

**City of South St. Paul
Dakota County, Minnesota**

Ordinance No. 1382

AN ORDINANCE REVISING ZONING REGULATIONS FOR HOME OCCUPATIONS

The City Council of the City of South St. Paul does ordain:

SECTION 1. AMENDMENT. South St. Paul City Code Sections 118-8, 118-121, 118-208, and 118-339 are hereby amended as follows:

Sec. 118-8. - Lots, distances, and definitions.

Home occupation means any occupation or profession engaged in by the occupant of a dwelling when carried out within a said dwelling unit, provided that the use is incidental and secondary to the residential use of the premises, and the activity does not change the residential character thereof. ~~Such uses may include professional office uses which require or include customers coming to the residence to obtain a business service or product, or teaching, and similar uses; however, a home occupation shall not be interpreted to include beauty salons or barbershops with two or more salon chairs, tourist homes, restaurants, or similar uses. The term also includes the performance of massage services pursuant to a personal service license issued under article XIII of chapter 18 of this Code.~~

Home office means the use of a room or rooms within a dwelling unit for conducting affairs of a recognized business, profession, or service solely by the occupants of the dwelling and which does not involve the on-site sale of products or any client/patron site visitation.

Sec. 118-121. – R-1, single-family district.

(a) *Permitted uses.* Within the R-1 single-family district, no building, structure or land shall be used except for one or more of the following uses, unless otherwise provided in this chapter:

(2) *Accessory uses.*

a. Garages used as an accessory to the dwelling and located upon the same lot or an adjacent lot under single ownership, intended or capable of providing for the storage of motor vehicles ~~and in which no business, occupation or service for profit is in any way conducted,~~ as regulated herein by the performance standards section 118-208. No business, occupation, or service may be conducted in any garage unless an Interim Use Permit has been obtained in accordance with the standards contained in Section 118-249.

f. Home occupations and home offices, subject to the standards contained in Section 118-249 of this Code as defined in section 118-8, provided that:

- ~~1.—Entrance to the home occupation is gained from within the structure;~~
- ~~2.—The occupation shall be conducted entirely within the principal structure;~~
- ~~3.—No accessory building or attached garage shall be used for the home occupation;~~
- ~~4.—Evidence of the occupation shall not be visible from the street;~~
- ~~5.—No stock or warehousing for the occupation shall be stored on the premises;~~
- ~~6.—No more than three parking spaces are needed at any given time in addition to the parking spaces required by the resident occupants;~~
- ~~7.—Home occupations such as massage are limited to no more than one client waiting for services and no more than one client receiving services at any given time; and~~
- ~~8.—Home occupations such as teaching are limited to three students at any given time.~~

(b) *Uses by conditional use permit.* Within the R-1 district, the following uses shall be by conditional use permit only:

~~(6) —Home occupations:~~

- ~~(67)~~ A PWS antenna mounted on the outside of an institutional building or structure of any height, as defined in section 118-207, and any governmental building or structure.
- ~~(78)~~ A small wireless facility, as defined in section 54-402, that is located in the right-of-way, as long as all provisions of sections 54-400—54-429 have been met.
- ~~(89)~~ A detached garage when the principal dwelling already has an attached garage. No more than one detached garage shall be allowed per lot or per property under single ownership.
- ~~(940)~~ A reception or meeting hall that is not part of a church, school, charitable organization, or other allowed use when contained within an existing building that is listed on the National Register of Historic Places.
- ~~(1044)~~ Child day care facility except as provided in section 118-121(a).

Sec. 118-208. - Accessory buildings and structures.

(b) *Number.*

- (1) Single-family residential zoning districts: Up to two detached accessory structures are allowed as follows:
 - a. One detached garage used as an accessory to the dwelling and located upon the same lot, intended or capable of providing for the storage of motor vehicles and in which no business, occupation or service for profit is in any way conducted unless an Interim Use Permit has been obtained in accordance with the standards

contained in Section 118-249 Home Occupations. If there is an attached garage, a detached garage may only be allowed by conditional use permit.

Sec. 118-339. - Permitted signs by district.

(a) Within residential zoning districts (R-1 through R-3) signs must comply with the following regulations:

(3) The following types of signs are permissible:

~~c. In the case of a residential business office as allowed pursuant to a conditional use permit for a home occupation, the city council may permit a nonilluminated business sign, not to exceed six square feet in an approved location. In the single-family residence (R-1) district, no home occupation signage is allowed.~~

~~(5) The following types of signs require an interim use permit:~~

~~a. A home occupation may be allowed one nonilluminated business sign in an approved location, not to exceed six (6) square feet in area. The sign must be removed if the home occupation is discontinued. In the R-1 Single Family zoning district, no home occupation signage is allowed.~~

~~(5) The following types of signs are prohibited:~~

SECTION 3. ENACTMENT. South St. Paul City Code, Section 118-249, Home Occupations is hereby enacted as follows:

Section 118-249.- Home Occupations and Home Offices.

(a) Purpose. The purpose of this chapter 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 a residential neighborhood without jeopardizing the health, safety, and general welfare of the surrounding neighborhood.

(b) Signed Affidavit Required for Permitted Uses. Any home occupation as defined in Section 118-8, shall be required to submit to the Zoning Administrator a signed affidavit stating that the home occupation will adhere to the standards set out in Section 118-267 (e). Home offices, as defined in Section 118-8, are exempt from this requirement so long as there is no client/patron site visitation but still must adhere to any applicable standards set out in Section 118-267 (e).

(c) Prohibited Home Occupations. The following uses are never allowed as home occupations:

1. Flea markets.
2. General retail or wholesale operations that allow walk-in customers.
3. Restaurants, cafes, and similar types of commercial food service.
4. Manufacturing or machine shops.

5. Repair, service, building, rebuilding, or painting of motor vehicles, including trucks and boats.
6. Junkyards, motor vehicle salvage operations, and recycling processing centers.
7. The sale, lease, trade, or transfer of firearms and/or ammunition.
8. Headquarters or dispatch centers where persons come to the site and are dispatched to other locations.
9. Sexually oriented land uses.
10. Commercial kennels.
11. Body art establishments.
12. Any use that involves any type of exterior storage of equipment, goods, or materials, except that personal passenger vehicles used in the home occupation may be parked on site.
13. Any use that involves hazardous materials or activities.
14. Any use that produces light, glare, noise, odor, electrical interference, or vibration that will in any way have an objectionable effect upon adjacent or nearby property or right-of-way.

(d) Licensing for certain types of home occupations. Those business types that require a license, such as massage therapy, still require a license even if the business is a home occupation. Any required license shall be obtained prior to the home occupation beginning operations.

(e) General Provisions. All permitted home occupations shall comply with the following requirements and general provisions:

1. The home occupation shall be incidental and secondary to the residential use of the premises, shall not change the residential character thereof and shall not be incompatible or disturb the surrounding residential uses.
2. All home occupations shall be conducted entirely within the principal dwelling and shall not be conducted in accessory buildings, including attached garages.
3. Entrance to the home occupation shall be gained from within the structure, the home occupation shall not have a separate dedicated entrance.
4. Evidence of the home occupation shall not be visible from the street except for any signage that may be allowed in accordance with Section 118-339 of this Code.
5. No person other than those who customarily reside on the premises shall work on-site for the home occupation.
6. No home occupation shall require external alterations or exterior construction features not customarily found on residential dwellings.

7. The home occupation shall meet all applicable building and fire codes.
 8. Home occupations such as teaching, personal training, coaching, and similar services are limited to three students on site at any given time.
 9. A massage therapist, counselor, photographer, barber, or someone providing a similar personal service or grooming service, is limited to no more than one client waiting for services and no more than one client receiving services at any given time.
 10. A retail or wholesale operation must be conducted completely by mail or delivery or must be by appointment only with no more than one customer visiting the home occupation site at any one time.
 11. Shipment and delivery of products, merchandise or supplies shall regularly occur only in single rear axle straight trucks or smaller vehicles normally used to serve residential neighborhoods.
 12. No home occupation shall be conducted between the hours of 10:00 PM and 7:00 AM. This provision is not applicable for home offices, as defined in Section 118-8, that do not have client/patron site visitation.
 13. Home occupations which create a need for more than three (3) parking spaces at a given time in addition to the parking spaces required by the occupants of the dwelling, shall not be permitted.
 14. In no case shall the permitted home occupation cause or create the need for an additional driveway access to the property.
 15. Home occupations that are recording studios or similar uses, if they involve the use of on-site facilities by paying customers who do not reside on the premises, are not allowed without an Interim Use Permit.
- (f) *Interim Use- Home Occupation.* A home occupation that is not listed as prohibited but does not meet all of the provisions of Section 118-267 (e) may be allowed only by Interim Use Permit. In addition to the criteria for Interim Use Permits set forth in Section 118-41, a home occupation may only be granted an Interim Use Permit if the City Council makes the following findings:
1. *Adverse Effect on Neighborhood.* The City Council shall find that all home occupation activity occurring on the premises shall not cause any adverse changes to the residential character of the neighborhood or cause disturbance to the neighborhood.

2. Screening of Exterior Changes. The City Council shall find that any exterior changes necessary to conduct the home occupation are sufficiently screened, properly designed, or separated by distance so as to be consistent with the existing adjacent residential uses and compatible with the residential occupancy.
3. Traffic. The City Council shall find that the traffic generated by the home occupation involves only vehicles of the type that typically service single family residences and that such traffic constitutes neither a nuisance nor a safety hazard.

SECTION 4. SUMMARY PUBLICATION. Pursuant to Minnesota Statutes Section 412.191, in the case of a lengthy ordinance, a summary may be published. While a copy of the entire ordinance is available without cost at the office of the City Clerk, the following summary is approved by the City Council and shall be published in lieu of publishing the entire ordinance:

This ordinance repeals the existing standards for home occupations and enacts new standards for home occupations. Previously, a Conditional Use Permit was needed for all home occupations. The new ordinance allows home occupations without a Conditional Use Permit as long as specific performance standards are met.

SECTION 3. EFFECTIVE DATE. This ordinance shall become effective upon publication.

Approved: _____

Published: _____

Christy Wilcox, City Clerk