

ORDINANCE NO. 2011-01, THIRD SERIES

AN ORDINANCE OF THE CITY OF HASTINGS, MINNESOTA AMENDING HASTINGS CITY CODE CHAPTER 155.07- SPECIAL PROVISIONS (D) HOME OCCUPATIONS (4) TYPE II

BE IT ORDAINED by the City Council of the City of Hastings as follows:

Chapter 155.07 (D) (4) of the Hastings City Code – Special Provisions/ Home Occupations/ Type II is hereby amended as follows: (Additions to the ordinance are underlined and deletions are ~~stricken through~~):

(4) *Type II*. Licensed home occupations require a license to be reviewed by the Planning Commission and granted by the City Council. Type II licensed home occupations must comply with the following conditions.

(a) The Type II licensed home occupation application fee shall be set by resolution of the City Council.

(b) The resident of the home must be chiefly involved in conducting the home occupation. Persons not residing in the home may be employed in the home occupation upon approval by the City Council

(c) No traffic shall be generated by the home occupation in greater volumes than would normally be expected in a residential neighborhood. Any need for parking generated by the conduct of the home occupation shall be met off of the street in accordance with parking regulations of the City Code.

(d) Accessory structures and garages may be used in the operation of a home occupation upon approval by the City Council and determination that its use will not negatively affect the ability to store equipment and vehicles.

(e) The process for ~~Council~~ review of Type II home occupations requires the following:

1. Notification of all property owners within 350 feet of a proposed home occupation at least 10 days prior to the Planning Commission meeting ~~at which~~ where the home occupation is to be reviewed. The notice must provide the date of consideration ~~before the Planning Commission~~ and indicate that parties may be heard to consider the application. Failure of a property owner to receive the notice shall not invalidate any such proceedings as set forth within this code, ~~and~~.

2. A fire safety inspection shall be required prior to issuance of any home occupation license in any case where the City Council allows the home occupation to employ outside employees. The fire safety inspection shall occur prior to any license renewal.

3. Licenses shall be issued for a one year probationary period from the date of City Council approval. The City Council shall consider issuance of a full license at the end of the probationary period. The term of a license shall be five years.

(f) Licenses shall not run with the land and shall not be transferable.

(g) Whenever an application for a Type II home occupation license has been considered and denied by the City Council, a similar application for a license affecting substantially the same property and use shall not be considered again by the Planning Commission or City Council for at least 6 months from the date of its denial unless a decision to reconsider the matter is made by not less than 6/7 vote of the full City Council.

(h) An applicant shall not have a vested right to a permit renewal by reason of having obtained a previous permit. The previous granting or renewal of a permit shall not constitute a precedent or basis for the renewal of a license.

(i) The city hereby reserves the right upon issuing any home occupation license to inspect the premises in which the occupation is being conducted to ensure compliance with the provisions of this chapter or any conditions additionally imposed. The city shall only have the right of inspection in cases which the resolution of the potential violation cannot be determined from outside the bounds of the property.

~~(j) The application fee and license fee shall be established by resolution of the City Council.~~

~~(k) (i)~~ It shall be a misdemeanor to operate a Type II home occupation in violation of this division. Each day a violation occurs is a separate offense and may be punished as a separate misdemeanor. The Type II licensed home occupation shall remain in effect during the license year so long as it is operated in compliance with the provisions of this division (B)(4). The City Council may revoke the Type II license of any individual that violated the provisions of this division (B)(4). Before any Type II license is revoked the holder of the license will be given a hearing before the City Council, which hearing will be preceded by 10-days' mailed notice outlining the basis for the revocation of the license. At the hearing, the holder of the license will be given an opportunity to address the Council regarding the alleged violations.

(k) The City Council shall consider renewing a Type II home occupation every five years under the following circumstances:

1. The home occupation has not intensified since being granted its license.

2. The home occupation has not generated unresolved complaints.

3. Payment of the application fee that shall be established by resolution of the City Council.

4. Notification of all property owners within 350 feet of the home occupation at least 10 days prior to the City Council meeting where the renewal will be reviewed. The notice must provide the date of consideration. Failure of a property owner to receive the notice shall not invalidate any such proceedings as set forth within this code.

*All other sections shall remain unchanged.*


ADOPTED by the Hastings City Council on this 3<sup>rd</sup> day of January, 2011.

  
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Paul J. Hicks, Mayor

ATTEST:

  
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Melanie Mesko Lee, 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 this 3<sup>rd</sup> day of January, 2011 as disclosed by the records of the City of Hastings on file and of record in the office.

  
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Melanie Mesko Lee, City Clerk

(SEAL)