

ORDINANCE NO. 14 -2022

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 78, ARTICLE V OF THE TOWN OF LAKE PARK'S CODE OF ORDINANCES BY REPEALING SECTION 78-151, ENTITLED "HOME OCCUPATIONS" AND REPLACING IT WITH A NEW SECTION 78-151 ENTITLED "HOME-BASED BUSINESSES"; PROVIDING FOR THE AMENDMENT OF TABLE 78-70-1 CONTAINED IN CHAPTER 78, ARTICLE III, SECTION 78-70 AND SECTION 78-78 OF THE TOWN OF LAKE PARK'S CODE OF ORDINANCES TO REPLACE THE TERM HOME OCCUPATIONS WITH THE TERM HOME-BASED BUSINESSES; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Lake Park, Florida ("Town") is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, the Town Commission has adopted regulations for home occupations which have been codified in Chapter 78, Article V under Section 78-151 of the Code of Ordinances of the Town of Lake Park (the Code); and

WHEREAS, the Florida Legislature enacted amendments to Section 559.955, Florida Statutes, which became effective on July 1, 2021, preempting local government's regulation of certain areas of the statute pertaining to home-based businesses; and

WHEREAS, the Town's Planning and Zoning Board has conducted a public hearing to review the proposed amendments to the Code and has provided a recommendation to the Town Commission; and

WHEREAS, the Town Commission, after its review of the recommendations from the Planning and Zoning Board, and after due notice and public hearings finds that it is appropriate and necessary to amend Chapter 78, Article V Section 78-151 of the Code so that it is consistent with general law; and

WHEREAS the Town Commission has determined it is appropriate to repeal,

in its entirety section 78-151 and to adopt a new section 78-151;

**NOW THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF
THE TOWN OF LAKE PARK, FLORIDA:**

Section 1. The whereas clauses are hereby incorporated as the legislative findings of the Town Commission.

Section 2. Chapter 78, Article V, Section 78-151 of the Code, entitled “Home Occupations ” is hereby repealed in its entirety and shall be replaced with a new section 78-151 as set forth in **Exhibit A**, which is attached hereto and incorporated herein.

Section 3. Chapter 78, Article III, section 78-70, Table 78-70-1, “Additional Standards for Table 78-70-1, (3) b.” is amended as follows:

b. Live-work apartment units are permitted within the upper floors of a structure. The primary use shall remain residential and home-based businesses ~~home occupations~~ are permitted in conjunction with the residential use and pursuant to the town code provisions regulating home-based businesses.~~home occupations~~.

Section 4. Chapter 78, Article III, section 78-78, (e) (37) Permitted uses is amended as follows:

(37) Home-based businesses ~~Home occupations~~.

Section 5. Codification. The provisions of this ordinance shall become and be made a part of the Code of Ordinances of the Town of Lake Park. The sections of the ordinance may be re-numbered or re-lettered to accomplish such.

Section 6. Severability. If any section, paragraph, sentence, clause, phrase or word of this ordinance is for any reason held by a court to be unconstitutional, inoperative or void, such holding shall not affect the remainder of this ordinance

Section 7. Effective date. This ordinance shall take effect immediately upon execution.

Exhibit A

Sec. 78-151. – Home-based business

(a) Definition/ Intent

Home-based businesses are businesses that operate in whole or in part from an improved residential property. It is the intent of this section to provide minimum standards for home-based businesses in order to ensure compatibility with surrounding land uses and consistency with Section 559.955, Florida Statutes.

(b) Applicability

Home-based businesses shall be conducted in accordance with these standards. Community Residential Homes and Family Day Care Homes as defined by Florida Statutes shall be permitted in residential zoning districts in accordance with applicable statutes and are not subject to the requirements of this section.

(c) STANDARDS FOR HOME-BASED BUSINESSES

1. Employees of the business who work at the residential dwelling must also reside in the residential dwelling, except that up to a total of two employees or independent contractors who do not reside at the residential dwelling may work at the business. The business may have additional remote employees that do not work at the residential dwelling.
2. The activities of the home-based business shall be secondary to the property's use as a residential dwelling, and as such may not occupy more than thirty percent (30%) of the dwelling, including any garage or carport. The home-based business may not conduct retail or service transactions at a structure other than the residential dwelling; however, incidental business uses and activities may be conducted at the residential property in accordance with this section.
3. As viewed from the street, the use of the residential property shall be consistent with the uses of the residential areas that surround the property and there shall be no external evidence of activities of a home based business.

External modifications made to a residential dwelling to accommodate a home-based business shall conform with the residential character and architectural aesthetics of the neighborhood.

There shall be no external advertising, external display of goods, or any other external evidence of any home-based business, except for non-illuminated signage not to exceed 24 inches of total area affixed to the front of the resident's building if required by law.

4. No substances or materials shall be stored or used except as they would, in such quantity, be normal and acceptable in a residential setting.-All business activities shall comply with any relevant local, state, and federal regulations with respect to the use, storage, and disposal of any corrosive, combustible, or other hazardous or flammable materials or liquids.
5. Such occupation shall not result in any continuous, intermittent, pulsating or other noise or vibration that can be detected by a normal person off the premises. The business activities shall comply with the Town's Land Development Code and Code of Ordinances with respect to equipment or processes that create noise, vibration, heat, smoke, dust, glare, fumes, or noxious odors.
6. Parking related to the business activities of the home-based business shall comply with the general parking requirements within the Land Development Code and the need for parking generated by the business may not be greater in volume than would normally be expected at a similar residence where no business is conducted.
7. Vehicles and trailers used in connection with the business 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 residence. Commercial vehicles associated with a home based business shall only be permitted in conformance with requirements of "Section 30-35 - Parking of commercial vehicles in residential districts".
8. Prior to opening any home-based business, a Town Business Tax Receipt must be applied for and approved by the Community Development Department.

Upon First Reading this 7 day of December, 2022, the foregoing Ordinance was offered by Vice-Mayor Glas-Castro, who moved its approval. The motion was seconded by Commissioner Taylor, and being put to a vote, the result was as follows:

	AYE	NAY
MAYOR MICHAEL O'ROURKE	√ <u> </u>	<u> </u>
VICE-MAYOR KIMBERLY GLAS-CASTRO	√ <u> </u>	<u> </u>
COMMISSIONER JOHN LINDEN	√ <u> </u>	<u> </u>
COMMISSIONER ROGER MICHAUD	√ <u> </u>	<u> </u>
COMMISSIONER MARY BETH TAYLOR	√ <u> </u>	<u> </u>

PUBLISHED IN THE PALM BEACH POST THIS 25 DAY OF December, 2022

Upon Second Reading this 4 day of January, 2023, the foregoing Ordinance, was offered by Commissioner Michaud, who moved its adoption. The motion was seconded by Commissioner Linden and being put to a vote, the result was as follows:

	AYE	NAY
VICE-MAYOR KIMBERLY GLAS-CASTRO	<u> </u> /	<u> </u>
COMMISSIONER JOHN LINDEN	<u> </u> /	<u> </u>
COMMISSIONER ROGER MICHAUD	<u> </u> /	<u> </u>
COMMISSIONER MARY BETH TAYLOR	<u> </u> /	<u> </u>

The Mayor thereupon declared **Ordinance** 14-2022 duly passed and adopted this 4 day of January, 2023.

TOWN OF LAKE PARK, FLORIDA
 BY: [Signature]
 Vice-Mayor, Kimberly Glas-Castro

ATTEST:

[Signature]
 Town Clerk, Vivian Mendez
 TOWN OF LAKE PARK
 (Town Seal)
 SEAL
 FLORIDA

Approved as to form and legal sufficiency:
[Signature]
 Town Attorney, Thomas J. Baird

**LEGAL NOTICE OF PROPOSED
ORDINANCE**

TOWN OF LAKE PARK

Please take notice that on Wednesday, January 4, 2023 at 6:30 p.m. or soon thereafter the Town Commission, of the Town of Lake Park, Florida to be held at 535 Park Avenue, Lake Park, Florida 33403 will consider the following Ordinances on second reading and proposed adoption thereof:

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If a person decides to appeal any decision made by the Town Commission with respect to any hearing, they 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. For additional information, please contact Vivian Mendez, Town Clerk at 561-881-3311. Vivian Mendez, MMC, Town Clerk
Town of Lake Park, Florida
12/25/2022 8191348