

**REVISED AS OF 5/6/2022, 2:00 P.M. FOR 5/19/2022 MEETING**  
**PROPOSED LDR AMENDMENT NO. 22-001-TA (ORDINANCE NO. 1254)**

**AN ORDINANCE OF THE CITY OF OKEECHOBEE, FLORIDA; AMENDING SECTION 90-633, HOME OCCUPATION WITHIN CHAPTER 90, LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES; PROVIDING FOR CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Florida Legislature enacted Florida Statute 559.955 preempting several areas of home business regulation;

**WHEREAS**, the City Council of the City of Okeechobee, Florida, finds that it is in the best interest of the City's residents and businesses to amend Section 90-633 of the City of Okeechobee Code of Ordinances to bring the City Code into compliance with the legislative enactment;

**WHEREAS**, the Planning Board for the City of Okeechobee, Florida, acting as the Local Planning Agency, reviewed and discussed the proposed amendments, also known as Land Development Regulation Text Amendment Application No. 22-001-TA, at a duly advertised Public Hearing held on May 19, 2022, and based on findings of fact by the Planning Staff, hereby recommends certain changes, amendments or modifications to the Code of Ordinances, to present to the City Council for ordinance adoption and codification; and

**WHEREAS**, the City Council for the City of Okeechobee, Florida, considered the recommendations by the Planning Board and concludes that enacting such amendments to be in the best interest of its citizens of said City, that said amendments are necessary and appropriate to make the Land Development Regulations more consistent and responsive to the needs of the City and its citizens;

**NOW, THEREFORE**, be it ordained before the City Council of the City of Okeechobee, Florida; presented at a duly advertised public meeting; and passed by majority vote of the City Council; and properly executed by the Mayor or designee, as Chief Presiding Officer for the City; that:

**SECTION 1: Recitals Adopted.** Each of the above stated recitals is true and correct and incorporated herein by this reference:

**SECTION 2: Amendment and Adoption to Chapter 90.**

That the City Council for the City of Okeechobee, Florida, amends herein Part II of the Code of Ordinances, Subpart B-Land Development Regulations, providing for amendments to Chapter 90-Zoning as follows:

**Sec. 90-633. - Home occupation.**

A home occupation may be permitted administratively in a dwelling, subject to the following:

- (1) The employees of the home occupation who work at the dwelling must also reside in the dwelling, except that up to a total of two employees or independent contractors who do not reside at the dwelling may work at the home occupation. The home occupation may have additional remote employees that do not work at the dwelling. ~~Only the resident who is licensed to do so shall be engaged in the home occupation.~~
- (2) A home occupation shall be ~~clearly incidental~~ secondary to the residential use, ~~and shall not occupy more than 20 percent of the total building floor area, nor more than 300 square feet.~~
- (3) As viewed from the street, the use of the dwelling is consistent with the uses of the residential areas that surround the property. External modifications made to the dwelling to accommodate the home occupation must conform to the residential character and architectural aesthetics of the neighborhood. The home occupation may not conduct retail transactions at a structure other than the dwelling; however, incidental business uses and activities may be conducted at the dwelling. ~~There shall be no alteration in the residential character, or visible evidence of the conduct of such occupation.~~
- (4) No equipment or process shall be used in the occupation which creates interference to neighboring property due to noise, vibration, heat, smoke, dust, glare, fumes, or noxious odors ~~or electrical disturbance.~~

- (5) ~~Outdoor~~ Storage of materials or disposal at the dwelling of any corrosive, combustible, or other hazardous or flammable used in the home occupation is prohibited, except for garden produce.
- (6) Vehicles and trailers used in connection with the home occupation 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 dwelling. ~~No goods or services shall be sold on the property.~~
- (7) Individual instruction in art, music or education may be given to one person at a time.
- (8) ~~The following shall not be permitted as home occupations: a beauty shop or barbershop; group band, dance or swimming instruction; a dining facility or tea room; antique shop or giftshop; fortunetelling or similar activity; photographic studio; outdoor repair; retail sales; and a nursery school.~~

**SECTION 3: CONFLICT.** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SECTION 4: INCLUSION IN THE CODE.** It is the intention of the City Council, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of the City of Okeechobee.

**SECTION 5: SEVERABILITY.** If any provision or portion of this ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this ordinance shall remain in full force and effect.

**SECTION 6: EFFECTIVE DATE.** This Ordinance shall take effect immediately upon its passage.

**INTRODUCED** for First Reading and set for Final Public Hearing on this 7<sup>th</sup> day of **June 2022**.

\_\_\_\_\_  
Dowling R. Watford, Jr., Mayor

ATTEST:

\_\_\_\_\_  
Lane Gamiotea, CMC, City Clerk

**PASSED AND ADOPTED** after Second and Final Public Hearing this 5<sup>th</sup> day of **July 2022**.

\_\_\_\_\_  
Dowling R. Watford, Jr., Mayor

ATTEST:

\_\_\_\_\_  
Lane Gamiotea, CMC, City Clerk

**REVIEWED FOR LEGAL SUFFICIENCY:**

\_\_\_\_\_  
John J. Fumero, City Attorney

City of Okeechobee  
General Services Department  
55 S.E. 3<sup>rd</sup> Avenue, Room 101  
Okeechobee, Florida 39974-2903  
Phone: (863) 763-3372, ext. 218  
Fax: (863) 763-1686

Date: 4-18-22

Petition No. 22-001-TA

Fee Paid: N/A

Jurisdiction: PB+CC

1<sup>st</sup> Hearing: 5-19-22

2<sup>nd</sup> Hearing: 6/7 & 7/5/22

Publication Dates:

Notices Mailed: N/A

## APPLICATION FOR TEXT AMENDMENT TO THE LAND DEVELOPMENT REGULATIONS

### APPLICANT INFORMATION

1 Name of Applicant: City of Okeechobee

2 Mailing address: 55 SE 3rd Ave

3 E-mail address:

4 Daytime phone(s):

5 Do you own residential property within the City?  Yes  No

If yes, provide address(es)

6 Do you own nonresidential property within the City?  Yes  No

If yes, provide address(es)

### REQUEST INFORMATION

7 Request is for:  Text change to an existing section of the LDRs  
 Addition of a permitted use  Deletion of a permitted use  
 Addition of a special exception use  Deletion of a special exception use  
 Addition of an accessory use  Deletion of an accessory use

8 Provide a detailed description of text changes to existing section(s) showing deletions in ~~strikeout~~ and additions in underline format. (This description may be provided on separate sheets if necessary.)

See attached proposed Ordinance