

Planning Commission
Date: 12/14/09
Proposed Ordinance Revisions
Business Item
Item: 5b

ITEM: Discuss potential updates and amendments to the City Code. No specific action requested at this time.

SUBMITTED BY: Kyle Klatt, Planning Director

REVIEWED BY: Bruce Messelt, City Administrator

SUMMARY AND ACTION REQUESTED:

The Planning Commission is being asked to discuss several amendments to the City Code that have been brought forward in one form or another or the last several months by either Staff or the City Council. At this time, Staff has not yet has an opportunity to prepare any specific amendments to the Code for consideration by the Planning Commission; however the lighter agenda for the next meeting should give the Commission an opportunity to discuss these potential amendments and to give some general direction to Staff on how to proceed with each issue.

It is recommended that each of these items be added to the Commission's work plan for 2010, in the following order of priority:

1. Agricultural sales and related activities
2. Special event permits
3. Trailer/boat parking ordinance
4. Rear yard setbacks in OP developments
5. Sediment and erosion control ordinance amendments

Each of these issues would either require an amendment to an existing ordinance or the creation of a new ordinance for those items not currently addressed by the City Code.

AMENDMENT BACKGROUND/DISCUSSION:

Staff would like to offer a brief summary of each item for consideration by the Planning Commission as follows:

- ***Agricultural Sales and related activities.*** The City Council recently took action to approve certain elements of a land use request related to Agricultural Sales and Agricultural Entertainment, but disagreed with the Planning Commission's interpretation regarding the application of the current ordinance to a seasonal sales business in Lake Elmo. The Council directed staff to include a review of agricultural sales and related activities as part of the Planning Department's work plan for 2010. Of particular concern are the current provisions in the code that only allow the sales of agricultural products produced on the premises. Options that were discussed to deal with this issue range from leaving the ordinance as-is and enforcing the off-site sales limitation to developing a special permit or license that would allow for seasonal sales of products that are not produced on the premises.
- ***Special Event Permits.*** Last summer the City Council supported a request by the Minnesota Rowing Association to conduct a race event on Lake Elmo. During the review of this request, it was noted that the City does not have a permit review process in place to formally approve

requests like this one to use public land or services as part of a large event. Staff suggested that the City consider a special event permit that would require larger events to be approved by the City. Such a review would give the City Council a chance to review potential traffic impacts, public service needs (water, sanitary facilities, electricity, etc.), and impacts to neighboring property owners. Staff did identify a model ordinance that could be used to draft a Special Event Ordinance, and has proposed using this document to draft new regulations for Lake Elmo.

- **Trailer/Boat Parking Ordinance.** The City Council has asked that the Planning Commission review the current ordinance that regulates the parking of boats and trailers on private property in Lake Elmo. Of particular concern is past interpretation of this code that would only allow such equipment to be parked in the very back portion of a lot (the strict interpretation of rear yard). Even with a more liberal interpretation of this ordinance, it is quite apparent that there are many properties in the community that do not comply with the ordinance; for example, any property owner that parks a trailer in the front or side of a garage. It is Staff's recommendation that the City consider allowing the parking of trailers and boats along the side of a structure and possibly in front of a garage in certain circumstances. The City may want to reconsider the current setbacks that pertain to equipment storage, since trailers and boats may be stored within 10 feet or a property line.
- **Rear Yard Setbacks in OP – Open Space Districts.** As part of its review of the buffer setback requirements in OP Districts the City Council recommended that an alternate setback measurement be considered that would grant some flexibility for structures like pools that have a minimal visual impact to adjacent properties. The Council specifically discussed an ordinance provision that would allow certain structures to encroach a set distance (a percentage, specific measurement, or combination of these) into the buffer zone. Staff has also previously pointed out that there does not appear to be a required rear yard setback either in OP districts, and that this omission should be corrected with an ordinance amendment. These issues are directly related and could be reviewed together by the Planning Commission.
- **Sediment and Erosion Control Ordinance Revisions.** The City Council adopted a new sediment and erosion control ordinance earlier this year, but has not yet gone back and corrected any previous references to the older version of the code. The vast majority of this work is administrative in nature since it involves updating links within the Code.

ADDITIONAL INFORMATION:

- Staff is recommending that each of the above items be included in the 2010 Planning Commission Work Plan.

RECOMMENDATION:

Staff is recommending that the Planning Commission discuss the potential zoning amendments described above and provide comments and suggestions that can be incorporated into the drafting of an official ordinance amendment for review.

ATTACHMENTS:

1. None

ORDER OF BUSINESS:

- Introduction and Presentation by Staff Kyle Klatt, Planning Director
- Questions from the Commission Chair & Commission Members
- Planning Commission Discussion Chair Facilitates
- Action by the Planning Commission Chair & Commission Members