

This instrument prepared by:
 Thad Crowe, AICP
 201 North 2nd Street
 Palatka, Florida 32177

ORDINANCE NO. 12 - 44

AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA AMENDING SECTION 94-2 (DEFINITIONS), ELIMINATING THE PROHIBITION ON HOME OCCUPATIONS OPERATING IN ACCESSORY BUILDINGS, AND ELIMINATING CERTAIN USES FROM LIST OF PROHIBITED HOME OCCUPATION USES, THEREBY ALLOWING SUCH USES BY CONDITIONAL USE PERMIT; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, application has been made by the Building and Zoning Department for certain amendments to the Zoning Code of the City of Palatka, Florida, and

WHEREAS, all the necessary procedural steps have been accomplished, including a public hearing before the Planning Board of the City of Palatka on September 4, 2012, and two public hearings before the City Commission of the City of Palatka on September 27, 2012, and October 11, 2012; and

WHEREAS, the City Commission of the City of Palatka has determined that said amendment should be adopted.

NOW, THEREFORE, BE IT ENACTED BY THE CITIZENS OF THE CITY OF PALATKA, FLORIDA:

Section 1. Zoning Code Section 94 shall be amended as follows.

Home occupation means an occupation conducted entirely in a dwelling unit, provided that:

- (1) No person other than members of the family residing on the premises shall be engaged in such occupation.
- (2) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and shall under no circumstances change the residential character thereof.
- (3) There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation, other than one sign, not exceeding one square foot in area, nonilluminated, mounted flat against the wall of the principal building at a position not more than two feet distant from the main entrance to the residence.
- (4) No home occupation shall occupy more than 20 percent of the first-floor area of the residence, exclusive of the area of any open porch or attached garage or similar space not suited or intended for occupancy as living quarters. No rooms which have been constructed as an addition to the residence, nor any attached porch or garage which has been converted into living quarters, shall be considered as floor area for the purpose of this definition until two years after the date of completion thereof, as shown by the records of the city building department.

- (5) No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in the required front yard.
- (6) No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single-family residence, or outside the dwelling unit if conducted in other than a single-family residence. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises.
- (7) The following shall not be allowed as home occupations: beauty shops and barbershops with more than one chair; musical instrument, dance, and swimming instruction for more than one student at a time; studios for group instruction; public dining facilities or tearooms; antique or gift shops; massage therapy for more than one client at a time; photographic studios; fortunetelling or similar activities; outdoor repair; food processing; retail sales; nursery schools; medical or dental laboratories; or kindergartens.
- (8) Fabrication of articles such as are commonly classified under the terms of arts and handicrafts may be deemed a home occupation, subject to the other terms and conditions of this definition, and providing no retail sales are made at the home.
- (9) A home occupation shall be subject to all applicable city occupational license and other business taxes.

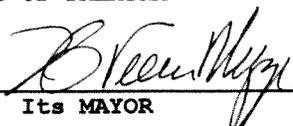
Section 2. To the extent of any conflict between the terms of this ordinance and the terms of any ordinance previously passed or adopted, the terms of this ordinance shall supersede and prevail.

Section 3. A copy of this Ordinance shall be furnished to the Municipal Code Corporation for insertion in the Code of Ordinances for the City of Palatka, Florida.

Section 4. This Ordinance shall become effective immediately upon its final passage by the City Commission.

PASSED AND ADOPTED by the City Commission of the City of Palatka on this 11th day of October, 2012.

CITY OF PALATKA

BY: 
Its MAYOR

ATTEST:


City Clerk