



CITY COUNCIL
DATE: 04/19/2016
CONSENT
AGENDA ITEM: 11

ITEM: Home Occupation Definition Amendment
REQUESTED BY: Planning Department
SUBMITTED BY: Emily Becker, Planner
SUBMITTED THROUGH: Kristina Handt, City Administrator
REVIEWED BY: Stephen Wensman, Planning Director

SUMMARY AND ACTION REQUESTED:

The City Council is respectfully requested to approve as part of tonight's consent agenda an amendment of the Home Occupation definitions outlined in Chapter 11: General Code Provisions, Section 11.01: Definitions and Chapter 154: Zoning Code, Section 12, Subsection B.12.e and the addition of a Stock In Trade Definition to Chapter 11: General Code Provisions, Section 11.01: Definitions. If the items are removed from the consent agenda, then Staff recommends the following motion:

“Move to approve Ordinance 08-__ amending the home occupation definitions of Chapters 154 & 11 of Lake Elmo’s Municipal Code by removing “hairdressing,” limiting stock in trade to 1000 cubic feet, allowing retail sales ancillary to the permitted business, eliminating the word hairdressing, and removing the prohibition of barber shops and beauty salons, and amending Chapter 11, Section 11.0: Definitions of Lake Elmo’s Municipal Code by adding a stock-in-trade definition”.

LEGISLATIVE HISTORY/BACKGROUND:

The Planning Commission, at request of City Council, reviewed the Home Occupation Definition at its March 14, 2016 meeting and provided comments. Staff revised the definition according to provided comments and presented an amended definition to the Planning Commission during a public hearing, at which no one from the public spoke, at its March 28, 2016 meeting. The Planning Commission approved the revised definition, which limits stock in trade to 1000 cubic feet, allows retail sales ancillary to the permitted business, eliminates the use of hairdressing and replaces it with hair salons serving no more than two customers at a time, and eliminates the specific prohibition of barber shops and beauty shops. The Planning Commission also approved the addition of a Stock In Trade Definition at this meeting.

The Planning Commission, though generally supportive of the amended definition, would like to revisit the creation of a Home Occupation Ordinance, as the definition does not set forth certain standards felt necessary for such an accessory use. The Commission was also hesitant to approve the use of the word “equipment” in the Stock In Trade Definition, as it could be interpreted to be prohibitive to certain, otherwise allowed, home occupations if stock in trade is limited.

RECOMMENDATION:

Based on the foregoing, Staff and the Planning Commission is recommending approval of an amendment to the Home Occupation Definition and the addition of a Stock In Trade Definition. If the City Council removes the item from the Consent Agenda, Staff recommends the following motion:

“Move to approve Ordinance 08-__ amending the home occupation definitions of Chapters 154 & 11 of Lake Elmo’s Municipal Code by removing “hairdressing,” limiting stock in trade to 1000 cubic feet, allowing retail sales ancillary to the permitted business, eliminating the word hairdressing, and removing the prohibition of barber shops and beauty salons, and amending Chapter 11, Section 11.0: Definitions of Lake Elmo’s Municipal Code by adding a stock-in-trade definition”.

ATTACHMENTS:

- 1. Draft Ordinance No. 08-__

ORDER OF BUSINESS (if removed from consent agenda):

- Introduction.....Planning Staff
- Report by Staff.....Planning Staff
- Questions from the Council Mayor, Chair & Council Members
- Discussion by the Council Mayor, Chair & Council Members
- Action by the Council Mayor, Chair & Council Members