



203018

LEGISLATIVE ACTION

Senate

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House

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The Committee on Commerce and Tourism (Perry) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 33 - 78

and insert:

1. The business is subordinate to the use of the dwelling unit for residential purposes and requires no external modifications that detract from the residential appearance of the dwelling unit and that are visible from the street or neighboring properties; and

2. The business uses no equipment or process that creates



11 noise, vibration, heat, smoke, dust, glare, fumes, or odors that  
12 can be observed from the street and without the aid of detection  
13 equipment.

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

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

21 2. Traffic and parking generated by the business may not be  
22 any greater in volume than the volume that would normally be  
23 expected at a similar residence where no business is conducted.  
24 Local governments may regulate the use of vehicles operated or  
25 parked at the businesses or on a street right-of-way, provided  
26 that the regulations are no more stringent than regulations for  
27 a residence where no business is conducted.

28 3. Business activities related to hours of operation and  
29 business activities conducted outside of the primary residential  
30 structure, including exterior signage displays or exterior  
31 storage, must comply with all local regulations. However, local  
32 governments may not restrict hours of operation between 8 a.m.  
33 and 8 p.m.

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

36 5. All home-based business activities must comply with any  
37 relevant local, state, and federal regulations with respect to  
38 the use, storage, or disposal of any corrosive, combustible, or  
39 other hazardous or flammable materials or liquids. Any local



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40 regulations on the business relating to the use, storage, or  
41 disposal of such materials or liquids may not be more stringent  
42 than regulations for a residence where no business is conducted.

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

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

46 (b) May not be prohibited, restricted, regulated, or  
47 licensed in a manner that is different from other businesses in  
48 a local government's jurisdiction; and

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

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

56 (5) This section does not supersede any current or future  
57 declaration of condominium adopted pursuant to chapter 718,  
58 cooperative document adopted pursuant to chapter 719, or  
59 declaration of covenants adopted pursuant to chapter 720.

60 (6) (a) This section does not prohibit local governments  
61 from enacting or enforcing noise ordinances, provided that such  
62 ordinances are not more stringent for home-based businesses than  
63 for residences where no business is conducted.

64 (b) This section does not prohibit local governments from  
65 enacting or enforcing ordinances regulating the parking or  
66 storage of heavy equipment that can be viewed from the street.  
67 For purposes of this paragraph, the term "heavy equipment" does  
68 not include passenger vehicles.



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

And the title is amended as follows:

Delete line 6

and insert:

requirements for home-based businesses; providing  
requirements and prohibitions relating to local  
government regulations affecting home-based  
businesses; authorizing a