

FIRST REGULAR SESSION

# HOUSE BILL NO. 685

## 100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE KELLY (141).

1497H.011

DANA RADEMAN MILLER, Chief Clerk

### AN ACT

To repeal section 89.020, RSMo, and to enact in lieu thereof three new sections relating to property classification.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Section 89.020, RSMo, is repealed and three new sections enacted in lieu thereof, to be known as sections 64.002, 65.702, and 89.020, to read as follows:

**64.002. For purposes of a zoning law, ordinance, or code authorized and enacted under this chapter, a zoning or property classification of agricultural or horticultural shall include any sawmill or planing mill as defined in the U.S. Department of Labor's Standard Industrial Classification (SIC) Manual under Industry Group 242 with the SIC number 2421.**

**65.702. For purposes of a zoning law, ordinance, or code authorized and enacted under sections 65.650 to 65.700, a zoning or property classification of agricultural or horticultural shall include any sawmill or planing mill as defined in the U.S. Department of Labor's Standard Industrial Classification (SIC) Manual under Industry Group 242 with the SIC number 2421.**

89.020. 1. For the purpose of promoting health, safety, morals or the general welfare of the community, the legislative body of all cities, towns, and villages is hereby empowered to regulate and restrict the height, number of stories, and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts, and other open spaces, the density of population, the preservation of features of historical significance, and the location and use of buildings, structures and land for trade, industry, residence or other purposes.

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

7           2. For the purpose of any zoning law, ordinance or code, the classification single family  
8 dwelling or single family residence shall include any home in which eight or fewer unrelated  
9 mentally or physically handicapped persons reside, and may include two additional persons  
10 acting as houseparents or guardians who need not be related to each other or to any of the  
11 mentally or physically handicapped persons residing in the home. In the case of any such  
12 residential home for mentally or physically handicapped persons, the local zoning authority may  
13 require that the exterior appearance of the home and property be in reasonable conformance with  
14 the general neighborhood standards. Further, the local zoning authority may establish reasonable  
15 standards regarding the density of such individual homes in any specific single family dwelling  
16 neighborhood.

17           3. No person or entity shall contract or enter into a contract which would restrict group  
18 homes or their location as described in this section from and after September 28, 1985.

19           4. Any county, city, town or village which has a population of at least five hundred and  
20 whose boundaries are partially contiguous with a portion of a lake with a shoreline of at least one  
21 hundred fifty miles shall have the authority to enforce its zoning laws, ordinances or codes for  
22 one hundred yards beyond the shoreline which is adjacent to its boundaries. In the event that a  
23 lake is not large enough to allow any county, city, town or village to enforce its zoning laws,  
24 ordinances or codes for one hundred yards beyond the shoreline without encroaching on the  
25 enforcement powers granted another county, city, town or village under this subsection, the  
26 counties, cities, towns and villages whose boundaries are partially contiguous to such lake shall  
27 enforce their zoning laws, ordinances or orders under this subsection pursuant to an agreement  
28 entered into by such counties, cities, towns ~~and~~ , or villages.

29           5. Should a single family dwelling or single family residence as ~~defined~~ **described** in  
30 subsection 2 of this section cease to operate for the purpose as set forth in subsection 2 of this  
31 section, any other use of such home, other than allowed by local zoning restrictions, must be  
32 approved by the local zoning authority.

33           6. For purposes of any zoning law, ordinance or code the classification of single family  
34 dwelling or single family residence shall include any private residence licensed by the children's  
35 division or department of mental health to provide foster care to one or more but less than seven  
36 children who are unrelated to either foster parent by blood, marriage or adoption. Nothing in this  
37 subsection shall be construed to relieve the children's division, the department of mental health  
38 or any other person, firm or corporation occupying or utilizing any single family dwelling or  
39 single family residence for the purposes specified in this subsection from compliance with any  
40 ordinance or regulation relating to occupancy permits except as to number and relationship of  
41 occupants or from compliance with any building or safety code applicable to actual use of such  
42 single family dwelling or single family residence.

43           7. Any city, town, or village that is granted zoning powers under this section and is  
44 located within a county that has adopted zoning regulations under chapter 64 may enact an  
45 ordinance to adopt by reference the zoning regulations of such county in lieu of adopting its own  
46 zoning regulations.

47           **8. For purposes of any zoning law, ordinance, or code authorized and enacted**  
48 **under this section, a zoning or property classification of agricultural or horticultural shall**  
49 **include any sawmill or planing mill as defined in the U.S. Department of Labor's Standard**  
50 **Industrial Classification (SIC) Manual under Industry Group 242 with the SIC number**  
51 **2421.**

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