

HOUSE AMENDMENT NO. \_\_\_\_\_  
TO  
HOUSE AMENDMENT NO. \_\_\_\_\_

Offered By

1 AMEND House Amendment No. \_\_\_\_\_ to House Committee Substitute for House Bill No. 441, Page 1, Line  
2 1, by inserting after "Bill No. 441," the following:

3  
4 "Page 1, Section A, Line 3, by inserting the following after all of said section and line:

5  
6 "71.990. 1. As used in this section, the following terms mean:

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

8 (2) "Home-based business", any business operated in a residential dwelling that manufactures,  
9 provides, or sells goods or services and that is owned and operated by the owner or tenant of the residential  
10 dwelling.

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

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

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

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

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

23 (2) The activities of the business:

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

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

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

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

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

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

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

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

35 (2) Ensuring that the business activity is:

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

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

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

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

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

2 (a) Selling illegal drugs;

3 (b) Selling liquor;

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

5 (d) Pornography;

6 (e) Obscenity;

7 (f) Nude or topless dancing; or

8 (g) Other adult-oriented business.

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

10 (1) Rezone the property for commercial use;

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

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

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

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

39  
40 Further amend said bill,"; and

41  
42  
43 Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

44  
45 AMENDS 1360H03.04H