



Fee: \$50.00

## **HOME OCCUPATION PERMIT**

### Applicant Information:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

### Occupation Information:

Nature of Business: \_\_\_\_\_

Name of Business (if applicable): \_\_\_\_\_

Total floor area of dwelling: \_\_\_\_\_ square feet

Amount of floor area to be used for home occupation: \_\_\_\_\_ square feet

*I, the undersigned, have read the laws which permit a Home Occupation and understand said law and will abide by same:*

\_\_\_\_\_  
**Signature**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Print Name**

### **FOR OFFICE USE ONLY**

Zone: \_\_\_\_\_ Council District \_\_\_\_\_

In Old East Hill or Pensacola Historic District? \_\_\_\_\_

Date Received: \_\_\_\_\_ Case Number: **H** - \_\_\_\_\_ - \_\_\_\_\_

Parcel ID: \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_

Authorized Signature: \_\_\_\_\_

### Sec. 12-2-33. Home occupation permits.

*Permits.* A person desiring a home occupation permit shall make an application in the planning department. A person may only apply for a home occupation permit to be used at his/her primary place of residence. An initial filing fee of \$50.00 shall be paid at the time of submitting the application.

*Occupational license required.* All home occupations shall be required to obtain an occupational license concurrent with the application for a home occupation permit.

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

- (1) The home occupation may be conducted within the principal building or in an accessory building, except for any related activities conducted off the premises.
- (2) No person other than a member of the family 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, including outside storage or signs pertaining to the 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 than five hundred (500) square feet. When located within the principal building, no home occupation shall occupy more space than twenty-five (25) percent of the total floor area of the dwelling unit, provided that in no event shall such home occupation occupy more than five hundred (500) square feet.
- (5) No commodities or goods of any kind shall be sold on the premises 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. In no instance is any outside display allowed. (b) Orders made by phone, mail or sales party may be filled on the premises.
- (6) No equipment or process shall be used in such home occupation which creates prolonged noise, sound or vibration. Heat, glare, fumes, dust, odors or electrical interference detectable to the normal senses outside the dwelling, or in multiple-family dwellings, detectable to the normal senses beyond the walls of the dwelling unit shall not be permitted. Combustible materials located anywhere on the premises in quantities that are in violation of the city's fire code shall not be permitted. No equipment shall be used which creates any visual or audible interference in any radio, telephone 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 area permitted for the home occupation, and any area used for storage shall be counted toward the maximum permissible floor area used for such home occupation.

(8) No home occupation shall be permitted which involves the visitation of clients, customers, salesmen, suppliers or any other persons to the premises which would generate vehicular traffic in excess of two (2) vehicles concurrently or more than twelve (12) vehicles per day.

(9) The total number of home occupations conducted within a dwelling unit is not limited except that the cumulative impacted of all home occupations conducted within the dwelling shall not exceed the limits of one (1) home occupation as established in this subsection.

(10) There shall be no illegal discharge of any materials, fluids or gases into the sewer system or any other manner of discharging such items in violation of any applicable government code.

(11) Home occupations shall comply with all local, state or federal regulations pertinent to the activity pursued, and shall not be construed as an exemption from such regulations.

*Only in Old East Hill and Pensacola Historic Districts:* Not more than sixty (60) percent of the floor area of the total building on the lot to be used for a home occupation; Retail sales shall be allowed, limited to the uses listed in Sec. 12-2-10 (A) (3) (a) (4) the Land Development Code; Two (2) non-family members shall be allowed as employees in the home occupation; and sign for the business not to exceed three (3) square feet shall be allowed.

*Prohibited activities.* A home occupation permit shall not be issued for any of the following uses or for a home occupation that requires any of the following activities:

- (a) Activities regulated by the Federal Bureau of Alcohol, Tobacco and Firearms;
- (b) Activities that produce hazardous wastes regulated by the United States Environmental Protection Agency of the Florida Department of Environmental Protection;
- (c) Beauty/barber shops with more than two chairs;
- (d) Group instruction of more than two students at one time;
- (e) Outdoor repair shops;
- (f) Provision of transportation services such as taxi or limousine service;
- (g) Sales of food or drink to the public on the premises;
- (h) Sales of retail items other than described;
- (i) Sales, service or repair of motorized vehicles.

If the proposed home occupation complies with all of the requirements of this section, the planning department shall issue the home occupation permit. Home occupation permits are non-transferable, 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 planning department 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.

*Revocation of a home occupation permit.*

Any person may seek revocation of a home occupation permit by making application therefore to the building inspections department and an investigation will 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 building inspections department determines that the permit holder is in violation of the provisions of this section, the permit shall be immediately revoked. The decision of the building inspections department shall be subject to appeal to the board of adjustment as prescribed in section 12-12-2. During such an appeal, the action or the building inspections department is stayed. If the building inspections department determines that the public safety is at risk appropriate regulating agencies and authorities shall be immediately notified.

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

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 planning department 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:

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 shall result in immediate revocation of the home occupation permit;

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 corrected;
- (b) Second revocation: Reapplication may only occur after one year and when the condition (s) causing the revocation has been corrected;
- (c) Third revocation: The home occupation permit shall not be reissued.