



MEMORANDUM

DATE: March 19, 2025

TO: Planning and Zoning Board

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

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

SUBJECT: Ordinance No. 06-2025, Amendment to Section 110-810, 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 110-810, 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. The City can no longer regulate parking, aesthetics, use, or any other traditional "performance standard".

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.

STAFF RECOMMENDATION: Section 163.3174, Florida Statutes requires the local planning agency to review proposed land Development regulations and make recommendations to the City Commission as to the consistency of the changes with the adopted Comprehensive Plan. Accordingly, staff recommends that the Planning and Zoning Board recommend that the City Commission approve Ordinance 06-2025 to modify the City's Land Development Code (LDC) related to amendment to Section 110-810, of Article VIII, of Chapter 110 "Zoning" of the Land Development Code.

NEXT STEPS: The Mayor and City Commission will hear this item on April 7, 2025, for 1st Reading and May 5, 2025, for 2nd Reading.

ATTACHMENTS:

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