

ORDINANCE NO. 2005-7

AN ORDINANCE OF THE VILLAGE OF PINECREST, FLORIDA, AMENDING CHAPTER 30 OF THE CODE OF ORDINANCES BY CREATING A NEW DIVISION ENTITLED "HOME OFFICES", RELATING TO THE REGULATION OF OFFICES IN RESIDENTIAL DISTRICTS, RELATING TO TYPES OF OCCUPATIONS AND EMPLOYEES, RELATING TO LOCATION OF OFFICE, VEHICLES AND EQUIPMENT ALLOWED; PROVIDING SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Village of Pinecrest was incorporated on March 12, 1996; and

WHEREAS, the Village Manager has recommended the establishment of an ordinance regulating home offices for the convenience of Village residents and to maintain and protect the character and property values of residential districts;

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF PINECREST, FLORIDA, AS FOLLOWS:

Section 1. That Chapter 30 of the Village of Pinecrest Code of Ordinances is hereby amended as follows¹:

Div. 5.2 . Home Offices

(a) A home office may be permitted to residents of the dwelling unit or residence in any of the residential districts listed in Division 4.2 and Division 4.7 of the Land Development Code, provided that:

- (1) No more than one (1) person shall be employed on the premises other than the residents of the premises.
- (2) The use of the dwelling unit or residence for a home office shall be clearly incidental and secondary to its use for residential purposes. No outside display, storage or use of land is permitted.
- (3) There shall be no change in the outside appearance of the building or premises as a result of such occupation.
- (4) (a) No equipment shall be used or stored on the premises that creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses outside the dwelling unit. In the case of electrical

¹ Underlined text has been added. ~~Strike-through~~ text has been deleted.

interference, no equipment or process shall be used which creates visual or audio interference in any radio or television sets off the premises or causes fluctuation in line voltage.

(b) No trash or waste other than normal household trash and recyclables shall be generated. No commercial dumpsters or trash service shall be allowed.

(c) No permanent or temporary storage of supplies, materials, or products shall be allowed on the exterior of the premise structures.

(5) No retail or wholesale sales on the premises shall be permitted, except for telephone, mail or Internet order sales.

(6) No traffic shall be generated by such home office in greater volume than would normally be expected in the neighborhood for residential purposes.

(7) A home office shall not be construed to include, among other uses, personal services such as practice of medicine, chiropractic medicine, dentistry, massage, cosmetology, barbershops, beauty parlors, tea rooms, food processing for sale, kennels, animal grooming, radio and television repair, furniture refinishing or building, cabinet making, boat building, marine charter or towing service, auto servicing or rebuilding and repair for others, metal fabrication or cutting employing welding or cutting torches, or any other occupation requiring state-mandated inspection of the premises.

(8) No more than one vehicle related to the home office shall be permitted upon the premises. Such vehicle must be twenty (20) feet or less in overall length and must be parked off any public right-of-way. All exterior storage of cargo, equipment or other materials on such vehicle shall be shielded from view at all times when such vehicle is located on a residential lot.

(b) The village manager or his designee shall determine whether the home office meets the established criteria as set out in subsections (1) through (8) of this section. The determination may be appealed to the Planning Board.

(c) An occupational license must be obtained from the Building and Planning Department by completing the appropriate paperwork and paying any applicable fee. The licensee shall be subject to the provisions of Chapter 28, Article III of the Code of Ordinances.

(d) Nothing contained herein shall be deemed to authorize, legalize or otherwise permit a home based business that is otherwise prohibited by a legally enforceable covenant, association document or other instrument or restriction on such use pertaining to a residence unit.

Section 2. Severability. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections,

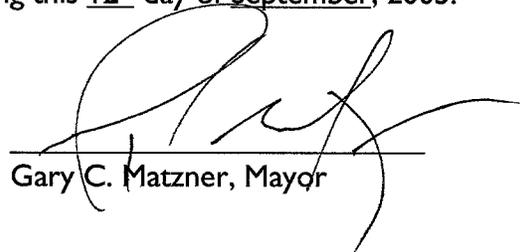
sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 3. Inclusion in the Code. It is the intention of the Village Council, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of the Village of Pinecrest, Florida; that the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

Section 4. Effective Date. This Ordinance shall be effective upon adoption on second reading.

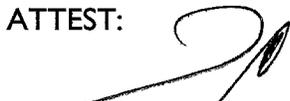
PASSED on first reading this 19th day of July, 2005.

PASSED AND ADOPTED on second reading this 12th day of September, 2005.



Gary C. Matzner, Mayor

ATTEST:



Guido H. Inguanzo, Jr., CMC
Village Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:



Cynthia A. Everett
Village Attorney



Motion on Second Reading by: Councilmember Serota
Second on Second reading by: Councilmember Harter

Vote: Councilmembers Harter, Hingston, Serota, Vice Mayor Blanck, and Mayor Matzner voting Yes