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Summary of Ordinance

The purpose of this ordinance is to amend Lake County’s Land Development Regulations to comply with recently passed legislation contained in HB 403, creating Section 559.955, Florida Statutes, prohibiting local governments from taking certain actions relating to the licensure and regulation of home-based businesses.

ORDINANCE NO. 2022 - ____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY FLORIDA; AMENDING THE LAND DEVELOPMENT REGULATIONS, SECTION 7.00.04, ENTITLED *PERMITTED USES IN THE WEKIVA RIVER PROTECTION AREA*, REGARDING HOME-BASED BUSINESSES; AMENDING LAND DEVELOPMENT REGULATIONS, SECTION 10.01.05, ENTITLED *HOME OCCUPATIONS*; PROVIDING FOR FILING WITH THE DEPARTMENT OF STATE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, House Bill 403 prohibits local governments from taking certain actions relating to the licensure and regulation of home-based businesses, pre-empting local regulation of the same matters to the state; and

WHEREAS, on June 29, 2021, the bill was signed into law and took effect on July 1, 2021; and

WHEREAS, the Board now desires to repeal the County’s regulations pertaining to home occupations contained within its Land Development Regulations to comply with state law.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Lake County, Florida as follows:

Section 1. Recitals. The foregoing recitals are incorporated herein by reference.

Section 2. Amendment. Land Development Regulations Section 7.00.04, *Permitted Uses in the Wekiva River Protection Area*, is hereby amended as follows:

D. Uses Permitted in the "A-1-40" Overlay District 1 and A-1-20 Overlay District Only After Conditional Use. The Lake County Planning and Zoning Board and the Board of County Commissioners shall ensure that the conditions imposed in conditional use permits meet the requirements of the Lake County Code.

1. Poultry ranches.
2. Hog ranches.
3. Educational institutions.
4. Grove caretaking and maintenance.
5. Citrus and produce transporting operation.
6. Mushroom farms.
7. Fish farms.

1 8. Home-based ~~Business Occupations~~. This subsection includes the following
2 occupations and activities and is subject to the following rules and regulations:

3 ~~a. Permitted Home Occupations:~~

4 ~~(1) Physicians, doctor, dentist, veterinarian for consultation or~~
5 ~~emergency treatment or limited practice but not general practice of the profession.~~

6 ~~(2) Attorneys, architects, engineer, clergymen and other professional~~
7 ~~persons for consultation but not general practice of the profession.~~

8 ~~(3) Artists, custom dressmaking, antiques or other customary home~~
9 ~~occupation.~~

10 **ba.** Rules and Regulations for home occupations:

11 (1) The use shall be conducted by a member of the immediate family
12 residing on the premises and entirely within a structure.

13 (2) A limitation of ~~one~~ two (42) ~~person~~ employees outside the
14 immediate family may assist in the operation of the home occupation. The business
15 may have additional remote employees that do not work at the residential building.

16 (3) ~~No chemical, electrical or mechanical equipment is to be used~~
17 ~~except that which is normally used for purely domestic, household purposes or~~
18 ~~which is specifically approved by the Board of County Commissioners and is~~
19 ~~enumerated within the conditional use permit. All business activity must comply~~
20 with any relevant local, state, and federal regulations with respect to the use,
21 storage, or disposal of any corrosive, combustible, or other hazardous or flammable
22 materials or liquids.

23 (4) ~~No commodity or stores shall be stockpiled or stored on the~~
24 ~~premises, nor shall a display of products be visible from the street. The business~~
25 activities must comply with any relevant local or state regulations with respect to
26 signage and equipment or processes that create noise, vibration, heat, smoke, dust,
27 glare, fumes, or noxious odors.

28 (5) ~~No external evidence or sign that the dwelling unit is being used for~~
29 ~~the home occupation other than one (1) unanimated, non illuminated, flat window~~
30 ~~sign having a total area of not more than one hundred forty four (144) square inches~~
31 ~~shall be allowed. As viewed from the street, the use of the residential property is~~
32 consistent with the uses of the residential area that surrounds the property. Any
33 external modifications made to a residential building to accommodate a home-
34 based business must conform to the residential character and architectural
35 aesthetics of the neighborhood.

36 (6) The area devoted to the home occupation shall not be the ~~dominant~~
37 ~~primary~~ use of the dwelling. The Board shall approve a building plan showing the
38 area to be allowed for use as a home occupation. The building plan shall be
39 submitted at the time of the application for a conditional use permit.

40 (7) Parking related to business activities must comply with local zoning
41 requirements and the need for parking generated by the business may not be greater
42 in volume than would normally be expected at a similar residence where no
43 business is conducted. All vehicles must be parked in legal parking spaces and not
44 on right-of-way, sidewalks, or unimproved surfaces at the residence.

45 9. Camps.

1 10. [Reserved.]
2

3 **Section 3. Amendment.** Land Development Regulations, Section 10.01.05, entitled
4 *Home Occupations*, is hereby amended as follows:
5

6 **10.01.05 Home-based Business Occupations.** A home occupation shall be allowed
7 as an accessory use in a bona fide dwelling unit or accessory building on the same lot as
8 the dwelling unit in all Future Land Use Categories that allow residential uses, subject to
9 the following requirements:

10 ~~A. Permitted Home Occupations.~~

11 ~~1. Professions such as physician, veterinarian, attorney, architect, engineer, accountant,~~
12 ~~clergyman, and other professional persons for consultation, but not general office~~
13 ~~practice of the profession.~~

14 ~~2. The creation or assembly of arts and crafts when such activities do not create noise,~~
15 ~~vibration, smoke, heat, dust, glare, odors, electrical interference, any of which is~~
16 ~~offensive to persons in the neighborhood.~~

17 ~~3. Domestic crafts such as sewing, weaving, washing and ironing.~~

18 ~~4. Educational activities such as private tutoring and instruction (limited to three (3)~~
19 ~~pupils at any one (1) time).~~

20 ~~5. Artistic crafts and handicrafts such as painting, sculpture, pottery, and stained glass.~~

21 ~~6. Family day care home, in compliance with Florida Statutes.~~

22 ~~7. Group home, limited to five (5) people at any one (1) time.~~

23 ~~8. Telephone for an address of convenience.~~

24 ~~9. Internet based business.~~

25 ~~10. Product consultants.~~

26 ~~11. Uses that would qualify as a cottage food operation under the Florida Food Safety~~
27 ~~Act.~~

28 ~~AB. OneTwo (12) individual employees~~ outside the immediate family may assist in the
29 operation of the home occupation. The business may have additional remote employees
30 that do not work at the residential dwelling. ~~One (1) additional vehicle may be parked~~
31 ~~on the site to accommodate the one (1) individual outside of the immediate family~~

1 assisting in the operation of the home occupation, provided that all parking requirements
2 as set forth in Chapter IX are met.

3 B. Parking related to business activities must comply with local zoning requirements and
4 the need for parking generated by the business may not be greater in volume than would
5 normally be expected at a similar residence where no business is conducted. All vehicles
6 must be parked in legal parking spaces and not on right-of-way, sidewalks, or unimproved
7 surfaces at the residence.

8 C. The use of the dwelling unit for the home occupation shall be ~~clearly incidental and~~
9 ~~subordinate~~ secondary to its use for residential purposes by its occupants and remain
10 consistent with the uses of the residential areas that surround the property. External
11 modifications made to a residential dwelling to accommodate a home-based business
12 must confirm to the residential character and architectural aesthetics of the neighborhood.
13 The home-based business may not conduct retail transactions at a structure other than the
14 residential dwelling; however, incidental business uses and activities may be conducted
15 at the residential property. ~~and shall under no circumstances change the residential~~
16 ~~character of the structure. The area devoted to the home occupation shall not be the~~
17 ~~dominant use of the property or structure(s).~~

18 ~~D. There shall be no change in the outside appearance of the building or premises, or~~
19 ~~other visible evidence of the conduct of such home occupation, other than one (1) sign~~
20 ~~not exceeding one (1) square foot in area, non illuminated, and mounted flat against the~~
21 ~~wall or window of the principal building at a position not more than two (2) feet from the~~
22 ~~main entrance of the residence.~~

23 ~~DE.~~ No traffic shall be generated by such occupation in greater volumes than would
24 normally be expected from the residential use.

25 ~~EF. No chemical, electrical or mechanical equipment is to be stored except that which is~~
26 ~~normally used for purely domestic, household purposes. All business activities must~~
27 ~~comply with any relevant local or state regulations with regard to signage and equipment~~
28 ~~or processes that create noise, vibration, heat, smoke, dust, glare, fumes, or noxious~~
29 ~~odors.~~

30 ~~FG. Outdoor storage of materials shall not be permitted nor shall a display of products~~
31 ~~be visible from the street. All business activities must comply with any relevant local,~~
32 ~~state, and federal regulations with respect to the use, storage, or disposal of any corrosive,~~
33 ~~combustible, or other hazardous or flammable materials or liquids.~~

34 ~~H. The following shall not be considered home occupations: beauty shops, barbershops,~~
35 ~~public dining facilities or tea rooms, antique or gift shops, photographic studios, fortune~~
36 ~~telling or similar activities, outdoor repair, auto repair, food processing (other than~~
37 ~~allowed as a cottage food operation under the Florida Food Safety Act), warehousing or~~
38 ~~retail sales.~~

1 ~~G.~~ A home occupation shall be subject to all applicable County business tax
2 requirements, fees, and other business taxes.

3 ~~J. No outdoor activities shall occur between the hours of 9:00 p.m. to 6:00 a.m.~~

4
5 **Section 4. Filing with the Department of State.** The Clerk shall be and is hereby
6 directed forthwith to send an electronic copy of this Ordinance to the Secretary of State for the
7 State of Florida in accordance with Section 125.66, Florida Statutes.

8
9 **Section 5. Effective Date.** This Ordinance shall become effective as provide for by
10 law.

11
12 Enacted this _____ day of _____, 2022.

13
14 Filed with the Secretary of State _____, 2022.

15
16
17 BOARD OF COUNTY COMMISSIONERS
18 OF LAKE COUNTY, FLORIDA

18 ATTEST:

19
20
21 _____
22 Gary J. Cooney, Clerk
23 Board of County Commissioners
24 of Lake County, Florida

21 _____
22 Sean M. Parks, Chairman
23
24 This _____ day of _____, 2022.

25
26
27
28 Approved as to form and legality:

29
30 _____
31 Melanie Marsh, County Attorney