



Legislation Details (With Text)

**File #:** ORD 2022-006      **Name:** Ch 18 Home based businesses  
**Type:** Ordinance      **Status:** Passed  
**File created:** 4/4/2022      **In control:** City Commission  
**On agenda:** 6/9/2022      **Final action:** 6/9/2022

**Title:** AN ORDINANCE AMENDING THE CITY’S CODE OF ORDINANCES, BY AMENDING CHAPTER 18, “TAXATION,” ARTICLE I, “IN GENERAL,” SECTION 18-1, “DEFINITIONS,” AND ARTICLE II, “BUSINESS TAX RECEIPTS,” SECTION 18-36, “HOME BASED BUSINESSES,” IN ORDER TO UPDATE DEFINITIONS AND REGULATIONS APPLICABLE TO COTTAGE FOOD OPERATIONS AND HOME BASED BUSINESSES CONSISTENT WITH STATE LAW. (SECOND READING) (PUBLIC HEARING)

**Sponsors:**

**Indexes:** Amendment, Chapter 18, Code of Ordinances, Home Based Businesses, Ordinance

**Code sections:** 18-36 - Home based businesses, Chapter 18 - Taxation

**Attachments:** 1. ORDINANCE 2022-006-Ch. 18 Amdmts-Home Based Businesses, 2. BACKUP-Current Code Sec. 18-1 and 18.36 Definitions, 3. BACKUP-Fla. Statute 559.955 Home Based Businesses, 4. BACKUP-Fla. Statute 500.80 Cottage Food Operations, 5. MINUTES-2022-0413 PZ Mtg

Date	Ver.	Action By	Action	Result
6/9/2022	1	City Commission		
5/26/2022	1	City Commission		

AGENDA ITEM REPORT

**TITLE:**

AN ORDINANCE AMENDING THE CITY’S CODE OF ORDINANCES, BY AMENDING CHAPTER 18, “TAXATION,” ARTICLE I, “IN GENERAL,” SECTION 18-1, “DEFINITIONS,” AND ARTICLE II, “BUSINESS TAX RECEIPTS,” SECTION 18-36, “HOME BASED BUSINESSES,” IN ORDER TO UPDATE DEFINITIONS AND REGULATIONS APPLICABLE TO COTTAGE FOOD OPERATIONS AND HOME BASED BUSINESSES CONSISTENT WITH STATE LAW. (SECOND READING) (PUBLIC HEARING)

**BACKGROUND:**

**This item was approved on First Reading at the May 26, 2022, City Commission Meeting.**

The City currently regulates home based businesses in Chapter 18, “Taxation,” Section 18-36, of the City’s Code of Ordinances (Code). The purpose of the home based business regulations is to permit limited business activities in a residence subject to criteria. Generally, a home based business must be incidental and secondary to the principal residential use. The most popular type of home based business is a home office for a small business located in a residential zoning district.

Home based businesses cannot create nuisances such as noise, sounds, smoke, fumes, odors,

vibrations, or interference to abutting residential properties. Many activities that would normally occur on a commercial property, such as additional employees, visible commercial vehicle parking, signage, repair, storage, manufacturing, retailing, or warehousing of merchandise or goods is not permitted under the existing City Code.

In 2021, the Florida Legislature adopted new legislation that preempts local government regulations pertaining to home based businesses and Cottage Food Operations. Cottage Food Operations are not currently regulated in the City's Code, but will now be recognized as a home based business consistent with state law.

## **DISCUSSION:**

The proposed code amendments incorporate the state preemptions into the City's Code and blend the state statute language with the existing City Code. Some parts of the existing ordinance must be removed as they conflict with the state statute. In contrast to our existing regulations, the new state law permits home based businesses to have up to two employees on-site that do not live in the home, conduct retail sales, have clients and customers on the premises, limited interior/exterior home alterations, and commercial vehicle and heavy equipment parking outside of an enclosed garage provided they are shielded from neighboring properties.

Although the new state law expands home based business activities in residential areas, City staff was very careful to ensure that where possible and not in conflict with the law, restrictions are in place to address parking, vehicle display, and alterations to maintain the residential character and architectural aesthetics of the City's neighborhoods.

The proposed ordinance includes the following changes:

1. Provides a definition for Cottage Food Operations and permit these activities as a home based business.
2. Permits up to two (2) additional employees who do not reside at the home to work on-site.
3. Allows retail transactions on-site, but only within the principal structure (residence).
4. Recognizes that clients and customers are permitted on the premises to conduct business.
5. Requires parking related to the business activities to comply with zoning requirements and the need for parking generated by the business may not be greater than that of similar homes where no business occurs.
6. Regulates commercial vehicles and heavy equipment which can be parked on-site, but must be in legal parking spaces, in a garage, building, or in a location otherwise completely shielded from view of the neighboring properties.
7. Permits alterations to the dwelling to accommodate the business provided they conform to the zoning district and approved site plan requirements, and the residential character and architectural aesthetic of the neighborhood is maintained. Requires that the exterior appearance of the home remain residential in appearance and cannot include outside storage, signs, or other advertising.
8. Cleans up outdated language referring to a Director of Development Services changing it to Director of Sustainable Development.

## **RECOMMENDATION:**

The Planning and Zoning Board, at its April 13, 2022, meeting, recommended approval of this

ordinance by a vote of 4-1. The board suggested that there could be minimal business identification signage required by federal, state, or local licensing agencies such as for a real estate broker. City staff revised the ordinance to permit signage only when required by federal, state, or local law.

**FISCAL IMPACT:** N/A