



AGENDA

Lake Park Town Commission
Town of Lake Park, Florida
Accessory Dwelling Units
Workshop

Wednesday, February 19, 2020, 6:00 P.M.
Commission Chamber, Lake Park Town Hall
535 Park Avenue

Michael O'Rourke	—	Mayor
Kimberly Glas-Castro	—	Vice-Mayor
Erin T. Flaherty	—	Commissioner
John Linden	—	Commissioner
Roger Michaud	—	Commissioner
<hr style="border-top: 1px dashed black;"/>		
John O. D'Agostino	—	Town Manager
Thomas J. Baird, Esq.	—	Town Attorney
Vivian Mendez, MMC	—	Town Clerk

PLEASE TAKE NOTICE AND BE ADVISED, that if any interested person desires to appeal any decision of the Town Commission, 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.*

- A. **CALL TO ORDER/ROLL CALL**
- B. **PLEDGE OF ALLEGIANCE**
- C. **SPECIAL PRESENTATION/REPORTS:**
Accessory Dwelling Units
- D. **TOWN ATTORNEY, TOWN MANAGER, TOWN COMMISSION COMMENTS:**
- E. **PUBLIC COMMENT:**
This time is provided for addressing items that do not appear on the Agenda. Please complete a comment card and provide it to the Town Clerk so speakers may be announced. Please remember comments are limited to a **TOTAL** of three minutes.
- F. **ADJOURNMENT:**



Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: February 19, 2019

Agenda Item No. _____

Agenda Title: A WORKSHOP PRESENTATION TO THE CITIZENS AND COMMISSION OF THE TOWN OF LAKE PARK ON ACCESSORY DWELLING UNITS

- SPECIAL PRESENTATION/REPORTS
 - BOARD APPOINTMENT
 - PUBLIC HEARING
 - NEW BUSINESS
 - OTHER: A Public Workshop
- CONSENT AGENDA
 - OLD BUSINESS
 - ORDINANCE ON FIRST READING

Approved by Town Manager _____ Date: _____

Anders Viane/Town Planner

Originating Department: <p style="text-align: center;">Community Development</p>	Costs: \$ 0.00 Funding Source: Acct. # <input type="checkbox"/> Finance _____	Attachments: <ul style="list-style-type: none"> • Presentation
Advertised: Date: <u>1/29/2020</u> Paper: <u>N/A</u> <input type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone <u>X</u> AV OR Not applicable in this case ____ Please initial one.

Summary Explanation/Background:

At the Town Manager’s direction, staff researched and assembled a set of recommendations for the implementation of accessory dwelling units as an accessory use for single-family residential districts in the Town of Lake Park. On November 20, 2019, staff presented these recommendations to the Town Commission for feedback and was instructed to conduct a public outreach workshop. The staff report provided has been prepared by staff for discussion purposes only and demonstrates the ways the proposed ADU ordinance has changed since the first special presentation. Staff is only seeking direction from the Citizens of Lake Park and the Town Commission at this time.

Accessory Dwelling Units (ADUs) are secondary residences on single family parcels, either in the form of an apartment within the primary structure or a secondary structure. ADU's, sometimes called mother-in-law cottages or in-law apartments, have traditionally served as living quarters for an owner's extended family or a rental unit for generating extra income. Legalizing ADUs in Lake Park would benefit homeowners by granting them these additional property rights and benefit the Town by generating additional permitting revenue. Accessory dwelling units have historically existed within Lake Park and their proliferation would further solidify our Town's unique and innovative character. Furthermore, accessory dwelling units are in-line with best-practices for creating affordable housing and decreasing urban sprawl.

After reviewing accessory dwelling unit (ADU) ordinances from 8 municipalities around the nation and receiving the guidance of the Town Commission, staff submits the following information for consideration. This report is intended for discussion purposes only and its final recommendations are subject to change.

Since November 20th, the following has changed:

- Removed restrictions on the number of ADUs per block due to conflicts with the Bert Harris Act.
- Removed language that would require ADUs that do not comply with Occupancy and Rental practices in the Town Code to demolish their kitchen facilities; replaced this language with fines and liens as the enforcement mechanism for noncompliance.
- Removed prohibition against short-term rental due to concerns of imminent preemption; SB 1128 was sent to the Florida Senate Floor on 2/11/2020.
- Researched prefabricated building exemptions; there is no language proposed that would limit prefabricated structures, but they would have to meet the design guidelines.
- Added in data on number of ADUs in the Town and their legal status.
- Confirmed that 1,000 SF meets the minimum livable area requirement; there is a 120 SF of GFA minimum for most rooms. These standards would be enforced by the Building Official during his review.
- Researched whether rented ADUs would lose their Homestead Exemption; rental for more than 30 days for two consecutive years or for more than six months constitutes abandonment of a homestead exemption.

The attached staff report provides further details on the justification for creating ADU provisions as well as the specific language being proposed, as updated following the first special presentation.

Planning and Zoning Board Recommendation: N/A

RECOMMENDED MOTION: N/A

Community Workshop: Accessory Dwelling Units



Anders Viane, Planner – Community Development Department

Agenda

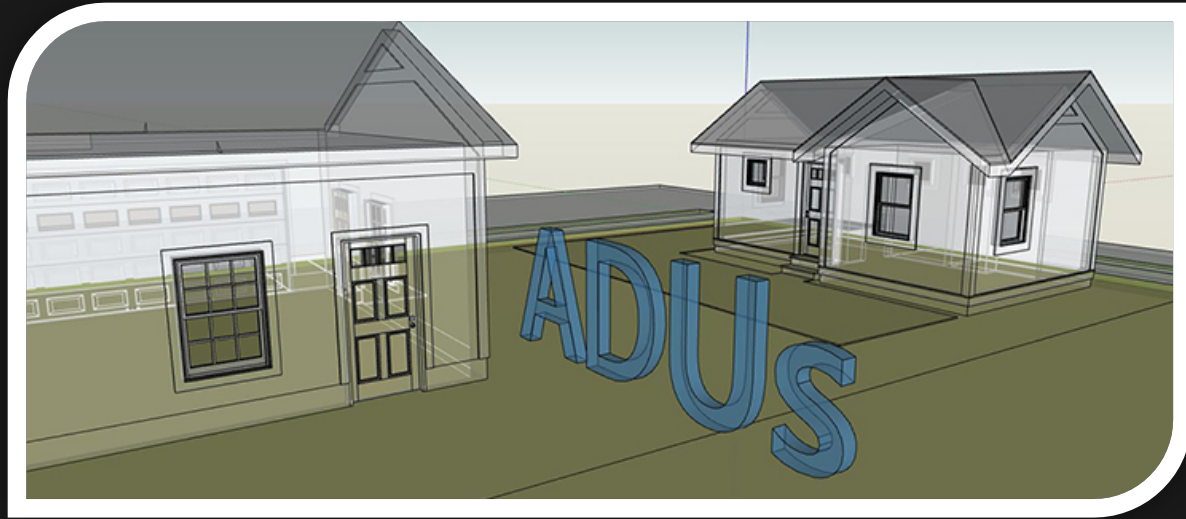
- Tonight I will be introducing you to the concept of accessory dwelling units
- What are accessory dwelling units?
- Why are they important?
- What do they mean for the Town of Lake Park?
- We will review the regulations staff are proposing.
- Finally, we'll conclude with your questions and comments!



What's Changed Since Last Time?

- Removed restrictions on the number of ADUs per block due to conflicts with the Bert Harris Act.
- Removed language that would require ADUs that do not comply with Occupancy and Rental practices in the Town Code to demolish their kitchen facilities; replaced this language with fines and liens as the enforcement mechanism for noncompliance.
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Introduction – Why ADUs?



- Accessory dwelling units (ADUs) are secondary dwellings on single family parcels
- ADUs are in accord with urban planning best-practices for retrofitting suburbs
- They increase the diversity and affordability of housing stock
- They provide home-owners supplemental income
- They contribute to the unique character and charm of the Town of Lake Park

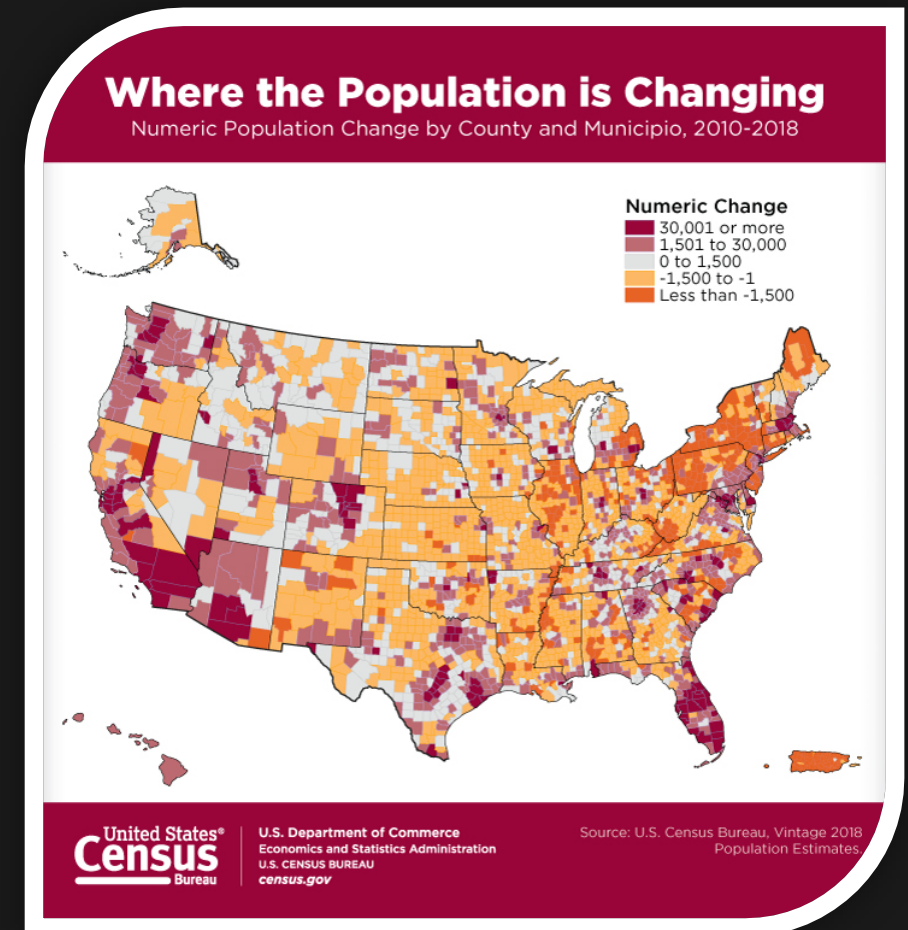


On Good Planning Practice

- Lake Park has good planning in its “bones” dating back to its street grid layout by the Olmstead Corporation.
- Today’s planning paradigm is moving away from single-use, exclusionary zoning and toward density, walkability, affordability, and new urbanism.
- Legalizing rental ADUs has been explored by Broward County, Miami Beach, Lake Worth Beach, and – most recently – Florida Senate Bill 998.
- Allowing accessory dwelling units would put Lake Park at the forefront of innovative planning practice in South Florida as we have historically been.

On Affordability - Supply and Demand

- Palm beach County's population increased by over 30,000 since 2010.
- Demographic change puts pressure on the supply and demand relationship in our housing market.
- It is generally accepted supply and demand affects the price of housing.
- These cost pressures impact both renters and owners.



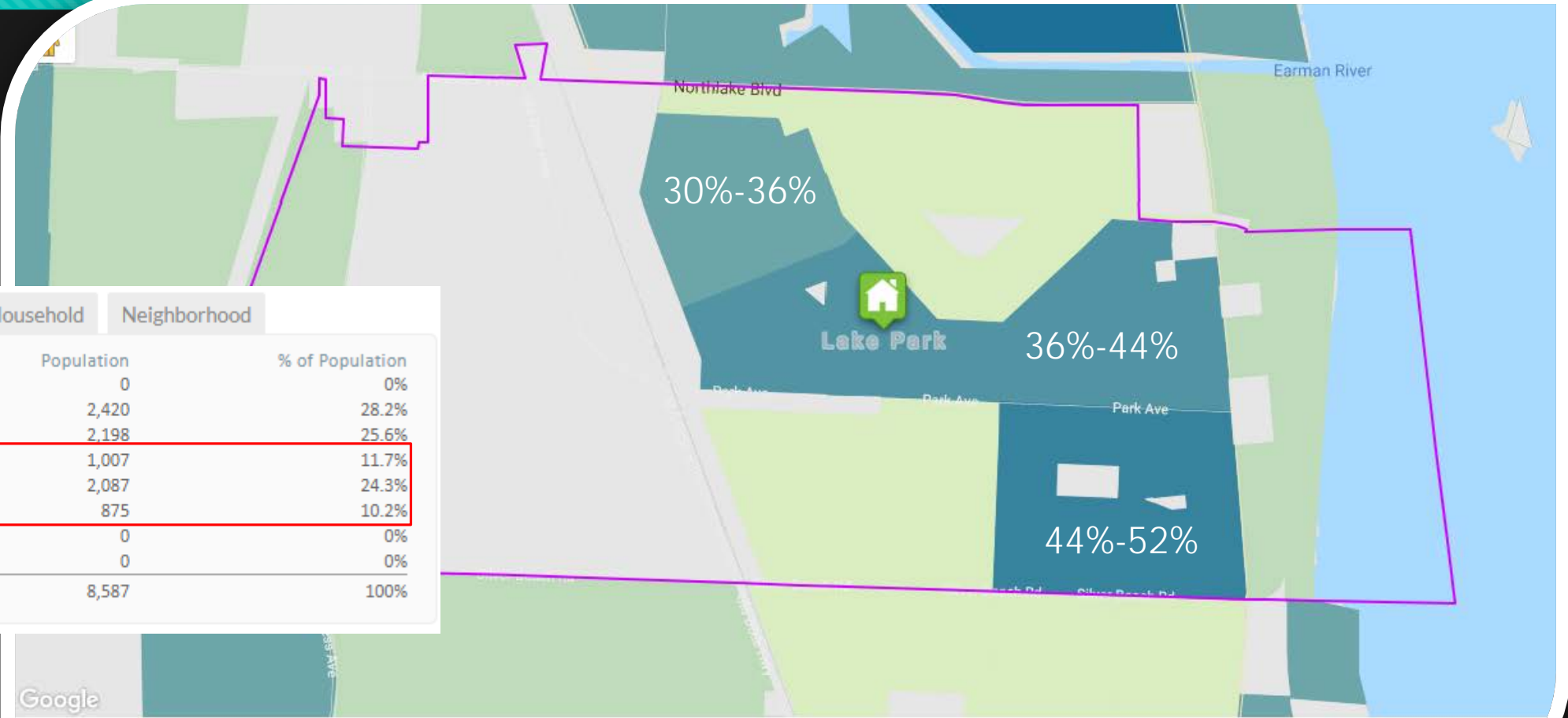
On Affordability

- Affordable housing is defined by HUD as not exceeding 30% of an individual's income.
- According to American Community Survey data, in 2017 nearly 40% of all PBC county households spent in excess of 30% of their income on housing. Renters, as a subset, spent 56.3%.

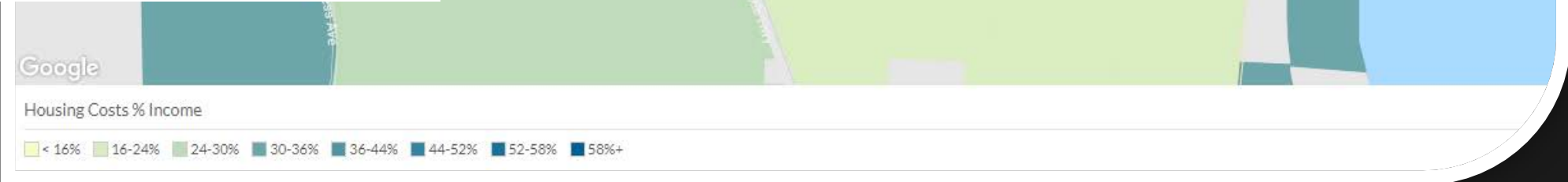
Type	Number	Percentage
Owners	116,086	31.1%
Renters	96,291	56.3%
Total	212,377	39.1%

Source: American Community Survey, US Census Bureau (2018)

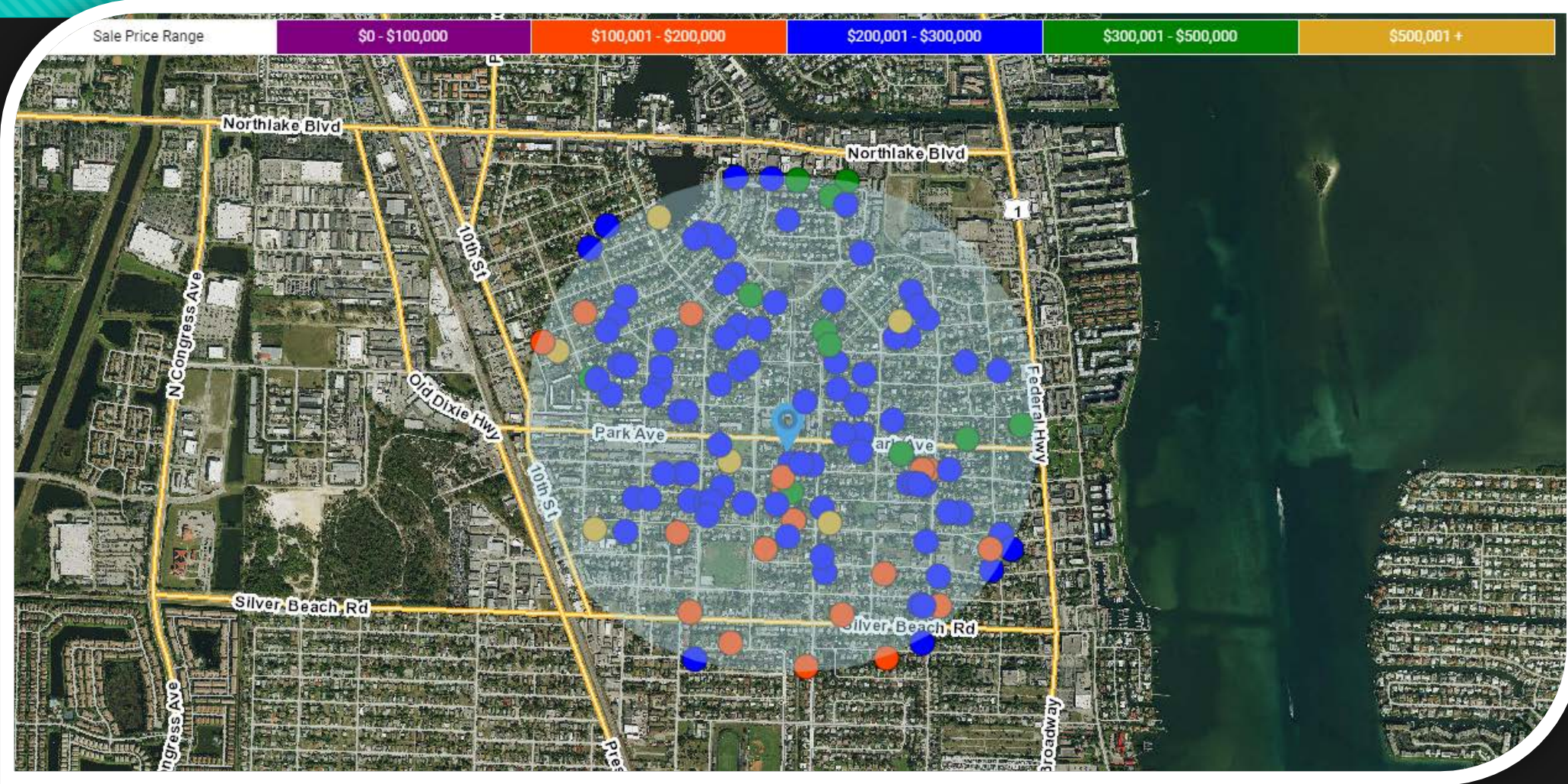
On Affordability in Lake Park



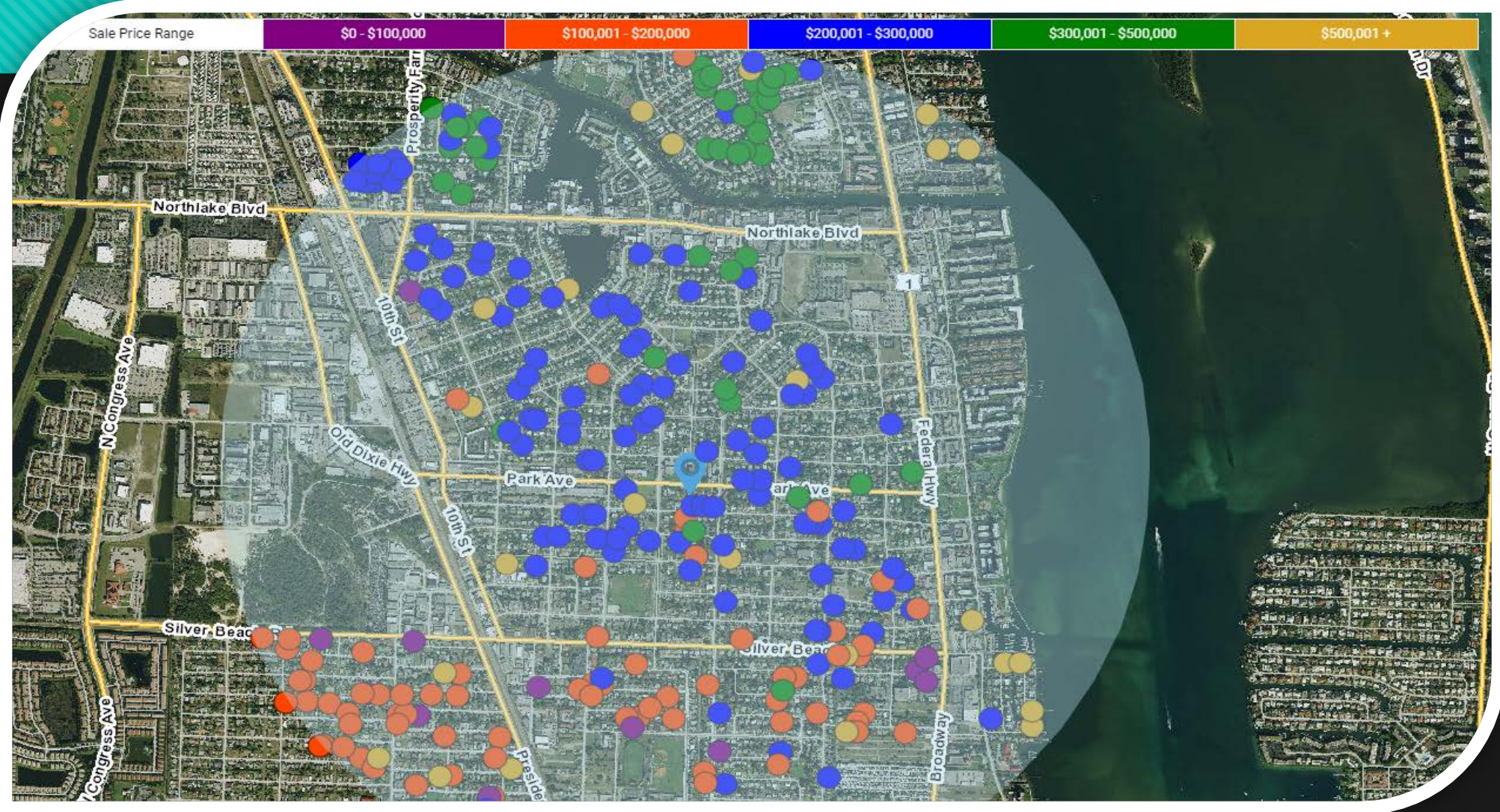
Population	Household	Neighborhood
	Population	% of Population
< 16%	0	0%
16 - 24%	2,420	28.2%
24 - 30%	2,198	25.6%
30 - 36%	1,007	11.7%
36 - 44%	2,087	24.3%
44 - 52%	875	10.2%
52 - 58%	0	0%
58% +	0	0%
Total	8,587	100%



On Affordability in Lake Park

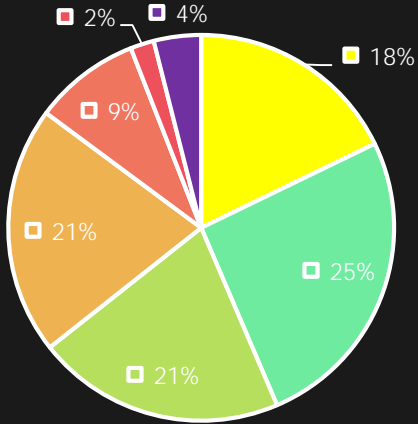


On Affordability in the Vicinity



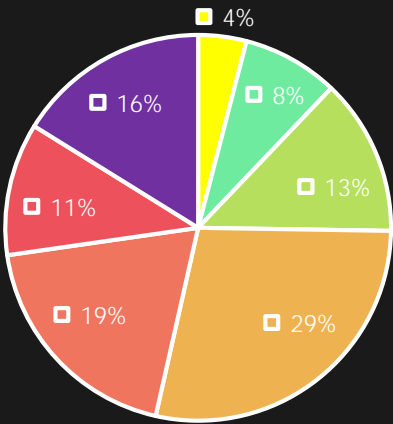
On Affordability – National Trends

Distribution of National Home Contract Values in 2002



■ Under \$100K
 ■ \$100K to \$149.9K
 ■ \$150 to \$199.9K
 ■ \$200 to \$299.9K
■ \$300 to \$399.9K
 ■ \$400 to \$499.9K
 ■ Over \$500K

Distribution of National Home Contract Values in 2018



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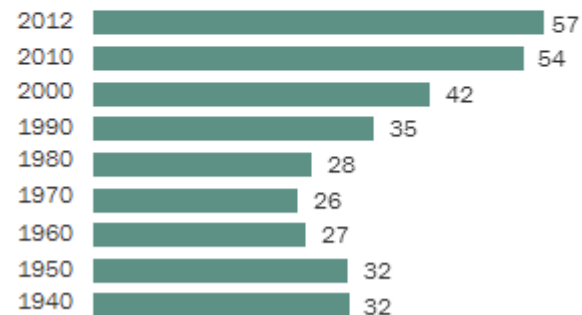
On Affordability – Financing

- According to the International Code Council's Building Valuation Data for February 2019, the average cost per square foot for new single family construction ranges between \$122.46 and \$130.04.
- Presuming the higher cost and an ADU of 1,000 SF, the projected cost of construction would be approximately \$130,040.
- This new construction would be cheaper than many resale housing options, bolstering the rapidly-shrinking market segment for homes under \$150,000.
- Furthermore, the income ADUs generate can be enough to facilitate some purchases. Many lenders will count a rental contract or letter of intent toward a buyer's total income, helping secure mortgages that might not otherwise be affordable.
- New ADUs for parents/grandparents above 62 YO will also qualify for 20% value savings on taxes!

On Diversity of Housing Options

Population Living in Multi-generational Households Has Doubled Since 1980

In millions



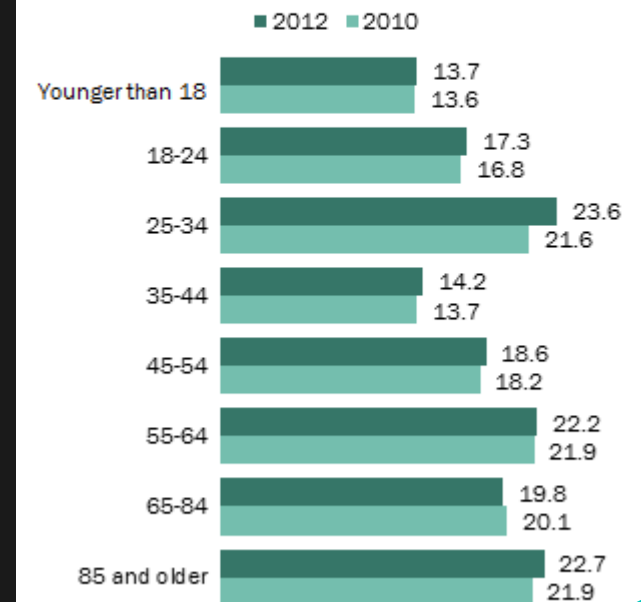
- Diversity of housing refers to diversity of housing options
- ADUs can facilitate increasingly-common multi-generational household arrangements and cheaper rents
- PEW research from 2014 indicated multi-generational living doubled between 1980 to 2012, from 28 million to 57 million.
- Historically, older Americans were the most likely to live in MG households and still remain a large percentage of the total, but today that's changing.

On Diversity of Housing Options

- Today's multi-generational households are often composed of millennials and members of minority groups.
- Minorities were found to be more likely to reside in multi-generational households – with 1 in 4 blacks and Hispanics residing in MG households in 2012
- Millennials are also more likely to rent than purchase a home.
- ADUs allow for an outlet for these growing trends, benefitting homeowners and renters alike.

Recent Increase in Multi-generational Living Most Pronounced Among Young Adults

% of each population living in multi-generational households



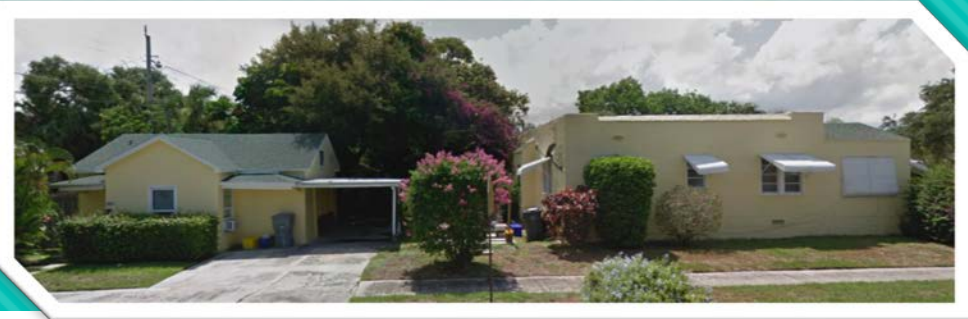
Source: Pew Research Center analysis of 2010 and 2012 American Community Surveys (IPUMS)



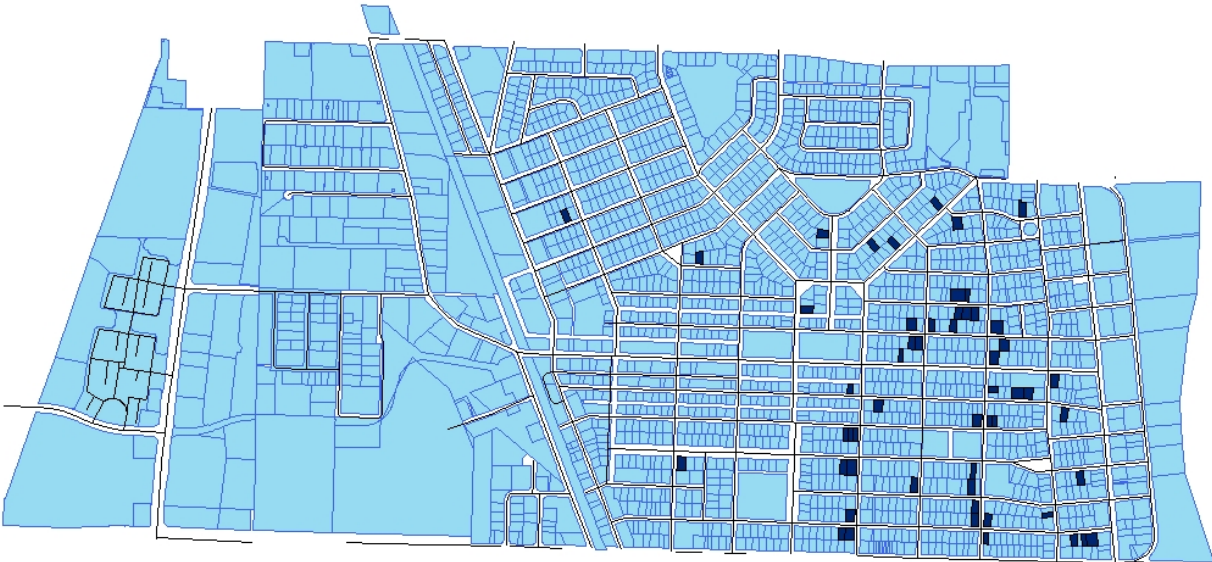
On the Unique Character of the Town

- Accessory dwelling units are not new to Lake Park, but indeed have existed here historically at such locations as 500 Evergreen (built in 1925), 255 Greenbriar (Built in 1950), and 323 Hawthorne (Built in 1931).
- ADUs are already part of Lake Park's built character and historic heritage.
- Currently, there are anywhere between 44 and 54 ADUs existing in Lake Park, all but one built before 1970 when the Town's Zoning Code was adopted.
- To embrace ADUs is to embrace what makes Lake Park special – good planning, diverse communities, and special, South Florida charm.


Meet Your Neighbors!



Existing ADU Locations in Lake Park



Legend

 ADU Locations



Lake Park ADUs - 2020

- Obviously, much has changed since the first ADUs were constructed in the Town nearly 100 years ago.
- Town staff has assembled a set of recommendations drawn from various precedents and best-practices around the country.
- With special consideration given to the unique character of the Town, the following are regulations are being proposed for the safe, lawful, and harmonious occupancy of ADUs within Lake Park:



Purpose and Intent

- “It is the intent of this section to establish practices for the safe and lawful creation and occupancy of accessory dwelling units within the Town. Property owners currently residing within the Town may build, own, maintain and rent accessory dwelling units within the R1 and R1A Single Family Residence districts pursuant to the issuance of a Town Rental BTR and in accordance with the standards set forth below.”

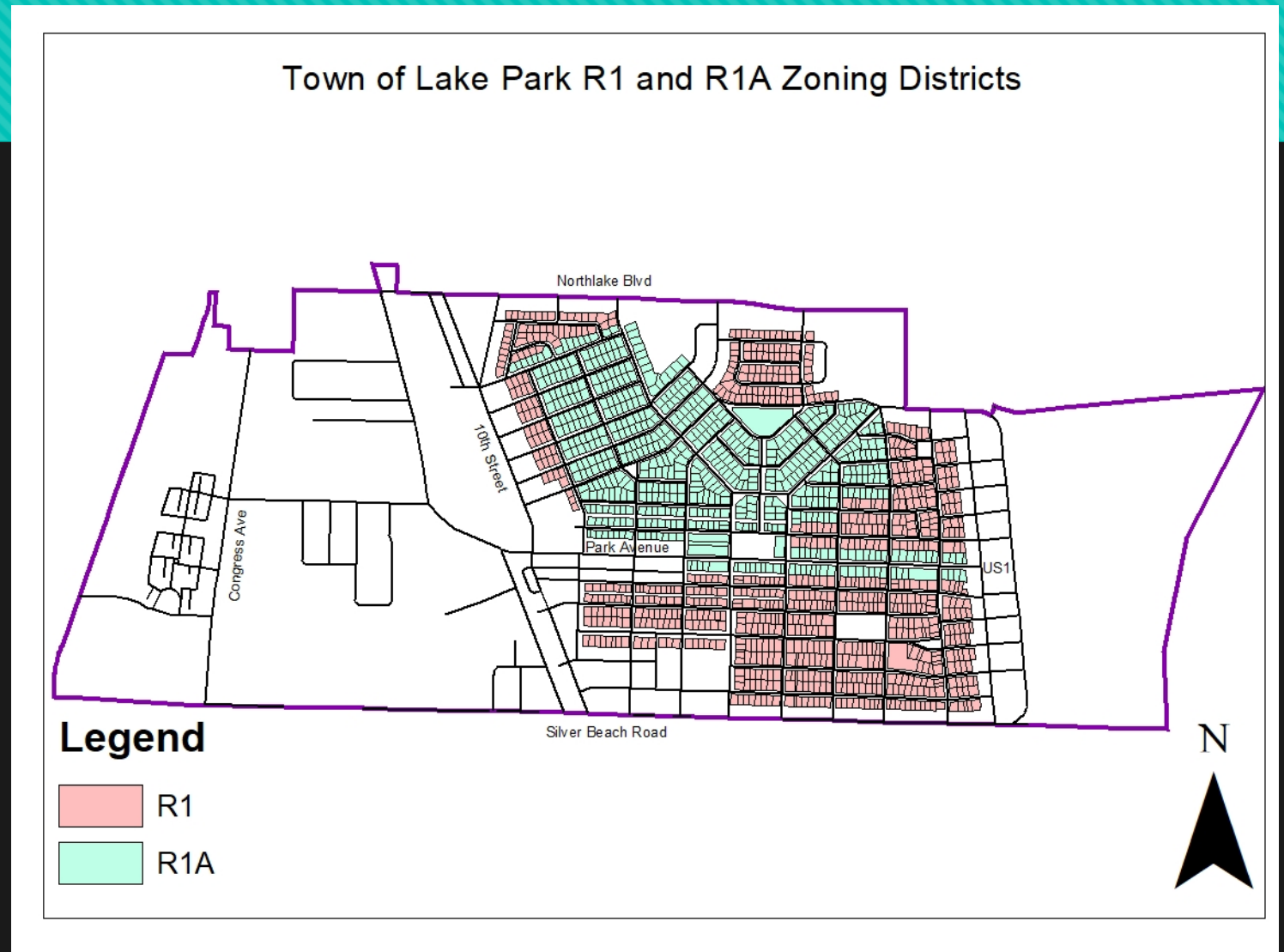


Definitions

- Staff proposes two new definitions, one for accessory dwelling structures and one for accessory dwelling units. These definitions borrow elements of the language precedent set by the State and read as follows:
 - A primary dwelling structure shall refer to the larger of any two or more dwelling structures in the R1 or R1A districts, exceeding the minimum required in the applicable zoning district.
 - An accessory dwelling structure shall refer to a second, subordinate standalone living unit in the R1 or R1A districts, not exceeding 1000 SF in total, with its own kitchen, bathroom, and no more than 2 bedroom facilities.
 - An accessory dwelling unit shall refer to a permitted living unit with its own kitchen, bathroom, and no more than 2 bedroom facilities inside of either a primary structure or an accessory dwelling structure.

Districts

- The placement of ADUs in Lake Park would be restricted to our two single family zones: R1 and R1A. See the map below for the boundaries of these districts in the Town.





Density

- Staff recommends excluding accessory dwelling units from the density calculation. We are proposing to allow for one ADU per parcel (two units overall including the primary dwelling and the accessory dwelling).
- There are several legally nonconforming parcels with multiple ADUs in the Town and these would be “grandfathered in” regardless of exceeding this cap but we would not permit new parcels to accumulate multiple ADUs.
- Nevertheless, a comprehensive plan amendment and capacity analysis will be undertaken to quantify the potential impacts of this change. Staff believes these will most likely be negligible.

Minimum Lot Size

- In Lake Park, the smallest legally-conforming lot is 7,500 SF for an interior parcel and 10,000 SF for a corner lot.
- A survey was undertaken to assess the average lot size of every residential block throughout the town. In total, 100 properties were surveyed with an average lot area of **10,363 SF**.
- Town staff recommends that all parcels meeting the minimum legal lot size be eligible for an accessory dwelling structure, provided they do not exceed the maximum building coverage as defined below.



Building Coverage

- Lake Park's current maximum building coverage, inclusive of accessory structures, for single family lots is 50% in the R1A and 60% in the R1.
- In order to determine a maximum allowable ADU area that works within these existing constraints, town staff performed case study calculations seeing how a maximum ADU area of 1000 SF would work on different lots, including those of substandard area, minimal legal area, average area, and above average area.
- The results showed that a maximum of 1000 SF would be viable on all the studied lots, save for the substandard one.
- As a result, Town Staff are recommending a maximum ADU coverage of 1000 SF so long as it doesn't exceed the 50% or 60% built coverage on the lot.
- A minimum of 35% open space must be maintained.

Building Coverage (Large Lot w/ Pool)

- Lot area: $100 \times 135 = 13,500$
- Side Yard Setback (Street): $105 \times 15 = 1575$
- Side Yard Setback (Interior): $105 \times 10 = 1050$
- Front Yard Area: $30 \times 100 = 3000$
- Total Excluded Setback Area = 5625
- Lot Area less Excluded Setback Area: $13500 - 5625$
- Buildable Area Subtotal: 7875
- Buildable Area: 50% of 7875 = 3937
- Existing Structure: 1966
- Pool Area: 595
- Buildable Area less Existing Structure and Pool: $3937 - 2561 = 1698$
- Remaining Area Buildable Area less Maximum ADU Area: $1698 - 1000 = 698$
- Remaining Buildable Area after ADU: **698**.



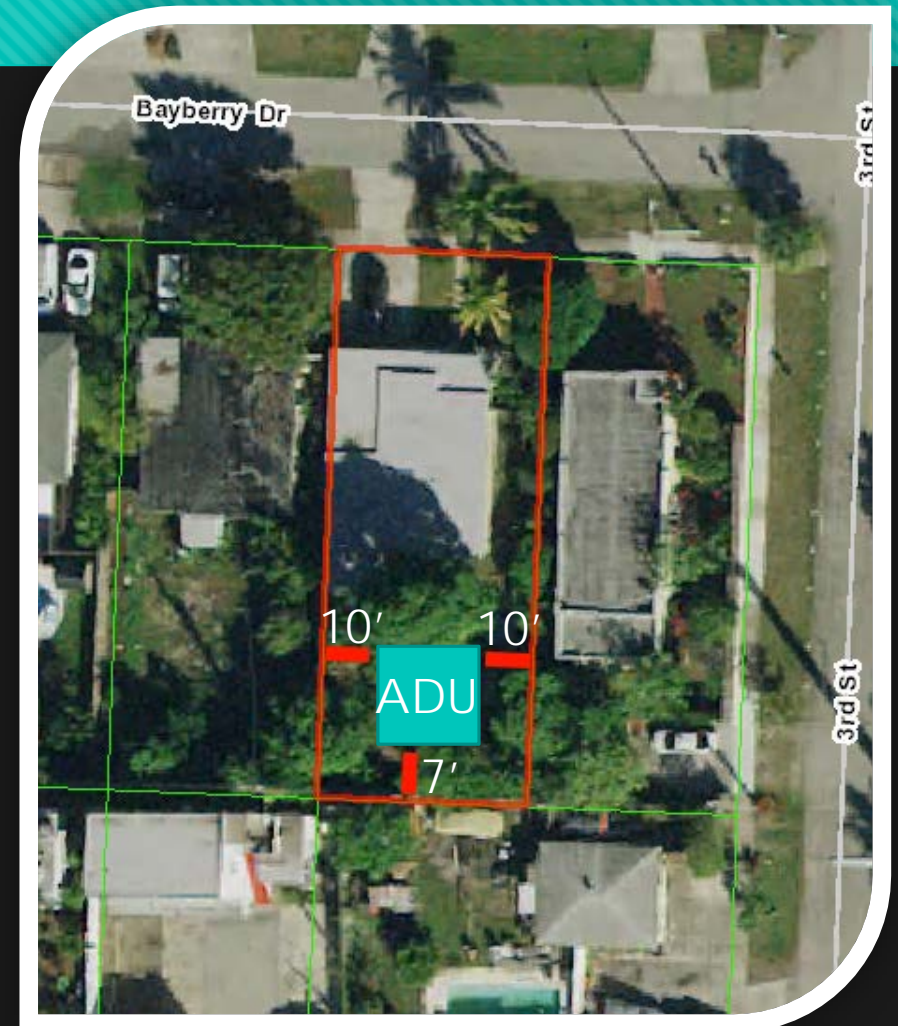
Building Coverage (Standard Lot)

- Lot Area: $66 \times 121 = \underline{7,986 \text{ SF}}$
- Side Yard Setbacks: $10 \times 91 = 910 \times 2 = 1820$
- Front Setback: $66 \times 30 = 1980$.
- Total Excluded Setback Area: 3800 SF
- Lot Area less Excluded Setback Area: 4186
- Buildable Area: 60% of 4186 = 2511
- Buildable Area Less Existing Structure: $2511 - 1074 = 1437$
- Remaining Buildable Area less Maximum ADU Area: 437 SF



Building Coverage (Substandard Lot)

- Lot Area: $50 \times 130 = \underline{6500 \text{ SF.}}$
- Side Yard Setback: $10 \times 93 = 930 \times 2 = 1860$
- Front Setback: $50 \times 30 = 1500$
- Total Excluded Setback Area: 3360
- Lot Area Less Excluded Setback Area: $6500 - 3360 = 3140$.
- Buildable Area: 60% of 3140 = 1884
- Buildable Area less Existing Structure: $1884 - 1584 = 300$
- Maximum ADU Area: **300**





Architectural Standards

- Staff recommends that accessory dwelling units conform to the preexisting standards for accessory structures generally, which is that they must be harmonious and compatible with the primary dwelling in such features as color, height, and materials.
- In addition, staff is also proposing quality of life criteria requiring that an accessory dwelling unit have its own permanent access pathway to the sidewalk to prevent rutting in grass areas as well as landscaping to screen any blank, featureless wall facing another single family home.
- Staff proposes ADUs be governed by existing accessory structure height provisions, which allow for up two stories or 30 feet.
- Prefabricated buildings would not be excluded by this ordinance, but would have to meet the above architectural standards.



Setbacks

- Town staff proposes the existing setbacks for accessory structures in the R1 and R1A districts govern setbacks for new accessory dwelling structures.
- We propose a new setback requirement that an accessory dwelling structure be setback at least 10 feet from the primary structure, per the Florida Building Code.



Parking

- In order to ensure on-street parking within the Town does not become a nuisance or safety hazard, staff are recommending a one space per unit requirement.
- Every accessory dwelling unit will be required to either demonstrate the ability to accommodate parking on site using existing driveway area or provide a new parking space.
- A space shall be defined by the current residential parking dimensional requirements in Section 78-142 (9) c. 1. i., which stipulate the minimum area shall be eight feet wide and 20 feet long and the orientation may be side-by-side, end-to-end, or non-contiguous.



Occupancy and Renting Practices

- Staff is proposing no ADU shall be issued a CO prior to the application for a rental business tax receipt and no ADU application shall be processed unless the owner occupies the property at the time of submittal, as proven by an updated driver's license.
- Staff is proposing that an ADU property must always be owner-occupied whether the owner lives in the ADU or primary dwelling.
- Additionally, each accessory dwelling unit shall be occupied by no more than one family as defined in the Town code. ADUs may be rented without charge of a business tax receipt to immediate family members, but the owner must provide the town proof of the relation to claim the exemption. Transient residential occupancy (lease terms of six months or less as defined in the code) shall be prohibited.
- No ADU lot may be replated and sold off.
- If any of these conditions are violated, occupancy of the ADU must cease immediately or the Town shall place fines and – in the case of continued noncompliance – a lien against the property.



Approval Process

- The town proposes that ADUs be an administrative approval item. In order to receive an administrative approval, ADUs would have to go through the building permit approval process and receive site plan review by the planner and structural review from the building official. A survey, site plan, architectural elevations, and engineering plans will be required with the application.

Discussion - #LeadLakePark

- Now you have heard what ADUs are, why they're important to Lake Park, and how staff sees them integrating into our Town.
- Staff endorses the creation of an ADU ordinance
- Now it's your turn to #LeadLakePark – how do you envision ADUs in the Town?
- Thank you for your time!



**Town of Lake Park
Town Commission
Meeting Date: November 20, 2019
Agenda Item:**

**A WORKSHOP PRESENTATION TO THE CITIZENS AND COMMISSION OF THE
TOWN OF LAKE PARK ON ACCESSORY DWELLING UNITS**

BACKGROUND INFORMATION:

At the Town Manager's direction, staff researched and assembled a set of recommendations for the implementation of accessory dwelling units as an accessory use for single-family residential districts in the Town of Lake Park. On November 20, 2019, staff presented these recommendations to the Town Commission for feedback and was instructed to conduct a public outreach workshop. The staff report provided has been prepared by staff for discussion purposes only and has been updated per the Commission's direction since the first special presentation. Staff is only seeking direction from the Citizens of Lake Park and the Town Commission at this time.

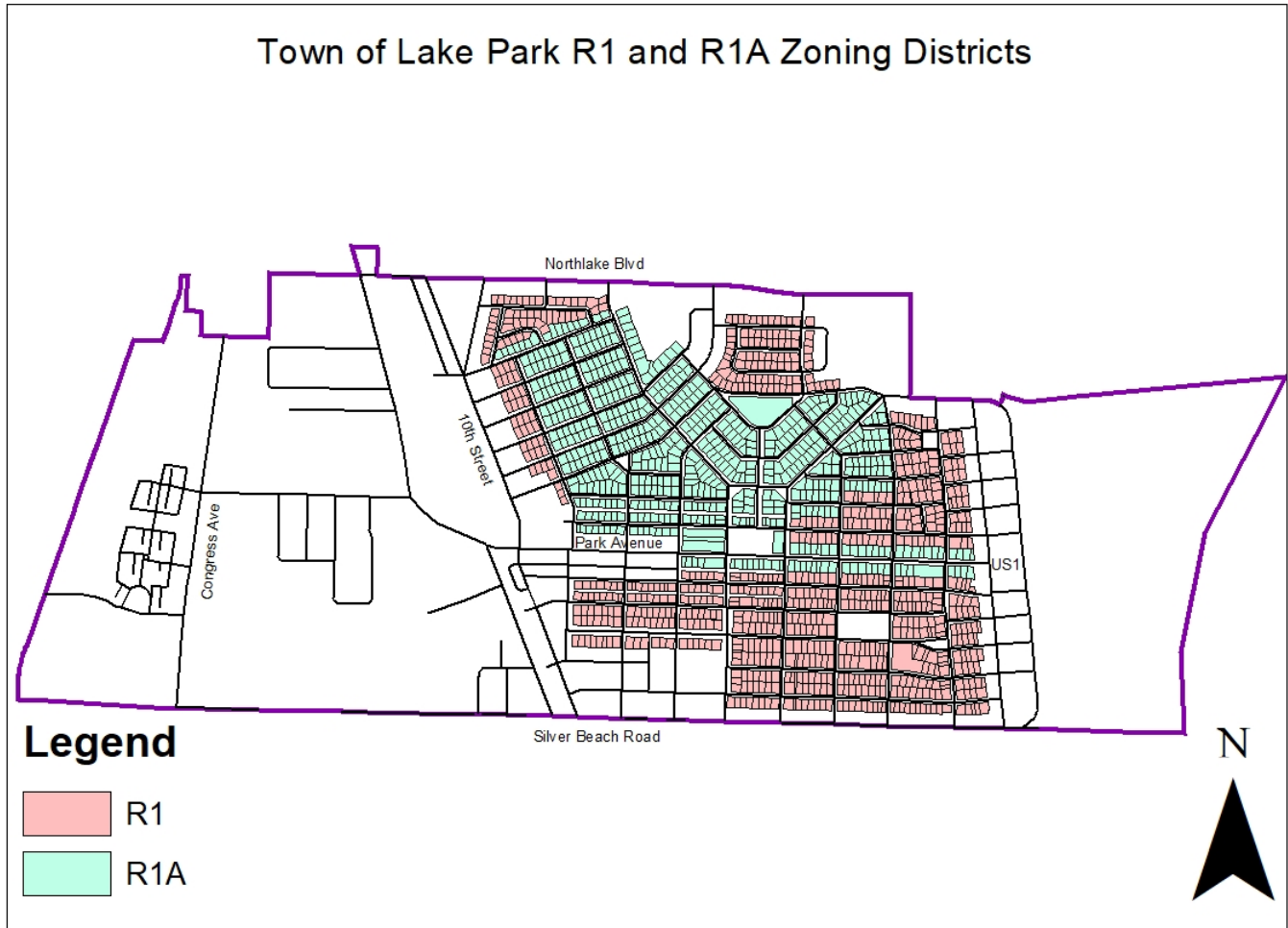
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After reviewing accessory dwelling unit (ADU) ordinances from 8 municipalities around the nation and receiving the guidance of the Town Commission, staff submits the following information for consideration. This report is intended for discussion purposes only and its final recommendations are subject to change.



Town of Lake Park
Town Commission
Meeting Date: November 20, 2019

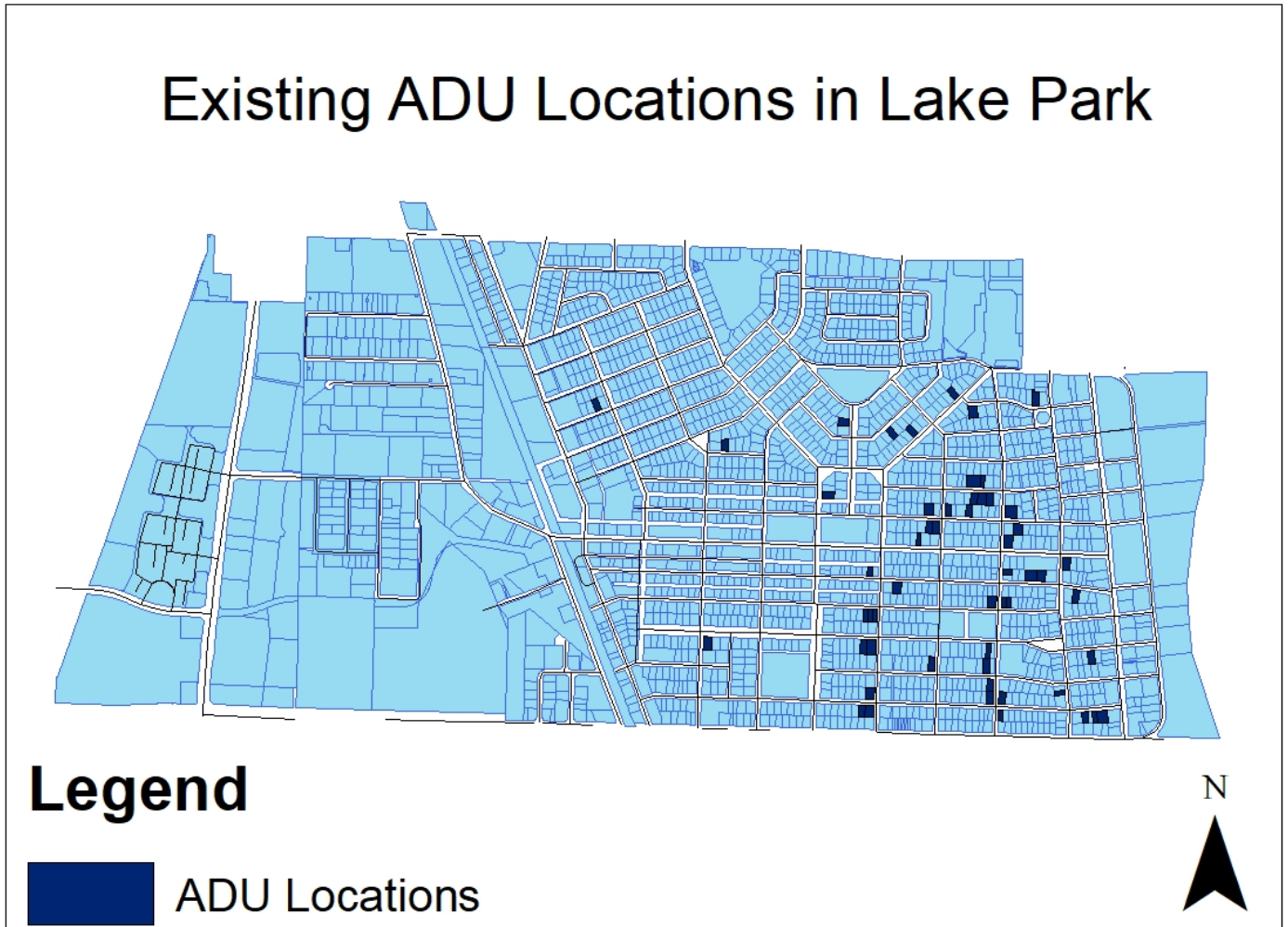
FIGURE 1: Proposed Areas





Town of Lake Park
Town Commission
Meeting Date: November 20, 2019

Figure 2 – Existing ADUs





**Town of Lake Park
Town Commission
Meeting Date: November 20, 2019**

SUMMARY OF RECOMMENDATIONS:

The following recommendations are broken down into categories and have been updated following the November 20, 2019 Town Commission Special Presentation using the feedback provided. These recommendations will be reflected in the Workshop Presentation on February 19, 2020. Presuming the Commission directs staff to undertake a code rewrite, the following suggested language will be used to compose the draft regulations pursuant to the Commission's comments.

Specifically, staff would like to highlight the following discussed items and the resulting changes:

- Removed restrictions on the number of ADUs per block due to conflicts with the Bert Harris Act.
- Removed language that would require ADUs that do not comply with Occupancy and Rental practices in the Town Code to demolish their kitchen facilities; replaced this language with fines and liens as the enforcement mechanism for noncompliance.
- Removed prohibition against short-term rental due to concerns of imminent preemption; SB 1128 was sent to the Florida Senate Floor on 2/11/2020.
- Researched prefabricated building exemptions; there is no language proposed that would limit prefabricated structures, but they would have to meet the design guidelines.
- Added in data on number of ADUs in the Town and their legal status.
- Confirmed that 1,000 SF meets the minimum livable area requirement; there is a 120 SF of GFA minimum for most rooms. These standards would be enforced by the Building Official during his review.
- Researched whether rented ADUs would lose their Homestead Exemption; rental for more than 30 days for two consecutive years or for more than six months constitutes abandonment of a homestead exemption.

Purpose and Intent

ADUs are most often employed as a means of cultivating affordable housing. In cities where the cost of living is prohibitive and full build-out means a shortage of developable property, ADUs to provide a cheaper entry point to the rental market. Other justifications include bringing nonconforming structures into compliance, raising property values, diversifying the housing market, and promoting compact, sustainable development.



**Town of Lake Park
Town Commission
Meeting Date: November 20, 2019**

Recommendation

Staff is not proposing a purpose and intent that alludes to any specific justification. Rather, the language proposed will be kept generic and allow for the safe and lawful occupancy of an accessory dwelling unit, lest changing times invalidate justifications related to creating affordable housing stock or eliminating nonconformity. The following is currently proposed:

“It is the intent of this section to establish practices for the safe and lawful creation and occupancy of accessory dwelling units within the Town. Property owners currently residing within the Town may build, own, maintain and rent accessory dwelling units within the R1 and R1A Single Family Residence districts pursuant to the issuance of a Town Rental BTR and in accordance with the standards set forth below.”

Definitions

FS 163.31771, a statute pertaining specifically to affordable housing, defines an accessory dwelling unit as “an ancillary or secondary living unit, that has a separate kitchen, bathroom, and sleeping area, existing either within the same structure, or on the same lot, as the primary dwelling unit.”

Most surveyed municipalities include facilities like kitchens and bathrooms as well as subordinate size to the primary dwelling as essentials in defining accessory dwelling units.

Recommendation

Staff proposes two new definitions, one for accessory dwelling structures and one for accessory dwelling units. These definitions borrow elements of the language precedent set by the State and read as follows:

A primary dwelling structure shall refer to the larger of any two or more dwelling structures in the R1 or R1A districts, exceeding the minimum required in the applicable zoning district.

An accessory dwelling structure shall refer to a second, subordinate standalone living unit in the R1 or R1A districts, not exceeding 1000 SF in total, with its own kitchen, bathroom, and no more than 2 bedroom facilities.

An accessory dwelling unit shall refer to a permitted living unit with its own kitchen, bathroom, and no more than 2 bedroom facilities inside of either a primary structure or an accessory dwelling structure.

It is staff’s intent that these definitions enshrine the most essential features of the Lake Park ADU regulations to prevent similar unlawful and undesirable arrangements from being called ADUs. These definitions also preserve the potential for interoperability with state statutes on affordable housing should the Town ever desire to pursue affordable housing policies in the future.



**Town of Lake Park
Town Commission
Meeting Date: November 20, 2019**

Districts

ADUs are a single-family zoning district phenomenon. The concept generally seeks to modify this least intensive of all living arrangements to accommodate an owner's extended family or renters.

Recommendation

The placement of ADUs in Lake Park would be restricted to our two single-family zones: R1 and R1A. See the map in Figure 1 for the boundaries of these districts in the Town.

Density

From staff's survey of municipalities with ADU provisions, the treatment of ADU's impact on residential density is most frequently not acknowledged in zoning codes. Those that do acknowledge the question tend toward excluding the ADUs from the calculation.

Recommendation

Staff recommends excluding accessory dwelling units from the density calculation. We are proposing to allow for one ADU per parcel (two units overall including the primary dwelling and the accessory dwelling). There are several legally nonconforming parcels with multiple ADUs in the Town and these would be "grandfathered in" regardless of exceeding this cap but we would not permit new parcels to accumulate multiple ADUs.

Nevertheless, a comprehensive plan amendment and capacity analysis will be undertaken to quantify the potential impacts of this change. Staff believes these will most likely be negligible.

Minimum Lot Size

Most, though not all, municipalities stipulate a minimum lot size. Among those cities surveyed, this figure ranged from 5,000 SF to 10,000 SF.

Recommendation

In Lake Park, the smallest legally-conforming lot is 7,500 SF for an interior parcel and 10,000 SF for a corner lot. According to data from the Palm Beach County Property Appraiser, which takes into account 1,225 single family homes within the Town, the average lot size is 10,488 SF. Town staff recommends that all parcels meeting the minimum legal lot size be eligible for an accessory dwelling structure, provided they do not exceed the maximum building coverage as defined below.

Building Coverage

All surveyed municipalities stipulate maximum lot coverage for ADUs; among those cities surveyed, the maximum averaged about 10,000 SF.



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Recommendation

Lake Park's current maximum building coverage, inclusive of accessory structures, for single-family lots is 50% in the R1A and 60% in the R1. In order to determine a maximum allowable ADU area that works within these existing constraints, town staff performed several case study calculation seeing how a maximum ADU area of 1000 SF would work on different lots, including those of substandard area, minimal legal area, average area, and above average area. The results showed that a maximum of 1000 SF would be viable on all the studied lots, save for the substandard one.

As a result, Town Staff are recommending a maximum ADU coverage of 1000 SF so long as it doesn't exceed the 50% or 60% built coverage on the lot.

The case studies are detailed in Appendix A.

Architectural Standards

Most municipalities require architectural design standards to ensure compatibility between the existing structure and the proposed accessory dwelling structure.

Recommendations

Staff recommends that accessory dwelling units conform to the preexisting standards for accessory structures generally, which is that they must be harmonious and compatible with the primary dwelling in such features as color, height, and materials. Prefabricated structures are permitted if they meet the intent of the criteria described above.

In addition, staff is also proposing quality of life criteria requiring that an accessory dwelling unit have its own permanent access pathway to the sidewalk to prevent rutting in grass areas as well as landscaping to screen any blank, featureless wall facing another single family home.

Setbacks

In general, ADU setback regulations seem to observe whatever the existing setback standards are for residential districts. However, some municipalities have introduced other setbacks from the primary structure and from the frontline of the property as well.

Recommendation

Town staff proposes the existing setbacks for accessory structures in the R1 and R1A districts govern setbacks for new accessory dwelling structures, with the added requirement that an accessory dwelling structure be setback at least 10 feet from the primary structure, per the Florida Building Code.



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Parking

Attitudes toward parking vary with municipalities' permissiveness toward ADUs. For those that are trying to maximize the number that are built, such as Portland, Oregon, the parking requirement is waived. In smaller communities, like Lexington, one off-street parking space is required for every ADU.

Recommendation

In order to ensure on-street parking within the Town does not become a nuisance or safety hazard, staff recommends a one space per unit requirement. Every accessory dwelling unit will be required to either demonstrate the ability to accommodate parking on site using existing driveway area or provide a new parking space. A space shall be defined by the current residential parking dimensional requirements in Section 78-142 (9) c. 1. i., which stipulate the minimum area shall be eight feet wide and 20 feet long and the orientation may be side-by-side, end-to-end, or non-contiguous.

Occupancy, Renting Practices, Other Requirements

Occupancy and renting practices vary between municipalities, but a few reoccurring themes are restrictions on investor ownership and provisions that make all legal occupancy contingent on proper permitting. Ownership restrictions are implemented to preserve neighborhood character and discourage transient occupancy. Permitting provisions often tie the issuance of a CO to the completion of a business tax receipt for rental. Most municipalities also require an ADU be occupied by no more than the maximum number of people allowed to occupy a primary dwelling.

Recommendation

Staff is proposing no ADU shall be issued a CO prior to the application for a rental business tax receipt and no ADU application shall be processed unless the owner occupies the property at the time of submittal, as proven by an updated driver's license.

Staff is proposing that an ADU property must always be owner-occupied whether the owner lives in the ADU or primary dwelling.

Additionally, each accessory dwelling unit shall be occupied by no more than one family as defined in the Town code. ADUs may be rented without charge of a business tax receipt to immediate family members, but the owner must provide the town proof of the relation to claim the exemption. Transient residential occupancy (lease terms of six months or less as defined in the code) shall be prohibited.

No ADU lot may be replated and sold off.

If any of these conditions are violated, occupancy of the ADU must cease immediately or the Town shall place fines and – in the case of continued noncompliance – a lien against the property.

Existing ADUs may be "legalized" following the signing of an affidavit affirming compliance with the above standards and an inspection by Town Staff.



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Approval Process

Accessory dwelling unit can be either administratively approved or approved by a special exception by a governing body.

Recommendation

The town proposes that ADUs be an administrative approval item. In order to receive an administrative approval, ADUs would have to go through the building permit approval process and receive administrative site plan review by the planner and structural review from the building official. A survey, site plan, architectural elevations, and engineering plans will be required with the application.



Case Studies:

405 Hawthorne - Large Corner Lot w Existing Pool (R1A)

Lot area: $100 \times 135 = 13,500$

Side Yard Setback (Street): $105 \times 15 = 1575$

Side Yard Setback (Interior): $105 \times 10 = 1050$

Front Yard Area: $30 \times 100 = 3000$

Total Excluded Setback Area = 5625

Lot Area less Excluded Setback Area:
 $13500 - 5625$

Buildable Area Subtotal: 7875

Buildable Area: 50% of 7875 = 3937

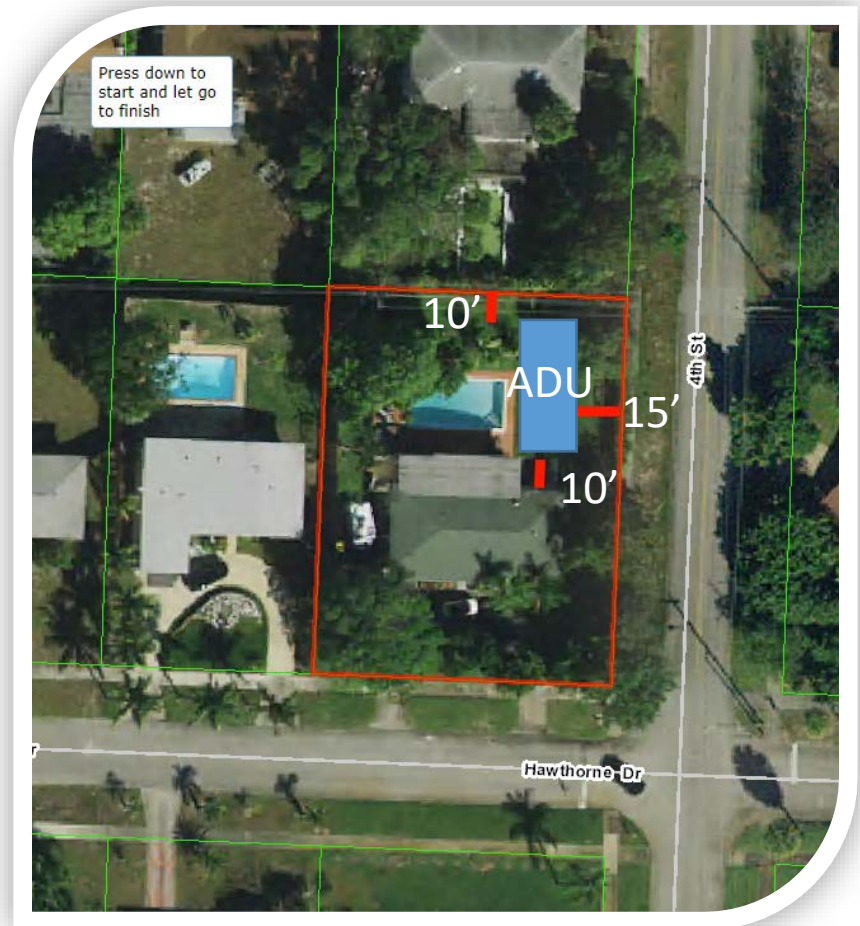
Existing Structure: 1966

Pool Area: 595

Buildable Area less Existing Structure
and Pool: $3937 - 2561 = 1698$

Remaining Area Buildable Area less
Maximum ADU Area: $1698 - 1000 = 698$

Remaining Buildable Area after ADU:
698.





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308 Bayberry – Substandard Lot (R1)

Lot Area: $50 \times 130 = 6500$ SF.

Side Yard Setback: $10 \times 93 = 930 \times 2 = 1860$

Front Setback: $50 \times 30 = 1500$

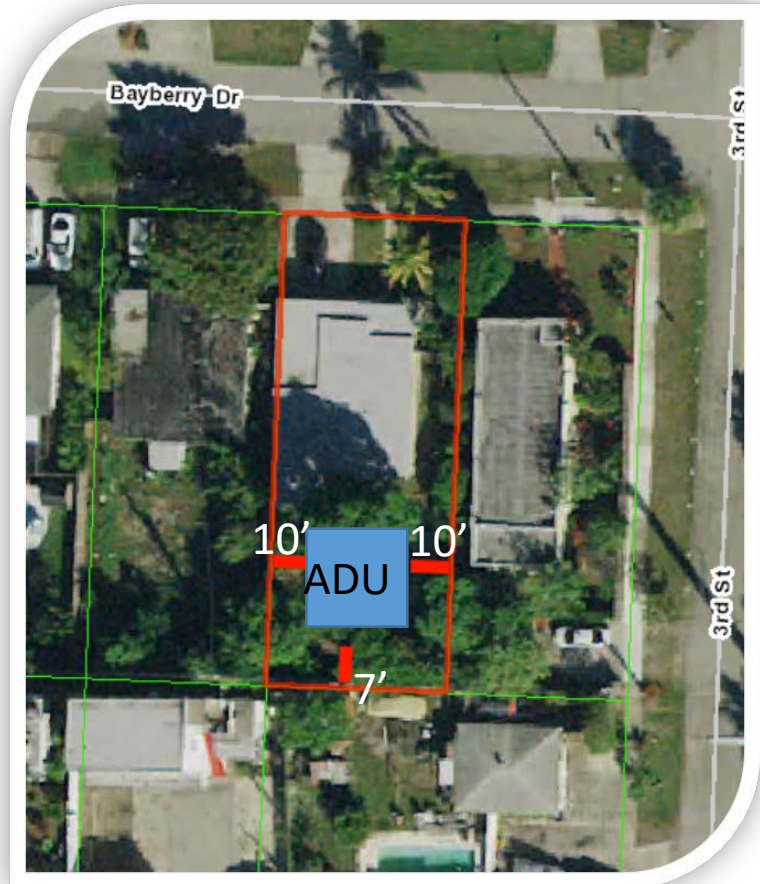
Total Excluded Setback Area: 3360

Lot Area Less Excluded Setback
Area: $6500 - 3360 = 3140$.

Buildable Area: $60\% \text{ of } 3140 = 1884$

Buildable Area less Existing
Structure: $1884 - 1584 = 300$

Maximum ADU Area: 300





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228 Bayberry – Standard Lot (R1)

Lot Area: $66 \times 121 = 7,986$ SF

Side Yard Setbacks: $10 \times 91 = 910 \times 2 = 1820$

Front Setback: $66 \times 30 = 1980$.

Total Excluded Setback Area: 3800 SF

Lot Area less Excluded Setback Area: 4186

Buildable Area: 60% of 4186 = 2511

Buildable Area Less Existing Structure: $2511 - 1074 = 1437$

Remaining Buildable Area less Maximum
ADU Area: 437 SF





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FINDINGS OF FACT AND STAFF RECOMMENDATION

Staff endorses the aforementioned recommendations and asks for the Townspeople's and Commission's direction to proceed with the creation of a new accessory structure zoning code per the recommendations provided. (*May be revised as needed in the final Resolution presented to the Town Commission*):