than five days prior to the proceeding at 291-5747.

DRAFT MINUTES
PLANNING BOARD MEETING
January 09, 2018
REGULAR MEETING 6:00 P.M.

CALL TO ORDER: CHAIR JOSEPH HULTS

INVOCATION AND PLEDGE OF ALLEGIANCE

ROLL CALL: MAMIE DRANE, ADMINISTRATIVE ASSISTANT

Members in Attendance, Chairman Joseph Hults, Vice Chair Deborah Byrne, Board Member Karen Abdul Hameed, Board member Loretta Vittorio, Board Member Wanda Daley (late).

Also in attendance: Community Development Director Ameé Bailey, Administrative Assistant Mamie Drane and CFRPC Jennifer Codo Salisbury

Members not in attendance: Matthew Noone and Bette Biggar

APPROVAL OF MINUTES: OCTOBER 13, 2017 MEETING

Board Member Vittorio moved to approve the minutes from October 13, 2017 seconded by **Vice Chair Byrne**. The motion was approved by unanimous voice call vote.

BUSINESS ITEMS - PUBLIC HEARING:

1) APPOINTMENT OF CHAIR AND VICE CHAIR

The floor was opened for nominations for Chairman of the Planning Board.

Board Member Abdul Hameed nominated Joe Hults to continue as Chairman of the Planning Board the nomination was seconded by **Vice Chair Deborah Byrne**. The nomination passed by unanimous voice call vote.

The floor was opened for nominations for Vice Chairman of the Planning Board.

Board Member Vittorio nominated **Vice Chair Deborah Byrne** to continue as Vice Chairman, **Board Member Abdul Hameed** seconded the nomination. The nomination passed by unanimous voice call vote.

2) BYLAWS REVIEW

Community Development Director Bailey stated the original By Laws were adopted in 2005 and in 2015 they were amended. Staff is proposing minor changes at this time, including .

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meeting day, time and schedule. In the By Laws Wednesday is listed as the meeting day, the suggested day is the second Tuesday of the month, if the date falls on a holiday the meeting would move to the fourth Tuesday. The time in the By Laws is 7:00 p.m. and the board now meets at 6:00 p.m., the time would be officially changed to 6:00 p.m. per this amendment. The Code states the Planning Board meets monthly, this cannot be changed in the By Laws. However the Planning Board has been meeting on an as needed bases and the Board will continue to meet in that fashion. The schedule has been made as the board will meet monthly, in part, to identify when applications are due for future meetings. The changes will not require a vote at this time if the consensus is favorable the items will be added to the agenda for the next meeting. Asking for a consensus regarding changing the meeting time to 6:00 p.m. on the second Tuesday. The Board responded favorably.

Community Development Director Bailey reviewed the schedule handout with the all the boards meeting days and times, explaining what the lead dates to the meetings meant in regard to applications and advertising requirements

Board Member Abdul Hameed mentioned the By Law requirement on notifying the City staff at least 24 hours when they would be absent, it's helpful to read through and refresh the rules.

Community Development Director Bailey stated the City Commission appointed Board Member Wanda Daley to the Planning Board moving from the Board of Adjustment. Her move will complete the Planning Board as there are now seven members. Staff calls before the meetings to remind you of the meeting and find out who will be coming to the meeting, this would allow the City time to invite the alternates.

Chair Hults asked **Board Member Daley** to introduce herself.

Board Member Daley stated she has been a life-long resident of Lake Alfred. She has served on Board of Adjustments and she is greatly involved with the community and church. Mrs. Daley said she is a substitute teacher and also semi-retired.

3) MEETING PROCEDURES

Community Development Director Bailey stated at the beginning of the meeting someone within staff will explain the procedures, not for the board but for the audience, this will help develop a procedure or protocol for conducting the meetings in the future. This includes educating the public and conducting the meetings in a consistent and knowledgeable manner.

The applicant will have 30 minutes to speak, and the opposition, if there is any, will also have 30 minutes to speak, and members of the general public will have 3 minutes to speak, the applicant will be given the opportunity to rebut any of the opposition.

Chair Hults suggested having a brief definition of items pertinent to the property that the Planning Board has been asked to make a decision on.

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Board Members discussed the different time limits for speakers addressing the board. The consensus is to keep the guideline as is, allowing each speaker a limit of time with the set times varying with the applicant, opposition or general public, with the board realizing that the time limits are not absolute.

Community Development Director Bailey stated the board will be meeting at least every other month due to the extensive project list. A few cases coming forward will be the solar plan development. The Central Florida Regional Planning Council has looked at the City's comprehensive plan identifying some items that should be addressed. Most items are minor but changes are required to match the Florida Statutes. The annexations that the City is experiencing wouldn't necessarily be an agenda item for the Planning Board, but some parcels are coming into the City without land use or zoning. Depending on the property, the Planning Board will be asked to make the recommendation to the Commission on land use and zoning. The City is also looking at the roads to bring into the city limits, some the City is already maintaining. Also, looking at the City's land use and zoning maps, notice that all parcels have a land use, but not all of them have zoning assigned, this is another task for the planning board. **Director Bailey** discussed the other codes that the Planning Board will review and fine tune.

Jennifer Codo-Salisbury The Central Florida Regional Planning Council explained a part of the City code that the Planning Board will be addressing and updating concerns places of gathering, examples are churches, daycares and fraternal lodges, and how the City permits these establishment and how they are referred to.

BOARD MEMBER COMMENTS

Board Member Vittorio asked is there a Code that is focused on communication, such as Broad band? Will there be hot spots throughout the City?

Community Development Director Bailey replied there's not a code that directly covers broadband since it's mostly underground. There will be code revisions addressing cell towers. The City will be regulating where and how high the structure can go. Concerning the hot spots, the City has already included Cat 5 cable in their budget

Board Member Abdul Hameed stated she wanted to thank Staff for combing through the code and identifying the problems the City may encounter with how the code is written.

Jennifer Codo-Salisbury stated that Director Bailey will be sending out a notice in the spring about a Planning Commissioner Training, more information will be sent out as it becomes available.

Board Member Abdul Hameed asked if the City will be going to exclusively digital for communication via email. That is not something she is comfortable with as the last Training the board attended personal email usage was cautioned against.

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Community Development Director Bailey assured the Board that personal email was not the issue as long as it's with the City. When correspondence via email becomes a problem is between yourself and another board member, you have now created a public record that you are responsible for keeping.

The board had a brief discussion regarding personal emails versus City emails.

Board Member Vittorio thanked staff for bring the information to the board and that she is looking forward to working on the ULDC.

Vice Chair Byrne also thanked staff for organizing the areas that they will be covering, stating the presentation was informative and very well put together.

Board Member Daley stated she enjoyed her first meeting with the planning board and she looks forward to working with them in the future.

Board Member Abdul Hameed welcomed Board Member Daley and thanked the staff again.

Board Member Vittorio made a motion to adjourn **Board Member Abdul Hameed** seconded the motion. The motion was approved by unanimous voice call vote.

The meeting was adjourned at 8:02

Respectively Submitted,

Mamie Drane
Deputy City Clerk

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3.02.02 Base Building Lines

- (A) *General.* The general purposes and intent of the City in the establishment of base building lines are to provide an efficient and economical basis for acquisition of street rights-of-way; and to provide a convenient and adequate thoroughfare network to meet the present and future needs of residential, commercial and industrial traffic through and around the City.

- (B) *Base Building Lines Established.* Base building lines are hereby established for all arterials and collectors roads as shown on the Future Traffic Circulation Map of the City of Lake Alfred Comprehensive Plan. Base building lines shall run parallel to the right-of-way centerline of such roads at a distance of one-half the right-of-way width required for the applicable roadway functional classification.

Right-of-way widths and base building line distances shall be as follows:

	R/W Width	Base Building Line
Arterials	150 feet	75 feet
Collectors	100 feet	50 feet

No structure in any zoning district shall be placed forward of the base building line, regardless of the normal front or side street setback requirement for the district, except within the Downtown Overlay District.

- (C) *Base Building Line on State Roads.* Regardless of the provisions of Section 3.02.02(B) or any other provision of this Code, no structure shall be placed within 25 feet of the edge of the right-of-way of any State Road located within the City, except within the Downtown Overlay District.

STAFF RECOMMENDATION:

Based on the analysis provided within this staff report, staff finds that the proposed request IS CONSISTENT with the Lake Alfred Unified Land Development Code and Comprehensive Plan and recommends APPROVAL of the proposed text amendment.

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**Business Item No. 2 PUBLIC HEARING: HOME OCCUPATION REQUIREMENTS
UNIFIED LAND DEVELOPMENT CODE (ULDC) TEXT
AMENDMENT**

ISSUE: A city initiated text amendment to the City of Lake Alfred Unified Land Development Code relating to the definition, regulations, and approval process for home occupations within the City of Lake Alfred.

ATTACHMENTS:

- Staff Report
 - Current Policies
-

STAFF REPORT:

PREPARED BY: Marisa M. Barmby, AICP, Central Florida Regional Planning Council
 Amée Bailey, Community Development Director

BACKGROUND:

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.

Section 7.10.00 provides provisions for compliance and a procedure for approval. Additional provisions include that the home occupation must be incidental and subordinate to the residential use, no signs, no outdoor displays, no outdoor storage, and no equipment or process that creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses. The home occupation can be approved by the Chief Building Official or they may refer the matter to the Planning Board if the signatures of all the property owners within 100 feet cannot be collected.

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 name plate not more than one (1) square foot in area.

In addition Article V of the Code of Ordinances for Business Tax requires that any business, profession, occupation or industry must first have a business tax receipt prior to conducting business within the City.

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Staff would like to discuss possible revisions to the provisions for home occupations to provide clarity to what constitutes a home occupation and the requirements for approval. Some of the provisions or clarifications that staff would like to include for home occupations are:

- is **incidental and secondary** to the principal residential use of the residential dwelling unit.
- Must have a business tax receipt
- **does not change the essential residential character** of the principal residential use.
- **does not provide for more than one person** who is a nonresident of the residential dwelling unit to be directly or indirectly employed by or for the home occupation.
- **does not occupy more than 20 percent** of the total floor area of the residential dwelling unit and, if the home occupation use utilizes an accessory structure(s), it does not occupy more than 20 percent of the total covered and enclosed residential floor area on the property.
- **does not** have any activities associated with the home occupation **visible from any other residential dwelling unit**. If the home occupation utilizes an accessory structure, the structure is covered and enclosed.
- **will not have signage advertising** the home occupation displayed on the premises.
- **does not involve outdoor storage**, including but not limited to any equipment or materials.
- **does not involve the use of mechanical, electrical or other equipment** that produces noise, electrical or magnetic interference, vibration, heat, glare, or other nuisance outside the residential dwelling unit or accessory structure in which the home occupation occurs. Nor should the mechanical equipment be commercial grade or require commercial infrastructure.
- **does not increase the average daily automobile trips** generated by the residence in which the home occupation is located.
- **does not have additional off-street parking** to accommodate the home occupation.

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- **does not have more than one client, patron, or customer on the premises** for business or professional purposes at any one time. The home occupation shall not be open for customers, clients or patrons before 8:00 am on weekdays and 9:00 am on weekends nor after 8:30 pm on any day of the week.
- **has deliveries limited** to package (e.g., United Parcel Service) services or utilization of the owner's passenger vehicle.

Proposed definition:

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 types of home occupations:

- Office in the Home (Accountant, Music teacher, realtor, website design))
- Home Craft (dressmaking, knitting, woodworking, drawing, painting, and sculpting)
- In-Home Sales and service (phone sales, hairstylist, interior design)
- Home-Based Business (Mary Kay, Scrapbooking, At-home daycare)

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
 - Traffic generation

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- Expiration
 - If business tax receipt is not renewed annually
 - Sale or abandonment of property
 - Code Enforcement Violation
 - Building improvements without a permit
 - Business other than that permitted

STAFF RECOMMENDATION:

This is a discussion item.

7.10.00 Home Occupations

Authorized home occupations shall comply with all of the following provisions:

- (A) No person other than a member of the family residing on the premises shall be employed in the home occupation.
- (B) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to the use of the unit for residential purposes by its occupants. Under no circumstances shall the residential character of the property be changed by the home occupation.
- (C) No sign or display shall be provided to indicate from the exterior that the building is being used in whole or in part for any purposes other than that of a dwelling.
- (D) Business activities associated with a home occupation, including storage of merchandise and materials, shall take place only in the principal structure.
- (E) No home occupation shall occupy more than a total of 500 square feet of floor area.
- (F) Traffic shall not be generated by the home occupation in greater volumes than would normally be generated by a dwelling unit in a residential area. No additional parking spaces shall be provided in excess of those required to serve the residential unit under Section 3.03.00.
- (G) No equipment or process shall be used in a home occupation that creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses. In case of electrical interference, no equipment or process shall be used that creates visual or audible interference in radio or television receivers or causes fluctuations in line voltages off the premises.
- (H) No articles or materials pertaining to the home occupation shall be stored on the premises, except inside the principal structure.

7.10.01 Procedure for Approval of a Home Occupation

A home occupation may be approved administratively by the Chief Building Official upon payment of a review fee established by the City Commission and submission of an application containing the following information and documentation:

- (A) Name(s) of owner(s) and a copy of the deed to the property.
- (B) Legal description of the property.
- (C) Complete written description of the activity proposed as a home occupation.
- (D) Copy of Polk County Property Appraiser's map showing subject property and all surrounding properties within a 100-foot radius of subject property's boundaries.
- (E) Certified survey of subject property (at Chief Building Official's discretion).
- (F) Signatures of all property owners within 100 feet on a petition indicating no objection to the home occupation.

The Chief Building Official may refer the matter to the Planning Board for approval if signatures from all property owners within 100 feet of the subject property cannot be obtained, or for any other reason that may justify such referral. Home occupation approvals shall be handled through the same process as a zoning district change or special exception approval.

[RESERVED]