



## MAYOR & COUNCIL COMMUNICATION

**DATE: March 2, 2016**  
**REGULAR**  
**ITEM #8**

**AGENDA ITEM:** Refer Home Occupation Ordinance Review to Planning Commission

**SUBMITTED BY:** Councilmember Anne Smith

**THROUGH:** City Clerk

**REVIEWED BY:** Councilmember Smith

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### **SUGGESTED ORDER OF BUSINESS:**

- Introduction of Item ..... Interim Administrator
- Report/Presentation.....Interim Administrator
- Questions from Council to Staff ..... Mayor Facilitates
- Call for Motion ..... Mayor & City Council
- Discussion ..... Mayor & City Council
- Action on Motion ..... Mayor Facilitates

**POLICY RECOMMENDER:** Councilmember Smith

**FISCAL IMPACT:** To be determined

**SUMMARY AND ACTION REQUESTED:** Several years ago, the Planning Commission and City Staff began work to update the City's Home Occupation Ordinance. That work was never completed and the City's ordinance remains out of date. I would like the City Council to refer the Home Occupation Ordinance to the Planning Commission for review and recommendations for updating the code.

### **RECOMMENDATION:**

**“Motion to refer the Home Occupation Ordinance to the Planning Commission for review and recommendations for updates.”**

**ATTACHMENT(S):** Home Occupation Ordinance 154.012 subd B.12.

## 12. Accessory Uses

*Bed and Breakfast.* A private, owner-occupied residence that contains no more than five (5) guestrooms where lodging, with or without meals, is provided for compensation.

*Commercial Wedding Ceremony Venue.* A use involving a location to conduct wedding ceremonies, not including receptions, and usually operated in exchange for remuneration by providing the venue to the public.

*Domestic Pets.* The keeping of small domestic animals, such as dogs, cats, birds, rodents, fish, and the like, not primarily for produce or value increase, but rather for show, sport, or as pets.

*Family Day Care.* A residence licensed by the Minnesota Department of Human Services in which no more than 10 children at any one time receive care, maintenance and supervision by someone other than their relatives or legal guardians for less than 24 hours per day.

*Group family day care.* A residence licensed by the Minnesota Department of Human Services in which at least 11 but not more than 14 children receive care, maintenance and supervision by someone other than their relatives or legal guardians for less than 24 hours per day.

*Home Occupations.* Any gainful occupation or profession engaged in by the occupant, only, of a dwelling when carried on within a dwelling unit or in an accessory building, provided that no signs other than those normally utilized in a residential district are present, no stock in trade is stored on the premises, that no over-the-counter retail sales are involved, and entrance to the home occupation is or can be gained from within the structure. Uses include professional office, hairdressing, or teaching limited to 3 students at any time, and similar uses. A home occupation shall not be interpreted to include barber shops, beauty shops, tourist homes, restaurants, disorderly house as defined by M.S. §609.33, Subd. 1, as it may be amended from time to time, or similar uses. No home occupation shall be permitted that creates the need for more than 3 parking spaces at any given time in addition to the parking spaces required by the occupants. Home occupations shall not be carried on except between the hours of 7:00 a.m. and 10:00 p.m.

## Home Occupation Timeline

- September 14, 2010 – City Council reviewed recommendation by Commission, directed staff to proceed with Council’s original ordinance direction
- July 20, 2010 – City Council removed the item from the agenda and asked for it to be discussed at a workshop.
- July 6, 2010—City Council tabled decisions for all members to be present.
- June 28, 2010—Planning Commission recommended approval of the Home Occupation Ordinance to the City Council
- April 12, 2010—Planning Commission made the following recommendation with regard to Home Occupations:
  - 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.
  - Home Offices should be regulated by performance standards.
  - Exceptions to the Home Occupation Ordinance should include garage sales, licensed facilities, and agricultural sales.
  - A Garage Sale provision should be added to the definition section.
- March 22, 2010—Planning Commission made the following suggestions with regard to Home Occupations:
  - They suggested separate regulations and definitions for home offices and home based businesses and wanted to return to the old planning commission draft as a starting point.
  - Degree of storage should not be limited for any home occupation.
  - Home offices would not have a permit and home based businesses would require a Special Home Occupation Permit.
  - Signs would not be permitted for any home occupation
- March 8, 2010—Planning Commission reopened discussion on the Home Occupation Ordinance
- July 18, 2006—City Council
  - Tabled discussion
- June 12, 2006—Planning Commission made revisions to the recommended ordinance
  - Made the following changes:
    - Degree of storage should not be limited
    - Two non-resident employees are allowed in a home-based business
    - Annual license renewals is not needed
    - Three business related vehicles are allowed at any time (parked off street)
    - Limited visits from 10 to 5 per day
    - Deliveries limited to 6 trips daily
- June 6, 2006—City Council workshop
  - Made a draft ordinance
- March 27, 2006—Planning Commission Public hearing