



MAYOR AND COUNCIL COMMUNICATION

DATE: 2/16/2016

CONSENT/REGULAR

ITEM #:

MOTION

AGENDA ITEM: Ordinance Amendment – Commercial Wedding Ceremony Venue

SUBMITTED BY: Stephen Wensman, Planning Director

THROUGH: Clark Schroeder, Interim City Administrator

REVIEWED BY: Joan Ziertman

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:

Danielle Hecker and Carol Palmquist are requesting an amendment to the Commercial Wedding Ceremony Venue ordinance to allow venues on RR – Rural Residential properties 10 acres in size or greater, to increase the number of allowed venues to 4 per week, to require the owner/operator or responsible designee to be on the premises for the duration of each event, and exempting venue facilities from the surfacing and curbing requirements of City Code Section 154.210

Staff and the Planning Commission recommend the City Council approved the ordinance amendment with the following motion:

““Move to approval of Ordinance 08- amending the Lake Elmo Code of Ordinances, Section 154.310, Subd. D, changing the minimum criteria to sites ten acres or greater, limiting ceremonies to no more than 4 per week and no more than 3 per day, requiring the operator or responsible designee (a family member, employee or responsible designee of at least 21 years of age) to be on the premises for the duration of each event, exempting commercial wedding ceremony venues from the commercial surfacing and curbing requirements of City Code Section 154.210.”

BACKGROUND AND STAFF REPORT:

The applicant is proposing an amendment to the Commercial Wedding Ceremony Venue ordinance in order to correct a perceived text error in the code, to increase the revenue potential to facilitate the restoration of a historic barn, to minimize an operational constraint, and to clarify parking and curbing requirements. The current ordinance restricts commercial wedding ceremony venues to parcels greater than ten acres, where

it was generally understood that parcels of 10 acres and greater would qualify. The applicant believes the requirement that the owner/operator be on the premises for the duration of each event is impractical. Venues are often scheduled years in advance, and family emergencies or other conflicts with scheduled venues cannot be predicted. Therefore, operationally, it makes sense to allow a responsible designee to be on the premises when the owner/operator cannot be present. The applicant is investing significant monies to restore the historic barn to give it an economic purpose which would otherwise would likely fall into disrepair and be removed from the landscape. The restoration and repurposing of the barn is consistent with the City's Comprehensive Plan and the purpose the Commercial Wedding Ceremony Venue ordinance. To facilitate the restoration of the barn and to make it economically tenable, the request to increase the number of allowed ceremonies from 2 to 4 per week is reasonable. Lastly, the intent of the ordinance is to preserve the rural character. The principal use of the property is residential with a commercial accessory use. The City code for commercial properties requires paving and curbing, which conflict with the intent of the ordinance and the applicant's desire to preserve the rural character. For this reason, it may be reasonable to exempt commercial wedding ceremony venues from the commercial parking and curbing requirements.

Public Hearing. A public hearing was held at the Planning Commission on February 8, 2016. At the public hearing one resident spoke against the amendment and one for it.

Planning Commission Review. The Planning Commission was in support of the ordinance amendment, with the following changes. The Planning Commission wanted to clarify the meaning of responsible designee The Commission was also concerned about the increase in the number of venues and the impact on neighboring residences. They agreed to the increase to a maximum of four venues per week, but no more than 3 per day.

Staff has not had adequate time to prepare minutes for the February 8, 2016 Planning Commission, therefore, the ordinance amendment is based on Staff's notes, but not the exact Planning Commission recommended zoning text amendment language.

RECOMMENDATION:

Staff and the Planning Commission recommend the City Council approved the ordinance amendment with the following motion:

“Move to approval of Ordinance 08-__ amending the Lake Elmo Code of Ordinances, Section 154.310, Subd. D, changing the minimum criteria to sites ten acres or greater, limiting ceremonies to no more than 4 per week and no more than 3 per day, requiring the operator or responsible designee (a family member, employee or responsible designee of at least 21 years of age) to be on the premises for the duration of each event, exempting commercial wedding ceremony venues from the commercial surfacing and curbing requirements of City Code Section 154.210.”

ATTACHMENT(S):

Ordinance Amendment 08-__pertaining to Commercial Wedding Ceremony Venues

Planning Commission Minutes 2/8/16

CITY OF LAKE ELMO
COUNTY OF WASHINGTON
STATE OF MINNESOTA

ORDINANCE NO. 08-__

AN ORDINANCE AMENDING THE LAKE ELMO CITY CODE OF ORDINANCES PERTAINING
TO COMMERCIAL WEDDING CEREMONY VENUES

SECTION 1. The City Council of the City of Lake Elmo hereby ordains that Title XV: Land Usage; § 154.310, Subd. D is hereby amended by adding the following:

D. *Commercial Wedding Ceremony Venue.* A commercial wedding venue is allowed as an accessory use with an interim use permit in the A – Agriculture, RT – Rural Transitional, and RR-Rural Residential zoning districts on parcels 10 acres in size or greater ~~than 10 acres in size~~. The establishment of a Commercial Wedding Venue on RR parcels is limited to those sites meeting the following criteria: 1) the site has historically been used as a farmstead for the surrounding agricultural land; and 2) the use will incorporate a barn or other historical agricultural building over 75 years of age for the wedding ceremonies.

The suitability of a parcel for a wedding venue shall be determined by the characteristics of the site and by the unique capacity of the parcel to accommodate the use while preserving the essential rural character of the neighborhood and the site on which the use is located, by the ability of the parcel to accommodate the use without negative impact on the general health, safety, and welfare of the community, and by other factors the City may deem appropriate for consideration. The use must adhere to the following standards:

1. *Ownership.* The property will be the primary residence of the venue operator(s). The operator or responsible designee who is at least 21 years of age and a family member, or employee must be on the premises for the duration of each event.
2. *Maximum Number of Guests.* The maximum number of guests is limited to 200 for each event.
3. *Food and Beverages.* The serving of food and beverages is permitted only as part of the ceremony.
4. *Seasonal Operation.* Ceremonies are limited to no more than twice per four per week and three per day, and are permitted only during the months of May through October.
5. *Hours of Operation.* Events shall only be allowed between the hours of 10:00 a.m. and 10:00 p.m. All guests and staff must vacate the premises by 10:00 p.m. All lights associated with the event must be turned off by 10:00 p.m. Any one ceremony is limited to a maximum duration of three (3) hours.

6. *Overnight Accommodations.* No overnight accommodations are allowed.
7. *Off-Street Parking.* Off-street parking shall be required in the ratio of one (1) parking space for each three attendees based on the maximum number of attendees planned for the site. The off-street parking area and the number of parking spaces shall be documented on the required site plan. Off-street parking shall be exempt from the paving and curbing requirements in Section 154.210.
8. *Setbacks.* The minimum setbacks from neighboring houses and property lines for the various activities associated with the wedding venue shall be as follows:
 - i. Parking: 100 feet from residential property lines; 200 feet from neighboring houses.
 - ii. Outdoor Activity Spaces: 300 feet from residential property lines; 400 feet from neighboring houses.
 - iii. Indoor Activity Spaces: 300 feet from residential property lines; 400 feet from neighboring houses.
9. *Landscaping/Screening.* Landscaping may be required to buffer the use from adjacent land uses and to provide screening when such screening does not presently exist on the site. A landscape plan shall be submitted at the time of application for an Interim Use Permit.
10. *Grading.* Any proposed grading shall observe all requirements of Section 151.017 of the City Code. If a grading plan is required, it shall be submitted in conjunction with an application for an Interim Use Permit.
11. *Traffic.* A transportation management plan shall be submitted as part of an application for an Interim Use Permit. The plan shall address traffic control, including traffic movement to the public street system and impact on the surrounding roadways.
12. *Structures.* All existing or proposed structures to be used for the wedding ceremony venue shall be inspected by the City's Building Official and must meet applicable Building Code requirements.
 - i. *Temporary Structures.* Temporary Structures, including tents and canopies, may be allowed. Tents and canopies may be erected no more than (1) day prior to an event and must be removed no more than 72 hours following the event.
13. *Application.* An application for a commercial wedding venue shall follow the application and review procedures for an Interim Use Permit as specified in Section 154.107. In addition to the submission requirements of Section 154.107, an application for a commercial wedding venue shall include the following information:
 - i. The expected number of attendees per ceremony;
 - ii. The number of ceremonies per year;

- iii. The number of employees;
 - iv. The hours of operation;
 - v. Sanitary facilities;
 - vi. Lighting;
 - vii. Sound amplification to be used and a plan to minimize any amplified sounds;
 - viii. Temporary structures or tents to be used in association with the planned events;
 - ix. Signage;
 - x. Security to be provided;
 - xi. Location of all trash receptacles;
 - xii. Traffic management plan;
 - xiii. Other documentation as specified herein;
14. *Sanitary Facilities.* Sanitary facilities adequate for the number of attendees shall be provided. Portable toilets may be approved for temporary use, and must be screened from view from roads and neighboring properties by landscaping or a wooden enclosure. No portable toilets shall be located closer than 400 feet from a neighboring residential structure.
15. *Lighting.* Lighting associated with the wedding venue shall be limited to downcast and shielded fixtures so that the source of the light is not visible from adjacent roads or neighboring properties. Lighting shall comply with Section 150.035 of the City Code.
16. *Noise.* All wedding venues shall comply with City's noise standards found in Section 130.45 through 130.48 of the City Code.
17. *Sound Amplification.* Amplification of music and participants and is allowed only in conjunction with a wedding ceremony. There shall be no other amplification of music or sound outside of the ceremony.
18. *Waste.* All solid waste must be stored in a manner that prevents the propagation, harborage, or attraction of flies, rodents, or other nuisance conditions and must be removed at least once every seven days by a licensed solid waste hauler.
19. *Liability.* The applicant shall secure adequate liability coverage, which shall be in place at least one week prior to any event.
20. *Other Activities.* Other than the commercial wedding ceremonies authorized under this section, no other commercial ceremonial activities may be conducted on the site.

(Ord. 08-080, passed 5-21-2013)

(Ord. 08-107, passed 5-6-2014)

SECTION 2. Effective Date. This ordinance shall become effective immediately upon adoption and publication in the official newspaper of the City of Lake Elmo.

SECTION 3. Adoption Date. This Ordinance 08-__ was adopted on this _ day of ____ 2016, by a vote of __ Ayes and __ Nays.

LAKE ELMO CITY COUNCIL

Mike Pearson, Mayor

ATTEST:

Julie Johnson, City Clerk

This Ordinance 08-__ was published on the ____ day of _____, 2016.



PLANNING COMMISSION
DATE: 02/08/2016
AGENDA ITEM: __ – PUBLIC HEARING
CASE #2015-39

City of Lake Elmo Planning Department
Ordinance Amendment – Commercial Wedding Ceremony Venues

To: Planning Commission

From: Stephen Wensman, City Planner

Meeting Date: February 8, 2016

Applicant: Danielle Hecker and Carol Palmquist

Summary and Action Requested

Request: The applicants are requesting an amendment to the Commercial Wedding Venue Ordinance. Staff recommends that the Planning Commission recommend approval of Ordinance 08-__ with the following motion:

“Move to recommend approval of Ordinance 97-__ amending the Lake Elmo Code of Ordinances, Section 154.310, Subd. D, limiting ceremonies to no more than 4 per week, requiring the operator or responsible designee to be on the premises for the duration of each event, exempting commercial wedding ceremony venues from the commercial surfacing and curbing requirements, and changing the minimum criteria to sites ten acres or greater”.

Application Summary: The City of Lake Elmo adopted the Commercial Wedding Ceremony Venue ordinance on May 6, 2014. Since the adoption of the ordinance, both applicants have been planning for their venue facilities. Ms. Hecker’s plans include the restoration and reuse of a historic barn located on her property. The costs of renovation have proven to be exceedingly expensive, and in particular, the building code will likely require sprinkling of the barn among other unanticipated improvements. Because of the increasing costs, it has become necessary for the applicant to request additional number of allowed venues per week from 2 to 4. This change will allow the applicant to obtain the needed financing to proceed with the barn restoration.

Both applicants are also requesting that the ordinance also be amended such that the operator (property owner), or their responsible designee, be on the premises for the duration of each event. The applicants both feel that the current requirement requiring the operator be on site during all venues is too restrictive and does not take into consideration cases of emergency or other incidental occurrences when the operator cannot be on the premises. Both contend the properties are their primary residences and they have a strong interest in the operations being peaceful and compliant with city regulations.

The third requested change is to exempt commercial wedding ceremony venues from the commercial parking code requirements for durable paving and curbing. The intent of the ordinance is to preserve rural character, and the commercial parking and curbing requirements are contradictory.

The last request is to amend the ordinance to allow the use on ten acres or greater. Staff believes the ordinance as written was a typo and it was not intended to exclude ten acre parcels.

Analysis:

The intent of the ordinance is to preserve rural character and to reuse of historic barns fits this intent. This is a lofty goal considering the expense to restore and maintain barns. If a barn cannot be put to financial use, then it is likely older barns will be left to fall into disrepair and will ultimately be removed. The applicant's request is justified if the City wants to support the proposed use and to require reuse of historic barns. The Commercial Wedding Ceremony Venue provides the opportunity for business minded residents to restore and reuse their barns and to utilize and celebrate the unique rural character in Lake Elmo.

The request that owner/operators be able to designate a responsible designee in the event they cannot be on the premise also appears to be a reasonable request. The venue facilities are accessory to their residences and it is in their own best interest to have the guests respect the property, neighbors and city ordinances.

The request to exempt the use from the commercial parking requirements are also justifiable if the city wants to preserve the rural character, however the city will need to weigh this request against concerns for public safety.

The request to allow the use on sites ten acres or greater is justifiable, because Staff believes the current language is a typographical error in that the ordinance was meant to exclude ten acre parcels.

Attachments: Draft - Ordinance Amendment No. 08-__

Recommendation:

Staff recommends that the Planning Commission recommend approval of Ordinance no. 08-__ with the following motion:

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LAKE ELMO CITY COUNCIL

Mike Pearson, Mayor

ATTEST:

Julie Johnson, City Clerk

This Ordinance 08-__ was published on the ____ day of _____, 2016.