



MAYOR AND COUNCIL COMMUNICATION

DATE: 07/02/2013

REGULAR

ITEM #: 16

AGENDA ITEM: Zoning Text Amendment – Administration and Enforcement
SUBMITTED BY: Nick Johnson, City Planner
THROUGH: Dean Zuleger, City Administrator
REVIEWED BY: Planning Commission
Kyle Klatt, Planning Director

SUGGESTED ORDER OF BUSINESS:

- Introduction of Item.....Staff
- Report/Presentation.....Staff
- Questions from Council to Staff.....Mayor Facilitates
- Public Input, if Appropriate.....Mayor Facilitates
- Call for Motion.....Mayor & City Council
- Discussion.....Mayor & City Council
- Action on Motion.....Mayor Facilitates

SUMMARY AND ACTION REQUESTED:

The City Council is asked to consider a Zoning Text Amendment, establishing new administrative provisions in the Lake Elmo Zoning Code. These administrative provisions will be organized under Article 3 – Administration and Enforcement under the new organizational structure of the Zoning Code. This Zoning Text Amendment is part of the ongoing effort to reorganize and improve the Lake Elmo Zoning Code.

The Planning Commission recommends the City Council approve Ordinance 08-086 through the following motion:

“Move to approve Ordinance 08-086, establishing new administrative provisions in the Lake Elmo Zoning Code.”

In addition, Staff recommends that the City Council approve Resolution No. 2013-52, authorizing summary publication of Ordinance 08-086, through the following motion:

“Move to approve Resolution No. 2013-52, authorizing summary publication of Ordinance 08-086.”

BACKGROUND AND STAFF REPORT:

Staff is continuing to progress on a large project aimed at incrementally reorganizing and improving the Lake Elmo Zoning Code in preparation of upcoming growth. One of the areas of the Zoning Code that was identified as needing improvement was the administrative section. More specifically, the administrative provisions of the Zoning Code are incomplete, repetitive and inconsistent. After conducting a review of the existing administrative provisions, Staff found that the submittal requirements of different types of permits are not consistent. In addition, the existing administrative section lists procedural requirements under each individual permit type, even though the procedures are quite similar. Therefore, this section can be streamlined to be less

repetitive and more straightforward. The proposed administrative section of the Zoning Code establishes all of the procedures of how the Code is to be administered, including the following components:

- Identifies the City Staff that are responsible for issuing permits, enforcing the code, keeping records, processing applications and performing other administrative duties.
- Outlines the application and review process with a unified list of application submittal requirements.
- Establishes unified standards and procedures for the public hearing process.
- Identifies and describes all of the permits that are required by the Zoning Code. Staff is recommending a new permit category called “Certificate of Zoning Compliance” to regulate uses that are not subject to requirements of the State Building Code, such as fences, driveways, small accessory structures, home occupations, among others.
- Outlines all of the enforcement procedures as part of administering the Code.
- Finally, Staff has included a placeholder for design review standards for when the City formally adopts some form of design guidelines or standards.

The Planning Commission reviewed the proposed ordinance at a regular meeting on May 13, 2013. At this meeting, the Planning Commission asked clarifying questions and provided minor feedback. The Planning Commission held a public hearing on the proposed administrative ordinance (Ordinance 08-084) on May 29, 2013, which was continued to the meeting on June 10, 2013. At the public hearing, the Planning Commission entered comments submitted in writing by Council Member Wally Nelson into the public record. After working with Staff on two minor amendments to the proposed ordinance, the Planning Commission unanimously recommended the administration and enforcement ordinance for approval (Vote: 6-0).

It should also be noted that Staff is recommending to replace the existing administrative provisions in the Zoning Code. The administration section would be organized under Article 3 of the new organizational structure.

CITY COUNCIL UPDATE:

At its June 18, 2013 meeting the City Council reviewed the ordinance and directed Staff to remove Section 154.103.G concerning “Review of Design or Demolition”. In its place, Staff has added a placeholder so that this section can be brought forward at a later date when the City’s Design Standards Manual is finished.

Based on the Council discussion, Staff has also removed language that read as follows in the Violations and Enforcement section: “If the landowner is not responsive, the Director of Planning may, upon probable cause of a violation, enter upon the property, but not enter any structures, for the sole purpose of investigation”.

RECOMMENDATION:

The Planning Commission recommends the City Council approve Ordinance 08-086 through the following motion:

“Move to approve Ordinance 08-086, establishing new administrative provisions in the Lake Elmo Zoning Code.”

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ATTACHMENT(S):

1. Ordinance 08-086
2. Resolution No. 2013-52