

VILLAGE OF INDIANTOWN, FLORIDA

ORDINANCE NO. XX-2022

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF INDIANTOWN, FL, AMENDING THE VILLAGE OF INDIANTOWN CODE OF ORDINANCES, PART III – APPENDICES, APPENDIX B - LAND DEVELOPMENT REGULATIONS, CHAPTER 3. - ZONING DISTRICTS, DIVISION 4. SUPPLEMENTAL DEVELOPMENT AND SITE STANDARDS, SECTION 3-4.9. - HOME OCCUPATION OR LIVE/WORK UNIT, AND DIVISION 7. CONDITIONAL USE REGULATIONS, SECTION 3-7.10. - HOME OCCUPATION OR LIVE/WORK UNIT TO COMPLY WITH CHAPTER 559.955, FLORIDA STATUTES. PROVIDING FOR CODIFICATION, CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the Florida Legislature recently enacted Chapter 2021-202, Laws of Florida, codified as § 559.955, Florida Statutes, with an effective date of July 1, 2021; and

WHEREAS, new § 559.955, Florida Statutes, prohibits local governments, including the Village from regulating home-based businesses in any manner inconsistent with the terms of such statute; and

WHEREAS, the Village's current ordinance regulating home-based business is inconsistent with the mandates contained in newly enacted § 559.955, Florida Statutes, regarding home-based businesses, and the Village desires to amend such ordinance to conform to § 559.955, Florida Statutes; and

WHEREAS, A home-based business that operates from a residential property may operate in an area zoned for residential use; and

WHEREAS, the Planning, Zoning and Appeals Board sitting as the Local Planning Agency held a duly noticed public hearing on March 3, 2022 and recommended that the Village Council adopt with a finding that the Ordinance is consistent with the adopted Comprehensive Plan.

NOW, THEREFORE BE IT ORDAINED, by the Village Council of the Village of Indiantown, Florida, as follows:

SECTION 1. Village of Indiantown Code of Ordinances, Part III – Appendices, Appendix B – Land Development Regulations, Chapter 3. – Zoning Districts, Division 4. Supplemental Development and Site Standards, Section 3-4.9. – Home occupation or live/work unit, is hereby amended to read as follows:

Sec. 3-4.9. Home Occupation Home-based businesses and or Live/Work Unit.

A. Standards. The following specific standards shall apply to all home-based businesses:

- (1) Home-based businesses may operate in any area of the village zoned for residential use. The home-based business shall have no more than two (2) employees or independent contractors who do not reside at the residential dwelling. The business may have additional remote employees or contractors who do not work at the residential dwelling.
- (2) Parking related to the business activities shall be provided which is sufficient off-street parking on an improved surface and otherwise conform to the requirements of section 3-4.11, of the Indiantown Land Development Regulations.
- (3) The use of the dwelling unit for the home-based business shall be secondary to the residential use and shall under no circumstances change the residential character of the dwelling.
- (4) 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.
- (5) There shall be no use of utilities or community facilities beyond what is typically associated with a residential use.
- (6) No equipment shall be used in the home-based business which creates fire hazards, electrical interference, noise, vibration, glare, fumes, or odors detectable to the normal senses outside the dwelling unit. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises or causes fluctuations in line voltage off the premises.
- (7) 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.

(8) The home-based business shall not generate pedestrian or vehicular traffic in greater volume than would normally be expected for the residence.

(9) The use qualifies for, and obtains all local, state, and federal licenses, certificates and permits required by law.

(10) Any violation of these regulations may result in the revocation of any local business tax receipt, and a fine or other legal remedy provided in the village code.

(11) The issuance of a business tax receipt to engage in a home-based business in accordance with this ordinance shall not be deemed to be a change in zoning nor an official expression of opinion as to the proper zoning for the particular property.

(12) The home-based business shall otherwise completely comply with the requirements of Chapter 559.955, Florida Statutes, as amended from time to time.

~~The business conducted as a home occupation or live/work unit must be clearly incidental and secondary to the use of the premises for dwelling purposes and the expectation of quiet enjoyment of residential neighbors takes precedence over the work needs of the business.~~

- (1) ~~Any home occupation or live/work unit shall comply with the following:~~
 - (a) ~~The occupation or activity must be conducted entirely within the unit or a customary residential accessory building; and~~
 - (b) ~~Other than one sign, which meets the sign code found in section 3-4.1513, no exterior evidence of the business activity shall be visible from the street or surrounding residential areas.~~
 - (c) ~~No commodities, stores, display of products or equipment used for the business activity shall be permitted outside of an enclosed structure.~~
 - (d) ~~No equipment or processes shall be used which creates noise, vibration, glare, fumes or odors outside the dwelling unit that are objectionable to the normal senses.~~
- (2) ~~Home occupations shall be in compliance with the following:~~
 - (a) ~~All work is conducted solely by residents of the dwelling; and~~
 - (b) ~~Not more than 25 percent of the structure is used for such occupation or activity; and~~
 - (c) ~~Traffic is not generated in greater volumes than would normally be expected in a residential neighborhood and any need for parking generated by the conduct of such home occupation shall be met on site.~~
- (3) B. Live/work units shall be in compliance with the following:
 - (a1) The minimum size for each live/work unit is 800 square feet; and

- (b2) Up to two employees or contractors other than members of the immediate family residing in the dwelling may work in a live/work unit; and
- (e3) Required parking spaces shall be in accordance with general residential parking standards, plus one space per employee; and
- (d4) Commercial uses in live/work units are limited to office, small retail, personal services and studio for art. However, due to the residential nature of live/work units, visits from customers, clients, and suppliers shall average no more than a total of 30 visits per week.

SECTION 2. Village of Indiantown Code of Ordinances, Part III – Appendices, Appendix B – Land Development Regulations, Chapter 3. – Zoning Districts, Division 7. Conditional Use Regulations, Section 3-7.10. – Home occupation or live/work unit, is hereby amended to read as follows:

Sec. 3-7.10. Home occupation or live/work unit.

~~The business conducted as a home occupation or live/work unit must be clearly incidental and secondary to the use of the premises for dwelling purposes and the expectation of quiet enjoyment of residential neighbors takes precedence over the work needs of the business.~~

- (1) ~~Any home occupation or live/work unit shall comply with the following:~~
 - (a) ~~The occupation or activity must be conducted entirely within the unit or a customary residential accessory building; and~~
 - (b) ~~Other than one sign, which meets the sign code found in section 3-4.15, no exterior evidence of the business activity shall be visible from the street or surrounding residential areas.~~
 - (c) ~~No commodities, stores, display of products or equipment used for the business activity shall be permitted outside of an enclosed structure.~~
 - (d) ~~No equipment or processes shall be used which creates noise, vibration, glare, fumes or odors outside the dwelling unit that are objectionable to the normal senses.~~
- (2) ~~Home occupations shall be in compliance with the following:~~
 - (a) ~~All work is conducted solely by residents of the dwelling; and~~
 - (b) ~~Not more than 25 percent of the structure is used for such occupation or activity; and~~

(e) ~~Traffic is not generated in greater volumes than would normally be expected in a residential neighborhood and any need for parking generated by the conduct of such home occupation shall be met on site.~~

(3) ~~Live/work units shall be in compliance with the following:~~

(a) ~~The minimum size for each live/work unit is 800 square feet; and~~

(b) ~~Up to two employees or contractors other than members of the immediate family residing in the dwelling may work in a live/work unit; and~~

(c) ~~Required parking spaces shall be in accordance with general residential parking standards, plus one space per employee; and~~

(d) ~~Commercial uses in live/work units are limited to office, small retail, personal services and studio for art. However, due to the residential nature of live/work units, visits from customers, clients, and suppliers shall average no more than a total of 30 visits per week.~~

SECTION 3. SEVERABILITY. The provisions of this Ordinance are deemed severable. In the event that any word(s), phrase(s), portion(s), sub-sub-section(s), sub-section(s), or section(s) of this Ordinance is for any reason whatsoever held to be invalid, illegal, unconstitutional, contrary to law, or against public policy, by any court, administrative agency, or other body with competent jurisdiction, such word(s), phrase(s), portion(s), sub-sub-section(s), sub-section(s), or section(s) of this Ordinance shall be null and void, and shall be deemed severed, and a separate, distinct, and independent provision from the remaining provisions of this Ordinance, and such holding shall in no manner affect the validity of the remaining words, phrases, portions, sub-sub-sections, sub-sections, or sections of this Ordinance, which shall remain in full force and effect. This Ordinance shall be construed in a manner to accomplish, to the greatest extent legally possible, the purposes of this Ordinance as expressed herein.

SECTION 4. CONFLICTS. All ordinances and parts of ordinances and all resolutions and parts of resolutions in conflict herewith, are hereby repealed.

SECTION 5. CODIFICATION. The provisions of this Ordinance shall be codified in the Village of Land Development Regulations.

SECTION 6. EFFECTIVE DATE. This Ordinance shall take effect immediately upon adoption.

PASSED on first reading on the 14th day of April, 2022.

Ordinance No. XX-2022 – Amending LDR - Home Occupation or Live/Work Unit

ADOPTED on second reading on the 28th day of April, 2022.

ATTEST:

Village of Indiantown, Florida

Susan A. Owens, MPA, MMC
Village Clerk

Jacqueline Gary Clarke
Mayor

REVIEWED FOR FORM
AND CORRECTNESS:

Wade C. Vose, Esq.
Village Attorney