



**WORKSHOP AGENDA
SESSION OF THE PLANNING ADVISORY BOARD
CITY OF KISSIMMEE
CITY HALL, COMMISSION CHAMBERS
101 CHURCH STREET, KISSIMMEE, FLORIDA 34741-5054
WEDNESDAY, JUNE 1, 2022 AT 6:00 PM**

- 1. MEETING CALLED TO ORDER**
- 2. MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE**
- 3. MINUTES**
- 4. OLD BUSINESS**
- 5. NEW BUSINESS**
- 6. PUBLIC HEARINGS**
- 7. DISCUSSION**
 - A. Staff Presentation – Kalanit Oded, Deputy City Attorney
 - B. Staff Presentation – Brenda Ryan, Planning Manager
- 8. HEAR CHAIRMAN AND BOARD MEMBERS**
- 9. ADJOURNMENT**

In accordance with Florida Statutes 286.105: Any person wishing to appeal any decision made by the Planning Advisory Board with respect to any matter considered at such meeting or hearing will need to ensure that verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is made.

In accordance with Florida State 286.26, persons needing assistance to participate in any of these proceedings should contact the Office of the City Clerk, 101 Church Street, Kissimmee, Florida, (407) 518-2309.

PLANNING ADVISORY BOARD TRAINING

**Kalanit Oded, Deputy City Attorney
City Attorney's Office
City of Kissimmee**

Overview of Topics

- ◆ **Sunshine and Public Records Law**
- ◆ **Quasi-Judicial Proceedings**
- ◆ **Parliamentary Procedures and Voting Conflicts**

Sunshine Law

Fla. Stat. § 286

- ◆ **What is the scope of the Sunshine Law?**
 - ◆ **Sunshine Law provides a right of access to governmental proceedings of public boards at the state and local levels.**
 - ◆ **Sunshine Law applies to advisory boards, as well as decision-making boards.**
 - ◆ **Only City board that may be exempt are purely fact-finding boards.**
 - ◆ **Sunshine Law does not apply to staff unless working on a decision-making committee (e.g., DRC)**

Sunshine Law

Fla. Stat. § 286

- ◆ If the communication between two members of the same board involves a matter *that will likely come before the board*, the public has a right of access to the communication.
 - ◆ Tip: Do not hit “reply all” to board emails.
- ◆ Two members of the same board may attend social events together, provided that matters which may come before the board are not discussed.
- ◆ Advisory boards may conduct inspection or fact-finding trips provided that matters which may come before the board are not discussed.

Sunshine Law

Fla. Stat. § 286

- ◆ **Three basic requirements to satisfy Sunshine:**
 - ◆ **Meetings must be open to the public.**
 - ◆ **Reasonable notice of such meetings must be given.**
 - ◆ **Minutes of the meetings must be taken and promptly recorded.**

Sunshine Law

Fla. Stat. § 286

- ◆ **Meetings open to the public:**
 - ◆ **A physical quorum must be present, barring an Executive Order permitting a virtual quorum.**
 - ◆ **Once a physical quorum is present, other board members may participate and vote remotely if their physical absence is due to exigent circumstances.**
 - ◆ **Policies by the City or an individual board may be adopted to limit the amount of time members of public can speak or designating a representative of a group or a special interest to speak.**
 - ◆ **Shade meetings may occur under limited circumstances and are generally not applicable to the PAB.**

Sunshine Law

Fla. Stat. § 286

- ◆ **Sunshine Law applies to telephone, electronic or written communications between two or more board members.**
- ◆ **Sunshine kicks in before, during and after scheduled meetings.**
- ◆ **Sunshine applies even if a quorum is not present and official action cannot be taken.**
- ◆ **Rule of Thumb: if two or more board members discuss official City business, Sunshine applies.**
- ◆ **Personal liability may apply for Sunshine Law violations, including criminal penalties, removal from office, fines and attorney's fees.**

Public Records Law

Art. 1, Sec.24, FL Const.

- ◆ **“Every person has the right to inspect or copy any public record made or received in connection with the official business of any public body, officer, or employee of the state or persons acting on their behalf, except with respect to records exempted pursuant to this section or specifically made confidential by this Constitution”**
- ◆ **Requests do not have to be in writing**
- ◆ **Requests need not be for a special or legitimate interest/purpose.**

Public Records Act

Fla. Stat. § 119

- ◆ Fla. Stat. § 119.011(12) defines public records broadly:

- ◆ “[A]ll documents, papers, letters, maps, books tapes, photographs, films, sound recordings, data processing software, *or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency.*”

Public Records Act

Fla. Stat. § 119

◆ Examples of Public Records:

- ◆ Records stored on a computer;**
- ◆ Draft documents;**
- ◆ Email messages;**
- ◆ Website blogs and message boards;**
- ◆ Social media posts;**
- ◆ Text messages.**

Public Records Act

Fla. Stat. § 119

- ◆ **Examples of items NOT considered public records:**
 - ◆ **Personal notes: when drafted solely for the writer's own use to help remember something.**
 - ◆ **But may become public records if they are intended to communicate, perpetuate or formalize knowledge.**
 - ◆ **Private emails on government computers are not automatically public records: must look at the content of the communication.**

Public Records Act

Fla. Stat. § 119

- ◆ **Communications exempt from public records law:**
 - ◆ **Legislature created limited exemptions which are narrowly construed.**
 - ◆ **If an exemption is applicable, it must be stated in writing and must contain a statutory citation to the exemption. See, Fla. Stat. § 119.071(1)(e).**

Public Records Act

Fla. Stat. § 119

- ◆ **Examples of exempt public records:**
 - ◆ **Home addresses, phone numbers and photographs of first responders, as well as the places of employment and schools of their spouses and children.**
 - ◆ **Personal bank account numbers and debit, charge or credit card numbers.**
 - ◆ **Social Security numbers.**
 - ◆ **Work products developed during collective bargaining negotiations.**
 - ◆ **Documents/communications related to pending or threatened litigation.**
 - ◆ **Complaints related to discrimination/discipline/employee performance until a finding of probable cause, complaint is inactive, or complaint is part of an actual court proceeding.**

Public Records Act

Fla. Stat. § 119

◆ PUBLIC RECORDS APPLY TO YOU!

- ◆ Fla. Stat. § 119.07(1)(a) states that every person “who has custody of public record shall permit the record to be inspected and examined by any person desiring to do so, at any reasonable time, under reasonable conditions, and under supervision by the custodian of public record or the custodian’s designee”
 - ◆ Obligated to produce public records within a reasonable time = a short time frame.
 - ◆ Can charge for copying costs and labor associated with extensive production of records.

Public Records Act

Fla. Stat. § 119

◆ PUBLIC RECORDS APPLY TO YOU!

- ◆ If you receive communication related to official city business – text, emails, social media posts, etc. – transmit the communication to the City Clerk for retention purposes.**
- ◆ Ultimately, you are responsible for your public records.**
 - ◆ The local state attorney has the authority to prosecute alleged criminal violations of public records law. Certain civil penalties are also available.**

Quasi-Judicial Proceedings

- ◆ **Board decisions generally fit into two categories:**
 - **Legislative: Set and adopt policies; affect large segments of the community.**
 - **Quasi-Judicial: Implement adopted policy to a particular scenario; affect a limited number of identifiable parties and interests; contingent on findings of fact.**

Quasi-Judicial Proceedings

- ◆ **A quasi-judicial proceeding is a public hearing structured as an informal trial.**
- ◆ **The governing board acts as a panel of judges and makes a decision based on facts and evidence presented to the board.**
- ◆ **The board's final decision is an application of an adopted policy to a particular situation.**

What is Required for a Quasi-Judicial Proceeding?

- ◆ **Affording Due Process**
- ◆ **Observing of the Essential Requirements of Law/Following the Correct Law**
- ◆ **Making Decisions Supported by Competent Substantial Record Evidence**

Affording Due Process

- ◆ **Rooted in the United States and Florida Constitutions intended to protect private rights and interests.**
- ◆ **Means following the established rules created to provide fundamental fairness and to protect the relevant rights and interests of the parties in balance with the City's interests.**
- ◆ **Occurs both prior to and during a quasi-judicial proceeding.**

Due Process Prior to a Quasi-Judicial Proceeding

- ◆ Interested parties are given reasonable notice of a pending quasi-judicial proceeding. Type and nature of notice is often set forth by statute or Code provisions.
- ◆ Reasonable pre-hearing notice must have been provided before the Board makes a final decision in a quasi-judicial proceeding.

Due Process During a Quasi-Judicial Proceeding

◆ Hearing by an Impartial Board

- ◆ “Fundamental due process requires that a person appearing before a public body is entitled to have the issues determined by an impartial panel.” Florida Institute of Technology, Inc. v. City of Melbourne (Fla. 18th Jud. Cir. Jul. 2002)
- ◆ Board should limit its consideration of the issue before it to the facts presented at the hearing.
- ◆ If a Board member believes voting would provide a special private gain or loss – declare a voting conflict of interest.
- ◆ If a Board member believes some other form of conflict or bias exists – declare a disqualification and abstain from the proceedings.

Due Process During a Quasi-Judicial Proceeding

- ◆ **Providing a Meaningful Opportunity to be Heard**
 - ◆ The operative test is for fundamental fairness in the proceedings.
 - ◆ An interested party's meaningful opportunity to be heard includes the ability to present evidence, cross-examine witnesses, and be informed of all of the facts upon which the Board makes its decision.
 - ◆ Time limits for presentations created by administrative policy are a guide, not a rule. The Board should always provide a meaningful opportunity to be heard.
 - ◆ City Attorney's Office and City staff are available for consultations on questions regarding who qualifies as an "interested party", who is entitled to cross-examine witness, how long a person has to speak, and other related matters.

Due Process During a Quasi-Judicial Proceeding

- ◆ **Disclosure of *Ex Parte* Communications and Site Visits**
 - ◆ ***Ex parte* communications are:**
 - ◆ All forms of communication (verbal, written, electronic) regarding the subject of the quasi-judicial action made by or to a Board member outside of the hearing and off the record; and
 - ◆ Site visits by Board members to property subject to quasi-judicial action.
 - ◆ ***Ex parte* communications and site visits are presumptively prejudicial.**
 - ◆ If a board member engages in an *ex parte* communication or site visit, the board member must disclose the nature of the conversation or visit at the beginning of the public hearing.

Decisions Supported by Competent Substantial Evidence

- ◆ The Board's final decision must be supported by competent substantial evidence found in the record of the quasi-judicial proceeding.
- ◆ What is competent substantial evidence?
 - ◆ Competent evidence is evidence that:
 - ◆ Is presented by a person qualified to provide evidence on the subject about which the person is testifying;
 - ◆ Is reliable or credible; and
 - ◆ Is sufficiently relevant and material to the ultimate determination and that a reasonable mind would accept as adequate to support the conclusion reached.

Competent Substantial Evidence

- ◆ **Examples of Competent Evidence**
 - ◆ **City Staff Report and opinions of professional staff when supported by factual foundations.**
 - ◆ **Other professional opinions (engineers, licensed contractors, certified property appraisers, etc.) when supported by factual foundations.**
 - ◆ **Fact-based testimony from interested parties and other lay witnesses, when applicable.**
 - ◆ **Other competent, substantial fact-based evidence the Board finds reliable and credible.**

Competent Substantial Evidence

- ◆ **When is Expert Testimony Required in Land Use Decisions for Competent Substantial Evidence?**
 - ◆ **Traffic Issues**
 - ◆ **Light and Noise Pollution**
 - ◆ **Property Valuation Analysis**

Competent Substantial Evidence

- ◆ **Who Can Be Considered an Expert?**
 - ◆ **Local Government Professional Staff**
 - ◆ **including Planners, Engineers, Director of Public Works, Chief of Police**
 - ◆ **Registered Professional Engineers**
 - ◆ **Architects**
 - ◆ **General Contractors**
 - ◆ **Environmental Consultants**
 - ◆ **Certified Property Appraisers**
 - ◆ **Other professionals having technical training, education or expertise on an issue related to the development decision**

Competent Substantial Evidence

◆ Lay Witness Testimony as Competent Substantial Evidence

“Lay witnesses may offer their views in land use cases about matters not requiring expert testimony. For example, lay witnesses may testify about the natural beauty of an area because this is not an issue requiring expertise. Lay witnesses’ speculation about potential ‘traffic problems, light and noise pollution,’ and general unfavorable impacts of a proposed land use are not, however, considered competent, substantial evidence. Similarly, lay witnesses’ opinions that a proposed land use will devalue homes in the area are insufficient to support a finding that such devaluation will occur. There must be evidence other than the lay witnesses’ opinions to support such claims.” Katherine’s Bay, LLC v. Fagan, 52 So. 3d 19, 30 (Fla. 1st DCA 2010) (internal citations omitted)

Competent Substantial Evidence

- ◆ **Examples Where Lay Witness Testimony Found to be Competent Substantial Evidence**
 - ◆ **Fact-based testimony regarding densities of nearby developments from which commission could draw its own conclusions regarding compatibility**
 - ◆ **Fact-based testimony regarding commercial use of residential property as evidence of incompatibility with neighborhood**
 - ◆ **Fact-based testimony regarding the size of proposed apartments, vacancy rates of existing apartments, and compatibility of small apartments with surrounding buildings.**

Competent Substantial Evidence

- ◆ **Examples of Incompetent Evidence**
 - ◆ **Generalized, conclusory statements of opposition or support without a factual foundation.**
 - ◆ **Bare allegations or objections without a factual foundation.**
 - ◆ **Hypothetical, speculative, vague, or uncertain statements.**
 - ◆ **Other evidence the Board finds unreliable or not credible.**

Competent Substantial Evidence

- ◆ **Examples Where Lay Witness Testimony Found to be Incompetent Evidence**
 - ◆ **A city commission improperly denied a conditional use for an airport by relying on lay witness testimony regarding future construction costs, noise, environmental and effects.**
 - ◆ **Conditional use for an adult congregate living facility denied based on the opinions of neighbors that the use would cause traffic problems, light and noise pollution, and would have an unfavorable impact on the area.**
 - ◆ **Conditional use for a gas station/convenience store denied based on objections by local residents of fears of increased traffic.**
 - ◆ **Development plan for an apartment complex denied based on speculative testimony from neighbors regarding increased traffic and crime**
 - ◆ **Conditional use for a guest house based on a “popularity poll” of the neighborhood**

Competent Substantial Evidence

◆ Rendition of Board Findings

- ◆ **City staff strongly recommends that the Board state its findings when rendering decisions in quasi-judicial proceedings.**
 - ◆ **The Board may choose to adopt the findings and recommendations of City staff; or**
 - ◆ **If the Board chooses to make different findings, it should state such findings of fact in its motions**
- ◆ **Board orders with stated findings are more authoritative and tend to be upheld more often in subsequent legal challenges, so long as they are supported by competent substantial record evidence.**
- ◆ **Staff can assist with proposed motions and findings for quasi-judicial decisions.**

Parliamentary Procedures

- ◆ **Rules of procedure contained in some charters, ordinances and City policies supersede rules contained in the parliamentary authority when there is a conflict.**

Purpose

- ◆ **Efficiency**
- ◆ **Fairness**
- ◆ **Order**
- ◆ **Dignity**
- ◆ **Clarity**

The Fundamentals

- ◆ **Quorum is required to conduct business**
- ◆ **One subject, one speaker at a time**
- ◆ **Each idea is entitled to debate**
- ◆ **Personalities are NOT appropriate matters for discussion**
- ◆ **Courtesy to other participants**
- ◆ **Silence = Consent**
- ◆ **Record of Proceedings**
- ◆ **Notice of Meetings**
- ◆ **Fixed agenda prior to meeting**
- ◆ **Majority rule but protection of minority rights**

Motions

- ◆ **Make a motion**
- ◆ **“Second”**
- ◆ **Chair states motion (“It has been moved that....”)**
- ◆ **Discussion**
- ◆ **Voting on motion**
- ◆ **Announce results**

Amendments to Motions

- ◆ **Anytime after a motion is seconded but prior to vote, a board member may move to amend the original motion.**
- ◆ **An amendment must go through the same steps as the original motion.**
- ◆ **An amendment must be voted on before the original motion is voted on.**
- ◆ **An amendment may insert words, strike words or substitute words in the original motion.**
- ◆ **An amendment may also be amended prior to a vote on the amendment.**

Postponement

- ◆ If a board member wants to postpone discussion or voting, she may “move’ to postpone an item to a certain time or indefinitely.
- ◆ That postponement motion must be seconded.
- ◆ Discussion is limited to the reason for the postponement.
- ◆ A majority vote is required to postpone an item.

Voting Conflicts

Fla. Stat. § 112.3143

- ◆ Defines “public officer” as a person “elected or appointed” to hold office in any city, “including any person serving on an advisory body.”
- ◆ PAB is considered an advisory body as it does not make final decisions but provides recommendations to City Commission and other boards.

Voting Conflicts

Fla. Stat. § 112.3143

- ◆ **PAB members MAY NOT “vote on any matter that the officer knows would inure to his or her special private gain or loss.”**
- ◆ **The special private gain or loss applies to the individual board member, his/her relatives, employer or business associates.**

Voting Conflicts

Fla. Stat. § 112.3143

- ◆ **Special Private Gain or Loss:**
 - ◆ **The size of the class;**
 - ◆ **The nature of the interests involved;**
 - ◆ **The degree of which the interests of all members of the class are affected by the vote;**
 - ◆ **The degree of which the officer, his or her relatives, business associate, or principal received a greater benefit/harm when compared to other members of the class.**

Voting Conflicts

Fla. Stat. § 112.3143

- ◆ **How to Abstain:**
 - ◆ **Prior to taking a vote, member must publicly state the nature of the interest in the matter AND**
 - ◆ **Within 15 days after the vote, disclose in a written memo, the nature of the interest.**
 - ◆ **Disclosure memo is then incorporated into the meeting minutes AND is a public record.**

Final Thoughts

- ◆ **Public Records, Sunshine and Ethics are fact-intensive laws.**
- ◆ **Always err on the side of public disclosure.**
- ◆ **Always consider the impression of impropriety that your actions may invoke regardless of whether conduct is actually violating any state or local laws.**
- ◆ **If you have any questions, especially as they pertain to specific agenda items, feel free to contact me at kalanit.oded@kissimmee.gov or at (407) 518-2310.**

CITY OF KISSIMMEE

PLANNING ADVISORY BOARD (PAB) WORKSHOP

JUNE 1, 2022



Brenda Ryan, Planning Manager
Development Services



**PAB Agenda
Items**

**CONDITIONAL
USE**

True Works of Art

Annexations

ZONING

FUTURE LAND USE

Comprehensive Planning

- The comprehensive plan shall provide the principles, guidelines, standards, and strategies for the orderly and balanced future economic, social, physical, environmental, and fiscal development of the area that reflects community commitments to implement the plan and its elements. These principles and strategies shall guide future decisions in a consistent manner and shall contain programs and activities to ensure comprehensive plans are implemented. *F.S. 163.3177(1)*
- The state land planning agency - Florida Department of Economic Opportunity *F.S. 163.3164(44)*
- Local planning agency – Planning Advisory Board (PAB)
 - The governing body of each local government, individually or in combination as provided in s. 163.3171, shall designate and by ordinance establish a “local planning agency,” unless the agency is otherwise established by law. *F.S. 163.3174*



Comprehensive Planning

Comprehensive Plan Amendments

- Compatibility
- Adequate Public Services & Facilities
- Mitigation of Adverse Impacts
- Supports Goals, Objectives, & Policies



Comprehensive Planning

Comprehensive Plan Amendments



Expedited

(163.3184(3), F.S.)

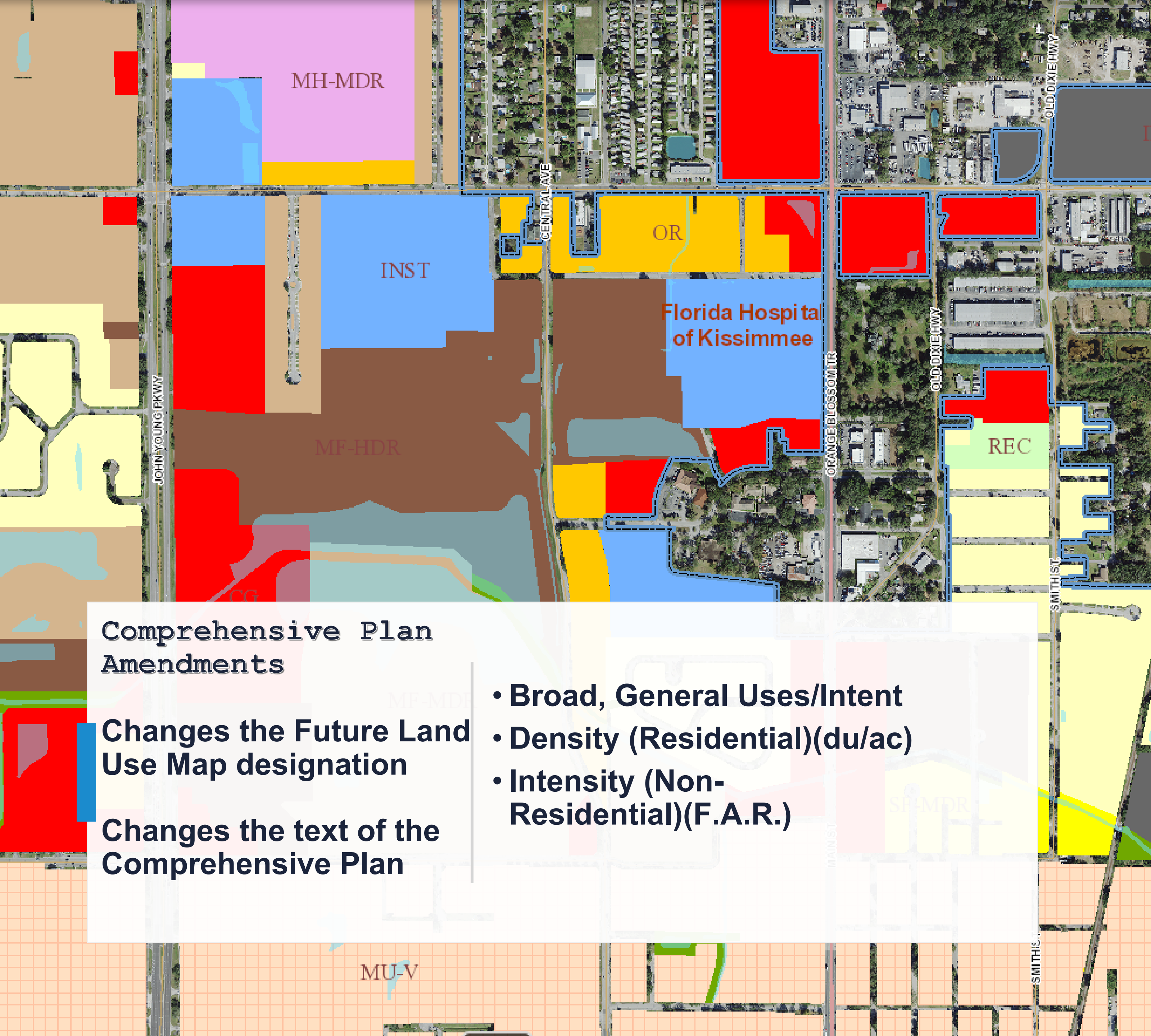
- All comprehensive plan amendments, except:
 - Small scale amendments (163.3187, F.S.)
 - Amendments meeting the State coordinated review criteria

State

(163.3184(4), F.S.)

- Comprehensive Plan Amendments involving:
 - Areas of Critical State Concern
 - Rural Land Stewardship
 - Sector plans or an amendment to an adopted sector plan
 - Comprehensive plans based on evaluation and appraisal reports (EAR)
 - Newly incorporated municipalities





Comprehensive Plan Amendments

Changes the Future Land Use Map designation

Changes the text of the Comprehensive Plan

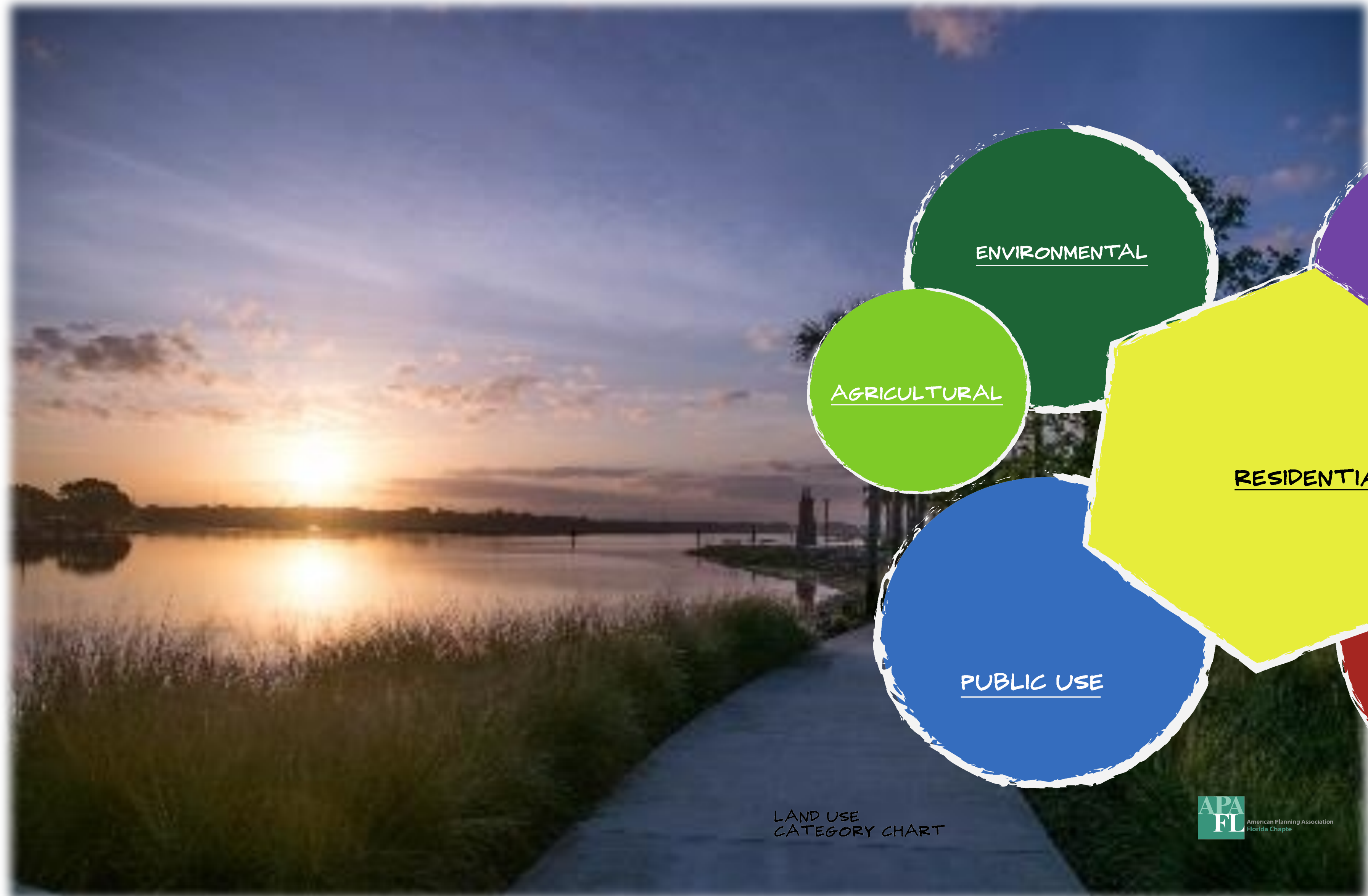
- Broad, General Uses/Intent
- Density (Residential)(du/ac)
- Intensity (Non-Residential)(F.A.R.)

POLICY 1.2.3.2: COMMERCIAL GENERAL (CG).

The Commercial General (CG) areas are designated on the Future Land Use Map for purposes of accommodating office uses and general retail sales and services. Development and redevelopment projects within this future land use designation may be built with an intensity of up to 2.5 FAR. The Commercial General land use designation is intended to include the hub of retail sales and services within the downtown business district as well as highly accessible areas adjacent to major thoroughfares and transit facilities, that possess necessary location, site, and market requirements. This future land use designation shall be implemented through the City's Land Development Code.

This area is not intended to accommodate manufacturing, processing, or assembly of goods, sales and service of heavy commercial vehicle and equipment, or related services or maintenance activities; warehousing; uses requiring extensive outside storage; or other activities which may generate nuisance impacts, including glare, smoke or other air pollutants, noise, vibration or major fire hazards.

- SF-LDR (Single Family Low Density Residential)
- SF-MDR (Single Family Medium Density Residential)
- MH-MDR (Mobile Home Medium Density Residential)
- MF-MDR (Multiple Family Medium Density Residential)
- MF-HDR (Multiple Family High Density Residential)
- OR (Office Residential)
- CG (Commercial General)
- Industrial Business (IN)
- Airport Expansion (AE)
- INST (Institutional)
- UT (Utilities)
- Conservation (CONS)
- Recreation (REC)
- MU-D (Downtown)
- MU-V (Vine Street)



LAND USE
CATEGORY CHART



Comprehensive Planning

Including Florida, how many states have growth management programs that require or “strongly encourage” the adoption of a comprehensive plan?

- a.) 4
- b.) 23
- c.) 13
- d.) 46

McHUMOR by T. McCracken



"I want you to draw up plans
for a city that can be built in a day."

Cartoonstock.com

An aerial view of a city grid with buildings represented by 3D models in various colors: red, blue, green, pink, orange, and yellow. The buildings are arranged in a grid pattern, with some larger, more complex shapes interspersed among the smaller, rectangular ones. The background is a light gray grid representing the city's layout.

c.) 13

Florida, Georgia, Hawaii, Maine, Maryland, New Jersey, Oregon, Rhode Island, Vermont, Connecticut, New Hampshire, Delaware, and Washington all have widely recognized state growth management programs that either require or strongly encourage the adoption of local comprehensive plans.

Zoning

- Implements the Goals, Objectives, & Policies of the Comprehensive Plan
- Establish regulations, procedures and standards for review and approval of proposed development in the city.
- Adopt a development review process



Table 4 - 3: Site Standards – Residential Districts

	AC	RE	RA-1	RA-2	RA-3	RA-4	RB-1	RB-2	RC-1	RC-2	MH
Lot size (Min):	5 ac	20,000	12,000	9,000	7,000	6,000	6,000	6,000	–	–	6,000
Lot area (sq. ft.):	SF/Min	–	–	–	–	–	4,000/unit	4,000/unit	4,000/unit	4,000/unit	–
Other uses:	5 ac	20,000	20,000	20,000	20,000	20,000	20,000	10,000 ⁽¹⁾	10,000 ⁽¹⁾	10,000 ⁽¹⁾	6,000
Lot width (ft.):	SF/Min	200	100	80	70	60	50 ⁽¹⁾	50	50	50	50
DP/TP:	–	–	–	–	–	–	70	70	50	50	–
TH:	–	–	–	–	–	–	20	20	20	20	–
MF:	–	–	–	–	–	–	70	75	70	70	–
Other uses:	200	100	80	75	75	75	70	75	70	70	50
Lot depth (ft.):	200	150	120	110	100	100	100	100	100	100	120
Impervious surface Area (max.):	50%	50%	50%	50%	50%	50%	50%	50%	75%	75%	50%
Gross floor area, non-residential uses (max.) (sq. ft.):	NA	NA	5,000	5,000	5,000	15,000	15,000	15,000	NA	NA	NA
Setbacks (ft.):	Min	35	35	25	25	20	20	10	10	10	25
Front:	Max	–	–	–	–	–	–	–	–	–	–
Side (min.):	Resid.	25	15	8	8	7	5	5	5	10	5
Non-resid.	25	15	10	10	10	10	10	10	10	10	5
Street side (min.):	Resid.	NA	25	25	20	18	15	15	15	10	15
Non-resid.	25	25	25	20	18	15	15	15	10	10	15
Rear (min.):	35	35	25	25	25	25	20	20	20	20	25
Alley (min.):	–	–	–	–	–	–	–	–	–	–	–
Building separation ⁽²⁾ (ft.):	–	–	–	–	–	–	–	–	15	15	–
Recreation & open space ⁽³⁾ :	25	25	25	25	25	25	25	25	25	25	25
Open Space (%):	–	–	–	–	–	–	–	–	–	–	–
Active recreation:	–	–	–	–	–	–	–	–	–	–	–
Passive recreation:	–	–	–	–	–	–	–	–	–	–	–



Land Development Code/
Form-Based Code



CITY OF KISSIMMEE LAND DEVELOPMENT CODE
CHAPTER 14-5 - FORM-BASED CODE

1. Shopfront

Shopfronts are required along Broadway and nearby streets (see Figure 5-2) and optional along other streets as shown in Table 5-2.

a. General Standards for Shopfronts

Cross-section:

Plan view:

The graphic on the left depicts the location of the measurements on a building cross-section while the figure on the right shows them in plan view. The letters represent the standards listed in the table below.

(i) Description

The front façade of the building is located between the minimum and maximum setback lines, inclusive, and shall include a canopy or awning element along most of the frontage. Appurtenances may not encroach into the public right-of-way, except along Broadway where frontage elements may encroach into the public right-of-way barring any additional restrictions by the public entity that has control over the public right-of-way.

(ii) Size

Distance between glass panels	2' max. (horizontal)	1
Door Recess	5' max.	2

(iii) Canopy or Awning

Depth	8' min.	3
Width, Cumulative	70% min. of proposed façade width within setback	4
Setback from Curb	2' min.	5
Height, Clear	8' min.	6

(iv) Miscellaneous

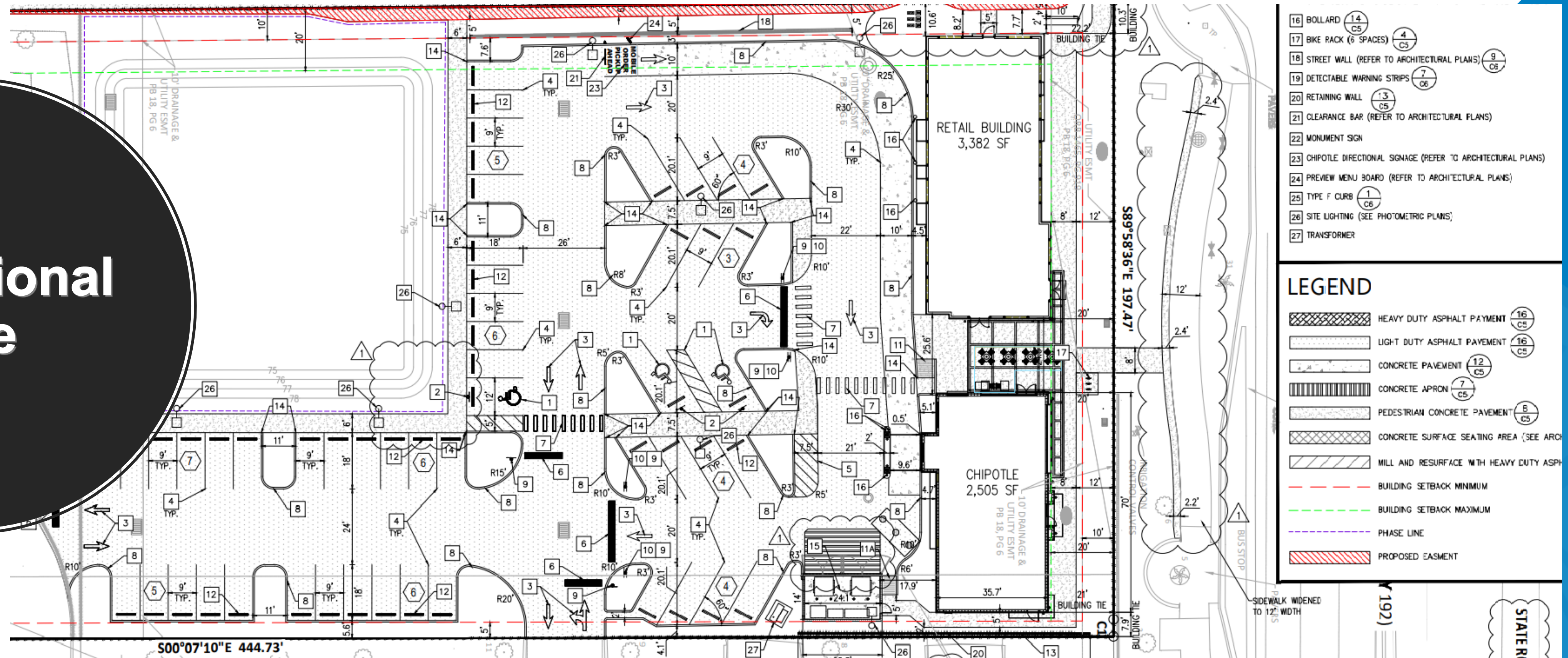
Doors may be recessed if the façade is at the minimum setback line. Open ended awnings are encouraged. Domed, bubble, and hoop style awnings are prohibited.

Figure 5 - 35: Shopfronts

A shopfront with a recessed doorway

A shopfront with a chamfered corner entry

Conditional Use



- Uses limited by site-specific standards and conditions

Voluntary Annexations (F.S. 171.044)

http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0100-0199/0171/Sections/0171.044.html

The owner or owners of real property in an unincorporated area of a county which is contiguous to a municipality and reasonably compact may petition the governing body of said municipality that said property be annexed to the municipality.



True Works of Art

Land Development Code 14-11-16

All murals, statuary, and similar items which are located wholly or partly out-of-doors and which are not intended to meet the definition of a sign in chapter 14-2 must be approved by the planning advisory board unless the director determines that they are customary yard or building accessories. No such items shall be approved by the planning advisory board (PAB) unless the PAB determines that the item:

- Is a true work of art and not a sign as defined in chapter 14-2; and
- Is compatible with the character of the surrounding area (particularly residential areas) in terms of its size, style, colors, materials, general appearance, and location.



Brownfield Advisory Committee



- There is hereby established a Brownfield Advisory Committee pursuant to F.S. § 376.80(4) for the purpose to address development of the designated brownfield areas within the city, improving and receiving public comment on rehabilitation and redevelopment of brownfield areas.
- The Planning Advisory Board is hereby appointed as the Brownfield Advisory Committee with all the powers and duties provided in F.S. §§ 376.77 through 376.86. Article III Boards and Commission, Division 10, Sec. 2-362 City of Kissimmee Code of Ordinances, Sept. 27, 2011.

- Elected officials – City council, County commission.
- Government Departments (Public Works, Utilities, Transportation, Wastewater, Stormwater, Parks and Rec, etc.)
- State and Federal agencies



■ **density** (See also *intensity*) The number of dwelling units permitted per net acre of land, (Coral Gables, Fla.)

A Planners Dictionary

The number of dwelling units per acre. (Durham, N.C.)

cem-e-tery \ˈse-mə-ter-ē\ Land used or dedicated to the burial of the dead, including crematoriums, mausoleums, necessary sales, and maintenance facilities.



The number of dwelling units per gross area devoted to residential development. (Baton Rouge, La.)

fire hy-drant \ˈfir ˈhī-drənt\ Provides water for fire-fighting purposes without restriction as to use for that purpose.



ar-chi-tec-tur-al fea-ture \är-kəˌtek-chər-rəl ˈfē-chər\ Part, portion, or projection adding to the beauty or elegance of a building, exclusive of signs, not necessary for the structural integrity or habitability of the building.



skate-park \ˈskāt ˈpärk\ A public facility that is designed for use by persons riding skateboards, in-line skates, or roller skates.





What is a Planning Commission?

<https://www.planetizen.com/definition/planning-commissions>

Planning Officials

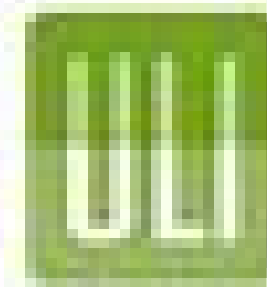
<https://www.planning.org/officials/>

Planning Resources



American Planning Association

<https://www.planning.org/>



Urban Land Institute

<https://uli.org/>

CNU CONGRESS FOR THE
NEW URBANISM

<https://www.cnu.org/>

ICMA

<https://icma.org/>

PLANETIZEN

<https://www.planetizen.com/>

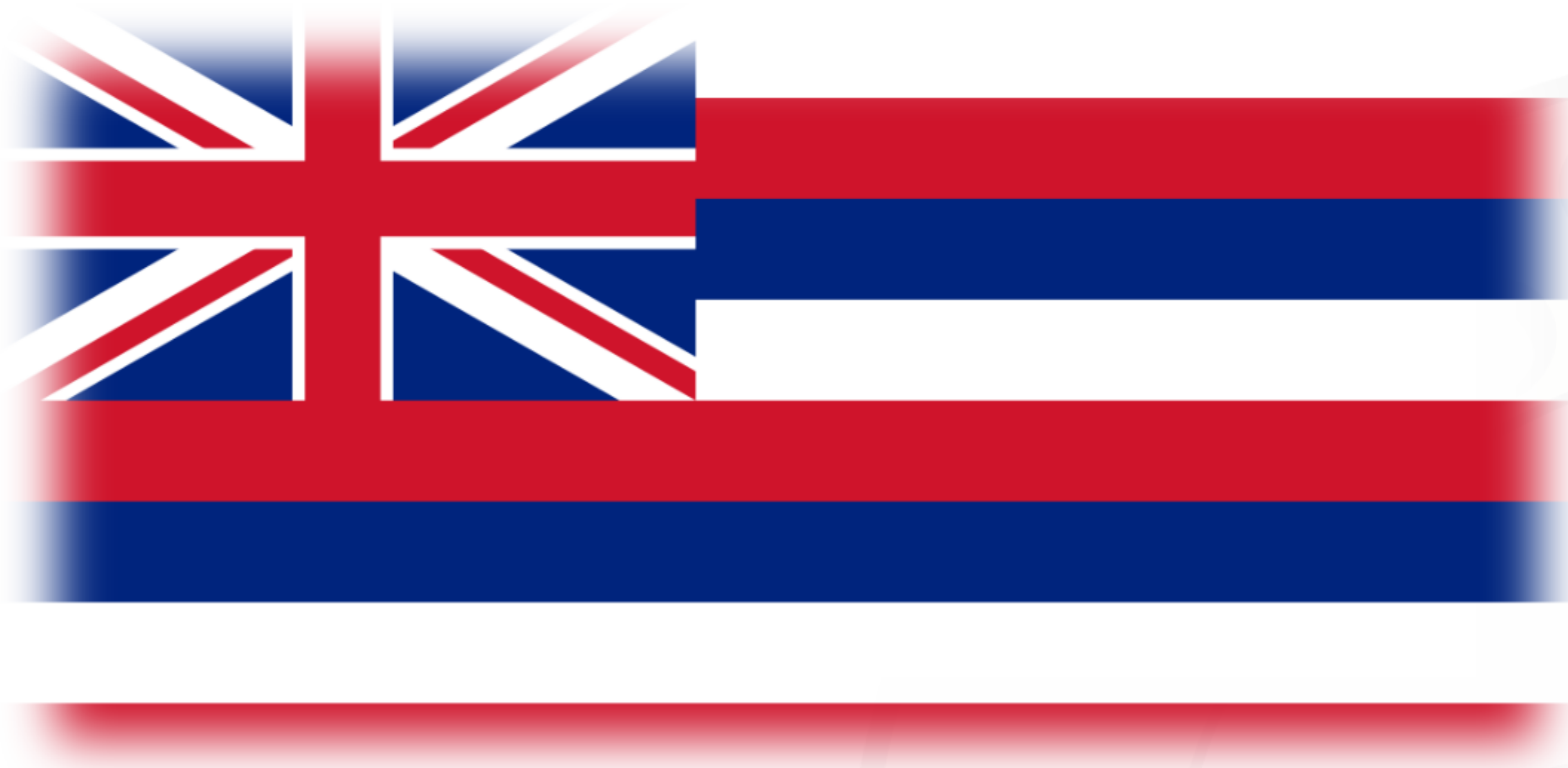




Which of these states was the 1st to mandate comprehensive planning?

- a.) Hawaii
- b.) New York
- c.) Illinois
- d.) California

a.) Hawaii



In 1961, Hawaii became the first American state to pass a growth-management law. Act 187 divided the state into three types of land uses: urban, agriculture, and conservation. It restricted development in the agriculture and conservation land uses. In 1963, a rural land use was added to keep undeveloped lands from being urbanized.

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Thanks !

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