

ORDINANCE NO. 2022-03

AN ORDINANCE OF THE CITY OF SAFETY HARBOR, FLORIDA, AMENDING THE SAFETY HARBOR COMPREHENSIVE ZONING AND LAND DEVELOPMENT CODE TO CONFORM HOME-BASED BUSINESSES AND COTTAGE FOOD OPERATION REGULATIONS TO RECENTLY ENACTED FLORIDA STATUTES; PROVIDING FOR CODIFICATION; PROVIDING FOR PUBLICATION IN ACCORDANCE WITH THE REQUIREMENTS OF LAW; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City had previously enacted home occupation regulations, as part of the Safety Harbor Comprehensive Zoning and Land Development Code; and

WHEREAS, the Florida Legislature recently enacted section 559.955, Florida Statutes (Chapter 2021-202, Laws of Florida), which prohibits local governments from enacting or enforcing any ordinance, regulation, or policy to otherwise regulate home-based businesses that comply with certain statutory criteria; and

WHEREAS, the Florida Legislature also recently enacted section 500.03, Florida Statutes (Chapter 2021-211, Laws of Florida), which preempts local governments from regulating certain cottage food operations; and

WHEREAS, the City finds that it is in the interests of the public health, safety, and welfare to amend its home occupation and cottage food operation regulations, consistent with sections 500.03 and 559.955, Florida Statutes.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF SAFETY HARBOR, FLORIDA, IN SESSION DULY AND REGULARLY ASSEMBLED THAT:

SECTION 1. The above recitals are true, correct, and incorporated by reference as the findings of the City.

SECTION 2. Article IV, Section 51.00 of the Safety Harbor Comprehensive Zoning and Land Development Code is hereby amended as follows:

51.00 - Home based-businesses ~~occupations~~.

- (A) Home based-businesses ~~occupations~~ shall be allowed in any residential zoning district, subject to the requirements of this Section ~~either permitted by right or as a Special Exception~~
- (B) Any person who engages in a home based-business ~~occupation~~ shall be required to have a current business tax receipt ~~occupational license~~ from the City.
- (C) ~~All persons engaging in home occupations shall sign an affidavit at the time of occupational license application agreeing to comply with all standards contained herein.~~
- (C)(D) A home-based business ~~occupation~~ shall mean: a business operating from a residential property zoned for residential use and which meets the criteria set forth in section 559.955(3), Florida Statutes, as may be amended from time to time. Any use of residential property for business or commercial operations which do not meet the criteria and requirements to be considered a lawful "home based-business" as defined herein are strictly prohibited unless such use is otherwise separately and specifically authorized within the applicable zoning district. the special use of a dwelling unit for gainful employment, provided the occupational use is incidental to the primary purpose of the dwelling unit as a residence and does not change its character.

SECTION 3. Article IV, Section 51.01 of the Safety Harbor Comprehensive Zoning and Land Development Code is hereby repealed.

51.01 — Prohibited home occupations.

(A) ~~The following occupations are prohibited as home occupations:~~

- (1) ~~Catering Services~~
- (2) ~~Vehicle Repair (Minor or Major)~~
- (3) ~~Beauty Salons~~
- (4) ~~Barber Shops~~
- (5) ~~Retail Sales~~
- (6) ~~Repair Service or Upholstering~~
- (7) ~~Professional Offices (except as allowed by Section 51.02) and Photographic Studios~~
- (8) ~~Medical/Dental Offices and Laboratories~~
- (9) ~~Massage Parlors.~~

SECTION 4. Article IV, Section 51.02 of the Safety Harbor Comprehensive Zoning and Land Development Code is hereby repealed.

~~51.02 — Home occupations permitted as an address of convenience.~~

~~(A) The following home occupations which obtain a valid City occupational license and are in compliance with the standards of this Section are permitted by right as an address of convenience accessory to a residence as follows:~~

~~(1) A business or professional office used primarily for telephone purposes where no customer traffic is permitted.~~

~~(2) School of special education for tutoring limited to one (1) pupil at any given time.~~

~~(3) Home crafts or artists studios.~~

~~(4) Day Care Homes.~~

~~(B) Not more than ten percent (10%) of the floor area of the residence shall be utilized in the conduct of the address of convenience.~~

~~(C) No on-premises advertising signs shall be permitted.~~

~~(D) No sale of goods at the residence shall be permitted.~~

~~(E) Business related materials (except for those needed for artists and home crafts) shall be stored indoors and concealed from public view. No commercial vehicles or equipment shall be permitted.~~

~~(F) Only residents of the dwelling unit may be engaged in the home occupation.~~

SECTION 5. Article IV, Section 51.03 of the Comprehensive Zoning and Land Development Code is hereby repealed.

~~51.03 — Conditional home occupations.~~

~~(A) — The following home occupations in compliance with the standards of this Section only may be permitted by the Board of Appeals as a Special Exception in any residential district as follows:~~

~~(1) — A business office or home craft or artist studio where customer traffic, sales, the receipt of mail or deliveries, a sign, or in excess of ten percent (10%) of the floor area of the residence is required to conduct the occupation.~~

~~(2) — A use is proposed at a location where an address of convenience has already been permitted.~~

~~(3) — School of special education limited to not more than four (4) pupils at any given time.~~

- (4) — Dressmakers, seamstresses and tailors.
- ~~(B) — Not more than twenty five percent (25%) of the floor area of the residence shall be utilized in the conduct of the home occupation.~~
- ~~(C) — The home occupation shall be conducted entirely within the residence and not within an accessory structure.~~
- ~~(D) — There shall be no exterior evidence of the conduct of a home occupation, except for allowable signage.~~
- ~~(E) — Only residents of the dwelling unit may be engaged in the home occupation.~~
- ~~(F) — Retail transactions shall be limited to articles produced on the premises.~~
- ~~(G) — No outdoor display of goods or outdoor storage of materials, commercial vehicles or equipment shall be permitted.~~
- ~~(H) — The home occupation shall not change the principal character of the site as a residence.~~
- ~~(I) — The home occupation shall not generate traffic above that which would normally occur in a residential neighborhood or create a parking problem.~~
- ~~(J) — No more than two (2) deliveries per week shall be permitted.~~
- ~~(K) — A maximum of one (1) non illuminated on site wall sign not exceeding one (1) square foot in area on the principal residential building not more than two (2) feet from an entrance shall be permitted.~~

SECTION 6. Article XIII, Section 234.00 of the Safety Harbor Comprehensive Zoning and Land Development Code is hereby amended as follows:

234.00 - Variances and appeals.

(A) The Board of Appeals is authorized to:

~~... (3) Grant Special Exceptions for home occupations in accordance with the requirements of Section 51.03 of this Code.~~

SECTION 7. Article IV, Section 74.00 of the Safety Harbor Comprehensive Zoning and Land Development Code is hereby enacted as follows:

74.00 Cottage Food Operations.

(A) A cottage food operation may sell, offer for sale, and accept payment for cottage food products over the internet or by mail order. Such products may be delivered in person to the consumer or to a specific venue, or by

mail. A cottage food operation may not sell, offer for sale, or deliver cottage food products at wholesale.

(B) Cottage food operations are subject to the home based-business requirements in Safety Harbor Land Development Code Section 51.00.

SECTION 8. Article XVI, Section 271.00 of the Safety Harbor Comprehensive Zoning and Land Development Code is hereby amended as follows:

271.00 Definitions

Unless specifically defined below, words or phrases used in this Code shall be ascribed a meaning which they have in common usage and which gives this Code its most reasonable application:

...

Cottage food operation: A natural person or entity that produces or packages cottage food products at the residence of the natural person or at the residence of a natural person who has an ownership interest in the entity and sells such products in accordance with Section 500.80, Florida Statutes. Cottage food operations with annual gross sales that do not exceed \$250,000 are not subject to the permitting requirements of Section 500.12, Florida Statutes.

...

SECTION 9. This Ordinance shall be codified and made part of the Safety Harbor Comprehensive Zoning and Land Development Code, and all sections shall be alphabetized and/or renumbered to accomplish such codification.

SECTION 10. This Ordinance shall be published in accordance with the requirements of law.

SECTION 11. Each provision of this Ordinance shall be deemed separate and severable and if any section or part thereof is held to be invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected.

SECTION 12. This Ordinance shall become effective immediately upon its passage and enactment.

PASSED ON FIRST READING _____ APRIL 4, 2022.

PASSED ON SECOND AND FINAL READING _____ APRIL 18, 2022.



Mayor – Commissioner

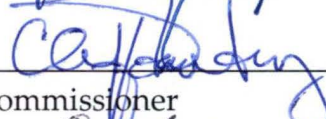
APPROVED AS TO FORM:



Nikki C. Day, City Attorney




Vice Mayor – Commissioner



Commissioner



Commissioner

ATTEST: 

Rachael Telesca, City Clerk



Commissioner