



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

CITY OF LAKE ELMO
COUNTY OF WASHINGTON
STATE OF MINNESOTA

ORDINANCE NO. 08-135

AN ORDINANCE AMENDING THE LAKE ELMO CITY CODE OF ORDINANCES PERTAINING
TO HOME OCCUPATIONS

SECTION 1. The City Council of the City of Lake Elmo hereby amends Title I: General Provisions; Chapter 11: General Code Provisions, by amending section 11.01 Definitions to amend existing definition **and amends Chapter 154: Zoning Code; Section 12, Subsection B.12.e to amend existing definition** as follows:

HOME OCCUPATION. Any gainful occupation or profession engaged in by the occupant, only, of a dwelling when carried on within a dwelling unit or in an accessory building, provided that no signs other than those normally utilized in a residential district are present, that no stock in trade over 1000 cubic feet is stored on the premises, that no over-the-counter retail sales are involved unless ancillary to the permitted business, and that entrance to the home occupation is or can be gained from within the structure. Uses include professional office, hairdressing hair salons serving no more than 2 customers at a time, or teaching limited to no more than 3 students at any time, and similar other uses which do not create a nuisance as outlined in Chapter 96 of this Code. A HOME OCCUPATION shall not be interpreted to include barber shops, beauty shops, tourist homes, restaurants, disorderly house as defined by M.S. § 609.33, Subd. 1, as it may be amended from time to time, or similar uses. No HOME OCCUPATION shall be permitted that creates the need for more than 3 parking spaces at any given time in addition to the parking spaces required by the occupants. HOME OCCUPATIONS shall not be carried on except between the hours of 7:00 a.m. and 10:00 p.m.

SECTION 2. The City Council of the City of Lake Elmo hereby amends Title I: General Provisions; Chapter 11: General Code Provisions, by amending section 11.01 Definitions to add the following definition:

STOCK IN TRADE. Any equipment, merchandise, or materials necessary to or used in a trade or business.

LAKE ELMO CITY COUNCIL

Mike Pearson, Mayor

ATTEST:

Julie Johnson, City Clerk

This Ordinance 08-135 was published on the ____ day of _____, 2016.



PLANNING COMMISSION
DATE: 03/28/2016
AGENDA ITEM: __ – PUBLIC HEARING
CASE #2015-43

ITEM: Home Occupation Ordinance Amendment
REQUESTED BY: Planning Department
SUBMITTED BY: Emily Becker, Planner
REVIEWED BY: Stephen Wensman, Planning Director

SUMMARY:

The Planning Commission last reviewed a revised draft of the Home Occupation definition and provided Staff feedback at its meeting on March 14, 2016. Feedback included adding a “stock in trade” definition, limiting the number of hair salon customers to no more than 2 at a time, and allowing some stock in trade and retail sales ancillary to the business. Staff has revised the draft according to feedback with concern of allowing retail sales, as this may increase the number of deliveries and customer visits to the site, both of which are not regulated in the definition.

RECOMMENDATION:

Staff is recommending the Planning Commission recommend approval of the amendment to the Home Occupation ordinance with the following recommended motion:

- 1) *Move to approve a an ordinance amendment to the home occupation ordinance adding a “stock in trade” definition, limiting the number of hair salon customers to no more than 2 at a time, and allowing some stock in trade and retail sales ancillary to the business.*

ATTACHMENTS:

1. Draft Ordinance No. 08-__

ORDER OF BUSINESS:

- Introduction.....Planning Staff
- Report by Staff.....Planning Staff
- Questions from the Commission..... Chair & Commission Members
- Open the Public Hearing.....Chair
- Close the Public HearingChair
- Discussion by the Commission..... Chair & Commission Members
- Action by the Commission..... Chair & Commission Members

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SECTION 2. The City Council of the City of Lake Elmo hereby amends Title I: General Provisions; Chapter 11: General Code Provisions, by amending section 11.01 Definitions to add the following definition:

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LAKE ELMO CITY COUNCIL

Mike Pearson, Mayor

ATTEST:

Julie Johnson, City Clerk

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