



# **Town of Lake Park, Florida**

## **Planning and Zoning Board Meeting Minutes**

Monday, November 07, 2022 at 6:30 PM

535 Park Avenue Lake Park, Florida

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<b>Richard Ahrens</b>	—	<b>Chair</b>
<b>Jon Buechele</b>	—	<b>Vice-Chair</b>
<b>Lauren Paxton</b>	—	<b>Regular Member</b>
<b>Elizabeth Woolford</b>	—	<b>Regular Member</b>

***PLEASE TAKE NOTICE AND BE ADVISED, that if any interested person desires to appeal any decision of the Planning & Zoning Board, with respect to any matter considered at this meeting, such interested person 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 requiring accommodations in order to participate in the meeting should contact the Town Clerk's office by calling 881-3311 at least 48 hours in advance to request accommodations.***

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### **CALL TO ORDER**

**6:48 P.M.**

### **PLEDGE OF ALLEGIANCE**

### **ROLL CALL**

#### **PRESENT:**

Richard Ahrens  
Jon Buechele  
Lauren Paxton  
Elizabeth Woolford

#### **APPROVAL OF AGENDA:**

Motion to approve the agenda made by Paxton, Seconded by Woolford.  
Voting Yea: Ahrens, Buechele

#### **APPROVAL OF MINUTES:**

Motion to approve the September 12, 2022 Planning & Zoning Board Meeting Minutes made by Paxton,  
Seconded by Woolford.

Voting Yea: Ahrens, Buechele

### **1. Special Call Planning & Zoning Board Meeting; September 12, 2022**

## **PUBLIC COMMENTS ON AGENDA ITEMS:**

*Any person wishing to speak on an agenda item is asked to complete a Public Comment Card located on either side of the Commission Chambers, and provide it to the Recording Secretary. Cards must be submitted before the agenda item is discussed.*

Chair Ahrens read the procedures to make Public Comments.

## **ORDER OF BUSINESS:**

The normal order of business for Hearings on agenda items are as follows:

Staff presentation.

Applicant presentation (when applicable).

Board Member questions of staff and applicant.

Public Comments – limited to 3 minutes per speaker.

Rebuttal or closing arguments for quasi-judicial items.

Motion on floor.

Vote of Board.

## **NEW BUSINESS:**

The Board reorder the agenda to hear PZ-22-17 first.

### **2. PZ-22-17: PROPOSED ORDINANCE AMENDING THE TOWN'S EXISTING REGULATIONS FOR HOME OCCUPATIONS CONTAINED IN SECTION 78-151 OF THE ZONING CODE TO ESTABLISH REGULATIONS IN CONFORMANCE WITH FLORIDA STATUTES 559.995.**

Town Planner Karen Golonka made a presentation (see Exhibit "A"). Board Member Woolford asked if childcare be considered a Home Care Business. Town Planner Golonka explained that the Florida State Statute defined childcare separately. The Town's Code allows up to six (6) children. Chair Ahrens had no objections to what Town Planner Golonka presented. Vice-Chair Buechele asked if the Town would know who was applying for a Home Based Business through the Business Tax Receipt. Town Planner Golonka stated "yes" this would be how the Town would know of Home Base Businesses, otherwise they would be in violation of the Town Code.

**Motion to approve the proposed Ordinance language was made by Buechele, Seconded by Woolford.**

**Voting Yea: Ahrens, Paxton**

### **3. PZ-22-16: PRESENTATION BY NUE URBAN CONCEPTS: TOWN OF LAKE PARK MOBILITY PLAN AND MOBILITY FEE.**

Mr. Jonathan Paul representing NUE Urban Concepts presented to the Board (see Exhibit "B"). Board Member Woolford asked if the pathways would be identified for bicyclists and pedestrians. Mr. Paul stated that markings could be placed identifying for walkways and a bicycle lane. Chair Ahrens expressed concerns with widening roads when structures are built right up to the property line. Mr. Paul explained that these proposed divided medians would only be done where there are currently four-lanes of traffic. He gave an example of 7th Street to US Highway 1 on Park Avenue as a roadway that could be divided with bicycle and pedestrian lanes. Chair Ahrens expressed concerns that this design would end at 7th Street because the roadway has been built out and did not see how this concept would work. Mr. Paul explained that there was a separate study being conducted to allow for this concept. He spoke of a possible round-about on 7th Street and Park Avenue to allow for the transition. Chair Ahrens expressed concern with sharing the road and sidewalk with bicyclists. Mr. Paul explained the next steps of the concept and putting the concept in place by 2045. Chair Ahrens raised concerns with the additional density in Town and how the concept would fit into the Town. Vice-Chair Buechele felt that if the Town modeled Clematis Street, people would drive slower, they would find places to park, and pedestrians would use the roadway more often. He was optimistic that the concept would work in Lake Park. Mr. Paul explained that there would be more input and design over the next 20-years. The Board discussed with Mr. Paul the concept and their concerns.

Chair Ahrens questioned the need for Mobility taxes and double taxation. Mr. Paul explained that there was a provision in the Palm Beach County Ordinance explaining taxes and reduction of their fee. It would be up to the Town Commission to adopt the fees. Mr. Paul explained that the fee, as it was currently constructed, would be in addition to the Palm Beach County Roadway Impact Fee. He explained that the Ordinance would come before the Town Commission on December 7, 2022 for discussion and input. The second reading of the Ordinance would take place on December 21, 2022 should the Town want to move forward.

Chair Ahrens felt that the fee would have a dramatic impact on the Town's projects. He suggested that the Town aggressively pursue Palm Beach County in keeping the fees in Town. He felt that the fees being proposed were a bad idea. Community Development Director DiTommaso explained that when the Town first began the process it was under the same mind frame as it related to the impact fees with Palm Beach County. She explained that the first iteration of the Comprehensive Plan changes aimed to create this program and replace the Palm Beach County

impact fee. As a result, Palm Beach County did not agree, and the plan was reverted back to follow the Palm Beach County impact fees. The Town has then begun the process to create a Mobility Plan and Mobility Fee of its own, structuring this plan with a fee schedule that accounts for the local roads and only 10% of Palm Beach County maintained roadways. The idea was for the Town to still go back to Palm Beach County and strategize that a portion of the impact fees that Palm Beach County receives to be spent on the County roadway projects that are identified in this plan. She explained that the Town was not there yet. However, the Town hopes to get there. She explained that the County does understand that the Town's Mobility Plan addresses County roadways and several projects are possibly within these County roadway areas. Chair Ahrens did not agree and made comments disagreeing with the taxes. Community Development Director DiTommaso stated that his comments would be shared with the Town Commission.

Vice-Chair Buechele asked what the issue was with City of Palm Beach Gardens and the County Mobility Fee. Mr. Paul explained that what the City of Palm Beach Gardens did was to adopt a full Mobility Fee and elected to no longer collect the County's fee. As a result Palm Beach County has been in litigation with the City of Palm Beach Gardens. Vice-Chair Buechele stated that the Town was setting itself up for a similar battle with Palm Beach County. Mr. Paul explained that it was the reason why the Town was taking a different approach.

Board Member Woolford asked if the impact fee currently affects the project in development. Mr. Paul explained that none of the current projects are affected by the proposed impact fees. If the Ordinance were adopted, then the fees would impact any future projects. Board Member Paxton asked if the Ordinance could be reassessed next year and see what happens with the City of Palm Beach Gardens. Mr. Paul stated that the Town Commission could reassess at any point. Chair Ahrens expressed his concerns moving forward with the Mobility Fees.

**4. PZ-22-15: COURTESY PRESENTATION BY THE VILLAGE OF NORTH PALM BEACH ON THEIR PROPOSED C-3 DISTRICT LAND DEVELOPMENT REGULATIONS.**

Community Development Director DiTommaso requested that the item be postponed until the next meeting.

### **COMMUNITY DEVELOPMENT DIRECTOR COMMENTS AND PROJECT UPDATES:**

Chair Ahrens asked for a status update on the Northlake Blvd and US 1 project. Community Development Director DiTommaso explained that the project was not ready to move forward. She stated that the developer does not have all the authorizations in place from all of the property owners.

Chair Ahrens asked for a status of the Oceana Coffee project. Community Development Director DiTommaso explained that they are in the first stages of their project. She stated that the project would take about 18-months to be completed.

Board Member Paxton asked about the tarp on the Town Hall roof and would that be coming before the Historic Preservation Board. Community Development. Director DiTommaso explained that she did not have all the details about the Town Hall roof. If a roofer were hired the project would come before the Historic Preservation Board for review.

### **PLANNING & ZONING BOARD MEMBER COMMENTS:**

Board Members had no comments.

### **ADJOURNMENT:**

Motion to adjourn was made by Buechele, Seconded by Paxton.

Voting Yea: Ahrens, Woolford

The meeting adjourned at 8:40 P.M.

**FUTURE MEETING DATE:** December 5, 2022 at 6:30 P.M.



**TOWN OF LAKE PARK**  
**PLANNING AND ZONING BOARD**  
**Meeting Date: November 7, 2022**  
**Agenda Item# PZ 22-17**

**DESCRIPTION: PUBLIC HEARING**

**PUBLIC HEARING TO CONSIDER A PROPOSED ORDINANCE AMENDING THE TOWN'S EXISTING REGULATIONS FOR HOME OCCUPATIONS CONTAINED IN SECTION 78-151 OF THE ZONING CODE TO ESTABLISH REGULATIONS IN CONFORMANCE WITH FLORIDA STATUTES 559.995.**

**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 78-1 CONTAINED IN CHAPTER 78, ARTICLE III, SECTION 78-70 AND SECTION 78-78 OF THE TOWN OF LAKE PARK'S CODE OF ORDINANCES TO DELETE THE TERM HOME OCCUPATIONS AND REPLACING IT WITH THE TERM HOME-BASED BUSINESSES; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**Background**

In 2021 the Florida Legislature adopted legislation affecting a local government's ability to regulate home occupations. This is codified as FS section "559.955 Home-based businesses; local government restrictions". (See **Attachment A** for statute)

In summary, State law now prohibits local governments from regulating or restricting home-based businesses any different from other businesses in the local government's jurisdiction, except as provided in the legislation. The legislation does include certain performance standards for neighborhood compatibility.

Review of new ordinances adopted to address the legislation indicates that many communities are basically replacing their current language with that from the state statute itself. This includes West Palm Beach and Palm Beach Gardens. North Palm Beach has not yet amended its code.

The Town's ordinance, as proposed, would also basically utilize the state language, with minor additions to reflect Town ordinances. The current code section (Attachment C) would be repealed and replaced with the new text shown in **Attachment B**.

The ordinance also contains amendments to two zoning districts to replace the term “home occupation” with “home-based business” for consistency with state statute.

## **Analysis**

### **Major Differences between current code and proposed language**

The major differences between the Town’s existing regulations and those mandated by the state are listed below.

<b>Regulation Subject</b>	<b>Town’s Current Code</b>	<b>Proposed Code (per State Statute)</b>
<b>Uses</b>	No retail sales, specific uses listed as prohibited	No prohibition on uses. However residential character must be maintained.
<b>Restriction on Employees</b>	Must reside in home	Resident + up to two non-residents
<b>Maximum area of residence to be used</b>	10 %	No set limitation. However must be secondary to the residential use
<b>Signage</b>	None, unless required by state licensing law and maximum of 24 square inches	Per local code - Therefore, Town current restriction will carry forward.
	<b>See attachment C for current Code</b>	<b>See attachment B for proposed code</b>

## **Protections for the Neighborhood**

While the State clearly opened the door to a number of new types of home businesses, the legislation did include some safeguards for residential neighborhoods. This statutory language is shown below in *blue italics*.

### **1. Residential Appearance**

The following section of the statute can be broadly construed to protect residential neighborhood appearance, by requiring the following:

*“As viewed from the street, the use of the residential property is consistent with the uses of the residential areas that surround the property. External modifications made to a residential dwelling to accommodate a home-based business must*

*conform to the residential character and architectural aesthetics of the neighborhood.”*

*“The home-based business may not conduct retail transactions at a structure other than the residential dwelling”*

This statutory language, included in the Town’s proposed ordinance will serve as a major safeguard, insuring the continuing appearance of a residential neighborhood. In addition to retail transactions, the Town has added service transactions as well.

## 2. Parking

The Town’s ability to control the type of uses that are allowed depends to a large degree on parking. The legislation states, “... *the need for parking generated by the business may not be greater in volume than would normally be expected at a similar residence where no business is conducted.*”

Existing Town ordinances relating to parking in driveways and requiring hard surfaces for parking will serve to prohibit customers from parking on the grass. However, unless prohibited by Town Code or quantified, on-street parking would be enforced by making a determination that the volume of vehicles was exceeding what “*would normally be expected at a similar residence where no business is conducted.*”

## 3. Trucks

The legislation states

*“Local governments may regulate the use of vehicles or trailers operated or parked at the business or on a street right-of-way, provided that such regulations are not more stringent than those for a residence where no business is conducted. ..... Local governments may regulate the parking or storage of heavy equipment at the business which is visible from the street or neighboring property. For purposes of this paragraph, the term heavy equipment means commercial, industrial, or agricultural vehicles, equipment, or machinery.”*

Therefore the Town will continue to enforce “Section 30-35 - Parking of commercial vehicles in residential districts” which dictates that:

*“Commercial vehicles in residential districts— Parking conditions. Commercial vehicles, with the exception of one taxicab, or high-capacity passenger van or work van, or standard vehicle with equipment or commercial signage as defined herein, shall not be parked, stored or left on any street, right-of-way, swale or alley or on any private property in any residential districts, except that commercial vehicles may be parked or stored in an enclosed garage on private property in a residence district when completely screened from public view.”*



#### 4. Nuisances such as noise, odors etc.

The legislation allows the enforcement of local regulations in regards to noise, odors, etc. Sections 78-151 (C) 4. and 5. of the proposed code address this. (See attachment B.

#### **Overall Impact on Town Neighborhoods**

The above four sections in the statute provide the main tools to limit or prohibit certain uses that are not compatible with a residential neighborhood, and these have been included in the Town's proposed ordinance.

With the limitation on parking many of the uses that the Town currently prohibits would continue to be prohibited based on the parking volume they generate. Included for example would be uses such as restaurants and grocery stores, and high volume retail.

Certain uses that are currently prohibited such as hair salons and barber shops could occur, with limited customers or appointment only. Retail uses such as a bakery or pick up orders deli might also occur.

The requirement that business must be within the residence will eliminate uses that would negatively impact a neighborhood.

The legislation does not supersede any current condominium declaration or any future declaration of condominium adopted pursuant to chapter 718

While it is not anticipated that there will be a large volume of requests for the new types of uses that will be allowable, the possibility that some businesses will not adhere to all the regulations exists and may require greater vigilance for code enforcement.

While an impingement on home rule, the Town has no option but to comply with the State Statute. The proposed ordinance will accomplish that.

The Town currently requires home businesses to have a business tax receipt from the Town, and this will continue.

**Staff recommends approval of the proposed ordinance.**

Attachments:

- a. State Statute
- b. Proposed Amendments
- c.. Current Town Regulations

## Attachment A - State Statute on Home-based Businesses

559.955 Home-based businesses; local government restrictions.—

(1) Local governments may not enact or enforce any ordinance, regulation, or policy or take any action to license or otherwise regulate a home-based business in violation of this section.

(2) A home-based business that operates from a residential property as provided in subsection (3):

(a) May operate in an area zoned for residential use.

(b) May not be prohibited, restricted, regulated, or licensed in a manner that is different from other businesses in a local government's jurisdiction, except as otherwise provided in this section.

(c) Is only subject to applicable business taxes under chapter 205 in the county and municipality in which the home-based business is located.

(3) For purposes of this section, a business is considered a home-based business if it operates, in whole or in part, from a residential property and meets the following criteria:

(a) The employees of the business who work at the residential dwelling must also reside in the residential dwelling, except that up to a total of two employees or independent contractors who do not reside at the residential dwelling may work at the business. The business may have additional remote employees that do not work at the residential dwelling.

(b) Parking related to the business activities of the home-based business complies with local zoning requirements and the need for parking generated by the business may not be greater in volume than would normally be expected at a similar residence where no business is conducted. Local governments may regulate the use of vehicles or trailers operated or parked at the business or on a street right-of-way, provided that such regulations are not more stringent than those for a residence where no business is conducted. Vehicles and trailers used in connection with the business must be parked in legal parking spaces that are not located within the right-of-way, on or over a sidewalk, or on any unimproved surfaces at the residence. Local governments may regulate the parking or storage of heavy equipment at the business which is visible from the street or neighboring property. For purposes of this paragraph, the term "heavy equipment" means commercial, industrial, or agricultural vehicles, equipment, or machinery.

(c) As viewed from the street, the use of the residential property is consistent with the uses of the residential areas that surround the property. External modifications made to a residential dwelling to accommodate a home-based business must conform to the residential character and architectural aesthetics of the neighborhood. The home-based business may not conduct retail transactions at a structure other than the residential dwelling; however, incidental business uses and activities may be conducted at the residential property.

(d) The activities of the home-based business are secondary to the property's use as a residential dwelling.

(e) The business activities comply with any relevant local or state regulations with respect to signage and equipment or processes that create noise, vibration, heat, smoke, dust, glare, fumes, or noxious odors. Any local regulations on a business with respect to noise, vibration, heat, smoke, dust, glare, fumes, or noxious odors may not be more stringent than those that apply to a residence where no business is conducted.

(f) All business activities comply with any relevant local, state, and federal regulations with respect to the use, storage, or disposal of any corrosive, combustible, or other hazardous or flammable materials or liquids. Any local regulations on a business with respect to the use, storage, or disposal of any corrosive, combustible, or other hazardous or flammable materials or liquids may not be more stringent than those that apply to a residence where no business is conducted.

(4) Any adversely affected current or prospective home-based business owner may challenge any local government action in violation of this section. The prevailing party in a challenge may recover reasonable attorney fees and costs incurred in challenging or defending the action, including reasonable appellate attorney fees and costs.

(5) The application of this section does not supersede:

(a) Any current or future declaration or declaration of condominium adopted pursuant to chapter 718, cooperative document adopted pursuant to chapter 719, or declaration or declaration of covenant adopted pursuant to chapter 720.

(b) Local laws, ordinances, or regulations related to transient public lodging establishments, as defined in s. [509.013](#)(4)(a)1., that are not otherwise preempted under chapter 509.

History.—s. 1, ch. 2021-202.

## **Attachment B -Proposed Amendments to Town Code section 78-51**

### **Sec. 78-151. – Home- based business**

#### (a) Definition/ Intent

Home-based businesses are businesses that operate in whole or in part from an improved residential property. It is the intent of this section to provide minimum standards for home-based businesses in order to ensure compatibility with surrounding land uses and consistency with Section 559.955, Florida Statutes.

#### (b) Applicability

Home-based businesses shall be conducted in accordance with these standards. Community Residential Homes and Family Day Care Homes as defined by Florida Statutes shall be permitted in residential zoning districts in accordance with applicable statutes and are not subject to the requirements of this section.

#### ( c ) STANDARDS FOR HOME-BASED BUSINESSES

1. Employees of the business who work at the residential dwelling must also reside in the residential dwelling, except that up to a total of two employees or independent contractors who do not reside at the residential dwelling may work at the business. The business may have additional remote employees that do not work at the residential dwelling.
2. The activities of the home-based business shall be secondary to the property's use as a residential dwelling. The home-based business may not conduct retail or service transactions at a structure other than the residential dwelling; however, incidental business uses and activities may be conducted at the residential property in accordance with this section.
3. As viewed from the street, the use of the residential property shall be consistent with the uses of the residential areas that surround the property and there shall be no external evidence of activities of a home based business.

External modifications made to a residential dwelling to accommodate a home-based business shall conform with the residential character and architectural aesthetics of the neighborhood.

There shall be no external advertising, external display of goods, or any other external evidence of any home-based business, except for non-illuminated signage not to exceed 24 inches of total area affixed to the front of the resident's building

4. No substances or materials shall be stored or used except as they would, in such quantity, be normal and acceptable in a residential setting. All business activities shall comply with any relevant local, state, and federal regulations with respect to the use, storage, and disposal of any corrosive, combustible, or other hazardous or flammable materials or liquids.
5. Such occupation shall not result in any continuous, intermittent, pulsating or other noise or vibration that can be detected by a normal person off the premises. The business activities shall comply with the Town's Land Development Code and Code of Ordinances with respect to equipment or processes that create noise, vibration, heat, smoke, dust, glare, fumes, or noxious odors.
6. Parking related to the business activities of the home-based business shall comply with the general parking requirements within the Land Development Code and the need for parking generated by the business may not be greater in volume than would normally be expected at a similar residence where no business is conducted.
7. Vehicles and trailers used in connection with the business must be parked in legal parking spaces that are not located within the right-of-way, on or over a sidewalk, or on any unimproved surfaces at the residence. Commercial vehicles associated with a home based business shall only be permitted in conformance with requirements of "Section 30-35 - Parking of commercial vehicles in residential districts".
8. Town Business Tax Receipt Required: Prior to opening any home-based business, a Town Business Tax Receipt must be applied for and approved by the Community Development Department.

## **Attachment C - Current Code**

### **Sec. 78-151. - Home occupations.**

(a) *Definition, use limitations.* As used in this section, the term "home occupations" shall mean a business, profession, or trade conducted for gain or support entirely within a main residential building subject to the following use limitations:

- (1) No outside help shall be used for purpose of engaging in such home occupation.
- (2) No commodities except those incidental to said home occupation shall be sold or displayed on the premises.
- (3) No chemical, electrical or mechanical equipment shall be used except that which is normally used for purely domestic or household purposes.
- (4) No external evidence or sign that the dwelling is being used for the home occupation shall be allowed, except as required by state licensing law and no such sign shall exceed 24 square inches of the total area, nor shall said sign be illuminated, and said sign shall be affixed to the front of the resident's building.
- (5) The activity involved shall not noticeably detract from the outward residential character of the neighborhood.
- (6) There shall not be any type of public nuisance as a result of this minor business activity on the resident's property.
- (7) Any equipment shall be stored inside an enclosed shelter, shed or garage.
- (8) There shall be no vehicles over the size of a pickup truck or van parked at the residence.
- (9) No personal physical service shall be performed unless licensed by the state.
- (10) The area devoted to the home occupation shall not be the dominant use and in no case shall the area exceed ten percent of the total square footage of building area.
- (11) Audible evidence of the activity should not be present off the real property line before 9:00 a.m. or after 10:00 p.m.

(b) *Particular home occupations permitted:* Customary home occupations include, but are not limited to, the following list of occupations, provided, however, that each listed occupation is subject to the requirements of subsection (a) of this section:

- (1) Dressmakers, seamstresses, and tailors.
- (2) Music teachers and tutors, provided that instruction shall be limited to not more than five pupils at a time.

(3) Drama instructors, provided that instruction shall be limited to not more than five pupils at one time.

(4) Artists, sculptors, and authors or composers.

(5) Offices for architects, engineers, lawyers, real estate brokers, insurance agents, and stock brokers.

(6) Ministers, rabbis, and priests.

(7) Offices for sales representatives, when no exchange of tangible goods is made on the premises and where business is primarily conducted on telephone lines.

(8) Day care centers or babysitters caring for not more than five unrelated children.

(c) *Particular home occupations prohibited:* Permitted home occupations shall not in any event include the following:

(1) Funeral homes.

(2) Nursery schools, unless specifically permitted by the town regulations.

(3) Restaurants.

(4) Small grocery stores.

(5) Stables or kennels.

(6) Tourist homes, unless specifically permitted by the town regulations.

(7) Renting of trailers or equipment.

(8) Animal kennels or hospitals.

(9) Auto and other vehicle repair.

(10) Barbershops and beauty parlors.

(11) Services such as small appliance, radio and television repair.

(Ord. No. 14-1987, § 1, 9-16-1987; Ord. No. 26-1990, § 8, 10-31-1990; Code 1978, § 32-96)

**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 78-1 CONTAINED IN CHAPTER 78, ARTICLE III, SECTION 78-70 AND SECTION 78-78 OF THE TOWN OF LAKE PARK'S CODE OF ORDINANCES TO DELETE THE TERM HOME OCCUPATIONS AND REPLACING IT WITH THE TERM HOME-BASED BUSINESSES; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Lake Park, Florida ("Town") is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

**WHEREAS**, the Town Commission has adopted regulations for home occupations which have been codified in Chapter 78, Article V under Section 78-151 of the Code of Ordinances of the Town of Lake Park (the Code); and

**WHEREAS**, the Florida Legislature enacted amendments to Section 559.955, Florida Statutes, which became effective on July 1, 2021, preempting local government's regulation of certain areas of the statute pertaining to home-based businesses; and

**WHEREAS**, the Town's Planning and Zoning Board has conducted a public hearing to review the proposed amendments to the Code and has provided a recommendation to the Town Commission; and

**WHEREAS**, the Town Commission, after its review of the recommendations from the Planning and Zoning Board, and after due notice and public hearings finds that it is appropriate and necessary to amend Chapter 78, Article V Section 78-151 of the Code so that it is consistent with general law; and



**WHEREAS** the Town Commission has determined it is appropriate to repeal, in its entirety section 78-151 and to adopt a new section 78-151;

**NOW THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA:**

**Section 1.** The whereas clauses are hereby incorporated as the legislative findings of the Town Commission.

**Section 2.** Chapter 78, Article V, Section 78-151 of the Code, entitled “Home Occupations ” is hereby repealed in its entirety and shall be replaced with a new section 78-151 as set forth in **Exhibit A**, which is attached hereto and incorporated herein.

**Section 3.** Chapter 78, Article III, section 78-70, Table 78-1, “Additional Standards for Table 78-1, (3)” is amended as follows:

*b. Live-work apartment* units are permitted within the upper floors of a structure. The primary use shall remain residential and home-based businesses ~~home occupations~~ are permitted in conjunction with the residential use and pursuant to the town code provisions regulating home-based businesses. ~~home occupations~~.

**Section 4.** Chapter 78, Article III, section 78-78, (e) Permitted uses is amended as follows:

(37) Home-based businesses ~~Home occupations~~.

**Section 5. . Codification.** The provisions of this ordinance shall become and be made a part of the Code of Ordinances of the Town of Lake Park. The sections of the ordinance may be re-numbered or re-lettered to accomplish such.

**Section 6. Severability.** If any section, paragraph, sentence, clause, phrase or word of this ordinance is for any reason held by a court to be unconstitutional, inoperative or void, such holding shall not affect the remainder of this ordinance

**Section 7. Effective date.** This ordinance shall take effect immediately

upon execution.

## **Exhibit A**

### **Sec. 78-151. – Home- based business**

#### (a) Definition/ Intent

Home-based businesses are businesses that operate in whole or in part from an improved residential property. It is the intent of this section to provide minimum standards for home-based businesses in order to ensure compatibility with surrounding land uses and consistency with Section 559.955, Florida Statutes.

#### (b) Applicability

Home-based businesses shall be conducted in accordance with these standards. Community Residential Homes and Family Day Care Homes as defined by Florida Statutes shall be permitted in residential zoning districts in accordance with applicable statutes and are not subject to the requirements of this section.

#### ( c ) STANDARDS FOR HOME-BASED BUSINESSES

1. Employees of the business who work at the residential dwelling must also reside in the residential dwelling, except that up to a total of two employees or independent contractors who do not reside at the residential dwelling may work at the business. The business may have additional remote employees that do not work at the residential dwelling.
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There shall be no external advertising, external display of goods, or any other external evidence of any home-based business, except for non-illuminated signage not to exceed 24 inches of total area affixed to the front of the resident's building if required by law.

4. No substances or materials shall be stored or used except as they would, in such quantity, be normal and acceptable in a residential setting.-All business activities shall comply with any relevant local, state, and federal regulations with respect to the use, storage, and disposal of any corrosive, combustible, or other hazardous or flammable materials or liquids.
5. Such occupation shall not result in any continuous, intermittent, pulsating or other noise or vibration that can be detected by a normal person off the premises. The business activities shall comply with the Town's Land Development Code and Code of Ordinances with respect to equipment or processes that create noise, vibration, heat, smoke, dust, glare, fumes, or noxious odors.
6. Parking related to the business activities of the home-based business shall comply with the general parking requirements within the Land Development Code and the need for parking generated by the business may not be greater in volume than would normally be expected at a similar residence where no business is conducted.
7. Vehicles and trailers used in connection with the business must be parked in legal parking spaces that are not located within the right-of-way, on or over a sidewalk, or on any unimproved surfaces at the residence. Commercial vehicles associated with a home based business shall only be permitted in conformance with requirements of "Section 30-35 - Parking of commercial vehicles in residential districts".
8. Prior to opening any home-based business, a Town Business Tax Receipt must be applied for and approved by the Community Development Department.

# **TOWN OF LAKE PARK: NOTICE OF PROPOSED ZONING TEXT AMENDMENT**

Please take Notice and be advised that the Town of Lake Park is proposing to amend its Code of Ordinances pertaining to **home occupations**, to allow for a greater range of uses subject to various performance standards to insure residential character is maintained. This amendments, proposed to be adopted by the ordinance below, are necessary to be consistent with State Statute 559.955 "Home-based businesses; local government restrictions".

**ORDINANCE NO. \_\_\_\_\_-22**

**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 78-1 CONTAINED IN CHAPTER 78, ARTICLE III, SECTION 78-70 AND SECTION 78-78 OF THE TOWN OF LAKE PARK'S CODE OF ORDINANCES TO DELETE THE TERM HOME OCCUPATIONS AND REPLACING IT WITH THE TERM HOME-BASED BUSINESSES; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**TWO PUBLIC HEARINGS WILL BE HELD AS FOLLOWS:**

**LAKE PARK PLANNING AND ZONING BOARD**

Monday, November 7, 2022, immediately following the Historic Resources Board meeting at 6:30 pm, or as soon thereafter as the matter can be heard.

**LAKE PARK TOWN COMMISSION – First Reading**

Wednesday, December 7, 2022 at 6:30 pm or as soon thereafter as the matter can be heard.

**All Hearings will be held in the Town Commission Chambers, located in Town Hall, 535 Park Ave., Lake Park, FL 33403**

***BE ADVISED: ALL DATES ARE SUBJECT TO CHANGE. Please refer to the Town website and agendas for the most up to date items being presented or call 561-881-3320.***

For additional information, or to review any documents related to the proposal described herein, please call the Community Development Department at 561-881-3320, ext. 325.

If a person decides to appeal any decision made by the Planning & Zoning Board or Town Commission with respect to the hearings, they 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. For additional information, please contact Vivian Mendez, Town Clerk at 561-881-3311.

Vivian Mendez, Town Clerk

**PUB** Friday, October 28, 2022

# Lake Park Planning & Zoning Board - November 7<sup>th</sup>, 2022

## Subject: Lake Park 2045 Mobility Plan and Mobility Fee

**Submitted by:** Jonathan B. Paul, AICP | Principal | NUE Urban Concepts

**Purpose:** The purpose of this meeting is to seek feedback from the Planning & Zoning Board on projects and programs proposed in the 2045 Lake Park Draft Mobility Plan and the proposed Mobility Fee.

**Presentation information:** Up to one (1) hour presentation and workshop presented by Jonathan B. Paul, AICP

**Attachments:** Draft Mobility Plan, Draft Mobility Fee Technical Report, PowerPoint Presentation, Mobility Plan and Fee Ordinance

**Project Summary:** In February 2022, the Town of Lake Park contracted NUE Urban Concepts (Consultant) to lead the development of a Mobility Plan and Mobility Fee that would transition Lake Park from a transportation planning and funding process primarily focused on moving cars to a multimodal system that emphasizes people and mobility choices. The 2045 Mobility Plan brings together various City initiatives to enhance Lake Park's history and character as an Olmsted legacy. The plan seeks to further emphasize the historic Downtown as a place for people and improve mobility and accessibility for multimodal travel throughout the City.

In Spring of 2022, the project team began identifying proposed projects and developing the Mobility Plan. The team evaluated existing conditions, conducted a review of the Lake Park's Comprehensive Plan, Capital Improvements Program, and projects planned in the Palm Beach County Transportation Planning Authority's Long Range Transportation Plan. In the Summer, two public meetings were held where residents and stakeholders were invited to share local knowledge and provide feedback that informed the identification of additional projects that will fill existing gaps and create a safe, convenient, and integrated transportation system. On September 7<sup>th</sup>, 2022, a workshop was held with the Town Commission who contributed more feedback and guidance on proposed projects. The Mobility Plan being presented at the Planning & Zoning Board meeting on November 7<sup>th</sup> incorporates feedback from these meetings.

The Mobility Plan serves as the basis for the establishment of a Mobility Fee system that functions as an alternative to transportation concurrency enacted by the Florida Legislature. A Mobility Fee is a one-time fee paid to the Town by development activity (e.g. new or expanded homes and businesses) to offset (mitigate) any increases in travel demand and pay for its fair share of the multimodal projects adopted as part of the Mobility Plan. Mobility Fees are one of the funding sources available and provide the Town with greater flexibility to fund a variety of multimodal projects included in the Mobility Plan. Mobility Plans are required by Florida Statute to serve as the basis for the Mobility Fee.

A legal process is necessary to adopt and implement the Mobility Plan and Mobility Fee. The Town has establish legislative intent to develop a mobility plan and fee through an amendment to the Comprehensive Plan. This amendment was adopted at the Town Commission Meeting on October 5<sup>th</sup>, 2022.

The project team now seeks feedback from the Planning & Zoning Board on projects and programs proposed in the 2045 Lake Park Draft Mobility Plan. This feedback will be incorporated into the final draft Mobility Plan. The Mobility Plan & Mobility Fee Ordinance will undergo a 1<sup>st</sup> reading by the Town Commission on December 7<sup>th</sup>, 2022.

After the Mobility Plan and Mobility fee are adopted by ordinance, Mobility Plan project recommendations will need to be prioritized and programmed into the Town's Capital Improvements Plan. The Town's goal is to adopt the Mobility Plan and Mobility Fee by the end of 2022.