

SILVER BAY CITY CODE

CHAPTER 12 AMENDMENT

The City Council of Silver Bay ordains as follows:

Chapter 12, Sections 1240.01, 1240.02, 1240.07, Subd.1, Subd.2, Subd 3 are amended to read as follows:

1240.01 Permit Required. Any use listed in this Chapter as a Special Use may be permitted only after an application for a Conditional Use Permit has been reviewed and approved by the Planning and Zoning Commission (Commission) and by the City Council. Any person claiming exemption shall make application as provided herein.

1240.02 Applications. Subd. 1 Filing. An application for a Conditional Use Permit or Exemption Certificate shall be filed with the City Administrator on a form provided for that purpose. The completed Application shall be submitted in a timely manner by the Administrator to the Zoning Officer and the Commission as proscribed by its rules of procedure.

1240.07 Home Occupation.

Subd. 1 Definition. An occupation carried on for profit, secondary to the primary use of the residence, by an occupant of the residence that does not change the character of the neighborhood. The following occupations shall be exempt from the requirements of a Conditional Use Permit for home occupations: Telemarketing; Computer based business; Business conducted by telephone, email, or U.S. Mail that generates only occasional customer or client traffic; Product sales associated with private social events (e.g., Tupperware, etc.) and similar type businesses, that do not generate additional traffic, or that do not generate customer or client traffic at the residence more than that usual in the residential neighborhood. Garage sales, limited to not more than two per year per residence shall also be considered exempt. All conditions listed in Subd. 3 shall apply to exempt businesses. Any occupation

claiming exemption shall make an application to the City Administrator for a Certificate of Exemption and pay the same fee as an application for a Conditional Use Permit.

Subd. 2 Intent. The purpose of this section is to maintain the character of the residential neighborhoods by ensuring the compatibility of home occupations with other permitted uses in the residential districts of Silver Bay. The intent is to limit home occupations to provide those types of services and supplies that can be carried on within the residence without adversely impacting on the integrity of the residential area. This section is designed to prohibit any home occupations which are objectionable, incompatible, use hazardous materials, or are illegal in the residential districts or that do not comply with all the conditions set forth in this section.

Subd. 3 - Conditions. Any occupation engaged in by the occupant of a dwelling must meet the following conditions and performance standards.

A. The maximum area used for a Home Occupation within the principal structure, including that used for stock in trade shall be kept at or below twenty percent (20%) of the gross floor area of the building housing the home occupation. The area within any attached or detached structure used by the Home Occupation shall not exceed twenty percent (20%) of the structure's gross floor area. The Home Occupation shall be conducted only within the enclosed areas of the dwelling site.

B. There shall be no exterior evidence of the home occupation, including but not limited to the storage of materials, supplies, equipment, or commercial garbage dumpsters. Outdoor storage or display of materials, goods, supplies, or equipment related to the conduct of the Home Occupation is prohibited.

C. Nothing shall be visible to neighboring residences indicating that a home occupation is being conducted from the dwelling or accessory buildings, except those signs permitted in residential areas.

D. No use of materials or mechanical equipment not recognized as being part of and compatible with normal household use shall be permitted.

E. The use shall not generate pedestrian or vehicular traffic beyond that reasonable or normal in a residential neighborhood. For the purposes of this provision, more than five (5) customers or clients per day may be determined to be an excessive and detrimental level of traffic.

F. It shall not involve the use of commercial vehicles for delivery of home occupational materials to or from the premises not compatible with normal household use. Shipment and delivery shall be limited to single rear axle straight trucks, vans or smaller vehicles normally used in home delivery.

G. The conduct of the Home Occupation shall not generate noise, glare, light, vibrations, fumes, or odors detectable to normal senses outside the dwelling lot.

H. Equipment which creates electrical interference in any radio, television receivers, or cause fluctuations in power line voltage off the premises, shall not be permitted.

I. Not more than two employees, other than, the residents of the dwelling unit shall be permitted provided that their employment does not cause any congestion in the neighborhood and that the resident of the dwelling unit provides off street or screened parking for any employees.

J. Shipment and delivery of supplies and products shall be limited to the hours between 8:00AM and 6:00PM and shall not be allowed on Sundays or holidays.

K. Accessory structures and garages may be used in operation of a home occupation provided that its use will not adversely affect the use for which the accessory building and garage was intended, i.e., the storage of home equipment and motor vehicles.

Subd. 4 Performance Standards. In order to ensure that a home occupation will not alter the character of the neighborhood or otherwise violate these conditions and standards, the

Commission may impose reasonable conditions necessary to protect the public health, safety, and welfare. The Commission shall attach performance standards to the issuance of the Conditional Use Permit for the Home Occupation to ensure the proposed occupation does not alter the character of the neighborhood. The standards may reflect the unique situation of an individual residence and/or neighborhood. This means that similar businesses may have varying conditions. These standards may include, but are not limited, to the following:

- A. Limits on hours of operation.
- B. Number of people who may avail themselves of the services provided by the home occupation use of any given moment in time.
- C. Number of deliveries to and from the home occupation over a given period of time.
- D. The type of mechanical equipment which may be used in the home occupation.

Subd. 5 Review and Compliance Procedure. All home occupations to be carried on as an accessory use either a permitted, exempt or conditional use, under the provisions of this section, shall be required to obtain a valid Conditional Use Permit or Exemption Certificate for the home occupation from the City Administrator. All home occupations lawfully operating at the time this section is adopted shall not be exempted from this requirement. Procedure for a Conditional Use Permit and Exemption Certificate for home occupations are as follows:

- A. The applicant shall submit a written request to the City Administration for the Conditional Use Permit or Exemption Certificate for home occupations. The request must describe the nature of the occupation, equipment involved, estimated client/customer volume, and hours of operation.
- B. The Zoning Officer shall review the application for compliance with this Chapter.
- C. All persons intending to engage in a home occupation shall apply for a Conditional Use Permit or Exemption Certificate. Not all occupations will require a Conditional Use

Permit. The Zoning Officer may find that certain uses that do not generate any impact upon the area (such as those uses described as exempt in Subd. 1 above) do not require a Conditional Use Permit. If the home occupation qualifies for an exemption, the Zoning Officer shall issue an Exemption Certificate. The Commission or City Council may, in its discretion, review, approve or disapprove the issuance of an Exemption Certificate. All applications for a Conditional Use Permit shall be forwarded to the Commission for consideration.

D. All Conditional Use Permits and Exemption Certificates for home occupations shall be valid for three (3) years, unless otherwise authorized by the Commission.

E. In case of changes in the home occupation to a different type of home occupation, a renewal application must be submitted to the Administrator noting any changes in the operation of the home occupation.

F. The Conditional Use Permit fee for a home occupation shall be established by Resolution of the Council. This fee is non-refundable and due at the time of application for the home occupation permit. The Council may, in special circumstances, allow refunding of the fee.

Effective Date: This Amendment shall be effective from and after the date of passage and publication according to law. This amended section replaces previous Section 1240.07 adopted the 8th day of January, 1998.

Adopted by the Council this 6th day of June, 2005

ATTEST:

Tom Smith, City Administrator

Robert Kind, Mayor