

CITY OF LAKE ELMO  
COUNTY OF WASHINGTON  
STATE OF MINNESOTA

ORDINANCE NO. 08-219

AN ORDINANCE AMENDING THE LAKE ELMO CITY ZONING CODE OF  
ORDINANCES BY ADDING ADDITIONAL STANDARDS AND LANGUAGE FOR  
HOME OCCUPATIONS.

SECTION 1. The City Council of the City of Lake Elmo hereby amends Title I: General Provisions; Chapter 11: Definitions 11.01 by amending the definition of Home Occupation:

***HOME OCCUPATION.** Any gainful occupation or profession engaged in by the occupant(s); only, and up to one non-occupant employee 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 allowed by the City's sign regulations regarding home occupations are present., that no stock in trade over 1,000 cubic 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, hair salons serving no more than 2 customers at a time, or teaching limited to no more than 3 students at any time, and other uses which do not create a nuisance as outlined in Chapter 96 of this Code. A HOME OCCUPATION shall not be interpreted to include 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 XV: Land Usage; Chapter 154: Zoning Code; Article II; Section 154.012; Subd. (B) (13) Home Occupations by amending the language as follows:

*Home Occupations. Any gainful occupation or profession engaged in by the occupant(s); only, and up to one non-occupant employee 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 allowed by the City's sign regulations regarding home occupations are present., that no stock in trade over 1000 cubic 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, hair salons serving no more than 2 customers at a time, or teaching limited to no more than 3 students at any time, and other uses which do not create a nuisance as outlined in Chapter 96 of this code. A home occupation shall not be interpreted to include 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 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 3. The City Council of the City of Lake Elmo hereby amends Title XV: Land Usage; Chapter 154: Zoning Code; Article VII; to amend Section 154.310 Standards for Accessory Uses by adding the following:**

E. Home Occupations shall be considered a permitted accessory use. The purpose of home occupation standards are to ensure that the activities are clearly secondary to the intended use of the dwelling and to ensure that the business is compatatble with surrounding residential uses. All home occupations must comply with the criteria set forth below.

1. Home Occupations.

a. A home occupation may include but is not limited to

1. Home office.
2. Hair salons not serving more than two customers at a time.
3. Teaching, though limited to no more than three students at any time
4. Uses which do not alter the character of the locality, do not create a nuisance as outlined in Chapter 96 of the City Code, and are legally allowed by local, state, and federal law.

b. Home occupations shall not be interpreted to include

1. Tourist homes.
2. Restaurants.
3. Disorderly house as defined by M.S. 609.33, subd. 1, as it may be amended from time to time, or similar uses.
4. Sale or use of hazardous materials.
5. Adult establishments as defined in Chapter 113.
6. Any overnight activities shall not be permitted.

2. Operation Requirements

- a. The home occupation shall be clearly incidental and subordinate to the residential use of the premises, and shall result in no incompatibility or disturbance to the surrounding area.
- b. Activities associated with the permitted home occupation may only be conducted between the hours of 7:00 a.m. and 10:00 p.m..
- c. No over the counter retail sales may be made unless ancillary to the permitted business
- d. There shall not be more than one employee who does not customarily reside on the property affiliated with the Home Occupation.
- e. The use shall not create a nuisance as defined by chapter 96.

### 3. *Site Requirements*

- a. Exterior alterations or modifications that change the residential character or appearance of the dwelling unit or accessory structure to that of a commercial nature shall be prohibited.
- b. Interior alterations or modifications shall not eliminate all of the bathrooms, sleeping areas, or kitchen(s).
- c. Signage. Home Occupations are allowed signage in accordance with Sections §154.212 (G) (1) (a) and (K) (10).
- d. The operation shall not create a demand for more than 3 parking spaces at any given time, and no parking for the business shall be on-street. Off-street parking shall be on a durable parking surface such as asphalt, concrete, etc. The off-street parking area required for the principal residential use shall be retained exclusively for the principal use.
- e. Exterior Storage. No outside storage or display of products or merchandise is permitted.
- f. No stock in trade over 1,000 cubic feet shall be stored on the premises.

**SECTION 4. The City Council of the City of Lake Elmo hereby amends Title XV: Land Usage; Chapter 154: Zoning Code; Article V; to amend Section 154.103 Permits; Certificates and Licenses; B. Certificate of Zoning Compliance by amending the following:**

- 1. *When Required.* A certificate of zoning compliance is required for the following activities:
  - a. A new use classification within an existing building or structure;
  - b. A change of use classification within an existing building or structure;
  - c. Addition, removal or change in parking or other on-site improvements;
  - d. Small accessory structures that do not require a building permit;
  - ~~e.~~ Home occupations;
  - ~~f.e.~~ Swimming Pools;
  - ~~g.f.~~ Antennas, including amateur radio antennas and wireless communications facilities that meet the criteria for administrative review in §150.111(C);
  - ~~h.g.~~ Fences six feet and less in height;
  - ~~i.h.~~ Driveways that are not authorized as part of an approved building permit;
  - ~~j.i.~~ Storm water management activities and structures not otherwise permitted as part of a development application;
  - ~~k.j.~~ Other situations requiring additional review or interpretation, as specified elsewhere in this ordinance.

**SECTION 5. Effective Date.** This ordinance shall become effective immediately upon adoption and publication in the official newspaper of the City of Lake Elmo.

**SECTION 6. Adoption Date.** This Ordinance 08-219 was adopted on this \_\_\_\_\_ day of \_\_\_\_\_ 2018, by a vote of \_\_\_\_ Ayes and \_\_\_\_ Nays.

**LAKE ELMO CITY COUNCIL**

\_\_\_\_\_  
Mike Pearson, Mayor

ATTEST:

\_\_\_\_\_  
Julie Johnson, City Clerk

This Ordinance 08-219 was published on the \_\_\_\_\_ day of \_\_\_\_\_, 2018.