

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By

1 AMEND House Bill No. 1403, Page 1, Section A, Line 2, by inserting the following after all of said  
2 section and line:

3  
4 "71.990. 1. As used in this section, the following terms mean:

5 (1) "Goods", any merchandise, equipment, products, supplies, or materials;

6 (2) "Home-based business", any business for the manufacture, provision, or sale of goods or  
7 services that is owned and operated by the owner or tenant of the residential dwelling.

8 2. Any person who resides in a residential dwelling may use the residential dwelling for a  
9 home-based business, unless such use is restricted by:

10 (1) Any deed restriction, covenant, or agreement restricting the use of land; or

11 (2) Any master deed, bylaw, or other document applicable to a common interest ownership  
12 community.

13 3. Except as prescribed in subsection 4 of this section, a municipality shall not prohibit the  
14 operation of a no-impact home-based business or otherwise require a person to apply for, register  
15 for, or obtain any permit, license, variance, or other type of prior approval from the municipality to  
16 operate a no-impact home-based business. For the purposes of this section, a residential property  
17 qualifies for use as a no-impact home-based business if:

18 (1) The business employs only:

19 (a) Residents of the residential dwelling;

20 (b) The total number of on-site employees and clients do not exceed the municipal  
21 occupancy limit for the residential property; and

22 (c) No more than three individuals who are not residents of the residential dwelling;

23 (2) The activities of the business:

24 (a) Are limited to the sale of lawful goods and services;

25 (b) Do not generate on-street parking or cause a substantial increase in traffic through the  
26 residential area;

27 (c) Occur inside or in the yard of the residential dwelling;

28 (d) Are not visible from the street; and

29 (e) Do not violate any narrowly tailored regulation established under subsection 4 of this  
30 section.

31 4. A municipality may establish reasonable regulations on a home-based business if the  
32 regulations are narrowly tailored for the purpose of:

33 (1) Protecting the public health and safety, including regulations related to fire and building  
34 codes, health and sanitation, transportation or traffic control, solid or hazardous waste, pollution,  
35 and noise control;

36 (2) Ensuring that the business activity is both:

Action Taken \_\_\_\_\_ Date \_\_\_\_\_

- 1       (a) Compatible with the residential use of the property and surrounding properties; and  
 2       (b) Secondary to the property's use as a residential dwelling; or  
 3       (3) Limiting or prohibiting a home-based business whose business involves:  
 4       (a) Selling illegal drugs;  
 5       (b) Selling liquor;  
 6       (c) Operating or maintaining a structured sober living home;  
 7       (d) Pornography;  
 8       (e) Obscenity;  
 9       (f) Nude or topless dancing; or  
 10       (g) Other adult-oriented businesses.

11       5. No municipality shall require a person, as a condition of operating a home-based  
 12 business, to:

- 13       (1) Rezone the property for commercial use;  
 14       (2) Obtain a home-based business license or other general business license; or  
 15       (3) Install or equip fire sprinklers in a single-family detached residential dwelling or any  
 16 residential dwelling with no more than two dwelling units.

17       6. Whether a regulation complies with this section is a judicial question, and the  
 18 municipality that enacts a regulation shall establish by clear and convincing evidence that the  
 19 regulation complies with this section.

20       89.080. Such local legislative body shall provide for the appointment of a board of  
 21 adjustment, and in the regulations and restrictions adopted pursuant to the authority of sections  
 22 89.010 to 89.140 may provide that the board of adjustment may determine and vary their application  
 23 in harmony with their general purpose and intent and in accordance with general or specific rules  
 24 therein contained. The board of adjustment shall consist of five members, who shall be residents of  
 25 the municipality except as provided in section 305.410. The membership of the first board  
 26 appointed shall serve respectively, one for one year, one for two years, one for three years, one for  
 27 four years, and one for five years. Thereafter members shall be appointed for terms of five years  
 28 each. Three alternate members may be appointed to serve in the absence of or the disqualification  
 29 of the regular members. All members and alternates shall be removable for cause by the appointing  
 30 authority upon written charges and after public hearing. Vacancies shall be filled for the unexpired  
 31 term of any member whose term becomes vacant. The board shall elect its own chairman who shall  
 32 serve for one year. The board shall adopt rules in accordance with the provisions of any ordinance  
 33 adopted pursuant to sections 89.010 to 89.140. Meetings of the board shall be held at the call of the  
 34 chairman and at such other times as the board may determine. Such chairman, or in his absence the  
 35 acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the  
 36 board shall be open to the public. The board shall keep minutes of its proceedings, showing the vote  
 37 of each member upon question, or, if absent or failing to vote, indicating such fact, and shall keep  
 38 records of its examinations and other official actions, all of which shall be immediately filed in the  
 39 office of the board and shall be a public record. A record of all testimony, objections thereto and  
 40 rulings thereon, shall be:

- 41       (1) Taken down by a reporter employed by the board for that purpose; or  
 42       (2) Made by a competent person utilizing any form of audiotape, videotape, or digital  
 43 recording"; and

44  
 45 Further amend said bill by amending the title, enacting clause, and intersectional references  
 46 accordingly.