



**City Of Wyoming**  
26885 Forest Blvd., PO Box 188  
Wyoming, MN 55092  
Phone (651) 462-4947 Fax (651) 462-3938

**INTERIM USE PERMIT FOR A HOME OCCUPATION**  
**LAND USE APPLICATION**

An Interim Use Permit application requests a conditional use permitted in a particular zoning district, but regulated and controlled through conditions placed upon it by the City Council after review by the Planning Commission.

Applicant/Owner: Name(s) \_\_\_\_\_  
Address \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Work and home phone numbers \_\_\_\_\_ Email \_\_\_\_\_

Legal description of property: \_\_\_\_\_

Property Identification Number: R.21 Present zoning of property: \_\_\_\_\_

Present use of property: \_\_\_\_\_

Proposed Home Occupation: \_\_\_\_\_

On what date, or upon what event, would the applicant desire the interim use to expire? \_\_\_\_/\_\_\_\_/\_\_\_\_

**This application and the following attachments must be submitted to be considered a complete application:**

1. A detailed site plan showing the following information from Sec. 40 - 111, 5, (a – k):
  - a. Site plan drawn at scale showing parcel and building dimensions and their square footages.
  - b. Curb cuts, driveways, access roads, parking spaces and off-street loading areas.
  - c. Type of business or activity and proposed number of employees.
  - d. Proposed floor plan of any building and use indicated.
  - e. A location map showing the general location of the proposed use within the City and showing all principal land uses within 250 feet of the parcel for which application is being made.
  - f. Any other information deemed necessary by the Zoning Administrator or Planning Commission.
2. A letter explaining the proposed home occupation and how it will be operated.
3. A completed Home Occupation Worksheet.
4. A completed Conditional / Interim Use Permit Worksheet.
5. The application fee and escrow must be paid at the time of application. The fee is not refundable. The unused portion of the escrow will be returned to the applicant.
6. Any other information deemed necessary by the Zoning Administrator or Planning Commission. *(An application for a property in a Shoreland District must include a valid Septic System Certificate of Compliance)*

Signature of applicant(s) \_\_\_\_\_ Date \_\_\_\_\_

*As the applicant for this request, I agree to reimburse the City for all expenses incurred by the City in employing planning, engineering, legal, and other professional consultants in reviewing this application. This may include the replenishment of any escrow funds as required as part of this application. Such costs shall be paid by me, the applicant, regardless of the outcome of the review and prior to commencing any work on the project. All of Article V, Division 6, Conditional Use Permits, and Article VII, Division 13, Home Occupations are attached to this application and by signing this application, the Applicant acknowledges that they have been read and understood.*

**A public hearing can be scheduled only after a complete application has been received.**

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Application # \_\_\_\_\_ OFFICE USE ONLY Date Application Received \_\_\_\_/\_\_\_\_/\_\_\_\_

Date Complete Application Received \_\_\_\_/\_\_\_\_/\_\_\_\_ 60 Days \_\_\_\_/\_\_\_\_/\_\_\_\_ By: \_\_\_\_\_

**Fee \$220.00 + Escrow \$200.00** Date Paid \_\_\_\_/\_\_\_\_/\_\_\_\_ Official \_\_\_\_\_ Check # \_\_\_\_\_

## **DIVISION 13 HOME OCCUPATIONS**

### **Sec. 40 - 540. Purpose.**

It is the purpose of this Division to provide for the interim use of the home as a place for the operation of a business or profession provided the occupation is clearly secondary to the principal use of the home as a residence, and does not alter the character or appearance of the home or neighborhood.

### **Sec. 40 - 541. Permitted Home Occupations.**

Home occupations which do not require use of an attached garage, additional parking, an accessory building, or generate a noticeable increase in traffic shall be permitted. Such home occupations as architects, artists, clergymen, clothing alterations, domestic crafts making and similar uses are permitted as Accessory Uses.

### **Sec. 40 - 542. Interim Conditional Use Permit Required.**

Home occupations which have the potential for generating a noticeable increase in traffic, require additional parking, require the use of an accessory building or attached garage, shall require an Interim Conditional Use Permit. Such home occupations, such as barbershops, auto repair, clothing shops, bed-and-breakfast inns, museums, animal hospitals and kennels, schools, and similar uses shall require an Interim Conditional Use Permit.

### **Sec. 40 - 543. Performance Standards.**

All home occupations shall conform to the following standards:

- (1) Conduct of the home occupation does not require alterations to the exterior of the residence which substantially alters the appearance of the dwelling as a residence.
- (2) Only those persons residing in the home and one other person may be employed on the site or report to the site on any one day.
- (3) Signage consists of no more than one (1) single or double-faced sign with a maximum area of nine (9) square feet per side in the R-1, R-2, R-3, R-4, R-5, R-6 and MXD (residential uses) Districts and sixteen (16) square feet per side in the Agricultural (A) District.
- (4) No outdoor display of goods.
- (5) Any additional need for parking generated by the home occupation shall be met by off-street parking. Said parking area shall be limited to three (3) spaces.
- (6) Should the occupation be teaching, classes shall not exceed ten (10) students at any one time.
- (7) Should the home occupation be repair, the items repaired shall be of a size or nature that repair can occur within the home, or an accessory structure to the principal use as allowed by this Ordinance.
- (8) No outside storage is permitted.
- (9) An accessory structure may be utilized in conjunction with the home occupation only for the purpose of holding equipment used off the site, repair (as conditionally permitted pursuant to Sec. 40 – 543, (7), and/or for the storage of goods or articles produced or used by the occupant of the principle structure.
- (10) The home occupation shall not generate sewage of a nature or type that cannot be treated by a standard on-site sewage system, or the municipal sewer system, or hazardous wastes without an approved plan for off site disposal.

### **Sec. 40 - 544. Review by Planning Commission.**

When deemed appropriate, the Zoning Administrator may bring a proposal or existing home occupation to the attention of the Planning Commission at which time the Planning Commission may permit the use or hold such public hearings, request such information, or require such conditions as deemed necessary to ensure compliance with the performance criteria.

Secs. 40 - 545—40 - 549. Reserved



- (2) The Planning Commission shall consider the possible affects of the proposed conditional use. Its judgment shall be based upon (but not limited to) the following general factors and any other relevant requirements set forth in the General Building and Performance Requirements chapter of this Ordinance, whether:
- (a) The use is in conformity with the Comprehensive Plan and development policies of the City.
  - (b) The use will not create an excessive demand on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area.
  - (c) The use will be sufficiently compatible or separated by distance or screening from adjacent development or land so that existing development will not be depreciated in value and there will be no deterrence to development of vacant land.
  - (d) The structure and site will have an appearance that will not have an adverse effect upon adjacent properties.
  - (e) The use in the opinion of the City is reasonably related to the overall needs of the City and to the existing land use.
  - (f) The use will be consistent with the purpose of this and other City Ordinances.
  - (g) The use will be located, designed, maintained, and operated to be compatible with the existing or intended character of the zoning district in which it is to be located.
  - (h) The use will generate only minimal vehicular traffic on local streets and shall not create traffic hazards or unsafe access or parking needs.
  - (i) Existing businesses nearby will not be adversely affected because of the curtailment of customer trade brought about by intrusion of noise, glare, or general unsightliness.
  - (j) The establishment or maintenance of the use shall not be detrimental to the public health, safety, or general welfare.
  - (k) The use will not be hazardous, detrimental, or disturbing to present and potential surrounding land use due to water pollution, odor, fumes, general unsightliness, or other nuisances.
  - (l) The use will preserve and incorporate the site's important natural and scenic features into the development design.
  - (m) The use will cause minimal adverse environmental effects.
- (3) The Planning Commission and City staff shall have the authority to request additional information from the applicant or to retain expert testimony at the expense of the applicant if said information is declared to be necessary by the City to review the request or to establish performance conditions in relation to this Ordinance.
- (4) After the receipt of a complete (as defined in Sec. 40 – 111) Conditional Use Permit application, the Planning Commission shall make a finding of fact and recommend such actions and/or conditions relating to the request to the City Council. The City may impose such additional restrictions or conditions as deemed necessary to protect the public interest. When appropriate, restrictive covenants may be entered into regarding such matters. These conditions, in addition to those specific requirements set forth in the General Building and Performance Requirements chapter of this Ordinance, may include, but are not limited to the following:
- (a) Matters relating to the architecture or appearance.
  - (b) Establishing hours of operation.
  - (c) Increasing the required lot size or yard dimension.
  - (d) Limiting the height, size, or location of buildings.
  - (e) Controlling the location and number of vehicle access points.
  - (f) Increasing the street width.
  - (g) Increasing the number of required off-street parking spaces.
  - (h) Limiting the number, size, location, or lighting of signs.
  - (i) Requiring diking, fences, screening, landscaping or other facilities to protect adjacent or nearby property.

- (j) Designating sites for open space.
- (k) Limiting the duration of the use by establishing a date or event by which the operation must cease. Where the City Council establishes an event after which operation must cease, the event must be identified with certainty, and such event may be the re-zoning of the land or a change in the uses permitted with the district. The City Council may also set forth a period of time after an event by which the operation must cease. Where the City Council or the applicant desires to limit the duration of a conditional use, such use will be deemed an interim use pursuant to Minnesota Statutes #462.3597. Every conditional use permitted in a district may be permitted as an interim use either by request of the applicant at the time of application or by motion of the Planning Commission or City Council. Prior to granting a conditional use as an interim use, the City Council shall consider, in addition to all other factors required to obtain a conditional use, the following:
  - 1. Whether the use conforms to the zoning regulation;
  - 2. Whether a date or event for the termination of the use can be identified with certainty.
  - 3. Whether the permission of the use will impose additional costs on the public if it is necessary for the public to take the property in the future; and
  - 4. Whether the landowner will agree to the conditions that the City Council deems appropriate for permission of the use.
- (l) If the landowner requests that the application be considered as an interim use on the initial application, the notice of public hearing shall state the use is proposed as an interim use and state the duration requested by the applicant. If the Planning Commission or City Council moves to consider the application as an interim use, a new public hearing shall be held and the notice of such public hearing shall state that the purpose of the hearing is to consider the application as an interim use and to establish the duration of the use.
- (5) Upon receiving the report and recommendation of the Planning Commission, the City Council shall place the report and recommendation on the agenda for the next available regular meeting. Such reports and recommendations shall be entered in and made part of the permanent written record of the City Council meeting.
- (6) Upon receiving the report and recommendation of the Planning Commission, the City Council shall either:
  - (a) Approve or disapprove the request as recommended by the Planning Commission.
  - (b) Approve or disapprove the recommendation of the Planning Commission with modifications, alterations, or differing conditions. Such modifications, alterations or differing conditions shall be in writing and made part of the City Council's records, or
  - (c) Refer the recommendation back to the Planning Commission for future consideration. This procedure shall be followed only one time on a singular action.
  - (d) Should the City Council approve or deny the applicants request contrary to the Planning Commission's recommendation, the City Council shall include in their Findings of Fact the reason for their differing decision.
- (7) The recommendation of the Planning Commission shall be advisory to the City Council. Approval of a request shall require passage by majority vote of the City Council. The Zoning Administrator shall notify the applicant of the City Council's action. The decision of the City Council shall be final, subject to judicial review.
- (8) After receipt of a complete (as defined in Sec. 40 – 111) Conditional Use Permit application, the City Council shall approve or deny the application. If the application is not complete, the Zoning Administrator shall submit a written notice of missing material.

**Sec. 40 - 113. Lapse of Conditional Use Permit by Non-Use.**

Whenever within one (1) year after granting a conditional use permit, the work as permitted by the permit shall not have been completed, 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 conditional use 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 complete the work permitted in the conditional use permit. Such petition shall be presented to the Planning Commission for a recommendation and to the City Council for a decision and shall be requested only one time on a singular action.

**Sec. 40 - 114. Amended Conditional Use Permit.**

Any change involving structural alterations, enlargement, intensification of use, or similar change not specifically permitted by the Conditional Use permit issued shall require an amended conditional use permit and all procedures shall apply as if a new permit were being issued.

**Sec. 40 - 115. Revocation of a Conditional Use Permit.**

A conditional use permit shall be deemed to authorize only one (1) particular conditional use. Such permit may be revoked by the issuing body if:

- (1) The applicant or his agent has not commenced work upon the subject property within one year.
- (2) An existing conditional use ceases operation for a period of one (1) year.
- (3) The conditional use is being operated and maintained in a manner contrary to this Ordinance, the approved conditional use permit, or its conditions.
- (4) An existing conditional use does not complete its bi-annual certification. Bi-annual certification is intended to maintain an updated listing of active conditional uses in the City and to decertify any conditional use permits where the activity has ceased. CUP holders must complete and return certification forms provided by the City. Failure to maintain certification shall cause the CUP to become null and void.

**Sec. 40 - 116. Performance Bond.**

The Planning Commission and City Council shall have the authority to require a performance bond or other security when it is deemed necessary and appropriate.

- (1) Except in the case of non-income producing residential property, upon approval of a conditional use permit the City may be provided with a surety bond, cash escrow, certificate of deposit, securities, letter of credit or cash deposit prior to the issuing of building permits or initiation of work on the proposed improvements or development. Said security shall guarantee conformance and compliance with the conditions of the conditional use permit and the ordinances of the City.
- (2) The security may be in the amount of the City Council's estimated costs of labor and materials for the proposed improvements or development. Said project can be handled in stages upon the discretion of the City Council.

Secs. 40 - 117—40 - 119. Reserved.

## Conditional / Interim Use Permit Worksheet

Applicant: \_\_\_\_\_

Address: \_\_\_\_\_

Type of Business: \_\_\_\_\_

Business name: \_\_\_\_\_

Answer the following questions based on the standards contained in Sec. 40 – 112 of the City of Wyoming Zoning Ordinance for Conditional and Interim Use Permits. If needed use a separate page. All questions must be answered.

- 1) Is your proposed use in conformity with the Comprehensive Plan and development policies of the City?  
\_\_\_\_\_ Explain: \_\_\_\_\_
- 2) Will your proposed use create an excessive demand on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area?  
\_\_\_\_\_ Explain: \_\_\_\_\_
- 3) Will your proposed use be sufficiently compatible or separated by distance or screening from adjacent development or land so that existing development will not be depreciated in value and so there will be no deterrence to development of vacant land?  
\_\_\_\_\_ Explain: \_\_\_\_\_
- 4) Will the structure and site have an appearance that will not have an adverse effect upon adjacent properties?  
\_\_\_\_\_ Explain: \_\_\_\_\_
- 5) Is the proposed use reasonably related to the overall needs of the City and to the existing land use?  
\_\_\_\_\_ Explain: \_\_\_\_\_
- 6) Will the proposed use be consistent with the purpose of the Zoning Ordinance and other City Ordinances?  
\_\_\_\_\_ Explain: \_\_\_\_\_
- 7) Will the proposed use be located, designed, maintained, and operated to be compatible with the existing or intended character of the zoning district in which it is to be located?  
\_\_\_\_\_ Explain: \_\_\_\_\_
- 8) Will the proposed use generate only minimal vehicular traffic on local streets?  
\_\_\_\_\_ Explain: \_\_\_\_\_
- 9) Will the proposed use create traffic hazards or unsafe access or parking needs?  
\_\_\_\_\_ Explain: \_\_\_\_\_
- 10) Will existing businesses nearby be adversely affected by your proposed use because of the curtailment of customer trade brought about by intrusion of noise, glare, or general unsightliness?  
\_\_\_\_\_ Explain: \_\_\_\_\_
- 11) Will the establishment or maintenance of the proposed use be detrimental to the public health, safety or general welfare?  
\_\_\_\_\_ Explain: \_\_\_\_\_
- 12) Will the proposed use be hazardous, detrimental, or disturbing to present and potential surrounding land uses due to water pollution, odor, fumes, general unsightliness or other nuisances?  
\_\_\_\_\_ Explain: \_\_\_\_\_
- 13) How will the proposed use preserve and incorporate the site's important natural and scenic features into the development design?  
\_\_\_\_\_ Explain: \_\_\_\_\_
- 14) Will the proposed use cause adverse environmental effects?  
\_\_\_\_\_ Explain: \_\_\_\_\_

## Home Occupation Worksheet

Applicant: \_\_\_\_\_

Address: \_\_\_\_\_

Type of Business: \_\_\_\_\_

Business name: \_\_\_\_\_

Answer the following questions based on the standards contained in Article VII, Division 13, of the City of Wyoming Zoning Ordinance for home occupations. If needed, use a separate page. All questions must be answered.

Sec. 40 – 543, Performance Standards; Items 1-10:

*All home occupations shall conform to the following standards:*

1. *Conduct of the home occupation does not require alterations to the exterior of the residence which substantially alters the appearance of the dwelling as a residence.*

Are any alterations to the exterior of the home proposed? \_\_\_\_\_

If yes, what is proposed? \_\_\_\_\_

2. *Only those persons residing in the home and one other person may be employed on the site or report to the site on any one day.*

How many employees will the business have? \_\_\_\_\_

3. *Signage consists of no more than one (1) single or double-faced sign with a maximum area of nine (9) square feet per side in the R-1, R-2, R-3, R-4, R-5, R-6 and MXD (residential uses) Districts and sixteen (16) square feet per side in the Agricultural (A) District.*

Are any signs proposed for the business? \_\_\_\_\_

Has a sign permit been applied for? \_\_\_\_\_

4. *No outdoor display of goods.*

Will any goods be displayed outdoors? \_\_\_\_\_

5. *Any additional need for parking generated by the home occupation shall be met by off-street parking. Said parking area shall be limited to three (3) spaces.*

Will there be any off-street parking? \_\_\_\_\_ (If yes, show the location of parking on the site plan)

6. *Should the occupation be teaching, classes shall not exceed ten (10) students at any one time.*

Is the business teaching? \_\_\_\_\_

If yes, how many students per class? \_\_\_\_\_

7. *Should the home occupation be repair, the items repaired shall be of a size or nature that repair can occur within the home, or an accessory structure to the principal use as allowed by this Ordinance.*

Is the business repair? \_\_\_\_\_

If yes, where will the items be repaired? \_\_\_\_\_

8. *No outside storage is permitted.*

Where will items be stored? \_\_\_\_\_

9. *An accessory structure may be utilized in conjunction with the home occupation only for the purpose of holding equipment used off the site, repair (as conditionally permitted pursuant to Sec. 40 – 543, (7), and/or for the storage of goods or articles produced or used by the occupant of the principle structure.*

Will an accessory building be used for the business? \_\_\_\_\_

If yes, what will the building be used for? \_\_\_\_\_

10. *The home occupation shall not generate sewage of a nature or type that cannot be treated by a standard on-site sewage system, or the municipal sewer system, or hazardous wastes without an approved plan for off site disposal.*

Will the business generate sewage that cannot be treated? \_\_\_\_\_

Will hazardous wastes be generated? \_\_\_\_\_ (If yes, attach plan for off site disposal)

Application # \_\_\_\_\_