



MEMORANDUM

DATE: May 5, 2025

TO: City Commission

FROM: Jordan Smith, AICP, PP Planning and Development Services Director

THRU: Doc Dougherty, City Manager

SUBJECT: Ordinance No. 06-2025, Amendment to Section 110-807, of Article VIII, of Chapter 110 "Zoning, of the Land Development Code (Legislative – Public Hearing) (Jordan Smith, Project Manager)

REFERENCES: City Comprehensive Plan, Code of Ordinances.

Request: Updating Section 110-807, of Article VIII, of Chapter 110 "Zoning" in the Land Development Code, to be consistent with Florida Statute.

Background: On June 17, 2013, the Mayor and City Commission adopted Ordinance No. 06-2013, which included provisions for regulation Home Occupations (Section 110-807). This section of the code regulates the performance standards for such uses. In short, if a resident wished to operate a business from their home, they would apply for a home-based Business Tax Receipt, staff would ensure that the request met the requirements of Section 110-807, and the license would be issued. The resident would then be required to continue meeting said requirements.

During the 2021 Legislative Session, on June 29, 2021, the Governor signed Florida House Bill 403, creating Florida Statute (F.S. 559.955, "Home-based businesses; local government restrictions". As can be seen in the attachment, F.S. 559.955 effectively pre-empts local governments from regulating home-based businesses in any manner and requires residents to follow the requirements of F.S. 559.955. State law now prohibits local governments from regulating or restricting home-based businesses any different from other businesses in the local government's jurisdiction, except as provided in the legislation.

Due to the changes made by F.S. 559.955, the City needs to update the previously mentioned sections of the Code of Ordinances to follow Florida Statutes. The proposed changes are outlined in attached Ordinance No. 06-2025.

Summary of Changes: The proposed ordinance updates the City's regulations for home-based businesses to align with Statute 559.955, which preempts local government from imposing regulations more restrictive than those applied to other businesses in the same jurisdiction. The key changes include:

- **Definition Update:** Revised the definition of "Home-Based Business" to match language in F.S. 559.955.

- **Employee Allowance:** Allows up to two non-resident employees or independent contractors to work at the home-based business location, consistent with state law. Additional employees may work remotely.
- **Parking & Vehicle Regulations:** Clarifies that parking must comply with existing zoning requirements. Business-related vehicles must not obstruct sidewalks, rights-of-way, or unimproved surfaces. Restrictions on heavy equipment and prohibited vehicles were updated and clarified.
- **Neighborhood Compatibility:** Ensures the external appearance of a property used for a home-based business remains consistent with the surrounding residential character. External modifications must conform to neighborhood aesthetics.
- **Retail & Business Activity:** Prohibits retail transactions at structures other than the primary residential dwelling but allows incidental business activities on the premises.
- **Signage, Noise & Nuisance Standards:** Aligns local regulations with state standards to ensure they are not more stringent than those applicable to residences without businesses.
- **Traffic Impacts:** Home-based businesses must not generate more traffic than typically expected in residential neighborhoods, using ITE trip generation rates for reference.
- **Compliance & Enforcement:** Clarifies that violations may result in permit revocation and do not imply a change in zoning classification.
- **Agricultural Home Occupations:** Updates provisions for agricultural home occupations, including allowances for employees, customer visits, and deliveries, subject to existing conditional use procedures

PLANNING AND ZONING BOARD: At their regular meeting on March 19, 2025, the Planning and Zoning Board voted unanimously, 6 to 0, to recommend that the Mayor and City Commission approve Ordinance 06-2025.

NEXT STEPS: The Mayor and City Commission passed item on 1st Reading. The Mayor and City Commission will hear Second Reading on Ordinance No. 06-2025 on May 5, 2025.

STAFF RECOMMENDATION: Staff recommends approval of Ordinance No. 06-2025.

ATTACHMENTS:

- Ordinance No. 06-2025.
- HB 403 (For Reference)
- Section 110-810 – Redline.
- Section 110-810 – No Redline.