



## **STAFF REPORT**

DATE: 8/2/2023

REGULAR

MOTION

**TO:** City Council  
**FROM:** Sophia Jensen, City Planner  
**AGENDA ITEM:** **Zoning Text Amendments – 105.12.840 Village Districts Design Review**

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### **BACKGROUND:**

The City Zoning Code has been amended over the years which has resulted in the need to update language for clarification purposes. Staff has identified the need to bring forward an amendment to the village district design standards to clean up outdated references, clarify the authorizing body, and update the process for the review by a design professional.

Village district design review is typically done by in-house by Lake Elmo Planning Staff. With the proposed amendment, if the City Council or applicant disagrees with the Staff review they may request a professional review. The City would determine the reviewing party and the costs would be deducted from the project escrow or charged to the applicant directly.

### **ISSUE BEFORE THE CITY COUNCIL**

The City Council is asked to make a determination on the proposed text amendment to the village design review code.

### **PROPOSAL DETAILS/ANALYSIS**

Proposed definition changes are attached.

### **PUBLIC COMMENT**

A hearing notice was published in the Stillwater Gazette on July 14<sup>th</sup> 2023. No public comment has been received.

### **PLANNING COMMISSION RECCOMENDATION**

At the July 24<sup>th</sup> Planning Commission meeting the commission recommended approval of the amendment. Vote 7-0.

### **FISCAL IMPACT**

None.

### **OPTIONS**

- Approve the proposed amendments.
- Amend the proposed amendments.
- Deny the proposed amendments.

### **RECCOMENDATION**

Staff recommends that the City Council approve, *as part of the consent agenda*, the proposed text amendments as presented. If removed from the consent agenda, then staff recommends the City Council approve the request with the following motions:

***“Move to adopt Ordinance 2023-15 amending Section 105.12.840 Village Districts Design Review as presented.”***

***AND***

***“Move to adopt summary of publication of Ordinance 2023-15 with approval of Resolution 2023-067”***

### **ATTACHMENTS**

1. Proposed Text Amendment
2. Existing Code Language
3. Ordinance 2023- 15
4. Resolution 2023-067

Red underlined text is new language. ~~Strikethrough text~~ is removed existing language.

### **105.12.840 Village Districts Design Review**

- a. *Review of design.* For certain development activity, as specified in the Lake Elmo Design Standards Manual, design review is required as part of the approval process. All projects subject to design review shall be reviewed for conformance with the Lake Elmo Design Standards Manual. A separate process for design review is not established.
  1. *Review authority and process.* Design review shall be facilitated by the planning department and the review shall be conducted by the body City Council or individual authorized to approve the development activity. Design review shall be incorporated in the established review of the development activity. For those applications under this section that require review by the planning commission (i.e., conditional use permits), the planning commission shall consider the standards in the Lake Elmo Design Standards Manual in its recommendation to the city council.
  2. *Review by professional.* The ~~authorizing body~~ City Council or applicant may request review by a design professional of the proposed design or demolition. The City shall designate a design professional to conduct the review and the applicant shall be responsible for the costs incurred. ~~The cost of review by such design professional shall be the responsibility of the applicant, and shall not exceed \$1,000.00 unless otherwise agreed to by the applicant.~~
  3. *Development activity defined.*
    - a. Development activity consists of new construction and redevelopment activities, including remodeling that expands the footprint of a structure, altering, or repairing a structure in a manner that will change the exterior appearance of said structure. Development activity also includes the construction of a new parking lot and installation of signage.
    - b. Exempt activities. The following activities shall be exempt from review under this section:
      1. Ordinary repairs and maintenance that will not change the exterior appearance of a structure;
      2. Removal of existing signage without replacement unless said signs are an integral part of the building;
      3. Emergency repairs ordered by the ~~director of planning~~ City in order to protect public health and safety;
      4. Exterior alteration, addition, or repair of a structure used as a single-family residence, duplex, or two-family residence;
      5. Temporary signage, installed in accordance with the sign regulations of the city code, or during which time an application for permanent signage is pending under this section;
      6. Maintenance of existing signage advertising an on-site business;
      7. Alterations only to the interior of a structure.

## **105.12.840 Village Districts Design Review**

(a) *Review of design.* For certain development activity, as specified in the Lake Elmo Design Standards Manual, design review is required as part of the approval process. All projects subject to design review shall be reviewed for conformance with the Lake Elmo Design Standards Manual. A separate process for design review is not established.

(1) *Review authority and process.* Design review shall be facilitated by the planning department and the review shall be conducted by the body or individual authorized to approve the development activity. Design review shall be incorporated in the established review of the development activity. For those applications under this section that require review by the planning commission (i.e., conditional use permits), the planning commission shall consider the standards in the Lake Elmo Design Standards Manual in its recommendation to the city council.

(2) *Review by professional.* The authorizing body may request review by a design professional of the proposed design or demolition. The cost of review by such design professional shall be the responsibility of the applicant, and shall not exceed \$1,000.00 unless otherwise agreed to by the applicant.

(3) *Development activity defined.*

a. Development activity consists of new construction and redevelopment activities, including remodeling that expands the footprint of a structure, altering, or repairing a structure in a manner that will change the exterior appearance of said structure. Development activity also includes the construction of a new parking lot and installation of signage.

b. Exempt activities. The following activities shall be exempt from review under this section:

1. Ordinary repairs and maintenance that will not change the exterior appearance of a structure;
2. Removal of existing signage without replacement unless said signs are an integral part of the building;
3. Emergency repairs ordered by the director of planning in order to protect public health and safety;
4. Exterior alteration, addition, or repair of a structure used as a single-family residence, duplex, or two-family residence;
5. Temporary signage, installed in accordance with the sign regulations of the city code, or during which time an application for permanent signage is pending under this section;
6. Maintenance of existing signage advertising an on-site business;
7. Alterations only to the interior of a structure.

### HISTORY

Adopted by Ord. [08-253](#) on 11/3/2021

Amended by Ord. [2022-10](#) on 6/21/2022

CITY OF LAKE ELMO  
COUNTY OF WASHINGTON  
STATE OF MINNESOTA

ORDINANCE NO. 2023-15

AN ORDINANCE AMENDING THE LAKE ELMO CITY CODE BY  
AMENDING THE VILLAGE DISTRICTS DESIGN REVIEW CODE

**SECTION 1. The City Council of the City of Lake Elmo hereby amends Title 105 Zoning; Chapter 105.12: Zoning Code, Section 840 Village Districts Design Review is hereby amended by changing the following section** (Proposed language is underlined, deleted language is shown with ~~strike through~~):

**105.12.840 Village Districts Design Review**

- a. *Review of design.* For certain development activity, as specified in the Lake Elmo Design Standards Manual, design review is required as part of the approval process. All projects subject to design review shall be reviewed for conformance with the Lake Elmo Design Standards Manual. A separate process for design review is not established.
  1. *Review authority and process.* Design review shall be facilitated by the planning department and the review shall be conducted by the ~~body~~ City Council or individual authorized to approve the development activity. Design review shall be incorporated in the established review of the development activity. For those applications under this section that require review by the planning commission (i.e., conditional use permits), the planning commission shall consider the standards in the Lake Elmo Design Standards Manual in its recommendation to the city council.
  2. *Review by professional.* The ~~authorizing body~~ City Council or applicant may request review by a design professional of the proposed design or demolition. The City shall designate a design professional to conduct the review and the applicant shall be responsible for the costs incurred. ~~The cost of review by such design professional shall be the responsibility of the applicant, and shall not exceed \$1,000.00 unless otherwise agreed to by the applicant.~~
  3. *Development activity defined.*
    - a. Development activity consists of new construction and redevelopment activities, including remodeling that expands the footprint of a structure, altering, or repairing a structure in a manner that will change the exterior appearance of said structure. Development activity also includes the construction of a new parking lot and installation of signage.
    - b. Exempt activities. The following activities shall be exempt from review under this section:
      1. Ordinary repairs and maintenance that will not change the exterior appearance of a structure;
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      4. Exterior alteration, addition, or repair of a structure used as a single-family residence, duplex, or two-family residence;
      5. Temporary signage, installed in accordance with the sign regulations of the city code, or during which time an application for permanent signage is pending under this section;
      6. Maintenance of existing signage advertising an on-site business;
      7. Alterations only to the interior of a structure.

**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 2023-15 was adopted on this \_\_\_\_\_ day of \_\_\_\_\_, 2023, by a vote of \_\_\_ Ayes and \_\_\_ Nays.

**LAKE ELMO CITY COUNCIL**

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Charles Cadenhead, Mayor

ATTEST:

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Julie Johnson, City Clerk

This Ordinance 2023-15 was published on the \_\_\_\_ day of \_\_\_\_\_, 2023.

**CITY OF LAKE ELMO  
COUNTY OF WASHINGTON  
STATE OF MINNESOTA**

**RESOLUTION NO. 2023-067**

**RESOLUTION AUTHORIZING PUBLICATION OF A SUMMARY OF ORDINANCE  
2023-15**

**WHEREAS**, the Lake Elmo City Council has adopted Ordinance No. 2023-15, an ordinance that amends Title 105 Zoning; Chapter 105.12: Zoning Code, Section 840 Village Districts Design Review

**WHEREAS**, the ordinance is lengthy; and

**WHEREAS**, Minnesota Statutes, section 412.191, subd. 4, allows publication by title and summary in the case of lengthy ordinances or those containing charts or maps; and

**WHEREAS**, the City Council believes that the following summary would clearly inform the public of the intent and effect of the ordinance.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Lake Elmo that the City Clerk shall cause the following summary of Ordinance No. 2023-15 to be published in the official newspaper in lieu of the entire ordinance:

**Public Notice**

The City Council of the City of Lake Elmo has adopted Ordinance No. 2023-15, an ordinance that amends the City Code language in the Zoning Ordinance. This ordinance alters language in the City Code to update the village design review fee reference. The following is a summary of the adopted ordinance language:

**Ordinance 2023-15 includes the following elements to amend Title 105 Zoning; Chapter 105.12: Zoning Code, Section 840 Village Districts Design Review to clean up outdated references, clarify the authorizing body, and update the process for the review by a design professional.**

The full text of Ordinance 2023-15 is available for inspection at Lake Elmo City Offices during regular business hours.

1. Amend Village Districts Design Review language to clean up outdated references, clarify the authorizing body, and update the process for the review by a design professional.

**BE IT FURTHER RESOLVED** by the City Council of the City of Lake Elmo that the City Administrator keep a copy of the ordinance at City Hall for public inspection and that a full copy of the ordinance be placed in a public location within the City.

Dated: August 2<sup>nd</sup>, 2023

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Charles Cadenhead, Mayor

ATTEST:

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Julie Johnson, City Clerk

(SEAL)