



MEMORANDUM
MONROE COUNTY PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT
We strive to be caring, professional and fair

To: Monroe County Development Review Committee and

From: Emily Schemper, AICP, CFM, Senior Director of Planning & Environmental Resources

Date: March 24, 2023

Subject: AN ORDINANCE BY MONROE COUNTY BOARD OF COUNTY COMMISSIONERS ADOPTING AMENDMENTS TO MONROE COUNTY LAND DEVELOPMENT CODE SECTION 134-2 AMENDING THE HOME OCCUPATION SPECIAL USE PERMIT REQUIREMENTS TO BE CONSISTENT WITH CHAPTER 2021-202, LAWS OF FLORIDA, SECTIONS 102-54-58, TO CLARIFY THE CONTINUING PURPOSE, REGISTRATION, AND REQUIREMENTS OF NONCONFORMING USES/STRUCTURES, SECTIONS 101-1-4, TO CLARIFY CONTINUING DEFINITIONS, RULES OF CONSTRUCTION, PURPOSE, AND APPLICABILITY, CHAPTER 114, ARTICLES I-VII., TO CLARIFY THE CONTINUING APPLICATION OF DEVELOPMENT STANDARDS TO DEVELOPMENT, SECTIONS 118-2(d)-(e), 118-4, 118-7, 118-9-10, 118-12-13, TO CLARIFY THE CONTINUING APPLICATION OF ENVIRONMENTAL PROTECTION REGULATIONS TO DEVELOPMENT, SECTIONS 130-1-2, 130-74, 130-156, 130-165, TO CLARIFY THE CONTINUING APPLICATION OF LAND USE DISTRICT REQUIREMENTS TO DEVELOPMENT, SECTIONS 131-1, 131-3, TO CLARIFY THE CONTINUING APPLICATION OF BULK REGULATIONS TO DEVELOPMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY AND THE SECRETARY OF STATE; PROVIDING FOR AMENDMENT TO AND INCORPORATION IN THE MONROE COUNTY LAND DEVELOPMENT CODE; PROVIDING FOR AN EFFECTIVE DATE. (FILE 2021-115)

Meeting: March 28, 2023

I. REQUEST

The Monroe County Planning & Environmental Resources Department is proposing an amendment to the Monroe County Land Development Code Section 134-2 amending the Home Occupation Special Use Permit requirements to be consistent with Chapter 2021-202, Laws of Florida.

The amendment also includes changes to sections 102-54-58, to clarify the continuing purpose, registration, and requirements of nonconforming uses/structures, sections 101-1-4, to clarify continuing definitions, rules of construction, purpose, and applicability, chapter 114, articles i-vii., to clarify the continuing application of development standards to development, sections 118-2(d)-(e),

118-4, 118-7, 118-9-10, 118-12-13, to clarify the continuing application of environmental protection regulations to development, sections 130-1-2, 130-74, 130-156, 130-165, to clarify the continuing application of land use district requirements to development, sections 131-1, 131-3, to clarify the continuing application of bulk regulations to development.

II. BACKGROUND INFORMATION

The Florida Legislature adopted House Bill 403 (Ch. 2021-202, Laws of Florida), creating Section 559.955, F.S; prohibiting local governments from taking certain actions relating to the licensure and regulation of home-based businesses; specifying conditions under which a business is considered a home-based business; defining the term “heavy equipment”; authorizing home-based businesses to operate in areas zoned for residential use; specifying that home-based businesses are subject to certain business taxes; providing that certain existing and future residential association declarations and documents are not superseded by the act; providing that certain local laws, ordinances, or regulations are not superseded. This law was approved by the Governor June 29, 2021 and became effective on July 1, 2021. The Planning and Environmental Resources Department recommends amending Section 134-2 to incorporate the changes made in state law and clarify existing language.

The Legislative bill analyses provides:

The bill provides that 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 a manner that is different from other businesses in a local government's jurisdiction. In order to be considered a home-based business, the bill requires that the:

- Business operates, in whole or in part, from a residential property;
- Employees of the business must reside in the residence, except for up to two employees or independent contractors who work at the residence and any number of remote employees;
- Parking related to business complies with local zoning requirements and may not be greater than would be expected at a residence where no business is conducted;
- Use and external modifications of the residential property are consistent with the uses, residential character, and architectural aesthetics of the neighborhood;
- Business complies with local regulations for signage, noise, vibration, heat, smoke, dust, glare, fumes, noxious odors, hazardous or flammable materials, vehicles, and trailers, provided that such regulations are not more stringent than those for a residence where no business is conducted;
- Business may not conduct retail transactions at a structure other than the residential dwelling, except incidental and short term business activities may be conducted at the residential property; and
- Activities of the home-based business are secondary to the use as a residential dwelling.

The bill provides that home-based businesses will only be subject to applicable business taxes in the county and municipality where the home-based business is located.

Local governments have the authority to designate permitted land uses, such as commercial, residential, agricultural and industrial. Local governments have historically persevered the right for individuals to use residential dwellings to conduct business for certain activities deemed home occupations or home-based businesses. Such provisions have been incorporated in residential land use ordinances and are considered an accessory use to a residential property.⁵² The overarching premise of such provisions is that residents may use a dwelling for business activities secondary to residential uses that do not change the residential character of the property. There is no enumerated right to or precise definition of a home-based business in Florida law.

Current home occupation ordinances vary on the types of businesses allowed, the activities authorized, and the permitting, licensing, fees and taxes imposed. Common home occupation regulation areas include residential character requirements, licensing/permitting/certification, permitted home occupations, prohibited home occupations, signage, employees, traffic and parking, storage and sale of merchandise, and floor area used for the home occupation.

Another common component of local home-based business ordinances is the method of enforcing the restrictions. Typically, local government code enforcement divisions are tasked with the enforcement of such ordinances. Other community residents may report violations to a code enforcement officer, who usually provides the violator with a warning about the behavior. If the restricted behavior continues, local governments have the authority to issue a civil infraction or penalty that the violator may contest in court.⁶³ Ch. 162, the Local Government Code Enforcement Boards Act, provides procedures and maximum fine amounts for citations. Refusal to sign and accept a citation could result in a local government issuing misdemeanor fines as described in s. 775.083, F.S.⁶⁴

Effect of the Bill

The bill provides that 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 that does not meet the requirements of newly created s. 559.955, F.S.
- Prohibit, restrict, regulate or license home-based businesses in a manner that is different from other businesses in a local government's jurisdiction, except as provided in s. 559.955, F.S.

Home-based businesses may operate in an area zoned for residential use and are only subject to applicable business taxes in the county and municipality where the home-based business is located.

Community Meeting and Public Participation

In accordance with LDC Section 102-159(b)(3), a Community Meeting was held on February 7, 2023 via Communications Media Technology (CMT) to provide for public input.

Development Review Committee and Public Input

The Development Review Committee considered the proposed amendment at a regular meeting on March 18, 2023, and received public input.

Planning Commission and Public Input

The Planning Commission considered the proposed amendment at a regular meeting on _____, provided for public input and recommended _____.

III. PROPOSED LAND DEVELOPMENT CODE TEXT AMENDMENTS

The proposed text amendment is attached as Exhibit 1.

IV. CONSISTENCY WITH THE MONROE COUNTY LAND DEVELOPMENT CODE

The proposed amendment is consistent with one or more of the required provisions of LDC Section 102-158(d)(7)(b):

1. Changed projections (e.g., regarding public service needs) from those on which the text or boundary was based;
N/A
2. Changed assumptions (e.g., regarding demographic trends);
N/A
3. Data errors, including errors in mapping, vegetative types and natural features described in volume 1 of the plan;
N/A
4. New issues;

Florida Legislature adopted House Bill 403 (Ch. 2021-202, Laws of Florida), creating Section 559.955, F.S; prohibiting local governments from taking certain actions relating to the licensure and regulation of home-based businesses; specifying conditions under which a business is considered a home-based business; and authorizing home-based businesses to operate in areas zoned for residential use. This law was approved by the Governor June 29, 2021 and became effective on July 1, 2021.

5. Recognition of a need for additional detail or comprehensiveness; or
N/A
6. Data updates;
N/A

In no event shall an amendment be approved which will result in an adverse community change to the planning area in which the proposed development is located or to any area in accordance with a livable communities master plan pursuant to findings of the board of county commissioners.

The proposed text amendment is not anticipated to result in an adverse community change.

V. CONSISTENCY WITH THE MONROE COUNTY COMPREHENSIVE PLAN, THE PRINCIPLES FOR GUIDING DEVELOPMENT, AND FLORIDA STATUTES.

A. The proposed amendment is consistent with the Goals, Objectives and Policies of the Monroe County 2030 Comprehensive Plan. Specifically, it furthers:

GOAL 101: Monroe County shall manage future growth to enhance the quality of life, ensure the safety of County residents and visitors, and protect valuable natural resources.

B. The amendment is consistent with the Principles for Guiding Development for the Florida Keys Area, Section 380.0552(7), Florida Statutes.

For the purposes of reviewing consistency of the adopted plan or any amendments to that plan with the principles for guiding development and any amendments to the principles, the principles shall be construed as a whole and no specific provision shall be construed or applied in isolation from the other provisions.

- (a) Strengthening local government capabilities for managing land use and development so that local government is able to achieve these objectives without continuing the area of critical state concern designation.
- (b) Protecting shoreline and benthic resources, including mangroves, coral reef formations, seagrass beds, wetlands, fish and wildlife, and their habitat.
- (c) Protecting upland resources, tropical biological communities, freshwater wetlands, native tropical vegetation (for example, hardwood hammocks and pinelands), dune ridges and beaches, wildlife, and their habitat.
- (d) Ensuring the maximum well-being of the Florida Keys and its citizens through sound economic development.
- (e) Limiting the adverse impacts of development on the quality of water throughout the Florida Keys.
- (f) Enhancing natural scenic resources, promoting the aesthetic benefits of the natural environment, and ensuring that development is compatible with the unique historic character of the Florida Keys.
- (g) Protecting the historical heritage of the Florida Keys.
- (h) Protecting the value, efficiency, cost-effectiveness, and amortized life of existing and proposed major public investments, including:
 - 1. The Florida Keys Aqueduct and water supply facilities;
 - 2. Sewage collection, treatment, and disposal facilities;
 - 3. Solid waste treatment, collection, and disposal facilities;
 - 4. Key West Naval Air Station and other military facilities;
 - 5. Transportation facilities;
 - 6. Federal parks, wildlife refuges, and marine sanctuaries;
 - 7. State parks, recreation facilities, aquatic preserves, and other publicly owned properties;
 - 8. City electric service and the Florida Keys Electric Co-op; and
 - 9. Other utilities, as appropriate.
- (i) Protecting and improving water quality by providing for the construction, operation, maintenance, and replacement of stormwater management facilities; central sewage collection; treatment and disposal facilities; and the installation and proper operation and maintenance of onsite sewage treatment and disposal systems.
- (j) Ensuring the improvement of nearshore water quality by requiring the construction and operation of wastewater management facilities that meet the requirements of ss. 381.0065(4)(l) and 403.086(10), as applicable, and by directing growth to areas served by central wastewater treatment facilities through permit allocation systems.
- (k) Limiting the adverse impacts of public investments on the environmental resources of the Florida Keys.
- (l) Making available adequate affordable housing for all sectors of the population of the Florida Keys.
- (m) Providing adequate alternatives for the protection of public safety and welfare in the event of a natural or manmade disaster and for a postdisaster reconstruction plan.
- (n) Protecting the public health, safety, and welfare of the citizens of the Florida Keys and maintaining the Florida Keys as a unique Florida resource.

Pursuant to Section 380.0552(7) Florida Statutes, the proposed amendment is not inconsistent with the Principles for Guiding Development as a whole and is not inconsistent with any Principle.

C. The proposed amendment is consistent with the Part II of Chapter 163, Florida Statute (F.S.). Specifically, the amendment furthers:

163.3161(4), F.S. – It is the intent of this act that local governments have the ability to preserve and enhance present advantages; encourage the most appropriate use of land, water, and resources, consistent with the public interest; overcome present handicaps; and deal effectively with future problems that may result from the use and development of land within their jurisdictions. Through the process of comprehensive planning, it is intended that units of local government can preserve, promote, protect, and improve the public health, safety, comfort, good order, appearance, convenience, law enforcement and fire prevention, and general welfare; facilitate the adequate and efficient provision of transportation, water, sewerage, schools, parks, recreational facilities, housing, and other requirements and services; and conserve, develop, utilize, and protect natural resources within their jurisdictions.

163.3161(6), F.S. – It is the intent of this act that adopted comprehensive plans shall have the legal status set out in this act and that no public or private development shall be permitted except in conformity with comprehensive plans, or elements or portions thereof, prepared and adopted in conformity with this act.

163.3177(1), F.S. – The comprehensive plan shall provide the principles, guidelines, standards, and strategies for the orderly and balanced future economic, social, physical, environmental, and fiscal development of the area that reflects community commitments to implement the plan and its elements. These principles and strategies shall guide future decisions in a consistent manner and shall contain programs and activities to ensure comprehensive plans are implemented. The sections of the comprehensive plan containing the principles and strategies, generally provided as goals, objectives, and policies, shall describe how the local government’s programs, activities, and land development regulations will be initiated, modified, or continued to implement the comprehensive plan in a consistent manner. It is not the intent of this part to require the inclusion of implementing regulations in the comprehensive plan but rather to require identification of those programs, activities, and land development regulations that will be part of the strategy for implementing the comprehensive plan and the principles that describe how the programs, activities, and land development regulations will be carried out. The plan shall establish meaningful and predictable standards for the use and development of land and provide meaningful guidelines for the content of more detailed land development and use regulations.

163.3194(1)(b), F.S. – All land development regulations enacted or amended shall be consistent with the adopted comprehensive plan, or element or portion thereof, and any land development regulations existing at the time of adoption which are not consistent with the adopted comprehensive plan, or element or portion thereof, shall be amended so as to be consistent. If a local government allows an existing land development regulation which is inconsistent with the most recently adopted comprehensive plan, or element or portion thereof, to remain in effect, the local government shall adopt a schedule for bringing the land development regulation into conformity with the provisions of the most recently adopted comprehensive plan, or element or portion thereof. During the interim period when the provisions of the most recently adopted comprehensive plan, or element or portion thereof, and the land development regulations are inconsistent, the provisions of the most recently adopted comprehensive plan, or element or portion thereof, shall govern any action taken in regard to an application for a development order.

(2) After a comprehensive plan for the area, or element or portion thereof, is adopted by the governing body, no land development regulation, land development code, or amendment thereto shall be adopted by the governing body until such regulation, code, or amendment has been referred either

to the local planning agency or to a separate land development regulation commission created pursuant to local ordinance, or to both, for review and recommendation as to the relationship of such proposal to the adopted comprehensive plan, or element or portion thereof. Said recommendation shall be made within a reasonable time, but no later than within 2 months after the time of reference. If a recommendation is not made within the time provided, then the governing body may act on the adoption.

(3)(a) A development order or land development regulation shall be consistent with the comprehensive plan if the land uses, densities or intensities, and other aspects of development permitted by such order or regulation are compatible with and further the objectives, policies, land uses, and densities or intensities in the comprehensive plan and if it meets all other criteria enumerated by the local government.

163.3201, F.S. – Relationship of comprehensive plan to exercise of land development regulatory authority.—It is the intent of this act that adopted comprehensive plans or elements thereof shall be implemented, in part, by the adoption and enforcement of appropriate local regulations on the development of lands and waters within an area. It is the intent of this act that the adoption and enforcement by a governing body of regulations for the development of land or the adoption and enforcement by a governing body of a land development code for an area shall be based on, be related to, and be a means of implementation for an adopted comprehensive plan as required by this act.

VI. PROCESS

Land Development Code Amendments may be proposed by the Board of County Commissioners, the Planning Commission, the Director of Planning, private application, or the owner or other person having a contractual interest in property to be affected by a proposed amendment. The Director of Planning shall review and process applications as they are received and pass them onto the Development Review Committee and the Planning Commission.

The Planning Commission shall hold at least one public hearing. The Planning Commission shall review the application, the reports and recommendations of the Department of Planning & Environmental Resources and the Development Review Committee and the testimony given at the public hearing. The Planning Commission shall submit its recommendations and findings to the Board of County Commissioners (BOCC). The BOCC holds a public hearing to consider the adoption of the proposed amendment, and considers the staff report, staff recommendation, Planning Commission recommendation and the testimony given at the public hearing. The BOCC may adopt the proposed amendment based on one or more of the factors established in LDC Section 102-158(d)(7).

VII. STAFF RECOMMENDATION

Staff recommends approval of the proposed amendment.

VIII. EXHIBITS

1. Proposed amendment
2. Chapter 2021-202, Laws of Florida

1 File 2021-115 – Exhibit 1 to staff report

2
3 **PROPOSED LAND DEVELOPMENT CODE TEXT AMENDMENTS**

4 proposed Amendment (deletions are in ~~strike-through~~; additions are shown in underline).

5
6
7 **Sec. 101-1. Definitions.**

8
9 *Abandoned* means the voluntary discontinuation of a land use. When a property's land use ~~the~~
10 ~~use of a property~~ has ceased and the property has been vacant for 18 months, abandonment of of
11 said use ~~of use~~ will be presumed unless the owner can show that a diligent effort has been made
12 to sell, rent, or engage the property in a relevant use ~~the property for a~~ legally permissible land
13 use. This excludes temporary or short-term interruptions to a land use ~~or activity~~ during periods
14 of remodeling, maintaining, or otherwise improving or rearranging a facility, or during normal
15 periods of vacation or seasonal closure.

16 *Agricultural land use* means an agriculture land use, ~~agriculture, horticulture, floriculture,~~
17 ~~viticulture, mariculture/aquaculture, forestry, groves, nurseries, dairy, livestock, poultry, and any~~
18 ~~and all forms of farm products and farm production.~~

19 *Building* means a structure that is located on land or water engaged in a land use, intended to be
20 engaged in a land use, or intended for supporting or sheltering any land use or occupancy ~~and~~
21 ~~which can be used for housing, business, commercial, agricultural, storage or office purposes,~~
22 either temporarily or permanently. ~~Buildings are used or intended for supporting or sheltering~~
23 ~~any use or occupancy.~~

24 *Building permit* means a development permit lawfully issued pursuant to this Land Development
25 Code, the Monroe County Comprehensive Plan, Chapter 6 of the Code of Ordinances and/or the
26 Florida Building Code.

27 *Clearing* means landclearing. ~~the clearing of land, including clearing or removal of vegetation,~~
28 ~~and including any significant disturbances of vegetation or substrate (soil) manipulation.~~
29 ~~Clearing is defined as a development activity.~~

30 *Construction* means the act of constructing a structure or building on real property by combining
31 or arranging one or more structural or building systems, components, parts, elements,
32 assemblies, or sub-assemblies.

33 *Developed area* means an area where development has occurred. This includes, but is not limited
34 to, significant site improvements, such as utility installations, paving, and/or the construction of
35 one or more structures, ~~have occurred.~~

36 *Development* means the making of any material change in the appearance of any land including
37 but not limited to landclearing and/or the clearing of land as an adjunct of construction, the
38 making of any material change in the use of any land, construction, the carrying out of any
39 building activity, the making of any material change in the appearance of any structure, the
40 making of any material change in the use of any structure, the carrying out of any mining

1 ~~operation, carrying out of any building activity, the making of any material change in the use or~~
2 ~~appearance of any structure on land or water, or the subdividing of land into two or more parcels.~~

3
4 (1) Except as provided in subsection (3) of this definition, for the purposes of this chapter, the
5 following ~~activities or uses~~ shall be taken to involve “development”:

6
7 a. Landclearing.

8
9 b. Clearing of land as an adjunct of construction.

10
11 c. Construction.

12
13 ~~a. d.~~ A reconstruction, alteration of the size, or material change in the external appearance of a
14 structure on land or water;

15
16 ~~b. e.~~ A change in the intensity of use of land, such as an increase in the number of dwelling units
17 in a structure or on land or a material increase in the number of businesses, manufacturing
18 establishments, offices or dwelling units in a structure or on land;

19
20 ~~e. f.~~ Alteration of a shore or bank of a seacoast, lake, pond or canal, including any work or
21 activity which is likely to have a material physical effect on existing coastal conditions or natural
22 shore and inlet processes;

23
24 ~~d. g.~~ Commencement of drilling (except to obtain soil samples), mining or excavation on a parcel
25 of land;

26
27 ~~e. h.~~ Demolition of a structure;

28
29 ~~f. Clearing of land, including clearing or removal of vegetation and, including significant~~
30 ~~disturbance of vegetation or substrate (soil) manipulation, including the trimming of mangroves~~
31 ~~to the extent allowed by law; and~~

32
33 ~~g. i.~~ Deposit of refuse, solid or liquid waste, or fill on a parcel of land.

34
35 (2) “Development,” includes all other development customarily associated with it unless
36 otherwise specified. The term “development” includes all other activity customarily associated
37 with it. When appropriate to the context, “development” refers to the act of developing or to the
38 result of development. Reference to any specific act, activity, land use, or operation is not
39 intended to mean that the act, activity, land use, or operation ~~or activity~~, when part of another act,
40 activity, land use, or operation, other operations or activities, is not “development”. Particular
41 Reference to one or more type(s) or number(s) of land use, act(s), activity(ies), or operation
42 particular operations is not intended to limit the generality of this definition.

1 (3) For the purpose of this chapter, the following ~~operations or uses~~ shall not be taken to involve
2 “development”:

3
4 a. Work involving the maintenance, renewal, improvement or alteration of any structure, if the
5 work affects only the color or decoration of the exterior of the structure or interior alterations that
6 do not change the use for which the structure was constructed;

7
8 b. Work involving the maintenance of existing landscaped areas and existing rights-of-way such
9 as yards and other nonnatural planting areas;

10
11 c. A change in use of land or structure from a use within a specified category of use to another
12 use in the same category unless the change involves a change from a use permitted as of right to
13 one permitted as a minor or major conditional use or from a minor to a major conditional use;

14
15 d. A change in the ownership or form of ownership of any parcel or structure;

16
17 e. The creation or termination of rights of access, riparian rights, easements, covenants
18 concerning development of land, or other rights in land unless otherwise specifically required by
19 law; or

20
21 f. The clearing of survey cuts or other paths of less than four feet in width and the mowing of
22 vacant lots in improved subdivisions and areas that have been continuously maintained in a
23 mowed state prior to the effective date of the plan, the trimming of trees and shrubs and
24 gardening in areas of developed parcels that are not required open space and the maintenance of
25 public rights-of-way and private accessways existing on the effective date of the ordinance from
26 which this chapter is derived or approved private rights-of-way.

27
28 (4) The term “development” also means the tourist housing use or vacation rental use of a
29 dwelling unit, or a change to such a use (i.e., conversion of existing dwelling units to vacation
30 rental use). Vacation rental use of a dwelling unit requires building permits, inspections and a
31 certificate of occupancy.

32
33 *Expansion of nonconforming use* means extending a nonconforming land use to occupy a greater
34 amount of area beyond that which it occupied on the date the land use became nonconforming.

35 Landclearing means the clearing or removal of vegetation and, including significant disturbance
36 of vegetation or substrate (soil) manipulation. Landclearing is not a land use and constitutes
37 development as the making of any material change in the appearance of any land.

38
39 *Nonconforming structure, lawful* means a structure which does not conform to a current
40 provision or regulation provided in the Comprehensive Plan and/or this LDC, but received lawful
41 permit approval materially relevant to the structure in question~~was permitted~~, or otherwise
42 lawfully established in existence lawfully, prior to the effective date of the ordinance adopting
43 the current provision or regulation that rendered the structure nonconforming.

1 *Nonconforming use* means a land use which does not conform to a current provision or
2 regulation provided in the Comprehensive Plan and/or LDC.

3
4 *Nonconforming use, lawful* means a land use which does not conform to a current provision or
5 regulation provided in the Comprehensive Plan and/or LDC, but received lawful permit approval
6 materially relevant to the land use in question ~~was permitted~~, or otherwise lawfully established in
7 ~~existence lawfully~~, prior to the effective date of the ordinance adopting the current provision or
8 regulation that rendered the use nonconforming.

9
10 *Redevelopment* means the development of a site already developed. This includes but is not
11 limited to rehabilitation, improvement, and/or demolition and replacement of existing
12 development on a site.

13 *Site plan* means information submitted by an applicant that shall identify all development
14 ~~activities~~, including principal and accessory uses within the property boundaries.

15 *Structure* means anything constructed, installed or portable, movable or not movable, temporary
16 or permanent, which requires a location on a parcel of land. ~~the use of which requires a location~~
17 ~~on a parcel of land~~. The term includes, but is not limited to, buildings, roads, walkways of
18 impervious materials, paths, fences, swimming pools, sport courts, poles, transmission lines,
19 signs, cisterns, sewage treatment plants, sheds, docks, and other accessory construction.

20 *Unlawful structure* means a structure that is not a lawfully established structure as allowed by the
21 LDC and Comprehensive Plan at the time the structure was developed.

22 Use means land use.

23
24 **Sec. 101-2. - Rules of Construction.**

25
26 In the construction of the language of this Land Development Code, the rules set out in this
27 section shall be observed unless such construction would be plainly inconsistent with the
28 manifest intent of the BOCC as expressed in the Monroe County Comprehensive Plan or Land
29 Development Code, or an element, part, or section thereof, adopted pursuant to F.S. Ch. 163 and
30 F.S. Ch. 380. The rules of construction and definitions set out herein shall not be applied to any
31 section of these provisions or regulations that shall contain any express provisions excluding
32 such construction, or where the subject matter or context of such section is repugnant thereto.

33 **(1) Generally.**

34 b. In the interpretation and application of any provision of this Land Development Code, it shall
35 be held to be the minimum requirement adopted for the promotion of the public health, safety,
36 comfort, convenience and general welfare. Where any definition(s) or provision(s) of this Land
37 Development Code imposes greater restrictions upon ~~the a~~ subject matter than ~~a general~~
38 ~~provision imposed by this~~ another definition(s) or provision(s) imposed by this Land
39 Development Code, the definition(s) or provision(s) imposing the greater restriction or regulation
40 shall be deemed to be controlling.

1 **Sec. 102-54. - Purpose.**

2
3 The purpose of this article is to regulate and limit the continued existence of land uses and
4 structures established prior to the date of the enactment of the original ordinance from which this
5 Land Development Code is derived (September 15, 1986) and/or prior to the date of the
6 enactment of a subsequent ordinance amending a land development regulation within this Land
7 Development Code that do not or no longer conform to the provisions of this Land Development
8 Code. Nonconformities may continue, but the provisions of this article are designed to curtail
9 substantial investment in nonconformities and to bring about their eventual elimination in order
10 to preserve the integrity of this Land Development Code.

11 **Sec. 102-55. - Registration.**

12
13 (a) All known, lawful nonconforming land uses and structures may be registered with the
14 Planning and Environmental Resources Department. In the course of its duties related to
15 development review, staff of the department shall identify and recognize nonconforming land
16 uses and structures. Property owners may also independently apply to the department for such
17 determinations.

18 (b) The Planning Director, or his or her assigned designee, shall review available documents to
19 determine if a body of evidence exists supporting the lawful establishment of a land use or
20 structure prior to the change in regulation that deemed the land use or structure nonconforming.
21 Any issued Monroe County building permit(s) for the original lawful establishment or lawful
22 construction of the land use or structure, confirming its approval and existence prior to the
23 change in regulation that deemed the land use or structure nonconforming, can stand as the only
24 piece of evidence. If there are no such building permit(s) available, additional evidence shall be
25 documented and submitted to the Planning Director on a form provided by the Planning and
26 Environmental Resources Department and shall include, at a minimum, at least two of the
27 following documents:

28
29 (1) Any other issued Monroe County building permit(s) approving or supporting the existence of
30 the structure(s) and/or use;

31 (2) Documentation from the Monroe County Property Appraiser's Office supporting the
32 existence of the structure(s) and/or use;

33 (3) Aerial photographs and original dated photographs showing the structure or land use existed
34 on site;

35 (4) State and/or county licenses, supporting the existence of the structure(s) and/or land use;

36 (5) Documentation from the utility providers indicating the type of service (residential or
37 commercial) provided; and

38 (6) Similar supporting documentation not listed above as determined suitable by the Planning
39 Director.

40
41 (c) Once discovered and determined to be lawful, the Planning Director, or his or her designee,
42 shall add recognized lawful nonconforming land uses and structures to an official registry.

1 **Sec. 102-56. - Nonconforming Uses.**

2
3 **(a) Authority to continue.** Nonconforming ~~uses of land~~ land uses or structures may continue in
4 accordance with the provisions of this section. Notwithstanding any provision of this section or
5 of this Land Development Code and/or the Comprehensive Plan:

6
7 (1) Leases, subleases, assignments or other occupancy agreements for compensation for less than
8 28 days in duration shall be discontinued and shall not be renewed, extended or entered into, in
9 any district that prohibits vacation rental uses after the effective date of the original ordinance
10 from which this section is derived (September 15, 1986) unless a vacation rental use was
11 established and obtained all required state and local permits and licenses prior to September 15,
12 1986, under previous Monroe County Code provisions expressly allowing vacation rental uses;
13 and

14
15 (2) Nonconforming nonresidential uses in OS, NA, SS, SR, SR-L, IS, IS-D, URM, and UR land
16 use districts, which lawfully existed on January 4, 1996, may develop, redevelop, reestablish
17 and/or substantially improve, provided that the use is limited in intensity, floor area, and to the
18 type of use that existed on January 4, 1996 and is registered in accordance with section 102-55.

19
20 **(b) Ordinary repair and maintenance.** Normal maintenance and repair to permit continuation
21 of nonconforming land uses registered in accordance with section 102-55 may be performed.

22
23 **(c) Expansions.** Nonconforming land uses shall not be expanded. This prohibition shall be
24 construed so as to prevent:

25
26 (1) Enlargement of nonconforming land uses by additions to the structure in which such
27 nonconforming land uses are located; or

28
29 (2) Occupancy of additional lands; however, accessory uses associated with a lawful
30 nonconforming principal use may be permitted if in compliance with all other provisions of the
31 LDC.

32
33 **(d) Relocation.** A structure in which a nonconforming land use is located shall not be moved
34 unless the land use thereafter conforms to the provisions of the future land use category and the
35 land use (zoning) district into which it is relocated.

36
37 **(e) Change in use.** A nonconforming land use shall not be changed to any other land use unless
38 the new land use conforms to the provisions of the future land use category and the land use
39 (zoning) district in which it is located.

40
41 **(f) Termination.**

1 (1) *Abandonment or discontinuance.* Where a nonconforming land use ~~use of land~~ or structure is
2 voluntarily discontinued or abandoned, as defined in Section 101-1, for eighteen (18)
3 consecutive months, then such use may not be reestablished or resumed and any subsequent use
4 must conform to the provisions of this Land Development Code and the Comprehensive Plan.
5 Leases, subleases, assignment or other occupancy agreement for compensation for less than 28
6 days in duration shall be discontinued and shall not be renewed, extended or entered into, in any
7 district that prohibits vacation rental use after the effective date of the original ordinance from
8 which this section is derived (September 15, 1986).

9
10 (2) *Damage or destruction.* Except as provided in Section 102-56(f)(3) and (4), if a structure in
11 which a nonconforming land use is located is damaged or destroyed so as to require substantial
12 improvement, then the structure may be repaired or restored only for land uses that conform to
13 the provisions of the land use (zoning) district in which it is located. Fair market value shall be
14 determined by reference to the official tax assessment rolls for that year or by an appraisal by a
15 qualified independent appraiser. The extent of damage or destruction shall be determined by the
16 building official, in consultation with the Planning Director, by comparing the estimated cost of
17 repairs or restoration with the fair market value (such damage or destruction may be voluntarily
18 or due to natural phenomena whose effects could not be prevented by the exercise of reasonable
19 care and foresight).

20
21 (3) *Damage and destruction of nonconforming land uses in commercial fishing districts (CFA,*
22 *CFV and CFSD) and Community Center Overlay Districts (CC).* In the CFA, CFV, and CFSD
23 land use (zoning) districts and the CC overlay districts identified in Section 130-132 through
24 Section 130-140, nonconforming land uses lawfully established ~~existing~~ as of September 15,
25 1986, may be rebuilt even if 100 percent destroyed, provided that they are rebuilt to preexisting
26 use, building footprint and configuration without increase in density or intensity of use identified
27 in Section 130-157 and registered in accordance with section 102-55. Development shall be
28 brought into compliance to the maximum extent practicable, as determined by the Planning
29 Director.

30
31 (4) *Damage and destruction of water-dependent and water-related commercial nonconforming*
32 *uses.* Lawfully established water-dependent and water-related commercial uses which are
33 identified as a source of economic sustainability within a Livable CommuniKeys Plan may be
34 permitted to be rebuilt even if 100 percent destroyed provided that they are rebuilt to preexisting
35 use and registered in accordance with section 102-55. Development shall be brought into
36 compliance to the maximum extent practicable, as determined by the Planning Director.

37
38 (5) *Amortization.* Any nonconforming land use may be subject to compulsory termination when
39 it is found detrimental to the conservation of the value of surrounding land and improvements,
40 and therefore is tending to deteriorate or blight the neighborhood. In ordering the compulsory
41 termination of a nonconforming land use, the BOCC will establish a definite and reasonable
42 amortization period during which the nonconforming land use may continue while the
43 investment value decrement resulting from termination is amortized. Determination of the
44 amount to be amortized shall be based on the value and condition of the land and improvements
45 for the nonconforming land use less their value and condition for a conforming land use, and

1 such other reasonable costs as the termination may cause. The rate of amortization shall be in
2 accordance with reasonable economic practice.

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1 **Sec. 114-1. - Standards.**

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3 No structure or land shall be developed, used, or occupied except in accordance with the
4 standards of this chapter and other applicable standards of this Land Development Code, the
5 Comprehensive Plan, and the Florida Building Code, nor shall any building permit be issued
6 unless the proposed use is or will be served by adequate public or private facilities.

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1 **Sec. 118-4. - Wetland Open Space Requirements.**

2
3 Except as provided for in this chapter, no development, or development-related activity(ies),
4 development activities is/are permitted in submerged lands, mangroves, salt ponds, freshwater
5 wetlands, freshwater ponds, or in undisturbed salt marsh and buttonwood wetlands; the open
6 space requirement is 100 percent.

7
8 Allocated density (dwelling units per acre) shall be assigned to freshwater wetlands and
9 undisturbed salt marsh and buttonwood wetlands only for use as transferable development rights
10 away from these habitats. Submerged lands, salt ponds, freshwater ponds and mangroves shall
11 not be assigned any density or intensity.

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1 **Sec. 130-1. - Purpose.**

2
3 Except as provided for in this chapter, no development, or development-related activity(ies),
4 development activities is/are permitted in submerged lands, mangroves, salt ponds, freshwater
5 wetlands, freshwater ponds, or in undisturbed salt marsh and buttonwood wetlands; the open
6 space requirement is 100 percent.
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1 **Sec. 134-2. Home Occupation Special Use Permit and Statutory Home-based Businesses.**

2 (a) **Applicability.**

3 (1) A special use permit is required to establish a home occupation in any land use (zoning)
4 district in which residential use is allowed, including nonconforming residential uses
5 where such uses were otherwise lawfully established.

6 (2) However, statutory home-based businesses are exempt from the requirements of this
7 section and are subject only to the requirements of applicable state statutory
8 requirements.

9 *Home occupation* means a business, profession, occupation or trade operated from and/or
10 conducted within a residential dwelling unit (or within an accessory structure thereto) for
11 gain or support by a resident of the dwelling unit. For the purposes of this section, home
12 occupations include mobile businesses that are based or operated from a residence or
13 residential property.

14 *Statutory home-based business* means a business that operates, in whole or in part, from a
15 residential property and meets the following criteria:

16 (1) The employees of the business who work at the residential dwelling must also reside in
17 the residential dwelling, except that up to a total of two employees or independent
18 contractors who do not reside at the residential dwelling may work at the business. The
19 business may have additional remote employees that do not work at the residential
20 dwelling.

21 (2) Parking related to the business activities of the home-based business complies with
22 local zoning requirements and the need for parking generated by the business may not
23 be greater in volume than would normally be expected at a similar residence where no
24 business is conducted. Local governments may regulate the use of vehicles or trailers
25 operated or parked at the business or on a street right-of-way, provided that such
26 regulations are not more stringent than those for a residence where no business is
27 conducted. Vehicles and trailers used in connection with the business must be parked
28 in legal parking spaces that are not located within the right-of-way, on or over a
29 sidewalk, or on any unimproved surfaces at the residence. Local governments may
30 regulate the parking or storage of heavy equipment at the business which is visible
31 from the street or neighboring property. For purposes of this paragraph, the term
32 “heavy equipment” means commercial, industrial, or agricultural vehicles, equipment,
33 or machinery.

34 (3) As viewed from the street, the use of the residential property is consistent with the uses
35 of the residential areas that surround the property. External modifications made to a
36 residential dwelling to accommodate a home-based business must conform to the
37 residential character and architectural aesthetics of the neighborhood. The home-based
38 business may not conduct retail transactions at a structure other than the residential
39 dwelling; however, incidental business uses and activities may be conducted at the
40 residential property.

41 (4) The activities of the home-based business are secondary to the property’s use as a
42 residential dwelling.

1 (5) The business activities comply with any relevant local or state regulations with respect
2 to signage and equipment or processes that create noise, vibration, heat, smoke, dust,
3 glare, fumes, or noxious odors. Any local regulations on a business with respect to
4 noise, vibration, heat, smoke, dust, glare, fumes, or noxious odors may not be more
5 stringent than those that apply to a residence where no business is conducted.

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

12
13 (b) **Applications.** Applications for home occupation special use permits shall be submitted to
14 the Planning Director on forms provided by the Planning Director. The application shall
15 include a properly executed affidavit and agreement from the applicant attesting to and
16 agreeing to compliance with the standards and requirements for home occupations as
17 outlined in this section.

18 (c) **Authority.** The Planning Director is authorized to approve and otherwise administer home
19 occupation special use permits as specifically set forth in this section.

20 (d) **Review by the Planning Director.** Within 15 working days of receiving a complete
21 application, the Planning Director shall determine whether the proposed home occupation is
22 consistent with the following standards and requirements:

23 (1) The home occupation is incidental and secondary to the principal residential use of the
24 residential dwelling unit;

25 (2) The home occupation does not change the essential residential character of the
26 principal residential use;

27 (3) Not more than one person who is a nonresident of the residential dwelling unit is
28 directly or indirectly employed by or for the home occupation;

29 (4) The home occupation use does not occupy more than 20 percent of the total floor area
30 of the residential dwelling unit and, if the home occupation use utilizes an accessory
31 structure(s), it does not occupy more than 20 percent of the total covered and enclosed
32 residential floor area on the property;

33 (5) The home occupation does not involve any retail sales or service that necessitates or
34 requires customers to visit the residential dwelling unit or the property, nor does the
35 physical address of the residence appear on any advertising materials including
36 stationary and business cards;

37 (6) Activities associated with the home occupation are not visible from any other
38 residential dwelling unit. If the home occupation utilizes an accessory structure, the
39 structure is covered and enclosed;

40 (7) No sign advertising the home occupation is displayed on the premises;

-
- 1 (8) The home occupation does not involve outdoor storage, including but not limited to
2 any equipment or materials;
 - 3 (9) The home occupation does not involve the use of mechanical, electrical or other
4 equipment that produces noise, electrical or magnetic interference, vibration, heat,
5 glare, or other nuisance outside the residential dwelling unit or accessory structure in
6 which the home occupation occurs;
 - 7 (10) The home occupation does not increase the average daily automobile trips generated
8 by the residence in which the home occupation is located;
 - 9 (11) Upon issuance of a permit, the applicant must immediately apply for any required
10 license(s) and/or business tax for the home occupation where otherwise required, and
11 continuously maintain such required license(s) and/or business tax for the duration of
12 the issued permit;
 - 13 (12) The home occupation does not store or dispose of any solid waste at the occupation
14 address which was not generated at the occupation address; and
 - 15 (13) The home occupation has obtained a commercial collection service agreement if the
16 business creates or generates any solid waste at a location other than the home
17 occupation address.

18 (e) **Public notification of pending approval.** The Planning Director, after determining that an
19 application for a home occupation special use permit is in compliance with the requirements
20 of this section, shall give notice of the pending approval as follows:

- 21 (1) The Planning Director shall provide written notice by regular mail to owners of real
22 property located within 300 feet of the property that is the subject of the proposed
23 home occupation;
- 24 (2) The applicant shall post the property of the proposed home occupation with a
25 waterproof sign(s) provided by the Planning and Environmental Resources Department
26 which is so located that the notice(s) shall be easily visible from all public streets and
27 public ways abutting the property. The property shall remain posted for no less than 30
28 calendar days beginning within two weeks of the mailing date of the written notice
29 required by subsection (e)(1); and
- 30 (3) The notices in subsections (e)(1) and (e)(2) of this section shall provide a brief
31 description of the proposed home occupation and indicate where the public may
32 examine the application. The cost of providing this notice shall be borne by the
33 applicant.

34 (f) **Decision by the Planning Director.** After 30 calendar days of posting the property and
35 upon a finding that the proposed home occupation complies with all of the requirements of
36 this section, the Planning Director shall issue a home occupation special use permit, with or
37 without conditions. The permit and the affidavit attesting to compliance with the above
38 requirements shall be filed with the clerk of the court and recorded in the official records of
39 the county. The permit shall authorize only the current resident(s) of the dwelling unit for
40 the particular home occupation proposed and shall not be transferable to another location or
41 to another person or entity. Such current resident(s) who have obtained a home occupation
42 special use permit shall immediately notify the Planning Director in writing, by U.S. Postal

1 Service certified mail return receipt requested, when such permitted home occupation
2 special use has been abandoned, discontinued, or otherwise ceased.

3 (g) **Public hearing on an application for a home occupation special use permit.** If requested
4 in writing to the Planning Director by the applicant, or an adversely affected owner or
5 resident of real property located in the county, during the required 30 calendar days of the
6 posting, a public hearing date shall be scheduled on the application for a home occupation
7 special use permit. All costs related to the public hearing shall be the responsibility of the
8 applicant. The public hearing shall be conducted by the Planning Commission in accordance
9 with the provisions of Section 110-6.

10 (h) **Expiration.** A permit issued pursuant to this section shall not be transferable and shall
11 automatically expire upon the sale of or transfer of an interest in the permitted dwelling
12 unit. If permitted applicant intends to remain at the permitted dwelling unit and lawfully
13 continue the authorized special use after such sale or transfer of interest(s), the permitted
14 applicant shall notify, by notarized affidavit, the planning director, by U.S. Postal Service
15 certified mail return receipt requested, of his/her intent to lawfully continue the originally
16 permitted home occupation special use. Such notification must be received by the planning
17 director at least thirty (30) days prior to such sale or transfer of interest(s).

18 (i) **Revocation.** The Planning Director shall have the authority to initiate actions to revoke
19 home occupation special use permits and all such actions shall require a public hearing to be
20 conducted before the Planning Commission in accordance with Section 102-20. The
21 Planning Commission shall have the authority to revoke any home occupation special use
22 permit where there is competent and substantial evidence to establish any of the following:

23 (1) That an application for home occupation special use approval contains knowingly false
24 or misleading information;

25 (2) A violation by the holder of a home occupation special use permit of any provision of
26 this section;

27 (3) A violation of any condition of the home occupation special use permit imposed
28 pursuant to this section; or

29 (4) That the home occupation constitutes a public or private nuisance under state law.

30 (5) That the principal or accessory structure(s) which is/are subject to the permitted home
31 occupation special use is/are illegal or has/have been illegally improved.

32 (6) That the principal residential structure or dwelling unit of which is/are subject to the
33 permitted home occupation special use has been destroyed.

34 (7) That the underlying real property's (of which is subject to the permitted home
35 occupation special use) principal residential use has been abandoned, discontinued, or
36 otherwise ceased/terminated.

37 (8) That the permitted home occupation special use has been abandoned, discontinued, or
38 otherwise ceased/terminated.

39

ENROLLED

CS/HB 403, Engrossed 1

2021 Legislature

1
2 An act relating to home-based businesses; creating s.
3 559.955, F.S; prohibiting local governments from
4 taking certain actions relating to the licensure and
5 regulation of home-based businesses; specifying
6 conditions under which a business is considered a
7 home-based business; defining the term "heavy
8 equipment"; authorizing home-based businesses to
9 operate in areas zoned for residential use; specifying
10 that home-based businesses are subject to certain
11 business taxes; authorizing adversely affected current
12 or prospective home-based business owners to challenge
13 certain local government actions; authorizing the
14 prevailing party in such challenge to recover
15 specified attorney fees and costs; providing that
16 certain existing and future residential association
17 declarations and documents are not superseded by the
18 act; providing that certain local laws, ordinances, or
19 regulations are not are not superseded; providing an
20 effective date.

21
22 Be It Enacted by the Legislature of the State of Florida:

23
24 Section 1. Section 559.955, Florida Statutes, is created
25 to read:

ENROLLED

CS/HB 403, Engrossed 1

2021 Legislature

26 559.955 Home-based businesses; local government
 27 restrictions.—
 28 (1) Local governments may not enact or enforce any
 29 ordinance, regulation, or policy or take any action to license
 30 or otherwise regulate a home-based business in violation of this
 31 section.
 32 (2) A home-based business that operates from a residential
 33 property as provided in subsection (3):
 34 (a) May operate in an area zoned for residential use.
 35 (b) May not be prohibited, restricted, regulated, or
 36 licensed in a manner that is different from other businesses in
 37 a local government's jurisdiction, except as otherwise provided
 38 in this section.
 39 (c) Is only subject to applicable business taxes under
 40 chapter 205 in the county and municipality in which the home-
 41 based business is located.
 42 (3) For purposes of this section, a business is considered
 43 a home-based business if it operates, in whole or in part, from
 44 a residential property and meets the following criteria:
 45 (a) The employees of the business who work at the
 46 residential dwelling must also reside in the residential
 47 dwelling, except that up to a total of two employees or
 48 independent contractors who do not reside at the residential
 49 dwelling may work at the business. The business may have
 50 additional remote employees that do not work at the residential

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2021 Legislature

51 dwelling.

52 (b) Parking related to the business activities of the
53 home-based business complies with local zoning requirements and
54 the need for parking generated by the business may not be
55 greater in volume than would normally be expected at a similar
56 residence where no business is conducted. Local governments may
57 regulate the use of vehicles or trailers operated or parked at
58 the business or on a street right-of-way, provided that such
59 regulations are not more stringent than those for a residence
60 where no business is conducted. Vehicles and trailers used in
61 connection with the business must be parked in legal parking
62 spaces that are not located within the right-of-way, on or over
63 a sidewalk, or on any unimproved surfaces at the residence.
64 Local governments may regulate the parking or storage of heavy
65 equipment at the business which is visible from the street or
66 neighboring property. For purposes of this paragraph, the term
67 "heavy equipment" means commercial, industrial, or agricultural
68 vehicles, equipment, or machinery.

69 (c) As viewed from the street, the use of the residential
70 property is consistent with the uses of the residential areas
71 that surround the property. External modifications made to a
72 residential dwelling to accommodate a home-based business must
73 conform to the residential character and architectural
74 aesthetics of the neighborhood. The home-based business may not
75 conduct retail transactions at a structure other than the

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2021 Legislature

76 residential dwelling; however, incidental business uses and
77 activities may be conducted at the residential property.

78 (d) The activities of the home-based business are
79 secondary to the property's use as a residential dwelling.

80 (e) The business activities comply with any relevant local
81 or state regulations with respect to signage and equipment or
82 processes that create noise, vibration, heat, smoke, dust,
83 glare, fumes, or noxious odors. Any local regulations on a
84 business with respect to noise, vibration, heat, smoke, dust,
85 glare, fumes, or noxious odors may not be more stringent than
86 those that apply to a residence where no business is conducted.

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

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

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2021 Legislature

101 (5) The application of this section does not supersede:
 102 (a) Any current or future declaration or declaration of
 103 condominium adopted pursuant to chapter 718, cooperative
 104 document adopted pursuant to chapter 719, or declaration or
 105 declaration of covenant adopted pursuant to chapter 720.
 106 (b) Local laws, ordinances, or regulations related to
 107 transient public lodging establishments, as defined in s.
 108 509.013(4)(a)1., that are not otherwise preempted under chapter
 109 509.

110 Section 2. This act shall take effect July 1, 2021.