



Home Business Certificate Regulations

City of Winter Park, Land Development Code

(The information provided below is only a portion of code sections that apply to this application, and does not exclude any regulations not listed.)

Section 58-86 Off-street parking and loading regulations

(4) *General provisions for off-street parking.* The off-street parking, loading and unloading requirements shall apply to all new structures or buildings or any existing buildings that may be altered or added to after the effective date of this article, except as otherwise provided in this article. The terms "existing spaces" or "existing parking facilities" used in this section shall mean all parking spaces servicing a particular building or use regardless of whether such spaces are located on the same property as the building or use or on another lot or property.

b. *Minimum distance and setbacks.*

2. *Single family, duplex, cottage dwelling, garage apartment and similar uses.* Parking spaces established to meet the minimum requirements of this section shall not be located within any required front yard for the zoning district in which the parking spaces are located. Additionally, motorized vehicles shall not be parked on the grass, lawn, landscaped or unlandscaped areas (excluding approved driveway surfaces) along any street frontage and visible from the street. Parking must be provided within an area whose surface is specifically prepared for parking and surfaced with concrete, asphalt, brick or similar approved material delineating such parking space

Sec. 58-71. General provisions.

(e) *Parking of commercial vehicles.*

(1) The regular or constant parking of commercial vehicles or vehicles used primarily for commercial purposes, or vehicles having outside lettering larger than three square feet in area per side displaying information identifying a business, product or service, including trucks (with a rated capacity over one ton), semi-trailers, truck tractors or any combination thereof or any other truck or special mobile equipment or heavy equipment, building materials and other similar materials is not permitted within the O-1 and O-2, office district or within the residential zoning districts (R-1AAA, R-1AA, R-1A, R-2, R-3, R-4 or PURD). In all other zoning districts, the parking of commercial vehicles and storage equipment and materials is only allowed where specifically permitted under the uses of that zoning district.

(2) Exceptions. The provision of this section shall not apply to:

a. Property where construction is underway, for which a current and valid building permit has been issued by the city, as to those vehicles and equipment actively engaged in such construction;

b. Those vehicles and equipment being used to perform lawful work upon the premises where the vehicle is parked, including immediate pick up or delivery service;

c. Any vehicle, with a capacity rating under 10,000 pounds, that is parked entirely inside a garage and not visible from the street or from surrounding properties;

d. Political signage on vehicles.

(f) *Buses and mobile homes.* No mobile homes, as defined in the state statutes, shall be parked within a residential district. In residential districts, buses shall be parked only in designated bus parking areas approved pursuant to the notification and procedures outlined for conditional uses.

(g) *Boats, trailers, and recreational vehicles.*

(1) Boats, trailers of any type, recreational vehicles, as defined in state statutes (including campers, travel trailers and motor homes) and similar vehicles shall not be parked or stored within any residential district including public rights-of-way, except as hereinafter specifically permitted. Under no circumstances shall any boat, trailer or recreational vehicle be slept in or otherwise used for lodging or habitation while parked or stored within a residential district.

(2) Boats and boat trailers may be parked if stored entirely within a carport, garage or enclosed structure. Recreational vehicles (including campers, travel trailers, and motor homes) and trailers (other than boat trailers) may be parked if stored entirely within a garage or other enclosed structure. As used herein, a garage or other enclosed structure shall mean a structure having at least 75 percent opaqueness.

(3) Boats, trailers and recreational vehicles having an overall length of 32 feet or less may be parked in a private driveway within a residential district for an aggregate of not more than 24 hours during any one calendar week.

(4) Boats, trailers and recreational vehicles may be parked or stored within side or rear lot areas of properties in residential districts provided no portion thereof shall be visible from the public right-of-way.

(5) The parking of boats, trailers and recreational vehicles in side and rear lot areas is permitted only if fences, walls and landscape screening including hedges, trees, etc. of heights necessary to substantially screen the view of the boat, trailer or recreational vehicle shall be constructed and planted so as to buffer adjacent residential properties.

(6) Residents may allow their guests to park a boat, trailer or recreational vehicle having a length of 32 feet or less for up to seven days in the driveway or behind the main structure of the lot on which it is parked, provided that the building official shall be notified no later than 24 hours after such vehicle is so parked. After seven days have passed, at least 30 days shall elapse before the same vehicle shall be permitted to park on the same lot for another seven days.

(ee) *Home occupations*

(1) *Generally.* Any use customarily conducted entirely within a dwelling and carried on by members of the immediate family residing on the premises, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof, is permitted as a home occupation provided that there is used no sign or display that will indicate from the exterior that the building is being utilized in part for any purpose other than that of a dwelling, there is no commodity sold upon the premises and no mechanical or electrical equipment is used except such as is permissible for purely domestic or household

purposes, and no clients, customers or guests connected with the business may visit the property. Fabrication of articles, such as are commonly classified under the terms "arts and handicrafts" may be deemed a home occupation.

(2) *Requirements for receiving a home occupational license.* All home occupations shall be required to obtain an occupational license prior to the start of such uses. The applicant must submit the following in order to obtain an occupational license:

- a. Address number and tax ID number of the property;
- b. A survey or sketch with dimension showing the floor plan and the area to be utilized for the home occupation along with the total floor area of the residence;
- c. A detailed written description of the exact nature of the home occupation;
- d. If the residence is a rental unit, a notarized letter of approval for the home occupation from the property owner or property manager is necessary; and
- e. A signed copy of the home occupation regulation form.

(3) *Prohibited home occupations.* The director of code enforcement shall make determination as to whether any business qualifies as a home occupation based upon its type and operational characteristics. The following list of uses indicates some the businesses which shall be prohibited as home occupations, but is not intended to be a complete list:

- a. Adult entertainment;
- b. Antique shops;
- c. Auto service and repair;
- d. Barber and beauty shops;
- e. Bed and breakfast facilities;
- f. Body scrubs;
- g. Child care of more than five preschoolers and/or five afterschoolers (see family day care definition);
- h. Churches;
- i. Clothes modeling or sales;
- j. Clubs, private;
- k. Escort services;
- l. Food processing and handling;
- m. Fortune tellers;
- n. Group instruction of more than two persons;
- o. Health spas;
- p. Kennels or overnight boarding of animals;
- q. Massage therapy;
- r. Retail commercial operations;
- s. Taxi or limousine service;
- t. Vehicle sales/rental.

(4) *Storage of merchandise.* No merchandise shall be displayed or sold on the premises. No outside display of merchandise or outside storage of equipment or materials shall be permitted.

(5) *Employees.* 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 unless otherwise in compliance with FS 559.995 (Appendix A). No accessory building shall be used for such home occupation. Any home occupation that creates objectionable noise, fumes, odor, dust, or electrical interference shall be prohibited.

I have read the provisions outlined within this document and understand all regulations governing home occupations – business certificate. By signing below I certify my willingness to comply with all regulations outlined in this document and all other provisions applicable from the City of Winter Park’s Land Development Code.

Applicant Signature

Date

Business Address



Home Business Certificate Regulations

APPENDIX A: Reference to FS 559.995

Requirements for receiving a home-based business certificate. All home-based businesses shall be required to obtain a business certificate prior to the start of such uses. The applicant must submit the following in order to obtain an occupational license:

- a. A survey or sketch with dimension showing the floor plan and the area to be utilized for the home-based business along with the total floor area of the residence (total area utilized for the home-based business cannot exceed 25% of the total floor area of the residence);
- b. A detailed written description of the exact nature of the business;
- c. If the residence is a rental unit, a notarized letter of approval for the home-based business from the property owner or property manager is necessary; and
- d. A signed copy of this home-based business regulation form.

Home occupations complying with FS 559.955. All home occupations operating under FS 559.955 shall be consistent with the following the following criteria, and receive prior approval from the Planning & Zoning Director before applying for a Business Certificate. Any business that fails to comply with these regulations will have their Business Certificate revoked.

- a. The employees of the business who work at the residential dwelling must also reside in the residential dwelling, except that up to a total of two employees or independent contractors who do not reside at the residential dwelling may work at the business. The business may have additional remote employees that do not work at the residential dwelling.
- b. Parking related to the business activities of the home-based business complies with local zoning requirements and the need for parking generated by the business may not be greater in volume than would normally be expected at a similar residence where no business is conducted. Local governments may regulate the use of vehicles or trailers operated or parked at the business or on a street right-of-way, provided that such regulations are not more stringent than those for a residence where no business is conducted. Vehicles and trailers used in connection with the business must be parked in legal parking spaces that are not located within the right-of-way, on or over a sidewalk, or on any unimproved surfaces at the residence. Local governments may regulate the parking or storage of heavy equipment at the business which is visible from the street or neighboring property. For purposes of this paragraph, the term "heavy equipment" means commercial, industrial, or agricultural vehicles, equipment, or machinery.

- If a business generates parking greater in volume than would normally be expected at a similar residence where no business is conducted, the Business Certificate will be revoked. This means that all parking generated from the home-based business must be parked within the driveway of the home, not on the street. The regular or constant parking of commercial vehicles or vehicles used primarily for commercial purposes, or vehicles having outside lettering larger than three square feet in area per side displaying information identifying a business, product or service, including trucks (with a rated capacity over one ton), semi-trailers, truck tractors or any combination thereof or any other truck or special mobile equipment or heavy equipment, building materials and other similar materials is not permitted within the O-1 and O-2, office district or within the residential zoning districts (R-1AAA, R-1AA, R-1A, R-2, R-3, R-4 or PURD). In all other zoning districts, the parking of commercial vehicles and storage equipment and materials is only allowed where specifically permitted under the uses of that zoning district.
- c. As viewed from the street, the use of the residential property is consistent with the uses of the residential areas that surround the property. External modifications made to a residential dwelling to accommodate a home-based business must conform to the residential character and architectural aesthetics of the neighborhood. The home-based business may not conduct retail transactions at a structure other than the residential dwelling; however, incidental business uses and activities may be conducted at the residential property.
- The business cannot utilize a sign or display that will indicate from the exterior that the building is being utilized in part for any purpose other than that of a dwelling.
- d. The activities of the home-based business are secondary to the property's use as a residential dwelling.
- e. The business activities comply with any relevant local or state regulations with respect to signage and equipment or processes that create noise, vibration, heat, smoke, dust, glare, fumes, or noxious odors. Any local regulations on a business with respect to noise, vibration, heat, smoke, dust, glare, fumes, or noxious odors may not be more stringent than those that apply to a residence where no business is conducted.

All business activities comply with any relevant local, state, and federal regulations with respect to the use, storage, or disposal of any corrosive, combustible, or other hazardous or flammable materials or liquids. Any local regulations on a business with respect to the use, storage, or disposal of any corrosive, combustible, or other hazardous or flammable materials or liquids may not be more stringent than those that apply to a residence where no business is conducted.