

**TOWN OF GRANT-VALKARIA, FLORIDA**

**ORDINANCE NO. 2010-09**

**AN ORDINANCE OF THE TOWN OF GRANT-VALKARIA, BREVARD COUNTY, FLORIDA; AMENDING SECTION 62-1155 OF THE TOWN LAND DEVELOPMENT REGULATIONS AS ADOPTED BY THE TOWN IN THE TOWN'S CHARTER; PROVIDING FOR ZONING APPROVAL FOR BUSINESS TAX RECEIPT FOR HOME OCCUPATIONS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.**

**WITNESSETH:**

**WHEREAS**, the Town's Charter provides, in part, that *"...all codes and ordinances... of Brevard County in effect on the day of adoption of this Charter shall... remain in force and effect as municipal codes, ordinances... of the town; and*

**WHEREAS**, at the time of adoption of the Town's Charter, Section 62-1155 was and continues to be in effect in the Town; and

**WHEREAS**, the Town Council in providing for the health, safety and welfare of its citizens finds that the Town should amend Section 62-1155.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF GRANT-VALKARIA, BREVARD COUNTY, FLORIDA, AS FOLLOWS:**

**SECTION 1.** Section 62-1155 is hereby amended in full to read as follows:

**Sec. 62-1155. Zoning approval for Business Tax Receipts ~~occupational license~~; approval of home occupations.**

(a) *Zoning approval for Business Tax Receipt ~~occupational license~~.* Whenever any person, firm or corporation requests a zoning verification from the ~~zoning division~~ Town of Grant-Valkaria in order to obtain an Business Tax Receipt ~~occupational license~~, the zoning official is authorized to require adequate proof of ownership of the property in question. The information required is that deemed necessary by the zoning official to ensure that the proposed business will operate from the location given by the applicant. Such documentation may include copies of the deed to the property, a letter from the owner of record consenting to the applicant's proposed business on the owner's property, and copies of lease agreements, contracts or other pertinent data. Any person falsifying documents or providing false information for the purpose of obtaining zoning approval for an Business Tax Receipt ~~occupational license~~ shall be subject to prosecution and a fine not to exceed \$500.00 or imprisonment in the county jail for a period not to exceed 60 days, or both such fine and imprisonment. Upon endorsement of the Business Tax Certificate application by the Town the said application shall be considered the approved zoning verification and zoning use permit for purposes of the issuance of a Business Tax Receipt by

Brevard County.

(b) *Approval of home occupations.*

- (1) For purposes of this section, a home occupation is defined as any occupation where work is performed in the home in connection with which there is no commodity sold upon the premises, no more than one person employed at the home other than a member of the immediate family residing upon the premises, and no mechanical equipment used except such as is normal in a residence or might be used incidental to hobbies (such as small drills, sanders, etc.). A non-illuminated window or wall sign of one square foot or less may be permitted. Such home occupations are permitted in all of the residential zoning classifications. The principal use and appearance of the structure shall continue to be that of a residence.

No home occupation shall produce traffic, noise, smoke, dust, odors, vibration, heat, glare, fumes, electrical interference or other nuisance, in amounts detectable to normal sensory perception, beyond that which is common to a residential area. No toxic or combustible materials shall be stored on site, except for those toxic or combustible materials commonly used and in amounts commonly stored for household purposes.. All work activities and all storage of products, equipment or materials shall be conducted entirely from inside an interior space. All home occupations included in this section may perform such office functions at the home which functions pertain directly to the home occupation. The functions include, but are not limited to, business telephone, storage for business records, equipment or materials, bookkeeping, and business address.

Home occupations include architects, accountants, dental lab technicians, engineers, real estate brokers, real estate appraisers, contractors, building tradesman, interior decorators, fishing guides, computer generated work such as graphics, programming, desktop publishing and typesetting; domiciliary activities, insurance claim adjusters and other professional services, sales promotions and demonstrations of personal items that are identified with single-family uses, cottage industries as defined below, and other similar occupations as determined by the zoning official, providing that in no way to be construed as wholesale or warehousing.

Occupations such as doctors, chiropractors, massage therapists, home care nurses, psychologists, psychiatrists, therapists and veterinarians are permitted only if no patients are treated in the home. Such occupations shall make house calls only. Lawn care services are permitted as home occupations provided all equipment is stored in an enclosed structure. Landscaping, bail bondsmans, and distributorships ~~contractors and the building trades~~ shall not be considered home occupations.

"Cottage industries" are defined as small scale or hobby manufacturing, assembly

or production of handmade goods or products, on a scale accessory to and compatible with residential use, using machinery or equipment commonly found in the home or in a residential garage.

The zoning official may require a public hearing before the planning and zoning board and the town council or a favorable written petition from all property owners within ~~500~~ 1000 feet of the lot or parcel when in doubt of interpretation of the definition set out in this subsection with respect to any proposed occupation. Any home occupation that generates traffic through visitation in volumes that would require an off-street parking area for more than two motor vehicles is prohibited.

- (2) A home occupation permit may be issued administratively or after public hearings as specified in subsections (b)(1) of this section. The public hearings shall require an application fee on the part of the applicant. The amount of such fee shall be set by resolution of the town council ~~board of county commissioners~~.

Each license will be reviewed initially by the Town and renewed annually by Brevard County. ~~at the same time that occupational licenses are renewed~~. The grant or renewal of a license shall not be deemed to vest or otherwise entitle the licensee to continue a home occupation or cottage industry that is not in compliance with subsection (b)(1). In the event this section is repealed or amended, home occupations or cottage industries shall not be deemed to have vested status.

~~The application requirements shall be those specified in section 62-1151 for amendments to the official zoning map together with a description of the home occupation requested. The public hearing requirements shall be the same as those specified in section 62-1151 for amendments to the official zoning map, except that the planning and zoning board shall make the final determination as to permissibility of the home occupation and no hearing shall be required before the board of county commissioners.~~

At the public hearings, the planning and zoning board and town council may impose reasonable conditions to protect the surrounding community from adverse effects of the home occupation.

- (3) Home occupations performed on parcels of land consisting of five acres or more may have one or more of the criteria waived by the zoning official, except that there shall be no waiver granted to the requirement that no more than one person be employed at the home other than a member of the immediate family residing upon the premises.
- (4) ~~In all residential zoning classifications, where an existing single family residential structure in excess of 8,000 square feet is located, such structure may be utilized~~

~~for one or more of the following activities as a profit-making venture under this section, after a public hearing: civic fundraising events, private parties/dances, weddings, political fundraising events, civic and fraternal organizations functions or meetings. A public hearing shall be required as set forth in subsection (b)(1) of this section. The application for such public hearing shall include a list and description of all activities requested, and a site plan indicating the structure and the grounds, showing provision for parking areas commensurate with the activities specified.~~

(5)(4) If at any time it is determined that the character of the home occupation has changed such that it is no longer within the scope and intent as originally approved, is not incidental to the primary use of the home as a residence, or is no longer compatible with the character of the neighborhood, as evidenced by code enforcement determination, the terms of the zoning use permit shall be deemed violated and the ~~occupational license~~ business tax receipt may be revoked administratively and deemed void. Upon such an occurrence, renewal of the zoning use permit is possible only by planning and zoning board ~~action~~ recommendation and town council approval.

**SECTION 2. Severability.**

In the event a court of competent jurisdiction shall hold or determine any or part of this ordinance invalid or unconstitutional, the remainder of this ordinance shall not be affected.

**SECTION 3. Effective Date.**

This ordinance shall take effect in accordance with the Town Charter.

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF GRANT-VALKARIA, BREVARD COUNTY, FLORIDA, ON THIS 8<sup>th</sup> DAY OF SEPTEMBER, 2010.

(signature on file)

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Del Yonts, Mayor

ATTEST:

(signature on file)

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Susanne Krueger, Town Clerk

First Reading: August 25, 2010  
Second Reading: September 8, 2010

Roll Call Vote:	Del Yonts	<u>AYE</u>
	Joe Hackford	<u>AYE</u>
	Lisette Kolar	<u>NAYE</u>
	Pat Bryan	<u>AYE</u>
	Jason Mahaney	<u>AYE</u>
	Dan Faden	<u>AYE</u>
	Cathy DeMott	<u>AYE</u>