

**CITY OF GEM LAKE
RAMSEY COUNTY, MINNESOTA
ORDINANCE NO. 134**

AN ORDINANCE REPEALING AND REPLACING ORDINANCE NO. 85, REGARDING THE PURPOSE OF REGULATING HOME BUSINESSES, HOME MERCHANDISE SALES AND OTHER HOME OCCUPATIONS

The City Council of the City of Gem Lake hereby ordains that Ordinance No. 85 shall be repealed and replaced with the following:

Section 1.0 Definition

- 1.1 Home Occupation – A use incidental and secondary to a property’s primary residential use. A home occupation use shall not change the residential character of the property or the neighborhood, and shall meet all applicable legal requirements.

Section 2.0 Purpose and Intent

- 2.1 The intent of this Ordinance is to allow opportunities for home based work with other uses permitted in the residential districts and to assure peace, quiet and domestic tranquility within residential neighborhoods.

Section 3.0 Permitted Home Occupations

- 3.1 Home Occupations not requiring a License or Permit
- 3.1.1 Home Occupations meeting the following criteria are not required to have a license or permit issued by the City:
- (A) Occupations that take place indoors and generate no traffic, and create no nuisances or noises as noticed from the street or adjacent properties.
- 3.2 Home Occupations requiring a License
- 3.2.1 Home Occupations shall require a Special Home Occupation license if any of the following criteria apply:
- (A) Occupations that have one non-resident employee working on-site at one time.
 - (B) Occupations that require parking of light commercial vehicles, or trailers with a maximum one ton payload capacity
 - (C) Occupations that result in manufacturing, processing, or assembly of products on-site
 - (D) Occupations that result in customers coming to the residence, such as selling of crafts or baked goods, providing teaching or tutoring to multiple students
 - (E) Occupations that result in deliveries of goods to the residence
- 3.3 Home Occupations requiring a Conditional Use Permit
- 3.3.1 Home Occupations shall require a Conditional Use Permit if any of the following criteria apply:
- (A) Occupations with a vehicle used and parked on the premises, with greater than a one ton payload capacity.
 - (B) If the home occupation produces any waste that should be treated or regulated.
 - (C) Occupations that occupy over 50% of the residence, not including attached or detached accessory structures.

Section 4.0 Requirements of Home Occupations

- 4.1 The following requirements are applicable to Home Occupations requiring a license or Conditional Use Permit:

- (A) No traffic shall be generated by a home occupation in greater volumes than would normally be expected in a residential neighborhood. The need for off-street parking shall not exceed more than three off-street parking spaces for the home occupation at any given time, in addition to the parking spaces required by the residents.
- (B) No more than one non-resident employee shall be allowed to work on the premises at one time. Nonresident employees who work off the premises may be allowed to visit the premises. If an on-site employee is parking on site, off-site employees shall not leave their vehicles on site. If there is no on-site employee vehicle parked on site, one off-site employee vehicle may be parked on site.
- (C) No vehicle associated with the home occupation, including customers or employees, shall be parked on the street or block sidewalks or public easements. Private vehicles used by the residents shall not be included in this subsection.
- (D) An area equivalent to no more than 50 percent of each level of the house, including the basement and garage, shall be used in the conduct of a home occupation.
- (E) No equipment or process shall be used in such home occupation which creates noise, vibration, light, glare, fumes, smoke, dust, odors or electrical interference detectable to the normal senses off the premises. If electrical interference occurs, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises or causes fluctuations in line voltage off the premises.
- (F) Storage of materials and goods outdoors is prohibited.
- (G) There shall be no fire, safety or health hazards created by the Home Occupation.
- (H) Any noncompliance with this subsection shall constitute grounds for the denial or revocation of the home occupation license.
- (I) The City Council may waive any of these requirements if the home occupation is located at least 350 feet from a residential lot line.
- (J) The City Council may add any additional requirements that it deems necessary to ensure that the operation of the home occupation will be compatible with nearby land uses.

4.2 Uses prohibited as Home Occupations

4.2.1. A home occupation shall not include the repair of internal combustion engines, body repair shops, spray painting, machine shops, welding, ammunition manufacturing or sales, or other objectionable uses as determined by the city.

- (A) Machine shops are defined as places where raw metal is fabricated.

Section 5.0 Permitting Procedures for Home Occupations

5.1 Application.

- (A) An application for a licensed home occupation shall be filed with the City Clerk. Upon submitting the application, the applicant shall also pay the license fee, which shall be set by the City Council. Other costs for mailings made to adjacent property owners and publication fees shall also be charged. The Clerk shall forward the completed license application to the Planning Commission for review and recommendation to the City Council. The City Council shall hold a public hearing on the application. Notice of the hearing shall be mailed, at least ten days prior to the date of the hearing, to the owners of all properties located within 350 feet of any lot line of the property on which the home occupation is proposed. The notice shall also be published in the official newspaper at least ten days prior to the date of hearing.
- (B) Home Occupations requiring a Conditional Use Permit shall follow the procedures for Conditional Use Permits as specified in Section 17.5 of the Consolidated Land Use Ordinance.

5.2 Renewal.

5.2.1 Each person holding a license to conduct a home occupation shall apply to the City Clerk each January for renewal. Prior to issuance of a license renewal, the city shall determine that all licensing conditions and city ordinances are being met.

- 5.3 Revocation and Appeal.
- 5.3.1 The City Clerk shall revoke a home occupation license where compliance with the licensing conditions or city ordinances cannot be obtained or where the home occupation has been discontinued. Revocation may occur at any time that compliance with license conditions or city ordinances cannot be obtained.
- 5.3.2 The holder of a home occupation license whose license has been revoked by the city clerk may appeal the decision to the City Council. To request an appeal, a written letter or request must be submitted to the City Clerk within 30 days of the license revocation. The City Council shall hold a public hearing on the appeal, using the notification procedures in section
- 5.3.3 After conducting the public hearing, the Council may revoke the license, allow the license to continue, or allow continuation with additional conditions upon the license. When applying additional conditions, the Council may direct that it receive a follow-up report at a time prior to the annual license renewal.
- 5.4 Transfer Prohibited.
- 5.4.1 No license granted for a home occupation shall be transferable from person to person or place to place.

Section 6.0 Occasional Sales in Residential Zoning Districts

- 6.1 Personal vehicles, trailers, recreational equipment and similar items may be sold in the residential zones of the City of Gem Lake if:
- (A) The merchandise sold is the personal property of the occupant or property owner.
 - (B) Sales of such personal merchandise shall be limited to no more than two (2) merchandise items per calendar year, unless approved by the City Council.
 - (C) Merchandise items for sale shall not be placed in any portion of the public right-of-way, public boulevard or required front yard except in a designated improved driveway.
- 6.2.1 Estate, garage or rummage sales may be held in residential zones of the City of Gem Lake if:
- (A) Merchandise offered for sale is the personal property of occupant or property owner.
 - (B) Sales shall be limited to a maximum of four (4) consecutive days and occurring no more than two (2) times within one calendar year per property, unless approved by the City Council.
 - (C) Merchandise items for sale shall not be placed in any portion of the public right-of-way, public boulevard, or required front yard except in the designated improved driveway to the site where the sale is taking place.
 - (D) Temporary signs for such events shall be governed by Section 19.3.1.1(J) of the Gem Lake Zoning Code.

Section 7.0 Transition

- 7.1 All persons currently conducting a home occupation shall have six (6) months from the effective date of this Ordinance to apply for a license or otherwise become compliant with the terms of this Ordinance.

Section 8.0 Severability

- 8.1 Should any section, subdivision, clause or other provision of this Ordinance be held to be invalid by any court of competent jurisdiction, such decision shall not affect the validity of the Ordinance as a whole, or of any part hereof, other than the part held to be invalid

Section 9.0 Effective Date

- 9.1 This Ordinance shall take effect and be in force from and after its passage and publication.

Passed by the City Council of Gem Lake, Ramsey County, Minnesota, this 18th day of January, 2022.

APPROVED:

Gretchen Artig-Swomley

Gretchen Artig-Swomley, Mayor

ATTEST:

Melissa Lawrence

Melissa Lawrence, Acting City Clerk