



CITY OF NEWBERRY ADMINISTRATIVE APPROVAL OF HOME OCCUPATION

Applicant Information

Name (s) of Applicant/Property Owner(s): _____

Address: _____

City, State, Zip Code: _____

Telephone: _____

Name of Applicant's Agent* (if applicable): _____

Address: _____

City, State, Zip Code: _____

Telephone: _____

Request Description

A home occupation is requested in conformity with the Land Development Regulations to permit _____ on the property described below:

Location and Use of Home Occupation (Describe your home occupation/business/profession, e.g., type of business, how and where it will function in your home, hours of operation, etc.):

Address of Home where Home Occupation will be conducted: _____

Business Name for Home Occupation (if applicable): _____

Current Business Tax Receipt #: _____ or Business Tax Receipt Application attached: _____

***IMPORTANT NOTE:** Are you the title holder (property owner) at the location where you will conduct your home occupation? If not, you must provide a letter from the title holder authorizing you to act as his/her "agent" to apply for your home occupation permit.

Property Identification #: _____

Legal Description: Write in space provided below or include legal description as attachment.

(Please note if attached: _____)
yes no

Total acreage of land to be considered under this application: _____

Future Land Use Plan Map Category: _____

Zoning District: _____

HOME OCCUPATION
ADMINISTRATIVE APPROVAL
APPLICATION – PAGE 2

A previous petition for home occupation:

_____ was made with respect to these premises, Application No. _____.

_____ was not made with respect to these premises.

I hereby certify that all of the statements included in this application and the statements contained in any documents or plans submitted herewith are true and correct to the best of my knowledge and belief. I further understand and agree that upon my execution of this application, that I will conform to all City, County, State and Federal requirements before I may legally operate the home occupation (business, profession or occupation). Further, I understand and agree with the provisions stated within the attached “Notice to Applicants for Home Occupation” and that by executing this document, I agree to abide by these prerequisites for this special permit and that any violation of the home occupation requirements (as provided within the Notice to Applicants) shall void my local business tax receipt (formerly called “occupational license tax”), as well as, the home occupation permit.

***If title holder(s) is/are represented by an agent, a letter of such designation from the title holder(s) addressed to the Land Development Regulation Administrator must be attached.**

Applicant/Agent Signature

Applicant/Agent (Type or Print Name)

Date

FOR OFFICE USE ONLY

Date Filed: _____

Application No.: _____ Receipt No.: _____

[Date Business Tax Receipt Application Received: _____ Reviewed: _____]

*Authorization Letter Designating Applicant as Agent Required: _____ Received: _____
yes no date

Affidavit (Certifying Use Details) Required: _____ Received _____ Attached _____
yes no date yes no

Administrative finding: _____
Notes (Granted/Denied)

Attachments Required (List): _____

BY: _____
Signature of Land Development Regulation Administrator or Designee

NOTICE TO APPLICANTS
FOR
HOME OCCUPATION

I _____ understand and agree to the following
(Please print name here)
prerequisites for conducting a home occupation:

- (a) A home occupation permit may be granted for a term of one year, with review for possible continuation at the discretion of the Land Development Regulation Administrator. An applicant shall acquire no vested rights to continuation of any business uses within the dwelling beyond the period of time originally approved in the permit. A permit may be withdrawn or revoked by the Land Development Regulation Administrator after notice, and after opportunity for public hearing if requested by the applicant, upon a showing that any of the conditions of this section are not met, or that the home occupation does not meet, or fails to continue to meet, the criteria herein.
- (b) If the premises are sold where a home occupation has been granted, the permit shall be considered terminated by the City, and the buyer of the premises shall acquire no vested rights to the continuation of the home occupation.
- (c) All persons possessing a home occupation permit at the effective date of this section shall be phased into the annual process upon expiration of their current permit or any conditional renewals. The City shall not automatically renew each home occupation permit previously granted, but shall scrutinize all applications, either original or renewal, to ensure that permitted home occupations are in compliance with this section.
- (d) 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 previously granted home occupation permit form, that is not first approved by the Land Development Regulation Administrator shall be grounds for the revocation of a previously granted home occupation permit. The operator of a home occupation must apply for a new home occupation permit prior to any such changes.
- (e) 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 of this section or the provisions of Section 4.2.18 of these Land Development Regulations shall result in immediate revocation of the home occupation permit.

HOME OCCUPATION
ADMINISTRATIVE APPROVAL
APPLICATION – PAGE 4

(f) Failure to maintain a valid City ** Local Business Tax Receipt (formerly called Occupational License Tax) shall result in the loss of the home occupation permit.

I also understand and agree to the following requirements for a home occupation:

(a) Only two (2) additional persons other than the residents residing on the premises shall be employed or engaged in the home occupation at the premises. However, there shall be no restriction on the number of persons employed or engaged in activities related to the home occupation off the premises.

(b) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by the occupants. Under no circumstances shall the residential character of the dwelling be changed. For purposes of this section, the dwelling unit may be occupied by individuals other than those undertaking the home occupation or the home may be a second residence or vacation home for the persons conducting the home occupation. The primary condition of the City in determining the use as a home occupation is maintenance of the residential character of the structure.

(c) No change in the outside appearance of the building or premises shall be made, or other visible evidence of the conduct of such home occupation other than one sign, not exceeding two square feet in area, non-illuminated, attached to and mounted flat against the wall of the principal building.

(d) *No home occupation shall be conducted in an accessory building, nor shall any accessory building be constructed to warehouse or store materials and supplies solely for the purpose of such home occupation.*

(e) No home occupation shall occupy more than thirty (30) percent of the first floor area of the residence, exclusive of the area of any open porch, attached garage, or similar space not suited or intended for occupancy as living quarters of a dwelling. No rooms that have been constructed as an addition to the residence, nor any attached porch or garage that has been converted into living quarters, shall be considered as floor area for the purpose of this definition until two (2) years after the date of completion thereof.

(f) No more than two (2) additional parking spaces shall be provided to service the needs of the home occupation, which parking spaces shall be located off the street and in another place other than the required front yard. No traffic or parking of vehicles shall be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood.

** Note: the City's current "Business Tax Receipt" was formerly called an "occupational license" prior to Jan. 1, 2007, when the State of Florida amended Ch. 205.022, F.S. This new law changes the name of the "Occupational License Tax" to the "Local Business Tax" to clarify that this fee does not grant any kind of license but instead is a local tax. The new State law added an additional definition: the term "RECEIPT" means the document issued by the local governing authority, which bears the words "LOCAL BUSINESS TAX RECEIPT".

HOME OCCUPATION
ADMINISTRATIVE APPROVAL
APPLICATION – PAGE 5

(g) No equipment or process shall be used in a 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. Nor shall there be any combustible materials located anywhere on the premises in violation of the City fire prevention code or other fire prevention regulations. Nor shall there be any hazardous materials located anywhere on the premises in violation of the City’s Land Development Regulations. In the case of electrical interference, no equipment or process shall be used which will create visual or audible interference in any radio or television receivers off the premises, or otherwise interfere with the off-premises use and enjoyment of electric or electronic devices of any kind.

(h) No home occupation shall cause a substantial increase in the use of any one or more utilities (water, sewer, electricity, garbage, etc.) so that the combined total use for dwelling and home occupation purposes exceeds the average for residences in the neighborhood.

(i) Prohibited Home Occupations. The following uses are prohibited as home occupations: Automobile related industries including over-the-counter part sales, repairs, upholstery, or on-site detailing or washing; boardinghouse; barber, hair styling, or cosmetology; time-share condominium; cabinet making; ceramics (kiln of six cubic feet or more); health studios, gyms, dance studios, aerobic exercise studios, massage; helium balloons; limousine service; medical or dental office; mortician, hearse service; palm reading, psychic, fortune-telling, clairvoyant; private clubs; religious services or instruction; restaurant, tavern, food preparation; jeweler; retail sales from site including direct sale product distribution; towing service; furniture upholstery; veterinary services (including on-site care, grooming, or boarding); gardening, lawn, and landscape maintenance; and pest control services. Any use or structure not specifically, provisionally, or by reasonable implication permitted herein as a home occupation.

NOTE: No home occupation shall be conducted within an accessory building.

**I have read the above stated “Notice to Applicants” and hereby agree to the
aforementioned provisions as stated.**

Applicant Signature

Date

Applicant Name (Type or print legibly.)

Signature of Witness #1: _____
Printed Name: _____
Address: _____
Date: _____

Signature of Witness #2: _____
Printed Name: _____
Address: _____
Date: _____