

SECTION 1014 - HOME OCCUPATIONS

1014.01 **PURPOSE.** The purpose of this subdivision 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 subdivision 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.

1014.02 **APPLICATION.** Subject to the non-conforming use provision of this Section, all occupations conducted in the home shall comply with the provisions of this Section.

1014.03 **PROCEDURES AND PERMITS.**

Subd. 1. **Permitted Home Occupation.** Any home occupation as defined in this Ordinance shall require a “limited home occupation permit”. Such permits shall be issued subject to the conditions of this Section, other applicable City ordinances and State law. This permit may be issued by the Zoning Administrator based upon proof of compliance with the provisions of this Section. Application for the “limited home occupation permit” shall be accompanied by a fee as established by City Council resolution. Said fee shall be set out in the fee schedule in Section 402.01 of this Code. If the Administrator denies a permitted home occupation permit to an applicant, the applicant may appeal the decision to the City Council which shall make the final decision. Any permit issued shall remain in force and effect until such time as there has been a change in conditions or until such time, as the provisions of this subdivision have been breached. At such time as the City has reason to believe that either event has taken place, a public hearing shall be held before the City Council. The City Council shall make a final decision on whether or not the permit holder is entitled to the permit.

Subd. 2. **Special Home Occupation.** Any home occupation which does not meet the specific requirements for a permitted home occupation as defined in this subdivision shall require a “special home occupation permit” which shall be applied for, reviewed and disposed of in accordance with the procedural provisions of Section 1003 of this Ordinance.

- a. **Declaration of Conditions.** The City Council may impose such conditions on the granting of a special home occupation permit as may be necessary to carry out the purpose and provisions of this subdivision.

- b. Effect of Permit. A “special home occupation permit” may be issued for a period of one (1) year after which the permit may be reissued for periods of up to three (3) years each. Each application for permit renewal shall, however, be processed in accordance with the procedural requirements of the initial “special home occupation permit”.

Subd. 3. Transferability. Permits shall not run with the land and shall not be transferable.

Subd. 4. Lapse of Special Home Occupation Permit by Non-Use. Whenever within one (1) year after granting a permit, the use as permitted by the permit shall not have been initiated, then such permit shall become null and void unless a petition for extension of time in which to complete the work has been granted by the City Council. Such extension shall be requested in writing and filed with the Zoning Administrator at least thirty (30) days before the expiration of the original permit. There shall be no charge for the filing of such petition. The request for extension shall state fact showing a good faith attempt to initiate the use. Such petition shall be presented to the City Council for a decision.

Subd. 5. Reconsideration. Whenever an application for a permit has been considered and denied by the City Council, a similar application for a permit affecting substantially the same property shall not be considered again by the City Council for a least six (6) months from the date of its denial unless a decision to reconsider such matter is made by not less than four-fifths (4/5) vote of the full City Council.

Subd. 6. Renewal of Permits. An applicant shall not have a vested right to a permit renewal by reason of having obtained a previous permit. In applying for and accepting a permit, the permit holder agrees that his monetary investment in the home occupation will be fully amortized over the life of the permit and that a permit renewal will not be needed to amortize the investment. Each application for the renewal of a permit will be considered as a new permit without taking into consideration that a previous permit has been granted. The previous granting or renewal of a permit shall not constitute a precedent or basis for the renewal of a permit.

1014.04 **REQUIREMENTS - GENERAL PROVISIONS.** All home occupations shall comply with the following general provisions and according to definition, the applicable requirement provisions.

Subd. 1. 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. No home occupation shall require internal or external alterations or involve construction features not customarily found in dwellings except where required to comply with local and state fire and police recommendations.
 - e. 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. The home occupation shall meet all applicable fire and building codes.
 - f. There shall be no exterior display or exterior signs or interior display or interior signs which are visible from outside the dwelling.
 - g. All home occupations shall comply with the provisions of the City Nuisance Ordinance.
 - h. No home occupation shall be conducted between the hours of 10:00 PM and 7:00 AM unless said occupation is contained entirely within the principal building and will not require any on-street parking facilities.
 - i. No commodity shall be sold on the premises.
 - j. Not over twenty-five (25) percent of any one story can be used for a home occupation.
- Subd. 2. Requirements - Permitted Home Occupations.
- a. No person other than those who customarily reside on the premises shall be employed.
 - b. All permitted home occupations shall be conducted entirely within the principal dwelling and may not be conducted in accessory buildings.

- c. Permitted home occupations shall not create a parking demand in excess of that which can be accommodated in an existing driveway.
- d. Examples of permitted home occupations include art studio, dressmaking, secretarial services, professional offices and teaching with musical, dancing and other instructions, which consist of no more than one (1) pupil at a time. None of the above shall service more than one person at a given time.
- e. The home occupation shall not involve any of the following: repair service or manufacturing which requires equipment other than found in a dwelling; teaching which customarily consists of more than one (1) 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. 3. Requirements - Special Home Occupation.

- 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-residential assistance and that this exception would not compromise the intent of this Ordinance.
- b. Examples of special home occupations include barber and beauty services, photography studio, group lessons, saw sharpening, small appliance and small engine repair and the like.
- c. The home occupation may involve any of the following: stock in trade incidental to the performance of the service, repair or manufacturing which requires equipment other than customarily found in a home, the teaching with musical, dancing and other instruction of more than one (1) pupil at a time.
- d. Special home occupations may be allowed to accommodate their parking demand through utilization of on-street parking. In such cases where on-street parking facilities are necessary, however, the City Council shall maintain the right to establish the maximum number of on-street spaces permitted and increase or decrease that number when and where changing conditions require additional review.

1014.05 **NON-CONFORMING USE.** Existing home occupations lawfully existing on the date of this Ordinance may continue as non-conforming uses.

They shall, however, be required to obtain permits for their continued operation. Any existing home occupation that is discontinued for a period of more than thirty (30) days or is in violation of the Ordinance provisions under which it was initially established, shall be brought into conformity with the provisions of this Section.

1014.06 **INSPECTION.** The applicant, upon making application, grants to the City upon issuing any home occupation permit the right to inspect the premises in which the occupation is being conducted to ensure compliance with the provisions of this Section or any conditions additionally imposed.