

ORDINANCE NO. 2021-xxx

**AN ORDINANCE OF THE CITY OF PORT ST LUCIE, FLORIDA,
AMENDING CH. 158, ZONING CODE OF THE CODE OF
ORDINANCES OF THE CITY OF PORT ST. LUCIE, FLORIDA, BY
AMENDING, SECTION 158.217, ACCESSORY USES AND
STRUCTURES; PROVIDING FOR CODIFICATION; PROVIDING
FOR CONFLICT; PROVIDING FOR SEVERABILITY;
PROVIDING AN EFFECTIVE DATE.**

WHEREAS, The City of Port St Lucie, Florida (“City”) desires to update Chapter 158, Zoning Code, to conform with recent changes to Florida Statutes regarding home-based businesses.

NOW, THEREFORE, THE CITY OF PORT ST. LUCIE HEREBY ORDAINS:

Section 1. Ratification of Recitals. The foregoing recitals are hereby ratified and confirmed as true and correct and are made a part of this Ordinance.

Section 2. Title XV, Land Usage, Chapter 158, Zoning Code, Article XI is amended as follows:

Article XI. – SUPPLEMENTARY USE REGULATIONS

Sec. 158.217. - Accessory Uses and Structures.

(F) Home Occupation. A home occupation as defined herein shall be permitted within an area zoned residential, subject to the following provisions:

- (1) The holder of the home occupation may have employees engaged in the business provided that not more than two (1)(2) of said employees or independent contractors, may work at the home-based business but not reside there. Employees who work remotely are permitted. except those who reside in the home, report to or work at the site of the home occupation.
- (2) ~~The home occupation shall use no more than two hundred (200) square feet of total floor area.~~
- ~~(3)(2)~~ The use of the dwelling for the home occupation shall be clearly incidental and secondary to its use for dwelling purposes. The occupation shall not change the character of the dwelling or reveal from the exterior that the dwelling is being utilized for use other than dwelling purposes. There shall be no display of stock for sale or trade located upon the premises, and no

article shall be sold or offered for sale except such as may be produced on the premises or is utilized in conjunction with the home occupation. The manufacturing of a product for resale shall not be produced with mechanical or electrical equipment which is not normally found in a dwelling and considered as purely a domestic implement.

- ~~(4)~~(3) Any use of a dwelling contrary to these provisions or which creates or may create objectionable noises, fumes, odors, dust, electrical interference, or greater than normal residential traffic shall be expressly prohibited.
- ~~(5)~~(4) Any individual who promotes or solicits a home occupation by displaying, advertising, or using in any fashion his home address or telephone; who provides or conducts a home occupation as defined herein; or who proffers home occupation services as defined herein shall be required to obtain a business tax receipt, therefore. The offering of articles for sale in isolated situations shall not be considered as a home occupation or require permit and tax receipt.
- ~~(6)~~(5) Application for a home business tax receipt shall be made to the city, setting forth the address of the subject premises, the type of home occupation desired, ~~and the area of the dwelling to be utilized for same.~~ The City may inspect the subject premises to verify full compliance of the proposed home occupation usage with the provisions of the ordinance. Upon approval of the application, the City shall issue a tax receipt for the home occupation.
- ~~(7)~~(6) Real estate brokers licensed pursuant to Chapter 475, Florida Statutes, may conduct their business as a home occupation and place their broker's license at their place of residence. In addition to a single employee, a real estate broker is permitted to have two (2) real estate sales associates licensed pursuant to Chapter 475, Florida Statutes. The associates may place their license with a real estate broker conducting business as a home occupation provided the real estate broker home occupation shall be conducted in accordance with and conform to all of the above conditions and restrictions as otherwise established for home occupations.

- (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.

Section 3. Conflict. If any ordinances, or parts of ordinances, are in conflict herewith, this Ordinance shall control to the extent of the conflicting provisions.

Section 4. Severability. The provisions of this Ordinance are intended to be severable. If any provision of this Ordinance is determined to be void or is declared illegal, invalid, or unconstitutional by a Court of competent jurisdiction, the remainder of this Ordinance shall remain in full force and effect.

Section 5. Codification. The provisions of this Ordinance shall be made a part of the Code of Ordinances of the City of Port St. Lucie, Florida. The sections of this Ordinance may be re-numbered or re-lettered to accomplish such intentions; the word “ordinance” may be changed to “section” or other appropriate word as may be necessary.

Section 6. Effective Date. This Ordinance shall become effective ten (10) days after final adoption on second reading.

PASSED AND ADOPTED by the City Council of the City of Port St. Lucie, Florida, this ____ day of _____, 2021.

CITY COUNCIL
CITY OF PORT ST. LUCIE

By: _____
Shannon Martin, Mayor

ATTEST:

Sally Walsh, City Clerk

APPROVED AS TO FORM:

James D. Stokes, City Attorney