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1 A bill to be entitled
2 An act relating to affordable housing; amending ss.
3 125.01055 and 166.04151, F.S.; revising the
4 definitions of certain land use categories for which
5 certain residential development may be authorized to
6 exclude farms and farm operations and uses associated
7 therewith; providing an effective date.

8
9 Be It Enacted by the Legislature of the State of Florida:

10
11 Section 1. Paragraph (n) of subsection (7) of section
12 125.01055, Florida Statutes, is amended to read:

13 125.01055 Affordable housing.—

14 (7)

15 (n) As used in this subsection, the term:

16 1. "Commercial use" means activities associated with the
17 sale, rental, or distribution of products or the performance of
18 services related thereto. The term includes, but is not limited
19 to, such uses or activities as retail sales; wholesale sales;
20 rentals of equipment, goods, or products; offices; restaurants;
21 public lodging establishments as described in s. 509.242(1)(a);
22 food service vendors; sports arenas; theaters; tourist
23 attractions; and other for-profit business activities. A parcel
24 zoned to permit such uses by right without the requirement to
25 obtain a variance or waiver is considered commercial use for the
26 purposes of this section, irrespective of the local land
27 development regulation's listed category or title. The term does
28 not include home-based businesses or cottage food operations
29 undertaken on residential property;it public lodging

2026962e1

30 establishments as described in s. 509.242(1)(c); farms or farm
31 operations as defined in s. 823.14(3) or uses associated
32 therewith, including the packaging and sale of products raised
33 on the premises;~~7~~ or uses that are accessory, ancillary,
34 incidental to the allowable uses, or allowed only on a temporary
35 basis. Recreational uses, such as golf courses, tennis courts,
36 swimming pools, and clubhouses, within an area designated for
37 residential use are not commercial use, irrespective of how they
38 are operated.

39 2. "Industrial use" means activities associated with the
40 manufacture, assembly, processing, or storage of products or the
41 performance of services related thereto. The term includes, but
42 is not limited to, such uses or activities as automobile
43 manufacturing or repair, boat manufacturing or repair, junk
44 yards, meat packing facilities, citrus processing and packing
45 facilities, produce processing and packing facilities,
46 electrical generating plants, water treatment plants, sewage
47 treatment plants, and solid waste disposal sites. A parcel zoned
48 to permit such uses by right without the requirement to obtain a
49 variance or waiver is considered industrial use for the purposes
50 of this section, irrespective of the local land development
51 regulation's listed category or title. The term does not include
52 farms or farm operations as defined in s. 823.14(3) or uses
53 associated therewith, including the packaging and sale of
54 products raised on the premises, or uses that are accessory,
55 ancillary, incidental to the allowable uses, or allowed only on
56 a temporary basis. Recreational uses, such as golf courses,
57 tennis courts, swimming pools, and clubhouses, within an area
58 designated for residential use are not industrial use,

2026962e1

59 irrespective of how they are operated.

60 3. "Mixed use" means any use that combines multiple types
61 of approved land uses from at least two of the residential use,
62 commercial use, and industrial use categories. The term does not
63 include farms or farm operations as defined in s. 823.14(3) or
64 uses associated therewith, including the packaging and sale of
65 products raised on the premises, or uses that are accessory,
66 ancillary, incidental to the allowable uses, or allowed only on
67 a temporary basis. Recreational uses, such as golf courses,
68 tennis courts, swimming pools, and clubhouses, within an area
69 designated for residential use are not mixed use, irrespective
70 of how they are operated.

71 4. "Planned unit development" has the same meaning as
72 provided in s. 163.3202(5)(b).

73 Section 2. Paragraph (n) of subsection (7) of section
74 166.04151, Florida Statutes, is amended to read:

75 166.04151 Affordable housing.—

76 (7)

77 (n) As used in this subsection, the term:

78 1. "Commercial use" means activities associated with the
79 sale, rental, or distribution of products or the performance of
80 services related thereto. The term includes, but is not limited
81 to, such uses or activities as retail sales; wholesale sales;
82 rentals of equipment, goods, or products; offices; restaurants;
83 public lodging establishments as described in s. 509.242(1)(a);
84 food service vendors; sports arenas; theaters; tourist
85 attractions; and other for-profit business activities. A parcel
86 zoned to permit such uses by right without the requirement to
87 obtain a variance or waiver is considered commercial use for the

2026962e1

88 purposes of this section, irrespective of the local land
89 development regulation's listed category or title. The term does
90 not include home-based businesses or cottage food operations
91 undertaken on residential property;~~;~~ public lodging
92 establishments as described in s. 509.242(1)(c); farms or farm
93 operations as defined in s. 823.14(3) or uses associated
94 therewith, including the packaging and sale of products raised
95 on the premises;~~;~~ or uses that are accessory, ancillary,
96 incidental to the allowable uses, or allowed only on a temporary
97 basis. Recreational uses, such as golf courses, tennis courts,
98 swimming pools, and clubhouses, within an area designated for
99 residential use are not commercial use, irrespective of how they
100 are operated.

101 2. "Industrial use" means activities associated with the
102 manufacture, assembly, processing, or storage of products or the
103 performance of services related thereto. The term includes, but
104 is not limited to, such uses or activities as automobile
105 manufacturing or repair, boat manufacturing or repair, junk
106 yards, meat packing facilities, citrus processing and packing
107 facilities, produce processing and packing facilities,
108 electrical generating plants, water treatment plants, sewage
109 treatment plants, and solid waste disposal sites. A parcel zoned
110 to permit such uses by right without the requirement to obtain a
111 variance or waiver is considered industrial use for the purposes
112 of this section, irrespective of the local land development
113 regulation's listed category or title. The term does not include
114 farms or farm operations as defined in s. 823.14(3) or uses
115 associated therewith, including the packaging and sale of
116 products raised on the premises, or uses that are accessory,

2026962e1

117 ancillary, incidental to the allowable uses, or allowed only on
118 a temporary basis. Recreational uses, such as golf courses,
119 tennis courts, swimming pools, and clubhouses, within an area
120 designated for residential use are not industrial use,
121 irrespective of how they are operated.

122 3. "Mixed use" means any use that combines multiple types
123 of approved land uses from at least two of the residential use,
124 commercial use, and industrial use categories. The term does not
125 include farms or farm operations as defined in s. 823.14(3) or
126 uses associated therewith, including the packaging and sale of
127 products raised on the premises, or uses that are accessory,
128 ancillary, incidental to the allowable uses, or allowed only on
129 a temporary basis. Recreational uses, such as golf courses,
130 tennis courts, swimming pools, and clubhouses, within an area
131 designated for residential use are not mixed use, irrespective
132 of how they are operated.

133 4. "Planned unit development" has the same meaning as
134 provided in s. 163.3202(5)(b).

135 Section 3. This act shall take effect upon becoming a law.