



City of Oak Park Heights
14168 Oak Park Blvd. N.
Oak Park Heights, MN 55082
Phone (651) 439-4439 ~ Fax (651) 439-0574
www.cityofoakparkheights.com

HOME OCCUPATION PERMIT APPLICATION

Applicant: _____ Phone # _____

Street Address: _____

City _____ Zip _____ Email: _____

Pursuant to MN Statute 270.C02 Tax Clearance; Issuance of Licenses, the licensing authority is required to provide the Minnesota Commissioner of Revenue your Minnesota business tax identification number. Please provide the following information as it applies to your home occupation:

Business Name as certified by the Minnesota Secretary of State:

Doing Business as Name, if different that certified with Minnesota Secretary of State:

Minnesota Tax Identification Number: _____

Federal Tax Identification Number: _____

For application property:

Street Address: _____

City _____ Zip _____

Legal Description of the property:

Zoning District: _____, _____

Is the property connected to the City water and sewer system? _____ Yes _____ No

(If additional space is needed to adequately answer the following, please accurately number and answer the responses on the back of these sheets.)

Describe the home occupation (type of home business) being proposed:

Describe the character of the existing surrounding property:

Who is to be employed in proposed occupation?

Will any person(s) be employed that does not live at the occupation address listed in this application?

_____ Yes _____ No

In what part of the structure will the occupation be located?

How many customers will be served at one time?

What are the intended days and hours of this occupation?

What service will this occupation provide?

Is off street parking available? Yes No If yes, describe location, capacity and type of surface:

Will there be a need for street parking? Yes No If yes, how much space will be needed?

Will the occupation require the use of an accessory building? Yes No

If yes, please justify the need of an accessory building and describe the facility:

Will the home occupation require or involve any equipment not normally found in a dwelling unit?

_____ Yes _____ No If yes, please describe the equipment:

Will the occupation involve over-the-counter sale of merchandise produced off the premises?

_____ Yes _____ No If yes, please describe the merchandise to be sold:

How long do you anticipate the occupation be carried on at this address?

How much of an investment in the premise is required for this occupation?

If an investment is required, does it include alteration? _____ Interior _____ Exterior

If so, please describe the required alteration:

Are other governmental licenses or permits required to legally conduct business in this occupation?

_____ Yes _____ No If yes, please list the licenses and/or permits below:

The City 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 Zoning Ordinance 401.15.M "Home Occupations."

May the City inspect the premise during the application process? _____ Yes _____ No

If no, please explain:

Is there any additional information regarding this application that the City should be aware of concerning the occupation?

By signing this application, I declare that I have read all applicable City Ordinances. I affirm that all information provided to the City of Oak Park Heights on this application, or as a part thereof, is true and accurate to the best of my knowledge.

Date: _____

Signature of Applicant

Please Check One: *Fee shall be submitted with complete application.*

_____ Special Home Occupation – Fee: \$100
(Ordinances 401.03 & 401.15.M)

_____ Permitted Home Occupation – Fee: \$ 25
(Ordinance 401.15.M)

_____ Home Occupation Renewal (Annual) – Fee: \$ 15

² 401.03. ADMINISTRATION - AMENDMENTS AND CONDITIONAL USE PERMITS

401.03.A. Procedure.

- ¹³ 1. **Pre-Application.** Applicants requesting application for amendments or conditional use permits should contact the Zoning Administrator in order to set up a “pre-application” meeting with the City Administrator, City Engineer, City Attorney, City Planner, City Building Official, and other City staff to discuss the project in question. A pre-application “staff meeting” is strongly recommended for all types of proposals to answer questions relating to overall project concept, the application process, payment of fees, general ordinance requirements and the general details of the request. The pre-application meeting is not necessary but is recommended.
- 7, ¹³². **Application.** Request for amendments or conditional use permits, as provided within this Ordinance, shall be filed with the office of the City Administrator and with the office of the Community Development Director on an official application form. Such application shall be accompanied by a fee as outlined in Section 401.08. Such application shall also be accompanied by three (3) large scale copies and twenty (20) reduced scale (11" x 17") copies of detailed written and graphic materials fully explaining the proposed change, development, or use, and a mailing list provided by the applicant from the records of the Washington County Assessor’s Office for all homes, businesses and property located within three hundred fifty (350) feet of the subject property. Where necessary, the City Administrator or Community Development Director shall refer said application, along with all related information, to other City staff or agencies for their report and recommendation to the City Council. The request shall be placed on the agenda of the first possible Planning Commission meeting occurring after thirty (30) days from the date of submission. The application shall be considered officially submitted and the application approval time line commences when all the information requirements are complied with and the City has in writing acknowledged acceptance of the application.
3. **Proof of Ownership or Authorization.** The applicant shall supply proof of title of the property for which the amendment or conditional use is requested, consisting of an abstract of title or registered property abstract currently certified together with any unrecorded documents whereby the petitioners acquire a legal ownership or equitable ownership interest or supply written authorization from the owner(s) of the property in question to proceed with the request. Prior to approving an application for an amendment or conditional use permit, the City shall receive from the applicant certification that there are no delinquent property taxes, special assessments, interest, or City utility fees due upon the parcel of land to which the amendment or conditional use permit application relates.

4. **Public Hearing.** The Planning Commission shall conduct the hearing and report its findings and recommendations to the City Council. Notice of such hearing shall be published in conformance with the State law and individual notices. If it is a zoning district change or conditional use permit request, notice shall be published in the official newspaper at least ten (10) days prior to hearing, and written notice of said hearing shall be mailed not less than ten (10) days nor more than thirty (30) days prior to the hearing to all owners of property, according to the Washington County assessment records, within three hundred fifty (350) feet of the parcel included in the request. The records of Washington County shall be deemed sufficient for determining the location and ownership of all such properties. A copy of the notice and a list of the property owners and addresses to which the notice was sent shall be attested and made a part of the records of the proceeding.
5. **Validity of Notice.** Failure of a property owner to receive said notice shall not invalidate any such proceedings as set forth within this Ordinance.
6. **Technical Report.** The Zoning Administrator shall instruct the appropriate staff persons to prepare technical reports, and provide general assistance in preparing a recommendation on the action to the City Council.
7. **City Council and Planning Commission Considerations.** The City Council and Planning Commission shall consider possible adverse effects of the proposed amendment or conditional use. Their judgment shall be based upon, but not limited to, the following factors:
 - a. Relationship to the specific policies and provisions of the municipal comprehensive plan.
 - b. The conformity with present and future land uses in the area.
 - c. The environmental issues and geographic area involved.
 - d. Whether the use will tend to or actually depreciate the area in which it is proposed.
 - e. The impact on character of the surrounding area.
 - f. The demonstrated need for such use.
 - g. Traffic generation by the use in relation to capabilities of streets serving the property.
 - h. The impact upon existing public services and facilities including parks, schools, streets, and utilities, and the City's service capacity.
 - i. The proposed use's conformity with all performance standards contained herein (i.e., parking, loading, noise, etc.)

8. **Additional Information.** The City Council, the Planning Commission, and City staff shall have the authority to request additional information from the applicant concerning operational factors or to retain expert testimony with the consent and at the expense of the applicant concerning operational factors, said information to be declared necessary to establish performance conditions in relation to all pertinent sections of this Ordinance. Failure on the part of the applicant to supply all necessary supportive information may be grounds for denial of the request.
9. **Planning Commission Review.** The applicant or a representative thereof shall appear before the Planning Commission in order to answer questions concerning the proposed amendment or conditional use. The Planning Commission shall recommend approval or denial of the request.
10. **City Council Review.** The City Council shall not act upon an amendment until they have received a report and recommendation from the Planning Commission. Upon completion of the report and recommendation by the Planning Commission, the request shall be placed on the agenda of the City Council. Such reports and recommendations shall be entered in and made part of the permanent written record of the City Council meeting. Upon receiving the report and recommendation of the Planning Commission and the City staff, the City Council shall have the option to set and hold a public hearing if deemed necessary. If, upon receiving said reports and recommendations of the Planning Commission, the City Council finds that specific inconsistencies exist in the review process and thus the final recommendation of the City Council will differ from that of the Planning Commission, the City Council may before taking final action, refer the matter back to the Planning Commission for further consideration. The City Council shall provide the Planning Commission with a written statement detailing the specific reasons for referral. This procedure shall be followed only one (1) time on a singular action.
11. **Finding of Fact.** The Planning Commission and City Council shall make a finding of fact and determine such actions or conditions relating to the request as they deem necessary to carry out the intent and purpose of this Ordinance.
12. **Official Publication.** An amendment shall not become effective until such time as the City Council approves a reading of an ordinance reflecting said amendment and after said ordinance is published in the official newspaper.
- ¹³13. **Recommendation - Amendment, Planning Commission.** The Planning Commission shall make a recommendation to the City Council on the amendment request.
- ¹³14. **Required Approval-Amendment, City Council.** Approval of a request for a zoning amendment shall require passage by a majority vote of the City Council. Amendments that change all or part of the existing classification of a zoning district from residential to either commercial or industrial require a four-fifths (4/5) majority vote of the City Council.

- ¹³15. **Recommendation - Conditional Use Permit, Planning Commission.** The Planning Commission shall make a recommendation to the City Council on the conditional use permit request.
- ¹³16. **Required Approval-Conditional Use Permit, City Council.** Approval of a request for conditional use permit shall require passage by a majority vote of the City Council.
- ¹³17. **Application Review Period.** Pursuant to Minnesota Statutes 15.99, an application for an amendment or conditional use permit shall be approved or denied within sixty (60) days from the date of its official and complete submission unless extended by the City pursuant to statute or a time waiver is granted by the applicant.
18. If a request for a conditional use permit receives approval of the City Council, the applicant shall record such with the Washington County Recorder within (30) days of the City Council approval date. The applicant, immediately upon recording such or as soon as is reasonably possible, shall furnish the City proof of recording. No building permits for the property in question will be granted until such proof of recording is furnished to the City.
19. **Renewal.** An approved conditional use permit shall be reviewed annually by the City Council at the direction of the City Administrator to determine compliance with the conditions of the permit and Ordinance. The City shall notify the permit holder of the date of the annual review at least ten (10) days prior to the review hearing.

401.03.B. Amendments /Conditional Use Permit - Initiation. The City Council or Planning Commission may, upon their own motion initiate a request to amend the text or the district boundaries, and/or request for a conditional use permit of this Ordinance. Any person owning real estate within the City may initiate a request to amend the district boundaries or text and/or request for a conditional use permit for said real estate in conformance with the provisions of this Ordinance.

401.03.C. Conditional Use Permit.

1. **Purpose.** The purpose of a conditional use permit is to provide the City of Oak Park Heights with a reasonable degree of discretion in determining the suitability of certain designated uses upon the general welfare, public health and safety. In making this determination, whether or not the conditional use is to be allowed, the City may consider the nature of the adjoining land or buildings, whether or not a similar use is already in existence and located on the same premises or on other lands immediately close by, the effect upon traffic into and from the premises, or on any adjoining roads, and all other or further factors as the City shall deem a prerequisite of consideration in determining the effect of the use on the general welfare, public health and safety.

2. **Reconsideration.** Whenever an application for a conditional use permit has been considered and denied by the City Council, a similar application for a conditional use permit affecting substantially the same property shall not be considered again by the Planning Commission and City Council for at least six (6) months from the date of its denial.

3. **Information Requirement.** The information required for all conditional use permit applications generally consists of the following items, and shall be submitted when requested by the City:
 - a. Site Development Plan:
 - 1) Location of all buildings on lots including both existing and proposed structures.
 - 2) Location of all adjacent buildings located within three hundred fifty (350) feet of the exterior boundaries of the property in question.
 - 3) Location and number of existing and proposed parking spaces.
 - 4) Vehicular circulation.
 - 5) Architectural elevations (type and materials used in all external surfaces).
 - 6) Location and type of all proposed lighting.
 - 7) Curb cuts, driveways, number of parking spaces.
 - 8) Site plan details such as trash receptacles, etc.

 - b. Dimension Plan:
 - 1) Lot dimensions and area.
 - 2) Dimensions of proposed and existing structures.
 - 3) "Typical" floor plan and "typical" room plan.
 - 4) Setbacks of all buildings located on property in question.
 - 5) Proposed setbacks.
 - 6) Sanitary sewer and water plans with estimated use per day.

- c. Grading Plan:
 - 1) Existing contours.
 - 2) Proposed grading elevations.
 - 3) Drainage configuration.
 - 4) Storm sewer catch basins and invert elevations.
 - 5) Spot elevations.
 - 6) Proposed road profile.
 - 7) Erosion control measures.

- d. Landscape Plan:
 - 1) Location of all existing trees, type, diameter, and which trees will be removed.
 - 2) Location, type and diameter of all proposed plantings.
 - 3) Location and material used for all screening devices.

4. **Lapse of Approval.**

- a. Unless the City Council specifically approves a different time when action is officially taken on the request, the conditional use permit shall become null and void twelve (12) months after the date of approval, unless the property owner or applicant has substantially started the construction of any building, structure, addition or alteration, or use requested as part of the conditional use. The property owner or applicant shall have the right to submit an application for time extension in accordance with this section.

- b. An application to extend the approval of a conditional use permit shall be submitted to the Zoning Administrator not less than thirty (30) days before the expiration of said approval. Such an application shall state the facts of the request, showing a good faith attempt to utilize the permit, and it shall state the additional time being requested to begin the proposed construction. The application shall be heard and decided by the City Council prior to the lapse of approval of the original request.

- c. In making its determination on whether an applicant has made a good faith attempt to utilize the conditional use permit, the City Council shall consider such factors as the type, design, and size of the proposed construction, any applicable restrictions on financing, or special and/or unique circumstances beyond the control of the applicant which have caused the delay.
5. **Amended Conditional Use Permit.** An amended conditional use permit may be applied for and administered in a manner similar to that required for a new conditional use permit. Amended conditional use permits shall include re-applications for permits that have been denied, requests for substantial changes in conditions or expansions of use, and as otherwise described in this Ordinance.
6. **Performance Bond.**
 - a. Except in the case of non-income producing residential property (excluding relocated structures), upon approval of a conditional use permit the City shall be provided, when deemed necessary by the City Council, with a surety bond, cash escrow, certificate of deposit, securities, or cash deposit prior to the issuing of building permits or initiation of work on the proposed improvements or development. Said security shall be non-cancelable and shall guarantee conformance and compliance with the conditions of the conditional use permit and the ordinances of the City.

- b. The security shall be in the amount equal to one and one-half (1-1/2) times the City Engineer's or City Building Official's estimated costs of labor and materials for the proposed improvements. Said project can be handled in stages upon the discretion of the City Engineer and Building Official.
- c. The City shall hold the security until completion of the proposed improvements or development and a certificate of occupancy indicating compliance with the conditional use permit and ordinances of the City has been issued by the City Building Official.
- d. Failure to comply with the conditions of the conditional use permit or the ordinances of the City shall result in forfeiture of the security.
- e. Whenever a performance guarantee is imposed by the City, the applicant shall be required to enter into a performance agreement with the City. This agreement is to provide authorization to the City to utilize the posted security and complete stipulated work should the applicant fail to meet the terms and conditions of the permit. Said agreement shall hold harmless the City for completion of the work and address other matters as may be determined by the City Attorney.

401.15.M. Home Occupations.

1. **Purpose.** The purpose of this Section is to maintain the character and integrity of residential areas and 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. In addition, this Section is intended to provide a mechanism enabling the distinction between permitted home occupations and special or customarily “more sensitive” home occupations, so that permitted home occupations may be allowed through an administrative process rather than a legislative hearing process.
2. **Procedures and Permits.**
 - a. **Permitted Home Occupation.** Any permitted home occupation as defined in this Ordinance, and subject to the performance standards of this Section, may be conducted solely within a single family detached dwelling (excluding attached garage space and/or any accessory structures). The permitted home occupation shall require a “permitted home occupation permit”. Such permits shall be issued subject to the conditions of this Section, other applicable City Ordinances and State law. This permit may be issued by the Zoning Administrator based upon proof of compliance with the provisions of this Section. Application for the “permitted home occupation permit” shall be accompanied by a fee as adopted by the City Council. If the Zoning Administrator denies a permitted home occupation permit to an applicant, the applicant may appeal the decision to the City Council. The permit shall remain in force and effect until such time as there has been a change in conditions or until such time as the provisions of this Section have been breached. An annual fee, as set by the City Council, will be charged to the applicant. At such time as the City has reason to believe that either event has taken place, a public hearing shall be held before the Planning Commission, following the procedural provisions of a conditional use permit in Section 401.03 of this Ordinance. The City Council shall make a final decision on whether or not the permit holder is entitled to the permit.
 - b. **Special Home Occupation.** Any home occupation which does not meet the specific requirements for a permitted home occupation (excluding Day Care Nursery Facilities) as defined in this Section shall require a “special home occupation permit” which shall be applied for, reviewed, and disposed on in accordance with the procedural provisions of a conditional use permit found in Section 401.03 of this Ordinance.
 - c. **Declaration of Conditions.** The City may impose such conditions on the granting of any home occupation permit as may be necessary to carry out the purpose and provisions of this Section.
 - d. **Transferability.** Permits shall not run with the land and shall not be transferable.

- e. **Lapse of Special 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 City Council. Such extension shall be requested 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. Such petition shall be presented to the City Council for a decision.
 - f. **Reconsideration.** Whenever an application for a permit has been considered and denied by the City Council, a similar application for a permit affecting substantially the same property shall not be considered again by the Planning Commission or City Council for at least six (6) months from the date of its denial unless a decision to reconsider such matters is made by not less than four-fifths (4/5) vote of the City Council.
3. **Requirement-General Provisions.** All home occupations shall comply with the following general provisions and according to definition, the applicable requirement provisions.
- a. **General Provisions.**
 - 1) No home occupation shall produce light, glare, noise, odor, vibration, smoke, dust, heat, or hazardous or toxic material shall not be produced, stored, or kept on the premises that will in any way have an objectionable effect upon adjacent or nearby property.
 - 2) No equipment shall be used in the home occupation which will create electrical interference to surrounding properties.
 - 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 except where required to comply with local and state fire and police recommendations.
 - 5) There shall be no exterior storage of equipment or materials used in the home occupation, except personal automobiles used in the home occupation may be parked on the site.
 - 6) The home occupation shall meet all applicable fire and building codes.

- 7) All signing and informational or visual communication devices shall be in compliance with Section 401.15.G of this Ordinance.
 - 8) All home occupations shall comply with the provisions of the City Code.
 - 9) No home occupation shall be conducted between the hours of 10:00 pm. and 7:00 am. unless said occupation is contained entirely within the principal building, excluding attached garage space, and will not require any on-street parking facilities.
 - 10) No commodity shall be sold on the premises.
 - 11) Not over twenty-five (25) percent of any one story can be used for a home occupation.
 - 12) Day Care Nursery Facilities are required to secure a Home Occupation Permit subject to such regulations, however are further regulated under City Ordinance 401.15.N.
- b. Requirements-Permitted Home Occupations – Excluding Day Care Nursery Facilities Regulated In 401.15.N.
- 1) No person other than those who customarily reside on the premises shall be employed.
 - 2) The general public shall not come to the premises in question for purposes pertaining to the conduct of the home occupation.
 - 3) All permitted home occupations shall be conducted entirely within the principal dwelling, excluding attached garage space, and may not be conducted in an accessory building.
- c. Requirements-Special Home Occupation.
- 1) No person other than a resident shall conduct the home occupation.
 - 2) Special home occupations shall be limited to only those activities of a non-residential nature which are specified as allowed by state statute or regulation but are conducted entirely within the principal building, attached garage space, or detached accessory building.
 - 3) Special home occupations may be allowed to accommodate their parking demand through utilization of on-street parking. In such cases where on-street parking facilities are necessary, however, the City shall maintain the right to establish the maximum number when and where changing conditions require additional review.

- 4) Subject to conditions placed on such permits, the general public may be permitted to come to the premises for purposes pertaining to the conduct of the home occupation.

4. **Transient Lodging.** Transient Lodging shall be considered in all Residential Districts with the issuance of a Conditional Use Permit according to Section 401.03.A,7 and that the following criteria are satisfactorily met.

a. **General Provisions.** Only a detached single-family home may be utilized for transient lodging consistent with the terms and conditions found herein:

- 1) The facility shall have a State issued license for lodging and/or food service, and /or comply with and maintain all health, safety, building and fire codes as may be required or applicable by the Building Official. The owner is responsible to ensure the facility is code compliant.
- 2) The owner may or may not occupy the structure while such facility is being utilized as a transient lodging facility. There shall be a limit of three (3) transient guests per bedroom and a limit of three (3) bedrooms for transient lodging in the facility.
- 3) All bedroom units shall be established within a principal structure or accessory structure.
- 4) No transient lodging facility shall be located closer than at least five hundred (500) feet from other bed and breakfast facilities and/or transient lodging as measured from property lines.
- 5) Dining and other facilities shall not be opened to the public but shall be used exclusively by the registered guests of the facility.
- 6) Two (2) off-street parking spaces shall be provided for the facility use plus one (1) for each bedroom over two (2) bedrooms. No parking spaces shall be located in the front yard of the property, other than on an existing driveway. All parking areas shall be improved with asphalt, concrete or materials suitable to control dust and drainage as approved by the City Engineer.
- 7) All signing and informational or visual communication devices shall be in compliance with Section 401.15.G if this Ordinance and/or as may be restricted by the City Council.
- 8) Adequate lighting shall be provided between the principal structure and the parking area for the safety of the guests.

- 9) Any excessive occupant noise reported to the City and in violation of City Code shall receive a warning on the first offense and a citation on the second. Continued citations shall be grounds for the suspension or revocation of use permits by the City Council.
 - 10) All transient lodging conditional use permits may be reviewed, including site inspections, by the Building Official at any time. If violations of City Ordinance, Building Code, Fire Code or conditions of approval are found, the City Administrator shall schedule a public hearing of the City Council to review the conditional use permit and conditions. Upon review, the City Council may revise or cancel the conditional use permit.
 - 11) Any applicable lodging or room tax as established by City Ordinance shall be paid by the owner of the property to the City.
5. **Non-Conforming Use.** Existing home occupations and transient lodging 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 or transient lodging 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 Section.
6. **Inspection.** The City of Oak Park Heights hereby reserves the right upon issuing any home occupation or transient lodging permit to inspect the premises in which the occupation is being conducted to insure compliance with the provisions of this Section or any conditions additionally imposed.

401.15.N. Day Care Nursery Facilities.

1. **Purpose.** The regulation of day care nursery facilities in these zoning regulations is to establish standards and procedures by which day care facilities can be conducted within the City without jeopardizing the health, safety, and general welfare of the day care participants and/or the surrounding neighborhood or changing the essential character and purpose of the surrounding neighborhood. Subject to provisions as may be found in State Statute, this Section establishes the City's minimum requirements for the establishment of a day care facility. Day care nursery facilities which operate in a single-family dwelling shall be subject to Section 401.15.M. of this Ordinance and processed as a Home Occupation.
2. **Application.** Day care nursery facilities except where defined as a permitted use in the zoning district, shall be considered conditional uses within all the zoning districts and shall be subject to the regulations and requirements of Section 401.03 of this Ordinance. In addition to the City regulation, all day care facility operations shall comply with the minimum requirements of the Minnesota Department of Welfare regulations, as may be amended.

3. **Declaration of Conditions.** The City may impose such conditions on the granting of a day care facility Home Occupation conditional use permit as may be necessary to carry out the purpose and provisions of this Section and/or those found in 401.15.M.
4. **Site Plan Drawing Necessary.** All applications for a day care facility conditional use permit shall be accompanied by a site plan drawn to scale and dimensioned, displaying the information required by Section 401.03.C.3. of this Ordinance.
5. **General Provisions.**
 - a. Day care facilities shall be allowed as a principal use or as an accessory use, provided that the day care facilities meet all the applicable provisions of this section and comply with the minimum requirements of the Minnesota Department of Welfare regulations, as may be amended.
 - b. The proposed site for a day care facility as a principal use shall have a minimum lot area as determined by the Minnesota Department of Welfare. The City may increase the required lot area in those cases where such an increase is considered necessary to ensure compatibility of activities and maintain the public health, safety, and general welfare. The day care facility shall meet the setback requirements of the respective zoning district.
 - c. The site of the proposed day care facility as an accessory use shall meet all area and setback provisions of the respective zoning district in which the facility is to be located and comply with the minimum requirements of the Minnesota Department of Welfare regulations, as may be amended.
 - d. Where the day care facility is in or abuts any commercial or industrial use or zoned property, the day care facility shall provide screening along the shared boundary of such uses. All of the required fencing and screening shall comply with the fencing and screening requirements of Section 401.15.E. of this Ordinance.
 - e. **Parking.**
 - 1) There shall be adequate off-street parking which shall be located separately from any outdoor play area and shall be in compliance with Section 401.15.F. of this Ordinance. Parking areas shall be screened from view of surrounding and abutting residential uses in compliance with Section 401.15.E. of this Ordinance.
 - 2) When a day care facility is an accessory use within a structure containing another principal use, each use shall be calculated separately for determining the total off-street parking spaces required.

- f. One off-street parking space in compliance with Section 401.15.F. of this Ordinance shall be provided.
 - g. All signing and informational or visual communication devices shall be in compliance with Section 401.15.G. of this Ordinance.
 - h. The structure and operation shall be in compliance with State of Minnesota Department of Human Services regulations and be licensed accordingly.
6. **Non-Conforming Use.** Existing day care facilities lawfully existing on the effective date of this Ordinance may continue as non-conforming uses. They shall, however, be required to obtain permits for their continued operation. Any existing day care facility that is discontinued for a period of more than one hundred eighty (180) days, or is in violation of the provisions of this Ordinance, under which it was initially established, shall be brought into conformity with the provisions of this Section.
7. **Inspection.** At any and all reasonable hours, with or without notice, the City hereby reserves the right upon issuing any day care facility conditional use permit to inspect the premises in which the occupation is being conducted to insure compliance with the provisions of this Section or any conditions additionally imposed.

