



City of Palmetto Agenda

Meeting Date:
August 5th, 2024

Presenter/Department: Mark P. Barnebey, City Attorney and Jake Bibler, City Planner
Title: Ordinance 2024-04 Home Based Businesses and Home Occupations

Background: The City has had requirements related to home occupations, for many years. The Florida Legislature amended Chapter 559, Florida Statutes, adopting requirements for local government regulations for home occupations and home-based businesses and largely pre-empted how the City can regulate those businesses. The Legislature had two primary goals in adopting these laws:

1. To eliminate some local government requirements on home occupations that were considered too restrictive, and
2. To eliminate the patchwork of conflicting local regulations.

Discussion: The proposed language in Ordinance 2024-04 would bring the code into compliance with Florida law. To be considered a home occupation and a home-based business under the bill, a business must meet the following criteria:

1. The activities of the home-based business must be secondary to the property's use as a residential dwelling.
2. The business employees who work at the residential dwelling must also reside in the residential dwelling, except that up to two employees or independent contractors who do not reside at the residential dwelling may work at the business.
3. Parking related to the business activities of the home-based business must comply with local zoning requirements. The business may not generate a need for parking greater in volume than a similar residence where no business is conducted. Local governments may regulate the parking or storage of heavy equipment at the business which is visible from the street.
4. As viewed from the street, the residential property must be consistent with the uses of the residential areas surrounding the property. Any external modifications to a home-based business must conform to the

residential character and architectural aesthetics of the neighborhood. 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.

5. All business activities must comply with any relevant local or state regulations concerning signage and equipment or processes that create noise, vibration, heat, smoke, dust, glare, fumes, or noxious odors. However, such regulations on a business, absent signage, may not be more stringent than those that apply to a residence where no business is conducted.
6. All business activities must comply with any relevant local, state, and federal regulations concerning the use, storage, or disposal of hazardous materials. However, such regulations on a business may not be more stringent than those that apply to a residence where no business is conducted.

Any adversely affected current or prospective home-based business owner may recover reasonable attorney fees and costs incurred instituting or defending a legal action concerning the validity of a city's home-based business regulations, so adopting the project revisions should prevent such challenges from occurring.

Budgeted Amount:

0.00

Available Amount:

0.00

Expenditure Amount:

0.00

Is this expensed from Operating Budget?

- Capital Expense
- Non Capital Expense

Is this part of the CIP: Y/N

Cost and Funds Source Account Number and Name:

City Attorney Review: Y/N

Direction Requested/Potential Motion: I move to approve the First Reading of Ordinance 2024-04 and direct Staff to schedule the appropriate public hearings.

Staff Contact:

Attachments:

ORDINANCE NO. 2024-04

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA APPROVING TEXT AMENDMENTS TO APPENDIX B OF THE CITY OF PALMETTO CODE OF ORDINANCES TO AMEND REGULATIONS FOR HOME OCCUPATION AND HOME-BASED BUSINESSES; FINDING THIS REQUEST TO BE CONSISTENT WITH THE GOALS, OBJECTIVES, AND POLICIES OF THE ADOPTED COMPREHENSIVE PLAN; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission of Palmetto, Florida, has been given authority by the State of Florida pursuant to Chapter 163, Florida Statutes, to adopt, amend and update the text of the City of Palmetto Code of Ordinances; and

WHEREAS, the Florida Legislature amended Chapter 559, Florida Statutes, to add Section 559.955 provide for restrictions on permitting of home-based business uses by local governments; and

WHEREAS, the City Commission desires to clarify and amend provisions regulating and relating to home occupations and home-based businesses to be consistent with Florida law; and

WHEREAS, the Planning and Zoning Board, sitting as the Local Planning Agency, did hold a duly noticed public hearing on _____, 202_, to consider said amendments to the Code of Ordinances; and

WHEREAS, after holding the required public hearings and considering all information provided, the City Commission adopts text amendments to Appendix B of the Palmetto Code of Ordinances.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF PALMETTO, FLORIDA, AS FOLLOWS:

Section 1: The above “Whereas” clauses are hereby adopted and incorporated herein as findings of fact.

Section 2: Amend Appendix B of the Palmetto Code of Ordinances to replace all references from “City Council” to “City Commission.”

Section 3: Section 6.12 of Appendix B of the City of Palmetto Code of Ordinances is hereby amended to read in its entirety as follows:

Sec. 6.12 – Home Occupations/Home-Based Businesses.

Home occupations or home-based businesses are permitted in any dwelling unit or from any residential property, subject to the following provisions:

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. 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.
3. The parking or storage of heavy equipment (i.e., commercial, industrial, or agriculture vehicles, equipment, or machinery) shall not be visible from the street or neighboring property.
4. 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. 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.
5. 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.
6. The activities of the home-based business shall be secondary to the property's use as a residential dwelling.
7. The business activities of the home-based business shall comply the applicable Code of Ordinances sections:
 - a. Chapter 3, Signs.
 - b. Chapter 5, Article I, Noise.
 - c. Such regulations in 7.a. and 7.b above shall not be more stringent than those that apply to a residence where no business is conducted.

Section 5: All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 6: That if any section, sentence, clause, or phrase of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this ordinance.

Section 7: Upon becoming effective, the City Clerk is hereby directed to provide for codification of the text changes as provided herein.

Section 8: This Ordinance shall become effective upon the execution by the Mayor, or if disapproval occurs, upon reconsideration by the City Commission and the passing of the Ordinance by at least four (4) votes.

PASSED AND DULY ADOPTED, by the City Commission, in open session, with a quorum present and voting, this ____ day of _____, 202_.

First Reading:

Publication:

Second Reading and Public Hearings:

CITY OF PALMETTO, FLORIDA, BY
AND THROUGH THE CITY
COMMISSION OF THE CITY OF
PALMETTO

By: _____
SHIRLEY GROOVER BRYANT, MAYOR

ATTEST: James R. Freeman, City Clerk

By: _____
City Clerk/Deputy Clerk