

CITY OF HASTINGS, MINNESOTA

ORDINANCE NO. 2020-02, THIRD SERIES

An Ordinance of the City of Hastings Amending City Code Chapter 30: City Organizations, and Chapter 155: Zoning Code

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HASTINGS:

HASTINGS CITY CODE CHAPTER 30, SECTION 30.02 IS AMENDED AS FOLLOWS (new language is underlined, strikethrough language is deleted):

§ 30.02 (E)(3) Interim use permits.

(a) Conditions governing applications procedures. To decide the questions as are involved in determining whether interim use permits should be granted, and to grant interim use permits with the conditions and safeguards as are appropriate under Chapter 155, or to deny interim use permits when not in harmony with the purpose and intent of Chapter 155. The Planning Commission of the city shall hold public hearings on applications for interim use permits in the manner required under M.S. § 462.357, subd. 3, as it may be amended from time to time, unless the City Council or the Board of Adjustment order that the required public hearings be held by the Council or the Board of Adjustment, in which case the Planning Commission may hold supplemental public hearings in the cases.

(b) Granting permit. An interim use permit may be issued for a temporary use of property until a particular date, until the occurrence of a particular event or until zoning regulations no longer permit it. An interim use permit shall not be granted by the Board of Adjustment unless and until:

1. A written application for an interim use permit in a form provided by the City is submitted indicating the section of Chapter 155 under which the interim use permit is sought and stating the grounds on which it is requested;

2. Published notice shall be given at least 10 days in advance of public hearing. The owner of the property for which the interim use permit is sought or his or her agent shall be notified by mail as well as all owners of property within 350 feet. Notice of the hearing shall be posted at City Hall at least 10 days prior to the public hearing;

3. The public hearing shall be held. Any party may appear in person, or by agent or attorney;

4. Prior to any decision made by the Board of Adjustment, the matter shall be referred to the Planning Commission for review and a report. The Planning Commission shall review and report to the Board of Adjustment. The Planning Commission shall report in a timely manner so the Board of Adjustment can act on the application within 60 days of its receipt. The Board of Adjustment shall find that it is empowered under the section of Chapter 155 described in the application to grant the interim use permit and that the granting of an interim use permit will not adversely affect the public interest; and

5. Before any interim use permit shall be issued, the Board shall make written findings, certifying compliance with the specific rules governing the individual interim use permit

and that satisfactory provision and arrangement has been made concerning the following where applicable:

a. The use is deemed to be temporary in light of the comprehensive guide plan designation for the property site on which the use is proposed to be located and the use conforms to the zoning regulations herein;

b. Identification of the date or event that will terminate the use;

c. Permission of the use will not impose additional costs on the public if it is necessary for the public to take the property in the future;

d. The user agrees to any conditions that the City Council deems appropriate for permission of the use;

e. The use meets the standards set forth in the zoning regulations herein governing interim use permits and special use permits;

f. Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenient traffic flow and control, and access in case of fire or catastrophe;

g. Off-street parking and loading areas where required, with particular attention to division (E)(3)(b)(5)(f) above, and the economic, noise, glare, or odor effects of the interim use on adjoining properties and properties generally in the district;

h. Refuse and service areas, with particular reference to items divisions (E)(3)(b)(5)(f) and (E)(3)(b)(5)(g) above;

i. Utilities, with reference to locations, availability, and compatibility;

j. Screening and buffering with reference to type, dimensions, and character;

k. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district;

l. Required yards and other open space;

m. The use will not be detrimental to the health, safety and welfare of the public; and

n. Compatibility with adjacent properties and other property in the district.

6. The Board of Adjustment and Appeals shall establish conditions for issuance of any interim use permit. The applicant and the City shall enter into a written agreement by which the applicant expressly agrees to those conditions and the consequences that may result from the violation of any conditions, including revocation of the interim use permit.

(c) Limitations.

1. Except as otherwise approved by the City, in any case where a use permitted by an interim use permit has not been established within one year from approval by the Board of

Adjustment and Appeals, the permit shall be null and void.

2. In any case where a use authorized by an interim use permit is discontinued for a period of more than three years or longer, the permit shall be null and void.

(d) Termination. Except as otherwise approved by the City, any interim use permitted may be terminated upon the effective date of any change in zoning regulations, including any amendment to this section, that results in the interim use being no longer permitted.

(e) Revocation. All interim use permits shall be subject to an annual administrative review. The purpose of the review shall be to determine that the conditions of a permit issued hereunder are within compliance. Any interim use permit may be revoked at any time for failure to comply with any condition of the permit following notice of the noncompliance and a hearing by the City Council with all interested parties being given an opportunity to be heard.

(f) No non-conforming rights conferred. Upon expiration, termination or revocation of any interim use permit, the future use of the property must conform to the then current zoning regulations and no non-conforming rights shall be conferred upon the property or the owner as a result of the interim use permit.

HASTINGS CITY CODE CHAPTER 155, SECTIONS 155.02 AND 155.29 ARE AMENDED AS FOLLOWS (new language is underlined, strikethrough language is deleted):

§ 155.02 DEFINITIONS.

CAMPING AREA. Any area, whether privately or publicly owned, used on a daily, nightly, weekly, or longer basis for the accommodation of five or more tents, recreational camping vehicles, as defined by M.S. § 327.14, subd. 7, as it may be amended from time to time, free of charge or for compensation.

EQUIPMENT SALES AND RENTAL FACILITIES. A sales or service establishment which may offer a wide variety of large-sized or bulky materials and equipment for sale or rental.

LODGING FACILITIES. A building used as, maintained as, advertised as, or held out to be a place in which sleeping accommodations are furnished to the public for temporary periods, and having five or more beds to let to the public. Including and limited to hotels, motels, and bed and breakfast facilities.

MOTOR COACH. A Type A Motor Home, as defined in M.S. § 168.002, subd. 17(d)(1), as it may be amended from time to time, and having an overall length of no less than twenty (20) feet, being no more than fifteen (15) years old at the time of use and with all essential components in M.S. 168.002, subd. 17 (b), (1-5) for classification as a motor home having been installed by a first-stage or final-stage manufacturer.

MOTOR COACH COMMERCE FACILITY. A facility consisting of parking pads, and utility hook-ups, and in some cases water pumps, lift stations, and facilities necessary to

provide vehicle washing and waxing, or maintenance, designed and operated to serve transient users of motor coaches and travel trailers.

TRAVEL TRAILER. A Travel Trailer as defined in M.S. § 168.002, subd. 36, as it may be amended from time to time, and having an overall length of no less than twenty (20) feet, being no more than fifteen (15) years old at the time of use, and with all essential components in M.S. 168.002, subd. 17 (b), (1-5) for classification as a Travel Trailer having been installed by a first-stage or final-stage manufacturer.

§ 155.29 C-2 HIGHWAY AUTO-SPECIALIZED-COMMERCE SALES AND SERVICE.

(A) *Intent.* The intent of this chapter in establishing a highway-auto-specialized-commerce sales and service district is to provide appropriate areas for commercial establishments which are oriented to the motoring public or which require large sites for off-street parking or display of merchandise for sale.

(B) *Uses permitted.*

(1) ~~Commercial establishments which are oriented to the motorist including, but not limited to, eating places, Food and beverage establishments, automobile service stations, auto repair shops, car wash, and motel lodging facilities.~~

(2) ~~Accessory uses incidental to the foregoing principal uses including, but not limited to, off-street parking.~~

(C) *Uses by special use permit.*

(1) Commercial sales establishments requiring large sites for off-street parking or for outdoor display and sales limited to such as farm implement sale, auto and truck dealers, and equipment sales and rental facilities ~~manufactured home sales, and building material sales.~~ Open sales or rental lots are subject to the site plan review requirements of § 155.51; and

(2) Towers as regulated by § 155.07. (Prior Code, § 10.19) Penalty, see § 10.99

(D) *Uses by interim use permit.*

(1) Motor Coach Commerce Facility.

(E) *Prohibited uses.*

(1) Camping Areas.

All other sections shall remain unchanged.

This Ordinance shall be effective seven (7) days after its passage and publication.

Council member Leifeld moved a second to this Ordinance, and upon being put to a vote it was adopted by a majority of all Council members present.

Adopted by the Hastings City Council on this 19th day of January, 2021, by the following vote:

Ayes Braucks, Folch, Fox, Leifeld, Lund, Vaughan and Fasbender.
Nays: None.
Absent: None.

CITY OF HASTINGS

Mary D Fasbender
Mary Fasbender, Mayor

ATTEST:

Julie Flaten
Julie Flaten, City Clerk

I HEREBY CERTIFY that the above is a true and correct copy of an ordinance presented to and adopted by the City of Hastings, County of Dakota, Minnesota, on the 19th day of January, 2021, as disclosed by the records of the City of Hastings on file and of record in the office.

Julie Flaten
Julie Flaten, City Clerk

(SEAL)

This instrument drafted by:
City of Hastings (JH)
101 4th St. East
Hastings, MN 55033