



STAFF REPORT

DATE: May 29, 2019

REGULAR

ITEM #: 5B

MOTION

TO: Planning Commission
FROM: Ken Roberts – Planning Director
AGENDA ITEM: **Zoning Text Amendment(s) – Commercial Kennels - Rural Zoning Districts**
REVIEWED BY: Ben Prchal – City Planner

BACKGROUND:

The City of Lake Elmo has received a request to add commercial kennels as a possible land use in the RT (rural transitional district) and RR (rural residential) zoning districts.

On December 15, 2015, the City Council approved a Zoning Ordinance amendment that removed commercial kennels as a conditional use from the RT and RR zoning districts. Staff is not aware of why the City Council made this change to City Code.

REVIEW AND ANALYSIS:

To add commercial kennels back into the zoning code as a possible land use, the City would need to amend Section 154.401, Table 9-1, (below) to add commercial kennels as a conditional use.

Existing Zoning Code

§ 154.401 PERMITTED, CONDITIONAL, AND INTERIM USES.

Table 9-1 lists all permitted, conditional, and interim uses allowed in the rural districts. “P” indicates a permitted use, “C” a conditional use, and “I” an interim use. Uses not so indicated shall be considered prohibited. Cross-references listed in the table under “Standards” indicate the location within this Ordinance of specific development standards that apply to the listed use.

A. *Combinations of Uses.* Principal and accessory uses may be combined on a single parcel.

Table 9-1: Permitted, Conditional, and Interim Uses, Rural Districts

	RT	A	RR	RS	RE	Standard
Residential Uses						
Household Living						
Single-Family Detached Dwelling	P	P	P	P	P	154.404 (A)
Secondary Dwelling	-	P	-	-	-	154.404 (D)
Services						
Self Service Storage Facility	I ^a	I ^a	-	-	-	154.404 (G)

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	RT	A	RR	RS	RE	Standard
Outdoor Recreation						
Outdoor Recreation Facility	-	C	-	-	-	154.306 (C)
Parks and Open Areas	P	P	P	P	P	154.012 (B) (7)
Restricted Recreation	-	C	-	-	-	154.306 (B)
Agricultural and Related Uses						
Agricultural Entertainment Business	I	I	I	-	-	154.914
Agricultural Production	P	P	P	-	-	154.012 (B) (9)
Agricultural Sales Business	I	I	I	-	-	154.913
Agricultural Services	C	C	-	-	-	154.404 (J)
Forestry Operations	-	P	-	-	-	154.012 (B) (9)
Greenhouses, Non Retail	C	C	C	-	-	154.012 (B) (9)
Wayside Stand	P	P	P	-	-	154.012 (B) (9)
Industrial and Extractive Uses						
Motor Freight and Warehousing	I ^a	-	-	-	-	154.404 (G)
Alternative Energy						
Solar Farm	I	C	C	-	-	154.308 (A)
Wind Generator – Ground Mounted	C	C	C	C	C	154.308 (B)
Wind Generator – Roof/Structure Mounted	C	C	C	C	C	154.308 (B)
Accessory Uses						
Bed and Breakfast	P	P	P	P	P	154.310 (A)
Domestic Pets	P	P	P	P	P	154.012 (B) (12)
Family Day Care	P	P	P	P	P	154.012 (B) (12)
Home Occupation	P	P	P	P	P	154.310 (E)
Kennel, Private	C	C	C	-	-	154.012 (B) (12)
Solar Energy Systems	P	P	P	P	P	154.310 (C)
Stable, Private	C	C	C	-	-	154.012 (B) (12)
Swimming Pools, Hot Tubs, Etc.	P	P	P	P	P	154.012 (B) (12)
Temporary Sales	P	P	P	P	P	154.012 (B) (12)
Water-Oriented Accessory Structures	P	P	P	P	P	154.800
Wind Generator – Ground Mounted	C	C	C	C	C	154.308 (B)
Wind Generator – Roof/Structure Mounted	C	C	C	C	C	154.308 (B)
Other Structures Typically Incidental and Clearly Subordinate to Permitted Uses	P	P	P	P	P	
Commercial Wedding Ceremony Venue	I	I	I			154.310 (D)
Open Space Preservation Development						
OP Development	-	C	C	-	-	Article 16

Section 154.404 I (Site Design and Development Standards) of the Code states:

Commercial Kennel, Commercial Stable or Accessory Kennel or Stable, RT, A, RR Districts. The facility shall occupy a site at least ten (10) acres in size. Outdoor exercise areas shall be located at least 100 feet from adjacent properties; landscaping or other screening may be required.

This existing Code language could serve as a good starting point for performance standards in the Code for commercial kennels. The Planning Commission may wish to clarify this language or add more performance standards for **all** kennels to help ensure they would not be a nuisance to nearby property owners. As I noted above, as a CUP, the City would review each commercial kennel request on a case by case basis and could set applicable conditions of approval for each site.

Commercial kennels would best fit in the RT, A and RR zoning districts (and not in the smaller lot or urban-style zoning districts). As a conditional use, a person or property owner would need to apply for and receive a conditional use permit from the City in order to operate a commercial kennel. Such a review process gives the City, the neighbors, the Planning Commission and the City Council a chance to review each request on an individual basis and to set conditions for each request on a case by case basis.

Examples of the possible types of conditions for commercial kennels could include those about hours of operation, the maximum number of animals to be kept on a property, the size and location of buildings, exercise runs and play areas on a property, the use of fencing and/or screening around the site. Other possible topics/issues related to commercial kennels include:

- a. *Boarding – Daily stay (Not overnight) and Long term stay (defined as being overnight)*
- b. *Grooming – Grooming services (baths, clipping, etc.) that do not extend into veterinary service.*
- c. *Obedience training - Standard training and socializing of dogs.*

The City also would need to add the definition of a commercial kennel to Section 154.012(B) (13) of the Code. A possible definition would be:

Commercial Kennel. The boarding, breeding, raising, grooming or training of two or more dogs, cats or other household pets of any age not owned by the owner or occupant of the premises, regardless if for commercial gain or not.

FISCAL IMPACT:

Staff does not foresee a fiscal impact with this possible code change. The City charges an application fee for every conditional use permit application.

COMMENTS AND RECOMMENDATION

City staff is looking for direction from the Planning Commission about having commercial kennels in the RT, A and the RR zoning districts and if so, with what type of performance standards. If the Commission is supportive of this idea, then staff would prepare a Zoning Code Amendment and schedule a public hearing to add commercial kennels to the RT, A and RR zoning districts as a conditional use.

ATTACHMENTS