

SEMINOLE COUNTY GOVERNMENT  
AGENDA MEMORANDUM

SUBJECT: Discussion of Home Occupation Regulations

DEPARTMENT: Planning & Development DIVISION: Planning

AUTHORIZED BY: Donald S. Fisher CONTACT: Jeff Hopper EXT. 7431

|                             |  |                                  |  |  |
|-----------------------------|--|----------------------------------|--|--|
| Agenda Date <u>11/26/02</u> | Regular <input type="checkbox"/>               | Consent <input type="checkbox"/> | Work Session <input type="checkbox"/>          | Briefing <input checked="" type="checkbox"/> |
|                             | Public Hearing – 1:30 <input type="checkbox"/> |                                  | Public Hearing – 7:00 <input type="checkbox"/> |  |

**MOTION/RECOMMENDATION:**

The attached draft regulations addressing home-based businesses would help to preserve the residential character of the County's neighborhoods by establishing firm guidelines as to what types of activities could be permitted in such businesses. Limitations would be placed on the intensity and location of such activities within a residential property, with standards to mitigate noise and traffic having the potential to disturb nearby residents. Staff proposes that the Board look at the following alternatives as it considers these issues:

1. Schedule one or more additional work sessions to discuss and evaluate the draft regulations; or
2. Authorize staff to prepare an Ordinance.

(Jeff Hopper, Senior Planner)

**BACKGROUND:**

The Land Development Code permits limited business activities in the home, subject to restrictions to mitigate effects on neighboring properties. Current regulations differentiate between "home occupation" and "home office," the chief difference being the scope of potential activities. Home office uses are limited to office uses not involving meetings with customers or clients, and using products and equipment that may be found in a home, such as computers, telephones, and fax machines. Signage is prohibited. Home occupations represent a wider range of business or professional activities, including in-home consultation by physicians and attorneys. The home occupation activity is limited to 25 percent of the structure's floor area. Retail sale of merchandise is prohibited, and signage is limited to 1 square foot in area. (See attached table showing zoning classifications permitting home occupations and/or home offices.)

|              |                             |
|--------------|-----------------------------|
| Reviewed by: | <u>REC</u>                  |
| Co Atty:     | <u>REC</u>                  |
| DFS:         | <u>                    </u> |
| Other:       | <u>MW</u>                   |
| DCM:         | <u>                    </u> |
| CM:          | <u>                    </u> |
| File No.     | <u>BPDP01</u>               |

Particular issues to be considered at this time by the Board include, but are not limited to, the following:

1. Appropriate standards to permit outdoor activities, such as swimming lessons, without adversely affecting neighboring properties;
2. Numbers and types of commercial vehicles to be permitted on the site of a home occupation;
3. Amendment of the Land Development Code to address home offices and home businesses under one consolidated set of regulations; and
4. Internet-based home occupations, especially those related to adult entertainment.

In a recent case which was appealed to the BCC, an outdoor instructional activity allegedly created substantial noise and traffic within a single family neighborhood. This raised questions about the completeness of current home occupation regulations in terms of ensuring that home business activities are appropriately located, and that adequate protection from adverse impacts is afforded to neighbors.

Attached to this Memorandum is a very rough draft of new home occupation regulations prepared by Planning Staff to focus on a number of issues which are not clearly addressed in the current Code. These issues include: indoor vs. outdoor activities; outdoor display or storage of materials; limitation of traffic and visitors to the site; and prohibition of specified uses as home occupations.

In considering the subject on May 28, 2002, Board members raised several issues which may merit further discussion, including the following:

- emphasizing performance criteria rather than prohibiting specific uses
- regulating adult entertainment under a different section(s) of the Code
- home schooling as a home occupation
- provisions for appeal to the BCC

Also attached for reference are examples of home occupation regulations from several cities and counties so that the Board might assess how these issues are handled in other jurisdictions.

**ZONING CLASSIFICATIONS PERMITTING  
HOME OCCUPATIONS AND HOME OFFICES**

|                | <b>Home Occupations</b> | <b>Home Offices</b> |
|----------------|-------------------------|---------------------|
| <b>A-1</b>     | <b>Y</b>                | <b>Y</b>            |
| <b>A-3</b>     | <b>Y</b>                | <b>Y</b>            |
| <b>A-5</b>     | <b>Y</b>                | <b>Y</b>            |
| <b>A-10</b>    | <b>Y</b>                | <b>Y</b>            |
| <b>RC-1</b>    | <b>Y</b>                | <b>N</b>            |
| <b>R-1</b>     | <b>Y</b>                | <b>Y</b>            |
| <b>R-1B</b>    | <b>Y</b>                | <b>Y</b>            |
| <b>R-1BB</b>   | <b>Y</b>                | <b>Y</b>            |
| <b>R-1AAAA</b> | <b>N</b>                | <b>Y</b>            |
| <b>R-1AAA</b>  | <b>N</b>                | <b>Y</b>            |
| <b>R-1AA</b>   | <b>N</b>                | <b>Y</b>            |
| <b>R-1A</b>    | <b>N</b>                | <b>Y</b>            |
| <b>R-2</b>     | <b>Y</b>                | <b>Y</b>            |
| <b>R-3</b>     | <b>N</b>                | <b>N</b>            |
| <b>R-3A</b>    | <b>N</b>                | <b>N</b>            |
| <b>R-4</b>     | <b>N</b>                | <b>N</b>            |
| <b>R-AH</b>    | <b>N</b>                | <b>Y</b>            |
| <b>RM-1</b>    | <b>N</b>                | <b>N</b>            |
| <b>RM-2</b>    | <b>N</b>                | <b>N</b>            |
| <b>RP</b>      | <b>N</b>                | <b>N</b>            |

**Y = Permitted**

**N = Not Permitted**

## EXISTING REGULATIONS

**Home occupation:** Any occupation or activity carried on by a member of the family residing on the premises, provided no article is sold or offered for sale, except such as may be produced by members of the immediate family residing on the premises, and no sign is used other than a name plate not more than one (1) square foot in area, attached to, and not projecting from, the building or no display that will indicate from the exterior that the building is being utilized in part for any purpose other than that of a dwelling. Home occupation shall include the use of premises by a physician, surgeon, dentist, lawyer, clergyman, or other professional persons for consultation or emergency treatment, but not for the general practice of his profession. Any home occupation that creates objectionable noise, fumes, odor, dust, or electrical interference shall be prohibited. Floor area utilized for home occupations shall not exceed twenty-five (25) percent of the total floor area of the dwelling structure.

**Home office:** An office used in an incidental manner at a residence located on property assigned a residential zoning classification. A home office may be used only by immediate family members actually living on a full time basis at the residence in which the office is located. Incidental use means that the home office involves the use of computers, telephones, facsimile machines, other equipment, and storage of supplies and products that is typically used in a business, but is also typical in terms of residential use. If a residence is used as a home office, signage, deliveries that are not typical for a residential use and commercial meetings with customers, clients, patients or similar persons are prohibited. An average daily trip count for any five-day period exceeding the average for a residential use, as determined by the Institute of Transportation Engineers in its most current manuals, shall result in the conclusive presumption that the home office use is not consistent with the use authorized by this Code.

## SUGGESTED CHANGES TO HOME OCCUPATION CODE

**Definition:** A business, profession, occupation, or trade conducted for gain or support and located on residential or agricultural property, which use is accessory, incidental and secondary to the use of the property for residential purposes and does not change the essential residential character or appearance of such property.

### Section : Home Occupations

- A. Purpose.** It is the purpose of this Section to provide residents of Seminole County with a wide range of opportunities in the use of their residences for profitable activities. However, the character of the County's residential areas must also be preserved. Therefore, these regulations shall ensure that such activities remain limited in scope so as not to interfere with the principal use of any residential neighborhood or development.
- B. General Regulations.** The Planning Manager shall determine whether any business qualifies as a home occupation based upon its type and operational characteristics. Home occupations may be permitted in the following zoning districts:

|  |         |      |
|--|---------|------|
| A-1  | R-1     | R-3A |
| A-3  | R-1A    | R-4  |
| A-5  | R-1AA   | RM-2 |
| A-10   | R-1AAA  | RM-2 |
| RC-1   | R-1AAAA | RP   |
| R-1BB  | R-2     | PUD* |
| R-1B   | R-3     | PCD* |
| *limited to sites designated for residential use |         |      |

All home occupations shall meet the following criteria:

- 1 The home occupation must be clearly secondary and incidental to the use of the dwelling unit as a residence. No more than 25 percent of the total floor area of the dwelling shall be used for the home occupation, to a maximum of 500 square feet. For the purposes of this Section, "total floor area" shall include all heated and ventilated areas within the dwelling. Garages, carports, outside storage areas, and porches shall be excluded. At the Planning Manager's option, a floor plan of the residence may be required, indicating the specific location(s) and extent of the business activity.
2. The exterior appearance of the dwelling unit and/or premises shall not be altered, nor the occupation within the dwelling unit conducted, in any manner that would cause the premises to differ from its residential character or from the character of the neighborhood.
3. Except as provided below, the home occupation shall be operated in the existing dwelling unit.

4. Outdoor activities permitted as a home occupation are those which by their nature cannot be conducted inside a structure, and which do not require facilities and/or equipment beyond what is normally found at a single family residence. Typically, this includes, but is not limited to, instructional activities such as swimming lessons.
5. Where the home occupation involves outdoor activities of any kind, the property must be at least one (1) acre in size, and such activities shall be conducted no less than 50 feet from any property line. In addition, the outdoor activities shall not be located in a required front yard and shall not generate excessive levels of noise.
6. The home occupation will not generate noise of an intensity or type which would not be compatible with the quiet, residential character of the neighborhood.
7. The home occupation will not generate either interior or exterior lighting which would be sufficiently bright or of such character as to annoy, disrupt, or offend residents of the neighborhood, or interfere with their enjoyment of their own property.
8. No new accessory structure shall be built, nor shall any existing accessory structure be used, for the purpose of operating the home occupation. This exclusion shall not apply to swimming pools where used for swimming lessons as permitted under this Section.
9. Signs shall not be permitted unless required by state law. No more than one (1) company vehicle related to the home business shall be parked at the premises in any location visible from off the site.
10. The operation of the home occupation shall be limited to persons residing in the dwelling.
11. No merchandise shall be distributed to customers on the premises.
12. No advertising material shall indicate the address and/or physical location of the business.
13. There shall be no outside display or storage of materials, goods, supplies, trailers, or equipment used in the home occupation on the premises.
14. Off-street parking shall be provided on the premises.
15. No home occupation shall generate vehicular traffic in excess of two (2) vehicles concurrently or 10 vehicle trips per day in addition to traffic generated by the single family use.
16. The operation of a home occupation shall not create any nuisance such as excessive traffic, on-street parking, noise, vibration, glare, odors, fumes, smoke, dust, heat, fire hazards, electrical interference or fluctuation in line voltage, or hazards to any greater extent than that normally experienced in the residential neighborhood, or be present or noticeable beyond the property boundaries of the home occupation premises. No hazardous or medical waste materials shall be generated by a home occupation.
17. Group instruction shall be limited to two (2) students at any one time on properties less than 1 acre, and four (4) on properties of 1 acre or larger.

- D. Nonconforming Home Occupations.** Any legally existing home occupation not in compliance with these regulations may continue operating as a nonconforming home occupation under the following conditions:
- a. the operator of the home occupation furnishes evidence that the business activity on the property in question existed prior to the effective date of these regulations;
  - b. the home occupation is in compliance with all regulations in effect at the time of its establishment;
  - c. the business activity has continued since the effective date of these regulations without ceasing for a period in excess of 30 days;
  - d. the home occupation has operated in a lawful manner at all times prior to adoption of these regulations;
  - e. limitation on company vehicles shall become effective immediately upon adoption of these regulations.

## OTHER CENTRAL FLORIDA JURISDICTION REGULATIONS

1. ALTAMONTE SPRINGS
2. BREVARD COUNTY
3. CASSELBERRY
4. GAINESVILLE
5. ORANGE COUNTY
6. ORLANDO
7. VOLUSIA COUNTY
8. WINTER SPRINGS

## **ALTAMONTE SPRINGS**

### **3.44.27 Home occupations.**

Home occupations are to be conducted entirely within a dwelling unit, and are subject to all of the following regulations and limitations:

- (a) No person other than members of the family residing on the premises shall be engaged in such occupation.
- 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 shall under no circumstances change the residential character thereof;
- (c) 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;
- (d) No home occupation shall be conducted in any accessory building;
- (e) 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 and life safety services division;
- (f) 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 a required front yard.
- (g) 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;
- (h) The following shall not be considered home occupations: Beauty shops, barbershops, band instrument or dance instruction, swimming instruction, studio for group instructions, public dining facility or tearoom, antique or gift shop, photographic studio, fortunetelling or similar activity, outdoor repair, food processing, retail sales, nursery school, kindergarten, or the giving of group instruction of any type.

(i) A home occupation may include the giving of individual instruction to one person at a time such as an art or piano teacher; however, individual instruction as a home occupation for those activities listed in subparagraph (h) above shall be prohibited.

(j) Fabrication of articles such as are commonly classified under the terms 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;

(k) A home occupation shall be subject to all applicable city occupational licenses and other business taxes

## **BREVARD COUNTY**

Sec. 62-1155. Zoning approval for occupational license; 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 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 nonilluminated 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. All work activities and all storage of products, equipment or materials shall be conducted entirely from inside an interior space.

Home occupations include architects, accountants, dental lab technicians, engineers, real estate brokers, real estate appraisers, interior decorators, fishing guides, home care nurses, 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. Lawn care services are permitted as home occupations provided all equipment is stored in an enclosed structure. Landscaping, 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 or a favorable written petition from all property owners within 500 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 board of county commissioners.

Each license will be reviewed and renewed annually 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 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 hearing, the planning and zoning board 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 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) 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 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.

## **CASSELBERRY**

### **PART III UNIFIED LAND DEVELOPMENT REGULATIONS\***

#### **Chapter II DISTRICT AND GENERAL REGULATIONS**

#### **ARTICLE VII. GENERAL REGULATIONS**

##### **Section 2-7.17. Home occupations.**

A. In any district where a home occupation is allowed, it shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes and shall not change the character thereof or the character of the neighborhood. When permitted, home occupations shall be conducted in accordance with the following provisions:

1. No person other than the members of the family residing on the premises shall be engaged in such occupations.
2. There shall be no display of goods visible from any street.
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 from any right-of-way.
4. No home occupation shall occupy more than 25 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 for or intended for occupancy as living quarters. No rooms which have been constructed as an addition to the residence, nor any attached garage or porch which has been converted into living quarters, shall be considered as floor area until two years after the date of completion thereof.
5. No home occupation shall be conducted in an accessory building; such occupation must be conducted in the residence of the proprietor.
6. No motorized power other than electric motors shall be used in conjunction with home occupations. The total cumulative horsepower of such motors shall not exceed three horsepower, or one horsepower for any single motor.
7. 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 a visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.
8. No occupations shall generate greater volumes of traffic than would normally be expected in a residential neighborhood.
9. A home occupation shall be subject to all applicable City occupational license and other business taxes. Each applicant shall submit to the City Clerk a sworn application on a standard form with a fee determined by resolution or ordinance of the City Commission and a recent photo of the residence showing the entire front yard and all driveways and carports, if any.
10. No home occupation shall include personal services such as massage parlor, cosmetology, barbering, or beauty shop; public dining or tea room; retail sales, fortunetelling or clairvoyance; food processing for sale; kennels; animal grooming; radio or television repair; furniture repair, refinishing or building; cabinetmaking; boatbuilding;

automobile or other vehicle servicing; rebuilding or repair shops; metal fabrication or other similar activity including uses of welding or cutting torches; child care facilities (such child care facilities must comply with 10M-12, F.A.C., as may hereafter be amended); funeral homes; medical or dental laboratories; showroom or display area; or any activity similar to any of the above listed activities. No prohibited land use shall be approved as a home occupation.

11. If any home occupation requires a license or permit from the State of Florida or any agency thereof, the applicant for a home occupation permit shall provide the Administrative Official with a current, valid copy of any such permit or license before any such occupation shall be conducted. Any such license or permit from the state or any agency thereof shall be kept active and current and a duplicate copy shall be filed with the City Administrative Official at the time of all subsequent renewals.

12. Failure to continuously comply with all provisions of this Section and all other provisions of the land development regulations applicable to conditional uses generally, and all conditions of any permit or license issued by the State of Florida or any agency thereof, shall be grounds for revocation of the home occupation permit by the Occupational License Review Board.

B. Any person desiring to conduct a home occupation in a district where such use is permitted shall first apply to the City Administrative Official for a permit. Such application shall be on a form prepared by the City, and shall include, but not be limited to, the following information:

1. Name of applicant.
2. Location of residence wherein the home occupation, if approved, will be conducted.
3. Total floor area of the first floor of the residence.
4. Area of the room or rooms to be utilized for the conduct of the home occupation.
5. A sketch showing the floor plan and the area thereof to be utilized for the conduct of the home occupation.
6. The nature of the home occupation sought to be approved.

Upon compliance with the foregoing procedure, the Community Development Director shall issue a permit for such home occupation. Any home occupation permit may be reviewed and/or revoked by the Occupational License Review Board.

## **GAINESVILLE**

### **Sec. 30-58. Home occupation permits.**

(1) A person desiring a permit for a home occupation shall make an application in the departments designated by the city manager. A person may only apply for a home occupation permit to be used at his/her primary place of residence. An initial filing fee to cover the cost of an inspection issuing a permit shall be paid at the time of submitting the application, an annual permit processing fee shall be paid for each and every year, and an additional fee shall be paid every three years to cover the cost of reinspection. All fees shall be in accordance with Appendix A. Any person exempt from the payment of a license tax under the provisions of subsection 25-50(a) shall also be exempt from the payment of the above-mentioned fees. Such application for a permit shall include the following:

- a. Name of applicant;
- b. Location of dwelling unit where the home occupation will be conducted;
- c. Total floor area of the dwelling unit;
- d. Area of room or rooms to be utilized in the conduct of the home occupation;
- e. A sketch with dimensions showing the floor plan and the area to be utilized for the conduct of the home occupation. This sketch will show the location and nature of all equipment to be utilized in the conduct of the home occupation, as well as the locations for storage of materials used in the conduct of the home occupation and the identity and nature of these materials; and
- f. The exact nature of the home occupation.

(2) If the proposed home occupation complies with all of the requirements of subsection (d) of this section, the enforcing officer shall issue the home occupation permit. Once such home occupation permit is issued to an applicant, it cannot be transferred to another person through the sale, leasing or rental of the premises on which the home occupation is located or in any other manner; except that, in the case of death, should a surviving spouse or child residing at the same address desire to continue the home occupation, written notice to that effect shall be given to the enforcing officer and the permit may be transferred. Such home occupation permit cannot be used by the applicant for any premises other than that for which it was granted.

(3) All persons possessing a home occupation permit at the effective date of this section shall be phased into the annual process upon expiration of their current permit. Any home occupation permit issued after the effective date of this section shall expire on September 30, 1989, and be renewable for October 1 through September 30 for all successive years. The city shall not automatically renew each home occupation permit

previously granted, but shall scrutinize all applications, either original or renewal, to ensure that permitted home occupations are in compliance with this section.

(4) Any person may seek revocation of a home occupation permit by making application therefor to the enforcing officer, who shall cause an investigation to be made to determine whether the permit holder is conducting such home occupation in a lawful manner as prescribed in this section. In the event that the enforcing officer determines that the permit holder is in violation of the provisions of this section, the permit shall be immediately revoked by the enforcing officer. The decision of the enforcing officer shall be subject to appeal to the board of adjustment as prescribed in section 30-354. During such an appeal, the action of the enforcing officer is stayed. If the enforcing officer determines that the public safety is at risk, appropriate regulating agencies and authorities shall be immediately notified.\

(5) The following shall be considered as grounds for the revocation of a home occupation permit:

a. Any change in use or any change in extent or nature of use, or area of the dwelling unit being used, that is different from that specified in the granted home occupation permit form, that is not first approved by the enforcing officer shall be grounds for the revocation of a home occupation permit. The operator of a home occupation must apply for a new home occupation permit prior to any such changes.

b. Any change in use, extent of use, area of the dwelling unit being used, or mechanical or electrical equipment being used that results in conditions not in accordance with the provisions of the required conditions of subsection 30-58(d) shall result in immediate revocation of the home occupation permit.

c. Failure to pay the annual permit processing fee or the reinspection fee required every three years shall result in the loss of the home occupation permit.

(6) The following conditions shall apply for home occupation permits which have been revoked:

a. Initial revocation: Reapplication may only occur when the condition(s) causing the revocation has been abated.

b. Second revocation: Reapplication may only occur after one year and when the condition(s) causing the revocation has been abated.

c. Third violation: The home occupation permit shall not be reissued.

(d) Required conditions. All permitted home occupations shall comply with the following standards and criteria:

(1) The home occupation shall be conducted only within the principal building, except for any related activities conducted off the premises.

(2) No more than one additional person other than the residents residing on the premises shall be employed or engaged in the home occupation at the premises.

(3) There shall be no alteration or change to the outside appearance, character or use of the building or premises, or other visible evidence of the conduct of such home occupation. There shall be no display of products visible in any manner from the outside of the dwelling.

(4) No home occupation shall occupy more space than 20 percent of the total floor area of a dwelling unit, exclusive of any open porch, attached garage or similar space not suited for or intended to be occupied as living quarters, provided that in no event shall such home occupation occupy more than 500 square feet. Rooms which have been constructed as additions to the dwelling unit and any attached garage or open porch which has been converted into living quarters shall not be utilized for such home occupation, nor shall they be considered as floor area, until two years after the date of completion thereof, as shown on the city's records.

(5) No commodities or goods of any kind shall be sold on the premises, nor displayed on the premises for sale elsewhere, with the following exceptions:

a. The sale and display of items produced or fabricated on the premises as part of the home occupation, such as art and handicrafts, is permitted.

b. Orders made by phone, mail or sales party may be filled on the premises.

c. If sales parties for the purpose of selling merchandise or taking orders take place at the location of the home occupation, such parties shall not take place more than four times in any one calendar year, and each party is limited to one 24-hour period.

(6) No equipment or process shall be used in such home occupation which creates noise, vibrations, heat, glare, fumes, dust, odors or electrical interference detectable to the normal senses outside the dwelling, or, in the case of attached dwelling units or multiple-family dwellings, detectable to the normal senses beyond the walls of the dwelling unit; nor shall there be any combustible materials located anywhere on the premises which are in violation of the city's fire code. In the case of electrical interference, no equipment shall be used which creates any visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.

(7) No articles or materials used in connection with such home occupation shall be stored on the premises other than in the principal building so used, and any area used for storage shall be counted toward the maximum permissible floor area used for such home occupation.

(8) No more than one automobile or truck, which shall not be larger than a stock three-quarter-ton panel or pickup truck, used in conjunction with such home occupation shall be permitted to park on the premises in question or off the premises in question and within view from surrounding properties. Such vehicle may only have two signs, not exceeding two square feet in area, each mounted flat against or painted on the sides.

## **ORANGE COUNTY**

### **Sec. 38-1. Definitions.**

Home occupation shall mean any use conducted entirely within a dwelling or accessory building and carried on by an occupant thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof; and provided, that all of the following conditions are met:

Only such commodities as are made on the premises may be sold on the premises. However, all such sales of home occupation work or products shall be conducted within a building and there shall be no outdoor display of merchandise or products, nor shall there be any display visible from the outside of the building. No person shall be engaged in any such home occupation other than two (2) members of the immediate family residing on the premises. No mechanical equipment shall be used or stored on the premises in connection with the home occupation, except such that is normally used for purely domestic or household purposes. Not over twenty-five (25) percent of the floor area of any one (1) story shall be used for home occupation purposes. Fabrication of articles such as commonly classified under the terms "arts and handicrafts" may be deemed a home occupation, subject to the other terms and conditions of this definition. Home occupations shall not be construed to include barber shops, beauty parlors, plant nurseries, tearooms, food processing, restaurants, sale of antiques, commercial kennels, real estate offices, or insurance offices.

## **ORLANDO**

**Chapter 58 ZONING DISTRICTS AND USES  
PART 5. ACCESSORY USES AND STRUCTURES  
5B. SPECIFIC ACCESSORY USES AND STRUCTURES  
5B(7). HOME OCCUPATIONS  
Sec. 58.938. Performance and Design Requirements.**

**Location.** All home occupations shall be located only within the principal building which is the bona fide residence of the principal practitioner. No home occupation shall be conducted in any accessory building or structure.

**Area.** No home occupation may occupy more than 25% of the gross habitable floor area of any one story of the dwelling unit, and in no event a total of more than 500 square feet. Where more than one home occupation is approved under this Part, all of the home occupations together shall not exceed these standards.

**Traffic and Parking.** No home occupation shall generate vehicular traffic in excess of two vehicles concurrently nor more than ten vehicles per day.

**Employees and Volunteer Workers.** No person shall be engaged in any home occupation as an employee or volunteer worker other than members of the immediate family residing in the dwelling unit.

**Merchandise Storage and Display.** No merchandise shall be displayed or sold on the premises except articles made on the premises. No outside display of merchandise or outside storage of equipment or materials shall be permitted. No required parking area, garage or other structure required by this Chapter or the City Code may be used for the home occupation, or for storage of goods or merchandise.

**External Appearance.** No alterations shall be made to the external appearance of any principal or accessory structures or of the building site which change the residential character thereof.

**Electrical or Mechanical Equipment.** The use of electrical or mechanical equipment which would change the fire rating of the dwelling unit or cause fluctuations in line voltage outside the dwelling unit shall be prohibited, and no electromagnetic interference shall be emitted which affects radio, television or other electromagnetic equipment off the building site.

**Zero-Impact Performance Standards.** No equipment or process used in the home occupation shall create noise, vibration, glare, fumes, odors or air pollution off the building site.

Property Owners Approval. Wherever the occupant undertaking a home occupation is not the owner of the premises, the property owner and/or agent must give notarized written approval for the home occupation.

Enforcement. The property owner, agent and occupant shall be jointly and individually responsible in all enforcement matters.

**Sec. 58.939. Prohibited Home Occupations.**

Notwithstanding any other provision of this Part, the following uses shall be prohibited as home occupations:

Adult Entertainment  
Antique Shops  
Auto Service & Repair  
Barber & Beauty Shops  
Bed and Breakfast Facilities  
Body Scrubs  
Child Care Centers  
Churches  
Clubs, Private  
Commercial Physical Contact Establishments  
Drive-in Facilities  
Eating and Drinking Establishments  
Escort Services  
Food Processing and Handling  
Fortune Tellers  
Funeral Homes  
Group Instruction of More Than (4) People  
Health Spas  
Hospitals and Clinics  
Hotels/Motels  
Kennels  
Massage Establishments  
Modeling of Clothes  
Plasmapheresis Facilities  
Taxi or Limousine Service  
Vehicle Sales, Rental or Repair  
Whole Blood Facilities

Also, any other similar use or activity as determined by the Zoning Official.

**Sec. 58.940. Requirements for Particular Home Occupations.**

Secondary Home Offices. No retail or wholesale transactions shall be made on the premises. No religious services shall be conducted on the premises of a home office of a minister, rabbi, priest, etc.

Sec. 58.941 Procedural Requirements.

**Occupational License Required.** All home occupations shall be required to obtain an occupational license prior to the start of such use. In addition to any other submittals required for an occupational license, the applicant shall also submit the following:

- (a) Location of dwelling unit where the home occupation will be conducted;
- (b) Total floor area of the dwelling unit;
- (c) Area of room or rooms to be utilized in the conduct of the home occupation;
- (d) A sketch with dimensions showing the floor plan and the area to be utilized for the conduct of the home occupation;
- (e) A written description of the exact nature of the home occupation; and
- (f) Notarized letter of approval for the home occupation from the property owner and/or property manager;
- (g) The Zoning Official may require a site plan indicating the location of all improvements.

**Notice to Abutting Property Owners.** Within 30 days after the issuance of the occupational license for the home occupation, the Zoning Official shall notify each owner abutting the premises for which the home occupation permit was issued.

**Expiration of Occupational License.** Any occupational license for a home occupation approved after the effective date of this Part shall expire on September 30th each year and must be renewed by October 1st of each year thereafter by application to the Director of Finance in accordance with the provisions set forth in this Section. The yearly review shall include a review of zoning compliance, but the notice to abutting property owners shall not be re-issued. The occupational license shall also expire wherever the home occupation is not initiated within 6 months from the date of issuance.

**Non-Transferability.** Authority to conduct a home occupation shall not be transferred to another person through the sale, leasing, or rental of the property on which the home occupation is located or in any other manner. Said home occupation authority cannot be used by the applicant for any premises other than that for which it was granted.

**Revocation of Approval.** Any person may seek revocation of approval for a home occupation in accordance with the code enforcement procedures in Chapter 5 of this City Code. In the event that the occupational license holder is found in violation of this Chapter, the license shall be revoked by the Director of Finance and shall not be reissued.

## **VOLUSIA COUNTY**

### **Sec. 807.00. Home occupations.**

**Class A:** Class A home occupations shall be limited to office use or arts and handicrafts only on the premises of the home occupation where there are no supplier or client business visits to the premises permitted. The only supplies and equipment accessory to the home occupation that are permitted on the premise are those common to a small business office. No stock-in-trade, or commodities shall be delivered or sold upon the premises. No business activities, other than office use by the occupants of the premise, shall take place on the premises. The home occupation shall not adversely affect nearby dwellings or properties through noise, vibrations, odors, fumes, fire hazards, light glare, electrical or radio wave interference, or the like. Class A home occupations shall be allowed as permitted uses in all forestry, resource corridor, residential, mobile home and agricultural classifications if proper application is made on forms provided by the zoning enforcement official. (Ord. No. 98-25, § XI, 12-17-98)

**Class B:** Home occupations not included in class A. Class B home occupations shall be allowed in forestry, agricultural and MH-3 classifications, when approved as a special exception. Some examples of class B home occupations are beauty shops, music lessons, art, handicraft, ceramics classes, lawn mower repair services and dog grooming. (Ord. No. 81-39, § XXXIX, 11-19-81; Ord. No. 84-1, § XLVI, 3-8-84; Ord. No. 89-20, § XXI, 6-20-89; Ord. No. 90-34, § 53, 9-27-90; Ord. No. 98-25, § XI, 12-17-98)

**807.02.** Only persons who reside in the dwelling unit shall be employed or act as an independent contractor in said dwelling unit permitted as a class A home occupation. Other employees or independent contractors of the class A home occupation may be permitted provided that said persons do not assemble upon the premises for any purpose relating to the business. (Ord. No. 84-1, § XLVII, 3-8-84; Ord. No. 89-20, § XXII, 6-20-89; Ord. No. 95-17, § III, 6-15-95; Ord. No. 98-25, § XII, 12-17-98)

For class B home occupations, the commission may allow, as a condition of the requisite special exception, one or more employees or independent contractors who are not residents of the dwelling unit. (Ord. No. 98-25, § XII, 12-17-98)

**807.03.** The home occupation shall be clearly incidental and subordinate to the residential use and shall under no circumstances change the residential character of the dwelling.

**807.04.** The floor area devoted to the home occupation shall not exceed 25 percent of the floor area of the dwelling. (Ord. No. 84-1, § XLVIII, 3-8-84; Ord. No. 98-25, § XIII, 12-17-98)

For class B home occupations, not more than 500 square feet in an attached or detached garage of a dwelling, or not more than 500 square feet in any accessory building in a

forestry or agricultural classification, may be used for a home occupation in lieu of floor space within the dwelling. (Ord. No. 98-25, § XIII, 12-17-98)

807.05. There shall be no change in the outside appearance of the premises. No on-premises signs identifying the home occupation are permitted in conjunction with a class A home occupation. (Ord. No. 89-20, § XXIII, 6-20-89; Ord. No. 98-25, § XIV, 12-17-98)

Class B home occupations may have one nonilluminated on-premises sign, not to exceed 1 1/2 square feet in area. Any sign shall be mounted flat against the wall of the building. (Ord. No. 98-25, § XIV, 12-17-98)

807.06. All office equipment used in the home occupation on the premises shall be inside the dwelling or in enclosed structures and within the space limitations in section 807.04. No products shall be displayed on the premises. (Ord. No. 89-20, § XXIV, 6-20-89; Ord. No. 98-25, § XV, 12-17-98)

807.07. No equipment shall be used in the home occupation which creates fire hazards, electrical interference, noise, vibration, glare, fumes or odors detectable to the normal senses off the premises. 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 fluctuations in line voltage off the premises. (Ord. No. 84-1, § XLIX, 3-8-84; Ord. No. 98-25, § XVI, 12-17-98)

807.08. No vehicular traffic shall be generated by the home occupation in greater volumes than would normally be generated by the dwelling unit. Notwithstanding the provisions of section 811.01, no more than two vehicles associated with the home occupation may be kept on the premises. Any need for parking generated by the conduct of the home occupation shall be met off the street and on the premises but other than in the front yard. (Ord. No. 89-20, § XXV, 6-20-89; Ord. No. 95-17, § III, 6-15-95; Ord. No. 98-25, § XVII, 12-17-98)

807.09. The home occupation shall not adversely affect the habitability or value of the surrounding properties nor alter the essentially residential character of the neighborhood.

807.10. Any violation of these regulations may result in the revocation of any home occupation permit, in addition to any other remedy for such violation provided in this ordinance or by law.

807.11. The issuance of a permit to engage in a home occupation in accordance with this ordinance shall not be deemed to be a change of zoning nor an official expression of opinion as to the proper zoning for the particular property.

807.12. Notwithstanding anything to the contrary in this ordinance, home occupations licensed prior to the effective date of this amendment may continue operating in conformance with the previous provisions of section 807 until no later than the second

renewal of the home occupational license after December 17, 1998. Thereafter, all home occupations licensed or renewed after the above described date must conform to all requirements of this ordinance relating to home occupations. (Ord. No. 98-25, § XVIII, 12-17-98)

## **WINTER SPRINGS**

### **ARTICLE I. IN GENERAL**

#### **Sec. 20-1. Definitions.**

Home occupation. Any use conducted entirely within a dwelling and carried on by an occupant thereof, which use is clearly incidental to and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof; and provided, that all of the following conditions are met: Only such commodities as are made on the premises may be sold on the premises. However, all such sales of home occupation work or products shall be conducted within the building and there shall be no outdoor display of merchandise or products, nor shall there be any indoor display visible from the outside of the building. No person shall be engaged in any such home occupation other than two (2) members of the immediate family, residing on the premises. No mechanical equipment shall be used or stored on the premises in connection with the home occupation, except such that is normally used for purely domestic or household purposes. Not over twenty (20) percent of the floor space of any one (1) story shall be used for home occupation purposes. No sign shall be used other than one (1) nonilluminated nameplate attached to the building entrance, which nameplate shall not exceed two (2) square feet in area. Each location shall be approved by the planning and zoning board. Fabrication of such articles as are commonly classified under the term "arts and handicrafts" may be deemed a home occupation, subject to the other terms and conditions of this definition. Home occupations shall not be construed to include barbershops, beauty parlors, tearooms, food processing, restaurants, sale of antiques, commercial kennels, real estate offices or insurance offices.