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 Attn: S. Wanta
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**ORDINANCE AMENDMENT
 TO THE BLUE EARTH COUNTY CODE OF ORDINANCES
 SEC. 24-326 – HOME OCCUPATIONS**

WHEREAS, Minnesota Statutes 394.21 to 394.37 gives Counties the authority to regulate land development by adopting and amending Official Controls to protect the public health, safety, and welfare: and,

WHEREAS, the Planning Agency of the County prepared an amendment proposal and completed a report pertaining to staff report **PC 12-21**, a copy of said report has been presented to the Planning Commission and County Board; and,

WHEREAS; the Planning Commission of the County on the 5th day of May 2021, following proper notice held a public meeting regarding the amendments, and following discussion, voted unanimously to forward the Ordinance Amendment to the County Board with a recommendation for approval of the ordinance amendments; and,

WHEREAS; the County Board of Commissioners on the 25th day of May 2021, held a public hearing regarding the request, and following due consideration of presented testimony and information, voted unanimously to adopt the proposed amendments; and,

WHEREAS, the Blue Earth County Board of Commissioners finds:

1. Minn. Stat. § 394.21 grants counties the authority to regulate land development by adopting and amending official controls.
2. The proposed ordinance amendment is consistent with the County Land Use Plan's action items which state:

“Review the current standards for home occupations and identify amendments that promote the goals and objectives of this plan.”

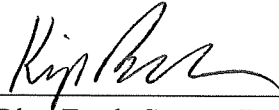
“Maintain ordinances that appropriately respond to the residential, agricultural, industrial and commercial trends of Blue Earth County.”

3. The proposed ordinance amendment is consistent with the County Land Use Plan's development goal which states: "The County will support orderly growth and limit the development of uses that may eventually require the extension of urban utilities outside of municipal areas."
4. The ordinance amendment will help protect the public health, safety and general welfare.

NOW THEREFORE BE IT ORDAINED, by the Blue Earth County Board of Commissioners, that the amendments to Chapter 24, Sec. 24-326 – Home Occupations of the Blue Earth County Code of Ordinances contained in Attachment A, are hereby adopted and replace the existing Home Occupation standards.

These amendments shall become effective after their passage and required publication.

Passed this 25th day of May 2021.

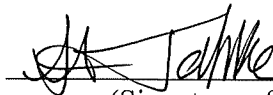


Chair, Blue Earth County Board of Commissioners

ATTEST: 
County Administrator

STATE OF MINNESOTA, COUNTY OF BLUE EARTH

This instrument was acknowledged before me on May 25, 2021,
by Kip Bruender, Chair of the Board, and by Robert W Meyer, County Administrator.



(Signature of Notary Officer)

Title Administrative Assistant



My commission expires: Jan. 31, 2026
(Month/day/year)

DRAFTED BY: Blue Earth County - Property and Environmental Resources
P.O. Box 3566 - Mankato, MN 56002-3566

Attachment A

Home Occupations Standards to Replace the Existing Standards

Sec. 24-326. - Home occupations.

The purpose of this classification is to prevent competition with business districts, protect the natural resources of the county, and provide a means through the establishment of specific standards and procedures by which home occupations can be conducted without jeopardizing the health, safety and general welfare of surrounding uses. The establishment and continuance of home occupations as accessory uses shall be conditionally permitted if the requirements and conditions of this section are satisfied.

(a) *Level I home occupations.* Level I home occupations shall comply with the following:

- (1) Level I home occupations shall be conducted entirely within the dwelling, carried on by the inhabitants with no more than one outside employee.
- (2) Such use shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes and shall not change the residential character of such dwelling.
- (3) Level I home occupations shall not exceed 500 square feet of floor space.
- (4) Accessory buildings and/or attached garages can be used as part of the home occupation as long as the structure is not specifically dedicated for the occupation and is incidental and secondary to the use of the principal residential structure on the property.
- (5) There shall be no exterior display storage of equipment and materials.
- (6) Allowable signage shall be limited to one (1) sign, one and one-half square feet, non-illuminated, and attached to the dwelling.
- (7) There shall be no indication of offensive noise, vibration, smoke, dust, odors, heat or glare at or beyond the property line.
- (8) The operation of the home occupation shall begin no earlier than 8:00 a.m. and end no later than 5:00 p.m. Additional hours shall be reviewed by the planning commission and approved by the county board of commissioners.
- (9) A level I home occupation shall not include the repair of internal combustion engines (other than small engine repair), body shops, machine shops, welding, ammunition, manufacturing, or any other objectionable uses as determined by the planning agency. Machine shops are defined as places where raw metal is fabricated, using machines that require more than 110 volts.
- (10) All vehicles associated with a level I home occupation shall be parked off-street and upon the lot on which the home occupation is operated.

(b) *Level II home occupation.* Level II home occupations shall comply with the following:

- (1) All level II home occupations shall be conducted entirely within the dwelling or accessory building and shall be carried on by the inhabitants thereof. Six employees are allowed other than the inhabitants.
- (2) Such use shall be clearly incidental and secondary to the use of the property for residential purposes.
- (3) The level II home occupation shall not exceed 10,000 square feet.
- (4) Junkyards and scrapyards are prohibited.

- (5) Allowable signage shall be limited to a 32 square-foot sign, nonilluminated, and located on the property.
 - (6) There shall be no indication of offensive noise, vibration, smoke, dust, odors, heat or glare at or beyond the property line.
 - (7) The operation of the home occupation shall begin no earlier than 8:00 a.m. and end no later than 5:00 p.m. Additional hours shall be reviewed by the planning commission and approved by the county board of commissioners.
 - (8) Materials and equipment shall be stored in an enclosed building or screened area. Outdoor storage areas exposed to view from any street or neighboring property shall be screened by a six-foot tall, sight-obscuring fence, wall, landscape berm, or vegetation planting strip. When vegetation is used for screening, the vegetation must be maintained to properly screen the storage area.
 - (9) All vehicles associated with a level II home occupation shall be parked off-street and upon the lot on which the home occupation is operated.
- (c) *Waste disposal.* All home occupations not serviced by an approved community water and sewage system must comply with county, state and federal waste disposal requirements.
- (d) *No on-site disposal of solid waste will be permitted.* There shall be no burning or burial of waste, neither from the business nor from the residence. All solid waste at the site must be disposed through self-hauling to a permitted solid waste management facility, or by a solid waste hauler licensed with the County.
- (e) *Nonconforming home occupations.* All nonconforming home occupations legally existing prior to June 8, 1996 shall be allowed to continue, but shall not be allowed to expand, rebuild, relocate, be replaced or altered, without being brought into compliance with all the requirements of this section.
- (f) *Home occupation application requirements.* Any person proposing a home occupation shall make a written land use development application to the County. Application for such permit shall not be complete unless it contains the following:
1. A site plan showing the location of existing wells, sewage treatment systems, buildings, driveways, bluffs, lakes, rivers, streams, floodplain boundaries, and wetlands.
 2. A site plan showing the proposed location of all improvements including but not limited to buildings, storage areas, bathroom facilities, floor drains, solid waste collection facilities, lighting, parking areas, wells, sewage treatment facilities, and stormwater storage areas when applicable.
 3. Written description of the proposed home occupation including proposed hours of operation, number of employees, types of services offered, expected daily traffic, and proposed operating plan for the home occupation.
 4. Plans for sanitary sewage disposal, water supply systems, lighting, landscaping, screening and collection of garbage and refuse.
 5. Building plans or floor plans for the proposed home occupation.
 6. Other site-specific information may be required or requested by the County.
 7. Application fees.