

HOUSE AMENDMENT NO. \_\_\_\_\_  
TO  
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Offered By

1 AMEND House Amendment No. \_\_\_\_\_ to House Committee Substitute for House Bill No. 682, Page 1, Line  
2 15, by deleting all of said line and inserting in lieu thereof the following:

3  
4 "enforcement and first responders are able to access the property in an emergency.

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

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

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

10 2. Any person who resides in a residential dwelling may use the residential dwelling for a home-  
11 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 under 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 for, or  
17 obtain any permit, license, variance, or other type of prior approval from the municipality to operate a no-  
18 impact home-based business. For the purposes of this section, a home-based business qualifies as a no-  
19 impact home-based business if:

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

22 (2) The activities of the business:

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

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

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

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

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

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

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

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

34 (2) Ensuring that the business activity is:

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

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

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

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

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

- 1        (a) Selling illegal drugs;  
 2        (b) Selling liquor;  
 3        (c) Operating or maintaining a structured sober-living home;  
 4        (d) Pornography;  
 5        (e) Obscenity;  
 6        (f) Nude or topless dancing; or  
 7        (g) Other adult-oriented business.

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

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

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

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

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

38  
 39 Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

40  
 41 THIS AMENDS 0276H02.04H