

## **ARTICLE VI HOME OCCUPATIONS**

### **Section 6.0 Purpose.**

The purpose of this section is to protect and maintain the character of residential neighborhoods while recognizing that particular professional and limited business activities are traditionally and inoffensively carried on in the home.

### **Section 6.1 Authorization.**

The following home occupations shall be permitted in any residential dwelling unit, including mobile homes, provided that the home occupation complies with the lot size, bulk, and parking requirements of the zoning district in which the home occupation is located:

- A. Homebound employment of a physically, mentally, or emotionally handicapped person who is unable to work away from home by reason of his disability;
- B. Office facilities provided that no retail or wholesale sales are made or transacted on the premises; and, and that no clients are attracted to the premises;
- C. Studios or laboratories;
- D. Other office or studio uses, when determined by the City Manager or designee to be consistent with the intent of this Article and that do not involve any person to person retail or wholesale sales transactions on the premises; employment of persons on the premises other than occupants of the dwelling, or any mass production assembly, processing, or fabrication operations.

### **Section 6.2 Prohibited Uses/ Activities.**

The following uses/activities are specifically prohibited from being considered to be an authorized home occupation:

- A. Automotive repair or paint shops;
- B. Barber shops and beauty shops;
- D. Dog grooming services;
- C. Food service establishments Service establishments;
- D. Funeral chapels, funeral homes;
- E. Gift shops;
- F. Massage parlors;
- G. Nursing homes;
- H. Medical or dental laboratories;
- I. Outdoor repair;
- J. Rental of any equipment or other items;

- K. Restaurants;
- L. Veterinary hospitals and clinics;
- M. Similar uses not strictly in compliance with this section and the spirit and intent of the zoning ordinance and the City of Fellsmere Comprehensive Plan.

### **Section 6.3 Use Limitations for Home Occupations.**

In addition to meeting the requirements of the zoning district in which it is located, every home occupation shall comply with the following restrictions:

- A. No person other than members of the family residing on the premises shall be engaged in the conduct or support of such occupation.
- B. No stock in trade shall be displayed or sold on the premises.
- C. Only sales incidental to the home occupation shall be permitted.
- D. The home occupation shall be conducted entirely within the principal dwelling unit, and in no event shall such use be visible from any other residential structure or a public way.
- E. The use of the dwelling unit for the home occupation shall be incidental and subordinate to its use for residential purposes, and no more than twenty-five (25%) percent of the building floor area shall be used in the conduct of the home occupation.
- F. There shall be no outdoor storage of equipment or materials used in the home occupation.
- G. No more than one (1) vehicle shall be used in the conduct of the home occupation.
- H. No mechanical, electrical, or other equipment that produces noise, electrical or magnetic interference, vibration, heat, glare, or other nuisance outside the residential structure shall be used.
- I. No home occupation shall be permitted that is noxious, offensive or hazardous by reason of vehicular traffic generation or emission of noise, vibration, smoke, dust or other particulate matter, odorous matter, heat, humidity, glare, refuse, radiation, or other objectionable emissions.
- J. No traffic shall be generated by such home occupation in greater volume 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.

### **Section 6.4 Application and Fees.**

Any person desiring to establish a home occupation, as authorized herein, shall submit an application for a home occupation permit to the City Manager or designee. The application shall be on a form provided by the City of Fellsmere and shall include all information required for a complete application. Notice by first class mail shall be given to all property owners within three hundred (300) feet of the subject premises. Failure of a property owner to receive notice shall not affect the decision to approve an application. All such applications shall also be accompanied by a fee, as established by Resolution of the City Council. Applications shall be approved, approved with conditions, or denied by the City Manager, or designee.

**Section 6.5 Appeal of City Manager Decisions.**

The City Manager decision on a home occupation application may be appealed within twenty (20) working days of the date the decision is rendered. Any appeal may be made by an applicant or affected party. Any valid appeal must be received in writing by the City Manager or designee within twenty (20) working days of the Manager's or designee's decision. The appeal shall state what aspect of the decision is being appealed and the reasons for and justification for the appeal with specific reference to the regulations and requirements of this Article. The appeal shall be heard by the City Council.