

ORDINANCE NO. 592

AN ORDINANCE OF THE TOWN OF BELLEAIR, FLORIDA, AMENDING CHAPTER 74, ARTICLE IV, DIVISION 3, SECTION 74-311 – HOME OCCUPATIONS, TO BRING THE SECTION INTO COMPLIANCE WITH SECTION 559.955, FLORIDA STATUTES, PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Chapter 74, Article IV, of the Code of Ordinances of the Town of Belleair addresses accessory structures and uses; and

WHEREAS, Section 74-311 of the Code of Ordinances of the Town of Belleair governs the accessory use of home occupations; and

WHEREAS, Section 559.955, Florida Statutes, preempts the Town's ability to regulate home-based businesses as outlined in that section; and

WHEREAS, the Board of Commissioners desires to amend Chapter 74, Article IV, Division 3, Section 74-311, of the Code of Ordinances of the Town of Belleair, to comply with the Section 559.995, Florida Statutes; and

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Town of Belleair, Florida, that:

Section 1. Section 74-311 of Division 3 of Article IV of Chapter 74 of the Code of Ordinances of the Town of Belleair, Florida, is hereby amended to read as follows:

Section 74-311. Home-~~based businesses~~occupations.

- ~~(a) It shall be unlawful for any person to establish or engage in any mercantile or commercial enterprise, trade, calling or profession in any of the following districts: RE, R-1, R-2, RM-15, RPD, H or P, except as permitted by exception within this land development code.~~
- ~~(b) No business, professional or otherwise, and no home occupation shall be carried on in any dwelling structure unless permitted by the town manager after review of a permit application.~~
- ~~(ae) Home-based businesses~~ occupations shall ~~not be permitted by the town to be conducted in any residential districts as described and set forth in this land development code, unless otherwise authorized as provided in this section. Before any permit may be issued for any occupation in any residential zone, such occupation must meet each and all of the following qualifications~~ be allowed to operate in an area zoned for residential use, provided:

- ~~(1) The home-based business operates, in whole or in part, from a residential property and the activities of the home-based business are secondary to the~~

~~property's use as a residential dwelling; occupation shall be conducted within the residential premises and only by the person who is licensed to do so and is a resident of the premises. The individual so licensed shall not engage any employees to assist in the home occupation.~~

(2) ~~The employees of the business who work at the residential dwelling must also reside in the residential dwelling, except that up to a total of two employees or independent contractors who do not reside at the residential dwelling may work at the business. The business may have additional remote employees that do not work at the residential dwelling. No home occupation shall occupy more space than 20 percent of the total floor area of a residence, exclusive of any open porch, attached garage or similar space not suited for or intended to be occupied as living quarters; provided, however, in no event shall such home occupation occupy more than 300 square feet.~~

(3) ~~All business activities must comply with any relevant local or state regulations with respect to signage and equipment or processes that create noise, vibration, heat, smoke, dust, glare, fumes, or noxious odors. No signs shall be permitted to advertise the accessory use of the premises for an occupational purpose.~~

(4) ~~All business activities must comply with any relevant local, state, and federal regulations with respect to the use, storage, or disposal of any corrosive, combustible, or other hazardous or flammable materials or liquids. No chemical, mechanical or electrical equipment that is not normally a part of domestic or household equipment shall be used primarily for commercial purposes. Machinery that causes noises audible to neighbors, or that causes interference in radio or television reception, shall be prohibited.~~

(5) ~~The home-based business may not conduct retail transactions at a structure other than the residential dwelling; however, incidental business uses and activities may be conducted at the residential property. No goods shall be sold on the building site, and no stock in trade shall be stored on or delivered to the building site.~~

(6) ~~Parking related to the business activities of the home-based business shall comply with the town's zoning requirements and the need for parking by the business may not be. No traffic shall be generated by such occupation in greater in volumes than would normally be expected at a similar in a residential where no business is conducted. neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a front yard required pursuant to this land development code. Vehicles and trailers used in connection with the business must be parked in legal parking spaces that are not~~

located within the right-of-way, on or over a sidewalk, or on any unimproved surfaces at the residence.

(7) As viewed from the street, the use of the ~~There shall be no alterations in the residential character of the premises in connection with such home occupation property~~ must be consistent with the uses of the residential areas that surround the property. External modifications made to a residential dwelling to accommodate a home-based business must conform to the residential character and architectural aesthetics of the neighborhood.

(8) ~~The following shall not be considered home occupations: Beauty shops, barbershops, dance instructors, swimming instructors, studios for group instruction, public dining facilities or tearooms, antique or gift shops, photographic studios, fortunetelling or similar activities, outdoor repair, food processing, retail sales, nursery schools or kindergartens.~~

(9) ~~The giving of individual instruction to one person at a time, such as an art or piano teacher, shall be deemed a home occupation. Individual instruction as a home occupation for those activities listed in subsection (8) of this subsection shall be prohibited.~~

~~(d) In no case shall more than one home occupation license be issued to any person at one time.~~

Section 2. If any section, subsection, sentence, clause, provision or word of this Ordinance is held unconstitutional or otherwise legally invalid, same shall be severable and the remainder of this Ordinance shall not be affected by such invalidity, such that any remainder of the Ordinance shall withstand any severed provision, as the Town Commission would have adopted the Ordinance and its regulatory scheme even absent the invalid part.

Section 3. The Codifier shall codify the substantive amendments to the Belleair Town Code contained in Sections 1 of this Ordinance as provided for therein and shall not codify the exordial clauses nor any other sections not designated for codification.

Section 4. Pursuant to Florida Statutes § 166.041(5), this Ordinance shall take effect immediately upon adoption.

ADOPTED ON FIRST READING on the 18th day of November, 2025, by the Town Commission of the Town of Belleair, Florida.

PUBLISHED on the _____ day of _____, 2025.

PASSED AND ADOPTED ON SECOND AND FINAL READING on the _____ day of _____, 2025, by the Town Commission of the Town of Belleair, Florida.

Mike Wilkinson, Mayor

ATTEST:

Christine Nicole, CPM, MMC, Town Clerk