

Home Occupation Ordinance (21-20) Research
Research for Home Occupation Amendment in the City of Ramsey
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This research is an analysis of peer community codes regarding the definition and standards of a home occupation. Staff discovered that the City's existing definition of a home occupation does not reference secondary uses on residential properties that occurs outside of structures. The following home occupation definition and ordinances recommendations were made from analyzing peer city Codes.

Definition Recommendation

Recent code enforcement cases, have identified that the Ramsey City Code does not have a definition that encumbers all home occupations that are seen on Ramsey properties. The purpose of revising the Home Occupation definition is to clarify that all business or commercial activities on a residential property is a home occupation.

The existing Ramsey City Code defines a home occupation in Section 117-1, stating a "Home occupation means any business or commercial activity that is conducted or petitioned to be conducted from the principal or an accessory structure on the property that is zoned for residential use, by persons residing on the property".

The definition in the proposed ordinance determines that a home occupation can occur anywhere on the property, are required to be operated by a resident of the property, and that the home occupation is secondary to the primary residential use. These criteria have not changed, but is meant to be clearly defined in the revised definition.

City Codes Comparison Chart

<u>City</u>	<u>Prohibited Uses</u>	<u>Maximum Floor Area</u>	<u>HOP, CUP, or IUP</u>	<u>Nonresident Employees</u>
Andover*	Prohibited uses are no explicitly listed	20% of gross floor area	Admin HOP	1
		800 square feet	CUP	Not defined
Anoka*	Retail, auto repair and painting, including repair of engines, motor vehicles, motorcycles, and heavy equipment.	25% of gross floor area	Admin HOP	1
			IUP	1
Blaine*	Use of mechanical equipment other than domestic or hobby	20% of gross floor area	Admin HOP	0
			CUP	Not defined
Coon Rapids	repair of internal combustion engines of more than 12 horsepower, body shops; machine shops; welding; ammunition manufacturing; flea markets; motor vehicle repair, maintenance, service or sale; firearm sales; tattoo parlors or other objectionable uses	25% of gross living area or 400 square feet; whichever is smaller	IUP	0
Dayton	Prohibited uses are no explicitly listed	25% of home floor area (excluding garage)	Admin HOP	0
		30% of home floor area (excluding garage)	IUP	2
Elk River	Involves the use of hazardous materials or activities, and/or any of the following: body shops, machine shops, ammunition manufacturing, flea markets, motor vehicle repairs within the Urban Service District, motor vehicle sales, escort businesses, sexually oriented land uses, gun repair and/or sales, or other	Not Defined	HOP	1

	objectionable uses as determined by the city council.			
Minneapolis	<ul style="list-style-type: none"> • Motor vehicle repair, service or painting, or any repair or servicing of vehicles or equipment with internal combustion engines. • A barber shop or beauty salon designed to serve more than one (1) client at a time. • The sale, lease, trade or other transfer of firearms or ammunition by a firearms dealer. Firearms dealers existing on or before October 7, 1995, and in all other respects in conformance with the provisions of this ordinance, shall be permitted to continue as nonconforming uses in accordance with the provisions of Chapter 531, Nonconforming Uses and Structures. • Sexually oriented uses, as defined in Chapter 549, Downtown Districts. • Headquarters or dispatch centers where persons come to the site and are dispatched to other locations. • Uses allowed in the Commercial or any industrial district. 	Not Defined	HOP	1
Nowthen		Wholly interior	HOP	0

	Prohibited uses are no explicitly listed	Outside storage with setback and screening requirements	IUP	Gravel road access: 1 FT or 2 PT Bituminous road access: 2 FT or 4 PT
Oak Grove	Prohibited uses are no explicitly listed	50% of the total floor area	HOP	0
			IUP	3
Ramsey	Internal combustion engines, body shops, repair, dispatch centers	20% of gross area (min. 400 sq. ft. garage space for residence)	HOP	1 < 3 Acres 3 > 3 Acres
		Not defined	CUP	Not defined

* Cities with multiple types of Permits for a Home Occupation are listed in order of conformity.
Ex. Andover's HOP is a lower level than the CUP which is meant for the nonconforming uses that are not permitted in the City's HOP.

Home Occupation Research by City

Andover (Title 12, Chapter 9: -8-5: Home Occupation)

Definition: Any gainful occupation or profession clearly secondary to the main use of the dwelling as a residence that is conducted entirely within the dwelling or as allowed by Conditional Use Permit and which meets the requirements of Chapter 10 of this title.

- **Permitted Home Occupations:** Permitted home occupations include, and are limited to: art or photo studio, dressmaking, secretarial services, professional offices, repair services, or teaching services limited to three (3) students at any one time and similar uses.
 - **Number of Employees:** “one person on site in addition to family members”
 - **Amount of Building Space Used:** shall not exceed 20% of the dwelling’s livable floor area.
 - **Dwelling Changes:** prohibited, except those customarily found in a dwelling
 - **Vehicles:** in accordance with performance standards
 - **Signs:** in accordance with signs chapter
 - No effects of light, noise, odor, or vibration on adjacent or neighboring properties
- **Conditional Use Home Occupation:** located in accessory structures or detached garage and/or require exterior storage
 - Cabinet making, woodworking, repair services, and similar uses.
 - **Lot size:** three (3) acres or greater
 - **Amount of Area Used:** combined accessory structure and outdoor storage square footage shall not exceed eight hundred (800) square feet.
 - Shall be fenced and screened from being visible “at any time of the year from road right-of-way, public properties and surrounding properties”.
- **Special Use Home Occupation:** Nonconforming home occupations.

Anoka (Section 78-237. – Special requirements for residence districts.

Definition: Home occupation means any occupation or profession carried on by a member of the family residing on the premises, provided that the use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, does not change the character of the dwelling, and does not utilize more than 25 percent of the building's gross floor area.

- **Permitted home occupations**
 - Home Occupation is prohibited in accessory structures.
 - **Number of Employees:** “one person on site in addition to family members”
 - **Amount of Building Space used:** No more than 25% of gross living area
 - **Dwelling Changes:** prohibited, except those customarily found in a dwelling
 - **Vehicles:** No on-street parking related to the occupation.
 - **Signs:** in accordance with signs chapter
 - No effects of light, noise, odor, or vibration on adjacent or neighboring properties
 - No outdoor storage
 - No more than one client or customer at the dwelling at one time.
- **Interim Use Permit Required**
 - **Number of Employees:** Maximum one outside employee.
 - **Vehicles:** Maximum one outdoor commercial type vehicle identified for business.

- Ceramic classes with kiln up to 6 cubic feet, domestic animal grooming, similar in character to permitted home occupations
- **Prohibited Home Occupations**
 - Antique shops, boutiques, dress shops, gift shops, photo studios, processing labs, portrait studios, restaurants, coffee shops, tearooms, medical offices (including massage therapy), animal hospitals or kennels, dancing schools and studios, dispatching of transfer and moving vans at the site, furniture repair and refinishing, palm reading or fortune telling, preparation of food for sale (unless specifically permitted in this section), radio or television or appliance repair shops, raising of animals for sale, shops for contractors and tradesmen, sign painting, boarding houses and lodgings, tattoo businesses, tanning salons, and any occupation that requires a federal firearms license (unless continued lawful nonconforming).
 - Auto repair and painting, including repair of engines, motor vehicles, motorcycles, and heavy equipment.

[Blaine \(Section 33.10- Home Occupations.\)](#)

Definition: A home occupation is defined as any business, occupation, profession, or commercial activity that is conducted or petitioned to be conducted from property that is zoned for residential use. General farming and gardening activities are not considered home occupations and are not regulated by this ordinance.

- **Permitted Home Occupations**
 - **Number of Employees:** No persons not residing on the premises
 - **Amount of Building Space Used:** Shall not exceed 20% of total floor area
 - **Vehicle:** Motor vehicle used for home occupation must be stored indoors. No exterior evidence, outside storage storage, or accessory structure storage/use for the home occupation.
 - **Sign:** One 2.5 square foot sign
 - **Customers:** Fewer than four (4) customers entering daily.
 - Shall not constitute as a nuisance to neighboring properties.
- **Conditional Use Permit**
 - All home occupations that do not conform to the standards provided.
- **Prohibited Home Occupations:** Use of mechanical equipment other than domestic or hobby

[Coon Rapids \(Section 11-304.2 – Home Occupation Permits\)](#)

Definition: A gainful occupation engaged in on residential property by a resident of that property. Home Based Retail Sales is not considered a home occupation. Neither are the activities of a foster parent, a live-in child care provider, a live-in domestic worker or attendant, or similar caregiver be considered a home occupation.

- **Permitted Home Occupations**
 - Valid for two (2) years before required to resubmit application
 - Shall not constitute as a nuisance to neighboring properties.
 - **Number of Employees:** No one who does not reside at the property

- **Amount of Building Space Used:** No more than 25% of gross living area or 400 square feet; whichever is smaller.
- **Dwelling changes:** prohibited, except those customarily found in a dwelling
- **Vehicle:** No larger than 26,00 pounds gross vehicle weight
- **Sign:** No outdoor storage or signage, no evidence of home occupation.
- **Hours of Operation:** 9am to 8pm, not to exceed 30 hours a week
- Storage of hazardous or flammable materials in excess of consumer quantities
- **Prohibited Home Occupations**
 - “repair of internal combustion engines of more than 12 horsepower, body shops; machine shops; welding; ammunition manufacturing; flea markets; motor vehicle repair, maintenance, service or sale; firearm sales; tattoo parlors or other objectionable uses as determined by the City Council. Machine shops are defined as places where raw metal is fabricated, using machines that operate on more than 110 volts of current.”

Dayton (Section 1001.36. Accessory Dwelling Units):

Home businesses shall fall into 2 categories.

(1) Administrative Home Occupations are those Home Occupations that have no effect on the surrounding neighborhood. This accessory use may be allowed with an administrative permit in all agricultural and residential neighborhoods when the occupation conforms to the standards of Subdivisions 3 and 4(1) below.

(2) Home Extended Businesses are those Home Occupations that typically involve more significant element of commercial-type activity that may have a minimal effect on the surrounding neighbors. This accessory use may be allowed if the use meets all the criteria of Subdivisions 3 and 4(2) below, and requires the issuance of an interim use permit. The Council may require compliance with any reasonable conditions, restrictions or limitations necessary to protect the residential or agricultural character of the area.

- **Permitted Home Occupations (Administrative)**
 - The application shall reside at the dwelling where the home occupation is located
 - Shall not constitute as a nuisance to neighboring properties.
 - No more than eight (8) trips in an standard eight (8) hour day
 - **Amount of Building Space Used:** No more than 25% of floor area of the home (excluding the garage)
 - **Customers:** No direct sale of goods to the consumer, no more than one customer or client visit at any given time.
 - **Dwelling Changes:** prohibited, except those customarily found in a dwelling
 - **Sign:** No exterior evidence of the home occupation except a sign not to exceed two (2) square feet in area
 - **Hours of Operation:** Shall not be conducted from 10pm to 7am unless no on-street parking is required, during which time no vehicles or machinery shall be idling or running outdoors.
 - **Parking:** All parking associated with the home occupation shall occur onsite.
- **Interim Use Permit (Home extended Business) –** Requires Planning Commission and City Council review

- **Amount of Building Space Used:** No more than 30% of floor area of the home (excluding the garage)
- **Number of Employees:** No more than two (2) nonresident employees
- **Outdoor Storage:** No outdoor storage if under 2.5 acres; allowed over 2.5 acres with significant screening and shall not exceed 20% of the lot.
- **Accessory or Detached Garage:** One (1) shall be used provided there is still a garage space to park a vehicle.

[Elk River](#) (Sec. 30-801. – Home Occupations)

Definitions:

- i. Home occupation, **conditional** means any gainful occupation or profession, not meeting the criteria of subsection 30-801(c), customarily conducted entirely within a dwelling principally by members of a family residing therein, which use is clearly incidental and secondary to the use of the dwelling for residential purposes and does not change the character thereof. Conditional home occupations require a public hearing pursuant to the procedures and standards for a conditional use permit.
- ii. Home occupation, **permitted** means any gainful occupation or profession, meeting the criteria of subsection 30-801(c), customarily conducted entirely within a dwelling principally by members of a family residing therein, which use is clearly incidental and secondary to the use of the dwelling for residential purposes and does not change the character thereof. Permitted home occupations are processed administratively following the set of criteria in subsection 30-801(c).

- **Permitted Home Occupations:**

- The owner shall reside at the dwelling where the home occupation is located
- Shall not constitute as a nuisance to neighboring properties.
- **Amount of Building Space Used:** No limit listed.
- **Numbers of Employees:** Maximum one (1) nonresident employee
- **Dwelling changes:** prohibited, except those customarily found in a dwelling
- **Vehicles:** Shall not create excessive parking beyond what the existing driveway can accommodate.
- **Sign:** No exterior evidence of the home occupation
- **Hours of Operation:** Shall have no outside employee or clients between 9pm and 7am.
- **Deliveries:** Shall not be serviced by vehicles larger than 26,00 pounds gross vehicle weight

- **Prohibited Home Occupations:**

- “Constitute a fire hazard to neighboring residences, adversely affect neighboring property values, or constitute a nuisance or otherwise be detrimental to the neighbors”.
- Involve the use of hazardous materials or activities.
- Involve any of the following: body shops, machine shops, ammunition manufacturing, flea markets, motor vehicle repairs within the Urban Service District, motor vehicle sales, escort businesses, sexually oriented land uses, gun repair and/or sales, or other objectionable uses as determined by the city council.

[Minneapolis](#) (537.110. – Allowed uses and structures.):

Definition: An occupation or profession carried on by a member of the household residing on the premises, conducted as a customary, incidental and accessory use of a dwelling. Also referred to as live-work.

- **Permitted Home Occupations:**

- The application shall reside at the dwelling where the home occupation is located
- Shall not constitute as a nuisance to neighboring properties.
- The home occupation must be entirely enclosed, unless growing food or crops outdoors.
- **Amount of Building Space Used:** No limit listed.
- **Number of Employees:** No more than one (1) nonresident employees
- **Customers:** No more than five (5) customers per day
- **Dwelling Changes:** prohibited, except those customarily found in a dwelling. No interior alterations removing the kitchen, living room, bed rooms and/or bathrooms is allowed.
- **Signs:** one (1) non-illuminated, flat wall, identification sign not to exceed one (1) square foot in area. On a corner zoning lot, two (2) such signs, one (1) facing each street, shall be allowed.
- **No retail or sales of items accessory to the home occupation.** (i.e. hair supplies for hair salon home occupation)
- **Hours of Operation:** 8am to 8pm
- **Deliveries:** Limited to between 9am and 6pm and shall only occur in single rear axle straight trucks or smaller vehicles normally used to service residential neighborhoods.

- **Prohibited Home Occupations:**

- Motor vehicle repair, service or painting, or any repair or servicing of vehicles or equipment with internal combustion engines (such as snowmobiles, lawnmowers, chain saws and other small engines).
- A barber shop or beauty salon designed to serve more than one (1) client at a time.
- The sale, lease, trade or other transfer of firearms or ammunition by a firearms dealer. Firearms dealers existing on or before October 7, 1995, and in all other respects in conformance with the provisions of this ordinance, shall be permitted to continue as nonconforming uses in accordance with the provisions of [Chapter 531](#), Nonconforming Uses and Structures.
- Sexually oriented uses, as defined in [Chapter 549](#), Downtown Districts.
- Headquarters or dispatch centers where persons come to the site and are dispatched to other locations.
- Uses allowed in the C4 General Commercial District or any industrial district.

[Nowthen](#) (Section 11-4-3: Home Occupations)

Definition: Home occupations are defined and described either as Permitted Home Occupation under subpart A of this section, or as Extended Home Occupations under subpart B. The Permitted Home occupations are permitted within all zoning districts so long as all requirements

are met. There are no variances from requirements for Permitted Home Occupations. Extended Home Occupations are only permitted as Interim Uses. Any home occupation that does not fully comply with Permitted Home Occupation requirements shall be reviewed as an Extended Home Occupation.

- **Permitted Home Occupation**

- Shall not constitute as a nuisance to neighboring properties.
- No retail is allowed on the premises.
- **Number of Employees:** No outside employees, other than residents of the dwelling.
- **Amount of Building Space Used:** The Home Occupation shall be wholly within the principle structure, no accessory dwellings.
- **Signs:** one sign, without lights or illumination, and of maximum six (6) square foot size. There shall be no exterior display or evidence, except sign.
- A home occupation shall not create an increase in vehicular traffic within the neighborhood.

- **Interim Use Permit** (Extended Home Business) – length determined by City Council

- Shall not constitute as a nuisance to neighboring properties and shall not create an increase in vehicular traffic within the neighborhood.
- **Number of Employees:** No more than one (1) full-time employee or two (2) part-time employees. If property is fully accessed on bituminous road, two (2) full-time employees or four (4) part-time employees are allowed.
- **Amount of Building Space Used:** The home occupation is allowed in the principle or accessory structures. Outdoor storage shall be setback one hundred (100) feet from a property line or one hundred twenty (12) feet from any current or potential abutting property residence; and screened by opaque fencing.
- **Signs:** one sign, without lights or illumination and of maximum six (6) square foot size.
- **Storage:** The leasing or rental of space for storing boats, vehicles, etc.
- Sales accessory to the home occupation (i.e. hair care products in a hair salon home occupation).

[Oak Grove](#) (Section 109-195. – Home Occupations.)

Definition: any gainful occupation or profession conducted on a lot zoned for residential or agricultural use; engaged in only by the occupant of a dwelling that is located on the lot; for which no signs other than those normally utilized in a residential district are present, limited stock in trade is stored on the premises, and over-the-counter retail sales are not involved.

- **Permitted Home Occupations**

- Shall not constitute as a nuisance to neighboring properties.
- **Number of Employees:** No outside employees, other than residents of the dwelling.
- **Amount of Building Space Used:** No restriction to size, but is restricted to the principle structure where the dwelling occurs. Shall not be more than 50% of the total floor area.
- **Customers:** No more than eight (8) or fewer customers daily.
- **Signs:** One (1) sign per dwelling, which shall comply with sign ordinance.

- **Vehicles:** No exterior evidence or garage storage of items related to the home occupation, except one (1) light commercial vehicle not to exceed twenty-eight (28) feet in length or a gross vehicle weight rating of 16,000 pounds.
- **Interim Use Permit** – Home Occupations that do not conform to permitted standards
 - On-site sales, wholesale or retail, shall not be the primary objective of the business. Limited on-site sales may be permitted, provided that the effect on traffic levels shall not be judged unacceptable by the city council. Upon report of objectionable traffic, the city council may restrict or rescind on-site sales approval.
 - A public hearing is required at a planning commission and authorization from the City Council; an IUP is valid for two (2) years after a public hearing, and then can be renewed for periods of one (1) to five (5) years administratively.
 - **Number of Employees:** No more than three (3) nonresident employees.
 - **Signs:** Shall comply with sign ordinance.
 - Storage or sales of hazardous substances as defined in Minn. Stats. § 182.651, subd. 14, bulk chemicals, or petroleum products shall be specifically prohibited unless done so in compliance with the requirements of the county community health and environmental services department. Requirements may include additional licensing. Storage of agricultural chemicals as allowed by state statutes is not prohibited.

[Ramsey](#) (Section 117-351 – Home occupations.)

Definition: Home occupation means any business or commercial activity that is conducted or petitioned to be conducted from the principal or an accessory structure on the property that is zoned for residential use, by persons residing on the property.

- **Permitted Home Occupations**
 - The home occupation shall not constitute a public nuisance affecting neighboring properties or the character of the neighborhood
 - **Number of Employees:** One (1) nonresident employee for properties less than three (3) acres, and a maximum three (3) nonresident employees if property is over three (3) acres.
 - **Amount of Building Space Used:** shall not exceed 20% of the gross living area of the dwelling unit. A minimum 400 square feet of garage or accessory space must be maintained for the primary residential use.
 - **Dwelling Changes:** prohibited, except those customarily found in a dwelling
 - **Vehicles:** One vehicle associated with the home occupation in accordance with off-street parking ordinances
 - **Signs:** No exterior evidence of the home occupation, except a sign no larger than two (2) square feet in area
- **Conditional Use Permit** – Home Occupations operating outside of the permitted uses.
- **Prohibited Home Occupations**
 - 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.
 - Headquarters or dispatch centers where persons come to the site and are dispatched to other locations.