

## **CHAPTER 1 HOME OCCUPATIONS.**

### **Subd. 1. Purpose.**

The purpose of this Chapter is to prevent competition with business districts and to provide a means through the establishment of specific standards and procedures by which home occupations can be conducted in residential neighborhoods without jeopardizing the health, safety and general welfare of the surrounding neighborhood. In addition, this Chapter is intended to provide a mechanism enabling the distinction between permitted home occupations and special or customarily "more sensitive" home occupations, so that permitted home occupations may be allowed through an administrative process rather than a legislative hearing process.

### **Subd. 2. Regulations.**

All occupations conducted in the home shall comply with the provisions of this Chapter, the provisions of the district in which it is located and other Chapters of this Ordinance.

### **Subd. 3. Process.**

Any home occupation as defined in this Ordinance shall comply with the provisions of this ordinance. If the Zoning Administrator finds that a home occupation is not in compliance with this ordinance, the non-compliant use shall cease upon notification by the Zoning Administrator. The occupant may appeal the decision to the City Council which shall make the final decision. T

### **Subd. 4. Permitted Home Occupation Regulations.**

- A. Permitted home occupations include and are limited to: art studio, dressmaking, secretarial services, family day care, foster care, professional offices and teaching with musical, dancing and other instructions which consist of no more than one pupil at a time and similar uses. The following regulations shall apply:
1. No person other than those who customarily reside on the premises and/or one (1) additional employee shall be in one's employ on the premises.
  2. All permitted home occupations shall be conducted entirely within the principal building whenever possible and should not be conducted in an accessory building.
  3. Permitted home occupations shall not create a parking demand in excess of that which can be accommodated in an existing driveway.
  4. The home occupation shall not involve any of the following: repair service or manufacturing which requires equipment other than found in a home; teaching which customarily consists of more than one pupil at a time; over-the-counter sale of merchandise produced off the premises, except for those brand name products that are not marketed and sold in a wholesale or retail outlet.

### **Subd. 5. Special Home Occupations.**

- A. Examples of Special Home Occupations include: barber and beauty services, taxidermy studio, day care center, sign painting, group nursery, bed and breakfasts as outlined in Subd. 5, D 4, photography studio, saw sharpening, small appliances and small engine repair and other occupations similar in nature. The following regulations shall apply:
1. Any home occupation which does not meet the specific requirements for a permitted home occupation as defined in this Chapter shall require a "special home occupation

license” which shall be applied for, reviewed and disposed of in accordance with the provisions of this Ordinance.

2. Declaration of Conditions. The Planning Commission and the Council may impose such conditions of the granting of a “special home occupation license” as may be necessary to carry out the purpose and provisions of this Chapter.
3. A “Special Home Occupation License” may be issued for a period of one (1) year after which the license may be reissued for periods of up to five (5) years each. Each application for license renewal shall, however, be processed in accordance with the procedural requirements of the initial special home occupation license.
4. Special Home Occupation Requirements:
  - a. No person other than a resident shall conduct the home occupation, except where the applicant can satisfactorily prove unusual or unique conditions or need for non-resident assistance and that this exception would not compromise the intent of this Ordinance.
  - b. The home occupation may involve any of the following: stock-in-trade incidental to the performance of the service, repair service or manufacturing which requires equipment other than customarily found in a home, the teaching with musical, dancing and other instruction of more than one pupil at a time.
  - c. Special home occupations may be allowed to accommodate their parking demand through utilization of on-street parking.
  - d. Bed and Breakfasts may be permitted as a special home occupation provided that
    - (1) Four (4) or fewer rooms are for rent for a period not to exceed fourteen (14) consecutive days during any ninety (90) day period.
    - (2) Small functions of less than ten (10) people such as receptions or business meetings shall be permitted on site.
5. Massage Therapy may be permitted as a special home occupation provided that all requirements outlined in this Chapter and other City Ordinances are met.

**Subd. 6. General Provisions.**

- A. No home occupation shall produce light glare, noise, odor or vibration that will in any way have an objectionable effect upon adjacent or nearby property.
- B. No equipment shall be used in the home occupation which will create electrical interference to surrounding properties.
- C. Any home occupation shall be clearly incidental and secondary to the residential use of the premises, should not change the residential character thereof, and shall result in no incompatibility or disturbance to the surrounding residential uses.
- D. There shall be no exterior storage of equipment or materials used in the home occupation, except personal automobiles used in the home occupation may be parked on the site.
- E. The floor area devoted to the home occupation shall not exceed twenty-five (25) percent of the total ground area occupied by buildings on the lot.
- F. There shall be no display or evidence apparent from the exterior of the lot that the premises are being used for any purpose other than that of a dwelling, with the exception that one (1) non-illuminated sign measuring six (6) square feet may be attached to the dwelling.

- G. Whenever within one (1) year after granting a license, the use as permitted by the license shall not have been initiated, then such license shall become null and void unless a petition for extension of time in which to complete the work has been granted by the Council.

**Subd. 7.            *Non-Conforming Use.***

Existing home occupations lawfully existing on the effective date of this Ordinance may continue as non-conforming uses. They shall however, be required to obtain licenses for their continued operation. Any existing home occupation that is discontinued for a period of more than one (1) year shall be brought into conformity with the provisions of this Ordinance prior to re-institution.

**Subd. 8.            *Inspection.***

The City hereby reserves the right upon issuing any special home occupation license to inspect the premises in which the occupation is being conducted to ensure compliance and the provisions of this Chapter or any conditions additionally imposed.

