



Sec. 28-360. Home Based Business.

(c) Standards for permitted accessory uses with limitations.

(1) Home based businesses shall only be permitted to exist in those particular instances whereby the residential character and integrity of the neighborhood are not disturbed. The business activity at the home shall not be noticeable. Home based businesses which are characterized by a high intensity of use, only appropriate to a commercial zoning district, shall not be allowed within residential districts.

(2) Home based business regulations are intended for the protection of residential neighborhoods.

(3) The City has established three (3) categories of home based business: (1) businesses which do not involve client business visits to the home. This type of home based business is typified where business transactions with clients are conducted by telephone, mail or off the premises of the license holder; (2) businesses in which clients are permitted on-site; and (3) prohibited home based businesses. Regulations for these three (3) categories are provided below.

(4) Home based businesses which do not involve client visits shall adhere to the following performance standards. In order for any home based business to be permitted or continue to be permitted, the following performance standards shall be agreed to in writing by the applicant and be maintained for the duration of the permit.

a. The home based business shall be clearly incidental and subordinate to the residential use, and shall under no circumstances change the residential character of the dwelling unit. No home based business shall interfere with the residential uses of adjoining property.

b. Number of occupations. Multiple home based business licenses may be permitted subject to the following restrictions:

1. All multiple licenses shall only be for residents of that dwelling unit.

2. The total floor area for all licenses shall be subject to the requirements noted in [Section 28-360\(4\)\(d\)](#).

c. The home based business shall be conducted at the permitted address only by residents of that dwelling unit.

d. The home based business shall only be conducted within the living area of the dwelling unit and shall not occupy more than twenty-five (25) percent and up to a maximum of four hundred (400) square feet. The living area is that part of the dwelling unit which is enclosed and which is protected from the elements and heated, including interior halls, closets, utility and storage areas, but excluding garages, carports, screened porches, unenclosed and unheated areas. In the event a residence has multiple licenses, the maximum floor area for all licenses shall not exceed the above noted maximum square footage.

e. No activity of a home based business including the storage and outdoor storage or window display of merchandise is permitted.

f. There shall be no change in the outside appearance of the premises nor the installation of any sign to give indication that a home based business is being conducted.

g. No supplies or equipment shall be used in the home based business which create fire or explosion hazards, electrical interference, noise, vibration, glare, fumes, or odors detectable to the normal senses off the lot if the business is conducted in a single-family dwelling unit or mobile home or residential coach. 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, or causes fluctuation in line voltage off the premises.

h. In the conduct of the home based business, the use of commercial vehicles by the home based business personnel shall be limited to no more than one (1) vehicle which shall be no

greater in size than one (1) ton, and shall be parked in an off-street parking area meeting the City's parking regulations. No auxiliary equipment or trailers shall be stored on site unless they are enclosed in a garage or screened from view. In the event a residence has multiple licenses, the maximum number and size of commercial vehicles for all licenses shall not exceed the above noted requirements.

i. No advertising in the public media shall include the residential address of the home based business. Telephone numbers may be included in such advertising.

j. There shall be no commodity sold upon the premises in connection with such home based business.

(5) Home based businesses, clients allowed on-site.

a. The following uses may allow clients to visit the location based upon the conditions set forth in this section and paragraph (4) above.

- Beauticians, barbers and nail technicians
- Private Lessons, such as piano or swimming lessons
- Professional offices for architects, engineers, attorneys, interior designers, accountants, finance and securities investments, real estate and similar professions.

b. Hours of operation shall be between 8:00 AM and 8:00 PM on weekdays and 9:00 AM and 5:00 PM on weekends and holidays.

c. The home based business shall not generate pedestrian or vehicular traffic in greater volumes than would normally be expected in a residential neighborhood based on trip generation data presented in the Institute of Transportation Engineers (ITE) Manual.

d. The use shall not require an off-street parking area for more than two (2) motor vehicles. No parking area shall be permitted in any required yard, and no additional driveways to serve such home based business shall be permitted.

e. No more than one vehicle of any business customer or client may park at the locate of the home based business at any time.

f. There shall be no additional and separate entrance incongruent with the residential structural design constructed for the purpose of conducting the home based business

(6) Prohibited home based businesses.

a. The following uses by the nature of the business investment and/or conduct or the environmental and social impacts, have a pronounced tendency to exceed the performance limits placed upon home based businesses allowed under this section, and ultimately have a detrimental effect on the residential character of a neighborhood. Therefore, the uses listed below and others similar in nature shall not be permitted as home based businesses when the specified activity is carried on at the home premises.

- Auto mechanical/body repairs, painting of vehicles, trailers or boats.
- Carpentry, cabinet makers, furniture refinishing or upholstery.
- Contractor's equipment storage yards.
- Escort services and massage parlors.
- Marijuana cultivation.
- Professional offices of medical doctors, dentists, chiropractors, ophthalmologists and optometrists and other health care professionals.
- Restaurants and taverns.
- Retail/wholesale merchandising with in-person sales.
- Taxidermy
- Tow truck services.
- Veterinary uses

b. In addition to these enumerated, any work activity held illegal by other applicable civil or criminal statutes shall be prohibited as a home based business.

(7) Through the conditional use permit process the City Council may modify the foregoing requirements of this section to accommodate the special needs of handicapped individuals applying for home based business permits,

provided that the public welfare would not be adversely affected.

(8) A home based business shall be subject to all applicable City business tax receipts and other permits and approvals as necessary.

(9) Each home based business license will be reviewed and renewed annually concurrently with renewal of the business tax receipt. The granting or renewal of a business tax receipt shall not be deemed to vest or otherwise entitle the licensee to continue a home based business that is not in compliance with the City's code of ordinances. In the event this section is repealed or amended, home based businesses shall not be deemed to have vested status.

(10) If at any time, it is determined that the character of the home based business 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 a finding of the Code Enforcement Board / Code Enforcement Special Magistrate, the business tax receipt may be revoked by the City Council upon notice and hearing pursuant to Section 11-50 – Inspection before issuance; revocation authorized.

(11) Notwithstanding the foregoing, any person conducting a home based business, whether lawfully licensed or not, in violation of this section may also be prosecuted pursuant to any applicable local or state law.

I HAVE READ AND UNDERSTAND THE PROVISIONS OF THE HOME OCCUPATION ORDINANCE AND AGREE TO ABIDE BY THE PROVISIONS THEREIN. ALSO UPON BEING FOUND, BY DUE PROCESS, TO BE IN VIOLATION OF ANY OF THE AFORE STATED PROVISIONS SHALL BE SUBJECT TO HAVING MY LICNESE REVOKED ALONG WITH ANY PENALTIES PROVIDED BY LAW.

LICENSEE SIGNATURE

DATE

STATE OF FLORIDA
COUNTY OF _____

SWORN TO AND SUBSCRIBED BEFORE ME THIS _____ DAY OF _____ 20 _____.

NOTARY PUBLIC

(PRINT, TYPE OR STAMP COMMISSIONED NAME)

PERSONALLY KNOWN OR PRODUCED IDENTIFICATION

TYPES OF I.D. PRODUCED _____