

House _____ Amendment NO. _____

Offered By _____

1 AMEND Senate Bill No. 358, Page 1, Section A, Line 3, by inserting after said section and line the
2 following:

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 (3) "Immediate family member", a spouse, child, sibling, parent, grandparent, grandchild,
9 stepparent, stepchild, or stepsibling, whether related by adoption or blood.

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

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

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

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

20 (1) The business employs only:

21 (a) Residents of the residential dwelling;

22 (b) Immediate family members of the owner of the home-based business; and

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

24 (2) The activities of the business:

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

26 (b) May involve having more than one client on the property at one time;

27 (c) Do not generate on-street parking or cause a substantial increase in traffic through the
28 residential area;

29 (d) Occur inside the residential dwelling;

30 (e) Are not visible from the street; and

31 (f) Do not violate any narrowly tailored regulation established under subsection 4 of this
32 section.

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

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

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1 and noise control;

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

3 (a) Compatible with the residential use of the property and surrounding properties; and

4 (b) Secondary to the property's use as a residential dwelling; or

5 (3) Limiting or prohibiting a home-based business whose business involves:

6 (a) Selling illegal drugs;

7 (b) Selling liquor;

8 (c) Operating or maintaining a structured sober living home;

9 (d) Pornography;

10 (e) Obscenity;

11 (f) Nude or topless dancing; or

12 (g) Other adult-oriented businesses.

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

15 (1) Rezone the property for commercial use;

16 (2) Obtain a home-based business license or other general business license; or

17 (3) Install or equip fire sprinklers in a single-family detached residential dwelling or any
18 residential dwelling with no more than two dwelling units.

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

22
23 Further amend said bill by amending the title, enacting clause, and intersectional references
24 accordingly.