

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 s~~ 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 7th 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 5th 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, FLORIDA
PLANNING BOARD MEETING
MAY 19, 2022
SUMMARY OF BOARD ACTION

I. CALL TO ORDER

Chairperson Hoover called the regular meeting of the Planning Board for the City of Okeechobee to order on Thursday, May 19, 2022, at 6:34 P.M. in the City Council Chambers, located at 55 Southeast Third Avenue, Room 200, Okeechobee, Florida.

II. ATTENDANCE

Roll was taken by Board Secretary Patty Burnette. Chairperson Dawn Hoover, Vice Chairperson Doug McCoy, Board Members Karyne Brass, Mac Jonassaint and Alternate Board Members Jim Shaw and David McAuley were present. Board Members Phil Baughman and Rick Chartier were absent with consent. Chairperson Hoover moved Alternate Board Members Shaw and McAuley to voting position.

III. AGENDA

- A. There were no items added, deferred, or withdrawn from the agenda.
- B. Motion by Member Brass, seconded by Member Jonassaint to approve the agenda as presented. **Motion Carried Unanimously.**
- C. There were no comment cards submitted for public participation.

IV. MINUTES

- A. Motion by Member Brass, seconded by Member Jonassaint to dispense with the reading and approve the March 17, 2022, Regular Meeting minutes. **Motion Carried Unanimously.**

V. CHAIRPERSON HOOVER OPENED THE PUBLIC HEARING AT 6:36 P.M.

- A. Land Development Regulations (LDR) Text Amendment Petition No. 22-001-TA proposes to amend the regulations for Home Occupations, provided in Section 90-633 within Chapter 90 of the Code of Ordinances.
 - 1. City Attorney Gloria Velazquez reviewed proposed Ordinance No. 1254.
 - 2. There were no public comments offered.
 - 3. There were no Ex-Parte disclosures offered.
 - 4. Motion by Member Jonassaint, seconded by Member McCoy to recommend the City Council approve LDR Text Amendment Petition No. 22-001-TA as presented in [Exhibit 1.] **Motion Carried Unanimously.** The recommendation will be forwarded to the City Council for consideration at Public Hearings tentatively scheduled for June 7, 2022, and July 5, 2022.

CHAIRPERSON HOOVER CLOSED THE PUBLIC HEARING AT 6:42 P.M.

VI. CITY ADMINISTRATOR UPDATE

Gary reminded Board Members about the Joint Workshop with the City Council on May 24, 2022, at 6 P.M.

VII. Chairperson Hoover adjourned the meeting at 6:43 P.M.

Submitted by:

Patty M. Burnette, Secretary

Please take notice and be advised that when a person decides to appeal any decision made by the Planning Board with respect to any matter considered at this proceeding, he/she may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based. General Services' media are for the sole purpose of backup for official records.

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

Date: 4-18-22

Petition No. 88-001-TA

Fee Paid: N/A

Jurisdiction: PB+CC

1st Hearing: 5-19-22

2nd Hearing: 6/7 & 7/5/22

Publication Dates: PB: 5-4 & 11-22

CC: 6-22-22

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

Provide a detailed listing of use(s) to be added or deleted and the zoning district(s) and section(s) to be changed. (This description may be provided on separate sheets if necessary.)

N/A see attached Ordinance, Florida Statute requirement.

9

REQUIRED ATTACHMENTS

10

Non-refundable application fee of \$500

Note: Resolution No. 98-11 Schedule of Land Development Regulation Fees and Charges -

When the cost for advertising publishing and mailing notices of public hearings exceeds the established fee, or when a professional consultant is hired to advise the city on the application, the applicant shall pay the actual costs.

Confirmation of Information Accuracy

I hereby certify that the information in this application is correct. The information included in this application is for use by the City of Okeechobee in processing my request. False or misleading information may be punishable by a fine of up to \$500.00 and imprisonment of up to 30 days and may result in the denial of this application.

Signature

City of Okeechobee
City Attorney

Printed Name

City of Okeechobee

Date

4-4-2022

For questions relating to this application packet, call General Services Dept. at (863)-763-3372, Ext. 218

**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)**

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Dowling R. Watford, Jr., Mayor

Lane Gamiotea, CMC, City Clerk

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