

# City of North Port Unified Land Development Code

## Sec. 53-239 - Special Circumstances

### I. Home occupations. [Amended 7-19-1999 by Ord. No. 99-13 04-58]

It is the intent of this section to allow the operation of home occupations in any residential and agricultural zoning district as an accessory use and to regulate them so that a neighborhood, under normal circumstances, will not be disturbed or inconvenienced. The following conditions shall be met and complied with: [Amended 1-30-2012 by Ord. No. 2011-32]

- (1) All home occupations shall receive a home occupation permit from the City prior to the commencement of business.
- (2) Home occupations shall be conducted only by residents of the principal dwelling unit.
- (3) No more than twenty percent (20%) of the total floor area of a dwelling unit may be devoted to such use and shall not alter the outside appearance of the dwelling unit.
  - (a) A home occupation may also be conducted from a detached accessory structure. The floor area of the principal and accessory structures may not be combined to calculate the allowable square footage of the home occupation. In no event shall the area devoted to use as a home occupation exceed twenty percent (20%) of the total floor area of the principal dwelling unit, regardless of whether the detached accessory structure, the principal dwelling unit, or both are used for the home occupation. [Added 1-30-2012 by Ord. No. 2011-32]
- (4) The principal use of the dwelling unit shall at all time during the conduct of the home occupation remain residential.
- (5) No retail sales shall be conducted on the premises, except that cottage food products, as defined in Chapter 500, Florida Statutes, as amended, may be sold on the premises. [Amended 2-10-2014 by Ord. No. 2013-38]
  - (a) Retail sales shall not include items used in repair services. All parts shall be sold in conjunction with the on-premise repair of an item and shall not be sold individually.
- (6) No signs other than the address and name of the resident.
- (7) No equipment shall be used which creates noise, vibration, glare, fumes, odors or electrical interference objections to the normal senses. No equipment or process shall be used which creates visual or audible interference in any radio or television receiver off the premises or causes fluctuations in line voltage off the premises.
- (8) No home occupation shall generate greater volumes of traffic than would otherwise be expected by normal residential uses.
- (9) No traffic is generated so as to require any additional on-site parking spaces other than those spaces normally utilized by the dwelling unit without the home occupation.
- (10) The granting of a license to conduct a home occupation shall be automatically conditioned upon continued compliance with all the requirements of this section, the right to inspect the premises and provided that all other licenses and permits granted by the City are current. Failure of the occupant to meet these requirements shall

empower the Building Director or designee to revoke the license. The Building Director or designee may also take any action necessary to revoke a certificate of competency or occupational license.

- (11) The approval of a license for a home occupation shall be subject to renewal annually and expire upon a change of ownership of the property. Each home occupation shall be subject to periodic inspections by the North Port Fire Rescue District for compliance with applicable Fire and Life Safety Codes, and the Building Department.
- (12) There shall be no outside storage of materials used in connection with the home occupation. For purposes of this section, trailers used in connection with lawn mowing operations or other similar home occupations involving trailers are exempt from this section, provided that said trailers are in compliance with other City codes and regulations.
- (13) No storage of hazardous material except liquids and fuels customarily used in connection with a home occupation, i.e. gasoline, propane, etc., shall be stored on site but may be stored on or in a motor vehicle or trailer, provided that said motor vehicle or trailer is used in connection with the home occupation. Storage of all fuels shall comply with all applicable local and State Fire and Life Safety Codes. Activities conducted and equipment or material used shall not change the fire safety or occupancy classifications of the premises.

On the following pages are definitions relevant to home occupations from Chapter 61, Definitions, of the City of North Port's Unified Land Development Code.

DWELLING — A building or portion thereof designated or used exclusively for residential occupancy.

DWELLING UNIT — A single room or unified combination of rooms, regardless of form of ownership that is designed for residential use by one (1) or more persons or single family. This definition shall include, but not be limited to, condominium units, individual apartments, and individual houses.

DWELLING UNITS, TYPES OF:

- (1) DUPLEX — A single freestanding conventional building on a single lot, designed for two (2) dwelling units under single ownership.
- (2) SINGLE-FAMILY RESIDENCE — A single, detached, freestanding, conventional building designed for one (1) dwelling unit and intended for occupancy by one (1) family. This definition also includes modular homes.
- (3) MANUFACTURED HOME — A building manufactured off site in conformance with Housing and Urban Development (HUD), the Federal Mobile Home Construction and Safety Standards (24 CFR 3280 et seq.), subsequently transported to a site complete or in sections where it is emplaced and tied down in accordance with Chapter 15C-1, F.A.C., with the distinct possibility of being relocated and assembled at a later date. For floodplain management purposes, the term "manufactured home" also includes park trailers, travel trailers and other similar vehicles placed on a site for greater than one hundred eighty (180) consecutive days. For insurance purposes, the term "manufactured home" does not include park trailers, travel trailers and other similar vehicles.
- (4) MODULAR HOME — A dwelling unit, constructed as a total entity, or in parts of a total entity, which is constructed other than on the building site and then which is moved to and erected on the building site. A modular home must be constructed to meet the standards of all City of North Port Building codes and the Florida Building Commission and which bears a Department of Community Affairs Insignia.
- (5) MULTIPLE-FAMILY BUILDING — A group of three (3) or more dwelling units within a single conventional building, attached side by side or one (1) above another, or both, and wherein each dwelling unit may be individually owned or leased but the land on which the building is located is under common or single ownership.
- (6) TOWNHOUSE — A group of three (3) or more dwelling units attached to each other by a common wall or roof wherein each unit has direct exterior access and units are completely separated from each other by a rated fire wall or a fire-and sound-resistant enclosed separation or space, and wherein each dwelling unit is on a separate lot under separate ownership.
- (7) VILLA — A single freestanding conventional residential structure on two (2) separately owned lots, designed for two (2) attached dwelling units, each under separate ownership. [Added 12-11-2001 by Ord. No. 2001-43]

RESIDENTIAL DISTRICT — A zoning district that is specified for single-family, two-family, or multi-family dwellings and their accessory uses.

RESIDENTIAL UNIT — Any structure or part thereof, which is designated exclusively for human habitation and meets all applicable government requirements for residential use on a continuous basis; i.e. having hot and cold running water and adequate facilities for heating, cooking, sleeping, and the sanitary elimination of wastes. Hotels, motels, and temporary lodging facilities are specifically excluded.

RESIDENT — An individual whose principal place of living and sleeping is in a particular location.

RETAIL SALES — Sale or rental with incidental service of commonly used goods and/or services directly to the consumer, where such goods are available for immediate purchase and removal from the premises by the purchaser. Retail sales for the purpose of this code shall not include auction houses, flea markets, pawn shops or similar establishments, or items used in conjunction with the on-premise repair of an item if the item is not sold individually.