

ORDINANCE NO. 0-2022-XXX

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF OAKLAND PARK, FLORIDA, AMENDING CHAPTER 24 OF THE CODE OF ORDINANCES, ENTITLED “LAND DEVELOPMENT CODE”, BY SPECIFICALLY AMENDING ARTICLE V, SECTION 24-75, ENTITLED “HOME OCCUPATIONS,” TO AMEND THE REGULATIONS TO CONFORM WITH SECTION 559.955, FLORIDA STATUTES, GOVERNING HOME-BASED BUSINESSES BY PERMITTING CERTAIN HOME-BASED BUSINESSES AND PROVIDING CERTAIN RESTRICTIONS FOR PARKING, EMPLOYEES, SIGNS, EQUIPMENT, AND AESTHETICS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Objective 1.7, Policy 1.7.2 of the City of Oakland Park Comprehensive Plan, seeks to protect residential neighborhoods from incompatible land uses. The City shall protect whenever possible existing and planned residential areas, including single family neighborhoods, from disruptive land uses and nuisances; and

WHEREAS, the City Commission of the City of Oakland Park has found that the operation of businesses in residential areas has the potential to cause a detrimental impact on the residential character of the surrounding area; and

WHEREAS, the City Commission of the City of Oakland Park has determined that these regulations are necessary to preserve and protect the character of the residential neighborhoods of the City; and

WHEREAS, a proposal was heard and considered before the Planning and Zoning Advisory Board of the City of Oakland Park, Florida, on May 16, 2022 to modify Section 24-75, Home Occupations to conform with Section 559.955, Florida Statutes, Governing Home-Based Businesses, and at said public hearing all objections, if any, were heard; and

WHEREAS, the City Commission finds it to be in the best interest of the residents and property owners of the City to amend Section 24-75 of the Land Development Code.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE
CITY OF OAKLAND PARK, FLORIDA THAT:**

35 **Section 1.** The foregoing "Whereas" clauses are hereby ratified and confirmed as being
36 true and correct and are hereby made a part of this Ordinance upon adoption thereof.

37 **Section 2.** Chapter 24, "Land Development Code," Article V, Sec. 24-75 – Home
38 Occupations is hereby amended as follows:

39 (A) *Purpose.* The purpose of this section is to provide for the orderly use of residential
40 premises for certain customary home occupations. It is further the purpose to assure
41 that none of the residential ambience of a neighborhood is modified or in any way
42 diminished by the presence of said home occupation.

43 (B) *Definition.* Home occupations are home-based businesses that operate from a
44 residential property as provided in this section ~~those occupations customarily practiced~~
45 ~~in the home and which have no client presence on the residential site.~~ Such occupations
46 are incidental and secondary to the principal use of the premises as a residence, as
47 defined in this Section. Home hobbies where service or products are not sold are not
48 considered home occupations.

49 (C) *Design and performance standards.*

50 (1) ~~*Limited use:* The home occupation shall be conducted within the residential~~
51 ~~premises and only by the person who is licensed to do so under Chapter 7, article II~~
52 ~~of the Code of Ordinances and is a resident of the premises. The individual so~~
53 ~~licensed shall not engage any employees to assist in the home occupation other than~~
54 ~~a spouse or children.~~ *Permitted or Conditional Use:* The home occupation shall be
55 listed as a permitted use or conditional use in Section 24-41 Master Business List
56 and shall be licensed pursuant to Chapter 7, article II of the Code of Ordinances. If
57 the home occupation is only listed as a conditional use in Section 24-41 Master
58 Business List, said use shall also be classified as a conditional use when conducted
59 as a home occupation in a residential zone and shall be subject to approval pursuant
60 to Section 24-165 Conditional Uses.

61 (2) ~~*Maximum area of use:* No home occupation shall occupy more space than~~ The
62 activities of the home-based business shall be incidental and secondary to the
63 property's use as a residential dwelling, as determined by the Director of
64 Community and Economic Development or his/her designee. ~~ten (10) percent of~~
65 ~~the total floor area of a residence exclusive of any open porch, attached garage, or~~
66 ~~similar space not intended to be occupied as living quarters.~~

67 (3) ~~*Signs:* No signs shall be permitted to advertise the accessory use of the premises~~
68 ~~for an occupational purpose on property occupied with a home occupation.~~

- (4) *Equipment:* No chemical, mechanical or electrical equipment that is not normally a part of domestic or household equipment shall be used primarily for commercial purposes. Machinery that causes noises audible to neighbors, or that causes interference in radio or television reception shall be prohibited. There shall be no parking or storage of heavy equipment at the business which is visible from the street or neighboring property. As such, any equipment kept on site related to the business must be kept within a fully enclosed building and not be visible from the street or any surrounding property. The term "heavy equipment" means commercial, industrial, or agricultural vehicles, equipment, or machinery.
- (5) *The stock in trade:* ~~No goods shall be sold on the building site, and no stock in trade shall be stored on or delivered to the building site.~~ The home occupation may not conduct retail transactions at a structure other than the primary residential dwelling; however, incidental business uses and activities may be conducted at the residential property.
- (6) *Residential character:* ~~There shall be no alterations in the residential character or appearance of the premises in connection with such home occupation, including no parking of a commercial vehicle except in a garage. As viewed from the street, the use of the residential property shall be consistent with that of a typical residential dwelling to include architecture, parking, on-site activity, and noise. Any modifications made to a residential dwelling to accommodate a home occupation must conform to the residential character and architectural aesthetics of a typical residential dwelling, as determined by the Director of Community and Economic Development or his/her designee.~~
- (7) ~~One (1) home occupation: Only one (1) home occupation shall be licensed at any given residence at one (1) time.~~ *Employees:* 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.
- (8) *Parking.* The need for parking generated by the business may not be greater in volume than would normally be expected at a similar residence where no business is conducted, as such, any parking needed to support the business must be provided on site. Parking of commercial vehicles shall be in compliance with Section 24-64 – Parking of recreational and commercial vehicles. 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 unpaved surface at the residence.

(9) Compliance with Codes. All home occupations shall fully conform with the City of Oakland Park Code of Ordinances and be located within a structure that fully conforms with Florida Building Code.

Section 3. If any clause, section or other part of this Ordinance shall be held by any Court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part shall be considered as eliminated and in no way affecting the validity of the other provisions of this Ordinance.

Section 4. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed to the extent of such conflicts.

Section 5. It is the intention of the City Commission of the City of Oakland Park, that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Oakland Park, Florida, and the Sections of this Ordinance may be renumbered, re-lettered and the word "Ordinance" may be changed to "Section," "Article," or such other word or phrase in order to accomplish such intention.

Section 6. This Ordinance shall be effective upon its passage and adoption by the City Commission of the City of Oakland Park.

PASSED BY THE CITY COMMISSION OF THE CITY OF OAKLAND PARK, FLORIDA, ON FIRST READING, THIS 18th DAY OF MAY, 2022.

J. BOLIN	_____
M. CARN	_____
A. GORDON	_____
M. ROSENWALD	_____
M. SPARKS	_____

PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF OAKLAND PARK, FLORIDA, ON SECOND READING, THIS , DAY OF , 2022.

CITY OF OAKLAND PARK, FLORIDA

144
145
146
147
148
149
150
151
152
153
154
155
156
157
158
159
160
161
162
163
164
165
166
167
168
169

MAYOR MICHAEL CARN

J. BOLIN
M. CARN
A. GORDON
M. ROSENWALD
M. SPARKS

ATTEST:

RENEE M. SHROUT, CMC, CITY CLERK

LEGAL NOTE:

I hereby certify that I have approved the form of this Ordinance (O-2022-XXX):

DONALD J. DOODY, CITY ATTORNEY