



Staff Report

File #: LN-364

PLANNING AND ZONING BOARD

Meeting Date: DECEMBER 21, 2022

TEXT AMENDMENT

Request: Text Amendment - Home Based Businesses
P&Z# N/A
Owner: N/A
Project Location: N/A
Folio Number: N/A
Land Use Designation: N/A
Zoning District: N/A
Commission District: N/A
Agent: N/A
Project Planner: Daniel Keester-O'Mills (954-786-5541 / daniel.keester@copbfl.com)

Summary:

Florida Statutes were adopted recently to establish state-wide regulations on Home Based Businesses (Section 559.955). The Florida Legislature enacted these regulations and prohibit local governments from otherwise regulating home based business in violations of this section. The City of Pompano Beach has had standards for home based businesses, and the state's regulations are substantially similar to those codified in the zoning code; however, there are some differences. The following code amendment is presented to the Planning & Zoning Board to be consistent with state law.

155.4303. STANDARDS FOR SPECIFIC ACCESSORY USES AND STRUCTURES

A. ACCESSORY DWELLING UNIT

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S. HOME BASED BUSINESS

1. Districts Where Permitted

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2. Definition

A home based business is a business, profession, occupation, or trade that is conducted within a residential dwelling unit for the economic gain or support of a resident of the dwelling, is incidental and secondary to the residential use of the lot and does not adversely and/or perceptively affect the character of the lot or surrounding area. Examples of home based businesses include, but are not limited to, the following: offices of physicians, dentists, lawyers, architects, engineers, contractors, consultants, stock brokers, marketers, bookkeepers, real estate brokers, and insurance agents; electronic and offsite retail; studios of artists, and musicians; sewing, millinery, and dressmaking services; and personal services such as physical therapy by licensed individuals, hairdressing, pet grooming, and the like. Home based businesses do not include such businesses as: family child care homes and large family child care homes (which are separate accessory uses of homes); automotive repair and the like; any licensed or unlicensed practitioner who performs invasive procedures (acupuncture, tattooing, body piercing, and the like); restaurants, bars, social clubs and the like; animal kennels or hospitals and the like; motor vehicle sales including internet-based motor vehicle sales; or any other business that is are clearly inappropriate or out of character for a residential area such that its location constitutes an adverse impact on neighboring residential properties inconsistent with the uses of the residential area that surrounds the property.

3. Standards

A home based business is allowed as an accessory use to any principal dwelling unit, subject to the following standards:

- a. The home based business shall be located within the dwelling or an associated accessory building (but not an accessory dwelling unit), and involve an area that does not exceed 25 percent of the floor area of the principal structure, or 500 square feet, whichever is less and its activities are secondary to the property's use as a residential dwelling.
- b. The operator of the home based business shall be a full-time resident of the principal dwelling. 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 residential dwelling. The business may have additional remote employees that do not work at the residential dwelling.

- c. ~~No person other than full-time residents of the principal dwelling may be employed in connection with the home based business.~~
- d. The home based business shall cause no change in the external appearance of the existing dwelling and structures on the property. As viewed from
- e d. There shall be no outdoor display or storage of goods, equipment, or services associated with the home based business.
- f. ~~There shall be no other exterior evidence to indicate that the premises are being used for any purpose other than for a dwelling use.~~
- g e. There shall be no direct, on-premise retail sales to customers. The home based business may not conduct retail or online sales transactions at a structure other than the residential dwelling. However, incidental business uses and activities may be conducted at the residential property.
- f. Vehicles and trailers used in connection with the business must be parked in conformance with the standards of this code (§155.4303 Y. Parking or Storage of Commercial Vehicles in Residential Zoning Districts), and 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.
- h g. There shall be sufficient off-street parking for patrons of the home based business, with the number of off-street parking spaces required for the home based business provided and maintained in addition to the space or spaces required for the dwelling itself.
- i h. The home based business shall not involve significantly greater volumes or frequencies of deliveries or shipments, vehicular traffic, or pedestrian traffic than normally expected in a residential area.
- j i. The home based business shall not generate noise, vibration, heat, smoke, dust, noxious odor, glare, fumes, or electrical or communications interference (including visual or audible interference with radio or television reception) that can be detected by the normal senses off the premises.

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Staff Conditions:

DEPARTMENT RECOMMENDATION

Given the information provided to the Board, as the finder of fact, the Development Services Department provides the following alternative motion options, which may be revised or modified at the Board's discretion.

Alternative Motion I

Recommend approval of the text amendment to the City Commission for their consideration.

Alternative Motion II

Table this application for additional information as requested by the Board.