



## MAYOR & COUNCIL COMMUNICATION

DATE: 7/6/10  
**REGULAR**  
ITEM #: 6  
**DISCUSSION/MOTION**

**AGENDA ITEM:** Home Occupations Ordinance No. 08-027

**SUBMITTED BY:** Danielle Bailey, Planning Intern

**THROUGH:** Lake Elmo Planning Department  
Bruce Messelt, City Administrator

**REVIEWED BY:** Kelli Matzek, Planner

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**SUMMARY AND ACTION REQUESTED:** The City Council is asked to review and provide Staff with feedback on a revised draft of Lake Elmo's Home Occupation regulations. This issue has been ongoing since 2004 with significant discussion (see Home Occupation Timeline) and was tabled by the City Council on July 18, 2006. Staff is providing the Council with a Timeline of the Home Occupation Ordinance, Draft Planning Commission minutes from June 28, 2010, Ordinance No. 08-027, and Resolution No. 2010-024 (necessary for summary publication).

If it is desirous by the Council to further discuss this ordinance given its complexity and history, the City Council may schedule additional time for future discussion and consideration.

**BACKGROUND INFORMATION:** The Planning Commission has made the following changes and decisions to the City Council's tabled 2006 Home Occupation Ordinance:

- Home Occupations will be defined by two subtypes: Home Offices and Home Based Businesses.
- Home Based Businesses should have a Home Based Business Permit that is monitored by the staff using an application procedure.
- Exceptions to the Home Occupation Ordinance include Agricultural Sales, Garage Sales, Licensed Residential Facilities, and Merchandise Sales.
- A Garage Sale provision and a Merchandise Sales provision were added to the definition section.
- Storage will not be limited by size.
- The hours of operation for Home Based Businesses shall be between 7:00 a.m. and 10:00 p.m.
- Home Based Businesses shall require the signature of the property owner.

The City Council originally sent back a draft of the Home Occupation Ordinance noting that one deficiency was that the size of storage was unregulated. The Planning Commission took note of

that comment and after several discussions and several votes; a non-unanimous majority concluded that it would be unwise to regulate what happened within the residential or accessory structures if nuisances to surrounding properties could be abated by the other provisions in the Home Occupation Ordinance.

**STAFF REPORT:** The Home Occupation Ordinance is currently out of date. It is only referenced in the definition section of the City Code, does not address garage sales or merchandise sales, and provides no review process to evaluate how intrusive a Home Occupation is on surrounding property. Now that more and more individuals are beginning to use Home Occupations it is becoming a necessity to update the Lake Elmo's regulation in order to provide better guidance on the proper usage of Home Occupations.

**RECOMMENDATION:** Based upon the above background information and staff report, it is recommended that the City Council discuss and, if appropriate, adopt Ordinance No. 08-027 by undertaking the following action:

***“Move to approve Ordinance 08-027 regarding Home Occupations and related definition sections.”***

Alternatively, the City Council may schedule additional time for future discussion and consideration.

**ATTACHMENTS:**

1. Home Occupation Timeline
2. June 28, 2010 Planning Commission Minutes--DRAFT
3. Ordinance No. 08-027
4. Resolution No. 2010-024

**SUGGESTED ORDER OF BUSINESS:**

- Introduction of Item ..... City Administrator
- Report/Presentation.....Danielle Bailey
- Questions from Council to Staff..... Mayor Facilitates
- Public Input, if Appropriate ..... Mayor Facilitates
- Call for Motion ..... Mayor & City Council
- Discussion..... Mayor & City Council
- Action on Motion..... Mayor Facilitates