

SECOND REGULAR SESSION

# SENATE BILL NO. 809

93RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR GRAHAM.

Read 1st time January 4, 2006, and ordered printed.

TERRY L. SPIELER, Secretary.

3553S.011

## AN ACT

To repeal section 89.020, RSMo, and to enact in lieu thereof one new section relating to zoning ordinances.

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

Section A. Section 89.020, RSMo, is repealed and one new section enacted  
2 in lieu thereof, to be known as section 89.020, to read as follows:

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

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

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

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

35           5. Should a single family dwelling or single family residence as defined  
36 in subsection 2 of this section cease to operate for the purpose as set forth in  
37 subsection 2 of this section, any other use of such home, other than allowed by  
38 local zoning restrictions, must be approved by the local zoning authority.

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

51           **7. Any city, town, or village that is granted zoning powers under**  
52 **this section and is located within a county that has adopted zoning**  
53 **regulations under chapter 64, RSMo, may enact an ordinance to adopt**

54 **the zoning regulations of such county in lieu of adopting its own zoning**  
55 **regulations.**

✓

Unofficial

Bill

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