CITY OF MARSHALL
ORDINANCE 26-006

AN ORDINANCE AMENDING CHAPTER 86, ARTICLE II, DIVISION 2, SECTION 50 HOME OCCUPATIONS AND BUSINESSES

The Common Council of the City of Marshall do ordain:

SECTION 1: **AMENDMENT** "Section 86-50 Home Occupations And Businesses" of the Marshall Municipal Code is hereby *amended* as follows:

AMENDMENT

Section 86-50 Home Occupations And Businesses

(a) An interim use permit shall be required for all home occupations in agricultural and all residential districts unless any of the following four~~three~~ conditions exist:
   (1) Such home occupation is supplementary to a business that has its principal place of business legally located elsewhere.
   (2) Such home occupation is entirely computer and/or internet based.
   (3) Such home occupation is conducted entirely outside the premises except bookkeeping and regular mail delivery.
   (4) Such home occupation meets all conditions listed in subsection (b) provided it is conducted from a building containing fewer than three dwelling units.

   In addition to~~ any of the above~~ conditions (1) through (3), the home occupation must be such that the traffic entering such dwelling does not exceed that which is normal and customary for a residence, no business related vehicles or vehicles with business advertisement are parked or stored outside, no vehicular traffic or street parking is generated in greater volume than would normally be expected in a residential neighborhood, no direct sale of goods to the consumer occurs on premises, and it meets all relevant provisions of subsection (b). As an exception, for businesses compliant with conditions (1) or (3), one business related car, van or light truck with business advertisement may be parked outside at night~~s~~ and on weekends. Home occupations, as permitted above, shall be considered accessory uses.

(b) Home occupations shall at a minimum meet the following conditions:
   (1) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its residential use by the applicant.
   (2) The home occupation related space may not exceed one-third of the living space of the dwelling, excluding garages and accessory buildings.
   (3) The conduct of the home occupation shall not result in any change in the outside appearance of the building or land.
   (4) No exterior display or signs related to the home occupation shall be installed.
   (5) No direct sale of goods that are not produced, customized, or modified on site

shall take place, except during occasional home sale parties not scheduled on a regular basis.

(6) No equipment shall be used which creates offensive noise, vibration, sound, smoke, dust, odors, heat, glare or electrical disturbance to radio or television reception and no hazard beyond the one customary for dwellings is created.

(7) Only persons that are members of the family and residing on~~in~~ the premises shall be employed on the premises.

(8) There shall be no exterior storage of materials, business equipment or vehicles except one business related car, van or light truck with business advertisement may be parked outside at night~~s~~ and on weekends.

(9) Not more than one-half of the accessory buildings shall be used for the storage of merchandise, business equipment, materials or machinery.

(10) No separate entrance for customers may be provided or used.

(11) No sewer, water or electric usage beyond what is typical for a dwelling shall occur.

(12) No regular business hours shall be advertised, including on social media, and all services shall be rendered by appointment only with no general public walk-ins or retail services.

(13) If at any time more than two customers may be present, off-street parking shall be provided in addition to parking required for a dwelling. Such parking shall be provided in a location customarily associated with single family dwellings.

(14) No customers shall be present between 9:00 p.m. and 6:00 a.m.

(15) Additional home occupation related vehicular traffic, including delivery, shall not exceed four vehicles per day.

(c) All home occupation interim use permits shall be~~are~~ issued for initial one-year term and may be renewed for future terms, under the same interim use procedure, provided no violations of established conditions were observed. ~~The first renewal shall be for five years, and the second renewal shall be until the property is sold or transferred to another owner.~~ If any of the interim use permit conditions are found to be violated, the permit may be revoked by the City Council, or future renewal terms may be limited.

(d) The home occupation interim use permit is granted to an applicant for a specific property and is not transferable to another person or property, thus expiring at the sales or any other type of property transfer.

(e) The applicant, upon making application, grants to the City upon issuing any home occupation interim use permit the right to inspect the premises in which the occupation is being conducted at any time to ensure compliance with the provisions of this section and any conditions additionally imposed.

(f) All home occupations involving the following activities, even if formally compliant with subsection (b), are prohibited:

(1) Any automotive related activity including, but not limited to, auto repair and detailing.

(2) Any children related activity except those licensed by the State and individual lessons or tutoring with occasional group sessions not to exceed three participants.

(3) Any animal related activity including, but not limited to, kenneling and

breeding, except household pet grooming.

(4) Any funeral related activity including, but not limited to, mortuaries and embalming services.
(5) Any activity involving commercial cooking, including, but not limited to, restaurants and cafes, except baking and dessert making for private individual customers and catering with no individual customers' visits.
(6) Any activity involving multiple garage sales.
(7) Any activity involving consignment, rent, warehousing, or retail other than the occasional retail allowed under (b)(5).
(8) Any illegal activity.
(9) Any activity involving multiple guest assemblies except occasional home sale parties not scheduled on a regular basis.
(10) Any activity involving cannabis, tobacco or alcohol production for sale.
(11) Any business licensed under Minnesota Statutes, Chapter 342 or for which a registration is required by City Code, §22-222.

(Ord. No. 747 2nd series, § 1, 12-10-2019)

Editor's note(s)—Ord. No. 747 2nd series, § 1, adopted Dec. 10, 2019, amended § 86-50 to read as set out herein. Previously § 86-50 was titled offices of persons and home occupations and derived from Code 1976, § 11.21(6); and Ord. No. 680 2nd series, § adopted Sep. 24, 2013.

SECTION 2: **EFFECTIVE DATE** This Ordinance shall be in full force and effect from and after its approval and publication.

PASSED AND ADOPTED BY THE CITY OF MARSHALL COMMON COUNCIL April 14, 2026.

Presiding Officer

Robert Byrnes, Mayor, City of Marshall

Attest

Steven Anderson, City Clerk, City of Marshall