



*Our Mission is to Provide Quality Public
Services in a Fiscally Responsible Manner
While Preserving the City's Open Space
Character*

NOTICE OF MEETING

**City Council Special Meeting
3800 Laverne Avenue North
Tuesday, June 14, 2016
7:30 PM***

- I. Call to Order
- II. Zoning Code Amendment for Rural Districts – *Resolution 2016-46*
- III. Closed Session to discuss litigation strategy with respect to the State of Minnesota v. 3M Company lawsuit. This portion of the meeting will be closed pursuant to Minnesota Statutes Section 13D.05, subdivision 3 (b)
- IV. Closed session pursuant to Minn. Stat. § 13.D.05 Subd. 3, in order to develop or consider offers and/or counteroffers for the purchase of real property located at 3504 & 3514 Lake Elmo Avenue and one adjoining vacant parcel in Lake Elmo, Minnesota.
- V. Adjourn

** or immediately following the previous workshop at 6:30 p.m., whichever is later*



MAYOR AND COUNCIL COMMUNICATION

DATE: 6/14/16

REGULAR

ITEM #:

MOTION

AGENDA ITEM: Resolution 2016-46 approving summary publication of Ordinance 08-136 amending Chapter 154, Article II – Definitions, Section 154.012, Subd. B.3 and Article VIII, Section 154.401. The Article II – Definitions, Section 154.012, Subd. B.3

SUBMITTED BY: Stephen Wensman, Planning Director

REVIEWED BY: Kristina Handt, City Administrator
Emily Becker, City Planner

BACKGROUND:

On 5/17/16, the City Council clarified a motion made on 01/15/2016 regarding the zoning text amendment to the Rural Districts as it pertains to secondary dwelling, cemetery, commercial kennel, commercial stable, golf courses and agricultural sales business uses. After the 5/17/16 meeting, Councilmember Fliflet came forward to clarify that her intension was not to change the Code as it pertains to Agricultural Sales Business. Council member Fliflet wanted to keep Agriculture Sales Business as an interim use in the rural zoning districts. Staff has revised Ordinance 08-__ (see attachment) to reflect Councilmember Fliflet’s intended zoning text amendment.

ISSUE BEFORE COUNCIL:

The City Council should consider the following ordinance and resolution for summary publication:

- Approve Ordinance 08-136 amending Chapter 154, Article II – Definitions, Section 154.012, Subd. B.3 and Article VIII, Section 154.401. The Article II – Definitions, Section 154.012, Subd. B.3. (Amended to reflect Councilmember Fliflet’s intensions).
- Approve Resolution 2016-46 approving summary publication of Ordinance 08-__ amending Chapter 154, Article II – Definitions, Section 154.012, Subd. B.3 and Article VIII, Section 154.401. The Article II – Definitions, Section 154.012, Subd. B.3.

PROPOSAL DETAILS/ANALYSIS:

Summary Publication requires a 4/5 vote. Please adopt Ordinance 08-136 and Resolution 2016-46.

FISCAL IMPACT:

Summary publication is less expensive than publishing the entire draft of the ordinance. The attached ordinance is lengthy, so a summary publication is appropriate under the circumstances.

RECOMMENDATION:

Staff recommends the City Council approve Ordinance 08-136 and Resolution 2016-46 approving summary publication resolution.

Staff recommends the following motions (Resolutions for summary publications require a 4/5 vote):

- ***“Move to approve Ordinance 08-136 amending Chapter 154, Article II – Definitions, Section 154.012, Subd. B.3 and Article VIII, Section 154.401”.***
- ***“Moved to approve Resolution 2016-46 approving summary publication of Ordinance 08-136 amending Chapter 154, Article II – Definitions, Section 154.012, Subd. B.3 and Article VIII, Section 154.401”.***

ATTACHMENTS:

- Ordinance 08-136 Amending Chapter 154, Article II – Definitions, Section 154.012, Subd. B.3 and Article VIII, Section 154.401. The Article II – Definitions, Section 154.012, Subd. B.3
- Ordinance 08-136 Amending Article IX of the Zoning Ordinance, striking the land use categories: secondary dwelling, cemetery, commercial kennel, commercial stable, golf course, and agriculture sales business from Section 154.401, Table 9-1 (showing edited text)
- Resolution 2016-46 approving summary publication of Ordinance 08-136 amending Chapter 154, Article II – Definitions, Section 154.012, Subd. B.3 and Article VIII, Section 154.401

CITY OF LAKE ELMO
COUNTY OF WASHINGTON
STATE OF MINNESOTA

ORDINANCE NO. 08-136

AN ORDINANCE AMENDING CHAPTER 154, ARTICLE II – DEFINITIONS,
SECTION 154.012, SUBD. B. 3. AND ARTICLE VIII, SECTION 154.401 PERMITTED
AND CONDITIONAL USES.

The City Council of the City of Lake Elmo hereby ordains that Chapter 154, Article II – Definitions, Section 154.012, Subd. B. 3. is hereby amended to read as follows:

1. Services

Business Center. A building or group of buildings planned, constructed, and managed as a total entity, with common on-site parking for a group of commercial service establishments, with office uses also permitted. In the central business district, the requirement for common on-site parking need not be met in order to classify a development as a business center.

Business Services. Establishments primarily engaged in rendering services to business establishments on a fee or contract basis, such as advertising and mailing, building maintenance, office equipment rental and leasing, photo finishing, business supply services, and computer programming/data processing services.

~~*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, and/or for commercial gain.~~

~~*Commercial Stable.* The boarding, breeding or raising of horses or ponies not owned by the owner or occupant of the property or riding of horses by other than the owner or occupant of the property and their non-paying guests. Included in this definition are riding academies.~~

Communication Services. Establishments primarily engaged in the provision of broadcasting and other information relay services accomplished through the use of electronic and telephone mechanisms. Excluded from this use type are facilities classified as essential services or broadcasting and communications towers. Typical uses include television studios, telecommunications service centers, telegraph service offices or film and sound recording facilities.

Educational Services. Establishments engaged in furnishing specialized academic or technical courses, normally on a fee basis, such as vocational or correspondence schools, barber college, data processing schools, or secretarial schools, along with non-degree granting schools such as post-secondary colleges and universities, martial arts, music, art, ceramic, and dramatic, schools, and dance instruction.

Financial Institution. Provision of financial and banking services to consumers or clients. Walk-in and drive-in services are generally provided on site. Typical uses include banks, savings and loan associations, savings banks, credit unions, lending establishments, and drive-up automatic teller machines (ATMs).

Funeral Home. Establishments engaged in undertaking services such as preparing the dead for burial, and arranging and managing funerals. Typical uses include funeral homes or mortuaries.

Lodging. See Transient Accommodations.

Medical Facilities. Establishments engaged in providing diagnostic services, extensive medical treatment (including surgical services), and other hospital services, as well as continuous nursing service, including general medical and surgical hospitals, specialty hospitals, medical laboratories, bio-medical research and development, outpatient care facilities, medical schools and associated dormitories, medical appliance sales, and similar uses, but not including animal hospitals.

Membership Organization. Organizations operating on a membership basis for the promotion of the interests of the members included such uses as trade associations, business associations, professional membership organizations, labor unions, civic or fraternal organizations, but not including churches, hospitals, golf and country clubs, or credit unions.

Nursing and Personal Care. Establishments primarily engaged in providing intermediate or long-term nursing and health related care to individuals, typically classified as nursing homes.

Offices. A building or portion of a building use for office purposes by a business, service, professional, or institutional establishment, including medical offices or clinics, studios for those involved in art, sculpture, music, and the like, and all other establishments similar in character.

Personal Services. Establishments primarily engaged in providing services involving the care of a person or his or her apparel, such as barber shops, clothing rental, salons and health clubs, photographic studios, cleaning and garment services (but not including power laundries or dry cleaning plants) or coin operated laundries.

Repair and Maintenance Shop. Establishments engaged in miscellaneous repair services, primarily of household oriented products such as radios, televisions, washers and dryers, furniture (including re-upholstery), small engine repair, bicycles, or locksmiths.

Self Service Storage Facility. An establishment designed and utilized for the purpose of renting or leasing individual storage spaces to tenants who have sole private access to such space for storing personal property.

Trade Shop. Any lot, land, building, or structure that serves as the headquarters for contractors involved in specialized activities such as plumbing, painting, plastering, masonry, carpentry, roofing, well drilling, landscaping and the like,

where tools, equipment and materials used in the business are stored. The category also includes establishments involved in specialized trades such as sheet metal, sign painting, drapers, and exterminators.

Transient Accommodations, Lodging. Establishments in which lodging is provided and offered to the public for compensation, and which is open primarily to transient guests, as distinguished from semi-transient boarding or rooming facilities. Typical uses include hotels, motels, and inns. Meeting and restaurant facilities may be included accessory to this use type. Condominium-hotels shall be considered as a type of transient accommodation.

Transportation Services. Establishments furnishing services related to the arrangement of persons and goods movements, such as freight forwarding, parking services or the rental/leasing of automobiles or two-axle trucks.

Veterinary Service. Establishments engaged in the practice of veterinary medicine, dentistry or surgery, along with those providing animal related services such as kennels, grooming, or breeding services.

The City Council of the City of Lake Elmo hereby ordains that Chapter 154 Article VIII, Section 154.401, is hereby amended to read as follows:

§ 154.401 PERMITTED, ~~AND~~ CONDITIONAL AND INTERIM USES.

Table 9-1 lists all permitted, ~~and~~ 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 limited use.

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

Table 9.1: Permitted, ~~and~~ Conditional and Interim Uses, Rural Districts

	RT	A	RR	RS	RE	Standard
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Residential Uses						
Household Living						
Single-family detached dwelling	P	P	P	P	P	154.454.A
Secondary Dwelling	-	P	-	-	-	154.404.D
Public and Civic Uses						
Cemetery	-	P	P	-	=	
Services						
Self Service Storage Facility	1 ^a	1 ^a	-	-	-	154.404.G
Commercial Kennel	€	€	€	-	-	154.404.I
Commercial Stable	-	€	-	-	-	154.404.I
Outdoor Recreation						
Golf Course	-	€	-	-	-	
Outdoor Recreation Facility	-	C	-	-	-	155.107.E
Parks and Open Areas	P	P	P	P	P	
Restricted Recreation	-	C	-	-	-	
Agricultural and Related Uses						
Agricultural Entertainment Business	I	I	I	-	-	154.111
Agricultural Production	P	P	P	-	-	
Agricultural Sales Business	I	I	I	-	-	154.110
Agricultural Services	C	C	-	-	-	154.404.J
Forestry Operations	-	P	-	-	-	

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

	RT	A	RR	RS	RE	Standard
Greenhouses, Non Retail	C	C	C	-	-	
Wayside Stand	P	P	P	-	-	154.454.D
Industrial and Extractive Uses						
Motor Freight and Warehousing	I ^a	-	-	-	-	154.404.G
Accessory Uses						
Bed and Breakfast	C	C	C	-	-	155.111.C
Domestic Pets	P	P	P	P	P	
Family Day Care	P	P	P	P	P	155.111.G
Home Occupation	P	P	P	P	P	155.111.A,B
Kennel, Private	C	C	C	-	-	154.404.I
Solar Equipment	P	P	P	P	P	155.111.I
Stable, Private	C	C	C	-	-	154.404.I
Swimming Pools, Hot Tubs, Etc.	P	P	P	P	P	155.111.J
Temporary Sales	P	P	P	P	P	155.107.B
Water-Oriented Accessory Structures	P	P	P	P	P	
Other Structures Typically Incidental and Clearly Subordinate to Permitted Uses	P	P	P	P	P	
Commercial Wedding Ceremony Venue	I	I	I			
Open Space Preservation Development						
OP Development	-	C	C	-	-	154.650
OP-Alt Development	-	C	C	-	-	154.700

Notes to Rural Districts Table 9-1

- a. Non-Agricultural Low Impact Use (see 154.404.G)

Note: Standards listed in Table 9-1 are listed by Article, Section and Subsection.

(Ord. 2012-073, passed 3-19-2013)

(Ord. 08-107, passed 5-6-201)

Effective Date

This ordinance shall become effective immediately upon adoption and publication in the official newspaper of the City of Lake Elmo.

Adoption Date

This Ordinance No. 08- 136 was adopted on this 17 day of May, 2016, by a vote of 3 Ayes and 2 Nays.

Mayor Mike Pearson

ATTEST:

Julie Johnson
City Clerk

This Ordinance No. 08-136 was published on the ___ day of ____, 2016.

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

ORDINANCE NO. 08-136

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Services						
Self Service Storage Facility	I ^a	I ^a	-	-	-	154.404.G
Outdoor Recreation						
Outdoor Recreation Facility	-	C	-	-	-	155.107.E
Parks and Open Areas	P	P	P	P	P	
Restricted Recreation	-	C	-	-	-	
Agricultural and Related Uses						
Agricultural Entertainment Business	I	I	I	-	-	154.111
Agricultural Production	P	P	P	-	-	
Agricultural Sales Business	I	I	I	-	-	154.110
Agricultural Services	C	C	-	-	-	154.404.J
Forestry Operations	-	P	-	-	-	

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Wayside Stand	P	P	P	-	-	154.454.D
Industrial and Extractive Uses						
Motor Freight and Warehousing	a	-	-	-	-	154.404.G
Accessory Uses						
Bed and Breakfast	C	C	C	-	-	155.111.C
Domestic Pets	P	P	P	P	P	
Family Day Care	P	P	P	P	P	155.111.G
Home Occupation	P	P	P	P	P	155.111.A,B
Kennel, Private	C	C	C	-	-	154.404.I
Solar Equipment	P	P	P	P	P	155.111.I
Stable, Private	C	C	C	-	-	154.404.I
Swimming Pools, Hot Tubs, Etc.	P	P	P	P	P	155.111.J
Temporary Sales	P	P	P	P	P	155.107.B
Water-Oriented Accessory Structures	P	P	P	P	P	
Other Structures Typically Incidental and Clearly Subordinate to Permitted Uses	P	P	P	P	P	
Commercial Wedding Ceremony Venue	I	I	I			
Open Space Preservation Development						
OP Development	-	C	C	-	-	154.650
OP-Alt Development	-	C	C	-	-	154.700

Notes to Rural Districts Table 9-1

- a. Non-Agricultural Low Impact Use (see 154.404.G)

Note: Standards listed in Table 9-1 are listed by Article, Section and Subsection.

(Ord. 2012-073, passed 3-19-2013)

(Ord. 08-107, passed 5-6-201)

Effective Date

This ordinance shall become effective immediately upon adoption and publication in the official newspaper of the City of Lake Elmo.

Adoption Date

This Ordinance No. 08-136 was adopted on this 17 day of May, 2016, by a vote of 3 Ayes and 2 Nays.

Mayor Mike Pearson

ATTEST:

Kristina Handt
City Administrator

This Ordinance No. 08-___ was published on the ___ day of ____, 2016.

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

RESOLUTION NO. 2016-46

**RESOLUTION AUTHORIZING PUBLICATION OF ORDINANCE 08-136 BY TITLE
AND SUMMARY**

WHEREAS, the City Council of the City of Lake Elmo has adopted Ordinance No. 08-136, an ordinance to amend the Definitions, Chapter 154, Article II and the Permitted, Conditional and Interim Uses in the Rural Districts, Chapter 154, Article VIII, Section 154.401.

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. 08-136 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. 08-136, which amends Chapter 154, Article II – Definitions, Section 154.012, Subd. B.3 and Article VIII, Section 154.401. The Article II – Definitions, Section 154.012, Subd. B.3 is amended as follows:

- The definition of Commercial Kennel is hereby deleted
- The definition of Commercial Stable is hereby deleted

Article VIII, Section 154.401 Permitted and Conditional Uses is amended as follows:

- Section 154.401 Permitted and Conditional Uses is amended to read: Section 154.401 Permitted, Conditional and Interim Uses
- Table 9-1: Permitted and Conditional Uses, Rural Districts is hereby titled: Table 9-1: Permitted, Conditional and Interim Uses, Rural Districts
- Cemetery is hereby stricken as a permitted use in the A-Agriculture or RR-Rural Residential Zoning Districts.
- Commercial Kennel is hereby stricken from the RT-Rural Transitional, A-Agriculture or RR-Rural Residential Zoning Districts.
- Commercial Stable is hereby stricken from the A-Agriculture Zoning District.
- Golf Course is hereby stricken from the A-Agriculture Zoning Districts.

The full text of Ordinance No. 08-136 is available for inspection at Lake Elmo city hall during regular business hours.

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: May 17, 2016

Mayor Mike Pearson

ATTEST:

Julie Johnson, City Clerk

(SEAL)