



Chisago County Department of
Environmental Services and Zoning

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Memo

To: Chisago County Townships & Municipalities
From: Jessica Jagoe, Land Services Coordinator
Date: October 11, 2019
Re: **Public Hearing**

Enclosed is a draft copy of proposed code amendments under consideration, with current ordinance to Section 4.04, Home Occupations of the Chisago County Zoning Ordinance.

Public hearing date has been set for November 7, 2019 in Meeting Room 150B of the Chisago County Government Center in Center City following the Planning Commission's review of zoning applications. Comments can be sent to Jessica.jagoe@chisagocounty.us.

**CHISAGO COUNTY
STATE OF MINNESOTA ORDINANCE NO. XXX**

AN ORDINANCE AMENDING SECTION 4, GENERAL PROVISIONS OF THE CHISAGO COUNTY CODE, KNOWN AS THE ZONING ORDINANCE, BY PROVIDING FOR AMENDMENTS TO 4.04 HOME OCCUPATIONS.

4.04 Home Occupations

A. Purpose.

It is the purpose of this subdivision to provide for the interim use of the home or property as a place for the operation of a business or profession provided the occupation is clearly secondary to the principal use of the home as a residence.

B. Minor Home Occupations.

Home occupations that do not generate a noticeable increase in traffic or other significant impact to subject or nearby properties as determined by the Zoning Administrator shall be allowed without a Conditional Use Permit subject to compliance with the performance standards listed below. Home occupations that do not comply with these standards shall require a Conditional Use Permit as outlined in 4.04.C of this ordinance

All minor home occupations shall conform to the following standards:

1. Conduct of the home occupation does not require alterations to the exterior of the residence that substantially alters the appearance of the dwelling as a residence.
2. Only those persons residing in the home and two other persons or full time equivalent may be employed.
3. Signage shall consist of no more than one (1) single or double-faced sign with a maximum area of eight (8) square feet per side in the UR and RR districts; and sixteen (16) square feet per side in the (A), (AP), and (PAT) District.
4. No outdoor display or storage of goods or materials is permitted.
5. Should the home occupation be educational in nature, class size shall not exceed ten (10) students at any one time.
6. Should the home occupation be repair or assembly, the items repaired or assembled shall be of such a size or nature that repair can occur within the home as allowed by this Ordinance.
7. No home occupation shall generate sewage of a nature or type that cannot be

treated by a standard on-site sewage system or hazardous wastes without an approved plan for off-site disposal.

8. Said home occupation is conducted exclusively within the principal dwelling and/or attached garage and does not require use of any detached accessory buildings beyond the incidental storage of product or materials. In no case shall assembly or manufacturing or other active minor home business practices take place in a detached accessory building
9. Off-street parking of said home occupation shall be accommodated by existing driveway and shall not generate a parking demand requiring use of on-street parking.

C. Major Home Occupations Requiring a Conditional Use Permit.

Purpose: A Conditional Use Permit that allows for a major home occupation is intended to provide an avenue for suitable business growth or other suitable home occupations beyond that which is permitted under Section 4.04 B.

Intent: It is the intent of this provision to allow for the case by case consideration of the suitability of a Major Home Occupation proposal as a conditionally permitted home based activity. In doing so, the suitability of each proposed home occupations shall be evaluated and determined upon specific consideration of the size of the property, scale of the business, and environmental (health, safety, welfare) conditions unique to the proposal.

Suitable conditionally permitted major home occupations are those which by determination of the Planning Commission can be allowed as moderate business activities from the home; are deemed to be of a size, scale, and intensity that will not adversely affect the health, safety, or welfare of the public; and are not otherwise deemed inappropriate at the subject site. The home and residency of the subject property must remain a principal focus of any major home occupation location.

Conditionally permitted major home occupations are not intended to provide a place of business operations for a use that is of such intensity or dependence on public services such that the appropriate location is that of a commercially zoned and publicly serviced county or municipal business district. The adequacy of on-site well and septic and affiliated transportation and roadway classification shall be reviewed and deemed adequate for each major home occupation. If the proposed home occupation is deemed to be of such impact that public transportation, police, fire, water, sewer, and other such demands are too great to be served from a the home it shall not be approved.

Review of said home occupation in this section is to ensure compatibility in residential or agricultural districts. Home occupations requiring a Conditional Use Permit, as determined by the Zoning Administrator, shall meet the following standards at a

minimum with other conditions as deemed necessary to meet the intent of said ordinance -

1. Said Home Occupation is partially or entirely conducted in an accessory building. (This requirement does not apply to the use of accessory buildings existing in the Agriculture District on or prior to July 24, 1997, to seasonally store recreational vehicles and equipment.)
2. Only those persons residing in the home and up to fifteen (15) other persons may be employed on site of a major home occupation. The maximum number of employees must be identified with the permit request and may be restricted to less than fifteen by permit condition if property size or site conditions, parking accommodations, traffic impacts, or other environmental constraint cannot be adequately mitigated as determined by the County.
3. An existing accessory structure subjected to a State Building Code specified change of occupancy or use as a result of a home occupation shall be retrofitted to conform to current State Building Code structural standards for the new occupancy or use and shall be certified by an architect or engineer as determined to be necessary by the County Building Official.
4. No outdoor display or storage of goods or materials is permitted. The identification of business waste management and disposal plan, including outdoor placement and screening of refuse and recycling containers, shall be required and may be expressly permitted on an approved site plan.
5. The number, type, size, and nature of business vehicles, trailers, or affiliated equipment parked/stored on the subject property must be expressly identified and may be limited in number or restricted to indoor placement by permit condition. All such vehicle and affiliated equipment parking, including employee parking, shall be detailed on an approved site plan.
6. The use must not adversely affect the residential or agricultural character of the surrounding area due to noise, odor, smoke, dust, gas, heat, glare, vibration, electrical interference, traffic congestion, number of deliveries, hours of operation, or any other annoyance. A suitable landscape, fencing, screening, traffic and delivery, and lighting, or other such plan(s) shall be required and detailed on an approved site plan.
7. Should the home occupation be repair, the items repaired shall be of a size or nature that repair can occur within the accessory structure as allowed by this Ordinance.
8. No home occupation shall be conducted between the hours of 10 PM and 7 AM unless said home occupation is conducted entirely within the principal dwelling. Conduct of business activity outside of the principal dwelling on Saturdays or Sundays shall be prohibited unless expressly allowed within permit conditions.

9. Home occupations requiring a Conditional Use Permit shall not generate noise or vibrations in excess of that as outlined in Performance Standards, Section 7.05.

 10. The application and approval of a Conditional Use Permit to allow a Home Occupation may be denied if the Home Occupation proposal and affiliated property is deemed unsuitable pursuant to the intent of this section. The size of the property, scale of the business proposal, and environmental (health, safety, welfare) conditions unique to the proposal must be adequately addressed and mitigated in seeking permit approval.
- D. Review by Planning Commission.
- When deemed appropriate, the Zoning Administrator may bring a proposal or existing home occupation to the attention of the Planning Commission at which time the Planning Commission may permit the use or hold such public hearings, request such information, or require such conditions as deemed necessary to ensure compliance with the performance criteria.

CURRENT 4.04 HOME OCCUPATIONS

4.04 Home Occupations

- A. Purpose.
It is the purpose of this subdivision to provide for the conditional use of the home or property as a place for the operation of a business or profession provided the occupation is clearly secondary to the principal use of the home as a residence.
- B. Permitted Home Occupations.
Home occupations which do not require additional parking, an accessory building, generate a noticeable increase in traffic or other significant impact to subject or nearby properties shall be allowed without a Conditional Use Permit.
- C. Home Occupations Requiring a Conditional Use Permit.
Home occupations which have the potential for generating a noticeable increase in traffic or other significant impact to nearby properties, require additional parking or require the use of an accessory building shall require a Conditional Use Permit. The above requirement does not apply to the use of accessory buildings existing in the (A) District on or prior to July 24, 1997, to seasonally store recreational vehicles and equipment. All other home occupations shall require a Conditional Use Permit.
- D. Performance Standards.
All home occupations shall conform to the following standards:
1. Conduct of the home occupation does not require alterations to the exterior of the residence which substantially alters the appearance of the dwelling as a residence.
 2. Only those persons residing in the home and two other persons or full time equivalent may be employed.
 3. Signage shall consist of no more than one (1) single or double-faced sign with a maximum area of eight (8) square feet per side in the UR and RR districts; and sixteen (16) square feet per side in the (A), (AP), and (PAT) District.
 4. No outdoor display or storage of goods or materials is permitted.
 5. Should the home occupation be educational in nature, class size shall not exceed ten (10) students at any one time.
 6. Should the home occupation be repair, the items repaired shall be of a size or nature that repair can occur within the home or in a structure accessory to the home, as allowed by this Ordinance.

7. No home occupation shall generate sewage of a nature or type that cannot be treated by a standard on-site sewage system or hazardous wastes without an approved plan for off-site disposal.
8. An existing accessory structure subjected to a change of occupancy or use as a result of a home occupation shall be retrofitted to conform to current structural standards for the new occupancy or use and shall be certified by an architect or engineer as determined to be necessary by the County Building Official.

E. Review by Planning Commission.

When deemed appropriate, the Zoning Administrator may bring a proposal or existing home occupation to the attention of the Planning Commission at which time the Planning Commission may permit the use or hold such public hearings, request such information, or require such conditions as deemed necessary to ensure compliance with the performance criteria.