
Sec. 126-195. Special regulations for all residential districts.

- (a) Two-family dwellings may be divided into single parcels of record with the party wall acting as the dividing lot line subject to the following conditions:
 - (1) Each of the lots created in subdividing lands on which a two-family structure is located shall be equal in area or as near equal as is reasonably possible;
 - (2) A survey of the premises showing acreage computations and dimensions shall be prepared by a surveyor registered in the state and shall be filed with the city clerk;
 - (3) If a lot containing an existing two-family dwelling is subdivided into two lots, the minimum lot area, lot width and setback requirements may be waived;
 - (4) Separate services shall be provided to each residential unit for sanitary sewer, municipal water, electricity, natural gas, telephone and other utilities;
 - (5) The party wall that divides the two properties must be a vertical wall and not a horizontal wall;
 - (6) To protect the safety and property of the owners and occupants, no existing property containing a party wall shall be divided into two separate parcels until the dividing party wall has a fire rating that meets new construction standards contained in the Uniform Building Code and no openings shall be allowed in the party walls. Party walls must meet sound transmission control ratings as set forth in the appendix of the Uniform Building Code;
 - (7) The owner of the property to be subdivided by a party wall shall execute and record with the county recorder or registrar of titles a declaration of covenants, conditions and restrictions, which shall be approved by the city attorney. The declarations shall generally preserve the rights of the several owners sharing a single structure and also the rights of the public. These declarations shall contain the following:
 - a. Building and property use restrictions;
 - b. General rules of law relating to party walls;
 - c. Rules relating to repair of the party wall if damaged by fire or other casualty and relating to maintenance of the party wall;
 - d. Easements, if the party wall encroaches on the abutting property;
 - e. A method of resolving disputes concerning the wall; and
 - f. Hazard insurance.
 - (8) The authority to divide a single structure containing two dwelling units shall be subject to the provisions of this Code relating to park dedication and other subdivision requirements and the city council may impose other reasonable conditions; and
 - (9) When full compliance with the provision of this section has been met, the requirements of this chapter as to setback along the party wall line shall be waived.
- (b) Home occupations (as defined in section 126-2) are permitted uses in all residential districts; provided that:
 - (1) The use of a dwelling unit or garage for any home occupation shall be clearly incidental and subordinate to its residential use. Not more than 25 percent of the floor area of one floor of a dwelling unit shall be used in the conduct of the home occupation;
 - (2) The home occupation shall be conducted entirely within a fully enclosed building. No exterior or interior alterations of the building or land, or other visible evidence of the conduct of the home occupation shall be permitted which are not customarily found in a dwelling, except that one sign, not

exceeding one square foot in area, nonilluminated, and mounted flat against the wall of the principal building shall be permitted;

- (3) No person other than members of the family residing on the premises shall be engaged in such occupation (requires a certificate of occupancy);
- (4) There shall be no exterior storage of equipment or materials used in the home occupation;
- (5) There shall be no use of utilities or community facilities beyond that normal to the use of property for residential purposes;
- (6) A home occupation shall serve no more than two customers or clients at one time;
- (7) The hours of operation for any home occupation shall be limited to between 8:00 a.m. and 8:00 p.m.;
- (8) A home occupation shall not create pedestrian, automobile, or truck traffic significantly in excess of the normal amount in the district. No truck or similar vehicle used in conjunction with a home occupation shall be parked unattached to a trailer upon a residential lot. Such home occupations shall not involve the need for more than three parking spaces for the occupant and visitors. Adequate off-street parking facilities required to serve the home occupation shall be provided on the premises, but no such parking facility shall be established within any required front or side yard, except upon an established driveway;
- (9) No equipment or process shall be used in such home occupation, which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receiver off the premises, or causes fluctuations in line voltage off the premises;
- (10) No retail business other than that conducted by mail shall be permitted, except for those products that are not marketed or sold in a wholesale or retail outlet; examples of such products include, but are not limited to, the following: Avon, Fuller products, and Shakely products;

(11) No home occupation shall include operations relating to ammunition or firearm manufacturing. This does not apply to ammunition reloading for personal use, as defined under the Minnesota State Fire Code.

(11) (12) Such occupations as, but not limited to, architects, artists, manufacturer's representatives, writers, clergymen, lawyers, teachers, insurance agents, dressmakers, and millinery and similar domestic crafts shall be permitted; and

(12) (13) A citizen operating a home occupation grants to the city the right to inspect the premises in which the occupation is being conducted to ensure compliance with the provisions of this section or any conditions additionally imposed including the general health, safety, and welfare of the citizens of the city. The city reserves the right to prohibit any home occupation if it deems necessary.

(c) In-home day care.

- (1) Purpose and intent. The regulation of in-home day cares in this section is to establish standards by which they can be conducted within the city without jeopardizing the health, safety and general welfare of the day care participants and/or the surrounding neighborhood.
- (2) General standards for in-home day cares.
 - a. In-home day cares operated within a single-family or two-family dwelling shall be a permitted use in an R-1, R-2 and R-3 residential district.
 - b. In-home day cares operated within a multifamily dwelling shall be a conditional use in any residential district.

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- c. In-home day cares shall be permitted one permanent sign no larger than three square feet. Such sign shall not be illuminated and shall be located on the dwelling unit or in the front yard with a minimum setback of 20 feet.
 - d. A temporary sign permit may be issued for up to 30 days in a calendar year for a second sign no larger than three square feet. Such sign shall be allowed in the rear or side yard with no minimum setback.