

TOWN OF LONGBOAT KEY ZONING CODE - SECTION 158.135

HOME OCCUPATIONS

(A) 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.

(B) Home occupations shall be a permitted use in any residential dwelling unit, provided that the home occupation complies with the requirements of the zoning district in which it is located and further provided that:

(1) No person other than members of the family residing on the premises shall be engaged in such occupation.

(2) 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.

(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.

(4) No home occupation shall occupy more than 25% 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 2 years after completion thereof, as shown by the records of the Town Building Department.

(5) 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. Only one commercial vehicle with a sign on it may be openly kept on the premises or parked overnight. Any additional commercial vehicles kept or parked on the premises must be stored in an enclosed garage or otherwise stored so they are not visible from any road or adjacent property.

(6) 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.

(7) The following shall not be considered home occupations: beauty shops, barbershops, band instrument or dance instructor, swimming instructor, studio or group instruction, public dining facility or tearoom, antique or gift shop, massage parlors, photographic studio, fortunetelling or similar activity, outdoor repair, food processing, retail sales, nursery school, medical or dental laboratories or kindergarten.

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

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

(10) More than one home occupation shall be permitted in a single dwelling unit providing that the home occupation complies with the requirements of the zoning district in which it is located.

(11) No sale of any commodities or merchandize shall be made on the premises.

(C) (1) For purpose of this section, advertising for, initiating or receiving telephone calls of a commercial nature to or from any telephone located upon the property shall not be deemed a regulated home occupation unless other activity associated with a home occupation is also conducted on the property.

(2) It shall be presumed, subject to a clear showing to the contrary by a residential dweller, that for purposes of (1) above, "other activity associated with a home occupation" is also conducted on the residential property, if the residential dweller holds himself out to the public by signs, printed matter, classified section, telephone directory or city directory or otherwise as being engaged in business or offering services or property to the public at a residential location at a place properly zoned for such activity and for which an occupational license fee has been paid.

The following must be submitted along with an Occupational License application:

- 1. Full payment;**
- 2. Affidavit of compliance with Section 158.135; and**
- 3. Copy of applicable State of Florida licenses or certificates.**