

**CITY OF LAKE ELMO  
WASHINGTON COUNTY, MINNESOTA**

**RESOLUTION NO. 2010-042**

**A RESOLUTION CONTINUING A STAY ON ENFORCEMENT OF  
ZONING CODE PROVISIONS REGARDING AGRICULTURAL  
SALES BUSINESS ACTIVITIES RELATING TO GROWN-ON-THE-  
PREMISES PROVISIONS, PENDING COMPLETION OF AN  
ONGOING REVIEW**

WHEREAS, on December 1st, 2009, the City Council of the City of Lake Elmo learned of certain activities and potential enforcement considerations relating to its zoning provisions regarding Agricultural Sales Business activities, especially with respect to the grown-on-the-premises provisions; and

WHEREAS, in recognition of the proximity to the Holiday tree sales season, the City Council of the City of Lake Elmo formally stayed any enforcement until at least January 2010; and

WHEREAS, the City Council of the City of Lake Elmo further directed the City to review its current Ordinance provisions and to meet with impacted property owners to consider potential alternatives to its current language; and

WHEREAS, the City of Lake Elmo has met with affected property owners, has completed its review of alternative ordinances, has presented suggested changes to the Wayside Stand provisions to the Planning Commission and City Council; and

WHEREAS, on July 6th, 2010, the City Council of the City of Lake Elmo formally adopted the recommended changes to the Wayside Stand provisions, following unanimous Planning Commission endorsement of such and the conduct of a public hearing; and

WHEREAS, on July 6th, 2010, the City Council affirmed City staff's interpretation of the current stay on enforcement activities until such time as the entire review was completed; and

WHEREAS, on August 16th, 2010 the City of Lake Elmo presented initial suggestions to the Planning Commission regarding potential alternatives to the City's

current zoning language relating to Agricultural Sales Business activities, especially with respect to the grown-on-the-premises provision; and

WHEREAS, on August 16th, 2010, the Planning Commission directed City staff to further prepare potential alternatives to the current zoning language relating to Agricultural Sales Business activities, especially with respect to the grown-on-the-premises provisions, and further unanimously recommended continuing the stay on enforcement activities until such time as the entire review was fully completed; and

WHEREAS, on August 17th, 2010, the City Council of the City of Lake Elmo unanimously declared that the current stay on enforcement of zoning provisions relating to Agricultural Sales Business activities, especially with respect to the grown-on-the-premises provisions, remain in place until the City's review is completed, and directed preparation of a formal Resolution stating such.

NOW, THEREFORE, BE IT HEREBY RESOLVED, that the City of Lake Elmo does continue the current stay on enforcement of certain provision of the Zoning Ordinance relating to Agricultural Sales Business activities, especially with respect to the grown-on-the-premises provisions, remain in place until the City's review is completed.

ADOPTED, by the Lake Elmo City Council on this, the 7<sup>th</sup> day of September, 2010.

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Dean Johnston, Mayor

ATTEST:

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Bruce A. Messelt  
City Administrator