



248258

LEGISLATIVE ACTION

Senate

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House

The Committee on Rules (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 noise, vibration, heat, smoke, dust, glare, fumes, or odors that



248258

12 are plainly detectable from the street or neighboring
13 properties.

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

16 1. The employees of the 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 the need for parking generated by the
22 business may not be greater in volume than would normally be
23 expected at a similar residence where no business is conducted.
24 Local governments may regulate the use of vehicles or trailers
25 operated or parked at the business or on a street right-of-way,
26 provided that such regulations are not more stringent than those
27 for a residence where no business is conducted. Vehicles and
28 trailers used in connection with the business must be parked in
29 legal parking spaces that are not located within the right-of-
30 way, on or over a sidewalk, or on any unimproved surfaces at the
31 residence. Local governments may regulate the parking or storage
32 of heavy equipment at the business which is visible from the
33 street or neighboring property. For purposes of this
34 subparagraph, the term "heavy equipment" means commercial,
35 industrial, or agricultural vehicles, equipment, or machinery.
36 The term includes, but is not limited to, semi-trailers,
37 tractors, construction equipment, earth-moving equipment, cement
38 mixers, and any other similar equipment or machinery classified
39 as commercial by the manufacturer.

40 3. Business activities related to hours of operation and



41 business activities conducted outside of the primary residential
42 structure, including exterior signage displays or exterior
43 storage, must comply with all local regulations. However, a
44 local government may not impose any restriction on hours of
45 operation between 9 a.m. and 6 p.m.

46 4. The activities of the business must be secondary to the
47 property's use as a residential dwelling.

48 5. All business activities must comply with any relevant
49 local, state, and federal regulations with respect to the use,
50 storage, or disposal of any corrosive, combustible, or other
51 hazardous or flammable materials or liquids. Any local
52 regulations on a business with respect to the use, storage, or
53 disposal of any corrosive, combustible, or other hazardous or
54 flammable materials or liquids may not be more stringent than
55 those that apply to a residence where no business is conducted.

56 6. Any business transactions conducted at the business must
57 not take place in view of the street.

58 (3) A home-based business:

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

60 (b) Is subject to applicable business taxes under chapter
61 205 in the county and municipality in which the home-based
62 business is located.

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

67 (5) (a) This section does not supersede any current or
68 future declaration of condominium adopted pursuant to chapter
69 718, cooperative document adopted pursuant to chapter 719, or



248258

70 declaration of covenants adopted pursuant to chapter 720.

71 (b) This section does not prohibit local governments from
72 enacting or enforcing noise ordinances.

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

75 And the title is amended as follows:

76 Delete lines 6 - 11

77 and insert:

78 requirements for home-based businesses; defining the
79 term "heavy equipment"; authorizing a home-based
80 business to operate in an area zoned for residential
81 use; specifying that home-based businesses are subject
82 to certain business taxes; providing prohibitions and
83 authorizations for local governmental actions relating
84 to home-based businesses;