

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

RESOLUTION #22-271

**A RESOLUTION APPROVING A HOME OCCUPATION PERMIT
FOR A SEPTIC MAINTENACE BUSINESS ON THE PROPERTY LOCATED AT 17725
NOWTHEN BLVD NW AND DECLARING TERMS OF PERMIT**

RECITALS

1. Russell J. Peterson, hereinafter referred to as the “**Permittee**”, has properly applied for a Home Occupation Permit (the “**Permit**”) to operate a septic maintenance business (the “**Home Occupation**”) on the property located at 17725 Nowthen Blvd NW and legally described as follows:

THAT PRT OF SE1/4 OF NW1/4 OF SEC 3 TWP 32 RGE 25 DESC AS FOL: COM AT INTER OF S LINE OF SD 1/4 1/4 & C/L OF CSAH NO 5 , SD PT BEING 862.82 FT W OF SE COR OF SD 1/4 1/4, TH NWLY ALG SD C/L ALG A CUR CONC TO NE RAD OF 1800.40 FT A CEN ANG OF 8 DEG 47 MIN 276 FT TO POB, CHORD TO SD CUR BEARS N 40 DEG 02 MIN 05 SEC W, TH CONT NWLY ALG SD C/L ALG SAME DESC CUR TO RT HAV A RAD OF 1800.40 FT WITH A CEN ANG OF 1 DEG 03 MIN 32.99 FT, TH N 35 DEG 07 MIN 05 SEC W 150 FT, TH NELY AT RT ANG & TO A PT 749.56 FT W OF E LINE OF SD 1/4 1/4, AS MEAS ALG S LINE THEREOF, TH SLY PRL/W E LINE OF SD 1/4 1/4 TO A PT 373.37 FT N OF S LINE OF SD 1/4 1/4, AS MEAS ALG E LINE THEREOF, TH W PRL/W S LINE OF SD 1/4 1/4 TO INTER/W A LINE DRAWN FROM POB ON A BRG OF N 53 DEG 49 MIN 55 SEC E, TH S 53 DEG 49 MIN 55 SEC W TO POB, EX RD, SUBJ TO EASE OF REC, Anoka County, Minnesota

(the “**Subject Property**”)

2. That on August 6, 2009, a Variance was approved to the front setback for an accessory structure to be used for personal storage only.
3. That on March 29, 2022, a code enforcement case was opened for off-street parking, open privy vault, and home occupation violations at the **Subject Property**, and a first notice of violation was sent to the **Permittee**.
4. That on September 6, 2022, the **Permittee**’s daughter contacted Staff and stated that he would address the violations and apply for the Home Occupation Permit.
5. That on October 14, 2022, the **Permittee**, submitted a completed questionnaire and land use application for a Home Occupation Permit to operate a septic maintenance business on the **Subject Property**.
6. That the **Subject Property** is zoned R-1 Residential (Rural Developing) and the surrounding parcels are also zoned R-1 Residential (Rural Developing).

7. That the **Subject Property** is approximately 1.56 acres in size and is surrounded by lots ranging in size from 0.77 acres to 15.42 acres.
8. That the **Subject Property** is guided for Rural Developing (residential) in the City's Future Land Use Map.
9. That the **Permittee** owns the **Subject Property**, and will occupy the dwelling while conducting business on the **Subject Property**.
10. That the **Home Occupation** is proposed to be based out of the home, and the 35' x 28' accessory structure on site where equipment, one pumper truck, and materials will be stored.
11. That the **Permittee** has 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).
12. There are no business signs at the **Subject Property**.
13. That the **Permittee** has stated they will work with one employee who will come to the **Subject Property**. The employee vehicle will be stored on the driveway of the property.
14. That the **Permittee** has proposed to store two (2) septic pumping trucks related to the **Home Occupation**.
15. 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**.
16. The **Permittee** is requesting hours of operation of 7:00 am through 5:00 pm Monday through Friday.
17. That the City finds the **Home Occupation** operates beyond the parameters of Level I Home Occupation Permit requirements (City Code Section 117-351) and therefore requires Planning Commission and City Council review and approval.
18. That the Planning Commission met and held a duly noticed public hearing on December 1, 2022, during their regularly scheduled meeting and recommended **approval/denial** of the **Permit**.
19. That the City Council reviewed the request during their regularly scheduled meeting on December 13, 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 Sewer Works 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 septic maintenance business on the **Subject Property**.
2. That customers never visit the **Subject Property**.
3. That the **Permittee** must remove the semi-trailer onsite.
4. That this **Permit** allows for one (1) employee to come to the **Subject Property**.
5. That there shall not be any additional businesses allowed to operate on the **Subject Property**. This **Permit** allows for the single business, Sewer Works.

6. That the **Permittee** must improve the driveway to impervious surfacing allowed for the R-1 (Rural Developing) Zoning District, and receive a zoning permit from the City.
7. That equipment and vehicles will be placed on the driveway; not at any time on the public streets.
8. That the **Permittee** agrees 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 the vehicles mentioned above.
9. That the **Permittee** is responsible to verify and ensure that the accessory structure is compliant with all applicable state and local codes.
10. That should the **Permittee** 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.
11. The **Permittee** shall reside on the **Subject Property**; if the **Permittee** does not reside on the **Subject Property**, the **Permit** shall be automatically terminated.
12. That the **Permittee** agrees that if the operation expands, they will notify the City of Ramsey and reapply for a **Permit**.
13. That the **Permittee** is limited to hours of operation of 7:00 am to 5:00 pm, Monday through Friday.
14. That adequate water supply and on-site sewage disposal facilities shall be the responsibility of the **Permittee**.
15. The **Permittee** 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.
16. The **Permittee** shall be responsible for all costs incurred in the administration and enforcement of this **Permit**.
17. 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 **Permittee**.

18. That the **Permittee** agrees to take additional measures to keep the **Subject Property** in compliance with City Code regulations related to off-street parking and nuisance violations.
19. That this **Permit** does not authorize a future homeowner of the **Subject Property** from utilizing the detached accessory building for a home-based business.
20. That there shall be no outdoor storage at any time related to the **Home Occupation** besides the two (2) vehicles associated with the use.
21. That the salvage of inoperable commercial vehicles for purposes of parts for other operable commercial vehicles is not a permitted use within the District and is declared a public nuisance.
22. 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.
23. 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 13th day of December, 2022.

Mayor

ATTEST:

City Clerk

