



**GROWTH AND RESOURCE MANAGEMENT DEPARTMENT
PLANNING AND DEVELOPMENT SERVICES DIVISION**
123 West Indiana Avenue, DeLand, Florida 32720
(386) 736-5959

TO: Planning and Land Development Regulation Commission

DATE: September 16, 2021

SUBJECT: Ordinance 2021-34. Amending Chapter 72, Article II pertaining to Home-Based Businesses, Case O-21-138

I. BACKGROUND

On July 1, 2021, new legislation regulating home-base businesses became effective with the adoption of CS/HB 403, which created new section 559.955, Florida Statutes. The significance of this new legislation is that a majority of the regulation of home-based businesses has been preempted to the state. The new legislation permits limited local regulation in conformity with the new provisions of section 559.955. The County's regulations for Class A and Class B Home Occupations are no longer enforceable. As a replacement, it is advised that the state regulations be adopted into our code in order to secure enforcement authority for home-based businesses that do not comply with the state regulations.

A general description of the provisions included in section 559.955, F.S., is as follows:

- A home-based business is allowed to operate in a residentially zoned area, and may not be prohibited, restricted, regulated, or licensed in a manner different from other businesses within the local government's jurisdiction.
- A "home-based business" is defined as one that has employees that both work and dwell in the residence that is the site of the home-based business, but still allows up to two employees or independent contractors to work there in addition, as well as allowing additional remote employees that do not work at the physical site. The statute does not have a defined list of the types of businesses that qualify as a home based business. Instead any business that can operate in compliance with the new criteria would qualify as a home-based business.
- The home-based business must conform visually with the rest of the neighborhood, and retail transactions may only occur in the dwelling.
- Local governments may regulate vehicles and trailers parked at the business or street right-of-way, provided those rules are no more stringent than those that apply to a residence without a business.

- Local governments may regulate the parking or storage of heavy equipment (commercial, industrial, or agricultural equipment/vehicles/machinery) visible from the street or neighboring property.
- The home-based business activity must comply with local government's regulations concerning signage and equipment or processes that generate noise, heat, vibration, smoke, dust, glare, fumes, etc., provided also that such regulations may not be more stringent than those that apply to a residence where no business is conducted.
- Regulations concerning the storage of hazardous, flammable, corrosive, or combustible material may not be more stringent than those that affect a home without a business.
- The bill does not supersede HOA or COA restrictions, nor local government regulations on transient public lodging.
- The imposition and collection of local business tax are still allowed.

In response to this legislation, Ordinance 2021-34 has been drafted to incorporate the tenants of the legislation into the County Zoning Ordinance. Section 72-241 is amended to replace Home Occupation Class A with "home-based business" in applicable zoning districts and is also amended to completely remove Home Occupation Class B. Section 72-283, which currently governs "Home Occupations", will be replaced in its entirety with new "Home-based business" criteria. Adoption of this ordinance will ensure that the county maintains the ability to enforce these regulations on a local level.

II. STAFF RECOMMENDATIONS

Staff finds the attached ordinance consistent with the Volusia County comprehensive plan and recommends approval of Ordinance 2021-34.

III. ATTACHMENTS

- Ordinance 2021-34
- Section 559.955, Florida Statutes

ORDINANCE 2021-34

AN ORDINANCE OF THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, RELATED TO HOME-BASED BUSINESSES; AMENDING CHAPTER 72, SECTION 72-241 OF THE CODE OF ORDINANCES, COUNTY OF VOLUSIA BY REMOVING HOME OCCUPATION IN ALL ZONING CLASSIFICATIONS AND ALLOWING HOME-BASED BUSINESSES; AMENDING SECTION 72-283 TO PROVIDE STANDARDS FOR HOME-BASED BUSINESSES NOT INCONSISTENT WITH STATE LAW; PROVIDING FOR CONFLICTING ORDINANCES; AUTHORIZING INCLUSION IN CODE; AND PROVIDING AN EFFECTIVE DATE.

RECITALS

WHEREAS, Section 559.955, Florida Statutes (2021), Home-based businesses, largely pre-empts local government regulation of home-based businesses; and

WHEREAS, Volusia County’s existing provisions of Home Occupation as a use allowed by right or by special exception is not consistent with the provisions of Section 559.955, F.S.; and

WHEREAS, Volusia County desires to amend the zoning code to comply with Florida Statute for the regulation of Home-based businesses; and

WHEREAS, incorporation of the provisions of Section 559.955, F.S., into the Code of Ordinances of the County of Volusia (the “Code”) provides for local code enforcement for violations of the Home-based business statute; and

WHEREAS, Volusia County desires to regulate home-based business in a manner authorized by Section 559.955, including permissible regulations on employees, parking, heavy machinery, use of the premises, and external appearance;

WHEREAS, no other local law, regulation, or policy is intended to be waived or altered by the enactment of this ordinance, including existing regulations on transient public lodging establishments that are not otherwise preempted under Chapter 509, Florida Statutes;

WHEREAS, the notice and hearing procedures of section 125.66(4)(b), Florida Statutes, have been met.

BE IT ORDAINED BY THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, AS FOLLOWS:

(Words in strike-through type are deletions; words in underline type are additions.)

SECTION I: AMENDMENT - Chapter 72, Article II, Section 72-241 of the Code of Ordinances of the County of Volusia is hereby amended by deleting Home Occupations as uses allowed by right and by special exception and adding Home-based businesses as allowed by right in zoning classifications as set forth in EXHIBIT “A”, attached and incorporated herein.

EXHIBIT "A"

Sec. 72-241. - Classifications.

...

FR FORESTRY RESOURCE
CLASSIFICATION ^[5]

Purpose and intent: The purpose and intent of the FR Forestry Resource Classification is to preserve land that is suited for multiple-use resource management. It is further intended that this classification will permit limited agricultural activities. In addition, all agricultural uses should be encouraged to utilize natural resource conservation service (formerly the soil conservation service) best management techniques and other agricultural best management practices.

Permitted principal uses and structures: In the FR Forestry Resource Classification, no premises shall be used except for the following uses and their customary accessory uses and structures:

...

Hobby breeder.

~~Home occupations, class A~~ Home-based business (refer to section 72-283).

Houses of worship.

...

Permitted special exceptions. Additional regulations/requirements governing permitted special exceptions are located in sections 72-293 and 72-415 of this article.

...

Hog farms.

~~Home occupations, class B~~ (refer to section 72-293).

Kennels.

...

RC RESOURCE CORRIDOR
CLASSIFICATION ^[6]

Purpose and intent: The purpose and intent of the RC Resource Corridor Classification is to provide protected, natural corridors consisting of environmentally sensitive and ecologically significant lands which connect to other protected areas such as parks and water bodies. The corridor shall provide a contiguous hydroecological pathway, where the wetlands and uplands are integrated and conducive to the maintenance and perpetuation of the system.

Permitted principal uses and structures: In the RC Resource Corridor Classification, no premises shall be used except for the following uses and their customary accessory uses or structures:

...

Hobby breeder.

~~Home occupations, class A~~ Home-based business (refer to section 72-283).

Pasture for the grazing, boarding or raising of livestock, subject to the maximum lot coverage requirements below.

...

A-1 PRIME AGRICULTURE
CLASSIFICATION

Purpose and intent: The purpose and intent of the A-1 Prime Agriculture Classification is to preserve valuable agricultural land for intensive agricultural uses, and to protect land best suited for agricultural uses from the encroachment of incompatible land uses:

In order to ensure the long-term vitality of agricultural uses and natural resources, all agricultural uses are encouraged to utilize the natural resource conservation service (formerly the soil conservation service) best management techniques and other agricultural best management practices.

Permitted principal uses and structures: In the A-1 Prime Agriculture Classification, no premises shall be used except for the following uses and their customary accessory uses and structures:

...

Hobby breeder.

~~Home occupations, class A~~ Home-based business (refer to section 72-283).

Houses of worship.

...

Permitted special exceptions: Additional regulations/requirements governing permitted special exceptions are located in sections 72-293 and 72-415 of this article.

...

Group homes (refer to subsection 72-293(12)).

~~Home occupations, class B~~ (refer to section 72-283).

Kennels.

...

A-2 RURAL AGRICULTURE
CLASSIFICATION ^[7]

Purpose and intent: The purpose and intent of the A-2 Rural Agriculture Classification is to preserve and protect rural areas of the county that have some agricultural value, but which are also suitable for rural estate living.

In order to ensure the long term vitality of agricultural uses and natural resources, all agricultural uses are encouraged to utilize the natural resource conservation service (formerly the soil conservation service) best management techniques and other agricultural best management practices.

Permitted principal uses and structures: In the A-2 Rural Agriculture Classification, no premises shall be used except for the following uses and their customary accessory uses or structures:

...

Hobby breeder.

~~Home occupations, class A~~ Home-based business (refer to section 72-283).

Houses of worship.

...

Permitted special exceptions: Additional regulations/requirements governing permitted special exceptions are located in sections 72-293 and 72-415 of this article.

...

Hog and poultry farms.

~~Home occupations, class B~~ (refer to section 72-283).

Junkyards (refer to subsection 72-293(10)).

...

A-3 TRANSITIONAL AGRICULTURE
CLASSIFICATION ^[8]

Purpose and intent: The purpose and intent of the A-3 Transitional Agriculture Classification is to preserve and protect small farms for personal and limited agricultural production or to provide a transitional agricultural zone between more intensive agricultural use areas and residential areas. It is intended that this classification be applied to properties which are within a designated rural community, to preserve existing agricultural uses in urban areas as depicted by the comprehensive plan, or to properties so as to coincide with the existing character of an area in a manner consistent with the comprehensive plan.

In order to ensure the long-term vitality of agricultural uses and natural resources, all agricultural uses are encouraged to utilize the natural resource conservation service (formerly the soil conservation service) best management techniques and other agricultural best management practices.

Permitted principal uses and structures: In the A-3 Transitional Agriculture Classification, no premises shall be used except for the following uses and their customary accessory uses or structures:

...

Hobby breeder.

~~Home occupations, class A~~ Home-based business (refer to section 72-283).

Houses of worship.

...

Permitted special exceptions: Additional regulations/requirements governing permitted special exceptions are located in sections 72-293 and 72-415 of this article.

...

Hog farms (minimum parcel size requirement of 2.5 acres).

~~Home occupations, class B~~ (refer to section 72-283).

Kennels.

...

A-4 TRANSITIONAL AGRICULTURE CLASSIFICATION ⁽⁹⁾

Purpose and intent: The purpose and intent of the A-4 Transitional Agriculture Classification is to preserve and protect small farms for personal and limited agricultural production or to provide a transitional agricultural zone between more intensive agricultural use areas and residential areas. It is intended that this classification be applied to preserve existing agricultural uses in urban and rural areas as depicted by the comprehensive plan, or to properties so as to coincide with the existing character of an area in a manner consistent with the comprehensive plan.

In order to ensure the long-term vitality of agricultural uses and natural resources, all agricultural uses are encouraged to utilize the natural resource conservation service (formerly the soil conservation service) best management techniques and other agricultural best management practices.

Permitted principal uses and structures: In the A-4 Transitional Agriculture Classification, no premises shall be used except for the following uses and their customary accessory uses or structures:

...

Hobby breeder.

~~Home occupations, class A Home-based business (refer to section 72-283).~~

Houses of worship.

...

Permitted special exceptions: Additional regulations/requirements governing permitted special exceptions are located in sections 72-293 and 72-415 of this article.

...

Hog farms (minimum parcel size requirement of 2.5 acres).

~~Home occupations, class B (refer to section 72-283).~~

Kennels.

...

RR RURAL RESIDENTIAL CLASSIFICATION

Purpose and intent: The purpose and intent of the RR Rural Residential Classification is to provide for development, in a manner which is consistent with the comprehensive plan, in rural areas of the county.

Permitted principal uses and structures: In the RR Rural Residential Classification, no premises shall be used except for the following uses and their customary accessory uses or structures:

...

Hobby breeder.

~~Home occupations, class A Home-based business (refer to section 72-283).~~

Houses of worship.

...

Permitted special exceptions: Additional regulations/requirements governing permitted special exceptions are located in sections 72-293 and 72-415 of this article.

...

Group home (refer to subsection 72-293(12)).

~~Home occupations, class B (refer to section 72-283).~~

Kennels.

...

RA RURAL AGRICULTURAL ESTATE

CLASSIFICATION ^[10]

Purpose and intent: The purpose and intent of the RA Rural Agricultural Estate Classification is to provide for low density development, personal agricultural production consistent with the comprehensive plan, in rural areas of the county.

Permitted principal uses and structures: In the RA Rural Agricultural Estate Classification, no premises shall be used except for the following uses and their customary accessory uses or structures:

...

Hobby breeder.

~~Home occupations, class A~~ Home-based business (refer to section 72-283).

Houses of worship.

...

Permitted special exceptions: Additional regulations/requirements governing permitted special exceptions are located in sections 72-293 and 72-415 of this article.

...

Group home (refer to subsection 72-293(12)).

~~Home occupations, class B~~ (refer to section 72-283).

Kennels.

...

R-1 URBAN SINGLE-FAMILY
RESIDENTIAL CLASSIFICATION ^[12]

Purpose and intent: The purpose and intent of the R-1 Urban Single-Family Residential Classification is to provide low-density residential developments, preserving the character of existing or proposed residential neighborhoods.

Permitted principal uses and structures: In the R-1 Urban Single-Family Classification, no premises shall be used except for the following uses and their customary accessory uses or structures:

...

Fire stations.

~~Home occupations, class A~~ Home-based business (refer to section 72-283).

Houses of worship.

...

R-2 URBAN SINGLE-FAMILY
RESIDENTIAL CLASSIFICATION

Purpose and intent: The purpose and intent of the R-2 Urban Single-Family Residential Classification is to provide low-density residential developments, preserving the character of existing or proposed residential neighborhoods.

Permitted principal uses and structures: In the R-2 Urban Single-Family Residential Classification, no premises shall be used except for the following uses and their customary accessory uses or structures:

...

Fire stations.

~~Home occupations, class A~~ Home-based business (refer to section 72-283).

Houses of worship.

...

R-3 URBAN SINGLE-FAMILY
RESIDENTIAL CLASSIFICATION

Purpose and intent: The purpose and intent of the R-3 Urban Single-Family Residential Classification, is to provide medium-low-density residential developments, preserving the character of existing or proposed residential neighborhoods.

Permitted principal uses and structure: In the R-3 Urban Single-Family Residential Classification, no premises shall be used except for the following uses and their customary accessory uses or structures:

...

Fire stations.

~~Home occupations, class A~~ Home-based business (refer to section 72-283).

Houses of worship.

...

R-4 URBAN SINGLE-FAMILY
RESIDENTIAL CLASSIFICATION

Purpose and intent: The purpose and intent of the R-4 Urban Single-Family Residential Classification is to provide medium-density residential developments, preserving the character of existing or proposed residential neighborhoods.

Permitted principal uses and structures: In the R-4 Urban Single-Family Residential Classification, no premises shall be used except for the following uses and their customary accessory uses or structures:

...

Fire stations.

~~Home occupations, class A~~ Home-based business (refer to section 72-283).

Houses of worship.

...

R-5 URBAN SINGLE-FAMILY
RESIDENTIAL CLASSIFICATION

Purpose and intent: The purpose and intent of the R-5 Urban Single-Family Residential Classification, is to provide for medium-density residential development and preserve the character of existing small lot residential subdivisions.

Permitted principal uses and structures: In the R-5 Urban Single-Family Residential Classification, no premises shall be used except for the following uses and their customary accessory uses or structures:

...

Fire stations.

~~Home occupations, class A~~ Home-based business (refer to section 72-283).

Houses of worship.

...

R-6 URBAN TWO-FAMILY
RESIDENTIAL CLASSIFICATION ^[13]

Purpose and intent: The purpose and intent of the R-6 Urban Two-Family Residential Classification is to provide for a mixture of one- and two-unit dwellings where that mixture of land use exists or is proposed.

Permitted principal uses and structures: In the R-6 Urban Two-Family Residential Classification, no premises shall be used except for the following uses and their customary accessory uses or structures:

...

Fire stations.

~~Home occupations, class A~~ Home-based business (refer to section 72-283).

Houses of worship.

...

R-7 URBAN MULTIFAMILY
RESIDENTIAL CLASSIFICATION ^[14]

Purpose and intent: The purpose and intent of the R-7 Urban Multifamily Residential Classification is to provide for multifamily residential living where high-density residential developments exist or are proposed.

Permitted principal uses and structures: In the R-7 Urban Multifamily Residential Classification, no premises shall be used except for the following uses and their customary accessory uses or structures:

...

Fire stations.

~~Home occupations, class A~~ Home-based business (refer to section 72-283).

Houses of worship.

...

R-8 URBAN MULTIFAMILY RESIDENTIAL
CLASSIFICATION ^[16]

Purpose and intent: The purpose and intent of the R-8 Urban Multifamily Residential Classification is to provide for multifamily residential projects in urban areas of the county.

Permitted principal uses and structures: In the R-8 Urban Multifamily Residential Classification, no premises shall be used except for the following uses and their customary accessory uses or structures:

...

Fire stations.

~~Home occupations, class A Home-based business~~ (refer to section 72-283).

Houses of worship.

...

-9 URBAN SINGLE-FAMILY
RESIDENTIAL CLASSIFICATION ^[18]

Purpose and intent: The purpose and intent of the R-9 Urban Single-Family Residential classification, is to provide for continued medium-density single-family dwelling residential development on existing platted lots.

Permitted principal uses and structures: In the R-9 Urban Single-Family Residential Classification, no premises shall be used except for the following uses and their customary accessory uses or structures:

...

Fire stations.

~~Home occupations, class A Home-based business~~ (refer to section 72-283).

Houses of worship.

...

MH-1 MOBILE HOME PARK CLASSIFICATION

Purpose and intent: The purpose and intent of the MH-1 Mobile Home Park Classification is to provide areas primarily for the use and development of mobile home parks.

Permitted principal uses and structures: In the MH-1 Mobile Home Park Classification, no premises shall be used except for the following uses and their customary accessory uses or structures:

...

Fire stations.

~~Home occupations, class A Home-based business~~ (refer to section 72-283).

Houses of worship.

...

MH-2 MOBILE HOME PARK AND
RECREATIONAL VEHICLE PARK
CLASSIFICATION ^[20]

Purpose and intent: The purpose and intent of the MH-2 Mobile Home Park and Recreational Vehicle Park Classification is to provide areas for the use and development of combined or separate mobile home parks or recreational vehicle parks.

Permitted principal uses and structures: In the MH-2 Mobile Home Park and Recreational Vehicle Park Classification, no premises shall be used except for the following uses and their customary accessory uses or structures:

...

Fire stations.

~~Home occupations, class A~~ Home-based business (refer to section 72-283).

Houses of worship.

...

MH-3 RURAL MOBILE HOME CLASSIFICATION ⁽²¹⁾

Purpose and intent: The purpose and intent of the MH-3 Rural Mobile Home Classification is to provide areas for low-density mobile home dwellings.

In order to ensure the long-term vitality of agricultural uses and natural resources, all agricultural uses are encouraged to utilize the natural resource conservation service (formerly the soil conservation service) best management techniques and other agricultural best management practices.

Permitted principal uses and structures: In the MH-3 Rural Mobile Home Classification, no premises shall be used except for the following uses and their customary accessory uses or structures:

...

Hobby breeder.

~~Home occupations, class A~~ Home-based business (refer to section 72-283).

Houses of worship.

...

MH-4 RURAL MOBILE HOME CLASSIFICATION

Purpose and intent: The purpose and intent of the MH-4 Rural Mobile Home Classification is to provide for development, in a manner which is consistent with the comprehensive plan, in rural areas of the county and to accommodate existing areas that are predominantly a mixture of single-family and mobile home dwellings.

Permitted principal uses and structures: In the MH-4 Rural Mobile Home Classification, no premises shall be used except for the following uses and their customary accessory uses or structures:

...

Hobby breeder.

~~Home occupations, class A~~ Home-based business (refer to section 72-283).

Houses of worship.

...

Permitted special exceptions: Additional regulations/requirements governing permitted special exceptions are located in sections 72-293 and 72-415 of this article.

...

Excavations only for stormwater retention ponds for which a permit is required by this article.

~~Home occupations, class B~~ (refer to section 72-283).

Kennels.

...

MH-5 URBAN MOBILE HOME
CLASSIFICATION

Purpose and intent: The purpose and intent of the MH-5 Urban Mobile Home Subdivision Classification is to provide medium-density areas for mobile home subdivisions.

Permitted principal uses and structures: In the MH-5 Urban Mobile Home Subdivision Classification, no premises shall be used except for the following uses and their customary accessory uses or structures:

...

Fire stations.

~~Home occupations, class A~~ Home-based business (refer to section 72-283).

Houses of worship.

...

MH-6 URBAN MOBILE HOME
SUBDIVISION CLASSIFICATION ^[22]

Purpose and intent: The purpose and intent of the MH-6 Urban Mobile Home Subdivision Classification is to provide areas for mobile home subdivisions.

Permitted principal uses and structures: In the MH-6 Urban Mobile Home Subdivision Classification, no premises shall be used except for the following uses and their customary accessory uses or structures:

...

Fire stations.

~~Home occupations, class A~~ Home-based business (refer to section 72-283).

Houses of worship.

...

MH-7 MOBILE HOME PARK
CLASSIFICATION ^[23]

Purpose and intent: The purpose and intent of the MH-7 Mobile Home Park Classification is to provide areas for the use and development of mobile home parks.

Permitted principal uses and structures: In the MH-7 Mobile Home Park Classification, no premises shall be used except for the following uses and their customary accessory uses or structures:

...

Fire stations.

~~Home occupations, class A~~ Home-based business (refer to section 72-283).

Houses of worship.

...

MH-8 RURAL MOBILE HOME
ESTATE CLASSIFICATION ^[24]

Purpose and intent: The purpose and intent of the MH-8, Rural Mobile Home Estate Classification is to provide for development, consistent with the comprehensive plan, in rural areas of the county. These lands are unsuited generally for commercial agricultural production because of odd lot configurations, undeveloped but platted subdivisions, poor soil conditions, or lack of positive drainage outfall. Despite these facts there are some suitable sites for single-family dwellings and personal agricultural production.

Permitted principal uses and structures: In the MH-8 Rural Mobile Home Estate Classification, no premises shall be used except for the following uses and their customary accessory uses or structures:

...

Hobby breeder.

~~Home occupations, class A Home-based business (refer to section 72-283).~~

Houses of worship.

...

Permitted special exceptions: Additional regulations/requirements governing permitted special exceptions are located in sections 72-293 and 72-415 of this article.

...

Group home (refer to subsection 72-293(12)).

~~Home occupations, class B (refer to section 72-283).~~

Kennels.

...

B-1 GENERAL OFFICE, HOSPITAL-MEDICAL
CLASSIFICATION ⁽²⁵⁾

Purpose and intent: The purpose and intent of the B-1 General Office, Hospital-Medical Classification is to provide areas for professional and medical uses.

Permitted principal uses and structures: In the B-1 General Office, Hospital-Medical Classification, no premises shall be used except for the following uses and their customary accessory uses or structures:

...

Group homes.

~~Home occupations, class A (refer to section 72-283).~~

Hospitals.

...

B-2 NEIGHBORHOOD COMMERCIAL
CLASSIFICATION

Purpose and intent: The purpose and intent of the B-2 Neighborhood Commercial Classification is to provide a limited commercial convenience facility, servicing nearby residential neighborhoods,

planned and developed as an integral unit. No single permitted use listed hereunder shall exceed 5,000 square feet of building area. (Ord. No. 98-25, § VII, 12-17-98)

Permitted principal uses and structures: In the B-2 Neighborhood Commercial Classification, no premises shall be used except for the following uses and their customary accessory uses or structures:

...

Hardware/home improvement retail center. (Ord. No. 2004-20, § V, 12-16-04)

~~Home occupations, class A (refer to section 72-283). (Ord. No. 86-16, § X, 10-23-86)~~

Houses of worship. (Ord. No. 2004-20, § V, 12-16-04)

...

B-3 SHOPPING CENTER CLASSIFICATION

Purpose and intent: The purpose and intent of the B-3 Shopping Center Classification is to provide shopping centers where compatible business establishments will be planned, organized and grouped in a unified arrangement. Such centers should be designed of sufficient dimension to satisfy all off-street parking needs, and be located along major arterial streets, where the traffic generated can be accommodated in a manner consistent with the public health, welfare and safety.

Permitted principal uses and structures: In the B-3 Shopping Center Classification, no premises shall be used except for the following uses and their customary accessory uses or structures:

...

Health clubs or spas. (Ord. No. 2004-20, § V, 12-16-04)

~~Home occupations, class A (refer to section 72-283). (Ord. No. 86-16, § X, 10-23-86)~~

Houses of worship. (Ord. No. 2004-20, § V, 12-16-04)

...

B-4 GENERAL COMMERCIAL CLASSIFICATION

Purpose and intent: The purpose and intent of the B-4 General Commercial Classification is to encourage the development of intensive commercial areas providing a wide range of goods and services, and located adjoining at least one major collector or arterial road. The B-4 classification is intended to be applied to existing or developing strip retail areas which, because of the nature of existing development, are not appropriate for inclusion in the B-3 Shopping Center Classification.

Permitted principal uses and structures: In the B-4 General Commercial Classification, no premises shall be used except for the following uses and their customary accessory uses or structures:

...

Health clubs or spas. (Ord. No. 2004-20, § V, 12-16-04)

~~Home occupations, class A (refer to section 72-283). (Ord. No. 86-16, § X, 10-23-86)~~

Household moving center. (Ord. No. 90-34, § 33, 9-27-90)

...

B-5 HEAVY COMMERCIAL CLASSIFICATION

Purpose and intent: The purpose and intent of the B-5 Heavy Commercial Classification is to provide areas for commercial uses and structures that are not generally compatible with B-4 uses and structures.

Permitted principal uses and structures: In the B-5 Heavy Commercial Classification, no premises shall be used except for the following uses and their customary accessory uses or structures:

...

Health clubs or spas.

~~Home occupations, class A (refer to section 72-283). (Ord. No. 86-16, § X, 10-23-86)~~

Houses of worship. (Ord. No. 2004-20, § V, 12-16-04)

...

B-6 HIGHWAY INTERCHANGE COMMERCIAL CLASSIFICATION

Purpose and intent: The purpose and intent of the B-6 Highway [Interchange] Commercial Classification is to provide a specialized classification for hotels, motels and tourist-related retail facilities near major highway interchanges.

Permitted principal uses and structures: In the B-6 Highway Interchange Commercial Classification, no premises shall be used except for the following uses and their customary accessory uses or structures:

...

Government-sponsored civic centers. (Ord. No. 92-6, § XXXVIII, 6-4-92)

~~Home occupations, class A (refer to section 72-283). (Ord. No. 86-16, § X, 10-23-86)~~

Hotels/motels. (Ord. No. 84-1, § XXXIII, 3-8-84)

...

B-7 COMMERCIAL MARINA CLASSIFICATION

Purpose and intent: The purpose and intent of the B-7 Commercial Marina Classification is to provide appropriate locations for pleasure or commercial boats and other water-oriented facilities. Its application is primarily intended along the Halifax, Indian and St. Johns Rivers and other water bodies or watercourses. (Ord. No. 90-34, § 36, 9-27-90)

Permitted principal uses and structures: In the B-7 Commercial Marina Classification, no premises shall be used except for the following uses and their customary accessory uses or structures:

...

Government-sponsored civic centers. (Ord. No. 92-6, § XXXIX, 6-4-92)

~~Home occupations, class A (refer to section 72-283). (Ord. No. 86-16, § X, 10-23-86)~~

Hotels/motels (ancillary to principal water-dependent use). (Ord. No. 90-34, § 36, 9-27-90)

...

B-8 TOURIST CLASSIFICATION

Purpose and intent: The purpose and intent of the B-8 Tourist Classification is to provide areas for residential or commercial tourist and recreation related uses and accommodations. The classification is a specialized one, designed to protect and enhance the tourist economy of the county.

Permitted principal uses and structures: In the B-8 Tourist Classification, no premises shall be used except for the following uses and their customary accessory uses or structures:

...

Government-sponsored civic centers.

~~Home occupations, class A~~ Home-based business (refer to section 72-283).

Hotels/motels.

...

I-1 LIGHT INDUSTRIAL CLASSIFICATION ^[28]

Purpose and intent: The purpose and intent of the I-1 Light Industrial Classification is to provide sufficient space in appropriate locations for industrial operations engaged in the fabricating, repair or storage of manufactured goods of such a nature that objectionable byproducts of the activity (such as odors, smoke, dust, refuse, electro-magnetic interference, noise in excess of that customary to loading, unloading and handling of goods and materials) are not nuisances beyond the lot on which the facility is located.

Permitted principal uses and structures: In the I-1 Light Industrial Classification, no premises shall be used except for the following industrial uses and their customary accessory uses or structures: (Ord. No. 98-25, § VII, 12-17-98)

...

Helipads.

~~Home occupations, class A (refer to section 72-283). (Ord. No. 86-16, § X, 10-23-86)~~

Hosiery mills.

...

I-2 HEAVY INDUSTRIAL CLASSIFICATION ^[29]

Purpose and intent: The purpose and intent of the I-2 Heavy Industrial Classification is to provide for industrial operations of all types, provided they meet the minimum performance standards in this article.

Permitted principal uses and structures: In the I-2 Heavy Industrial Classification, no premises shall be used except for the following industrial uses and their customary accessory uses and structures:

...

Fire stations. (Ord. No. 92-6, § XLIII, 6-4-92)

~~Home occupations, class A (refer to section 72-283). (Ord. No. 86-16, § X, 10-23-86)~~

Helipads. (Ord. No. 98-25, § VII, 12-17-98)

...

I-3 WATERFRONT INDUSTRIAL CLASSIFICATION

Purpose and intent: The purpose and intent of the I-3 Waterfront Industrial Classification is to provide for and preserve land in appropriate locations for industrial uses which require or are particularly suited to a water location.

Permitted principal uses and structures: In the I-3 Waterfront Industrial Classification, no premises shall be used except for the following industrial uses and their customary accessory uses and structures:

...

Helipads. (Ord. No. 98-25, § VII, 12-17-98)

~~Home occupations, class A (refer to section 72-283). (Ord. No. 86-16, § X, 10-23-86)~~

Marine freight storage sheds and equipment.

...

I-4 INDUSTRIAL PARK CLASSIFICATION

Purpose and intent: The purpose and intent of the I-4 Industrial Park Classification is to provide sites for planned industrial development which are capable of being operated under high standards as to location and appearance of buildings, and to provide opportunities for employment closer to places of residence.

Permitted principal uses and structures: In the I-4 Industrial Park Classification, no premises shall be used except for the following industrial uses and their customary accessory uses or structures:

...

Helipads.

~~Home occupations, class A (refer to section 72-283). (Ord. No. 86-16, § X, 10-23-86)~~

Hosiery mills.

...

OSTEEN COMMERCIAL VILLAGE CLASSIFICATION (OCV)

Purpose and intent: The purpose of the OCV Classification is to facilitate a mixed use, neo-traditional, development pattern featuring various commercial (office, retail, etc.) and residential uses, in accordance with the Osteen Local Plan.

Permitted principal uses and structures: In the OCV Classification, no premises shall be used except for the following uses and their customary accessory uses or structures:

...

Health clubs or spas (refer to subsection 72-1311(e)).

~~Home occupations, class A~~ Home-based business (refer to section 72-283).

Hospitals.

...

OSTEEN MIXED USE VILLAGE CLASSIFICATION (OMV)

Purpose and intent: The OMV is intended to facilitate a variety of housing choices along SR 415, in accordance with the Osteen Local Plan. Housing types in the OMV can include single-family dwellings on individual lots, townhomes, or medium density, low rise multifamily formats.

Permitted principal uses and structures: In the OMV Classification, no premises shall be used except for the following uses and their customary accessory uses or structures:

...

Health clubs or spas (refer to subsection 72-1311(e)).

~~Home occupations, class A~~ Home-based business (refer to section 72-283).

Houses of worship.

...

Permitted special exceptions: Additional regulations/requirements governing permitted special exceptions are located in sections 72-293 and 72-415 of this article.

...

Funeral homes.

~~Home occupations, class B~~ (refer to section 72-283).

Hospitals.

...

OSTEEN URBAN RESIDENTIAL
CLASSIFICATION (OUR)

Purpose and intent: The OUR is primarily a residential classification that allows single-family dwellings on individual lots in accordance with the Osteen Local Plan.

Permitted principal uses and structures: In the OUR Classification, no premises shall be used except for the following uses and their customary accessory uses or structures:

...

General offices (refer to subsection 72-1311(e)).

~~Home occupations, class A~~ Home-based business (refer to section 72-283).

Houses of worship.

...

Permitted special exceptions: Additional regulations/requirements governing permitted special exceptions are located in sections 72-293 and 72-415 of this article.

...

Health clubs or spas (refer to subsection 72-1311(e)).

~~Home occupations, class B (refer to section 72-283).~~

Medical and dental clinics.

...

OSTEEN TRANSITIONAL RESIDENTIAL
CLASSIFICATION (OTR)

Purpose and intent: The OTR Classification is intended to provide a transition between more intense urban uses planned for the SR 415 Corridor and the rural and environmental characteristics of the land located in east Osteen, in accordance with the Osteen Local Plan.

Permitted principal uses and structures: In the OTR Classification, no premises shall be used except for the following uses and their customary accessory uses or structures:

...

Hobby breeder.

~~Home occupations, class A~~ Home-based business (refer to section 72-283).

Houses of worship.

...

Permitted special exceptions: Additional regulations/requirements governing permitted special exceptions are located in sections 72-293 and 72-415 of this article.

...

Equestrian/livestock event facility.

~~Home occupations, class B (refer to section 72-283).~~

Multifamily dwelling.

...

OSTEEN RURAL ESTATE CLASSIFICATION (ORE)

Purpose and intent: The ORE Classification generally allows a large lot, rural type development pattern, in accordance with the Osteen Local Plan.

Permitted principal uses and structures: In the ORE Classification, no premises shall be used except for the following uses and their customary accessory uses or structures:

...

Hobby breeder.

~~Home occupations, class A~~ Home-based business (refer to section 72-283).

Houses of worship.

...

Permitted special exceptions: Additional regulations/requirements governing permitted special exceptions are located in sections 72-293 and 72-415 of this article.

...

Group homes (refer to subsection 72-2936(12)).

~~Home occupations, class B~~ (refer to section 72-283).

Processing, packaging, storage, retail or wholesale sales of agricultural products not raised on the premises.

...

OSTEEN CLUSTER RESIDENTIAL
CLASSIFICATION (OCR)

Purpose and intent: The intent of the OCR Classification is to allow low density residential development while affording protection of environmental resources, in accordance with the Osteen Local Plan.

Permitted principal uses and structures: In the OCR Classification, no premises shall be used except for the following uses and their customary accessory uses or structures:

...

Hobby breeder.

~~Home occupations, class A~~ Home-based business (refer to section 72-283).

Houses of worship.

...

Permitted special exceptions: Additional regulations/requirements governing permitted special exceptions are located in sections 72-293 and 72-415 of this article.

...

Hog farms (minimum parcel size requirement of 2.5 acres).

~~Home occupations, class B~~ (refer to section 72-283).

Livestock feed lots (minimum parcel size requirement of five acres).

...

SOUTHWEST ACTIVITY CENTER COMMERCE CLASSIFICATION (SWC)

Purpose and intent: The intent of the SWC classification is to facilitate a mixed-use, multipurpose district where land use flexibility and design creativity are encouraged. The SWC classification is designed for moderate to higher intensity development in order to create a high-value employment center featuring corporate and general professional office space, research facilities, light manufacturing, flex office/warehouse space, retail uses, hotel uses and vertically mixed residential uses.

Permitted principal uses and structures: In the SWC classification, no premises shall be used except for the following uses and their customary accessory uses or structures:

...

High tech uses.

~~Home occupations, class A~~ Home-based business (refer to subsection 72-283).

Hospitals.

...

SOUTHWEST ACTIVITY CENTER COMMUNITY CLASSIFICATION (SWR)

Purpose and intent. The purpose of the SWR classification is to facilitate a variety of housing choices to support the Activity Center employment base. This classification is designed to provide a transition in intensity from the SWC classification to the surrounding low intensity uses outside the Southwest Activity Center. Housing types in the SWR can include single-family dwellings on individual lots, townhomes, or medium density, low rise multifamily formats. Commercial and personal service uses are also permitted at a neighborhood scale and in appropriate locations, and shall be limited to those uses that provide convenience goods and services for the residents of the surrounding area.

Permitted principal uses and structures: In the SWR classification, no premises shall be used except for the following uses and their customary accessory uses or structures:

...

General offices.

~~Home occupations, class A~~ Home-based business (refer to subsection 72-283).

Houses of worship.

...

EXHIBIT "B"

Sec. 72-283 Home-based businesses

Home-based businesses must comply with all provisions of Section 559.955, F.S., as may be amended. The provisions of Section 559.955, F.S., are incorporated into this section as if fully laid out herein, may be enforced pursuant to Chapter 2, Article VII, of the Code, and shall prevail in the event of a conflict with this section.

A home-based business must operate, in whole or in part, from a residential property and must meet the below criteria:

- (1) *Employees.* 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.
- (2) *Parking.*
 - a. Parking must comply with all requirements of the Code for a residential property.
 - b. 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.
 - c. 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.
 - d. Heavy equipment may not be parked or stored on the property unless it is completely screened from view from the street or neighboring property. For purposes of this paragraph, the term heavy equipment means commercial, industrial, or agricultural vehicles, equipment, or machinery.
- (3) *Use of Premises.*
 - a. As viewed from the street, the use of the residential property is consistent with the uses of the residential areas that surround the property.
 - b. 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.
 - c. 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.
 - d. The activities of the home-based business are secondary to the property's use as a residential dwelling.
- (4) *Compliance with other laws, rules, and regulations.*
 - a. All business activities must 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. Relevant county regulations for this paragraph are those that apply to a residence where no business is conducted.

- b. All business activities must 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. Relevant county regulations for this paragraph are those that apply to a residence where no business is conducted.
 - c. Use of the residential property for a home-based business must comply with all other applicable regulations for the zoning district.
- (5) *Exception.* This section does not supersede, amend, or modify regulations, restrictions, or prohibitions related to transient public lodging establishments such as hotel/motels, bed and breakfasts, and short term rentals, that are not otherwise preempted under Chapter 509, F.S.

DRAFT - PLDRC HEARING

West's Florida Statutes Annotated

Title XXXIII. Regulation of Trade, Commerce, Investments, and Solicitations (Chapters 494-560)

Chapter 559. Regulation of Trade, Commerce, and Investments, Generally (Refs & Annos)

Part XII. Miscellaneous Provisions

West's F.S.A. § 559.955

559.955. Home-based businesses; local government restrictions

Effective: July 1, 2021

[Currentness](#)

(1) Local governments may not enact or enforce any ordinance, regulation, or policy or take any action to license or otherwise regulate a home-based business in violation of this section.

(2) A home-based business that operates from a residential property as provided in subsection (3):

(a) May operate in an area zoned for residential use.

(b) May not be prohibited, restricted, regulated, or licensed in a manner that is different from other businesses in a local government's jurisdiction, except as otherwise provided in this section.

(c) Is only subject to applicable business taxes under chapter 205 in the county and municipality in which the home-based business is located.

(3) For purposes of this section, a business is considered a home-based business if it operates, in whole or in part, from a residential property and meets the following criteria:

(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

559.955. Home-based businesses; local government restrictions, FL ST § 559.955

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.

(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.

(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.

(f) 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.

(4) Any adversely affected current or prospective home-based business owner may challenge any local government action in violation of this section. The prevailing party in a challenge may recover reasonable attorney fees and costs incurred in challenging or defending the action, including reasonable appellate attorney fees and costs.

(5) The application of this section does not supersede:

(a) Any current or future declaration or declaration of condominium adopted pursuant to chapter 718, cooperative document adopted pursuant to chapter 719, or declaration or declaration of covenant adopted pursuant to chapter 720.

(b) Local laws, ordinances, or regulations related to transient public lodging establishments, as defined in s. 509.013(4)(a) 1., that are not otherwise preempted under chapter 509.

559.955. Home-based businesses; local government restrictions, FL ST § 559.955

Credits

Added by [Laws 2021, c. 2021-202, § 1, eff. July 1, 2021](#).

West's F. S. A. § 559.955, FL ST § 559.955

Current with laws of the 2021 First Regular Session of the Twenty-Seventh Legislature in effect through July 1, 2021.

End of Document

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