

ORDINANCE NO. 2022-04

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF CLEWISTON, FLORIDA, AMENDING THE CODE OF ORDINANCES § 110-525, Home Occupations; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Florida Legislature passed HB 403 (2021) preempting several areas of home business regulation the City Commission of the City of Clewiston, Florida, finds that it is in the best interest of the City's residents and businesses to amend § 110-525 of the Clewiston Code of Ordinances to bring the City code into compliance with the legislative enactment;

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

SECTION 1. The Clewiston Code of Ordinances, Section 110-525 is hereby amended as follows, additions are denoted by underline, deletions are denoted by strikethrough:

(a) Intent. The standards for home occupations are intended to ensure compatibility with other permitted residential uses and with the residential character of the neighborhood. ~~No home occupation shall be permitted which might interfere with the general welfare of the surrounding area due to potential noise, increased pedestrian or vehicular traffic, use of occupational vehicles or equipment, or entail any other condition, which would constitute an objectionable use of residential property. Business activity conducted over the internet, cellular or digital format, is not subject to city regulation, provided any activity is conducted only by legal occupants of the residence, there are no employees on site, no deliveries or pickups are made by couriers or delivery services, and no other activity attributable to the business is visible from the exterior of the residence. All other internet, telephone, or cellular business will comply with the home occupation and other provisions of the Code as applicable.~~

(b) ~~Application.~~ Licensing. Home occupations like all businesses shall be licensed and pay applicable business taxes pursuant to Chapter 66 Article III of the City of Clewiston Florida. ~~Prior to the establishment of any home occupation, an application shall be made to the planning division and filed with the city clerk. If the planning director determines the use does not comply with all requirements for a home occupation, then the home occupation license shall not be issued. If such use has been previously established, the use shall either be brought into full compliance with the provisions of this chapter, or the use shall be abandoned and all operations ceased. Prior to issuance of an occupational license and as continuing operational standards, home occupations:~~ The following provisions apply to home occupations:

~~(1) Shall be allowed only in the R-1C, R-2 and R-3 zoning districts.~~

~~(2)~~ (1) No alteration of the principal residential building shall be made which changes the character thereof as a dwelling.

~~(3) Shall be carried on only by members of a family living as legal and regular inhabitants in such residence, and no more than two employees.~~

(2) 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.

~~(4) (3) Home occupations shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes and is not to change the residential character thereof.~~

~~(5) May include such uses as professional offices for telephone sales, mailing services, accountants, engineers, architects, dressmakers, artists, handicrafts, consultants or similar professions. The preceding list is meant to be illustrative only and is not all inclusive.~~

~~(6) Shall not provide for the sale of materials or stock in trade on the premises, nor shall any such materials or stock be stored other than inside the enclosed structure. There shall be no window display of merchandise.~~

~~(7) (4) Shall not include any activity that:~~

a. Creates any dangerous vapors or fumes.

b. Emits any noise, light, dust or vibration that extends beyond the lot or parcel line of any abutting property.

c. Is hazardous to public health, safety, morals or welfare.

~~d. Uses any equipment which creates visual or audible interference in radio or television receiver signals off the premises or causes fluctuation in line voltage off the premises.~~

e. ~~d.~~ Results in any illegal discharge of materials, fluids or gases into the sewer system or in any other manner of discharging such materials in violation of any applicable regulations.

~~(8) (5) Shall not display any signs or other visible evidence that would indicate the property is being utilized for any use other than a dwelling.~~

~~(9) (6) Shall not have customers or deliveries or pick up associated with such use on the premises between 9:00 p.m. and 9:00 a.m., and such activity shall not exceed that normally and reasonably occurring at a residence. Only one occupational vehicle, which shall not exceed one-ton capacity, and one trailer which may not exceed 16 feet, may be related to and used in conjunction with the home occupation.~~

~~(10) (7) Shall not include storage of any flammable or hazardous materials on the premises.~~

~~(11) Shall not occupy more than the greater of 250 square feet or ten percent of the gross enclosed floor area of the structure suited or intended for occupancy as living quarters.~~

~~(12) (8) Shall not advertise the street address on the structure as a business in any manner and shall not advertise the street address on any occupational vehicle associated with such use on the premises.~~

~~(c) Prohibited home occupations. The following uses, regardless of whether they meet the performance standards, are not permitted as a home occupation. These business activities shall include, but are not limited to, the following:~~

~~(1) Veterinary clinics, animal hospitals or kennels.~~

~~(2) Equipment rental.~~

~~(3) Funeral chapels, mortuaries or funeral homes.~~

~~(4) Wedding chapels.~~

~~(5) Medical or dental clinics.~~

~~(6) Repair/servicing or painting of automobiles, motorcycles, trailers, boats and other vehicles.~~

~~(7) Repair/servicing of large appliances including stoves, refrigerators, washers and dryers.~~

~~(8) Repair/servicing of power equipment including lawn mowers, chain saws, string trimmers and similar equipment.~~

~~(9) Restaurants.~~

~~(10) Dispatching of vehicles to and from residential premises. This prohibition includes, but is not limited to taxi services, towing services, and the like.~~

~~(11) The sale of firearms and gunsmithing.~~

~~(12) Taxidermy.~~

~~(13) Storage of construction equipment to include tree surgeon, landscaping, and lawn maintenance contracting equipment.~~

~~(d) Affidavit of applicant required. An applicant for a business tax receipt for a home occupation shall at the time of application file an affidavit wherein the applicant:~~

~~(1) Agrees to comply with the standards set forth in this section.~~

~~(2) Agrees to comply with the conditions imposed by the city to insure compliance with such standards.~~

~~(3) Acknowledges that a departure therefrom may result in a suspension or termination of the occupational license.~~

~~(4) Acknowledges that the city shall have the right to reasonably inspect the premises upon which the home occupation is conducted to insure compliance with the foregoing standards and conditions, and to investigate complaints, if any, from neighbors.~~

~~(e) Fees. Each new and renewal application for a home occupation license shall be accompanied at the time of filing by a fee as established by resolution of the city commission. Each home occupation license shall be renewed annually.~~

(Code 1982, § 24-19; Code 1999, § 110-437; Ord. No. 97-03, pt. 1, 8-18-1997; Ord. No. 2005-02, pt. 1, 4-18-2005; Ord. No. 2019-04, § 1, 9-23-2019)

SECTION 2. Codification. The provisions of this Ordinance shall become and be made part of the Code of Laws and Ordinances of the City of Clewiston.

SECTION 3. Severability. If any phrase, sentence or portion of this Ordinance is, for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and individual provision, and such holding shall not affect the validity of the remaining portions thereof.

SECTION 4. Repeal of Laws in Conflict. All ordinances of the City of Clewiston, Florida, which are in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 5. Effective Date. This Ordinance shall take effect immediately upon its passage and consistent with all requirements of general law.

PASSED on first reading by the City Commission on January 24, 2022.

PASSED AND ADOPTED on second and final reading by the City Commission on February 21, 2022.

ATTEST:

CITY OF CLEWISTON, FLORIDA



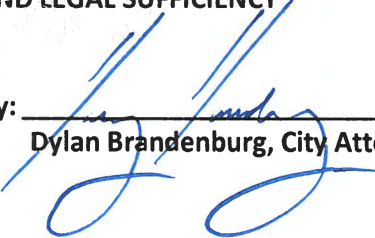
Mary K. Combass, City Clerk



Kristine Petersen, Mayor

(MUNICIPAL SEAL)

**APPROVED AS TO FORM
AND LEGAL SUFFICIENCY**

By: 

Dylan Brandenburg, City Attorney