



# HOME OCCUPATION REGULATIONS

[City Code Section 78-1376](#)

Planning & Zoning Department 952-249-4620

[www.ci.orono.mn.us](http://www.ci.orono.mn.us)

Home occupation regulations are established to ensure that home occupations will not adversely affect the character and livability of the surrounding residential neighborhood. The home occupation shall function as an accessory and subordinate use to the principal use of the dwelling unit. In order to protect the public health, safety and welfare within residential neighborhoods, home occupations shall be divided into two regulatory levels:

- (1) **Level 1 home occupations:** Home occupations that comply with all the home occupation standards listed below and which have no potential neighborhood impacts. Level 1 home occupations may be operated without a license or permit.
  
- (2) **Level 2 home occupations:** Home occupations that comply with all home occupation standards listed below but which could have potential neighborhood impacts; and home occupations that do not comply with all the home occupation standards listed below and which are not prohibited home occupations listed below. Level 2 home occupations are required to be licensed under the provisions of City Code Section 26-76. Level 2 home occupations may include but are not strictly limited to:
  - a. Those with employed persons other than occupants of the dwelling.
  - b. Those carried out partially or wholly in an accessory structure, where allowed, including storage of materials, equipment or commercial vehicles in an accessory building.
  - c. Those involving the use or parking of a commercial or non-passenger vehicle, whether such use or parking is in a building or outside.
  - d. Those which do not meet one or more of the specified performance standards.
  - e. Those which generate excessive traffic as defined below.

In cases where it is unclear whether a home occupation should be classified as level 1 or level 2, the planning and zoning coordinator shall make such a determination subject to city council confirmation if requested by the operator of the home occupation.

**HOME OCCUPATION STANDARDS.** The regulations recognize that many types of home occupations can be conducted with minimal or no effect on the surrounding neighborhood. Home occupations shall be subject to the following standards:

- (1) The home occupation shall be clearly incidental and secondary to the residential use of the premises, and shall result in no incompatibility with or disturbance to the surrounding area.
  
- (2) Employed persons. No one other than the occupants of the dwelling and one employee or associate shall be on the property at any given time in relation to the home occupation. No employee or associate or combination of either shall work on the premises for more than 40 hours in one week. The home occupation may employ additional nonresident employees only if their work activities are performed off the premises. Personal vehicles of employees working off the premises shall be parked within a building or shall be fully screened from the street and from adjoining properties. Domestic employees shall not be considered employees of the home occupation.
  
- (3) Exterior alterations or modifications that change the residential character or appearance of the dwelling unit or accessory structure to that of a commercial nature shall be prohibited.
  
- (4) Interior alterations or modifications that eliminate the kitchen, habitable areas for sleeping, and bathrooms shall be prohibited.

*Last Updated: December 2019*

*Note: This is an information sheet only, every effort has been made to insure the accuracy of the information contained herein; however, if any information is not consistent with provisions of the City Code, the Code provisions will prevail.*

- (5) The home occupation shall be conducted within the enclosed area of the dwelling unit, with the exception of lessons or instruction for outdoor activities, such as equestrian training and riding, tennis and other court sports, gardening and swimming. In the RR-1A and RR-1B, one-family rural residential districts, home occupations or storage associated with the home occupation may be conducted within accessory structures subject to the following conditions:
  - a. No home occupation conducted wholly or in part in an accessory structure shall produce noise, light and glare, odor, vibration or traffic that will in any way have a perceptible effect upon adjacent or nearby property.
  - b. The home occupation shall conform with all other applicable zoning requirements.
  - c. The property must be conforming in area, and the accessory structure must be conforming in location.
- (6) Outdoor storage prohibited. Outdoor storage or display of materials, goods, supplies or equipment related to the conduct of the home occupation shall be prohibited, except that licensed passenger vehicles used in the home occupation may be parked outside provided they are in compliance with all other requirements of this section.
- (7) Parking. All vehicle parking required for conduct of the home occupation shall be off-street. The off-street parking area required for the principal residential use shall be retained exclusively for the principal residential use and shall not be made unusable by the home occupation. Off-street parking areas providing more than two spaces for the home occupation shall be visually screened from adjacent residential lots.
- (8) Commercial or non-passenger vehicles. Parking/storage of any commercial or non-passenger vehicles used in the home occupation shall be within a fully enclosed building. Noise, odors or vibration from the operation of such vehicles shall not be discernible at the property line.
- (9) No equipment, machinery, or materials other than of a type normally found in or compatible with a dwelling unit shall be allowed.
- (10) No retail sales and delivery of products or merchandise to the public shall occur on the premises except when accessory to the services provided.
- (11) No home occupation activity of a non-residential character shall be discernible from any private or public street. There shall be no exterior signage or display, or interior signs or display which are visible from outside the dwelling, except that a single nameplate sign of not more than two square feet in area per surface, nor more than two surfaces, may be placed on the property. Such sign, if displayed, shall include only the name of property owner and the site address, and shall not identify the type of business.
- (12) The hours of operation that a home occupation may be accessible to the public shall be limited to the hours between 8:00 a.m. and 7:00 p.m.
- (13) The home occupation shall not generate excessive traffic that is detrimental to the residential character of the surrounding properties or the neighborhood. For the purposes of this provision, more than five customers or clients per day, or more than two customers at any given time, may be determined to be an excessive and detrimental level of traffic. The number shall apply to each dwelling unit, regardless of the number of home occupations conducted in the dwelling unit. The criteria used by the zoning administrator to determine impact shall include, but not be limited to:
  - a. The characteristics of the neighborhood, including current land use, lot sizes, lot widths, parking availability, and screening.
  - b. Type of street, width, and traffic volumes.
  - c. The availability and location of off-street parking.

*Last Updated: December 2019*

*Note: This is an information sheet only, every effort has been made to insure the accuracy of the information contained herein; however, if any information is not consistent with provisions of the City Code, the Code provisions will prevail.*

- (14) Shipment and delivery of products, merchandise, or supplies shall be limited to the hours of 8:00 a.m. to 7:00 p.m. and shall regularly occur only in single rear axle straight trucks or smaller vehicles typically used to serve residential areas.
- (15) No sound or noise created by the operation of the home occupation shall be audible at the property lines except between the hours of 8:00 a.m. and 7:00 p.m. Home occupations shall otherwise comply with all noise provisions of this chapter.
- (16) Any activity or event organized for the purpose of displaying or selling merchandise shall not be held more than six times per year. This section shall not be construed as requiring a license or permit for occasional garage sales or tag sales.

**PROHIBITED HOME OCCUPATIONS.** The following uses, by their nature of operation, have a pronounced tendency to increase beyond the limits permitted for home occupations. These uses have objectionable operational characteristics that adversely impact residential neighborhoods and shall be prohibited as home occupations:

- (1) Service, repair, or painting of any motorized vehicle, including but not limited to motor vehicles, trailers, boats, personal watercraft, recreational vehicles, and snowmobiles.
- (2) Hair styling establishments that serve more than one person at a time.
- (3) Adult uses, as defined in City Code Section 78-1377.
- (4) Dispatch centers where persons come to a site and are dispatched to other locations.
- (5) Medical or dental clinic.
- (6) Rental businesses.
- (7) Contracting, excavating, welding or machine shops.
- (8) Commercial kennels and veterinary clinics.
- (9) Tow truck services.
- (10) Ceramic studios with kilns of volume six cubic feet or more.
- (11) The sale, lease, trade or other transfer of firearms or ammunition by a firearms dealer, except when such dealer is federally licensed to conduct such activity.
- (12) Sale or use of hazardous materials in excess of consumer quantities which are packaged for consumption by individual households for personal care or household use.

**REASONABLE ACCOMMODATION FOR DISABLED PERSONS.** Persons with physical or other legally recognized disabilities may request reasonable accommodation by requesting a waiver of one or more of the requirements of this section. The zoning administrator may only grant waivers on the basis of the applicant's physical limitations to function within such requirements.

**CONFORMANCE REQUIRED.** All existing home occupations shall be brought into conformity with this section.

**LICENSE REQUIRED FOR LEVEL 2 HOME OCCUPATIONS.** An annual license shall be obtained by any person operating a level 2 home occupation as defined in this chapter, under the provisions of section 26-76 of the City Code.

#### **FOR MORE INFORMATION**

Contact the Planning and Zoning Department at 952-249-4620 or [planning@ci.orono.mn.us](mailto:planning@ci.orono.mn.us).

*Last Updated: December 2019*

*Note: This is an information sheet only, every effort has been made to insure the accuracy of the information contained herein; however, if any information is not consistent with provisions of the City Code, the Code provisions will prevail.*