

Legislation Details (With Text)

File #:	22-926	Version: 1		Name:		
Туре:	Ordinance		;	Status:	Agenda Ready	
File created:	7/11/2022		I	In control:	City Commission	
On agenda:	8/16/2022		I	Final action:		
Title:	BEACH, FLOI DELRAY BEA REGULATION 4.3.3, "SPECI SUBSECTION TUTORIAL SE INTO COMPL OF MUNICIPA ZONING DIST "RURAL RES DISTRICTS," "MEDIUM DE DEVELOPME SECTION 4.4 SQUARE HIS TO HOME-BA REGULATION DISTRICT," T DISTRICTS; F	RIDA, AMEND ACH CODE OF NS," ARTICLE AL REQUIRE N (K), "HOME ERVICES," TC IANCE WITH AL GOVERNM TRICT," SECT IDENTIAL (RF SECTION 4.4 NSITY RESIDE STORIC ARTS ASED BUSINE NS," SECTION TO RODIFY SI PROVIDING A TO CODIFY; A	DING FORI 4.3, MEN OCC DBRI CB/H MENT TON 4 CB/H MENT TON 4 CD/H MENT TON 4 CD/H MENT TON 4 CD/H MENT TON 4 CD/H MENT TON 4 CD/H MENT TON 4 CD/H MENT TON 4 CON 4 CO	THE LAND DE DINANCES, B "DISTRICT RE TS FOR SPEC UPATIONS" A NG REGULAT 1B 403, WHICH S TO REGULA 4.4.1, "AGRICU STRICT," SEC OW DENSITY IAL (RM) DIST CT," SECTION L OFFICE (RO FRICT (OSSHA S; AND AMEN 7, "SIGNS," TA SIZE REGULAT NFLICTS CLAU PROVIDING A	VELOPMENT REGULA (AMENDING CHAPTE GULATIONS, GENERA IFIC USES," RENAMING ND REPEALING SUBSE IONS GOVERNING HOL AMENDS S. 559.955, I ATE SUCH USE; AMENE JLTURE ZONE DISTRIC FION 4.4.3, "SINGLE FA RESIDENTIAL (RL) DIS RICT," SECTION 4.4.7, " 4.4.13, "CENTRAL BUS) DISTRICT, AND SECT D)," TO UPDATE THE DING ARTICLE 4.6, "SU	L PROVISIONS," SECTION 3 AND UPDATING 5 CTION (KK), "HOME ME-BASED BUSINESSES 5.S. TO LIMIT THE POWER DING ARTICLE 4.4, "BASE CT (A)," SECTION 4.4.2, MILY RESIDENTIAL (R-1) TRICT," SECTION 4.4.6, "PLANNED RESIDENTIAL INESS (CBD) DISTRICT," ION 4.4.24, "OLD SCHOOL TERMINOLOGY RELATED PPLEMENTAL DISTRICT ANDARDS PER ZONING MILY RESIDENTIAL (ERABILITY CLAUSE;
Sponsors:	Development Services Department					
Indexes:						
Code sections:						
Attachments:	1. Agenda Cover Report, 2. Ordinance No. 23-22, 3. Home-based Businesses: PZB Staff Report, 4. Home-based Businesses: HB 403 Bill Text, 5. Home-based Businesses: HB 403 Bill Summary, 6. Legal Review					

TO:Mayor and CommissionersFROM:Anthea Gianniotes, Development Services DepartmentTHROUGH:Terrence R. Moore, ICMA-CMDATE: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.