



*Running a business or working from home may be permitted in residential areas under certain conditions. These are known in the zoning ordinance as Home Occupations. This guide outlines requirements for major and minor home occupations.*

*Most requirements for home occupations are in Section 14-03-06 of the City Code of Ordinances.*

## **Definition of Home Occupation**

A home occupation is defined as:

*“A business, business activity, profession, occupation, or trade activity occurring on a residential property that is conducted by at least one or more occupants of the residence, as an accessory use to the principal residential use of the dwelling, for economic gain other than agriculture or rental for residential occupation. Improvements made to a residential property shall not be considered activity of a home occupation.”*

## **Determine your Type of Home Occupation**

Home occupations are divided into major or minor types, based on the potential impact on surrounding properties. Home occupations that exceed major may still be allowed in certain cases, as explained below. Use this guide to determine your expected home occupation type based on ordinance criteria:

### Number of Employees

In all cases, any member of the household may be employed by the home occupation. Beyond this,

Minor: Up to 1 outside employee.

Major: Up to 3 outside employees.

### Indoor Area of Home Occupation

This is the percentage of the home's floor area that will be used for the home occupation. Basic residential amenities, such as a kitchen, may not be removed from the home.

Minor or Major: Up to 50% of the home floor area, and up 100% of one accessory building

### Outdoor Area of Home Occupation

Outdoor storage of business inventory or equipment overnight may be restricted. These items must be screened from the view of the street and adjacent properties with buildings, landscaping, etc.

Minor: No outdoor storage

Major: Screened storage up to 5% of lot area, up to 10,000 SF. May not be in front yard.

### Residential Appearance

The home must still look like a customary home, rather than a commercial building for both minor and major home occupations.

### Nuisances

The home occupation should not emit noise, odors, vibrations, etc. that negatively impact neighbors.

Minor: No noticeable noise at property line.

Major: Must meet noise ordinance in Chapter 08-10. Maximum of 55 dB(A) daytime or 50 dB(A) nighttime.

### Signs

Business signs are permitted with the size depending on type and lot area. Signs may not be illuminated.

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Minor: Max 3 SF sign attached to home.  
Major: Max 3 SF sign + 1 SF per acre in the lot.

### Number of Visits

Visits from customers, clients, and deliveries to the home occupation may be limited.

Minor: One party (or 4 students) at a time by appointment. And up to 4 larger events per year, including garage sales.  
Major: No limit, provided no undue traffic burden.

### Time of Visits

Visits may only occur during daytime hours.

Minor or Major: Between 7am and 11pm.

### Number of Vehicles

The number of vehicles associated with the home occupation parked on site may be limited. Parking must be orderly on a suitable surface. On-street parking is limited to 48 hours for all vehicles.

Minor: Up to 2 vehicles and up to 2 trailers.  
Major: No maximum as long as not exceeding outdoor storage.

### Weight of Vehicles

Heavy trucks associated with home occupations are limited, based on type. Any vehicle that would exceed seasonal load restrictions is prohibited.

Minor: Vehicles requiring a Commercial Driver's License (CDL) are prohibited.  
Major: Up to 1 vehicle requiring a CDL.

### Hazardous Materials

Flammable, toxic, explosive or otherwise hazardous materials cannot be stored in excess of a typical residential household.

### **In-Home Child Care**

In-home child care businesses are licensed by the State Department of Health and Human Services and are always considered minor home occupations, if compliant with requirements.

In a single-family or two-family home, an in-home child care may have up to 12 children. Children of the operator are included in this count. The operator must live in the home but need not be the owner.

Child care licensed as "Self-Declaration Provider" are allowed in any type of home, including apartments, with up to 5 children.

### **Determine your Zoning District**

Rules for home occupations vary by zoning district, specifically rural residential districts and urban residential districts. Consult the online [Zoning Map](#) and search for your home. If the zoning is RR, RR5 (Rural Residential) or A (Agricultural), then follow the rural residential requirements. All other districts, including Planned Unit Developments, follow the urban residential requirements.

Certain zoning districts, such as downtown and commercial districts, allow mixed-use development, which are not considered a home occupation.

### **Permitting Process**

The permitting process is based on zoning district and home occupation type, according to this table.

Type	Location (zoning)	
	Urban Residential	Rural Residential
Minor Home Occupation	Allowed by-right	Allowed by-right
Major Home Occupation	Special use permit	Allowed by-right
Exceeds Major Home Occupation	Not allowed	Special Use permit

**Allowed by-right** means no permits are required from the Planning Division. Building permits or food licensing permits may potentially be necessary.

**Special use permit** means that permission must be granted by the Planning and Zoning Commission upon investigation of facts and holding a public hearing. Unified Development Applications may be submitted to the Bismarck Planning Division. The review process takes 45 days and is not guaranteed.

**Not allowed** means the home occupation is prohibited. Commercial zoning would be required.

*For additional information, contact the City of Bismarck Planning Division at 355-1840 or visit the City-County Office Building 221 N. 5th Street during standard hours.*