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3 **ORDINANCE NO. 2015-06**

4 **AN ORDINANCE OF THE TOWN OF WINDERMERE, FLORIDA,**
5 **PERTAINING TO HOME OCCUPATIONS; REVISING SECTION 7.02.02**
6 **OF DIVISION 7.02.00 OF THE TOWN OF WINDERMERE’S LAND**
7 **DEVELOPMENT CODE ENTITLED “ACCESSORY USES” TO REVISE**
8 **THE APPROVAL PROCESS FOR A HOME OCCUPATION**
9 **APPLICATION TO PROVIDE THAT THE TOWN MANAGER MAKES A**
10 **DETERMINATION REGARDING THE APPLICATION RATHER THAN**
11 **THE DEVELOPMENT REVIEW BOARD AND THE TOWN COUNCIL;**
12 **PROVIDING FOR SEVERABILITY, CODIFICATION AND AN**
13 **EFFECTIVE DATE.**

14 **BE IT ENACTED BY THE PEOPLE OF THE TOWN OF WINDERMERE**

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16 **Section 1. Amendments to the Town of Windermere’s Land Development Code.** Section
17 7.02.02 of the Town of Windermere’s Land Development Code is hereby revised as indicated by
18 the following strike-through and underlined language:

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20 **Sec. 7.02.02. - Home occupations.**

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22 A home occupation shall be allowed in a bona fide dwelling unit, subject to the following
23 requirements:

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25 (1) No person other than members of the family residing on the premises shall be engaged
26 in such occupation.
27 (2) The use of the dwelling unit for the home occupation shall be clearly incidental and
28 subordinate to its use for residential purposes by its occupants, and shall under no
29 circumstances change the residential character of the structure. It shall include any
30 business, profession or gainful employment of any sort whatever, which is conducted
31 from a home or residential area, whether inside or outside a dwelling or other building
32 situated thereon.
33 (3) There shall be no change in the outside appearance of the building or premises, or other
34 visible evidence of the conduct of such home occupation.
35 (4) No home occupation shall occupy more than 20 percent of the first floor area of the
36 residence. No accessory building, freestanding or attached, shall be used for a home
37 occupation.
38 (5) No traffic shall be generated by such occupation in greater volumes than would
39 normally be expected in a residential neighborhood, and any need for parking generated
40 by the conduct of such home occupation shall be met off the street and other than in a
41 front yard required pursuant to this Land Development Code.
42 (6) No equipment, tools or process shall be used in such a home occupation which creates
43 interference to neighboring properties due to noise, vibration, glare, fumes, odors or
44 electrical interference. In the case of electrical interference, no equipment or process
45 shall be used which creates visual or audible interference in any radio, telephone or

- 46 television receivers off the premises or causes fluctuations in line voltage off the
47 premises.
- 48 (7) Fabrication of articles commonly classified under the terms arts and handicrafts may be
49 deemed a home occupation, subject to other terms and conditions of this definition, and
50 providing no retail sales are made at the home.
- 51 (8) Outdoor storage of materials shall not be permitted.
- 52 (9) The following shall not be considered home occupations: beauty shop, barbershops,
53 band instrument or dance instructors, swimming instructor, studio for group instruction,
54 public dining facility or tea room, antique or gift shops, photographic studio, graphic
55 (commercial) artist, fortune telling or similar activity, outdoor repair, food processing,
56 retail sales, nursery school or kindergarten.
- 57 (10) The giving of individual instruction to one person at a time such as an art or piano
58 teacher, shall be deemed a home occupation; individual instruction as a home
59 occupation for those activities listed in subsection (9) of this section shall be prohibited.
60 Artists and writers, not instructors, shall not require a business tax receipt.
- 61 (11) A home occupation shall be subject to all applicable town and county occupational
62 licensing requirements, fees and other business taxes.
- 63 (12) No advertising shall be permitted using a residential address.
- 64 (13) Home occupations such as television repair, building contractors, lawn care, etc., shall
65 be on a called-out basis only.
- 66 (14) Home occupations are not encouraged.
- 67 (15) Anyone proposing to engage in a home occupation shall make application to the town
68 clerk and pay a filing fee which shall be established by resolution of the town council
69 and on file in the town clerk's office, plus all necessary postage costs for mailing
70 notification to property owners as hereinafter provided. The town clerk shall, upon
71 receipt of said application, notify, by certified mail, all property owners within 500 feet
72 of the proposed location of such home occupation, requiring said owners to notify the
73 town clerk of their approval or disapproval within 15 days of receipt of such notice.
74 After the expiration of 15 days, the application shall be ~~presented to the planning and~~
75 ~~development review board for recommendation as to approval or disapproval~~ approved
76 or disapproved by the town manager. If the applicant or any of the property owners
77 within 500 feet disapprove of the town manager's decision regarding such application,
78 they may request in writing a public hearing before the town council. At said public
79 hearing, the town council shall ~~consider the recommendations of the planning and~~
80 ~~development review board and~~ make a determination with regard to said application.
81 The town council shall be the sole judges of the sufficiency and validity of any
82 application and/or protest for any home occupation.
- 83 (16) Business tax receipts will be issued for one year only and shall be reviewed at the time
84 of renewal by the town council before January 1 of each year.
- 85 (17) The town, acting through its town council, shall have the right and authority to revoke
86 any business tax receipts granted under this section for noncompliance with the
87 provisions of this Land Development Code.
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89 **Section 2. Severability.** If any provision or portion of this ordinance is declared by a court of
90 competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining
91 provisions and portions of this ordinance shall remain in full effect.

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Section 3. Codification. The provisions of this Ordinance shall become and be made a part of the town's Code of Ordinances.

Section 4. Effective Date. This Ordinance takes effect immediately upon its enactment.

ENACTED this 14th day of April, 2015, at a regular meeting of the Town Council of the Town of Windermere, Florida.

Town of Windermere, Florida

by: Town Council

by: [Signature]
Gary Bruhn, Mayor

Attest:

[Signature]
Dorothy Burkhalter, CMC
Town Clerk



First reading: March 24, 2015
Second reading: April 14, 2015