

ORDINANCE NO. O-14-07

AN ORDINANCE AMENDING THE DELANO ZONING AND LAND USE CODE SECTION 51.03, GENERAL PROVISIONS REGULATING HOME OCCUPATIONS

THE CITY COUNCIL OF THE CITY OF DELANO ORDAINS:

Section 1. Section 51.03 General Provisions, Subdivision H, Home Occupations of the Delano Zoning and Land Use Code is hereby amended to repeal the strikeouts and add the following underlined text:

Subd. H. Home Occupations.

1. Purpose. The Delano Zoning Ordinance establishes a variety of zoning districts that attempt to segregate incompatible land use patterns and established homogenous land uses within neighborhoods. In establishing residential districts, the intent is to provide attractive living environments that allow property owners and tenants the quiet enjoyment of their property and neighborhood. The purpose of this subdivision is to provide a means through the establishment of specific standards and procedures by which home occupations can be conducted in residential neighborhoods without jeopardizing the health, safety and general welfare of the surrounding neighborhood.

2. Application. Subject to the non-conforming use provision of this section, all occupations conducted in the home shall comply with the provisions of this subdivision. This subdivision shall not be construed, however, to apply to home occupations accessory to farming.

3. Procedures and Permits.

a. Permitted Home Occupation. Home offices, as defined in section 51.02, are permitted accessory uses in each residential district of this Zoning Ordinance and are exempt from home occupation regulations. Any other home occupation, as defined in this Ordinance, shall require a "home occupation permit." Such permits shall be issued subject to the conditions of this subdivision, other applicable City ordinances and State law. Application for the home occupation permit shall be accompanied by a fee as established by City ordinance. The permit may be issued by the Zoning Administrator or his agent based upon proof of compliance with the provisions of this chapter. No public hearing shall be required for home occupation permit applications. Any permit issued shall remain in force and effect until such time as there has been a change in conditions or until the permit expires, as established in subdivision d. Applicants may seek renewal of permits as provided in subdivision h of this section. If an application is denied or approved by the Zoning Administrator with conditions objectionable to the applicant, the applicant may appeal the administrative decision to the City Council as outlined in Section 51.02, Subd. D.2 of this Ordinance. The City Council shall make a final decision on whether or not the permit holder is entitled to an initial permit and subsequent renewals or amend the conditions of approval of the home occupation permit.

c. Declaration of Conditions. The Zoning Administrator may impose such conditions on the granting of a home occupation permit as may be necessary of this subdivision.

d. Effect of Permit. A home occupation permit may be issued for a period of one (1) year after which the permit may be reissued for periods of up to three (3) years each. Each application for permit renewal shall, however, be processed in accordance with the procedural requirements of the initial home occupation permit.

e. Transferability. Permits shall not run with the land and shall not be transferable. Permits shall expire upon the date of sale of the home.

f. Lapse of Home Occupation Permit by Non-Use. Whenever within one (1) year after granting a permit the use as permitted by the permit shall not have been initiated, then such permit shall become null and void unless a petition for extension of time in which to complete the work has been granted by the Zoning Administrator. Such extension shall be required in writing and filed with the Zoning Administrator at least thirty (30) days before the expiration of the original permit. There shall be no charge for the filing of such petition. The request for extension shall state facts showing a good faith attempt to initiate the use.

g. Reconsideration. Whenever an application for a permit has been considered and denied by the Zoning Administrator or the City Council, a similar application for a permit affecting substantially the same property shall not be considered again by the Zoning Administrator for at least six (6) months from the date of its denial unless a decision to reconsider such matter is made by not less than a majority vote of the full City Council.

h. Renewal of Permits. An applicant shall not have a vested right to a permit renewal by reason of having obtained a previous permit. In applying for and accepting a permit, the permit holder agrees that his monetary investment in the home occupation will be fully amortized over the life of the permit and that a permit renewal will not be needed to amortize the investment. Each application for the renewal of a permit will be considered as a new permit without taking into consideration that a previous permit has been granted. The previous granting or renewal of a permit shall not constitute a precedent or basis for the renewal of a permit.

4. Requirements - General Provisions. All home occupations shall comply with the following general provisions and according to definition, the applicable requirement provisions.

a. General Provisions.

1) All permitted home occupations shall be conducted entirely within the principal dwelling and may not be conducted in detached accessory buildings or attached garages.

2) The floor area utilized in a home occupation shall not exceed 20 percent of the gross floor area of a principal dwelling or 400 square feet, whichever is less.

3) Any home occupation shall be clearly incidental and secondary to the residential use of the premises, should not change the residential character thereof, and shall result in no incompatibility or disturbance to the surrounding residential uses.

4) No home occupation shall require internal or external alterations or involve construction features not customarily found in dwellings or that alter the use of the

home for residential purposes, except where required to comply with local and state fire and police recommendations.

5) The home occupation shall meet all applicable fire and building codes.

6) No home occupation shall produce light, glare, noise, odor or vibration that will in any way have an objectionable effect upon adjacent or nearby property.

7) No equipment shall be used in the home occupation which will create electrical interference to surrounding properties.

8) There shall be no exterior storage of equipment or materials used in the home occupation, nor production assembly nor outdoor sales and service, except personal automobiles used in the home occupation may be parked on the site.

9) There shall be no exterior display or exterior signs or interior display or interior signs which are visible from outside the dwelling.

10) No home occupation shall be conducted between the hours of 10:00 PM and 6:00 AM unless said occupation is contained entirely within the principal building and will not require any on-street parking facilities.

11) Home occupation businesses are limited to no more than one full time or regular employee on premises other than those who constantly reside on the premises.

12) Customer service conducted on the premises of the home occupation must be arranged by appointment only. No drive-up business is allowed. No sale of products or merchandise shall occur on the lot or within any structures or buildings on the lot, except as may be conducted through the use of the U.S. mail, commercial delivery services by a vehicle no larger than a step van, or by taking and ordering delivery of orders by telephone or Internet sales.

13) Permitted home occupations shall not create a parking demand in excess of that which can be accommodated in an existing driveway, where no vehicle is parked closer than fifteen (15) feet from the curb line or edge of paved surface.

14) Delivery services may serve a home occupation provided any delivery vehicle is no larger than a step van. Shipping and delivery by semi truck or similar vehicle is prohibited.

b. Permitted home occupations include, but are not limited to, state licensed family daycare, personal services, art studio, dressmaking, secretarial services, photographic studio, professional offices, teaching with musical, dancing and other instruction, and similar uses.

c. Prohibited Home Occupations shall include:

1) Auto repair, except of vehicles which are registered to a resident of the dwelling, or to a son, daughter, parent, sibling, grandparent, or grandchild of a property resident.

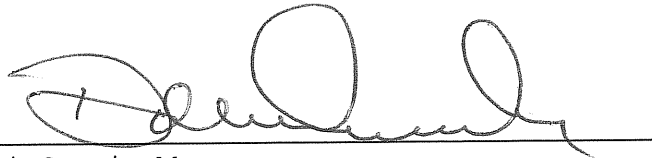
2) Pet care facilities, except for pet grooming

5. Non-Conforming Use. Existing home occupations lawfully existing on the date of this Ordinance may continue as non-conforming uses. They shall, however, be required to obtain permits for their continued operation. Any existing home occupation that is discontinued for a period of more than thirty (30) days, or is in violation of the Ordinance provisions under which it was initially established, shall be brought into conformity with the provisions of this subdivision.

6. Inspection. The City of Delano hereby reserves the right upon issuing any home occupation permit to inspect the premises in which the occupation is being conducted to insure compliance with the provisions of this subdivision or any conditions additionally imposed

Section 2. Effective Date. This ordinance shall be effective upon passage and publication.

APPROVED this 17th day of June, 2014.



Dale Graunke, Mayor



Attest: Marlene E. Kittock, City Clerk

Motion By: Derek Schansberg

Seconded By: Betsy Stolfa

Graunke: Aye

Stolfa: Aye

Vick: Aye

Schansberg: Aye

Russek: Aye