

Chapter 11, Section 11.01

Subd. 9. "Home Occupations." ELY CITY CODE July 2010 Page 61 of 546

A. Purpose and Intent. It is the purpose and intent of this Subdivision to encourage families, build communities and safeguard neighborhoods while retaining the residential character of neighborhoods.

B. Home Occupation Defined. Any activity operated for monetary gain in, or directed from, a residential dwelling or unit by one or more occupant(s) residing within the dwelling or unit.

C. Permit Required. One permit shall be required for each home occupation conducted within the dwelling unit. Home occupations existing on the effective date of this Subdivision shall apply for a permit and conform with this Subdivision within six (6) months. The home occupation fee shall be \$25.00 with original application, with an annual renewal fee of \$15.00. Notice of intent to revoke the permit shall be sent by the Zoning Administrator to the permit holder. The notice shall state the grounds for revocation. The holder of the permit shall have ten (10) days from the receipt of the notice to file an appeal to the Board of Adjustment. Failure to file an appeal within ten (10) days waives any challenges to the revocation, at the expiration of the ten (10) days the permit is revoked and the home occupation shall cease. Appeals from the Board of Adjustments may be made to the Council in the same manner as provided under Conditional Uses, Section 11.43, Subd. 2. No home occupation shall be permitted that does not conform to all of the following standards. Violations of the performance standards shall be grounds for revocation of the permit. All parties seeking a permit must comply with any or all applicable regulations or administrative procedures.

D. Home Occupation Standards. A home occupation shall be an accessory use to a residential dwelling or unit, provided that

1. The activity is compatible with the residential use of the property and surrounding residential uses;
 2. The activity employs no more than 5 employees;
 3. Retail sales are prohibited, except where the product(s) is produced on the premises;
- Source: Ordinance No. 92, Second Series
Effective Date: March 18, 1999
4. The volume of deliveries, truck or other vehicular traffic is not in excess of what is normally associated with residential use in the neighborhood;
 5. The activity uses no equipment or processes that create noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, detectable by any neighbors;
 6. The activity does not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use of the neighborhood;
 7. The maximum allowed signage for a home occupation is four (4) square feet;
 8. An accessory structure may be used for the home occupation, provided that the above provisions are followed.

E. Variance. A variance may be applied for from the provisions above. A variance cannot be applied for a use that is not allowed in a zoning district, as per Section 11.43A, D of the City Code.

F. Common Interest Community. In the case of a dwelling unit which is part of a common interest ownership community (a community in which at least some of the property is owned in common by all of the residents), the provisions of this section shall not be deemed to supersede any deed restriction, covenant, agreement, master deed, by-laws or other documents which prohibit a home occupation within a dwelling unit.

G. Standards established pursuant to this section shall apply to all residences.

H. At any time, and for due cause, based upon the needs of the community, the City Council may establish by ordinance limitations for, or prohibit entirely, any home occupation, including but not limited to those involving manufacturing, warehousing, retailing or providing services, which it deems would be incompatible with the residential zones in which they are located.

I. The provisions of this ordinance shall not be construed as limiting in any manner the powers of the City of Ely to protect the health, safety and welfare of its residents, including the investigation and elimination of nuisances.

Source: Ordinance No. 199, Second Series

Effective Date: June 14, 2007

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