

ORDINANCE NO. 2025-2315

AN ORDINANCE OF THE CITY OF NEW PORT RICHEY, FLORIDA, PROVIDING FOR AMENDMENT OF SECTION 12.08.00 OF CHAPTER 12 OF THE LAND DEVELOPMENT CODE, PERTAINING TO HOME OCCUPATIONS; PROVIDING FOR COMPLIANCE WITH FLORIDA STATUTE 559.955; PROVIDING HOME-BASED BUSINESSES IN ACCORDANCE WITH SAID STATUTE; PROVIDING FOR LIMITATIONS ON SUCH USES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Florida Statutes § 163.3202(1) requires each county and each municipality to adopt or amend and enforce land development regulations that are consistent with and implement their adopted comprehensive plan;

WHEREAS, on June 29th, 1989, the City Council adopted Ordinance Number 1203, which Ordinance approved the City's Comprehensive Plan;

WHEREAS, on November 19th, 1991, the City Council adopted Ordinance Number 1268, which ordinance enacted the City's Land Development Code (LDC);

WHEREAS, the Florida Legislature enacted Section 559.955, Florida Statutes, which adopted local government restrictions on home-based businesses not addressed in the current Land Development Code, and it is the intent of this ordinance to be consistent and in conformance with the aforesaid statute;

WHEREAS, the LDC must be amended to be consistent with Florida Statutes;

WHEREAS, the Development Department has prepared a staff report in accord with LDC §5.04.02 to support adoption of the ordinance and concludes the ordinance is consistent with the requirements of that section, which staff report is incorporated herein by reference;

WHEREAS, this ordinance has been reviewed by the Land Development Review Board as required by law;

WHEREAS, notice of this ordinance has been provided as required by applicable law; and

WHEREAS, the New Port Richey City Council finds it necessary to implement these regulations to promote the health, safety, and welfare of the citizens of New Port Richey.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEW PORT RICHEY, FLORIDA:

SECTION 1. Section 12.08.00, of Chapter 12, of the New Port Richey Land Development Code, pertaining to home occupations, is hereby amended, as follows (strikeout text is deleted and underlined text is added):

12.08.00 Home-based businesses ~~occupations~~.

A home-based business ~~occupation~~ shall be allowed in a residential property zoned for residential use ~~single family dwelling unit~~ subject to the following requirements in this section.:

1. Employees of the business must reside in the residential dwelling unit, except up to two additional employees or independent contractors residing elsewhere who may also work at the business. The business may have additional remote employees who do not work at the residential dwelling unit. No person other than members of the family residing on the premises shall be engaged in such occupation.
2. The use of the single family dwelling unit for activities of the home-based business ~~occupation~~ shall be secondary or clearly incidental and subordinate to the property's its use as a for residential dwelling purposes by its occupants, and shall not change the residential character of the structure.
3. As viewed from the street, the use of the residential property shall be 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. There shall be no change in the outside appearance of the structure or premises, or other visible evidence of the home occupation.
4. No home occupation shall occupy more than twenty (20) percent of the first floor area of the residence. No accessory building, freestanding or attached, shall be used for a home occupation.
45. Parking related to the business activities of the home-based business shall comply with all applicable standards of the Code of Ordinances, including Chapter 23 pertaining to traffic and motor vehicles, and the Land Development Code, including Chapter 11 pertaining to parking standards, as well as the following:
 - a. 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;
 - b. Any vehicle or trailer used in connection with the home-based business shall 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;
 - c. Notwithstanding other provisions of the Code of Ordinances, no heavy equipment, including commercial, industrial, or agricultural vehicles, equipment, or machinery, shall be parked or stored on the property which is visible from any street or neighboring property; and
 - d. Nothing contained herein shall be construed to allow the parking of any vehicle at a home-based business residence that is not allowed at any residential property without a home-based business. No traffic shall be generated by such occupation in greater volumes than would normally be expected in a residential neighborhood,

~~and parking generated by the conduct of the home occupation shall be met off the street and other than the front yard, as required pursuant to this Code.~~

56. ~~All home-based business activities shall not create noise, vibration, heat, smoke, dust, glare, fumes, or noxious odors, beyond what is allowed in the Code of Ordinances or Land Development Code for any residential property without a home-based business. No equipment, tools, or materials shall be used in such a home occupation which creates interference to neighboring properties.~~
67. ~~The home-based business shall 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. No retail sales may be permitted at such home occupations.~~
78. ~~No home-based business activities shall involve the use, storage, or disposal of any corrosive, combustible, or other hazardous or flammable materials or liquids not otherwise allowed at any residential property without a home-based business. Outdoor storage of materials shall not be permitted.~~
9. ~~The following shall not be considered home occupations:~~
- a. ~~Beauty shops, barber shops~~
 - b. ~~Bank [band] instrument or dance instructors~~
 - e. ~~Swimming lessons~~
 - d. ~~Dining or tea rooms~~
 - e. ~~Gift shops or any other retail sales activity~~
 - f. ~~Food processing~~
 - g. ~~Day care (except as a qualified family home day care center)~~
10. ~~Reserved.~~
811. ~~A home-based business occupation shall be subject to all applicable city occupations occupational licensing requirements, fees, and other business taxes.~~

SECTION 2. If any phrase or portion of this ordinance, or the particular application thereof, shall be held invalid or unconstitutional by any court, administrative agency, or other body with appropriate jurisdiction, the remaining section, subsection, sentences, clauses, or phrases and their application shall not be affected thereby.

SECTION 3. Any ordinances, or parts thereof, in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 4. It is the intention of the City Council and it is hereby ordained that the provisions of this ordinance shall be codified and made a part of the New Port Richey City Code, and that the sections of this ordinance may be renumbered to accomplish such codification, and that the word ordinance may be changed to “section” to accomplish such codification.

SECTION 5. This ordinance shall become effective immediately upon its adoption as provided by law.

The above and foregoing ordinance was read and approved on first reading at duly convened meeting of the City Council of the City of New Port Richey, Florida this _____ day of _____, 2025.

The above and foregoing ordinance was read and approved on second reading at duly convened meeting of the City Council of the City of New Port Richey, Florida this _____ day of _____, 2025.

ATTEST:

Judy Meyers, MMC, City Clerk

Alfred C. Davis, Mayor-Council Member

APPROVED AS TO FORM

By: _____
Timothy P. Driscoll, City Attorney

Approved 12-3-2025

DRAFT