

ORDINANCE NO. 06-2025

AN ORDINANCE OF THE CITY OF DELTONA, FLORIDA, AMENDING THE ZONING CODE, CHAPTER 110-807 “HOME OCCUPATIONS” BY UPDATING THE TITLE TO “HOME-BASED BUSINESSES” TO ALIGN WITH FLORIDA STATUTES AND INCLUDE PROVISIONS RELATED TO EMPLOYEES, TRAFFIC GENERATION LIMITS, AND AGRICULTURAL HOME BUSINESSES; PROVIDING FOR CONFLICTS, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, Article VIII of the State Constitution and Chapter 166, Florida Statutes provide that municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal services, and may exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, the City of Deltona as the governing body, pursuant to the authority vested in Chapter 163 and Chapter 166, Florida Statutes, is authorized and empowered to consider changes to its land development regulations; and

WHEREAS, the City of Deltona, Florida, adopted Chapter 110-807, “Home occupations,” Article VIII, “Supplementary Regulations,” and Chapter 110, “Zoning” within its Land Development Code; and

WHEREAS, Section 110-807, “Home occupations,” of Article VIII, “Supplementary Regulations,” of Chapter 110, “Zoning,” of the Land Development Code shall be amended to align with Florida Statutes and include provisions related to employees, traffic generation limits, and agricultural home businesses; and

WHEREAS, the Planning and Zoning Board held a public hearing on March 19, 2025 and forwarded its recommendations to the City Commission; and

WHEREAS, the City Commission finds and determines that these modifications are in the best interest of the public health, safety, and welfare of the residents of the City of Deltona.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DELTONA, FLORIDA, as follows:

Section 1. Recitals Adopted. The foregoing "Whereas" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this ordinance upon adoption hereof.

Section 2. Amendment to the Code of Ordinances. The City Commission hereby approves and adopts modifications to Section 110-807, "Home occupations," of Article VIII, "Supplementary Regulations," of Chapter 110, "Zoning," of the Land Development Code, as set forth in "Exhibit A" attached hereto.

Section 3. Conflicts. Any and all Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

Section 4. Severability. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect any other provision or application of this ordinance which can be given effect without the invalid provision or application.

Section 5. Codification. The provisions of this Ordinance shall be codified as and be made part of the Code of Ordinances of the City of Deltona. The sections of this Ordinance may be renumbered to accomplish such intention.

Section 6. Effective Date. This Ordinance shall take effect immediately upon its final adoption by the City Commission.

PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF DELTONA, FLORIDA THIS _____ DAY OF _____, 2025.

First Reading: _____

Advertised: _____

Second Reading: _____

BY: _____

Santiago Avila, Jr., MAYOR

ATTEST:

Joyce Raftery, CMC, MMC, CITY CLERK

Approved as to form and legality
for use and reliance of the City of
Deltona, Florida

Gemma Torcivia, CITY ATTORNEY

Name	Yes	No
Avila-Vazquez		
Colwell		
Heriot		
Howington		
Lulli		
Santiago		
Avila		

1 SEE EXHIBIT "A"

2 PROPOSED TEXT AMENDMENTS
3 CITY OF DELTONA LAND DEVELOPMENT CODE

4
5 I. Land Development Code, of the City of Deltona Code of Ordinances Section
6 70-30, Definition shall be amended as follows:

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8 ***
9

10 "PROHIBITED VEHICLE" Every device~~side~~, in, upon, or by which any person or
11 property is or may be transported or drawn upon a roadway, except devices used
12 exclusively upon stationary rails or track as regulated by F.S. Chapter 316 as same may
13 from time to time be amended, having a rate capacity of one ton or more including, but
14 not limited to: farm tractors, road tractors, school buses, semi-trailers, truck tractor
15 trailers having an overall length of more than 12 feet, and excluding emergency vehicles
16 while in use in response to an official dispatch or request for assistance and excluding
17 vehicles commonly referred to as pickup trucks or recreational vehicles.
18

19 II. Zoning Code, of the City of Deltona Code of Ordinances Section 110-807,
20 Home Based Businesses, shall be amended as follows:

21 **Sec. 110-807. Home-Based Businesses occupations.**

22 For the purposes of this subchapter the following definition shall apply unless the
23 context clearly indicates or requires a different meaning.

24 "HOME-BASED BUSINESS". A business that operates, in whole or in part, from a
25 residential property and meets the criteria in F.S. 559.955 and this code.

26 A permitted home-based business shall meet the following criteria

- 27 (a) ~~Home occupations shall have no employees on the premises. Only immediate~~
28 ~~family members for whom the premise in question is the family member's domicile~~
29 ~~may conduct the home occupation. For purposes of this subsection, the term~~
30 ~~employee shall include, but not limited to, independent contractors, volunteers and~~
31 ~~other non-paid workers~~The employees of the business who work at the residential
32 dwelling must also reside in the residential dwelling, except that up to a total of two
33 employees or independent contractors who do not reside at the residential dwelling
34 may work at the business. The business may have additional remote employees
35 that do not work at the residential dwelling.
- 36 (b) ~~The home occupation shall be clearly incidental and subordinate to the residential~~
37 ~~use and shall under no circumstances change the residential character of the~~
38 ~~dwelling~~Parking related to the business activities of the home-based business
39 complies with city zoning requirements in the residential zoning category, and the
40 need for parking generated by the business may not be greater in volume than
41 would normally be expected at a similar residence where no business is conducted.
42 The use of vehicles or trailers operated or parked at the business or on a street

43 right-of-way are regulated as provided in Section 66-25 and Section 66-35.
44 Vehicles and trailers used in connection with the business must be parked in legal
45 parking spaces that are not located within the right-of-way, on or over a sidewalk, or
46 on any unimproved surfaces at the residence. The parking or storage of heavy
47 equipment at the business that is visible from the street or neighboring property is
48 regulated as provided in Section 66-25 and Section 66-35. For purposes of this
49 section, the term "HEAVY EQUIPMENT" means commercial, industrial or
50 agricultural vehicles, equipment or machinery, including those defined as
51 "PROHIBITED VEHICLES" in Section 70-30.

52 (c) ~~The floor area devoted to the home occupation shall not exceed 25 percent of the~~
53 ~~floor area of the dwelling. However, up to 500 square feet in an attached or~~
54 ~~detached garage of a dwelling, or in any accessory building in an agricultural~~
55 ~~classification, may be used for a home occupation in lieu of floor space within the~~
56 ~~dwelling. As viewed from the street, the use of the residential property is consistent~~
57 ~~with the uses of the residential areas that surround the property. External~~
58 ~~modifications made to a residential dwelling to accommodate a home-based~~
59 ~~business must conform to the residential character and architectural aesthetics of~~
60 ~~the neighborhood. The home-based business may not conduct retail transactions at~~
61 ~~a structure other than the residential dwelling; however, incidental business uses~~
62 ~~and activities may be conducted at the residential property.~~

63 (d) ~~There shall be no change in the outside appearance of the premises other than one~~
64 ~~unlighted nameplate no more than one square foot in area. Any sign shall be~~
65 ~~mounted flat against the wall of the building. There shall be no display that will~~
66 ~~indicate from the exterior that the building is being utilized in part for any purpose~~
67 ~~other than a dwelling. The activities of the home-based business are secondary to~~
68 ~~the property's use as a residential dwelling.~~

69 (e) ~~Storage of stock in trade (i.e., materials or supplies used in the home occupation)~~
70 ~~shall be located within an enclosed buildings and within the space limitations in~~
71 ~~section 110-807(d). No products shall be displayed on the premises. No~~
72 ~~toxic/hazardous materials shall be stored on the premises. The business activities~~
73 ~~comply with any relevant local or state regulations with respect to signage and~~
74 ~~equipment or processes that create noise, vibration, heat, smoke, dust, glare,~~
75 ~~fumes or noxious odors. Any local regulations on a business with respect to noise,~~
76 ~~vibration, heat smoke, dust, glare, fumes or noxious odors may not be more~~
77 ~~stringent than those that apply to a residence where no business is conducted.~~

78 (f) No mechanical equipment shall be used except such as is permissible for purely
79 domestic and household uses. Further, no equipment shall be used in the home
80 occupation which creates fire hazards, electrical interference, noise, vibration,
81 glare, fumes or odors detectable to the normal senses off the lot if the occupation is
82 conducted in a single-family dwelling or mobile home dwelling, or outside the
83 dwelling if conducted in other than a single-family dwelling or mobile home dwelling.
84 In the case of electrical interference, no equipment or process shall be used which
85 creates visual or audible interference in any radio or television receivers off the
86 premises, or causes fluctuations in line voltage off the premises.

- 87 (g) No vehicular traffic shall be generated by the home occupation in greater volumes
88 than would normally be generated by the dwelling unit. For the purposes of this
89 section the typical trip generation rates for each type of residential use are those
90 specified in the latest edition Trip Generation, published by the Institute of Traffic
91 Engineers (ITE). In an instance where two or more trip generation rates may apply
92 to a particular land use the enforcement official shall determine the appropriate
93 rate. In an instance where the Trip Generation Manual does not specify a rate for a
94 particular proposed land use, the enforcement official shall determine a rate using a
95 professionally acceptable source of information, or using the results of a
96 professionally acceptable study that meets all of the requirements for such studies
97 as outlined in Trip Generation and in other ITE publications.
- 98 (h) The home occupation shall not adversely affect the habitability or value of the
99 surrounding properties nor alter the essentially residential character of the
100 neighborhood.
- 101 (i) Any violation of these regulations may result in the revocation of any home
102 occupation permit, in addition to any other remedy for such violation provided in this
103 chapter or by law.
- 104 (j) The issuance of a permit to engage in a home occupation in accordance with this
105 chapter shall not be deemed to be a change of zoning nor an official expression of
106 opinion as to the proper zoning for the particular property.
- 107 (k) Agricultural home occupations shall be permitted as conditional uses in the A-1,
108 Prime Agriculture classification. Agricultural home occupations include commercial
109 land uses, as well as office uses and arts and handicrafts. Agricultural home
110 occupations are permitted to have customers visit the premises, have employees
111 on the premises, and have deliveries to the premises, subject to the conditions of
112 their approval. Those agricultural home occupations that are covered by section
113 110-817, permitted conditional uses, are subject to the requirements of both section
114 110-817 and section 110-1006. All other agricultural home occupations shall be
115 approved in accordance with the requirements of section 110-1006 that provides
116 the procedures and standards for approval of conditional uses.
- 117 (Ord. No. 19-2011, § 1(Exh. A), 11-7-2011; Ord. No. 06-2013, § 1(Exh. A), 6-17-2013)

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26 A permitted home-based business shall meet the following criteria

- 27 (a) The employees of the business who work at the residential dwelling must also
28 reside in the residential dwelling, except that up to a total of two employees or
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30 the business. The business may have additional remote employees that do not
31 work at the residential dwelling.
- 32 (b) Parking related to the business activities of the home-based business complies with
33 city zoning requirements in the residential zoning category, and the need for
34 parking generated by the business may not be greater in volume than would
35 normally be expected at a similar residence where no business is conducted. The
36 use of vehicles or trailers operated or parked at the business or on a street right-of-
37 way are regulated as provided in Section 66-25 and Section 66-35. Vehicles and
38 trailers used in connection with the business must be parked in legal parking
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40 unimproved surfaces at the residence. The parking or storage of heavy equipment
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42 provided in Section 66-25 and Section 66-35. For purposes of this section, the term

43 "HEAVY EQUIPMENT" means commercial, industrial or agricultural vehicles,
44 equipment or machinery, including those defined as "PROHIBITED VEHICLES" in
45 Section 70-30.

- 46 (c) As viewed from the street, the use of the residential property is consistent with the
47 uses of the residential areas that surround the property. External modifications
48 made to a residential dwelling to accommodate a home-based business must
49 conform to the residential character and architectural aesthetics of the
50 neighborhood. The home-based business may not conduct retail transactions at a
51 structure other than the residential dwelling; however, incidental business uses and
52 activities may be conducted at the residential property.
- 53 (d) The activities of the home-based business are secondary to the property's use as a
54 residential dwelling.
- 55 (e) The business activities comply with any relevant local or state regulations with
56 respect to signage and equipment or processes that create noise, vibration, heat,
57 smoke, dust, glare, fumes or noxious odors. Any local regulations on a business
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- 100 (Ord. No. 19-2011, § 1(Exh. A), 11-7-2011; Ord. No. 06-2013, § 1(Exh. A), 6-17-2013)