



Cover Memorandum/Staff Report

File #: 22-926

Agenda Date: 8/16/2022

Item #: 8.B.

TO: Mayor and Commissioners
FROM: Anthea Giannotes, Development Services Department
THROUGH: Terrence R. Moore, ICMA-CM
DATE: August 16, 2022

ORDINANCE NO. 23-22: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF DELRAY BEACH CODE OF ORDINANCES, BY AMENDING CHAPTER 4, "ZONING REGULATIONS," ARTICLE 4.3, "DISTRICT REGULATIONS, GENERAL PROVISIONS," SECTION 4.3.3, "SPECIAL REQUIREMENTS FOR SPECIFIC USES," RENAMING AND UPDATING SUBSECTION (K), "HOME OCCUPATIONS" AND REPEALING SUBSECTION (KK), "HOME TUTORIAL SERVICES," TO BRING REGULATIONS GOVERNING HOME-BASED BUSINESSES INTO COMPLIANCE WITH CB/HB 403, WHICH AMENDS S. 559.955, F.S. TO LIMIT THE POWER OF MUNICIPAL GOVERNMENTS TO REGULATE SUCH USE; AMENDING ARTICLE 4.4, "BASE ZONING DISTRICT," SECTION 4.4.1, "AGRICULTURE ZONE DISTRICT (A)," SECTION 4.4.2, "RURAL RESIDENTIAL (RR) DISTRICT," SECTION 4.4.3, "SINGLE FAMILY RESIDENTIAL (R-1) DISTRICTS," SECTION 4.4.5, "LOW DENSITY RESIDENTIAL (RL) DISTRICT," SECTION 4.4.6, "MEDIUM DENSITY RESIDENTIAL (RM) DISTRICT," SECTION 4.4.7, "PLANNED RESIDENTIAL DEVELOPMENT (PRD) DISTRICT," SECTION 4.4.13, "CENTRAL BUSINESS (CBD) DISTRICT," SECTION 4.4.17, "RESIDENTIAL OFFICE (RO) DISTRICT, AND SECTION 4.4.24, "OLD SCHOOL SQUARE HISTORIC ARTS DISTRICT (OSSHAD)," TO UPDATE THE TERMINOLOGY RELATED TO HOME-BASED BUSINESSES; AND AMENDING ARTICLE 4.6, "SUPPLEMENTAL DISTRICT REGULATIONS," SECTION 4.6.7, "SIGNS," TABLE 4.6.7(A), "SIGN STANDARDS PER ZONING DISTRICT," TO MODIFY SIGN SIZE REGULATIONS FOR SINGLE FAMILY RESIDENTIAL DISTRICTS; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AUTHORITY TO CODIFY; AND PROVIDING AN EFFECTIVE DATE. (SECOND READING)

Recommended Action:

Consider Ordinance No. 23-22, a City-initiated amendment to the Land Development Regulations (LDR) to bring regulations governing home-based business into compliance with S. 559.955, F.S. that restricts the power of municipal governments to regulate home-based businesses.

Background:

House Bill 403 was adopted in 2021, amending S. 559.955, F.S. to restrict the power of municipal governments to regulate home-based businesses. The legislative change generally prohibits municipal governments from prohibiting, restricting, regulating, or licensing home occupations in a manner that is different from other businesses in a local government's jurisdiction. The proposed changes are detailed in the attached staff report and ordinance.

The Planning and Zoning Board reviewed the proposed ordinance at its meeting on June 20, 2022,

and voted 5-2 to recommend approval of the request. The Board universally expressed concern at the intrusion by the State of Florida into the home rule authority of local governments. For that reason, Mr. Zeller and Ms. Morrison voted against the recommendation to approve.

The City Commission voted 5 to 0 to approve Ordinance No. 23-22 at its July 12, 2022 meeting.

City Attorney Review:

Ordinance No. 23-22 is approved as to form and legal sufficiency.

Funding Source/Financial Impact:

Not applicable.

Timing of Request:

Ordinance No. 23-22 will become effective immediately at second reading on August 16, 2022.