

ORDINANCE NO. 2021-10

**AN ORDINANCE OF THE CITY OF EDGEWOOD,
ORANGE COUNTY, FLORIDA AMENDING CHAPTER
134, "ZONING," SECTION 134-518, RELATED TO HOME-
BASED BUSINESSES; MAKING THE CODE CONSISTENT
WITH RECENT STATE LEGISLATION; PROVIDING FOR
SEVERABILITY; PROVIDING FOR CODIFICATION,
CONFLICTS, AND EFFECTIVE DATE.**

WHEREAS, the City of Edgewood has historically regulated home occupations, otherwise known as home-based businesses;

WHEREAS, the Florida Legislature recently enacted Chapter 2021-202, Laws of Florida, codified as § 559.955, Florida Statutes, with an effective date of July 1, 2021;

WHEREAS, new § 559.955, Florida Statutes, prohibits local governments, including the City, from regulating home-based businesses in any manner inconsistent with the terms of such statute; and

WHEREAS, the City's current ordinance regulating home occupations is inconsistent with the mandates contained in newly enacted § 559.955, Florida Statutes, regarding home-based businesses, and the City desires to amend such ordinance to conform to § 559.955, Florida Statutes.

NOW, THEREFORE, BE IT ENACTED by the City Council of the City of Edgewood, Florida as follows:

NOTE: Underlined words constitute additions to the City of Edgewood Code of Ordinances, ~~striketrough~~ constitutes deletions from the original Code of Ordinances, and asterisks (***) indicate an omission from the existing text which is intended to remain unchanged.

Section 1. Chapter 134, Section 134-515 of the City of Edgewood Code of Ordinances shall be amended as follows:

Sec. 134-518. – ~~Home occupations~~ Home-based businesses.

In addition to the general requirements of this chapter, all home-based businesses ~~occupations~~ as defined in section 134-1 shall conform to the following requirements:

(a) Unless otherwise expressly permitted by applicable statutes or residential zoning regulations, including but not limited to, mixed-used development plans and agreements for planned unit development, only commercial activity meeting the definition of a home-based business, as defined in § 559.955, Florida Statutes, is permitted on property zoned for residential use.

(b) All home-based businesses located on property zoned for residential purposes must operate subject to the following provisions, conditions and restrictions:

i. 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.

ii. Parking related to the business activities of the home-based business must comply with the zoning requirements applicable to other residential properties within the same zoning classification, and 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. Home-based businesses must comply with any regulations pertaining to the operation or parking of vehicles and trailers to residences where no home business is conducted. Any vehicles or trailers used in connection with the home-based 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 of the residence.

iii. As viewed from the street, the use of the residential property must be consistent with the uses of the residential areas that surround the property. External modifications made to a residential dwelling to accommodate a home-based business must conform to the residential character and architectural aesthetics of the neighborhood.

d. No heavy equipment, defined herein as commercial, industrial, or agricultural vehicles, equipment, or machinery, may be parked or stored such that it is visible from the street or a neighboring residential property.

e. 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.

f. The activities of the home-based business must be secondary to the property's use as a residential dwelling. No sign shall be used other than one nonilluminated nameplate attached to the building entrance, and such plate shall not exceed one square foot in area. g. The business activities conducted at the residence 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 as such regulations apply to other residences where no business is conducted.

(1) — Performance and design requirements.

- a. ~~*Location.*~~ All home occupations shall be located only within the principal building which is the bona fide residence of the principal practitioner. No home occupation shall be conducted in any accessory building or structure.
 - b. ~~*Area.*~~ No home occupation may occupy more than 25 percent of the gross habitable floor area of any one story of the dwelling unit, and in no event a total of more than 500 square feet. Where more than one home occupation is approved under this part, all of the home occupations together shall not exceed these standards.
 - c. ~~*Traffic and parking.*~~ No home occupation shall generate vehicular traffic in excess of two vehicles concurrently nor more than ten vehicles per day.
 - d. ~~*Employees and volunteer workers.*~~ No person shall be engaged in any home occupation as an employee or volunteer worker other than members of the immediate family residing in the dwelling unit.
 - e. ~~*Merchandise storage and display.*~~ No merchandise shall be displayed or sold on the premises except articles made on the premises. No outside display of merchandise or outside storage of equipment or materials shall be permitted. No required parking area, garage or other structure required by this chapter or this Code may be used for the home occupation or for storage of goods or merchandise.
 - f. ~~*External appearance.*~~ No alterations shall be made to the external appearance of any principal or accessory structures or of the building site which change the residential character thereof.
 - g. ~~*Electrical or mechanical equipment.*~~ The use of electrical or mechanical equipment which would change the fire rating of the dwelling unit or cause fluctuations in line voltage outside the dwelling unit shall be prohibited, and no electromagnetic interference shall be emitted which affects radio, television or other electromagnetic equipment off the building site.
 - h. ~~*Zero impact performance standards.*~~ No equipment or process used in the home occupation shall create noise, vibration, glare, fumes, odors or air pollution off the building site.
 - i. ~~*Signs.*~~ Signs shall be prohibited.
 - j. ~~*Property owners approval.*~~ Wherever the occupant undertaking a home occupation is not the owner of the premises, the property owner and/or agent must give notarized written approval for the home occupation.
 - k. ~~*Enforcement.*~~ The property owner, agent and occupant shall be jointly and individually responsible in all enforcement matters.
- (2) ~~*Prohibited home occupations.*~~ Notwithstanding any other provision of this section, the following uses shall be prohibited as home occupations:
- Adult entertainment.
 - Antique shops.

~~Auto service and repair.~~
~~Barbershops and beauty shops.~~
~~Bed and breakfast facilities.~~
~~Cannabis farms.~~
~~Child care centers.~~
~~Churches.~~
~~Clubs, private.~~
~~Drive-in facilities.~~
~~Eating and drinking establishments.~~
~~Food processing.~~
~~Fortunetellers.~~
~~Funeral homes.~~
~~Group instruction of more than four people.~~
~~Health spas.~~
~~Hospital and clinics.~~
~~Hotels/motels.~~
~~Kennels.~~
~~Massage establishments.~~
~~Medical marijuana dispensaries.~~
~~Non-medical marijuana sales.~~
~~Plasmapheresis facilities.~~
~~Primary offices of professionals.~~
~~Vehicle sales, rental or repair.~~
~~Whole blood facilities.~~
~~Any other similar use or activity as determined by the city clerk.~~

~~(3) Requirements for particular home occupations. Secondary home offices. No retail or wholesale transactions shall be made on the premises. No religious services shall be conducted on the premises of a home office of a minister, rabbi, priest, etc.~~

~~(4) Procedural requirements.~~

~~a. Occupational license required. All home occupations shall be required to obtain an occupational license prior to the start of such use. In addition to any other submittals required for an occupational license, the applicant shall also submit the following:~~

~~1. Location of dwelling unit where the home occupation will be conducted.~~

2. ~~Total floor area of the dwelling unit.~~
3. ~~Area of room or rooms to be utilized in the conduct of the home occupation.~~
4. ~~A sketch with dimensions showing the floor plan and the area to be utilized for the conduct of the home occupation.~~
5. ~~The exact nature of the home occupation.~~
6. ~~Notarized letter of approval for the home occupation from the property owner and/or property manager.~~

b. ~~Notice to abutting property owners.~~ Within 30 days after the issuance of the occupational license for the home occupation, the city clerk shall mail to each owner abutting the premises for which the home occupation permit was issued a letter in substantially the following form with the appropriate information inserted:

Dear _____:

On _____, 20____, zoning approval was given in accordance with the City of Edgewood Zoning Code to _____ to conduct a home occupation of _____ in a dwelling unit located at _____.

The restrictions provided by the city Code for home occupations are too numerous to list here. In general, however, it may be said that the Code prohibits any activity in conjunction with a home occupation which in any way changes or adversely affects the peace and quiet or the residential character of the neighborhood in which it is conducted.

If you see or hear any evidence of any commercial activity in your neighborhood which might be related to this home occupation, please call the city clerk's office at 407-851-2920. If his home occupation is not being conducted in accordance with the requirements of the city Code, I have the authority to initiate revocation of the permit for it.

Unless revoked or abandoned, the occupational license issued to _____ will be good for one year.

Yours truly,

City clerk

- c. ~~Expiration of occupational license.~~ Any occupational license for a home occupation approved after the effective date of the ordinance from which this chapter is derived shall expire one year from the date of issuance and must be renewed every year from the date of issuance in accordance with the provisions set forth in this section. The yearly review shall include a review of zoning compliance, but the notice to abutting property owners shall not be reissued. The occupational license shall also expire wherever the home occupation is not initiated within six months from the date of issuance.
- d. ~~Nontransferability.~~ Authority to conduct a home occupation shall not be transferred to another person through the sale, leasing or rental of the property on

~~which the home occupation is located or in any other manner. Said home occupation authority cannot be used by the applicant for any premises other than that for which it was granted.~~

- e. ~~*Revocation of approval.* Any person may seek revocation of approval for a home occupation in accordance with the code enforcement procedures in chapter 2, article VII of this Code. In the event that the occupational license holder is found in violation of this chapter, the license shall be revoked and shall not be reissued.~~

Section 2. The provisions of this Ordinance shall be codified as and become and be made a part of the Code of Ordinances of the City of Edgewood.

Section 3. If any section, sentence, phrase, word or portion of this ordinance is determined to be invalid, unlawful or unconstitutional, said determination shall not be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase, word or portion of this Ordinance not otherwise determined to be invalid, unlawful or unconstitutional.

Section 4. All ordinances that are in conflict with this Ordinance are hereby repealed.

Section 5. This Ordinance shall become effective immediately upon its passage and adoption.

PASSED AND ADOPTED this 19th day of October, 2021, by the City Council of the City of Edgewood, Florida.


PASSED ON FIRST READING: 9/21/2021

PASSED ON SECOND READING: October 19, 2021



Richard A. Horn, Council President

ATTEST:



Bea L. Meeks
City Clerk