

**Regular Planning Commission**

5. 4.

**Meeting Date:** 07/12/2018

**By:** PeggySue Imihy, Community  
Development

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**Information**

**Title:**

PUBLIC HEARING: Consider Ordinance #18-12; Text Amendment to City Code Section 117-351 Home Occupations Ordinance

**Purpose/Background:**

Under staff direction from the City Council and the Planning Commission, a text amendment has been made to City Code Section 117-351, Home Occupations. This text amendment specifically limits the number of allowed employees and prohibits outdoor storage.

?Based on recent Applications, Staff was directed to consider additional standard based on the following:

- ?More explicit prohibition on outside storage.
- Creation of categorical prohibitions (such as contracting companies that traditionally have significant outdoor storage)
- Additional limitations on number of employees to reduce number of vehicle trips to site

**Notification:**

Staff published the Notice of Public Hearing in the Anoka County UnionHerald.

**Observations/Alternatives:**

Alternative #1. Recommend City Council adopts Ordinance #18-12. This would update the Zoning Regulations restrict the number of allowed employees and prohibit outdoor storage for home occupations. Staff supports this alternative.

Alternative #2. Recommend City Council denies Ordinance #18-12. This would leave the Zoning Regulations as-is, which has created concern about number of allowed employees and does not prohibit outdoor storage. Staff does not support this alternative.

Alternative #3. Table the ordinance amendment in order to have Staff research additional topics or draft ordinance amendments. Staff would support this alternative if there was specific language or other case studies the Planning Commission felt necessary to review before making a recommendation to City Council.

**Funding Source:**

This case is being handled as part of normal Staff duties.

**Recommendation:**

Staff recommends Alternative #1, recommending the City Council adopt ordinance #18-12.

**Action:**

Motion to recommend the City Council adopt Ordinance #18-12.

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## Attachments

City Code Section 117-351 Amended

Draft Ordinance

Memo

City Code Section 117-351

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## Form Review

**Inbox**

Tim Gladhill

Form Started By: PeggySue Imihy

Final Approval Date: 07/05/2018

**Reviewed By**

Tim Gladhill

**Date**

07/05/2018 10:30 PM

Started On: 06/19/2018 02:31 PM

COPY OF PREVIOUS CASE

Sec. 117-351. - Home occupations.

Home occupations shall be allowed to exist in the residential zoning districts in accordance with certain criteria established to protect the peace, quiet, and domestic tranquility in all residential neighborhoods within the city, and in order to guarantee all residents freedom from excessive noise, excessive traffic, nuisance, fire hazard and other possible effects of said home occupation uses. It is the intent of this section that the property owner shall have a vested interest in the business, as the city does not desire to create business incubators for lease within the residential districts. Applications for a home occupation permit shall be processed administratively by the zoning administrator; or when circumstances necessitate, in accordance with the processing procedure established for conditional use permits in section 117-51. Home occupation permits may be suspended or revoked pursuant to the procedure established in section 117-51.

- (1) *Requirements.* Home occupations that operate under the following parameters shall be exempt from a permit. If a home occupation operates beyond the conditions below or if the home occupation creates conditions described in subsection (2), a permit shall be required.
- a. The home occupation shall be clearly incidental and secondary to the residential use of the premises, and shall result in no incompatibility with or disturbance to the surrounding area.
  - b. The owner of the home occupation shall occupy the dwelling unit on the site of the home occupation.
  - c. Home occupation operations are restricted to the dwelling unit, attached or detached garages or accessory buildings. If the owner of a home occupation is conducting operations in a detached accessory building, said accessory building must be located on the same parcel as the owners dwelling unit, or a parcel immediately adjacent to the owner's dwelling, to which the owner also has fee title.
  - d. The area set aside for the home occupation in the dwelling unit shall not exceed 20 percent of the gross living area of the dwelling unit.
  - e. The area set aside for the home occupation in attached or detached accessory buildings or garages shall not exceed total accessory building space or height allowed on the site of the home occupation, as established in section 117-349.
  - f. A minimum of 400 square feet of garage or accessory building space shall be maintained as a primary residential garage for indoor parking of vehicles and equipment.
  - g. There shall not be any exterior evidence of the existence of said home occupation such as displays, exterior storage of home occupation equipment and vehicles, materials, supplies, inventory or merchandise, with the following exceptions:
    1. One motor vehicle affiliated with the home occupation, either meeting the definition of a commercial vehicle or any vehicle having lettering or advertising for said home occupation, shall be allowed to be stored or parked outside on the site of the home occupation in accordance with section 117-355.
    2. One piece of commercial equipment affiliated with the home occupation shall be allowed to be stored or parked on the site of the home occupation in accordance with section 117-355.
  - h. There shall be no interior signs or display which are visible from outside the dwelling unit or accessory building where the home occupation is operated nor any exterior business signs or displays unless otherwise permitted in article II, division 8 of this chapter, with the following exception:
    1. A sign not exceeding two square feet in size may be displayed if affixed flat against the wall of either the home or accessory building where the home occupation is being conducted. The sign shall be non-illuminated and shall not have dynamic display capabilities.

- i. The home occupation shall not generate excessive vehicular traffic (customers, employees, deliveries, etc.) in the residential neighborhood. Excessive vehicular traffic for purposes of this section is defined as in excess of any combination of eight round-trip customer/client visits and/or deliveries per standard eight hour day and no more than one on the premises at any given time. For the purposes of this section, one customer/client visit shall be considered to include any number of persons arriving in a single vehicle. One round-trip visit per eligible employee shall also be allowed and is not counted toward the customer/client visits. An increase at a rate of 25 percent is permitted if the subject property has access from a county, state, or MSA street.
- j. The home occupation does not serve as headquarters or as a dispatch center where employees come to the site and are then dispatched to other locations.
- k. The receipt or shipment of deliveries shall be limited to those made by the USPS and/or an express shipping service that is characteristic of service to a residential neighborhood.
- l. The home occupation shall not constitute a fire hazard to neighboring residences, or a nuisance to neighbors because of excessive traffic, light glare, noise, odors, vibration or other circumstances, as determined by the fire marshal or zoning administrator.
- m. The home occupation shall not include operations relating to internal combustion engines, body shops, ammunition manufacturing, motor vehicle repairs or sale, or any other objectionable uses as determined by the zoning administrator.
- n. The home occupation shall not change the fire rating of a structure nor require exterior alterations or modifications that change the residential character or appearance of the dwelling unit or accessory building to a commercial nature.

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o. Outdoor storage of goods, supplies, materials, debris, equipment, machinery or maintenance items is prohibited. All home occupation related items shall be kept in an enclosed structure on properties

- (2) *Administrative home occupation permit required.* Home occupations that include one or more of the following practices or operational methods shall require a home occupation permit that is subject to the review and approval of the zoning administrator.
  - a. The home occupation employs persons, which includes but is not limited to co-owners, partners, and employees), that do not live in the dwelling unit on the property but conduct work on the property.
    - 1. The owner of a home ~~occupation on a parcel less than three acres in size~~ may employ a maximum of one person that does not reside in the dwelling unit on the property but does conduct work on the property. ~~The owner of a home occupation on a parcel three acres or greater in size may employ a maximum of three persons that do not reside in the dwelling unit on the property but do conduct work on the property.~~
    - 2. Off-street parking for the dwelling unit occupants and any nonresident employees is provided in accordance with section 117-355.
  - b. The home occupation involves operating methods that include transactions with the public (customers, clients, consultants, subcontractors, etc.) on the site of the home occupation. The number of persons permitted on the site at any given time shall be limited so as not to create a parking demand in excess of that which can be accommodated on driveway on the site of the home occupation.
  - c. Retail sales are conducted on the site. Retail sales at the site shall be limited to products that are ancillary to the home occupation and shall be displayed or stored indoors.
- (3) *Conditional use.* ~~Home occupations that propose to operate beyond the scope of the parameters in subsection (1) and/or (2) of this section~~ Home occupations that do not involve prohibited activities and/or operate beyond the parameters in subsection (1) and/or (2) shall be processed in accordance with the procedures established for conditional use permits in section

117-51, with the exception of recording the home occupation permit should it be approved by city council.

- (4) *Nuisance prevention.* In order to guarantee that a home occupation, once authorized, will not become a nuisance to the neighbors or otherwise violate these guidelines, the city staff or city council may impose reasonable conditions necessary to protect the public health, safety, and welfare of residents of the city.
- (5) *Inspections.* There may be one or more inspections each year by the zoning administrator or his designee of any property covered by a home occupation permit. In addition, the zoning administrator and/or his designee, shall have the right at any time, upon reasonable request, 48 hours' notice shall be considered reasonable, to enter and inspect the premises covered by said permit for safety and compliance purposes.
- (6) *Term of home occupation permits.* Home occupation permits granted by this section shall be temporary in nature and shall be granted to a designated person who resides in the dwelling unit on the subject property. Permits are not transferable from person to person or from address to address, unless the transfer is in accordance with the provisions of subsection (7) of this section.
- (7) *Death or move of permit holder; suspension or revocation; businesses existing before adoption of article provisions.*
  - a. Should a home occupation permit holder die or move to a new location, the existing permit shall be automatically terminated. Except that in the case of death, should a surviving spouse or child, residing at the same address or receiving title to the property desire to continue the home occupation, written notice to that effect shall be given to the zoning administrator and the council may authorize continuation of the permit without further hearing.
  - b. A home occupation permit, once granted, may be suspended or revoked prior to its original revocation date by the council for cause after hearing before the council. Citizen complaints seeking the revocation of such permit shall be filed with the zoning administrator. All such revocation hearings, publication, and notice requirements shall be the same as for conditional use permits in accordance with section 117-51.
  - c. Persons conducting a business from property zoned for residential use on the effective date of the ordinance from which this section is derived shall be required to obtain a home occupation permit as required herein. The business may continue pending final determination of the application. Should the zoning administrator or council deny the application for a home occupation permit the use shall immediately cease at such residential premises.

(Code 1978, § 9.11.04; Ord. No. 73-05, 5-21-1973; Ord. No. 03-30, 9-15-2003; Ord. No. 03-54, 1-19-2004; Ord. No. 08-14, § 2, 5-13-2008; Ord. No. 15-03, § 2, 2-24-2015)

**ORDINANCE #18-12**

**CITY OF RAMSEY  
ANOKA COUNTY  
STATE OF MINNESOTA**

**AN AMENDMENT TO CHAPTER 117 OF THE CITY CODE, WHICH CHAPTER IS KNOWN AS ZONING AND SUBDIVISIONS OF THE CITY CODE OF RAMSEY, MINNESOTA**

**AN ORDINANCE AMENDING ARTICLE II DIVISION 4 SECTION 117-351 (HOME OCCUPATIONS) OF THE RAMSEY CITY CODE.**

The City of Ramsey Ordains:

**SECTION 1 AUTHORITY**

This ordinance is adopted pursuant to and under the authority of the City Charter of the City of Ramsey.

**SECTION 2 AMENDMENTS**

Section 117-351 – Home Occupations, subdivision (1) is amended as follows:

- (o) Outdoor storage of goods, supplies, materials, debris, equipment, machinery or maintenance items is prohibited. All home occupation related items shall be kept in an enclosed structure on the property.

Section 117-351 – Home Occupations, subdivision (2a) is amended as follows:

1. The owner of a home occupation may employ a maximum of one person that does not reside in the dwelling unit on the property but does conduct work on the property.

Section 117-351 – Home Occupations, subdivision (3) is amended as follows:

Home occupations that do not involve prohibited activities and/or operate beyond the parameters in subsection (1) and/or (2) shall be processed in accordance with the procedures established for conditional use permits in section 117-51, with the exception of recording the home occupation permit should it be approved by City Council.

**SECTION 3. EFFECTIVE DATE**

This ordinance becomes effective 30 days after its passage and publication, subject to City Charter Section 5.04.

PASSED by the City Council of the City of Ramsey, Minnesota the \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Acting Mayor

ATTEST:

\_\_\_\_\_  
City Administrator

Introduction date:

Posting dates:

Adoption date:

Publication date:

Effective date:

DRAFT  
COPY OF PREVIOUS CASE

To: Tim Gladhill, Community Development Director  
From: PeggySue Imihy, Planning Intern  
Re: Home Occupations Ordinance  
Date: 05-08-18



Under staff direction from the City Council, a review and comparison of neighboring towns and their ordinances for home occupations, also known as home based businesses has been completed. This review specifically examines the number of employees, allowable outdoor storage and number of allowable vehicles on the property.

The current City of Ramsey Home Occupation Ordinance (Section 112-351) classifies employees as persons, including but is not limited to co-owners, partners, and employees, which do not live in the dwelling unit on the property but conduct work on the property.

The owner of a home occupation on a parcel **less than three acres in size may employ a maximum of one person that does not reside in the dwelling unit on the property but does conduct work on the property.** The owner of a home occupation on a parcel **three acres or greater in size may employ a maximum of three persons that do not reside in the dwelling unit on the property but do conduct work on the property.**

In terms of an accessory building within which the business can operate, home occupations are allowed in accessory buildings if the buildings meet the requirements of Section 117-349. Exterior storage is not allowed with the exception of one motor vehicle affiliated with the home occupation and one piece of commercial equipment affiliated with the home occupation, per Section 117-355.

In situations where those operating a home occupation cannot meet the requirements of Section 117-351, residents can apply for a conditional use permit in accordance with Section 117-51.

Several neighboring cities have ordinances restricting the number of employees who are allowed to work in a home occupation, as well as restrictions on exterior storage and accessory building use. Of the nine comparison cities, **most cities have more restrictive regulations on number of employees.**

Seven of the nine cities do not allow exterior/outdoor storage for home occupations. The City of Dayton allows outdoor storage if the home occupation is on a lot larger than 2.5 acres and if the storage is screened from right-of-way. The City of Andover has industry-specific limitations for outdoor storage, but requires lots must be larger than 3 acres, with accessory building or outdoor storage not to exceed 800 square feet.

Staff recommends a revisiting of the Home Occupation Ordinance to better align with neighboring communities, as well as preserve the residential characteristics of Ramsey neighborhoods.

	<b>Allowed Employees</b>	<b>Exterior Storage Allowed</b>	<b>Home Occupation Allowed in Accessory Building</b>	<b>Number of Vehicles Allowed</b>	<b>Can apply for CUP</b>
Andover	1 + those who live on property	Yes with CUP	Yes with CUP	N/A	Yes
Anoka	Members of the family who are residents of the property (1 allowed with CUP)	No	No	1 commercial vehicle with CUP	Yes
Dayton	2 + those who live on the property	No (allowed on lots bigger than 1 acre with CUP with specific requirements)	No	No vehicles onsite between 10pm and 7am. 1 vehicle 12,000 lbs. max (1 vehicle 18,000 lbs. max with CUP)	Yes
Champlin	Members of the family who are residents of the property	No	No	N/A	No
Elk River	1 + those who live on property	No	N/A	N/A	Yes
Forest Lake	Residents of the Property	No	Yes	No more than 1 additional Vehicle	No
Ham Lake	1 + those who live on property (2 allowed with CUP)	No	Yes with CUP	4 Vehicles associated with home occupation (1 12,000 lbs. vehicle with CUP)	Yes
Otsego	1 + those who live on property	No	No	N/A	No
Ramsey	1 + those on property if parcel is less than 3 acres, 3+ those who live on property if greater than three acres	No	Yes	1 motor vehicle and 1 commercial vehicle.	Yes

Rodgers	Residents of the property (1 + residents allowed with CUP)	Yes with CUP	No – restricted even with CUP	1 – if granted CUP	Yes
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### Andover

Section 12-9-2 (B): The number of employees shall be limited to one person on site in addition to family members.

Section 12-9-2 (F): Vehicles associated with a home occupation shall be regulated as stated in Title 12, Chapter 13, Performance Standards and in Title 6, Motor Vehicle and Traffic.

Section 12-9-3 (A): A Conditional Use Permit shall be required for the following home occupations that are located in an accessory structure or detached garage and/or require exterior storage:

1. Cabinet making.
2. Woodworking.
3. Repair services.
4. Similar uses as those stated in Subsections A1 through A3 of this section.

Section 12-9-3 (B): These home occupations shall be subject to the following conditions:

1. Lot Size: The size of the lot or parcel of land shall be three (3) acres or larger.
2. Area of Use: The combined square footage of the accessory structure and/or outside storage area utilized by the home occupation shall not exceed eight hundred (800) square feet.
4. Storage Restrictions: The outside storage area and all commercial vehicles, materials and equipment for the business being stored on site shall be fenced, landscaped and screened in such a manner as to prevent them from being visible at any time of the year from road rights-of-way, public properties and surrounding properties. (Amended Ord. 314 10-4-2005)

### Anoka

Chapter 74, Article 5, Division 2 (d) (7) e: Only members of the family occupying the dwelling unit may carry on the home occupation.

Chapter 74, Article 5, Division 2 (d) (7) g: No outside storage or display is permitted.

Chapter 74, Article 5, Division 2 (d) (7) l: All home occupations shall be conducted entirely within the dwelling and not in an attached or detached garage or in an accessory building.

Chapter 74, Article 5, Division 2 (d) (9) a: Interim use permits are allowed for home occupations with the following characteristics:

1. A maximum of one outside employee.
2. Outside parking of no more than one commercial type vehicle identified for business purposes not to exceed one-ton capacity and used for both personal and business transportation. The vehicle is to be owned and registered to an occupant of the property and parked in a screened location.

## **Champlin**

Section 126-193 (b) 3: No person other than members of the family residing on the premises shall be engaged in such occupation (requires a certificate of occupancy);

Section 126-193 (b) 2: The home occupation shall be conducted entirely within a fully enclosed building. No exterior or interior alterations of the building or land, or other visible evidence of the conduct of the home occupation shall be permitted which are not customarily found in a dwelling

## **Dayton** (*two categories of home occupation; Administrative Home Occupation and Home Extended Business*)

Both Categories must adhere to:

Section 1001.13 (14) No vehicles or machinery related to the home occupation shall be idling or running on site, outdoors, between the hours of 10:00 pm and 7:00 am.

### *Administrative Home Occupation*

1001.13 Subd. 4 (1) b. No part of any detached garage or accessory building can be used for the occupation.

1001.13 Subd 4 (1) d. The home occupation is conducted entirely by the occupants of the home and up to two (2) nonresident employee, or contract employee working on, or reporting to, the home.

1001.13 Subd 4 (1) c. No outdoor storage of supplies, materials, debris, equipment or maintenance items; all home occupation related items shall be kept in an enclosed structure.

1001.13 Subd 4 (1) f. Up to 1 vehicle associated with the business with a gross vehicle weight rating under 12,000 lbs. may be parked on the home property. No vehicles over a gross vehicle weight rating of 12,000 lbs. associated with the occupation shall be parked at or near the home.

1001.13 Subd 4 (1) g. If the proposed home occupation cannot comply with all of the above rules, an interim use permit for a Home Extended Business is required.

### *Home Extended business (property more than one acre)*

1001.13 Subd 4(2) b. No outdoor storage of supplies, materials, debris, equipment, machinery or maintenance items; all home occupation related items shall be kept in an enclosed structure on properties less than two and one half (2.5) acres. On properties which are at least two and one half (2.5) acres, outdoor storage may be allowed provided the outdoor storage area is significantly screened from view from the street and adjacent properties and does not exceed 20% of the lot. Screening shall consist of a combination of existing or proposed landscaping and fencing.

1001.13 Subd 4(2) e. The home occupation is conducted entirely by the occupants of the home and up to two (2) nonresident employee, or contract employee, working on, or reporting to, the home.

1001.13 Subd 4 (2) f. No more than 1 vehicle, which shall be under a gross vehicle weight of 12,000 lbs., associated with the business can be parked overnight outside or near the home. One vehicle which exceeds 12,000 lbs. may be stored on site provided the vehicle does not exceed a gross vehicle weight

rating of 18,000 lbs and the vehicle is stored entirely within a building or is significantly screened from view from the road or surrounding properties.

### **Elk River**

Section 30-801 (C) 4: A maximum of one full-time employee, or equivalent, other than those persons who customarily reside on the premises shall be employed. This provision shall not apply to dwellings where the permitted home occupation is a meeting place for employees and the work is done off-premises.

Section 30-801 (C) 2: There shall be no exterior evidence of the home occupation such as displays or exterior storage of business equipment, materials, merchandise, inventory or heavy equipment.

*Section 30-801 (D): Conditional home occupations. Home occupations that do not involve prohibited activities but that exceed the permitted home occupation criteria may be allowed with approval of a conditional use permit by the city council pursuant to the provisions of subdivision 11 of division 2 of this article.*

### **Forest Lake**

**Section 153.096 (1):** No person, other than the residents of the premises, shall be engaged in a home occupation. The home occupation shall be located in the main principal structure or permitted accessory structures

Section 153.096 (2): Vehicular traffic and parking shall not increase by more than one (1) additional vehicle at a time. All parking needs generated shall be on-site.

Section 153.096 (12): There shall be no outdoor display or storage of goods, equipment, or materials for the home occupation.

### **Ham Lake**

**Section 9-350.1 (b)** All activities must be carried on indoors. No outside storage, except the parking of motor vehicles, shall be permitted;

**Section 9-350.1 (c)** No on-street parking shall be generated, and no more than a total of four passenger motor vehicles may be parked at the premises in conjunction with the occupation, including employee and customer parking. All parking shall be on paved surfaces;

**Section 9-350.1 (d)** No more than one employee who does not live at the residence shall be permitted;

**9-350.3 Special Home Occupation Permits:** A party desiring to conduct a Home Occupation in a Garage or Accessory Building under conditions meeting the remaining requirements of Article 9-350 may apply for a Special Home Occupation Permit under the following procedure:

**a)** The applicant shall submit a site plan drawn to scale showing the locations and dimensions of all buildings and driveways on the premises, and identifying the location where the Home Occupation activity will take place.

**b)** The applicant shall submit a narrative in sufficient detail to describe all aspects of the activity to be conducted and the locations of all such activity.

c) The Planning Commission shall conduct a Public Hearing on the proposed application, with mailed notice to all resident whose property lines come within 750 feet of the property lines of the applicant's lot, and published notice at least ten days prior to the hearing.

d) Following the Public Hearing, the Planning Commission shall make recommendations to the City Council, including such conditions as are deemed appropriate.

### **Otsego**

Section 20-28-4 (A) 12: A maximum of one (1) full-time employee, or equivalent, other than those persons who customarily reside on the premises shall be employed. This provision shall not apply where the home occupation is a meeting place for employees and the work is done off-premise.

Section 20-28-4 (A) 5: There shall be no exterior storage of equipment or materials used in the home occupation, except personal vehicles used in the home occupation which comply with applicable provisions of this Chapter may be parked on the site.

Section 20-28-4 (A) 13: All home occupations shall be conducted entirely within the principal building, including attached garage, except that not less than two hundred (200) square feet of floor area in such garage shall be reserved for the parking of vehicles. In no case shall home occupations be conducted in a detached accessory building.

### **Rodgers**

*Residents can operate a home occupation with no permit provided:*

Section 125-36 (B) (1) h. No employees shall conduct the business other than residents of the property on which the home occupation is located.

Section 125-36 (B) (1) a. The business activity is enclosed fully within the principal residential dwelling and is not conducted in any attached or detached garage or other accessory building, nor on any outdoor portion of the property.

*Residents can apply for a special home occupation permit if they do not meet the above criteria, and must adhere to the following requirements:*

Section 125-36 (B)(2)(a) 6: The home occupation is conducted entirely by the occupants of the home and up to one nonresident employee;

Section 125-36 (B)(2)(a) 5: No part of any detached garage or accessory building can be used for the occupation;

Section 125-36 (B)(2)(a) 8: Up to one vehicle associated with the home occupation with a gross vehicle weight under four tons may be parked on the home property.

Sec. 117-351. - Home occupations.

Home occupations shall be allowed to exist in the residential zoning districts in accordance with certain criteria established to protect the peace, quiet, and domestic tranquility in all residential neighborhoods within the city, and in order to guarantee all residents freedom from excessive noise, excessive traffic, nuisance, fire hazard and other possible effects of said home occupation uses. It is the intent of this section that the property owner shall have a vested interest in the business, as the city does not desire to create business incubators for lease within the residential districts. Applications for a home occupation permit shall be processed administratively by the zoning administrator; or when circumstances necessitate, in accordance with the processing procedure established for conditional use permits in section 117-51. Home occupation permits may be suspended or revoked pursuant to the procedure established in section 117-51.

- (1) *Requirements.* Home occupations that operate under the following parameters shall be exempt from a permit. If a home occupation operates beyond the conditions below or if the home occupation creates conditions described in subsection (2), a permit shall be required.
  - a. The home occupation shall be clearly incidental and secondary to the residential use of the premises, and shall result in no incompatibility with or disturbances to the surrounding area.
  - b. The owner of the home occupation shall occupy the dwelling unit on the site of the home occupation.
  - c. Home occupation operations are restricted to the dwelling unit, attached or detached garages or accessory buildings. If the owner of a home occupation is conducting operations in a detached accessory building, said accessory building must be located on the same parcel as the owners dwelling unit, or a parcel immediately adjacent to the owner's dwelling, to which the owner also has fee title.
  - d. The area set aside for the home occupation in the dwelling unit shall not exceed 20 percent of the gross living area of the dwelling unit.
  - e. The area set aside for the home occupation in attached or detached accessory buildings or garages shall not exceed total accessory building space or height allowed on the site of the home occupation, as established in section 117-349.
  - f. A minimum of 400 square feet of garage or accessory building space shall be maintained as a primary residential garage for indoor parking of vehicles and equipment.
  - g. There shall not be any exterior evidence of the existence of said home occupation such as displays, exterior storage of home occupation equipment and vehicles, materials, supplies, inventory or merchandise, with the following exceptions:
    1. One motor vehicle affiliated with the home occupation, either meeting the definition of a commercial vehicle or any vehicle having lettering or advertising for said home occupation, shall be allowed to be stored or parked outside on the site of the home occupation in accordance with section 117-355.
    2. One piece of commercial equipment affiliated with the home occupation shall be allowed to be stored or parked on the site of the home occupation in accordance with section 117-355.
  - h. There shall be no interior signs or display which are visible from outside the dwelling unit or accessory building where the home occupation is operated nor any exterior business signs or displays unless otherwise permitted in article II, division 8 of this chapter, with the following exception:
    1. A sign not exceeding two square feet in size may be displayed if affixed flat against the wall of either the home or accessory building where the home occupation is being conducted. The sign shall be non-illuminated and shall not have dynamic display capabilities.

- i. The home occupation shall not generate excessive vehicular traffic (customers, employees, deliveries, etc.) in the residential neighborhood. Excessive vehicular traffic for purposes of this section is defined as in excess of any combination of eight round-trip customer/client visits and/or deliveries per standard eight hour day and no more than one on the premises at any given time. For the purposes of this section, one customer/client visit shall be considered to include any number of persons arriving in a single vehicle. One round-trip visit per eligible employee shall also be allowed and is not counted toward the customer/client visits. An increase at a rate of 25 percent is permitted if the subject property has access from a county, state, or MSA street.
  - j. The home occupation does not serve as headquarters or as a dispatch center where employees come to the site and are then dispatched to other locations.
  - k. The receipt or shipment of deliveries shall be limited to those made by the USPS and/or an express shipping service that is characteristic of service to a residential neighborhood.
  - l. The home occupation shall not constitute a fire hazard to neighboring residences, or a nuisance to neighbors because of excessive traffic, light glare, noise, odors, vibration or other circumstances, as determined by the fire marshal or zoning administrator.
  - m. The home occupation shall not include operations relating to internal combustion engines, body shops, ammunition manufacturing, motor vehicle repairs or sale, or any other objectionable uses as determined by the zoning administrator.
  - n. The home occupation shall not change the fire rating of a structure nor require exterior alterations or modifications that change the residential character or appearance of the dwelling unit or accessory building to a commercial nature.
- (2) *Administrative home occupation permit required.* Home occupations that include one or more of the following practices or operational methods shall require a home occupation permit that is subject to the review and approval of the zoning administrator.
- a. The home occupation employs persons, which includes but is not limited to co-owners, partners, and employees), that do not live in the dwelling unit on the property but conduct work on the property.
    - 1. The owner of a home occupation on a parcel less than three acres in size may employ a maximum of one person that does not reside in the dwelling unit on the property but does conduct work on the property. The owner of a home occupation on a parcel three acres or greater in size may employ a maximum of three persons that do not reside in the dwelling unit on the property but do conduct work on the property.
    - 2. Off-street parking for the dwelling unit occupants and any nonresident employees is provided in accordance with section 117-355.
  - b. The home occupation involves operating methods that include transactions with the public (customers, clients, consultants, subcontractors, etc.) on the site of the home occupation. The number of persons permitted on the site at any given time shall be limited so as not to create a parking demand in excess of that which can be accommodated on driveway on the site of the home occupation.
  - c. Retail sales are conducted on the site. Retail sales at the site shall be limited to products that are ancillary to the home occupation and shall be displayed or stored indoors.
- (3) *Conditional use.* Home occupations that propose to operate beyond the scope of the parameters in subsection (1) and/or (2) of this section shall be processed in accordance with the procedures established for conditional use permits in section 117-51, with the exception of recording the home occupation permit should it be approved by city council.
- (4) *Nuisance prevention.* In order to guarantee that a home occupation, once authorized, will not become a nuisance to the neighbors or otherwise violate these guidelines, the city staff or city

council may impose reasonable conditions necessary to protect the public health, safety, and welfare of residents of the city.

- (5) *Inspections.* There may be one or more inspections each year by the zoning administrator or his designee of any property covered by a home occupation permit. In addition, the zoning administrator and/or his designee, shall have the right at any time, upon reasonable request, 48 hours' notice shall be considered reasonable, to enter and inspect the premises covered by said permit for safety and compliance purposes.
- (6) *Term of home occupation permits.* Home occupation permits granted by this section shall be temporary in nature and shall be granted to a designated person who resides in the dwelling unit on the subject property. Permits are not transferable from person to person or from address to address, unless the transfer is in accordance with the provisions of subsection (7) of this section.
- (7) *Death or move of permit holder; suspension or revocation; businesses existing before adoption of article provisions.*
  - a. Should a home occupation permit holder die or move to a new location, the existing permit shall be automatically terminated. Except that in the case of death, should a surviving spouse or child, residing at the same address or receiving title to the property desire to continue the home occupation, written notice to that effect shall be given to the zoning administrator and the council may authorize continuation of that permit without further hearing.
  - b. A home occupation permit, once granted, may be suspended or revoked prior to its original revocation date by the council for cause after hearing before the council. Citizen complaints seeking the revocation of such permit shall be filed with the zoning administrator. All such revocation hearings, publication, and notice requirements shall be the same as for conditional use permits in accordance with section 117-51.
  - c. Persons conducting a business from property zoned for residential use on the effective date of the ordinance from which this section is derived shall be required to obtain a home occupation permit as required herein. The business may continue pending final determination of the application. Should the zoning administrator or council deny the application for a home occupation permit the use shall immediately cease at such residential premises.

(Code 1978, § 9.11.04; Ord. No. 73-05, 5-21-1973; Ord. No. 03-30, 9-15-2003; Ord. No. 03-54, 1-19-2004; Ord. No. 08-14, § 2, 5-13-2008; Ord. No. 15-03, § 2, 2-24-2015)