

CITY OF MIAMI, FLORIDA
INTER-OFFICE MEMORANDUM

TO: Distribution below

DATE: September 17, 2010

FILE:

SUBJECT:

Interpretation: Home Office/
Home Occupation

FROM: 
Lourdes Slazyk and
Barnaby Min, Zoning Administrators

REFERENCES:

ENCLOSURES:

Question for interpretation:

Can a home occupation or a home office consist of an "administrative office" for a business comprised of more than 2 people (employees) as long as no more than 2 people actually work at the home office? Are there different interpretations under former City Zoning Ordinance 11000 or Miami 21?

Response:

Whether reviewing a home occupation under former City Zoning Ordinance 11000 or a home office under Miami 21, the code is silent on the issue of whether the business that is operating the home occupation can consist of many employees as long as the number of employees reporting to the home use does not exceed 2 persons. However, home offices have often consisted of "administrative" offices for larger businesses that were actually located offsite. In other words, the business may have 100 employees that report to work elsewhere, but the home office location is used as the "business address" for the company. This has been interpreted in the past as being in compliance because the number of persons actually working out of the home office has not exceeded 2 persons.

Background:

Home Occupations pursuant to Zoning Ordinance 11000 were allowed by Class I Special permit until approximately 2003. After that, Class II Special Permits were required. Under ZO 11000, home occupations were required to comply with the following:

- (a) The home occupation shall be conducted by not more than two (2) persons, one (1) of whom shall reside on the premises.
- (b) 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 the area devoted to the conduct of the home occupation shall not exceed twenty-five (25) percent of the 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.
- (c) Home occupation shall be conducted in an accessory building only when it is proven that the accessory building existed prior to the application and it complies with all requirements of the district where it is located.
- (d) There shall be no change in the outside appearance of the building or premises as a result of the conduct of such home occupation, or any visible evidence thereof except not to exceed one (1) sign, not exceeding one (1) square foot in area, nonilluminated and mounted flat against the wall of the residence.
- (e) No traffic shall be generated by such home occupation in greater volume than would normally be expected in the neighborhood, and any need for parking generated by such occupation shall be met off the street and other than in a required yard adjacent to a street.
- (f) No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, or odors detectable to the normal senses off the lot, if the home occupation is conducted in a detached dwelling, or outside the dwelling unit if conducted in any other form of dwelling. No equipment or process shall be used which creates visible or audible interference in any radio or television receiver, or causes fluctuations in line voltage, off the premises.

(g) No commodity shall be sold and/or delivered upon the premises.

(h) Home occupations shall be limited to the following: Architect, artist, broker, consultant, dressmaker, draftsman, engineer, interior decorator, lawyer, manufacturer's agent, notary public, teacher (excluding band instrument, and group instruction), and other similar occupations. Specifically excluded from permitted home occupations are physicians, dentists and medical laboratories.

(i) A home occupation shall be subject to all applicable city occupational license and other business taxes.

Pursuant to Article 6 of Miami 21, home office uses are allowed by right and shall comply with the following limitations:

Home office shall be located wholly within a Dwelling Unit.

Maximum size of Home Office shall be 25% of the size of the Dwelling Unit based on county property records.

Home Occupations limited to individual tutoring; nonamplified individual instrument instruction; authors and composers; artists; designers; seamstresses; tailors; and uses similar in impact. Office uses, excluding medical and dental offices.

Maximum of one client at a time.

Maximum of two staff members, one of which must reside on premises.

Hours of operation limited to Monday through Saturday 8:00 AM to 6:00 PM.

No equipment or process shall be used which creates undue noise, vibration, glare, fumes, or odors detectable to normal senses off the property.

Certificate of Use required.

Distribution

Haydee Wheeler, Director of NET

Sergio Guadix, Director of Code Enforcement