

**SUMTER COUNTY ORDINANCE NO. 2023-**

**AN ORDINANCE OF THE SUMTER COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING CHAPTER 13 LAND DEVELOPMENT CODE; AMENDING SECTION 13-642 HOME OCCUPATIONS; PROVIDING FOR CONFLICTS AND SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, Sumter County desires to allow home based businesses as an economic opportunity for its citizens and property owners as is consistent with the health, safety and welfare of the public; and

**WHEREAS**, the Board of County Commissioners of Sumter County (“Board”) adopted the Sumter County Code of Ordinances, which serve as the laws and regulations of Sumter County; and,

**WHEREAS**, the Board established land development regulations contained in the Land Development Code, Chapter 13 of the Sumter County Code; and,

**WHEREAS**, Sumter County regulates home occupations through Section 13.642 of the Sumter County Land Development Code; and,

**WHEREAS**, the Florida Legislature has enacted legislation addressing home based businesses contained in Florida Statutes Section 559.955; and

**WHEREAS**, Sumter County desires to amend its Land Development Code to maintain compliance with Florida Statutes Section 559.955; and,

**WHEREAS**, the Board, after the appropriate publication of notice of its intention to consider this Ordinance, determined that in consideration of the health, safety and welfare of its citizens, it is in the best interests of Sumter County, Florida to approve this ordinance.

**NOW, THEREFORE, BE IT ORDAINED BY** the Board of County Commissioners of Sumter County, Florida, as follows:

**SECTION 1. PURPOSE.**

The purpose of this Ordinance is to amend Chapter 13 Land Development Code by replacing Section 13-642 Home Occupations in its entirety, for the reasons set forth in the above Whereas clauses, which are incorporated herein, *in haec verba*.

**SECTION 2. AUTHORITY.**

Pursuant to Article VIII, Section I of the Florida Constitution and Sections 125.01 and 125.66 of the Florida Statutes, the Sumter County Board of County Commissioners

has all powers of local self-government to perform county functions and render county services and facilities except when prohibited by law, including the authority to amend its Code of Ordinances.

**SECTION 3. AMENDMENT OF CHAPTER 13 LAND DEVELOPMENT CODE; SECTIONS 13-642 HOME OCCUPATIONS.**

Section 13-642 – Home occupations shall be replaced in its entirety with the following text:

Sec. 13-642 Home-based business

- a. *Purpose and intent.* It is the purpose of this section to recognize the need for reasonable latitude in allowing citizens to pursue economic goals pursuant to the rights and limitations provided in Florida Statutes §559.955 and this code section.
- b. Neighborhood impact. Any negative impact of the home-based business on the appearance of the subject parcel and surrounding neighborhood shall be minimized.
  1. Outdoor display of goods is prohibited
  2. One sign, not to exceed ten (10) square feet in area and without illuminations, shall be allowed.
  3. Any storage of materials of goods shall be inside of a fully enclosed building where practical. Where outside storage is required due to size requirements, that storage area shall be fully enclosed by durable, one hundred (100) percent opaque materials to a height sufficient to completely screen the stored items. This screening shall be maintained in good repair and appearance at all times.
  4. All equipment, tools, and processes used to conduct the home-based business must be maintained in proper working order to minimize noise, fumes, dust, odor, vibration, glare, or electrical interference.
  5. Any accessory structures or areas used to conduct the home-based business must be maintained in good appearance at all times.
  6. Where the home-based business is conducted totally within a fully enclosed building, the setbacks of the zoning district of the subject property shall apply.
- c. If, upon operation of the special exception use, the applicant refuses to implement any of the required conditions and restrictions, the Planning Zoning Special Master may, after due process, take action to suspend or revoke the special use home-based business.

**SECTION 4. CONFLICTS AND REPEALER.**

This Ordinance shall be cumulative of all provisions of the Ordinances of Sumter County, Florida, except where the provisions of this Ordinance are in direct conflict with the provisions of such Ordinances, in which event all Ordinances or parts thereof in conflict with this Ordinance are hereby repealed to the extent of such conflict.

**SECTION 5. SEVERABILITY.**

If any section, subsection, sentence, clause, phrase or portion of this Ordinance, or application hereof, is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion or application shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

**SECTION 6. CODIFICATION**

It is the intention of the Sumter County Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance shall be reflected and made a part of the Code of Ordinances of Sumter County, Florida, with the exception of Sections 1, 2, 4, 5, 6 and 7. The word "Ordinance," or similar words may be changed to "section," "article," or other appropriate word or phrase and the sections of this Ordinance may be renumbered or re-lettered to accomplish such intention. The Code codifier is granted liberal authority to rescind those sections of the Code declared null and void as set forth herein.

**SECTION 7. EFFECTIVE DATE.**

Once adopted by the Sumter County Board of County Commissioners, this Ordinance shall become effective immediately upon adoption.

**PASSED AND ADOPTED** at a duly called session of the Sumter County Board of County Commissioners, this \_\_\_\_ day of \_\_\_\_\_, 2023.

**GLORIA HAYWARD  
SUMTER COUNTY CLERK**

**BOARD OF COUNTY COMMISSIONERS,  
SUMTER COUNTY, FLORIDA**

**ATTEST:**

\_\_\_\_\_  
Deputy Clerk

BY: \_\_\_\_\_  
Craig A. Estep  
Chairman

Approved as to form for the reliance of  
the Sumter County Board of County  
Commissioners, only:

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Jennifer C. Rey, Esq.  
The Hogan Law Firm,  
County Attorney