



MEMORANDUM

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TO: The Honorable Mayor Gregg K. Weiss, and members of the Board of County Commissioners

FROM: Lisa Amara, Zoning Director
Planning, Zoning & Building (PZB)

DATE: August 16, 2023

RE: Commercial Vehicles in Residential - August 24, 2023 BCC

ITEM: At the April 27, 2023, Board of County Commission (BCC) Zoning Meeting, the BCC directed Zoning Staff to research and return with options related to the parking of commercial vehicles in Agricultural Residential (AR) zoning districts. At the August 24, 2023, BCC Zoning Meeting, Staff stated they will present their research, findings, and options for commercial vehicle parking in AR zoning districts in the Exurban and Rural Tiers (Rural Service Area) to the BCC for discussion.

BACKGROUND: This year PZB has presented the topic of Commercial Vehicles in Residential Zoning, along with related Code Enforcement issues, at several Board meetings, including January 26, March 23, April 27, and May 26. Memos to the Board associated with those dates summarize the issues related to this topic. In summary, residents with Agricultural Residential (AR) zoning (predominately in the Exurban Tier) have raised issues regarding changes to land development regulations in the Unified Land Development Code (ULDC) related to commercial vehicle parking at residences and related Code Enforcement actions.

FINDINGS AND OPTIONS: Staff findings and research are provided in the attachment and exhibits. There essentially two options for the Board to consider:

- Option 1 - No Change to current regulations. As previously directed, Staff will work on revisions to simplify the structure and related definitions in the ULDC.
- Option 2 - Revise the ULDC. If the Board discussion directs revisions to the ULDC, Exhibit 1 on page 3 provides an outline of considerations regarding commercial vehicle definitions, approval process, access, quantity, size, screening, etc. Any BCC direction to revise regulations will require revisions to the County's land development regulations in the Unified Land Development Code (ULDC) to be presented at subsequent meetings.

DISPOSITION: Were seeking Board direction on whether to revise the ULDC for commercial vehicle parking in residential AR/RSA zoning, including the particulars discussed in Exhibit 1. If you have any questions please contact me at 561-233-5334.

cc: Verdenia C. Baker, County Administrator
Patrick W. Rutter, Assist. County Administrator
Whitney Carroll, Interim PZB Executive Director
Scott Stone, Assistant County Attorney
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Commercial Vehicles in Residential Zoning

Findings and Exhibits

This document summarizes staff findings and references attachments provided. Staff will present findings and seek direction to the Board of County Commissioners on Thursday, August 24, 2023. Much of the data within this document focuses on the areas with Agricultural Residential (AR) zoning in the Exurban and Rural Tiers, also known as AR/RSA Zoning. These areas were subject to ULDC revisions related to vehicle parking in 2019. Specifically, data has been gathered on the Jupiter Farms and Acreage Neighborhood Plan boundaries and the zip codes in the acreage area. The bulk of the lots in the Heritage Farms area (also AR/RSA) have 5 acre lots which qualify for limited Contractor Storage under the existing ULDC; however, most lots in Heritage Farms do not meet Article 11 roadway requirements and would require a Type 2 Variance for access.

- **Options for Consideration - Exhibit 1.** If the Board directs changes to the County's land development regulations, potential revision options for discussion are provided in Exhibit 1.
- **ULDC Regulation Excerpts - Exhibit 2.** Board has adopted land development regulations as far back as 1973 in order to ensure quality development and protect neighborhoods within the County. Although the parking of commercial or business-related vehicles has been prohibited at residences by the ULDC since 1992 (over 10,000 lbs, increased to over 12,500 lbs in 2005), to protect residents from commercial vehicular traffic, noise, non-residential encroachment, and negative visual impacts. Excerpts from the ULDC for residential parking and Home Occupations is provided in Exhibit 2 (page 4). References to weight are Gross Vehicle Weight Rating (GVWR) throughout the ULDC and this document.
 - **Home Occupations and AR/RSA Zoning.** The ULDC allows expanded opportunities for Home Occupations on residential parcels with AR Zoning, and two additional opportunities for AR Zoning in the Exurban and Rural Tiers. Most Home Occupations are allowed by right, with no review or approval by Zoning staff for the use or the processing of the Business Tax Receipt (BTRs). Many other jurisdictions require a 'Certificate of Use' or 'Use Verification' for home based-businesses. The County requires Zoning approval only for the more intense Home Occupations allowed in AR zoning: Limited Pet Boarding, Landscape Service, and Limited Contractor Storage Yard uses. In 2018, the Board adopted ULDC revisions that allow commercial vehicle parking (over 12,500 lbs including semi-trucks) for Limited Contractor Storage on lots 5 acres and greater with AR zoning located in the Rural Service Area by Development Review Officer (DRO) approval and subject to access, screening, setback, and hours of operation regulations. In 2021, Home based-business language in Florida Statutes was revised (see Exhibit 8, page 35). Any revisions to the ULDC related to Home Occupations will need to consider these changes including but not limited to location of the business, parking of vehicles, the structure and conformance to the character and architectural aesthetics of neighborhood, location of retail transactions, employees, nuisances, hazardous materials, and the size of the business as it relates to the residential dwelling. According to an examination of Tax Collector records as tabulated in Exhibit 7, there are approximately 2,200 BTRs within the area bounded by the Acreage Neighborhood Plan. The majority of the businesses are Contractors in construction or related businesses (968 or 44%) and a good portion are Landscape related (375 or 17%) or other Vehicle service related (230 or 10%).
- **Code Violations.** The volume of Code Violations related to Commercial Vehicle parking in residential is relatively small. Since 2017, there have been approximately 186 properties issued violations for commercial vehicles in The Acreage and its surrounding areas, and only a small percentage of these violations remain not in compliance to date. The Acreage Neighborhood Plan area accounts for 15,800 parcels on 21,500 acres. Although many of the use violations on properties can be resolved by a Zoning approval, currently there is no mechanism to resolve

commercial vehicle parking and outdoor storage on residential properties less than 5 acres other than discontinuing on site.

- **State Regulations and Data - Exhibit 3.** The State of Florida defines commercial motor vehicles (and related terms) as provided in Exhibit 3 (page 9). Essentially any commercial vehicle with a single or combined weight with trailer exceeding 26,001 lbs GVWR is considered a commercial vehicle and requires a Commercial Driver's License. The County requested registration data for vehicles 10,000 lbs GVWR and greater from the Florida Highway Safety and Motor Vehicles (see Exhibit 3). The data indicates that there are 516 registered vehicles 10,000 lbs and greater in the three zip codes covering the ITID and Acreage area (including commercial properties and properties in municipalities). The majority of the registered vehicles (272 or 53%) are 10,000 to 14,000 lbs, and only 18% or 92 are 26,001 lbs and greater. These figures are relatively low considering the nearly 17,000 parcels on 38,900 acres of AR Zoning in the Exurban and Rural Tiers within these zip codes, not including the total number of parcels and land area within the adjacent municipalities.
- **Federal Regulations - Exhibit 4.** The federal government defines and requires registration of vehicles greater than 10,000 lbs gross vehicle weight rating (GVWR) as detailed in Exhibit 4 (page 17). The amount of registered vehicles by weight as compared to the number of AR lots in these zip codes is relatively small.
- **Federal Commercial Vehicle Classification - Exhibit 5.** Although local government, federal, and state regulation definitions vary, a common theme is to categorize commercial vehicles by their FHWA classification. These classifications are based upon number of axles and weight. See Exhibit 5 (page 19) for details regarding Classifications. The County's 12,500 lb GVWR falls roughly in the middle of Class 3 which is up to 14,000 lbs.
- **Local Government Research - Exhibit 6.** As summarized in greater detail in Exhibit 6 (page 24), other jurisdictions in Florida vary greatly with regards to whether commercial vehicle parking is allowed on residential lots. Some commonalities is that most do not allow semi-truck parking and most limit to one or two vehicles less than 10,000 or 15,000 lbs GVWR. Some jurisdictions regulate vehicle height and length. Nearly all require screening, setbacks, and improved surfaces. As with the County, commercial vehicles associated with onsite agricultural operations are often exempt. Due to the complexities of each jurisdiction regulations, there may be additional rules not captured in the table provided. Based upon the research, the County's regulations are in line with the typical requirements of other local governments with regards to the limit of one business-related or commercial vehicle; however, the County's 12,500 lbs GVWR cap is less than many that establish 15,000 lbs.
- **Roadway Responsibility and Maintenance - Exhibit 8.** Throughout the County, local roadways vary in responsibility maintenance authority. For example, roadways can be County owned and maintained as part of the County's Thoroughfare Plan, courtesy maintained by the County, privately maintained as roadways or as easements, or under the maintenance responsibility of a special district. The ULDC requires that commercial uses are located on roadways designed and engineered to handle the weight and impacts of commercial vehicles. The County's 30,000 residential parcels (65,000 acres) with AR Zoning are predominately on local residential streets, easements, and other rights of way that are not owned or maintained by the County. In the case of The Acreage, an antiquated AR subdivision with approximately 15,800 parcels on largely 1.25 acre lots covering 21,500 acres, the bulk of the roadways are maintained by Indian Trail Improvement District (ITID). In Jupiter Farms, the roads are typically privately maintained or under South Indian River Water Control District (SIRWCD). A map of these boundaries is provided in Exhibit 7 (page 33).

Exhibit 1 - Options for Consideration

Option 1: No ULDC change (other than clarify definitions)

- **Definition**
 - Business related vehicle up to 12,500 lbs GVWR
 - Commercial vehicle exceeding 12,500 lbs GVWR
- **Residence or General Home Occupation**
 - One business-related vehicle up to 12,500 lbs GVWR
 - No commercial vehicles exceeding 12,500 lbs GVWR
- **Home Occupation Contractor Storage**
 - 5 acres and up in the AR/RSA
 - Hours from 6:00 am to 8:00 pm
 - Administrative (DRO) approval
 - Access from 80 foot County/State roadway per Article 11
 - 3 semi-trucks owned by resident; 1 semi-truck 2 days per week owned by employer
 - 3 employees living outside home
 - Outdoor storage/parking side/rear, screened, 25 foot setback, improved surface
- **General Rules**
 - No approval for Home Occupation; but no ability for additional weight or vehicles
 - No parking in swales/right of way; no refrigerated vehicle running overnight
 - Driveway permit required within Improvement Districts

Option 2: Consider ULDC Changes in AR/RSA - Rural & Exurban Tiers

- **Definition**
 - Utilize State definition for Commercial Motor Vehicle (26,001+)
 - Utilize Federal Highway Administration Classifications as needed
 - Light Duty - Class 1, 2, and 3 (up to 14,000)
 - Medium Duty - Class 4, Class 5, and Class 6 (14,001 to 26,000)
 - Heavy Duty - Class 7 and up (26,001+) including trailers 10,000 lb GVWR
- **Home or General Home Occupation in AR/RSA**
 - Two Light Duty vehicles up to 14,000 lbs GVWR (no approval) on improved surface
 - Administrative waiver to increase or decrease side/rear parking and screening
 - 2 employees to come to residence that don't reside onsite (per HB 403)
- **Home Occupation Contractor Storage**
 - 5 acres+ remain unchanged
 - Hours from 6:00 am to 8:00 pm
 - Revise to add new 1-4.9 acre option in AR/RSA
 - Number and size
 - Two Medium Duty Class 4 and 5 vehicles (up to 19,500 lbs) special permit (annual renewal under same ownership); and/or
 - Two Medium Duty Class 6 vehicles (19,501 up to 26,000 lbs) DRO approval; and/or
 - Two Heavy Duty vehicles over 26,000 lbs by Class A approval
 - Type 2 Variance or BCC Waiver 80 foot County/State roadway per Article 11
 - Administrative waiver for rear/side parking setback and screening
- **Other Options:** Can include, but not limited to, allowing applications for existing property owners for a period of time by lesser approval, or other option(s).

Exhibit 2 - Unified Land Development Code Excerpts

All parcels in Unincorporated County are subject to the land development regulations adopted by the Board within Unified Land Development Code (ULDC). Bona fide agricultural operations may be exempt from some regulations pursuant to Florida Statute 604.50 or 823.14 (Right to Farm Act).

Article 1, Definitions

44. Commercial Vehicle – a vehicle principally used in commerce or trade or any vehicle that is not a recreational vehicle that exceeds the following limits: rated capacity of one ton; gross vehicle weight rating (GVWR) does not exceed 12,500 pounds, including load; height exceeds nine feet, including any load, bed, or box; and, total vehicle length of 26 feet. Such vehicles shall include tow trucks, transport vehicles, construction vehicles, semi-trucks, and step-vans. [Ord. 2008-003]

Article 4.B.1.E, Use Regulations, Use Classification, Accessory Residential Uses

11. Home Occupation

a. Definition

A business, profession, occupation, trade, artisan, or handcraft conducted in a dwelling unit for commercial gain by a resident of the unit. A Home Occupation shall not include those businesses that are open to the public including those required by State of Florida agencies.

b. Incidental Nature

Shall be clearly incidental and subordinate to the residential use of the dwelling property.

c. Location

With the exception of outdoor instructional services, a Home Occupation shall be conducted within the principal dwelling or off site, and shall not be conducted within any accessory building or structure or within any open porch or carport that is attached to and part of the principal structure. Instructional services, which by their nature must be conducted outside of the principal structure, such as swimming lessons, shall be located in a rear or side yard.

d. No Change to Character of Dwelling

The residential character of the dwelling in terms of exterior appearance and interior space shall not be altered or changed to accommodate a Home Occupation.

e. Employees

Shall be conducted by members of the immediate family residing in the dwelling unit only. A maximum of one person who is not a member of the immediate family may assist in the operation of the Home Occupations at the residence.

f. Advertising

No external evidence or sign shall advertise, display, or otherwise indicate the presence of the Home Occupation, nor shall the street address of the Home Occupation be advertised through signs, billboards, television, radio, or newspapers. Advertising on vehicles shall be limited to the minimum necessary to meet requirements mandated by [F.S. ch. 489](#) or Chapter 67-1876 of the PBC Contractor's Certification Division Manual.

g. Cottage Foods

No food preparation shall be allowed, except as allowed in accordance with [F.S. § 500.80, Cottage Food Operations](#), as amended.

h. On-Premise Sale of Goods and Services

A Home Occupation shall not involve the sale of any stock, trade, supplies, products, or services on the premises, except for instructional services or incidental retail sales where the Home Occupation is a mail-order or internet business.

i. Instructional Services

Instructional services shall meet the following additional regulations:

1) Home Instruction, Inside

Teaching which takes place inside the dwelling unit of the instructor. Typical instruction includes music lessons and academic tutoring.

- 2) **Home Instruction, Outside**
Teaching which takes place outside the dwelling unit, on the property of the instructor. This type of instruction is limited to subject matter which necessitates outside instruction. Typical instruction includes tennis, swimming lessons, dog training, and equestrian lessons.
- 3) **Hours of Operation**
Instruction shall occur only between the hours of 9:00 a.m. and 8:00 p.m. daily.
- 4) **Number of Students**
A maximum of three students at a time may be allowed to receive instruction during a lesson.
- 5) **Parking**
No more than two vehicles associated with the lessons may be allowed to be parked at the instructor's home at any time.
- 6) **Resident**
The instruction must be conducted by a resident of the dwelling where lessons are provided. Only one instructor may be allowed to provide instruction.
- j. **Home Occupation in the AR/RSA**
Additional standards and approval process apply to Home Occupation with limited Landscape Service or limited Contractor Storage Yard pursuant to this Article. **[Ord. 2018-018]**
- k. **Outside Storage**
No equipment or materials used in the Home Occupation shall be stored or displayed outside of the dwelling, including driveways.
- l. **Nuisances**
No Home Occupation shall involve the use of any mechanical, electrical, or other equipment, materials, or items which produce noise, electrical or magnetic interference, vibration, heat, glare, smoke, dust, odor, or other nuisance outside the residential building. There shall be no storage of hazardous or noxious materials on the site of the Home Occupation. **[Ord. 2019-034]**
- m. **Violations or Hazard**
If any of the above requirements are violated, or if the use, or any part thereof, is determined by the Zoning Director to create a health or safety hazard, then the Business Tax Receipt may be revoked.
- n. **Vehicles**
One business-related vehicle per dwelling unit not over one ton rated capacity may be parked at the home, provided the vehicle is registered to a resident of the dwelling; commercial vehicles are prohibited.

Article 4.B.5, Use Regulations, Use Classification, Industrial Uses

1. Contractor Storage Yard

- a. **Definition**
The storage of construction material, mechanical equipment used in construction activity, or commercial vehicles used by building trades and services, other than construction sites.
- b. **Overlay – WCRAO**
 - 1) **Approval Process**
The use shall be limited to the UG and UI Sub-areas of the WCRAO subject to Class A Conditional Use approval.
 - 2) **Accessory Office**
The use shall include a structure required to comply with the provisions of [Table 3.B.14.F, WCRAO Non-Residential and Mixed-Use Sub-area PDRs](#).
 - 3) **Non-Conformities**
Uses approved prior to March 2, 2017 shall be considered legal conforming uses.
- c. **Home Occupation – AR/RSA**
A limited Contractor Storage Yard may be allowed as a Home Occupation subject to the requirements of [Art. 4.B.1.E.11, Home Occupation](#). **[Ord. 2018-002] [Ord. 2018-018]**
 - 1) **Exception – AR/RSA Zoning District**
A limited Contractor Storage Yard on a lot five acres or more, may be allowed as follows: **[Ord. 2018-018]**
 - a) Subject to a DRO approval through the ZAR process prior to issuance of a Business Tax Receipt. **[Ord. 2018-018]**

- b) A maximum of three persons living outside of the home may be employed under the DRO approval. **[Ord. 2018-018]**
- c) **Hours of Operation**
The loading or unloading, or movement of any stored vehicles, equipment, or other similar activities, or additional employees shall be prohibited between the hours of 8:00 p.m. and 6:00 a.m.
- d) Provided parking spaces for every employee vehicle is added to the site.
- e) **Outdoor Storage**
 - (1) Semi-truck, trailer, or outside storage of equipment shall be screened from view from any R-O-W or parcel of land with a residential FLU designation or use, through use of opaque fences, walls, or existing or newly planted native vegetation; **[Ord. 2018-018]**
 - (2) No additional vegetation shall be required where equipment is screened from view behind permitted opaque fences or other structures; **[Ord. 2018-018]**
 - (3) Outdoor storage shall be prohibited within the front yard, and shall be set back a minimum of 25 feet; and, **[Ord. 2018-018]**
- f) A maximum of three vehicles or equipment shall be permitted, unless the acreage requirement is met. **[Ord. 2018-018]**
- g) All vehicle parking or storage areas shall utilize improved surfaces such as asphalt, pavement, or shell rock. **[Ord. 2018-018]**
- h) **Ownership**
Permitted vehicles or equipment shall be owned or leased by the Home Occupation license holder, except for semi-trucks operated by the license holder, that are stored not more than two days per week at the home. **[Ord. 2018-018]**
- i) **Trucks and Equipment**
The following vehicles or equipment owned by the business owner, may be allowed for each additional ten acres, and in accordance with the outdoor storage provisions above: **[Ord. 2018-018]**
 - (1) One semi-truck with or without trailer; or one dump truck; and **[Ord. 2018-018]**
 - (2) One trailer; and
 - (3) One item of heavy equipment, such as a bobcat or loader, but excluding large equipment such as cranes.
- 2) Home Occupation having Contractor Storage Yard shall be exempt from the Incompatibility Buffer requirements. **[Ord. 2018-018]**

Article 6, Parking, Loading, and Circulation

CHAPTER A GENERAL

Section 1 General

A. Purpose and Intent

The purpose and intent of this Article is to ensure the design and function, provisions of parking, loading, queuing, vehicular and pedestrian circulation, driveways, and access are in proportion to the demand created by each use and are efficient and safe. **[Ord. 2020-001]**

B. Applicability

The standards of this Article shall apply to all development in unincorporated PBC, or existing development that is modified to the extent that it includes uses or site design features that were not specifically shown on previously approved plans. All parking areas established by this Section shall be continuously maintained in accordance with this Article. Parking and loading spaces shall be provided in accordance with [Table 6.B.1.B, Minimum Parking and Loading Requirements](#), unless stated otherwise below. **[Ord. 2020-001]**

1. Prohibitions

Parking and loading spaces are prohibited in the following: **[Ord. 2020-001]**

- a. Landscape buffers; and **[Ord. 2020-001]**
- b. Drainage District R-O-W or Easements, except additional parking in excess of the minimum required may be located in these areas with an agreement with the applicable district and subject to approval by the Zoning Director. **[Ord. 2011-011] [Ord. 2020-001]**

2. Exemptions

The following exemptions shall apply, unless the parcel is vacant. [Ord. 2007-013] [Ord. 2020-001]

a. Commercial Vehicle

One commercial vehicle of not over one ton rated capacity may be parked per dwelling unit, providing all of the following conditions are met:

- 1) vehicle is registered or licensed;
- 2) used by a resident of the premises;
- 3) gross vehicle weight rating (GVWR) does not exceed 12,500 pounds;
- 4) height does not exceed nine feet, including any load, bed, or box; and,
- 5) total vehicle length does not exceed 26 feet. [Ord. 2005-041]

b. Construction Vehicles

Temporary parking of construction vehicles or equipment engaged in work on private land where construction is underway, for which a current and valid Building Permit has been issued by the Building Director and the Building Permit is displayed on the premises. [Ord. 2007-013]

c. Delivery and Service Vehicles

The routine deliveries by tradesmen, or the use of trucks in making service calls. [Ord. 2007-013]

d. Emergency Repairs

A situation where a motor vehicle becomes disabled and, as a result of such emergency, is required to be parked in a residential district longer than two hours. Any prohibited motor vehicle shall be removed from the residential district within 24 hours, regardless of the nature of the emergency.

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CHAPTER D RESIDENTIAL PARKING STORAGE

Section 1 Storage

A. Applicability

1. Outdoor Storage

A maximum of one recreational vehicle and any two or a maximum of three of the following, may be parked outdoors on a residential parcel with a residential unit: sports vehicle or marine vessel with accompanying trailers, and trailers may be parked outdoors in a residential district provided that the vehicles are: [Ord. 2007-013] [Ord. 2019-005] [Ord. 2020-001]

- a. owned and used by a resident of the premises;
- b. not parked in a required front setback or other area between the structure and the street, or on the street except for the purpose of loading or unloading during a period not to exceed two hours in any 24-hour period; [Ord. 2007-013]
- c. located in the side or rear yard and are screened from surrounding property and streets with an opaque wall, fence, or hedge a minimum of six feet in height;
- d. not used for living, sleeping, or housekeeping purposes;
- e. operative and currently registered or licensed, as required by State or Federal law;
- f. vehicles or marine vessels on navigable waterways are exempt; and, [Ord. 2007-013] [Ord. 2019-005]
- g. one vehicle which does not meet the requirements above may be approved through the ZAR process upon demonstration that: [Ord. 2018-002]
 - 1) The Property Owner, family member, or legal tenant has a physical disability which requires a vehicle which cannot meet these requirements.

2. Unregistered or Unlicensed Vehicles

One vehicle may be kept on site provided the vehicle is completely screened from view from adjacent roads and lots. [Ord. 2007-013] [Ord. 2020-001]

3. Indoor Storage

Vehicles, marine vessels, and related trailers used for non-commercial purposes, whether licensed and operational or not, located in a fully enclosed garage or permitted roofed structure. [Ord. 2007-013] [Ord. 2019-005]

4. Parking of Equipment, Vehicles, or Marine Vessels and Trailers in Residential Districts

The following standards shall apply to the parking of equipment (including construction equipment), vehicles, recreational vehicles, sports vehicles, or marine vessels and trailers on residential parcels or adjacent streets in residential districts. For the purposes of this Section, legally established, non-residential uses in the AR district on lands designated Rural Residential in the Plan shall not be considered a residential district and is subject to [Art. 5.B.1.A.3, Outdoor Storage and Activities](#), where allowed. **[Ord. 2007-013] [Ord. 2019-005] [Ord. 2020-001]**

a. General Prohibition

1) On-Street

No person shall park, store, or keep any equipment, commercial vehicle, recreational vehicle, marine vessel, trailer, or sports vehicle such as a dune buggy, jet skis, racing vehicle, off-road vehicle, air boat, canoe, or paddleboat, on any public street, or other thoroughfare or any R-O-W within a residential district for a period exceeding one hour in any 24-hour period, each such period commencing at the time of first stopping or parking. **[Ord. 2007-013] [Ord. 2019-005] [Ord. 2019-034]**

2) On-Site

a) It shall be unlawful for any owner of land in any residential district to park on, cause to be parked on, or allow to be parked on residentially zoned land any unlicensed or unregistered vehicle or equipment, commercial vehicle, sports vehicle, recreational vehicle, marine vessel, or trailer for a period exceeding one hour in any 24-hour period, each such period commencing at the time of first stopping or parking, unless in compliance with [Art. 6.D.1.A.2, Unregistered or Unlicensed Vehicles](#). **[Ord. 2007-013] [Ord. 2019-005] [Ord. 2019-034] [Ord. 2020-001]**

b) Vehicles shall only be parked on an improved surface in the Urban/Suburban Tier. **[Ord. 2019-034]**

3) Vacant Lot Prohibitions

Parking shall be prohibited on all vacant properties in residential districts. **[Ord. 2007-013]**

Exhibit 3 - State Regulations and Data



The following table identifies actively registered trucks in the listed zip codes as of 8/16/2023 requested of and provided by the Florida Highway Safety and Motor Vehicles. This data includes commercial properties and properties in municipalities.

Zip Code	Total 10,000lbs+	10,000- 14,000lbs	14,001- 16,000lbs	16,001- 20,000lbs	20,001 to 26,000lbs	26,0001+
33411	181	86	25	22	13	35
33412	76	43	11	6	5	11
33470	259	143	29	10	30	47
Total	516	272	65	38	48	93

Florida Commercial Driver's License (CDL) Requirements

All applicants for a Commercial Driver License are required to have an Operator's License, pass the vision requirements, and pass knowledge and skills tests. Applicants must be at least 18 years of age. If they are under 21, they will be restricted to intrastate operation only.

Class A Requirements – To operate trucks or truck combinations weighing 26,001 lbs or more, and towing a vehicle/unit over 10,000 lbs, a Class A license is required. The following tests are required:

- Knowledge Tests: General Knowledge Test; Combination Vehicles Test; Air Brakes Test (if applicable); Applicable exams for desired endorsements
- Skills Tests: Pre-trip Vehicle Inspection, Basic Vehicle Control, On-road Test

Class B Requirements – To operate straight trucks and buses 26,001 lbs or more, a Class B license is required. The following tests are required:

- Knowledge Tests: General Knowledge Test; Air Brakes Test (if applicable); Applicable exams for desired endorsements
- Skills Tests: Pre-trip Vehicle Inspection; Basic Vehicle Control; On-road Test

Class C Requirements – To operate vehicles transporting placarded amounts of hazardous materials, or vehicles designed to transport 16 or more people including the driver, with a Gross Vehicle Weight Rating of less than 26,001 lbs, a Class C license is required. The following tests are required:

- Knowledge Tests: General Knowledge Test; Air Brakes Test (if applicable); Applicable exams for desired endorsements
- Skills Tests: Pre-trip Vehicle Inspection; Basic Vehicle Control; On-road Test

<https://www.flhsmv.gov/driver-licenses-id-cards/commercial-motor-vehicle-drivers/commercial-driver-license/>

CHAPTER 320, MOTOR VEHICLE LICENSES, F.S.

Full Chapter:

http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=0300-0399/0320/0320.html

320.01 Definitions, general.—As used in the Florida Statutes, except as otherwise provided, the term:

(1) **“Motor vehicle”** means:

(a) An automobile, motorcycle, truck, trailer, semitrailer, truck tractor and semitrailer combination, or any other vehicle operated on the roads of this state, used to transport persons or property, and propelled by power other than muscular power, but the term does not include traction engines, road rollers, motorized scooters, micromobility devices, personal delivery devices and mobile carriers as defined in s. 316.003, special mobile equipment as defined in s. 316.003, vehicles that run only upon a track, bicycles, electric bicycles, swamp buggies, or mopeds.

(b) A recreational vehicle-type unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. Recreational vehicle-type units, when traveling on the public roadways of this state, must comply with the length and width provisions of s. 316.515, as that section may hereafter be amended. As defined below, the basic entities are:

1. The “travel trailer,” which is a vehicular portable unit, mounted on wheels, of such a size or weight as not to require special highway movement permits when drawn by a motorized vehicle. It is primarily designed and constructed to provide temporary living quarters for recreational, camping, or travel use. It has a body width of no more than 8½ feet and an overall body length of no more than 40 feet when factory-equipped for the road.

2. The “camping trailer,” which is a vehicular portable unit mounted on wheels and constructed with collapsible partial sidewalls which fold for towing by another vehicle and unfold at the campsite to provide temporary living quarters for recreational, camping, or travel use.

3. The “truck camper,” which is a truck equipped with a portable unit designed to be loaded onto, or affixed to, the bed or chassis of the truck and constructed to provide temporary living quarters for recreational, camping, or travel use.

4. The “motor home,” which is a vehicular unit which does not exceed the length, height, and width limitations provided in s. 316.515, is a self-propelled motor vehicle, and is primarily designed to provide temporary living quarters for recreational, camping, or travel use.

5. The “private motor coach,” which is a vehicular unit which does not exceed the length, width, and height limitations provided in s. 316.515(9), is built on a self-propelled bus type chassis having no fewer than three load-bearing axles, and is primarily designed to provide temporary living quarters for recreational, camping, or travel use.

6. The “van conversion,” which is a vehicular unit which does not exceed the length and width limitations provided in s. 316.515, is built on a self-propelled motor vehicle chassis, and is designed for recreation, camping, and travel use.

7. The “park trailer,” which is a transportable unit which has a body width not exceeding 14 feet and which is built on a single chassis and is designed to provide seasonal or temporary living quarters when connected to utilities necessary for operation of installed fixtures and appliances. The total area of the unit in a setup mode, when measured from the exterior surface of the exterior stud walls at the level of maximum dimensions, not including any bay window, does not exceed 400 square feet when constructed to ANSI A-119.5 standards, and 500 square feet when constructed to United States Department of Housing and Urban Development Standards. The length of a park trailer means the distance from the exterior of the front of the body (nearest to the drawbar and coupling mechanism) to the exterior of the rear of the body (at the opposite end of the body), including any protrusions.

8. The “fifth-wheel trailer,” which is a vehicular unit mounted on wheels, designed to provide temporary living quarters for recreational, camping, or travel use, of such size or weight as not to require a special highway movement permit, of gross trailer area not to exceed 400 square feet in the setup mode, and designed to be towed by a motorized vehicle that contains a towing mechanism that is mounted above or forward of the tow vehicle’s rear axle.

(2)(a) **“Mobile home”** means a structure, transportable in one or more sections, which is 8 body feet or more in width and which is built on an integral chassis and designed to be used as a dwelling when connected to the required utilities and includes the plumbing, heating, air-conditioning, and electrical systems contained therein. For tax purposes, the length of a mobile home is the distance from the exterior of the wall nearest to the drawbar and coupling mechanism to the exterior of the wall at the opposite end of the home where such walls enclose living or other interior space. Such distance includes expandable rooms, but excludes bay windows, porches, drawbars, couplings, hitches, wall and roof extensions, or other attachments that do not enclose interior space. In the event that the mobile home owner has no proof of the length of the drawbar, coupling, or hitch, then the tax collector may in his or her discretion either inspect the home to determine the actual length or may assume 4 feet to be the length of the drawbar, coupling, or hitch.

(b) **“Manufactured home”** means a mobile home fabricated on or after June 15, 1976, in an offsite manufacturing facility for installation or assembly at the building site, with each section bearing a seal certifying that it is built in compliance with the federal Manufactured Home Construction and Safety Standard Act.

(3) **“Owner”** means any person, firm, corporation, or association controlling any motor vehicle or mobile home by right of purchase, gift, lease, or otherwise.

(4) **“Trailer”** means any vehicle without motive power designed to be coupled to or drawn by a motor vehicle and constructed so that no part of its weight or that of its load rests upon the towing vehicle.

(5) **“Semitrailer”** means any vehicle without motive power designed to be coupled to or drawn by a motor vehicle and constructed so that some part of its weight and that of its load rests upon or is carried by another vehicle.

(6) **“Net weight”** means the actual scale weight in pounds with complete catalog equipment.

(7) **“Gross weight”** means the net weight of a motor vehicle in pounds plus the weight of the load carried by it.

(8) **“Cwt”** means the weight per hundred pounds, or major fraction thereof, of a motor vehicle.

(9) **“Truck”** means any motor vehicle with a net vehicle weight of 5,000 pounds or less and which is designed or used principally for the carriage of goods and includes a motor vehicle to which has been added a cabinet box, a platform, a rack, or other equipment for the purpose of carrying goods other than the personal effects of the passengers.

(10) **“Heavy truck”** means any motor vehicle with a net vehicle weight of more than 5,000 pounds, which is registered on the basis of gross vehicle weight in accordance with s. 320.08(4), and which is designed or used for the carriage of goods or designed or equipped with a connecting device for the purpose of drawing a trailer that is attached or coupled thereto by means of such connecting device and includes any such motor vehicle to which has been added a cabinet box, a platform, a rack, or other equipment for the purpose of carrying goods other than the personal effects of the passengers.

(11) **“Truck tractor”** means a motor vehicle which has four or more wheels and is designed and equipped with a fifth wheel for the primary purpose of drawing a semitrailer that is attached or coupled thereto by means of such fifth wheel and which has no provision for carrying loads independently.

(12) **“Gross vehicle weight”** means:

(a) For heavy trucks with a net weight of more than 5,000 pounds, but less than 8,000 pounds, the gross weight of the heavy truck. The gross vehicle weight is calculated by adding to the net weight of the heavy truck the weight of the load carried by it, which is the maximum gross weight as declared by the owner or person applying for registration.

(b) For heavy trucks with a net weight of 8,000 pounds or more, the gross weight of the heavy truck, including the gross weight of any trailer coupled thereto. The gross vehicle weight is calculated by adding to the gross weight of the heavy truck the gross weight of the trailer, which is the maximum gross weight as declared by the owner or person applying for registration.

(c) The gross weight of a truck tractor and semitrailer combination is calculated by adding to the net weight of the truck tractor the gross weight of the semitrailer, which is the maximum gross weight as declared by the owner or person applying for registration; such vehicles are together by means of a fifth-wheel arrangement whereby part of the weight of the semitrailer and load rests upon the truck tractor.

(13) **“Passenger,”** or any abbreviation thereof, does not include a driver.

(14) **“Private use”** means the use of any vehicle which is not properly classified as a for-hire vehicle.

(15)(a) **“For-hire vehicle”** means any motor vehicle, when used for transporting persons or goods for compensation; let or rented to another for consideration; offered for rent or hire as a means of transportation for compensation; advertised in a newspaper or generally held out as being for rent or hire; used in connection with a travel bureau; or offered or used to provide transportation for persons solicited through personal contact or advertised on a “share-expense” basis. When goods or passengers are transported for compensation in a motor vehicle outside a municipal corporation of this state, or when goods are transported in a motor vehicle not owned by the person owning the goods, such transportation is “for hire.” The carriage of goods and other personal property in a motor vehicle by a corporation or association for its stockholders, shareholders, and members, cooperative or otherwise, is transportation “for hire.”

(b) The following are not included in the term “for-hire vehicle”: a motor vehicle used for transporting school children to and from school under contract with school officials; a hearse or ambulance when operated by a licensed embalmer or mortician or his or her agent or employee in this state; a motor vehicle used in the transportation of agricultural or horticultural products or in transporting agricultural or horticultural supplies direct to growers or the consumers of such supplies or to associations of such growers or consumers; a motor vehicle temporarily used by a farmer for the transportation of agricultural or horticultural products from any farm or grove to a packinghouse or to a point of shipment by a transportation company; or a motor vehicle not exceeding 11/2 tons under contract with the Government of the United States to carry United States mail, provided such vehicle is not used for commercial purposes.

(16) **“Road”** means the entire width between the boundary lines of every way or place of whatever nature when any part thereof is open to the use of the public for purposes of vehicular traffic.

(17) **“Brake horsepower”** means the actual unit of torque developed per unit of time at the output shaft of an engine, as measured by a dynamometer.

(18) **“Department”** means the Department of Highway Safety and Motor Vehicles.

(19)(a) **“Registration period”** means a period of 12 months or 24 months during which a motor vehicle or mobile home registration is valid.

(b) **“Extended registration period”** means a period of 24 months during which a motor vehicle or mobile home registration is valid.

(20) **“Marine boat trailer dealer”** means any person engaged in:

(a) The business of buying, selling, manufacturing, or dealing in trailers specifically designed to be drawn by another vehicle and used for the transportation on land of vessels, as defined in s. 327.02; or

(b) The offering or displaying of such trailers for sale.

(21) **“Renewal period”** means the period during which renewal of a motor vehicle registration or mobile home registration is required, as provided in s. 320.055.

(22) **“Golf cart”** means a motor vehicle that is designed and manufactured for operation on a golf course for sporting or recreational purposes and that is not capable of exceeding speeds of 20 miles per hour.

(23) **“International Registration Plan”** means a registration reciprocity agreement among states of the United States and provinces of Canada providing for payment of license fees on the basis of fleet miles operated in various jurisdictions.

(24) **“Apportionable vehicle”** means any vehicle, except recreational vehicles, vehicles displaying restricted plates, city pickup and delivery vehicles, and government-owned vehicles, which is used or intended for use in two or more member jurisdictions that allocate or proportionally register vehicles and which is used for the transportation of persons for hire or is designed, used, or maintained primarily for the transportation of property and:

(a) Is a power unit having a gross vehicle weight in excess of 26,000 pounds;

(b) Is a power unit having three or more axles, regardless of weight; or

(c) Is used in combination, when the weight of such combination exceeds 26,000 pounds gross vehicle weight.

Vehicles, or combinations thereof, having a gross vehicle weight of 26,000 pounds or less and two-axle vehicles may be proportionally registered.

(25) **“Commercial motor vehicle”** means any vehicle which is not owned or operated by a governmental entity, which uses special fuel or motor fuel on the public highways, and which has a gross vehicle weight of 26,001 pounds or more, or has three or more axles regardless of weight, or is used in combination when the weight of such combination exceeds 26,001 pounds gross vehicle weight. A vehicle that occasionally transports personal property to and from a closed-course motorsport facility, as defined in s. 549.09(1)(a), is not a commercial motor vehicle if the use is not for profit and corporate sponsorship is not involved. As used in this subsection, the term “corporate sponsorship” means a payment, donation, gratuity, in-kind service, or other benefit provided to or derived by a person in relation to the underlying activity, other than the display of product or corporate names, logos, or other graphic information on the property being transported.

(26) **“Motorcycle”** means any motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground. The term includes an auticycle, as defined in s. 316.003, but excludes a tractor, a moped, or any vehicle in which the operator is enclosed by a cabin unless it meets the requirements set forth by the National Highway Traffic Safety Administration for a motorcycle.

(27) **“Moped”** means any vehicle with pedals to permit propulsion by human power, having a seat or saddle for the use of the rider and designed to travel on not more than three wheels, with a motor rated not in excess of 2 brake horsepower and not capable of propelling the vehicle at a speed greater than 30 miles per hour on level ground, and with a power-drive system that functions directly or

automatically without clutching or shifting gears by the operator after the drive system is engaged. If an internal combustion engine is used, the displacement may not exceed 50 cubic centimeters.

(28) **“Interstate”** means vehicle movement between or through two or more states.

(29) **“Intrastate”** means vehicle movement from one point within a state to another point within the same state.

(30) **“Person”** means and includes natural persons, corporations, copartnerships, firms, companies, agencies, or associations, singular or plural.

(31) **“Registrant”** means a person in whose name or names a vehicle is properly registered.

(32) **“Motor carrier”** means any person owning, controlling, operating, or managing any motor vehicle used to transport persons or property over any public highway.

(33) **“Motorized disability access vehicle”** means a vehicle designed primarily for handicapped individuals with normal upper body abilities and designed to be fueled by gasoline, travel on not more than three wheels, with a motor rated not in excess of 2 brake horsepower and not capable of propelling the vehicle at a speed greater than 30 miles per hour on level ground, and with a power-drive system that functions directly or automatically without clutching or shifting gears by the operator after the drive system is engaged. If an internal combustion engine is used, the displacement may not exceed 50 cubic centimeters.

(34) **“Resident”** means a person who has his or her principal place of domicile in this state for a period of more than 6 consecutive months, who has registered to vote in this state, who has made a statement of domicile pursuant to s. 222.17, or who has filed for homestead tax exemption on property in this state.

(35) **“Nonresident”** means a person who is not a resident.

(36) **“Electric vehicle”** means a motor vehicle that is powered by an electric motor that draws current from rechargeable storage batteries, fuel cells, or other sources of electrical current.

(37) **“Disabled motor vehicle”** means any motor vehicle as defined in subsection (1) which is not operable under its own motive power, excluding a nondisabled trailer or semitrailer, or any motor vehicle that is unsafe for operation upon the highways of this state.

(38) **“Replacement motor vehicle”** means any motor vehicle as defined in subsection (1) under tow by a wrecker to the location of a disabled motor vehicle for the purpose of replacing the disabled motor vehicle, thereby permitting the transfer of the disabled motor vehicle’s operator, passengers, and load to an operable motor vehicle.

(39) **“Wrecker”** means any motor vehicle that is used to tow, carry, or otherwise transport motor vehicles and that is equipped for that purpose with a boom, winch, car carrier, or other similar equipment.

(40) **“Tow”** means to pull or draw any motor vehicle with a power unit by means of a direct attachment, drawbar, or other connection or to carry a motor vehicle on a power unit designed to transport such vehicle from one location to another.

(41) “**Low-speed vehicle**” means any four-wheeled vehicle whose top speed is greater than 20 miles per hour but not greater than 25 miles per hour, including, but not limited to, neighborhood electric vehicles. Low-speed vehicles must comply with the safety standards in 49 C.F.R. s. 571.500 and s. 316.2122.

(42) “**Utility vehicle**” means a motor vehicle designed and manufactured for general maintenance, security, and landscaping purposes, but the term does not include any vehicle designed or used primarily for the transportation of persons or property on a street or highway, or a golf cart, or an all-terrain vehicle as defined in s. 316.2074.

(43) For purposes of this chapter, the term “agricultural products” means any food product; any agricultural, horticultural, or livestock product; any raw material used in plant food formulation; and any plant food used to produce food and fiber.

(44) “**Mini truck**” means any four-wheeled, reduced-dimension truck that does not have a National Highway Traffic Safety Administration truck classification, with a top speed of 55 miles per hour, and which is equipped with headlamps, stop lamps, turn signal lamps, taillamps, reflex reflectors, parking brakes, rearview mirrors, windshields, and seat belts.

(45) “**Swamp buggy**” means a motorized off-road vehicle that is designed or modified to travel over swampy or varied terrain and that may use large tires or tracks operated from an elevated platform. The term does not include any vehicle defined in chapter 261 or otherwise defined or classified in this chapter.

Exhibit 4 - Federal Vehicle Regulations



The **USDOT Number** serves as a unique identifier when collecting and monitoring a company's safety information acquired during audits, compliance reviews, crash investigations, and inspections. You are required to obtain a USDOT number if you have a vehicle that:

- Is used to transport the types and quantities of hazardous materials requiring a safety permit in intrastate commerce (see [49 CFR 385.403](#)).

OR

- Has a gross vehicle weight rating or gross combination weight rating, or gross vehicle weight or gross combination weight, of 4,536 kg (10,001 pounds) or more, whichever is greater; or
- Is designed or used to transport more than 8 passengers (including the driver) for compensation; or
- Is designed or used to transport more than 15 passengers, including the driver, and is not used to transport passengers for compensation;

AND is involved in Interstate commerce: Trade, traffic, or transportation in the United States—

- Between a place in a State and a place outside of such State (including a place outside of the United States);
- Between two places in a State through another State or a place outside of the United States; or
- Between two places in a State as part of trade, traffic, or transportation originating or terminating outside the State or the United States.

<https://www.fmcsa.dot.gov/registration/do-i-need-usdot-number>

Commercial Driver's License: Most drivers must obtain a commercial driver's license (CDL) through their home State (it is illegal to have a license from more than one State). In addition, special endorsements may be required if you or your company drivers will be driving any of the following vehicles:

- a truck with double or triple trailers
- a truck with a tank
- a truck carrying hazardous materials
- a passenger vehicle

<https://www.fmcsa.dot.gov/registration/commercial-drivers-license>

PART 390—FEDERAL MOTOR CARRIER SAFETY REGULATIONS; GENERAL

Full Chapter: <https://www.ecfr.gov/current/title-49/subtitle-B/chapter-III/subchapter-B/part-390>

§ 390.5 Definitions.

Commercial motor vehicle means any self-propelled or towed motor vehicle used on a highway in interstate commerce to transport passengers or property when the vehicle—




































- (1) Has a gross vehicle weight rating or gross combination weight rating, or gross vehicle weight or gross combination weight, of 4,536 kg (10,001 pounds) or more, whichever is greater; or
- (2) Is designed or used to transport more than 8 passengers (including the driver) for compensation; or
- (3) Is designed or used to transport more than 15 passengers, including the driver, and is not used to transport passengers for compensation; or
- (4) Is used in transporting material found by the Secretary of Transportation to be hazardous under [49 U.S.C. 5103](#) and transported in a quantity requiring placarding under regulations prescribed by the Secretary under [49 CFR](#), subtitle B, chapter I, subchapter C.

Gross vehicle weight rating (GVWR) means the value specified by the manufacturer as the loaded weight of a single motor vehicle.

Exhibit 5 - Federal Vehicle Classifications

U.S. Department of Transportation, Federal Highway Administration regulates vehicle types by Class.

Federal Highway Administration	
Vehicle Class	GVWR Category
Class 1: <6,000 lbs	Light Duty <10,000 lbs
Class 2: 6,001 – 10,000lbs	
Class 3: 10,001 – 14,000 lbs	Medium Duty 10,001 – 26,000 lbs
Class 4: 14,001 – 16,000 lbs	
Class 5: 16,001 – 19,500 lbs	
Class 6: 19,501 – 26,000 lbs	
Class 7: 26,001 – 33,000 lbs	Heavy Duty >26,001 lbs
Class 8: >33,001 lbs	

Class 1 Motorcycles		Class 7 Four or more axle, single unit	
Class 2 Passenger cars		Class 8 Four or less axle, single trailer	
			
			
			
Class 3 Four tire, single unit		Class 9 5-Axle tractor semitrailer	
			
			
Class 4 Buses		Class 10 Six or more axle, single trailer	
		Class 11 Five or less axle, multi trailer	
			
Class 5 Two axle, six tire, single unit			
		Class 12 Six axle, multi-trailer	
		Class 13 Seven or more axle, multi-trailer	
Class 6 Three axle, single unit			
			
			
			

Sources: https://www.fhwa.dot.gov/policyinformation/tmguid/tmg_2013/vehicle-types.cfm
<https://afdc.energy.gov/data/10380>

Class 1 Trucks

6,000 lbs. or less



Ford Ranger



Chevrolet Colorado



GMC Canyon



Dodge Dakota



Toyota Tacoma

Municibid

Class 2 Truck

6,001 - 10,000 lbs.



Chevrolet Silverado 1500



Chevrolet Silverado 2500



Dodge Ram 1500



Dodge Ram 2500



Ford F-150



Ford F-250



GMC Sierra 1500



Nissan Titan

Municibid

Class 3 Trucks

10,001 – 14,000 lbs.



Chevrolet Silverado 3500



Dodge Ram 3500



Ford E-350



Ford F-350



GMC Sierra 3500

Municibid

Class 4 Trucks

14,001 – 16,000 lbs.



Dodge Ram 4500



Ford E-450



Ford F-450



GMC 4500

Municibid

Class 5 Trucks

16,001 – 19,500 lbs.



Dodge Ram 5500



Ford F-550



Freightliner M2



GMC 5500



International TerraStar

Municibid

Class 6 Trucks

19,501 – 26,000 lbs.



**Chevrolet Kodiak
(GMC TopKick) C6500**



Ford F-650



Freightliner M2 106



International Durastar 4300

Municibid

Class 7 Trucks

26,001 – 33,000 lbs.



Ford F-750



GMC C7500



International WorkStar



Mack Granite

Municibid

Class 8 Trucks

33,001+ lbs



Tractor Trailer



18-Wheelers

Municibid

Graphics Source: <https://blog.municibid.com/understanding-truck-classification/>

Exhibit 6 - Local Government Research

Per direction at the April 27, 2023 Board of County Commissioners (BCC) hearing, Staff researched other Local Government regulations regarding the parking of commercial vehicles as summarized in this Exhibit.

Nearly all of the local governments researched have established land development regulations for commercial vehicle parking in residential zoning, including: commercial vehicle definitions/classifications, minimum lot size, allowable number of commercial vehicles, and screening requirements. Although these regulations vary greatly, some common themes emerged, including:

- **Commercial Vehicle Definitions/Classifications.** Most local governments distinguish between categories of commercial vehicles by capacity, weight, or Gross Vehicle Weight Rating (GVWR). The weight of commercial vehicles allowed to be parked on a residential lot range between 5,000 pounds to 15,000 pounds with a majority allowing a maximum weight of 10,000 pounds allowed.
- **Minimum Lot Size.** Generally, most of the local governments require a minimum residential lot size of one acre for commercial vehicles to be parked, with Southwest Ranches and Hendry County allowing one vehicle to be parked on a lot two acres or less, and a maximum of two vehicles on lots two acres or greater.
- **Number of Commercial Vehicles.** The bulk of the local governments allow a maximum of one commercial vehicle on a residential lot, and typically under 15,000 pounds.
- **Larger Commercial Vehicles.** Most local governments prohibit larger vehicles such as semi-trucks, tractor-trailers, any truck with two or more axles, vehicles equipped with a bucket lift and dump trucks. Many of the local governments allow lots with onsite agricultural operations to park larger commercial vehicles.
- **Screening and Enclosures.** Most local governments require mitigation measures to reduce the impacts commercial vehicles on adjacent properties, such as requiring commercial vehicles to be parked within a fully enclosed structure, such as a garage or a carport. Screening through the use of vegetation is also required in many local governments, with some jurisdictions adding setback requirements from adjacent property or street lines.

Jurisdiction	Definition	Residential Zoning
Loxahatchee Groves	<p>Vehicle, commercial. Any operable vehicle designed, intended or used for the transportation of people, goods or things, other than private passenger vehicles, agricultural equipment and personal recreation vehicles, provided that any vehicle with a commercial sign placed upon it shall be considered a commercial vehicle. The term "commercial vehicle" shall include, but is not limited to the following:</p> <p>a. Semi trailer. All two or more axle vehicles designed to be coupled to and drawn by a motor vehicle.</p> <p>b. Truck. A motor vehicle designed with or modified to contain a bed, platform, cabinet, rack or other equipment for the purpose of carrying items or things or performing commercial activities and weighing 8,000 pounds or more. This term includes, but is not limited to, wreckers, tow trucks, dump trucks, utility or service vehicles, and moving vans.</p> <p>c. Truck-tractor. A motor vehicle having four or more wheels designed to draw a semi-trailer and often equipped with a "fifth wheel" for this purpose.</p> <p>d. Bus. Any vehicle designed or modified for transportation of 15 or more people in seats permanently placed in the vehicle.</p> <p>e. Business vehicle. Any vehicle upon which a business name is displayed. This term includes, but is not limited to, taxis, limousines, ambulances, and vans, but excludes security vehicles which are providing security services to the area where the vehicle is parked.</p>	<p>All outdoor storage shall not be visible from roadways or neighboring properties except as permitted below:</p> <p>e. Commercial and recreational vehicles. A maximum of two commercial or recreational vehicles may be stored on a plot of land without screening, provided that the vehicles are routinely operated/maintained by a permanent, full-time resident of the property.</p>

Jurisdiction	Definition	Residential Zoning
Village of Wellington	<p>Commercial Vehicle: a vehicle that is not used solely for personal nonbusiness activities. The following factors will be considered when determining commercial status:</p> <p>(1) Outside lettering designating a business of any kind;</p> <p>(2) use of vehicle; and</p> <p>(3) size of vehicle. The following types of vehicles shall be considered commercial for the purposes of this section, but shall not be the only types of vehicles considered as commercial: truck cab; semi-trailer; taxi; tow truck; step-van; construction vehicle; bus; trailer or utility trailer; a vehicle outfitted for commercial purposes or a vehicle with 3 or more axles.</p>	<p>One commercial vehicle per dwelling unit</p> <p>Vehicle must be operative, registered, and displays a current license tag, and no portion of the vehicle is visible from adjoining properties or the street. One vehicle that is deemed a commercial vehicle due to the display of outside lettering may be parked on a residential lot provided the lettering be completely covered</p> <p>Not Allowed: No person shall park, store, or keep any commercial vehicle on any public street, thoroughfare, or any right-of-way</p>
Martin County	<p>Commercial vehicle or truck: A vehicle used for conducting a commercial enterprise.</p>	<p>Residential Districts: Storage or parking of one commercial vehicle or commercial trailer, not to exceed one-ton cargo capacity, is permitted accessory to a residential use</p> <p>(1) owned or operated by the resident; and</p> <p>(2) is garaged or otherwise screened from view of adjoining properties and street (except for public service emergencies).</p> <p>AG, AR, A-1A, A-1, and A-2 districts: Storage or parking of one owner-operator commercial vehicle or tractor-trailer exceeding one-ton rated capacity subject to:</p> <p>(1) The commercial vehicle or tractor-trailer is owned by the owner of the lot and is used for farm related purposes.</p> <p>(2) The commercial vehicle or tractor-trailer is not used for the operation of a trucking business.</p> <p>(3) The commercial vehicle or tractor-trailer is stored or parked in compliance with the setback requirements of the applicable district.</p>

Jurisdiction	Definition	Residential Zoning
Broward County	<p>Commercial Vehicle: all vehicles, motor vehicles or trailers drawn by motor vehicles, when designed, used or maintained primarily for the delivery or transport of persons or property in the conduct of, or carrying on of, any commercial or business activity for pecuniary gain or profit and where the owner or operator of such business or commercial enterprise is required to obtain a Broward County occupational license pursuant to sections 20-15 through 20-69, as amended, or for the solicitation of business or customers within Broward County.</p>	<p>Residential lots allow One commercial vehicle 5,000 pounds or less</p> <p>Must be Parked or stored in a carport or garage, or in the side or rear yard if completely hidden from view of all adjacent properties.</p> <p>NOT Allowed: Any vehicle equipped with a bucket lift, and semi-trailers, truck-tractors, dump trucks, tow trucks and moving vans, any of which may be parked or stored inside a completely enclosed building.</p>
Cooper City	<p>Commercial Vehicle: any vehicle or structure as hereafter defined by the Florida Department of Motor Vehicles HSMV 83140 tax classifications, as may be amended from time to time, or any vehicle or structure of a substantially similar design and intended primary use, including but not limited to:</p> <p>(1) Any vehicle on which is displayed, painted or affixed any sign or marking which identifies or advertises any business or commercial venture of any kind;</p> <p>(2) Every vehicle designed, used or maintained primarily for the transportation of property, including commercial van trucks, commercial pick-up trucks, tractors and trailers or any part thereof, or any other vehicle normally recognized as a truck or commercial vehicle; provided, however, that pick-up trucks with unmodified cargo beds, whether or not equipped with a tool box mounted behind the cab, shall not be deemed commercial vehicles in the absence of indicia of commercial use.</p> <p>(3) Any vehicle commonly known as a step van, tractor-trailer, semitrailer, trailer, bus, ambulance, hearse, wrecker and tractor crane, and other such vehicles designed as tools and not as hauling units</p>	<p>Allowed on residentially zoned lots</p> <p>Must be enclosed or screened from public view by a covered garage, entirely in a carport attached to the home, screen on all side with vegetation or other material and do not exceed ten (10) feet in total height, and which are parked within an area behind a privacy fence with a height of six (6) feet</p> <p>Prohibited in the public street and public right-of-way</p>

Jurisdiction	Definition	Residential Zoning
Southwest Ranches	<p>Commercial Vehicle: any self-propelled or towed vehicle used on the public highways in commerce to transport passengers or cargo, if such vehicle:</p> <p>(a) Has a GVWR of 10,000 pounds or more;</p> <p>(b) Is designed to transport more than 15 passengers, including the driver; or</p> <p>(c) Is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act</p>	<p>No more than one commercial vehicle for plots under two net acres in area, and no more than two commercial vehicles for plots of two or more net acres in area may be parked on a plot by permanent, full-time residents of the plot who regularly drive the vehicle for occupational purposes not pertaining to any business use of the plot where parked, and bring the vehicle home in between work shifts.</p> <p>1. Screening or enclosure is not required for one commercial vehicle not exceeding 15,000 pounds GVWR, but shall be required for a second commercial vehicle regardless of weight, so that such additional vehicle is not visible from adjacent street or property.</p> <p>2. Any commercial vehicle exceeding 15,000 pounds GVWR shall be screened so as not to be visible from adjacent street or property, and shall not be parked closer than 50 feet from property or street line.</p> <p>3. No commercial vehicles may be parked within a required yard, unless parked on a stabilized driveway surface.</p> <p>4. The operation of refrigeration units is prohibited while the vehicle is parked or stored on the premises.</p> <p>Not Allowed:</p> <p>1. The vehicle shall not contain signage;</p> <p>2. The vehicles shall not be stored within a required yard unless on a stabilized driveway surface; provided that such storage shall be subject to screening and setbacks where required by subsection (C)(4)a of this section; and</p> <p>3. The vehicle shall not be visible from any adjacent street or property.</p>
Town of Davie	<p>Commercial vehicle: any vehicle designed, intended or used for profit or for hire, including, but not limited to, cars, vans, trucks, trailers, farm tractors, farm trailers, tow trucks, tractor-trailers, semitrailers, buses and trailers of any nature</p> <p>Class 1: <6,000 lbs. (eg: sedan or sport-utility vehicle)</p> <p>Class 2: 6,001—10,000 lbs. (eg: utility van)</p>	<p>One commercial vehicle allowed to be parked on a parcel within a residential zoning district</p> <p>1. The commercial vehicle is regularly used by a resident of the lot on which the vehicle is located.</p> <p>2. The commercial vehicle displays no signage other than as may be required by law</p> <p>3. A maximum of one Class 1 or Class 2 commercial vehicle may be parked on a paved surface within the front or side yard of a lot or within a completely enclosed garage</p> <p>Not Allowed: Trailers, box trucks, panel truck or step vans not equipped with a hydraulic lift, boom, hoist or tow equipment of any kind</p>

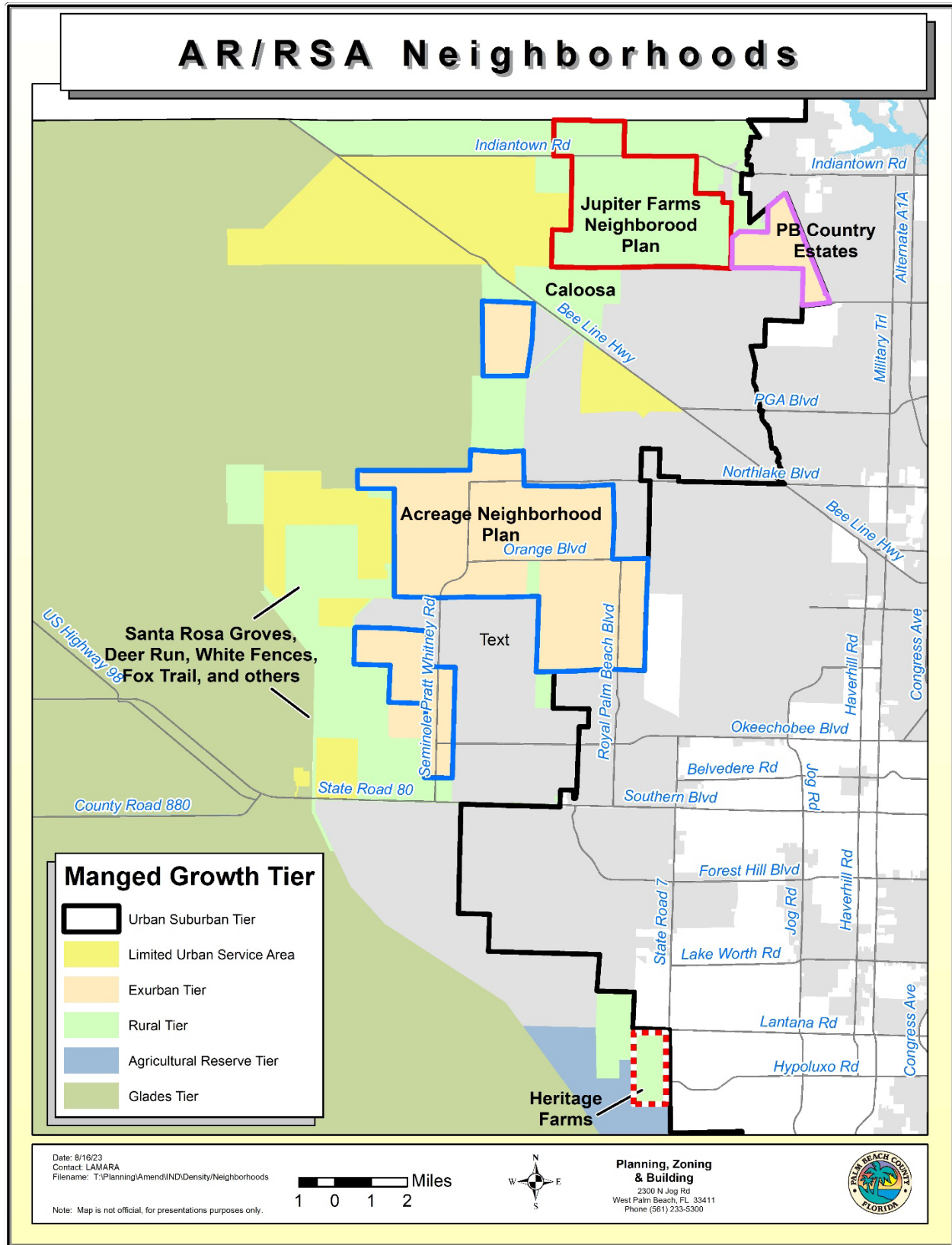
Jurisdiction	Definition	Residential Zoning
Miami Dade County	<p>Commercial vehicle: any vehicle whether motor-driven or towed, and used, constructed, or equipped for the transportation of goods, wares, merchandise, tools, or equipment in trade, commerce, or industry.</p> <p>Category 2 vehicles include vehicles eight feet or less in height that display, either fixed or temporary, externally-mounted equipment such as ladders, lawn care equipment or fixtures, and brackets necessary to carry such items, Enclosed or open trailers or utility trailers less than 20 feet in length</p> <p>Category 3 vehicles include vehicles exceeding 20 feet in length and more than eight feet in height. They include: Tow trucks, Dump trucks Construction or earth-moving vehicles or equipment, Semi-tractors, Trailers</p>	<p>One Category 2 vehicle may be stored or parked on private property in residential zones</p> <p>Must be kept within an enclosed garage or behind the front building line with a completely enclosed, opaque fence, screening wall or landscaping six feet in height, at least 10 feet from the rear property line.</p> <p>Not Allowed: All Category 3 vehicles are prohibited in all residential zoned districts.</p>
Indian River County	<p>Commercial vehicle: any motor vehicle which:</p> <p>(1) Has a rack for transporting materials or equipment and items other than the personal effects of private passengers, or a boom that is visible when the vehicle is parked, including but not limited to bucket trucks, dump trucks, semi-tractors, semi-trailers, and other similar vehicles; or</p> <p>(2) Exceeds a gross vehicle weight of 15,000 pounds, a length of 23 feet, or a height of 9 feet, except that recreational vehicles, as defined in this section, shall not be considered as commercial vehicles.</p>	<p>1. One commercial vehicle shall be allowed per residential premises within the A-1, A-2, and A-3 districts</p> <p>2. One tow truck or wrecker is allowed to be parked or stored at a residence</p> <p>Commercial vehicles shall be completely screened from adjacent streets and properties and shall be parked in designated paved spaces.</p> <p>Not Allowed: Commercial vehicle used for hauling explosives, gasoline or liquefied petroleum products prohibited to be parked for an extended period in a residential area</p>
Port St. Lucie	<p>Commercial Vehicle: every vehicle designed, used, or maintained primarily for the carriage of goods with a gross vehicle weight of 10,000 pounds or more; has the capacity to transport more than ten passengers, including the driver; or is used to transport hazardous materials.</p>	<p>Allowed on residentially zoned lots</p> <p>Vehicle must be completely enclosed in a garage or similar type structure containing four walls and a roof</p>

Jurisdiction	Definition	Residential Zoning
Hillsborough County	Commercial Vehicle: any vehicle, whether motorized or not, utilized for commercial purposes, or designed by the manufacturer to be used primarily for commercial purposes, or altered or converted for the purpose of being so used, but not including vehicles having a capacity of one ton or less or meeting the definition of a domestic vehicle.	The parking of one commercial vehicle per lot shall be permitted in Residentially developed parcels in the AM, A, AR, AS-0.4, AS-1 and ASC-1 zoning districts 1. The lot is at least one acre in size. The commercial vehicle shall be exclusively operated by a resident of the lot. 2. Requirements do not apply to the parking of commercial vehicles on agriculturally zoned parcels when such vehicles are utilized for permitted non-residential activities on the parcel.
City of Lakeland	Commercial Vehicle: any vehicle which possesses one or more of the following characteristics: a. Has a Gross Vehicle Weight Rating equal to or greater than 12,500 pounds; b. Is greater than 80 inches in width; c. Is greater than 26 feet in length; d. Has more than two axles on the road; e. Is equipped with air brakes, refrigeration equipment, hydraulic lifts, cranes, loading ramps, or similar equipment; f. Is equipped with a utility body or commercial equipment racks; g. Has attached or visible equipment or tools, whether covered with a tarpaulin or any opaque or translucent covering; h. Has signage of a commercial nature. Bumper stickers, decorative license plates dealer stickers are not commercial signage.	One commercial vehicle per dwelling unit 1. GVWR is less than 12,500 pounds . 2. less than 80 inches wide. 3. less than 26 feet in length. 4. has only two axles on the road. 5. is not equipped with air brakes, refrigeration, hydraulic lifts, cranes, loading ramps, or similar equipment NOT ALLOWED: Semi-trucks and/or trailers, either as one unit or separately; Wreckers and tow trucks; Box trucks; Dump trucks; Bucket trucks.
Collier County	Commercial Vehicle: any passengered conveyance (except a baby carriage or wheelchair) for commercial purposes, operating for profit, with paying customers.	Allowed on a lot in a Residential District 1. The vehicle and/or equipment is parked in a garage or fully enclosed structure or carport which is structurally or vegetatively screened and cannot be seen from adjacent properties or the street serving the lot; or 2. The vehicle is parked in the rear of the main structure and is enclosed within a vegetative screening which conceals the vehicle from the view of neighbors; or 3. Vehicles have a rated load capacity of one ton or less , all of which do not exceed 7.5 feet in height, nor 7.0 feet in width, nor 25 feet in length;
Glades County	Commercial Vehicles: automobiles, vans, and pickup trucks having a rated load capacity of one ton or less shall not be considered commercial vehicles for purposes of this section.	Allowed on a lot in a Residential District, parked within an enclosed structure sufficient to screen it from view from an adjacent property

Jurisdiction	Definition	Residential Zoning
		Not Allowed: No maintenance or repair of commercial vehicles parked within an enclosed structure
Hendry County	Commercial vehicle: vehicles that operate for commercial or business purposes, rather than a vehicle used for personal purposes. Examples of commercial vehicles include dump trucks, semi-tractors and trailers (either as one unit or separately), vehicles having more than two axles, buses for more than ten passengers, and similar vehicles not ordinarily used for personal transportation.	Allowed on a parcel with a residential zoning district 1. One commercial vehicle per parcel on a lot less than two acres is permitted and no more than two commercial vehicles on a lot greater than two acres. 2. The parking area must be sufficient in size to support the commercial vehicle, connected to a driveway, and comprised of one of the following materials: Concrete, Asphalt, Crushed shell or Rock. 3. As an alternative to the requirements above, commercial vehicles or trailers may be stored inside an enclosed garage which meets the setback requirements of the zoning district. 4. Commercial vehicles must be accessory to an established, legal residential use and owned by someone residing on the property
Duval-Jacksonville	Commercial Vehicle: any vehicle whether motor-driven or towed, and used constructed or equipped for the transportation of goods, wares, merchandise, tools, or equipment in the trade, commerce or industry	Allowed in the Residential Rural-Acre Zoning District NOT Allowed: Truck tractors , or box trucks, step-vans, moving vans, delivery trucks, dump trucks, tow trucks, flat bed trucks, buses, cranes, or similar vehicles, or any vehicles used as a platform for a derrick, hoist, crane, compressor, tank(s), ladder racks, or similar equipment, commercial wreckers, Semi-trailers drawn by a truck tractor, Trailers used for transporting landscaping and lawn care equipment
Lee County	The following types of trucks or commercial vehicles may not be parked or stored on any property zoned AG, RS, RSA, RSC, TFC, TF, RM, MH, RV, PUD, RPD, RVPD, MHPD, or the residential portion of a MPD: (1) A tractor-trailer or semi-trailer truck; or (2) A truck with two or more rear axles; or (3) A truck with a manufacturer's GVWR in excess of 15,000 pounds; or (4) Any truck and trailer combination, excluding a trailer used solely for non-commercial or recreational purposes, resulting in a combined manufacturer's GVWR in excess of 15,000 pounds.	Allowed with a Home Occupation and within the AG Zoning District a. Trucks and equipment shall be stored within an enclosed building with home occupation; b. The property must not be vacant; c. The commercial vehicle is primarily used for a legally permitted agricultural use in existence on the property, OR d. The person operating the truck or commercial vehicle must be a resident of the property and is licensed to drive the truck or commercial vehicle. This provision is intended to allow a resident in the agriculturally zoned districts (AG) to drive one truck home from work. It is not intended to allow a business to be run from the property.

Jurisdiction	Definition	Residential Zoning
Pinellas County	<p>1. Commercial Vehicle: any vehicle, commercial in its design and structure, or any other vehicle used for commercial purposes. "Commercial purpose" means a use for compensation, including but not limited to the transport of animals, commodities, materials, solid waste, articles of trade, or the performance or tender of services</p> <p>2. Prohibited vehicles and equipment means and includes, but shall not be limited to, any truck, trailer or stretched and/or extended automobile or sport utility vehicle in excess of 21 feet, or any semi-trailer, tractor trailer combination, or truck tractor as defined in F.S. § 320.01(11), or any step-van, cube-van, box truck, flatbed truck, tow truck, wrecker, moving van, bus, or any construction, landscaping, or land clearing equipment. The term also includes any vehicle used as a platform for a derrick, hoist, crane, compressor, tanks, ladder racks, or similar equipment.</p>	<p>For each residential dwelling unit there may be one van, pickup truck, or utility trailer, with attachments such as ladder racks, utility beds, flat beds, glass racks, side racks, or elevated tool boxes.</p> <p>Vehicle together with any and all such attachments and/or cargo and equipment shall be no more than 21 feet in length, eight feet in height, and eight feet in width on a prepared, inorganic, hard surfaced, non-dirt, parking area and not on the grassy or vegetated area of the yard.</p> <p>Prohibited vehicle cannot be stored, maintained or parked in a residential zoning district unless such vehicle is parked on private property in an enclosed garage or similar lawful structure</p>
Sarasota County	<p>Commercial vehicle: every vehicle designed, used or maintained primarily for the transportation of property</p> <p>Not Allowed:</p> <p>(1) Semi-truck and/or trailer;</p> <p>(2) Dump truck;</p> <p>(3) Any truck which is over 7,200 pounds vehicle weight;</p> <p>(4) All wreckers, including class A, B or C wreckers;</p> <p>(5) Bucket truck;</p> <p>(6) Construction equipment, including but not limited to, front end loader, bulldozer, bobcat or ditch digger, with the sole exception of construction equipment parked during the tenure of construction;</p> <p>(7) Trucks with stake beds.</p>	<p>One buffered and one visible commercial vehicle less than 7,200 pounds allowed on residential lots.</p> <p>(1) The commercial vehicle is less than or equal to 7,200 pounds vehicle weight;</p> <p>(2) The commercial vehicle is buffered within an enclosed structure or with landscaping, and parked in the side or rear yard</p> <p>(3) The visible commercial vehicle shall not exceed six and one-half feet in height and may have a rack no higher than 18 inches above the vehicle height</p> <p>(4) The visible commercial vehicle shall not be parked on a paved area, shell or rock area with perimeters or borders defined by landscape features, such as bushes, railroad ties or other similar materials</p>

Exhibit 7 - Boundary Maps



AR/RSA Zoning by Lot Size

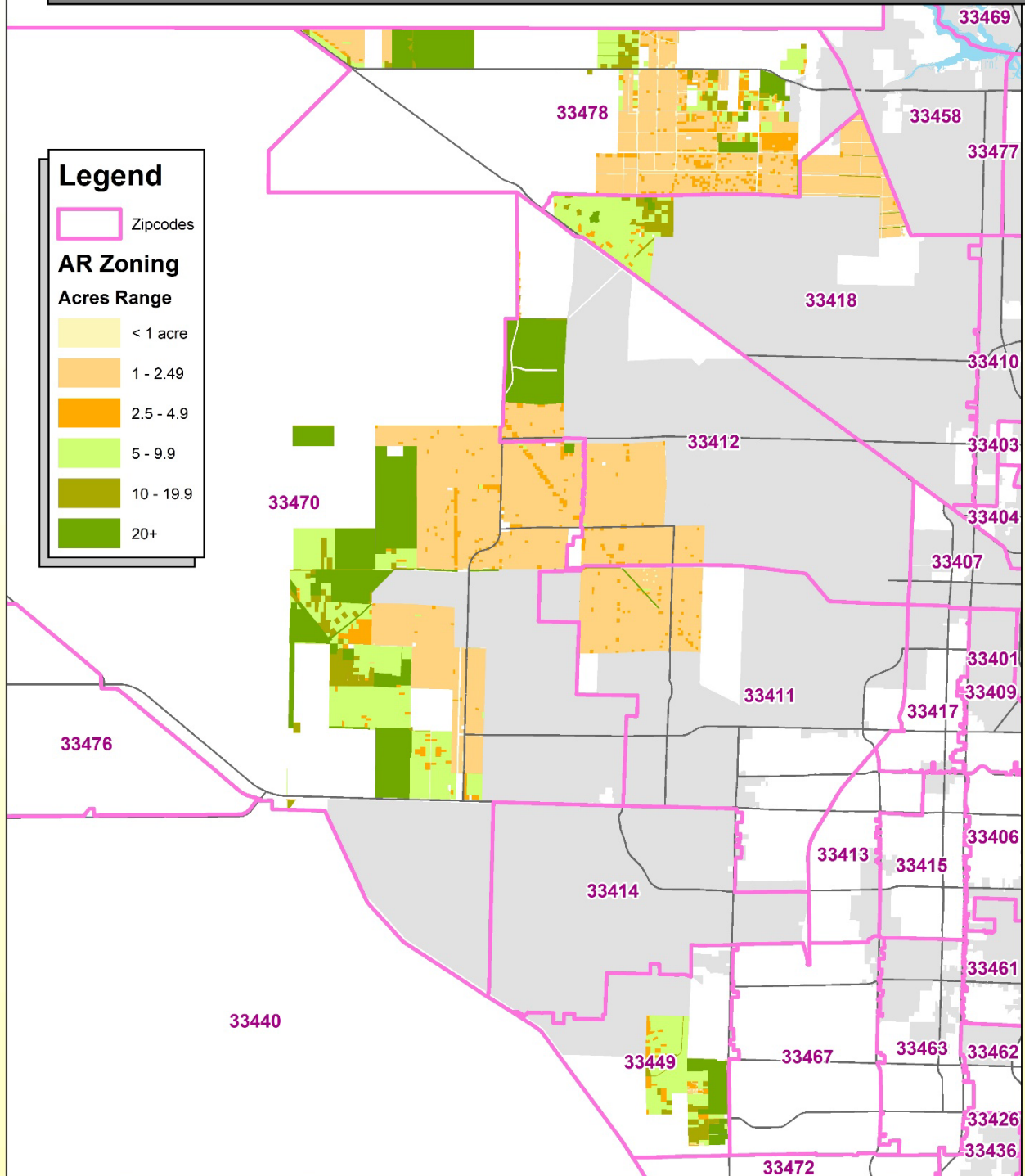
Legend

Zipcodes

AR Zoning

Acres Range

< 1 acre
1 - 2.49
2.5 - 4.9
5 - 9.9
10 - 19.9
20+



Date: 8/16/23
Contact: LAMARA
Filename: T:\Planning\Amend\IND\Density\ZipCodes

Note: Map is not official, for presentations purposes only.

1 0 1 2 Miles



**Planning, Zoning
& Building**
2300 N Jog Rd
West Palm Beach, FL 33411
Phone (561) 233-5300



Exhibit 8 - Home Occupations, BTR, and HB 403

Palm Beach County active Business Tax Receipts (BTR) as of May 2023 in the Acreage and Jupiter Farms Neighborhood Planning areas. Many agricultural and institutional uses are exempt from BTR and therefore such businesses are not represented fully by this data. The General Category was assigned by Zoning staff to simplify this information; the actual records consist of 483 different categories. The bulk of the businesses are home occupations; however, there are two locations of commercial nodes (retail and office uses) in each neighborhood that are included below.

General Category	Total	%	Acreage	%	Jupiter Farms	%
Contractor	1,267	42%	968	44%	299	38%
Home Office	511	17%	375	17%	136	17%
Landscape	304	10%	230	10%	74	9%
Merchandise	221	7%	146	7%	75	9%
Vehicle, Trucking, Delivery	213	7%	151	7%	62	8%
Home Mobile Service	154	5%	121	5%	33	4%
Short Term Rental	130	4%	77	3%	53	7%
Animals-Non Ag	61	2%	36	2%	25	3%
Group Home - Child Care	38	1%	34	2%	4	1%
Manufacture	36	1%	28	1%	8	1%
Nursery	26	1%	16	1%	10	1%
Agriculture	24	1%	19	1%	5	1%
Sports	17	1%	11	0%	6	1%
Equipment Rentals	11	0%	7	0%	4	1%
Total	3,013	100%	2,219	100%	794	100%

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

ENROLLED

CS/HB 403, Engrossed 1

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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CS/HB 403, Engrossed 1

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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CS/HB 403, Engrossed 1

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.