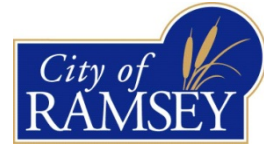


To: Tim Gladhill, Community Development Director
From: PeggySue Imihy, Planning Intern
Re: Home Occupations Ordinance
Date: 05-08-18



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.

	Allowed Employees	Exterior Storage Allowed	Home Occupation Allowed in Accessory Building	Number of Vehicles Allowed	Can apply for CUP
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
---------	--	--------------	-------------------------------	--------------------	-----

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 II 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.