

CHAPTER 18. HOME OCCUPATIONS AND ACCESSORY DWELLING UNITS

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Section 1800 – Purpose

1800.01 Purpose. The purpose of this entirety is to provide a means, through the establishment within specific standards and procedures, by which home occupations can be conducted within residential zone districts. This section recognizes that home occupations that are clearly incidental and subordinate to the primary residential use of a structure may be conducted so long as they do not negatively affect the residential character, health, safety or general welfare of the surrounding residential zone district.

(Am. Ord. 2005-11, passed 2-6-2006)

Section 1805 – Definitions

1805.01 Definitions. For the purpose of this chapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

1805.01.1. “Home Occupation” is a use of a non-residential nature conducted entirely within a residential dwelling or attached or detached garage as permitted by 1810.04.1. and 1810.04.3., such as any business, trade or profession without any regard to profit or success that satisfies the requirements of this section.

Section 1810 – Home Occupation

1810.01 Home Occupation in Residential Zone District. A home occupation may be conducted in a residential dwelling within a residential zone district subject to the following conditions.

1810.02 Exterior Parking and Traffic Flow.

1810.02.1. The home occupation shall not increase vehicular traffic flow and parking by more than two additional vehicles at any time. Driveways serving a home occupation must be surfaces with concrete, bituminous, brick pavers, or other dustless and durable surface properly graded for proper drainage.

1810.02.2. No on-street parking related to the home occupation is permitted unless the road where such parking will occur has adequate width for parking.

1810.04 Accessory Use of the Property.

1810.04.1. The home occupation shall be conducted entirely indoors within the principal dwelling or attached garage, subject to the provisions of 1810.04.3., and shall be clearly incidental and subordinate to its use for residential purposes by its occupants. The home occupation may also be conducted in a detached garage, subject to the provisions of 1810.04.3., but only if the detached garage was in existence on March 1994.

1810.04.2. Except as provided by 1810.04.1. and 1810.04.3. of this section, no accessory building, attached or detached garage may be used for the operation of or display of goods relating to a home occupation.

1810.04.3. No more than 200 square feet of an attached or detached garage may be utilized for the home occupation.

1810.04.4. Outside storage of equipment, machinery or materials used in the home occupation is prohibited.

1810.05 Appearance.

1810.05.1. Except for allowed customer, employee and delivery vehicles, there shall be no evidence of the home occupation visible from the exterior of the dwelling.

1810.05.2. The home occupation shall not generate any offensive noise, vibration, sound, smoke, dust, odor, heat, glare, x-ray or electrical disturbance to radio or television beyond the property boundaries of the property upon which dwelling in which the home occupation is conducted is located.

1810.05.3. Structural changes to the exterior or interior of the dwelling, any accessory buildings or property itself for the purpose of a home occupation shall be prohibited.

1810.05.4. Interior or exterior signs, commercial lighting, exterior display of products or exterior storage of equipment, machinery, material or supplies related to the home occupation is prohibited.

1810.06 Public Health.

1810.06.1. The use of dumpsters in conjunction with the home occupation is prohibited.

1810.06.2. Notwithstanding 1810.06.1., all owners or occupants of residential structures must comply with the provisions of Chapter 9 of the Hermantown Code of Ordinances.

1810.06.3. The home occupation shall not generate sewage of a nature or rate greater or different than that normally associated with a residential occupancy, nor shall it generate hazardous waste or solid waste at a rate greater than that normally associated with a residential occupancy.

1810.07. General Restrictions.

1810.07.1. The home occupation must be owned or operated by an occupant of the dwelling unit.

1810.07.2. Customer/business related visits or retail sales related to the home occupation shall be allowed as follows:

1810.07.2.1. By prior appointment;

1810.07.2.2. A maximum of one appointment per hour is allowed; and

1810.07.2.3. Appointments may be taken between the hours of 8:00 a.m. and 9:00 p.m. Monday through Friday.

1810.07.3. Deliveries and pickups related to the home occupation shall only be allowed between the hours of 8:00 a.m. and 9:00 p.m. Monday through Saturday.

1810.07.4. Regular weekly or monthly deliveries by semitrailer truck are not allowed.

1810.07.5. No home occupation may be conducted which is illegal or prohibited under any other city ordinance or applicable state or federal law, rule or regulation.

1810.07.6. There shall be no rental of space within a residence for non-residential purposes.

(Am. Ord. 2019-11, passed 9-16-2019)

Section 1815 – Prohibited Home Occupations

1815.01 Prohibited Home Occupations. The following business activities or practices are prohibited home occupations:

1815.01.1. Service, repair, painting, or on-site selling of any motorized vehicle, including but not necessarily limited to motorized vehicles, trailers, boats, personal watercraft, recreation vehicles and snowmobiles. This provision does not prohibit an individual from working or selling his or her personal motorized vehicle, subject, however, to all other applicable laws, rules, ordinances and regulations;

1815.01.2. Ammunition manufacturing or the sale of ammunition;

1815.01.3. Sales or rentals of videos, magazines or books;

1815.01.4. Adult uses as defined by Section 470 of Hermantown Code of Ordinances;

1815.01.5. Dispatch centers where persons come to the dwelling unit and are dispatched to other locations;

1815.01.6. Medical or dental clinics;

1815.01.7. Any personal property rental business;

1815.01.8. Any welding or machine shops;

1815.01.9. Commercial kennels or veterinarian clinics;

1815.01.10. Any tow truck services;

1815.01.11. The 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; and

1815.01.12. Any home occupation that jeopardizes the health and safety of city residents.

(Am. Ord. passed 4-17-2006)

1815.02 Other Uses. Any other use of residential property deemed to be detrimental, inconsistent with the residential character of the neighborhood, or the provisions of this section, whether or not a home occupation is being actively performed, is prohibited.

(Am. Ord. passed 4-17-2006)

Section 1820 – Pre-Existing Retail Sales

1820.01 Applicability. The provisions of this chapter shall not be applicable to sales at retail from a residential dwelling or attached or detached garage, as permitted by 1810.04.1. and 1810.04.3., provided that:

1820.01.1. The duration of the sales event does not exceed three consecutive days;

1820.01.2. The sales event is limited to 8:00 a.m. to 7:00 p.m. on any day of the sales event;

1820.01.3. No more than one sales event occurs during the calendar year from the premises;

1820.01.4. Only articles made at or within the home occupation conducted on the premises upon which the sales event occurs are sold during the sales event; and

1820.01.5. A sales event was conducted at the premises during each of the three calendar years prior to January 1, 2006.

(Am. Ord. passed 4-17-2006)

Section 1830 – Accessory Dwelling Units

1830.1. Purpose. The purpose of this section is to allow for and regulate the location, placement, design, and use of Accessory Dwelling Units (ADU) that broadens the range of housing options in the City of Hermantown (“City”).

1830.2. Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

1830.2.1. Accessory Dwelling Unit. A smaller, independent residential dwelling unit located on the same lot as a stand-alone single-family home.

1830.2.2. Finished Space. The area within a house which is suitable for human habitation including suitable finished basement areas but excluding garages, services areas and unfinished portions of the building.

1830.2.3. Owner. The person who holds fee title or is a bona fide purchaser under a contract for deed of the property.

1830.2.4. Detached ADU. An accessory dwelling unit which is stand-alone from the principal structure, or which is incorporated into an existing stand-alone accessory structure.

1830.3. General Regulations. Accessory dwelling units shall not be created or used except in conformity with the following requirements:

1830.3.1. Accessory dwelling units shall only be allowed on lots in residential zoning districts that have a single-family home present.

1830.3.2. There shall be no more than one accessory dwelling unit allowed per lot.

1830.3.3. The owner must have permanent residence established at the property and reside in either the principal or accessory dwelling.

1830.3.4. Accessory dwelling units shall provide complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

1830.3.5. A minimum of one additional off-street parking space shall be provided for the accessory dwelling unit in addition to those required for the principal dwelling.

1830.3.6. Utility connections for the accessory dwelling unit shall be connected to City sanitary sewer and water services, or, if applicable, connected to the private well and industrial sewage treatment system serving the principal dwelling on the lot if said principal dwelling is not otherwise serviced by or required to be served by City sewer and water services and the same shall be in compliance with City Code.

1830.3.7. Properties must have a minimum lot width of 130 feet in order for an accessory dwelling unit to be approved/permitted.

1830.3.8. All other provisions of zoning code relating to single-family dwelling units shall be met, unless specifically amended by this code section.

1830.3.9. Accessory dwelling units shall have the same address as the principal structure. Prior to occupancy the owner shall notify the Hermantown Fire Department and register the ADU with their Community Connect program so that emergency responders are notified in the event of an emergency there are two distinct dwellings at the same address.

1830.3.10. Administration and Establishment.

1830.3.10.1. Establishment of an accessory dwelling unit shall require an administrative review by City Staff in addition to any required permits relating to construction.

1830.3.10.2. No accessory dwelling unit shall be created except in compliance with all applicable Minnesota State Building Code and related codes of the City;

1830.3.10.3. The accessory dwelling unit shall not be sold independently of the principal residential dwelling and may not be a separate tax parcel.

1830.4. Detached ADUs. Stand-alone accessory dwelling units shall be subject to the following requirements.

1830.4.1. Location Restrictions.

1830.4.1.1. The accessory dwelling unit is subject to all of the setback restrictions as the principal structure.

1830.4.1.2. The accessory dwelling unit must be a permanent structure affixed to a foundation.

1830.4.2. Size; Height Restrictions.

1830.4.2.1. The floor area of the accessory dwelling unit shall be no more than 50 percent of the home's gross living area, or 1,000 square feet, whichever is less.

1830.4.2.2. The accessory dwelling unit shall have a minimum floor area of 350 square feet.

1830.4.2.3. Detached accessory dwelling units shall be restricted to a maximum height of 35 feet.

1830.4.3. Design Guidelines.

1830.4.3.1. The detached accessory dwelling unit shall be designed and use materials which complement and match the existing principal dwelling and are compatible with the surrounding neighborhood in terms of design, form, height, materials and landscaping.

(Am. Ord. 2025-23, passed 1-5-2026)