

ORDINANCE NO. 2621

AN ORDINANCE OF THE CITY OF PLANTATION, FLORIDA, PERTAINING TO THE SUBJECT OF BUSINESS REGULATIONS; AMENDING A PORTION OF CHAPTER 14, ENTITLED "LICENSES AND BUSINESS REGULATIONS"; SPECIFICALLY AMENDING SECTION 14-38, ENTITLED "HOME OCCUPATIONS"; AND AMENDING A SECTION OF CHAPTER 27 OF THE LAND DEVELOPMENT REGULATIONS, ENTITLED "ZONING", SPECIFICALLY AMENDING SECTION 27-301, "HOME OCCUPATIONS"; AMENDING THE PHYSICAL AND DIGITAL VERSIONS OF THE LAND DEVELOPMENT REGULATIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Plantation desires to amend the business tax receipt and home-based business regulations to update them and to bring them into closer compliance with State Law and more consistent with the City's Code of Ordinances; and

WHEREAS, the City Council of the City of Plantation considered adoption of the proposed amendments at duly noticed public hearings on Aug 10, 2022 [DATE] and 8/24, 2022 [DATE]; and

WHEREAS, the Director of Planning, Zoning and Economic Development have reviewed the item and determined that the approval of the ordinance maintains the integrity of the land development regulations and is consistent with the Goals, Objectives and Policies of the City of Plantation Comprehensive Plan as amended; and

WHEREAS, notice of the proposed amendment has been published in accordance with Section 27-41(l) of the Land Development Regulations and Section 166.041 of the Florida Statutes

WHEREAS, the City Council desires to approve and adopt the amendments to the City Code of Ordinances and repeal any inconsistent provisions of the regulations.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PLANTATION, FLORIDA, THAT:

SECTION 1: Chapter 14, Article II, Section 14-38, of the Code of Ordinances, entitled "Home occupations", is hereby amended, as noted in Exhibit A.

SECTION 2: Chapter 27, Section 27-301, of the Code of Ordinances, entitled "Home Occupations", is hereby amended, as noted in Exhibit B.

SECTION 3: It is the intention of the City Council of the City of Plantation that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Plantation, Florida. The Sections of this ordinance may be re-numbered, re-lettered and the word

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"Ordinance" may be changed to "Section", "Article" or such other word or phrase in order to accomplish such intention.

SECTION 4: Should any section, paragraph, sentence, clause, phrase or other part of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Ordinance as a whole or any portion or part thereof, other than the part so declared to be invalid.

SECTION 5: If any ordinances, or parts of ordinances, or if any sections, or parts of sections, of the Ordinances of the City, are in conflict herewith, this Ordinance shall control to the extent of the conflicting provisions

SECTION 6: This Ordinance shall take effect immediately upon passage on second reading by the City Council and signature by the Mayor.

PASSED ON FIRST READING by the City Council this 10 day of August, 2022.

PASSED AND ADOPTED ON SECOND READING by the City Council this 24th day of August, 2022.

SIGNED by the Mayor this 24th day of August, 2022.

Lynn Stoner, Mayor
MAYOR

ATTEST:

April Beggerow
CITY CLERK

APPROVED DATE

REQUESTED BY: _____

DEPT. OK: _____

ADMIN. OK: _____

ATTY. OK: _____

AS TO FORM ONLY

RECORD ENTRY:

I HEREBY CERTIFY that the Original of the foregoing signed Ordinance No. 2621 was received by the Office of the City Clerk and entered into the Public Record this 24th day of August, 2022.

April Beggerow
April Beggerow, City Clerk

EXHIBIT A

Sec. 14-38. Section 14-38 - Home occupations. Businesses

Home ~~occupations~~ businesses are permitted in the city's ~~City's~~ residential use districts subject to the ~~city zoning code~~ regulations contained in ~~section 27-664~~ Section 27-301 of this Code. Subsection ~~27-664(c)~~ 27-301(c) of this Code contains the licensing application requirements for local business tax receipts, and subsection ~~27-664(d)~~ Section 27-301(d) of this Code imposes a ~~fifteen dollar (\$15.00)~~ an application processing fee. The tax payable for the home ~~occupation~~ business shall be determined based on the classification of the occupation, profession, or business being conducted in the residence (for example, a home mortgage broker occupation shall pay the local business tax for the mortgage broker license ~~classification, classification;~~ a home answering service ~~occupation~~ business shall pay the tax specified in the answering services ~~classification, classification;~~ etc.), ~~, provided, however, that no application may be made and no tax receipt shall be issued for any business use involving any retail sale, whether by telephone, mail or otherwise. For purposes of this section, the term "retail sale" shall have the definition ascribed to it which appears in section 27-1 of this Code. The applicant acknowledges that upon the issuance of a home-based business local business tax receipts to operate a home-based business, the City shall have the right to inspect, at reasonable times, the premises upon which the home-based business is conducted to ensure compliance with the standards and conditions contained in Section 27-301 of this Code, and investigate complaints, if any. The tax receipts are subject to cancellation by the code enforcement board or city council Special Magistrate or City Council in the event the board or council determines there is a determination that there is a violation of the home occupation business regulations, in which event no business activity may be conducted upon the premises. In addition, the city clerk~~ City is not authorized to issue a tax receipt for a residence where the same owner or applicant had a tax receipt canceled as a result of violation of this Code prior to its expiration date.

EXHIBIT B

Sec 27-301. Home occupations. Section 27-301 - Home Businesses

- (a) ~~Intent.~~ It is the intent of the city to allow homes to be used for business purposes under very limited circumstances. It is intended that this section will permit persons to use their homes to conduct business only by telephone, Internet and by mail and for the production of correspondence, reports and other documents.

~~This section shall not be construed to permit the production, assembly or repair of any product, the storage of any products or equipment, or on premises sales. All other business use of the home shall continue to be prohibited.~~

~~It is further intended that the occasional, perhaps even frequent, taking of office work home and completing same, by a person having a business address other than their residence, shall not be considered a home occupation and shall continue to be permitted without compliance with this section and shall continue to be permitted in conjunction with a residential use.~~

- (b) ~~Criteria for home occupations.~~ Home occupation shall mean any activity for which local business tax receipt of the city is required by law and which is conducted within a dwelling unit in a residential district.

~~In a residentially zoned district, a home local business tax receipt may be issued when the home is used only as a location for a business telephone, an address for business correspondence, and a storage place for business records in conjunction with a principal residential use.~~

~~Home occupations are permitted in residential zones provided the following criteria are met:~~

- ~~(1) No person, other than a member of the family residing on the premises, shall be engaged in such occupation.~~
- ~~(2) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than ten (10) percent of the floor area, not to exceed two hundred (200) square feet of the dwelling unit, shall be used in the conduct of all of the home occupations licensed for the home. Garages shall not be used for the conduct of the business.~~
- ~~(3) There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation, including outside storage or signs pertaining to the home occupation.~~
- ~~(4) No home occupation shall be conducted in any accessory building, or other structure detached from the residence.~~
- ~~(5) No stock in-trade shall be displayed, stored, shipped to or from, or sold on the premises.~~

- ~~(6) No equipment shall be permitted except that which is of quantity and configuration normally used for purely home/office purposes.~~
- ~~(7) No clients, customers, purchasers or pedestrian traffic of any kind related to the business shall be permitted. Provided, however, that for music lessons and other tutorial services, teachers and tutors may conduct such activities within their residence so long as no more than two (2) students are at the residence at any one time and adequate parking is provided on site to accommodate a minimum of two (2) vehicles in addition to the number of vehicles normally parked at the residence.~~
- ~~(8) Home mailing address shall not be used in any advertisements.~~
- ~~(9) No vehicular traffic, with the exception of mail, delivery services (i.e. postal service, overnight service by Federal Express or a similar carrier, and the like), shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood. No commercial type vehicle shall be used in connection with the home occupation, including commercial vehicles for delivery to or from the premises.~~
- ~~(10) The use shall not generate noise, vibration, glare, fumes, odors, or electrical interference beyond what normally occurs in the applicable zoning district.~~
- ~~(c) *Licensing requirements.* The requirements for issuance of local business tax receipt contained in sections C14 18 and 14 38 of this Code shall apply to home occupation.~~

~~Additionally, an applicant for a home local business tax receipt or tax receipt renewal shall be made by obtaining an application form for home occupation from the city. The following information shall be required of all persons making application for a home local business tax receipt:~~

- ~~(1) Name and address of applicant; name and address of the homeowner if different than the applicant (or property management company if rental);~~
- ~~(2) Post office box address, if applicable;~~
- ~~(3) Address of property where home occupation is to be conducted;~~
- ~~(4) Room, including square footage, to be utilized to conduct the home occupation;~~
- ~~(5) Nature and type of business to be conducted;~~
- ~~(6) A signed, notarized statement completed by the applicant certifying compliance with the requirements of this section and granting city inspectors the right to enter into the house to inspect the premises when there is a probable cause to believe a violation of this section exists, and agreeing to reimburse the city for all legal fees, costs, and expenses incurred by the city in an effort to get a court order permitting an inspection~~

~~of the premises and incurred in connection with any other enforcement activity concerning the tax receipt (and cancellation thereof) or the use of the premises.~~

~~(8) All other requirements contained in this chapter shall apply to home occupations.~~

~~(d) *Processing fee.* The completed application shall be either mailed or hand-delivered to the city, along with payment of a local business tax receipt processing fee as provided for in the local business tax schedule.~~

~~(e) *Other business uses; tax receipt cancellation.* There shall be no other business use of the residence except as otherwise provided in this article, and as disclosed on the application, and as approved by the governing association (where there is a governing association). The city may cancel the tax receipt at any time after same is issued in the event the city determines that a violation of the regulations pertaining to home occupation has occurred. This finding may be made by either the City Council or the city code enforcement board, using the reasonable notice and an opportunity to be heard, and hearing procedures utilized by the code enforcement board in determining that violations of this Code exist. When a tax receipt has been canceled, all business activity at the residence shall cease. Further, the city clerk shall not issue any tax receipts for a residence where the same applicant or owner of the premises had a tax receipt previously canceled (regardless of whether the canceled tax receipt was for the same or a different occupational classification) unless authorized by the City Council.~~

(A) A home-based business that operates from a residential property may operate in an area zoned for residential use in compliance with this Section and §559.955, Florida Statutes, as amended. All home-based businesses shall apply for and obtain a Local Business Tax Receipt issued by the City of Plantation, in accordance with Chapter 14 of this Code. For purposes of this section, a business is considered a home-based business if it operates, in whole or in part, from a residential property and meets the following criteria:

(1) The 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) Parking related to the business activities may not be greater in volume than would normally be expected at a similar residence where no business is conducted.

(3) The parking of commercial vehicles and trailers related to home-based businesses shall be regulated in the same manner as any other commercial vehicle or trailer parked or stored on residential property and shall not be parked:

(a) within the right-of-way;

(b) on or over a sidewalk; or,

(c) on any unpaved surfaces.

- (4) Heavy equipment, which includes but is not limited to commercial, industrial, or agricultural vehicles, equipment, or machinery shall not be permitted to be parked or stored at any time on a residential property in connection with any home-based business.
- (5) All home-based businesses must obtain a local business tax receipt before the business may begin to operate
- (6) The home-based business may not conduct retail transactions at a structure other than the residential dwelling; however, incidental business uses and activities may be conducted at the residential property.
- (7) The activities of the home-based business are secondary and ancillary to the property's use as a residential dwelling.
- (8) The activities of the home-based business must comply with any and all relevant local or State regulations.
- (9) The home-based business shall be subject to all applicable codes, laws, and ordinances of the zoning classification where the business is located which regulate nuisances, noise, vibration, heat, smoke, dust, lighting, glare, fumes, odors, and all other similar property maintenance standards and requirements.
- (10) As viewed from the street, the use of the residential property is consistent with the uses of the residential areas that surround the property. External modifications made to a residential dwelling to accommodate a home-based business must conform to the residential character and architectural aesthetics of the neighborhood.
- (11) Commercial signs of any type may not be posted or displayed on or at the residence.
- (12) Traffic shall not be generated by such home-based business in greater volume than would normally be expected in the neighborhood.
- (13) There shall not be any display of goods, machinery, equipment nor any performance of work visible or audible from any street or adjoining property, nor shall there be any sign or display identifying or providing any information of any nature regarding the home-based business.

(B) the application of this ordinance does not supersede any current or future declaration of condominium, cooperative or homeowner's association, adopted pursuant to Florida Statutes, Chapters §718, §719, or §720, respectively.

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