

Councilmember _____ introduced the following resolution and moved for its adoption:

RESOLUTION #22-165

**A RESOLUTION APPROVING A HOME OCCUPATION PERMIT
FOR OPERATIONS OF A COMPUTER BUSINESS ON THE PROPERTY LOCATED
AT 5435 180TH LN NW AND DECLARING TERMS OF PERMIT**

RECITALS

1. William and Jenna MacLennan, hereinafter referred to as the “**Permittees**”, have properly applied for a Home Occupation Permit (the “**Permit**”) to operate a computer business (the “**Home Occupation**”) on the property located at 5435 180th Ln NW and legally described as follows:

FORD BROOK ESTATES LOT 1 BLK 10 FORD BROOK ESTATES (SUBJECT TO EASEMENT AS SHOWN ON PLAT), Anoka County, Minnesota

(the “**Subject Property**”)

2. That on June 26, 2022, the **Permittee** submitted a completed questionnaire, land use application, property survey, architectural plans, and fees regarding the **Home Occupation** for a computer business on the **Subject Property**.
3. That the **Subject Property** is zoned R-1 Residential (Rural Developing) and the surrounding parcels to the east, west, and south are also zoned R-1 Residential (Rural Developing). The parcels to the north are in the City of Nowthen.
4. That the **Subject Property** is approximately 0.77 acres in size and is surrounded by lots ranging in size from 0.17 acres to 1.01 acres.
5. That the **Subject Property** is guided for Rural Developing (residential) in the City’s Future Land Use Map.
6. That the **Permittee** owns the **Subject Property**, and will occupy the dwelling while conducting business on the **Subject Property**.
7. That the **Home Occupation** is proposed to be based out of the proposed 1,350 square foot, two-story accessory structure on site where the computer equipment and personal vehicles will be stored.
8. That the **Permittees** have stated there will be at least 400 square feet of garage space reserved for indoor residential parking and storage in an attached garage related to residential use on the **Subject Property**, as established in City Code Section 117-351 (Home Occupation).
9. There will not be any business signs at the **Subject Property**.

10. That the **Permittees** have stated there will be no more than one (1) employee vehicle coming to the property per day.
11. That the **Home Occupation** employs six (6) other employees.
12. That the **Permittees** have stated employee parking will be off of the public street on the driveway.
13. That the **Home Occupation** does not involve operating methods that include transactions with the public (customers, clients, consultants, subcontractors, etc.) on the **Subject Property** but does involve operating the business via phone call and email in an office inside the home. Customers do not come to the **Subject Property**.
14. Hours of operation – 9:00 am through 5:00 pm Monday through Friday. The **Permittees** are permitted to work quietly outside of these hours and on weekends.
15. That the City finds the **Home Occupation** operates beyond the parameters of Level I home occupation permit requirements (City Code Section 117-351 and Ordinance #22-06) and therefore requires Planning Commission and City Council review and approval.
16. That the Planning Commission met and held a duly noticed public hearing on July 28, 2022, during their regularly scheduled meeting and recommended approval of the **Permit**.
17. That the City Council reviewed the request during their regularly scheduled meeting on August 9, 2022, and **approved/denied** the request.

FINDINGS OF FACT

1. That the proposed use **will not** adversely impact traffic in the area.
2. That the proposed use **will not** be compatible with the residential neighborhood due to (in part) density, lot size and use of the surrounding lots.
3. That the proposed use **will not** be unduly dangerous or otherwise detrimental to persons residing or working in the vicinity of the use or the public welfare.
4. That the proposed use **will not** substantially or adversely impair the use, enjoyment, or market value of neighboring properties.
5. That the proposed use **will not** be hazardous or disturbing to existing or future neighboring uses.

6. That the proposed use **will** be served adequately by public facilities and services such as highways and streets.
7. That the proposed use **will not** create excessive additional requirements at public cost for public facilities and services, and it will be detrimental to the economic welfare of the community.
8. That the proposed use **will not** involve activities and uses that would be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors.

NOW THEREFORE, BE IT RESOLVED BY THIS CITY COUNCIL OF THE CITY OF RAMSEY, ANOKA COUNTY, STATE OF MINNESOTA, as follows:

That the request for a Home Occupation Permit (the “**Permit**”) for the operation of Your Computer Hero on the **Subject Property** is hereby approved pursuant to Sections 117-51 and 117-351 of the Ramsey City Code with the following conditions:

1. That this agreement shall permit the **Home Occupation** of a computer business on the **Subject Property** pertaining to computer repair and maintenance operations.
2. That customers never visit the **Subject Property**.
3. That equipment and vehicles will be placed on the driveway, or inside the structure; not at any time on the public streets.
4. That the **Permittees** shall necessary permits, inspections, and approvals prior to conducting business operations.
5. That the **Permittees** agree there will be no exterior evidence of the **Home Occupation** permitted on the **Subject Property** unless in compliance with Chapter 117-351 (Home Occupations) of City Code except employee vehicles during hours of operation.
6. That the **Permittees** are responsible to verify and ensure that the structure(s) is compliant with all applicable state and local codes.
7. That should the **Permittees** die or should the **Subject Property** be sold, the **Permit** shall be automatically terminated, except that in the case of death, should a surviving spouse or child, residing at the same address, desire to continue the **Home Occupation**, written notice to that effect shall be given to the Zoning Administrator may authorize continuation of the **Permit** without further hearing.
8. The **Permittees** shall reside on the **Subject Property**; if the **Permittees** do not reside on the **Subject Property**, the **Permit** shall be automatically terminated.

9. That the **Permittees** agree that if the operation expands, they will notify the City of Ramsey and reapply for a **Permit**, including any operations pertaining to manufacturing of the corrugated boxes.
10. That adequate water supply and on-site sewage disposal facilities shall be the responsibility of the **Permittees**.
11. The **Permittees** shall be responsible for obtaining and having in full force and effect all applicable State, County and City licenses. This includes a Business License with the City and registering with the State of Minnesota.
12. The **Permittees** shall be responsible for all costs incurred in the administration and enforcement of this **Permit**.
13. That the City Administrator, or his/her designee, shall have the right to inspect the **Subject Property** for compliance and safety purposes annually or at any time, upon reasonable request to the **Permittees**.
14. That this **Permit** does not authorize a future homeowner of the **Subject Property** from utilizing the detached accessory building for a home-based business.
15. That there shall be no outdoor storage at any time related to the **Home Occupation** besides the single employee vehicle per day.
16. That the use shall not cause any other nuisance violations or City Code violations, and the **Subject Property** must remain in compliance with off-street parking violations, public nuisance code provisions, and in compliance with the International Property Maintenance Code. This includes but is not limited to: no junk being stored outside, parking only on the driveway(s), no driving on the grass, etc.
17. That the City reserves the right to revoke the permit for any violation of the above conditions.

The motion for the adoption of the foregoing resolution was duly seconded by Councilmember _____, and upon vote being taken thereon, the following voted in favor thereof:

and the following voted against the same:

and the following abstained:

and the following were absent:

Whereupon said resolution was declared duly approved and adopted by the Ramsey City Council this the 9th day of August, 2022.

Mayor

ATTEST:

City Clerk

