

TWO ITEMS AGENDA MINUTES
WORKSHOP – RIGHT-OF-WAY ENCROACHMENTS IN THE B-2 (CENTRAL
BUSINESS DISTRICT) AND TINY HOMES
CITY COUNCIL
CITY OF ARCADIA
TUESDAY, MARCH 21, 2017
5:00 P.M.

The following minutes reflect action items of the City Council of the City of Arcadia. For a verbatim copy of the minutes, you may contact City Administration to obtain a copy of the recorded meeting.

CALL TO ORDER

The Mayor called the meeting to order at approximately 5:05 p.m. and the following members and staff were present:

Arcadia City Council

Mayor Judy Wertz-Strickland
 Deputy Mayor Jaccarie D. Simons
 Councilmember Robert W. Heine, Jr.

Councilmember Susan Coker – not in attendance
 Councilmember S. Delshay Turner – not in attendance

Arcadia City Staff

City Administrator Terry Stewart
 City Clerk Penny Delaney
 Jeff Schmucker of the Central Florida Regional Planning Council

Agenda Item 1 – Right-of-Way Encroachments in the B-2 (Central Business District)

City Administrator Stewart introduced Jeff Schmucker of the Central Florida Regional Planning Council and the subject matter that will be discussed. He reminded Council that they had previously discussed the topic and had instructed staff to move forward with developing language necessary to accomplish it. Mr. Schmucker advised he would be discussing encroachments on public right-of-ways which included balconies and terraces; awnings; canopies; arcades; colonnades and marquees; and sidewalk cafes. He explained that there had been a recent request to construct a terrace/outdoor dining area along a building face in the public right-of-way. He advised that the City's LDRs do not currently provide any regulations for establishing such uses within the public right-of-way or for other projections (i.e., awning, canopies, etc.). Mr. Schmucker stated that staff had reviewed the opportunities to provide for such uses in the ROW (examined the conditions downtown and reviewed the regulations in other

jurisdictions). The proposed LDR requirements would include the following: encroachments on right-of-way for property in a B-2 zoning district; encroachments could extend outward up to the curb line; a minimum of five (5) feet in width pertaining to balconies and terraces specifically; a minimum of five (5) feet for a clear pedestrian pathway; a minimum vertical clearance of nine (9) feet to allow for under-canopy signage; such could be removed without affecting the structural integrity of a building; and a legal agreement would be required. He advised there is one (1) balcony and one (1) marquee in town. Regarding awnings and canopies, there are different supports such as with or without vertical supports. He advised a mechanism would be needed to permit new structures and to provide standards for replacing old structures. Mayor Wertz-Strickland asked about the access to the balconies and Mr. Schmucker advised that generally the thought would be that the access would be from the second floor, but he stated regulations could address stairs being prohibited or allowed. After some discussion, City Administrator Stewart stated that the Council had considered the use of the sidewalk for outside dining and to enable second-floor balconies to be accessed from the interior. Mayor Wertz-Strickland asked about having a balcony the length of the building and whether access would be allowed from the side. Mr. Schmucker stated they would need to consider whether the fire prevention code had any provisions requiring access. Mr. Stewart stated the way to resolve it would be to restrict it and make it a special exception of some sort with Council approval required.

Regarding sidewalk cafes, Mr. Schmucker stated again this was based on a recent inquiry/request to establish a dining area (sidewalk café) in front of a business and he stated he only knew of one (1) outdoor dining area in the City of Arcadia which is Oak Street Deli. Some opportunities for additional alternatives for outdoor dining included an open air service with a canopy cover above; a defined outdoor dining using a permanent or temporary railing; a defined outdoor dining using planter boxes or other design elements including folding umbrellas; and depending on the setback of the buildings, there may be even more room to provide for outdoor accommodations. Again, he advised that the City's LDRs do not currently provide any regulations for establishing such uses within the public right-of-way and staff had reviewed the opportunities to provide for such uses in the ROW (examined the conditions downtown and reviewed the regulations in other jurisdictions). The proposed LDR requirements would include the following: such would be permitted only within the B-2 zoning district; a permit would be required (must have a valid business tax license) and would be good for one (1) year; a drawing or layout of the sidewalk and café area (binding plan) would be required; liability insurance would be required as evidenced in a written agreement; permits would be approved administratively; and the existence of established criteria and standards. The criteria and standards would be that the layout and use must be consistent with the approved drawing on file; a minimum five (5) foot pathway would be maintained for pedestrian movement on the sidewalk; at least one (1) outdoor trash can would be required; permanent fixtures may be used (fixed railing) and the permittee would be required to repair any area affected by the anchoring of items into the sidewalk if items were removed; insurance and hold-harmless for the protection of the City; and reasonable written notice of possible violations and language regarding appeals. Discussion also included hours of operation and food preparation not being allowed on the sidewalk. It was the general consensus of the City Council that they were comfortable with what they had seen so far.

Agenda Item 2 – Tiny Homes

Discussion then turned to tiny homes to include the tiny home movement; the different types of tiny homes; zoning code issues; and the possibility of such in Arcadia. Mr. Schmucker provided the definition for the tiny home movement as being a description for the architectural and social movement that advocates living simply in small homes and while there is currently no set definition of what constitutes a tiny house, a residential structure under five hundred (500) square feet is generally accepted to be a tiny home. He explained the reasons given for why people buy larger homes include: they outgrow their smaller home, they receive a promotion at work, realtors convince them they can afford a larger home, to impress others, people are convinced that large homes are their dream homes and the mantra of society tell us that bigger is better. He then explained the reasons given for why people consider a tiny home include: generally less expensive, less debt and risk, easier to maintain, less time spent cleaning, fewer environmental impacts, desire for more time and freedom, mentally freeing, forces downsizing and less temptation to accumulate stuff and a wider resale market (considering affordability). Mr. Schmucker advised there are generally two (2) types of tiny homes: tiny homes on foundations (THOFs) and tiny homes on wheels (THOWs). He explained the tiny homes on foundations may be permitted as a primary structure or as an accessory or secondary structure. He stated there were really no building regulations at this point but such could be addressed in 2018. The tiny homes on wheels are essentially recreational vehicles and are registered with the Florida Department of Transportation and are issued tags. Mr. Schmucker referenced the addressing of tiny homes in zoning codes as such varies from state to state or municipality to municipality.

When addressing tiny homes in Arcadia, Mr. Schmucker stated that the considerations would include the appropriate zoning district: primary residents (single lot) or residential zoning districts; and accessory dwelling units – residential/non-residential zoning districts and tiny home communities (mobile home parks, RV parks or PUDs). Discussion also included THOFs versus THOWs, what would be the minimum lot area and the minimum dimensions and floor area, health department regulations and utility connections.

Mr. Schmucker stated that their suggestion would be to go in the direction of the community style with the tiny homes being concentrated in a specific area with perhaps using the City's current language of mobile home parks. He also suggested having the opportunity to provide for caretakers of businesses.

City Administrator Stewart advised that it had originally come to the City through an individual, Mike Provau, who is very involved with the homeless in the community. He further advised that originally Mr. Provau felt there was no rush but was just interested in the options; however, a short time later, Mr. Provau advised it may need to be dealt with earlier because someone had presented him with plans regarding such. Mr. Stewart felt it was highly likely that it would come before the City Council at some point and he felt it would be best to get ahead of it before it did so. He asked Council if this was something they felt was worthy of continuing to work with and if so, would they like Mr. Schmucker to begin developing some recommended

regulations. It was the general consensus of the City Council for staff to continue to work on it. Mr. Schmucker stated they would work on language to share with the City in the future.

ADJOURN

Deputy Mayor Simons made a motion to adjourn and Councilmember Heine seconded the motion. Having no further business at this time, the meeting was adjourned at approximately 5:55 P.M.

ADOPTED THIS 4th DAY OF April, 2017.

ATTEST:

By:

Judy Wertz Strickland
Judy Wertz-Strickland, Mayor

Penny Delaney
Penny Delaney, City Clerk

