



169668

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/12/2021	.	
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The Committee on Community Affairs (Perry) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 31 - 60

and insert:

(2) (a) For purposes of this section, a business is considered a home-based business if:

1. The business is consistent with the residential character of the dwelling unit;

2. The business is subordinate to the use of the dwelling unit for residential purposes and requires no external



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11 modifications that detract from the residential appearance of  
12 the dwelling unit; and

13 3. The business uses no equipment or process that creates  
14 noise, vibration, heat, smoke, dust, glare, fumes, odors, or  
15 electrical or electronic interference detectable by neighbors.

16 (b) A home-based business must meet all of the following  
17 requirements:

18 1. The employees of the home-based business who work at the  
19 residential dwelling must also reside in the residential  
20 dwelling, except that up to a total of two employees or  
21 independent contractors who do not reside at the residential  
22 dwelling may work at the business.

23 2. Parking related to the business activities of the home-  
24 based business must comply with all local or state parking  
25 regulations.

26 3. Business activities related to hours of operation and  
27 business activities conducted outside of the primary residential  
28 structure, including exterior signage displays or exterior  
29 storage, must comply with all local regulations.

30 4. The activities of the home-based business must be  
31 secondary to the property's use as a residential dwelling.

32 5. All home-based business activities must comply with any  
33 relevant local, state, and federal regulations with respect to  
34 the use, storage, or disposal of any corrosive, combustible, or  
35 other hazardous or flammable materials or liquids.

36 (3) A home-based business that operates from a residential  
37 property as provided in subsection (2):

38 (a) May operate in an area zoned for residential use;

39 (b) May not be prohibited, restricted, regulated, or



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40 licensed in a manner that is different from other businesses in  
41 a local government's jurisdiction; and

42 (c) Is only subject to applicable business taxes under  
43 chapter 205 in the county and municipality in which the home-  
44 based business is located.

45 (4) Local governments may not enact or enforce any  
46 ordinance, regulation, or policy, or take any action to  
47 otherwise regulate a home-based business, other than as provided  
48 in this section.

49 (5) This section does not supersede any current or future  
50 declaration of condominium adopted pursuant to chapter 718,  
51 cooperative document adopted pursuant to chapter 719, or  
52 declaration of covenants adopted pursuant to chapter 720.

53  
54 ===== T I T L E A M E N D M E N T =====

55 And the title is amended as follows:

56 Delete lines 5 - 11

57 and insert:

58 is considered a home-based business; providing  
59 requirements for home-based businesses; authorizing a  
60 home-based business to operate in a residential zone  
61 under certain circumstances; specifying that home-  
62 based businesses are subject to certain business  
63 taxes; prohibiting a local government from taking  
64 certain actions relating to home-based businesses;  
65 providing construction; providing an