

1030.100 - HOME OCCUPATIONS

- Subd. 1. Purpose. The purpose of this Ordinance is to maintain the character and integrity of residential areas 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 Ordinance is intended to provide a mechanism enabling the distinction between permitted home occupations and special or customarily “more sensitive” home occupations, so that appropriate, permitted home occupations may be allowed outright or through an administrative process rather than a legislative hearing process.

- Subd. 2. Application. Subject to the non-conforming use Section and other applicable provisions of this Ordinance, all occupations conducted in the home and accessory buildings located on the homestead site shall comply with the provisions of this Ordinance.
- Subd. 3. Procedures and Permits. Whenever used in this Ordinance, the phrase “Home Occupation” shall include Allowed Home Occupations, Special Home Occupations and Conditional Home Occupations.
- A. An Allowed Home Occupation, as defined in this Ordinance, shall not require a permit as long as all of the criteria in Subd. 4 and Subd. 5 of this Section are satisfied.
 - B. Any Special Home Occupation, as defined in this Ordinance, shall require an administrative permit, as outlined in Subd. 7 of this Section.
 - C. A Home Occupation License shall be required for any Conditional Home Occupation as described in Subd. 8; which license shall be processed by the Planning Commission as outlined in Section 1070.030 (Interim Use Permit) of the Zoning Ordinance.
- Subd. 4. General Standards for Allowed and Special Home Occupations. All Allowed Home Occupations and Special Home Occupations shall comply with the following general provisions:
- A. No Home Occupation shall produce light, glare, noise, fumes, 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 that will create electrical interference to surrounding properties. No equipment shall be used which creates visual or audible interference in any radio or television receivers off the premises or causes fluctuations in the voltage off the premises.
 - C. Any Home Occupation shall be clearly incidental and secondary to the residential use of the premises, shall 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 evidence visible from public roads or adjacent parcels of the Home Occupation, including but not limited to storage of material, equipment, supplies, garbage dumpsters, etc. Personal vehicles [not to exceed 12,000 gross vehicle weight (GVW)] used in the Home Occupation, which comply with applicable provisions of this Ordinance, may be parked on the site.
- F. The area used for the Home Occupation shall meet all applicable fire and building codes.
- G. There shall be no exterior display or exterior signs or interior display or interior signs that are visible from outside the dwelling advertising the Home Occupation.
- H. All Home Occupations shall comply with the provisions of the City Code.
- I. An Allowed or Special Home Occupation shall not include work staging areas or employees reporting to the home occupation site to receive work assignments and working elsewhere.
- J. The applicant shall demonstrate, in a manner found acceptable to the City Building Inspector that such use is within the capabilities of the property's sewage treatment system.
- K. No Allowed Home Occupation or Special Home Occupation shall employ any person at the home site location who does not reside in the dwelling unit.

Subd. 5. Allowed Home Occupations. A Home Occupation meeting all of the requirements of Subd. 4, as well as the following criteria shall be an Allowed Home Occupation and may be conducted without a permit or fee:

- A. The Allowed Home Occupation shall be located within the principal dwelling on the property, except that a business office or computer workstation may be maintained in any permitted structure.
- B. No customer visits to the premises shall be permitted.
- C. No deliveries other than those routinely made in a residential district (U.S. Mail, United Parcel Service, etc.) shall be permitted.

Subd. 6. Special Home Occupation - Administrative Permit.

- A. This permit may be issued by the City Administrator or assigned staff based upon proof of compliance with the provisions of this Section. Application for the permit shall be submitted to the City with an

associated fee as established by the City Council. Prior to issuance of the permit, a notice of intent shall be sent to all property owners within 350 feet of the perimeter of the applicant's property. The notice shall request that written comments be forwarded to the City Administrator within 10 days of the date of the notice. Upon expiration of the comment period, the City Administrator shall determine if a permit should be issued, denied, or forwarded to the City Council. Notice of the decision shall be sent to all persons who have submitted written comment. The applicant or a noticed property owner may appeal a decision of the City staff to the City Council for final decision. Notice of an appeal must be made within 10 business days following the notice of the City Administrator's decision.

- B. Except as modified by this Subd. 7, all Special Home Occupations shall comply with the requirements of Subd. 5 and Subd. 6. A Special Home Occupation-Administrative Permit shall be required for Home Occupations that are not otherwise permitted under Subd. 5 and subject to the following criteria:
 - 1. Services may be provided to customers on site provided no more than 2 additional parking stalls are necessary for customer parking and the spaces shall be provided on the lot. The Home Occupation shall not add more than 10 daily, non-residential vehicle trips to or from the property.
 - 2. A single vehicle up to 26,000 lb. GVW may be allowed by Administrative Permit. The City Administrator shall consider the vehicle size in relation to the intended use, the road surface, the character of the neighborhood, number of vehicle trips and any other relevant matters in deciding whether to issue an Administrative Permit.

Subd. 7. Conditional Home Occupation License (CHOL).

- A. All Home Occupations not defined as Allowed or Special shall be defined as Conditional Home Occupations and will require a Conditional Home Occupation License (CHOL) to be issued, subject to review and approval by the City Council. The CHOL shall be processed by the Planning Commission pursuant to Section 1070.030 (Interim Use Permit) of the Corcoran Zoning Ordinance. A CHOL is not a conditional use permit, but a license personal to the individual applicant and the particular business for which the application is made. If the business ceases, if ownership of the business changes, or if the individual to whom a license has been issued ceases to own the subject premises, the CHOL is automatically revoked.

- B. All applicants must demonstrate, to the satisfaction of the Planning Commission and City Council, the need for the CHOL. All applications will be reviewed and analyzed, taking into consideration the general health, safety and welfare of the community as a whole. The Planning Commission and the City Council shall consider the following standards and criteria when reviewing an application for a CHOL:
1. The nature and general character of the geographic area in which the CHOL property is located. The City may consider, in addition to other factors and not by way of limitation, the existence and condition of gravel and paved roads in the area, existence and proximity of collector, County and State roadways in the area, CHOL lot area, the proximity of CHOL operations to neighboring residences, size of neighboring lots, and use of neighboring properties.
 2. Consideration shall be made for potential property devaluation of adjacent and surrounding properties.
 3. Nuisance factors shall be considered, including but not limited to sight, odor, light, glare and noise, and any other nuisance factors that may result from issuance of the CHOL.
 4. Environmental concerns, including but not limited to drainage, wastewater, wells and wetland issues.
 5. Compliance with Section 1030.020 (Accessory Buildings, Structures, Uses and Equipment) of the Zoning Ordinance and with other relevant Code sections.
 6. Impact on the neighboring properties shall be considered before issuing a CHOL.
- C. Conditional Home Occupations with seasonal retail sales may be allowed one temporary freestanding or wall sign as allowed by Section 84.04 (10) of the City Code.

Subd. 8. Employees; On-Site/Staging for Work Off-Site.

- A. For home occupation businesses existing on May 24, 2001, the City Council may allow up to 2 full-time equivalent on-site employees or up to 4 employees reporting on-site for the purpose of staging work to be performed off-site, or any combination of the two not to exceed 2 full-time equivalent employees working on-site or 4 employees in total. The applicant must prove that the applicant had employees, as outlined above, on or within the 9 months prior to May 24, 2001 to qualify for employees.

- B. The actual number of on-site employees or employees permitted on-site for work staging will depend on all factors considered in issuing the CHOL.
- C. No home occupations that come into existence after May 24, 2001 shall be permitted to have on-site employees or employees on-site for the purpose of staging work to be performed off-site.
- D. For purposes of this Section, employees shall include independent contractors, part-time or seasonal employees.

Subd. 9. Exceptions. Day Care home facilities and group family Day Care home facilities that are licensed by the State are exempt from the requirements of this Ordinance.

Subd. 10. Denial of CHOL.

- A. In the event the City Council denies a CHOL, findings of fact shall be prepared to support the denial and shall be provided to the applicant.

Subd. 11. Ordinance Administration.

- A. Upon adoption of the Home Occupation Ordinance on August 9, 2001, all individuals operating a business not otherwise permitted by this Ordinance were required to make application for a CHOL and receive approval.
- B. Immediately following the passage of this Ordinance, the City shall commence the process of identifying all existing Home Occupations that will require permits and shall give written notice to the owner of the property requiring that application be made within 30 days.
- C. Legal, non-conforming Home Occupations shall be allowed to continue until such time as the homeowner ceases to operate the home occupation, ownership of the business is transferred, or the property is sold.
- D. There shall be an application fee for the permits and license issued under this Ordinance, together with an annual license fee; all such fees to be set from time to time by resolution of the City Council.
- E. All permits issued under this Ordinance shall be reviewed by the City every 3 years from the date of issuance for a determination that the existing Home Occupation, considered in light of the existing standards and criteria, still warrants the issuance of a license. The City may revoke or modify an administrative permit or CHOL upon a finding that

conditions have changed to warrant revocation or modification of the license.

Subd. 12. Violations/Penalty.

- A. Any person violating this Section, upon conviction, is guilty of a misdemeanor and subject to a maximum fine or a maximum period of imprisonment, or both, as specified by Minnesota Statutes §609.03.
- B. The City may also seek injunctive relief or other equitable relief for violation of this Ordinance in Hennepin County District Court. If the City is successful in seeking the injunction, or other equitable relief, the property owner shall be responsible for all costs associated with the action, including reasonable attorney's fees.
- C. Mandatory cleanup of a property in violation of this Section shall be required as part of any resolution to a violation.
- D. The City hereby reserves the right, upon approval of any home occupation, and upon reasonable notice, to inspect the premises in which the occupation is being conducted to insure compliance with the provisions of this Section or any conditions imposed.
- E. Violations of any provisions or conditions of the home occupation regulations may result in the revocation of either the administrative permit or the CHOL following a public hearing in compliance with the Administrative Procedures Act.