

ORDINANCE NO. 2023-_____

**CITY OF POMPANO BEACH
Broward County, Florida**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 155, "ZONING CODE," OF THE POMPANO BEACH CODE OF ORDINANCES, BY AMENDING SECTION 155.4303., "STANDARDS FOR SPECIFIC ACCESSORY USES AND STRUCTURES," TO COMPLY WITH LEGISLATIVE CHANGES MADE TO SECTION 559.955, FLORIDA STATUTES, LIMITING RESTRICTIONS BY LOCAL GOVERNMENTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Board has reviewed and approved the revised Zoning Amendments; and

WHEREAS, in accordance with Florida Statutes Section 166.041(3)(c)2, advertisements have been published in a newspaper of general circulation in the City of Pompano Beach and of general interest and readership in the community, notifying the public of two public hearings on this proposed Ordinance; and

WHEREAS, two public hearings before the City Commission were held pursuant to the published notice described above, at which hearings the parties in interest and all other citizens so desiring had an opportunity to be and were, in fact, heard; now, therefore,

BE IT ENACTED BY THE CITY OF POMPANO BEACH, FLORIDA:

SECTION 1. That Section 155.4303., "Standards for Specific Accessory Uses and Structures," of Chapter 155, "Zoning Code," of the Code of Ordinances of the City of Pompano Beach is amended to read as follows:

155.4303. STANDARDS FOR SPECIFIC ACCESSORY USES AND STRUCTURES

A. ACCESSORY DWELLING UNIT

...

S. HOME BASED BUSINESS

1. Districts Where Permitted

...

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 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 the residential dwelling to accommodate a home based business must conform to the residential character and architectural aesthetics of the neighborhood.~~
- 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.
- j. The home based business shall comply with all local and state regulations with respect to signage, including Chapter 156, Sign Code.
- k. The home based business shall comply with all local and state regulations with respect to fire and building and other applicable codes.

...

SECTION 2. If any provision of this Ordinance or its application to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 3. This Ordinance shall become effective upon passage.

PASSED FIRST READING this _____ day of _____, 2023.

PASSED SECOND READING this _____ day of _____, 2023.

REX HARDIN, MAYOR

ATTEST:

KERVIN ALFRED, CITY CLERK

MEB/jrm/JES
1/23/23
L:ord/ch155-/2022-254revised