



TOWN OF HIGHLAND BEACH AGENDA MEMORANDUM

MEETING TYPE: Planning Board

MEETING DATE November 14, 2024

SUBMITTED BY: Ingrid Allen, Town Planner, Building Department

SUBJECT: Proposed amendment to the Town's Zoning Code (Chapter 30) relating to home-based businesses

SUMMARY:

At the October 15, 2024 Town Commission meeting, the Commission considered an introduction to an amendment to the Town's Zoning Code (Chapter 30) relating to home-based businesses ("Amendment"). Consensus from the Commission was to add to the Ordinance, a cross-reference to the Town Sign Code (Chapter 23). The Commission made a motion to send the Amendment to the Planning Board for a recommendation (motion carried 5-0).

The proposed amendment to the Town's Zoning Code (Chapter 30) will bring regulations governing home-based business into compliance with S. 559.955, Florida Statute, which restricts the power of municipal governments to regulate home-based businesses. Note that this home-based business amendment to the Zoning Code is an initiative on the Town's Strategic Priorities Plan.

House Bill 403 which became effective July 1, 2021, prohibits local governments from licensing or otherwise regulating a home-based business. The proposed changes are detailed in the Ordinance (attached). Currently, Section 30-67(b) of the Town Code permits home occupations in all zoning districts with the exception of the Government Services District (GSD).

Pursuant to Section 30-44 (Zoning Code text amendments) of the Town Code, the proposed amendment to the Zoning Code is consistent with the Town's Comprehensive Plan and Zoning Code. In addition, Section 30-44(c) requires that the Planning Board provide a recommendation to the Town Commission on Zoning Code text amendments.

Effective October 1, 2023, Section 166.041(4), Florida Statutes requires that before the enactment of a proposed ordinance, the governing body of a municipality shall prepare or cause to be prepared a Business Impact Estimate (BIE). According to Section 166.041(4)(c) F.S., such BIE is not required given the ordinance will bring Zoning Code regulations into compliance with State law.

FISCAL IMPACT:

None.

ATTACHMENTS:

Ordinance.

Section 559.955 Florida Statutes.

RECOMMENDATION:

At the discretion of the Planning Board.