



PLANNING COMMISSION
DATE: 03/28/2016
AGENDA ITEM: __ – PUBLIC HEARING
CASE #2015-43

ITEM: Home Occupation Ordinance Amendment
REQUESTED BY: Planning Department
SUBMITTED BY: Emily Becker, Planner
REVIEWED BY: Stephen Wensman, Planning Director

SUMMARY:

The Planning Commission last reviewed a revised draft of the Home Occupation definition and provided Staff feedback at its meeting on March 14, 2016. Feedback included adding a “stock in trade” definition, limiting the number of hair salon customers to no more than 2 at a time, and allowing some stock in trade and retail sales ancillary to the business. Staff has revised the draft according to feedback with concern of allowing retail sales, as this may increase the number of deliveries and customer visits to the site, both of which are not regulated in the definition.

RECOMMENDATION:

Staff is recommending the Planning Commission recommend approval of the amendment to the Home Occupation ordinance with the following recommended motion:

- 1) *Move to approve a an ordinance amendment to the home occupation ordinance adding a “stock in trade” definition, limiting the number of hair salon customers to no more than 2 at a time, and allowing some stock in trade and retail sales ancillary to the business.*

ATTACHMENTS:

1. Draft Ordinance No. 08-__

ORDER OF BUSINESS:

- Introduction.....Planning Staff
- Report by Staff.....Planning Staff
- Questions from the Commission..... Chair & Commission Members
- Open the Public Hearing.....Chair
- Close the Public HearingChair
- Discussion by the Commission..... Chair & Commission Members
- Action by the Commission..... Chair & Commission Members

CITY OF LAKE ELMO
COUNTY OF WASHINGTON
STATE OF MINNESOTA

ORDINANCE NO. 08-__

AN ORDINANCE AMENDING THE LAKE ELMO CITY CODE OF ORDINANCES PERTAINING
TO HOME OCCUPATIONS

SECTION 1. The City Council of the City of Lake Elmo hereby amends Title I: General Provisions; Chapter 11: General Code Provisions, by amending section 11.01 Definitions to amend existing definition **and amends Chapter 154: Zoning Code; Section 12, Subsection B.12.e to amend existing definition** as follows:

HOME OCCUPATION. 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, **that** no stock in trade **over 100 square feet** is stored on the premises, that no over-the-counter retail sales are involved **unless ancillary to the permitted business**, and **that** entrance to the home occupation is or can be gained from within the structure. Uses include professional office, **hairdressing hair salons serving no more than 2 customers at a time**, or teaching limited to **no more than** 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.

SECTION 2. The City Council of the City of Lake Elmo hereby amends Title I: General Provisions; Chapter 11: General Code Provisions, by amending section 11.01 Definitions to add the following definition:

STOCK IN TRADE. **Any equipment, merchandise, or materials necessary to or used in a trade or business.**

LAKE ELMO CITY COUNCIL

Mike Pearson, Mayor

ATTEST:

Julie Johnson, City Clerk

This Ordinance 08-__ was published on the ____ day of _____, 2016.