

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill
2 No. 27, Page 21, Section 70.631, Line 30, by inserting after all of said section and line the 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 operated in a residential dwelling that manufactures,
7 provides, or sells goods or services and that is owned and operated by the owner or tenant of the residential
8 dwelling.

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

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

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

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

19 (1) The total number of employees and clients on-site at one time does not exceed the municipal
20 occupancy limit for the residential dwelling; and

21 (2) The activities of the business:

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

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

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

26 (d) Occur inside the residential dwelling or in the yard of the residential dwelling;

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

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

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

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

33 (2) Ensuring that the business activity is:

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

35 (b) Secondary to the property's use as a residential dwelling; and

36 (c) Compliant with state and federal law and paying applicable taxes; or

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

38 (a) Selling illegal drugs;

39 (b) Selling liquor;

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

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1 (d) Pornography;

2 (e) Obscenity;

3 (f) Nude or topless dancing; or

4 (g) Other adult-oriented business.

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

6 (1) Rezone the property for commercial use;

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

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

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

13
14 Further amend said bill, Page 22, Section 79.080, Line 3, by inserting after all of said section and line the
15 following:

16
17 "89.080. Such local legislative body shall provide for the appointment of a board of adjustment, and
18 in the regulations and restrictions adopted pursuant to the authority of sections 89.010 to 89.140 may provide
19 that the board of adjustment may determine and vary their application in harmony with their general purpose
20 and intent and in accordance with general or specific rules therein contained. The board of adjustment shall
21 consist of five members, who shall be residents of the municipality except as provided in section 305.410.
22 The membership of the first board appointed shall serve respectively, one for one year, one for two years, one
23 for three years, one for four years, and one for five years. Thereafter members shall be appointed for terms of
24 five years each. Three alternate members may be appointed to serve in the absence of or the disqualification
25 of the regular members. All members and alternates shall be removable for cause by the appointing authority
26 upon written charges and after public hearing. Vacancies shall be filled for the unexpired term of any
27 member whose term becomes vacant. The board shall elect its own chairman who shall serve for one year.
28 The board shall adopt rules in accordance with the provisions of any ordinance adopted pursuant to sections
29 89.010 to 89.140. Meetings of the board shall be held at the call of the chairman and at such other times as
30 the board may determine. Such chairman, or in his absence the acting chairman, may administer oaths and
31 compel the attendance of witnesses. All meetings of the board shall be open to the public. The board shall
32 keep minutes of its proceedings, showing the vote of each member upon question, or, if absent or failing to
33 vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which
34 shall be immediately filed in the office of the board and shall be a public record. A record of all testimony,
35 objections thereto and rulings thereon, shall be:

36 (1) Taken down by a reporter employed by the board for that purpose; or

37 (2) Made by a competent person utilizing any form of audiotape, videotape, or digital recording.";

38 and

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