

CITY OF RICHFIELD, MINNESOTA
Department of Community Development

February 22, 2021

Planning Commission Memorandum No. 1

Members of the Planning Commission
City of Richfield

Subject: Ordinance – Home Occupation Regulations
(February 22 Worksession Agenda Item No. 1)

Commissioners:

City staff is seeking the input of the Planning Commission regarding the City's Home Occupation rules, outlined in section 509.21 of the Zoning Code. A summary of the reasoning behind the proposed changes is below, as well as the proposed ordinance edits.

Summary of Proposed Changes

- Clarify that the business owner must reside full-time at the property.
- Clarify that agricultural or beekeeping activities are exempt from the fully-enclosed building rule, provided that they are maintained and that waste is appropriately disposed of.
- Clarify that cars parked at the residence that are "identified" for business purposes should include all vehicles used for that business.
- Clarify that sales or distribution of products from the home should be prohibited.
- Prohibit the sale of produce from the home with addition of (Subd.11, item j), following the prohibition of honey from the home (Subd. 11, item i).
- Remove the CUP requirement for having an employee, as it is unnecessarily prohibitive. No more than 1 employee should be allowed.
- No change to community garden guidelines, outlined in section 512.03:
Permitted uses in all districts: Horticulture/community gardens as an accessory to an established institutional use (school, church, park), provided that plants and related materials are maintained in a clean and orderly manner and that waste is disposed of appropriately;

Proposed Ordinance Changes for Section 509.21- Home occupations (in red)

Subdivision 1. Home occupation defined. Home occupations are defined in subsection 507.07 of this Code.

Subd. 2. Purposes. The purposes of this subsection are to allow for home occupations that are appropriate for residential settings; protect those conducting a home occupation from self-induced harm; and protect the property rights of neighbors.

Subd. 3. Compliance required. A home occupation may be established and conducted only in accordance with this subsection.

Subd. 4. Subordinate use. A home occupation shall be permitted as an accessory use to a residential dwelling unit. The home occupation use must be clearly subordinate to the residential use of the property, occupying no more than 25 percent of the gross floor area of the dwelling (excluding garages), and must be conducted by a person or persons who reside **full-time** in the dwelling.

Subd. 5. Activities. A home occupation must be conducted in such a manner that activities connected with it are not noticeable from adjacent streets or residential lots, and except as permitted in Subd. 6 below, do not draw attention to the home occupation. All activities related to a home occupation must be conducted within a fully enclosed building, **excluding gardening or horticultural activities provided that plants and related materials are maintained in a clean and orderly manner and that waste is disposed of appropriately.** (Amended, Bill No. 2014-4)

Subd. 6. Advertising. Signs are allowed in accordance with the provisions of Section 549 of the zoning code.

Subd. 7. Outside storage. No outside storage of products or materials or equipment connected with the home occupation is permitted. This subdivision does not prohibit the outside parking of motor vehicles on the driveway of the premises in accordance with Subd. 8 below.

Subd. 8. Outdoor parking of commercial vehicle. Outdoor parking of no more than one(1) vehicle **used identified** for business purposes is permitted, provided that the vehicle is registered to an occupant of the home, and that such vehicle parking is not otherwise prohibited by Section 1320 of the city code or any other applicable district regulations.

Subd. 9. Parking, structural changes, lighting. Parking, structural alteration, lighting or similar facilities which indicate a use of the dwelling for purposes other than a residential structure are prohibited. Home occupations involving the need for more than three (3) outdoor parking spaces for the operators and customers shall be prohibited. Parking facilities required to serve the home occupation shall be provided on the premises, but no such parking facilities shall be provided within any required front or side yard, except upon an established driveway.

Subd. 10. Retail sales. Continuous **or regular** retail sales **or distribution** of products on the premises are prohibited. Occasional sales of products or other articles are permitted where the dwelling serves as an office for a person regularly engaged in retail sales outside the dwelling, or where such occasional sales are incidental to and not the primary purpose of the home occupation.

Subd. 11. Specific activities prohibited. The following activities shall not be allowed as home occupations:

- a) The repair, whether for consideration or not, of motor vehicles which are not registered to a resident of the dwelling on the property where the repair is made, or to a son or daughter, sibling, parent, grandparent, or grandchild of a resident of the property;
- b) Adult business establishments regulated under Section 1196 of the city code;
- c) The practice of medical, dental, chiropractic, psychiatric, or other similar treatment or therapy, including acupuncture, where the person(s) providing such treatment or therapy is not licensed by the State of Minnesota to administer such treatment or therapy; or in the case of massage therapy, where the person(s) providing such treatment is not certified by the "National Certification Board for Therapy Massage and Bodywork" or by the "Massage and Bodywork Licensing Examination;"
- d) Businesses, educational programs, or similar gatherings which meet on a regular basis, having more than six (6) nonresident adults in attendance at one (1) time;
- e) Pet grooming or pet care facilities, except those legally existing on or before June 1, 1995;
- f) Gun or ammunition sales/repair, except those legally existing on or before June 1, 1995;
- g) Music instruction, unless conducted within a single-family (detached) dwelling;
- h) Tattoo businesses; and
- i) Sale of honey produced by hives located within the city regulated under section 906 of the city code.
- j) **Sale or distribution of produce from a garden or other horticultural activity.**

(Amended, Bill No. 2016-2)

Subd. 12. Performance standards. A home occupation may not adversely impact the residential character of the dwelling or its neighborhood because of the emission of noise, odor, water, smoke, dust, gases, heat, glare, vibration,

electrical interference, or parking or traffic resulting from the conduct of the home occupation.

Subd. 13. Nonresident employee. One (1) person in addition to the person or persons who occupy the dwelling may be employed at the residence. ~~if a conditional use permit is issued in accordance with Subsection 547.09 of this Code.~~

Subd. 14. Hours of operation. The hours of operation for any home occupation shall be limited to between 7:00 a.m. and 9:00 p.m.

Subd. 15. Use of equipment. No mechanical or electrical equipment requiring in excess of 240 volts single phase shall be permitted in the conduct of a home occupation, and no electric motor shall exceed three (3) horsepower.
(Amended, Bill No. 2014-4)

Respectfully submitted,

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