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1  
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; public lodging

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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,

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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

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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,

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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.