

AGENDA
CITY COUNCIL
CITY OF WOODLAND



MONDAY, MAY 12, 2014
7:00 P.M.

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

2. ROLL CALL

Mayor Doak, Councilors Carlson, Massie, Newberry, and Rich

3. CONSENT AGENDA

All matters listed under the Consent Agenda are considered to be routine by the City Council and will be enacted by one motion. There will be no special discussion of these items unless a Council member or citizen so requests, in which event the item will be removed from the Consent Agenda and will be considered separately under New Business.

A. Minutes of the April 14, 2014 Regular City Council meeting

B. Consideration of an application to permit chickens, a coop, and a run for Kathy Dittmer and Doug Gustner at 2845 Stone Arch Road.

4. PUBLIC COMMENT

Individuals may address the City Council about any item not contained on the regular agenda. Comments should be limited to five (5) minutes. The Council may ask questions for clarification purposes, but will take no official action on items discussed with the exception of referral to staff or with the agreement of the Council may be scheduled on the current or future agenda.

5. PUBLIC HEARINGS

A. Public Hearing and consideration of variances for Aaron and Heather Melsness for the property located at 2800 Breezy Heights Road.

B. Public Hearing and consideration of a variance and permit for alteration of a non-conforming structure for Mary Santiago for the property located at 2895 West Road.

C. Public Hearing and consideration of a variance for Lecy Brothers Homes and Remodeling for the property located at 2515 Cedar Point Drive.

D. Items pertaining to Ordinance No. O03-2014 amending the City of Woodland Code of Ordinances Chapter 2, Administration of Government; Chapter 4, Public Health and Safety; and Chapter 9, Zoning:

1. Introduction of Ordinance No. O03-2014 (First Reading) amending Chapter 2, Chapter 4, and Chapter 9.

2. Public Hearing relating to amendments to Chapter 9, Zoning, as stated in Ordinance No. O03-2014.

- E. Items pertaining to Ordinance No. 004-2014 amending the City of Woodland Code of Ordinances Chapter 5, Vehicles, Traffic and Streets; Chapter 9, Zoning; and Chapter 12, Sewer and Water:
 - 1. Introduction of Ordinance No. 004-2014 (First Reading) concerning amendments to Chapter 5, Chapter 9, and Chapter 12 Sewer and Water.
 - 2. Public Hearing relating to amendments to Chapter 9, Zoning, as stated in Ordinance No. 004-2014.

6. NEW BUSINESS

- A. Presentation by Nicholas Peterson from the Hennepin County Transportation Department regarding the County Road 101 improvement project.
- B. Introduction of Ordinance No. 002-2014 (First Reading) amending the City of Woodland Code of Ordinances Chapter 4, Sections 430 and 445 relating to false alarms for fire and police services.
- C. Discussion relating to an Ordinance No. 006-2014 Amending Chapter 7, Section 705 relating to Individual Sewage Treatment Systems (ISTS).
- D. Discussion relating to the potential of adding language to Chapter 4 relating to showcase, open house, and estate sale events.
- E. Discussion concerning potential revisions to Chapter 9, Zoning, relating to wetlands within the City of Woodland (Ordinance 0005-2014).
- F. Consideration of a technology upgrade to the City's Water Enterprise System meter reader equipment

7. OLD BUSINESS

8. MAYOR'S REPORT

9. COUNCIL REPORTS

- A. Newberry – Ordinances, Septic Ordinance, and Inspections
- B. Rich – Roads, Signs, Trees, and Website
- C. Carlson – Finance, Enterprise Fund, Intergovernmental Relations, and MCWD
- D. Massie – Public Safety and Deer Management

10. ACCOUNTS PAYABLE

11. TREASURER'S REPORT

12. ADJOURNMENT

- 15 minutes will be allotted for public comment. If the full 15 minutes is not needed, the Council will continue with the agenda
- The next City Council meeting will be held on June 9, 2014.

MINUTES
CITY COUNCIL
CITY OF WOODLAND



MONDAY, APRIL 14, 2014

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

2. ROLL CALL

Present: Mayor Doak, Councilor Carlson, Councilor Massie, Councilor Newberry,
Councilor Rich

Staff: City Clerk, Kathryne McCullum

3. CONSENT AGENDA

A. Minutes of the March 10, 2014 Regular City Council meeting

B. Items pertaining to 17520 Blaine Avenue for Scott Severson:

1. Adoption of Resolution No. 14-2014 denying a variance to exceed the maximum permitted impervious surface area.

2. Adoption of Resolution No. 15-2014 approving a request for an alteration of a non-conforming structure permit for the construction of a garage addition.

C. Adoption of Resolution No. 16-2014 for a Lot Line Alteration and Combination, Kyle Hunt & Partners, Inc., 3100 Maplewood Road.

D. Adoption of Resolution No. 17-2014 adopting the City of Woodland Mailbox Repair Policy

E. Adoption of Resolution No. 18-2014 stating support for the on-going discussion relating to the Scenic Byway Program

Carlson moved, seconded by Newberry to approve the consent agenda as submitted. Motion carried 5-0.

4. PUBLIC COMMENT - None

5. PUBLIC HEARINGS – None.

6. NEW BUSINESS

A. Items pertaining to the County Road 101 Reconstruction Project:

- 1) Hennepin County representatives update on County Road 101 Improvements
- 2) Resolution No. 19-2014 authorizing execution of a cost participation agreement between the City of Woodland and Hennepin County

This item was pulled from the agenda.

Mayor Doak indicated that construction on County Road 101 is expected to begin in June, 2014 and the causeway closure is expected to extend from August, 2014 to November, 2015.

B. Discussion relating to Ordinance No. O02-2014 Amending Chapter 4, Sections 430 and 444, Clarifying Fire and Police Response Fees

Mayor Doak explained that the intent of the revisions to the ordinance is to clarify the collection process for both fire fees and false alarm fees and to better define the differences between the police and fire fees and regulations.

All City Council members agreed with the amendments and the Council requested that the item be placed on the May meeting agenda for first reading.

C. Discussion concerning potential ordinance amendments, Sections 400, 500, and 900 of the City Code of Ordinances

Emergency Management Ordinance

Mayor Doak explained that the Emergency Management Ordinance and the summary of elected official's role in an emergency event were included in the Council packet to ensure that the Council became familiar with its role in case an emergency situation arises in the City.

Mayor Doak noted that the Emergency Management Ordinance and amendments to the ordinance were adopted by past Councils; however, there is no indication that an Emergency Management Director had been formally appointed. He indicated that a resolution was prepared to appoint a director and asked for a motion to adopt the resolution in support of naming Police Chief Cory Johnson as the City's Emergency Management Director.

Rich moved, seconded by Massie to adopt Resolution No. 20-2014 appointing Police Chief Cory Johnson as the City's Emergency Management Director.

Motion carried 5-0.

Vehicle Weight Restrictions

Mayor Doak indicated that this item was before the Council because the topic of vehicle weight restrictions was particularly relevant due to the late spring and cold weather.

Mayor Doak explained that there are times the City allows for flexibility in placing and removing vehicle weight restrictions. He noted that the current language provides for sufficient flexibility and if the Council agreed, no change to the ordinance would be necessary at this time.

All Council members agreed that no change was necessary at this time.

Parking Zones

Mayor Doak asked the Council if the ordinance should be more explicit in noting that parking zones are not plowed by the City.

Councilor Rich thought that additional language regarding the fact that the City does not plow parking zones would provide clarification to residents and should be added.

Councilor Massie thought that permits should not be given out if the parking areas are not plowed. Mayor Doak agreed and said that the utmost care should be taken when permits are given to residents.

Suggested language to add to this section included, "The City has no obligation to plow parking zones."

Wetlands

Mayor Doak indicated that there are several areas in the City Code that contain the definition of wetland and provide for its protection. Taken as a whole, the provisions provide a comprehensive wetlands policy, but each provision is found in a separate section of the City Code and Plan, including the Surface Water Management Plan and the City's Comprehensive Plan, the Zoning Code, and the Subdivision Ordinance. Mayor Doak suggested that the information be compiled and organized to provide a central source of information on wetlands policy. This could potentially be a subsection of Chapter 9, Zoning.

Mayor Doak explained that most cities distinguish between buffer zones and setbacks. Most have a wider setback requirement than the 25feet that is required by the City of Woodland. He asked if the Council would like to rationalize wetlands references in the Code, explore adding language on wetland buffers. and provide for additional setbacks from the buffer area.

Mayor Doak noted several challenges to any change. The City is nearly fully developed and some properties may be rendered non-conforming if setback requirements were revised. He explained that the City needs to balance the

environmental concerns with the rights of property owners when making these type of decisions. Mayor Doak noted that the City should not get into a position of “taking” property when applying strict setback requirements.

Councilor Carlson thought that each property is different and that the setback could depend upon the type of wetland and the quality of soils involved.

Mayor Doak thought that there could be some gradation of the setback based on the type of wetland.

Councilor Rich questioned whether or not adding 10 feet to the wetland setback (25 feet to 35 feet) would make a difference since the 25 foot setback requirement has been in place for such a long period of time.

Mayor Doak stated that the City had appointed the Minnehaha Creek Watershed District as its wetland administrator, but that the District’s rules although well meaning, often created confusion. Wetland buffers vary significantly depending upon the classification of the wetland. Despite sensitivity to the quality of wetlands for new large subdivisions, the MCWD seems to default to a simple 25 foot buffer for new or rebuilt single family sites, regardless of the quality of the wetland. Should the City add a setback to the MCWD declared buffer, as has been enacted by the City of Orono or should it adopt another approach? The City’s 25 foot setback doesn’t appear relevant in that the MCWD mandates a 25 foot buffer at a minimum. A buffer must remain in a natural state. Should the City shift from a setback to a buffer in its ordinance language? Should the City add a setback to the up-hill border of the buffer? What should that set back be? What is the best process to explore the feasibility of these changes to the City’ ordinances?

The Council agreed that work should be started on placing all of the wetland information in one place in the zoning ordinance. Mayor Doak asked that the Council approach residents and ask their thoughts on how to best address the setback issue.

Ms. Murphy thought that the wetland delineation should be conducted at times when the wetlands contain more water. She thought this would give a better idea of where the actual wetland lines are and would provide for more protection of the wetlands in the City.

Mayor Doak explained that in the last analysis the City is responsible for protecting its environment. We cannot rely on the Watershed District or other entities to protect the City’s natural resources.

Lakeshore

Mayor Doak thought that the Council could support an increased setback from Lake Marion and Shaver’s Lake from 50 feet to 75 feet, but only if all of the

property owners surrounding each Lake agreed to the change. He indicated that he spoke with some Shaver's Lake property owners and they said that they would not support an increased setback. He reminded the Council that City residents had been polled for their opinion on increasing the Lake Minnetonka setback from 75 feet to 100 feet. The response was almost unanimously negative on the idea.

Ms. Murphy stated that a portion of Lake Marion is in the City of Deephaven and that area has a 75 foot setback. She noted that the portion that is in the City of Woodland is 50 feet. She thought that the setback around the entire lake should be consistent at 75 feet.

Mayor Doak reiterated that the strong support of residents abutting Lake Marion would be a key precondition for Council consideration of an increased setback.

The Council asked that Mr. Anderson and Ms. Murphy to review the idea with neighbors and bring the results back to the Council at a later date.

Guesthouses

Mayor Doak stated that although guesthouses are listed as an accessory structures, the definition of guesthouses could provide additional clarification as follows:

Definition

Subd. 17 Guesthouse means an accessory structure used as a dwelling for non-paying guests or persons employed on the premises.

The Council agreed with this revision.

Minimum Floor Area

Mayor Doak asked the Council if they thought the minimum floor area for a new home should be increased. He noted that land values more than floor area dictates the quality of homes in the City. A size diversity of high quality, single family homes would encourage a wide age spectrum of City residents. He noted that long-time residents would be encouraged to stay in the City in smaller homes that may be more appropriate for them. He thought that the minimum floor area should not be revised. The Council agreed.

Sewer/Water

Mayor Doak thought that language could be added to make sure that it is clear that property owners are responsible for the pipes from the house to the street. He said that language would be developed that provides for a specific reference for clarification purposes.

The Council agreed that the changes noted in the meeting should be placed in ordinance form and forwarded to the Council at the May meeting.

- D. Discussion relating to general housekeeping ordinance amendments, Sections 200, 400, and 900 of the City Code of Ordinances

Mayor Doak provided a brief overview of each housekeeping ordinance amendment. The Council agreed that the amendments should be made and asked that staff prepare a document to be considered at the May meeting.

7. OLD BUSINESS - None

8. MAYOR'S REPORT

- Mayor Doak noted that a Christmas tree has been lying in the City right-of-way in front of a residence for quite some time. He described the process for dealing with this type of nuisance condition in the City, which he noted was a very lengthy but necessary.
- Data Practices – Open Meeting Law – Mayor Doak asked the Council to be careful to avoid violations of the Open Meeting Law that can result from responses to blast emails from constituents. The City is trying to avoid quasi-quorums that result from serial email responses. Mayor Doak also noted that in a public setting it is important to differentiate one's personal opinion from a City position on an issue. City positions on issues are developed through discussion by the full Council.
- Parade of Homes – Mayor Doak described a recent situation where a Parade of Homes residence attracted numerous people and two large, overweight charter busses which caused parking problems and congestion in a Woodland neighborhood. He said that he would like the Council to explore the potential of enacting an ordinance, similar to the City of Deephaven, where that type of event would require an advance public hearing, allowing neighborhood resident input and requiring City Council permit approval. Mayor Doak noted that Council will be asked to discuss this item at the May meeting.
- Website Updates – Mayor Doak said that the website has been updated and significant progress has been made on its look, flow, and content.
- The LMCC is in the final stages of approving the franchise agreement with Mediacom.
- The LMCD is offering a boating safety course for teens and it seems to be successful.

9. COUNCIL REPORTS

- A. **Councilor Newberry** said that he has been working to adapt the Hennepin County septic ordinance to fit the City's needs. He noted that the ordinance will be placed on the May City Council meeting agenda for discussion.

Councilor Newberry said that the League of Minnesota Cities literature appears to suggest that revisions to the City's subdivision ordinance might need to be

reviewed by the Metropolitan Council. He asked staff to verify that his impression is correct.

- B. **Councilor Rich** said that he inspected the roads in the City with the City Engineer and the roads are in good condition overall. He said that the City should try to get by with limited repairs this year in anticipation of major outlays, associated with the County Road 101 project in 2015. Councilor Rich stated that he spoke with Tim Lovett who will repair potholes as soon as possible.

Councilor Rich also explained that the City Engineer recommends the City crack seal the side streets which will extend the life of the roads.

Councilor Rich indicated that he and the City Engineer reviewed the Blaine Avenue storm water drainage issue and found that water is pooling in a certain area, but it is not excessive. He said that a small channel could be constructed to direct the water away from homes and toward the lower areas. Councilor Rich asked staff to review the invoice from Bolten and Menk. He thought that one of the expenses stated on the check register seemed high.

- C. **Councilor Carlson** described a bill that requires houses larger than 4,500 square feet to have fire sprinklers. She said that she will contact Senator Bonoff to find out where she stands on the issue.

Councilor Carlson noted another bill that is being considered regarding Joint Powers Agreements (JPAs). The Council agreed that JPAs should not be restricted. Councilor Carlson said that she would speak with the Senator about this item.

Councilor Carlson said that she attended two informational sessions. The first session was held at the Minnehaha Creek Watershed District headquarters and related to Shaver's Lake. She noted that the clean up of the lake will require a lot of work. She also noted that sediment must be cleaned up where the storm water drains go into the Lake and the City of Minnetonka or County could be responsible for the clean up – depending on where the pipe extends into the Lake. The second session that she attended related to shallow lakes where very good information was provided regarding maintaining the health of shallow lakes.

Councilor Carlson explained that she was approached by a person who asked if sewer and water lines would be broadly extended from Minnetonka to Woodland during the reconstruction of County Road 101. The Council saw no need for additional access to the Minnetonka systems beyond that available under the existing contract. Extending sewer service to additional properties that abut County Road 101 could be possible at the resident's request under the existing agreement with Minnetonka.

D. **Councilor Massie** – Public Safety and Deer Management – No report.

10. ACCOUNTS PAYABLE

Massie moved, seconded by Newberry to approve the Accounts Payable. Motion carried 5-0.

11. TREASURER'S REPORT

Newberry moved, seconded by Rich to approve the Treasurer's Report for March, 2014. Motion carried 5-0.

12. ADJOURNMENT

Newberry moved, seconded by Carlson to adjourn the meeting. The meeting was adjourned by consensus at 9:50 p.m.

CITY COUNCIL
CITY OF WOODLAND
MEETING OF MAY 12, 2014

Agenda Item 3. B.

Consent Agenda

TO: Honorable Mayor and Members of the City Council
FROM: Kathyne McCullum, City Clerk
SUBJECT: Consideration of a permit application to allow chickens, a coop, and a run for Kathy Ditmmer and Doug Gustner at 2845 Stone Arch Road.

Background

Kathy Ditmmer and Doug Gustner have applied for a permit to allow chickens, a coop, and a chicken run on their property located at 2845 Stone Arch Road. Mr. Gustner has indicated that he will be purchasing five chickens and this is consistent with that allowed by ordinance.

The applicants have provided a scaled drawing that indicates the location of the chicken enclosure, and the placement of the structure is also consistent with the ordinance.

The ordinance also states that the Council may impose any restrictions or conditions deemed necessary to protect neighboring property from unreasonable noise, unsanitary conditions, a public health risk or other annoyance. The ordinance is attached for Council reference.

Notices were mailed to neighboring property owners, informing them of the proposal, as required by the "Permit to Keep Backyard Chickens" application.

Recommendation

Approve the permit to allow chickens for Kathy Ditmmer and Doug Gustner for the property located at 2845 Stone Arch Road.

SECTION 407 BACKYARD CHICKENS

407.01. Animals and Fowl-Keeping, Treatment, and Housing

Subd. 1 Definitions. For the purpose of this Section, the following words have the meanings given them in this Subsection:

- (a) Chicken, a domestic fowl, *Gallus domesticus*, descended from various jungle fowl of southeastern Asia and developed in a number of breeds for its flesh, eggs, and feathers.
- (b) Coop means the structure for the keeping or housing of chickens permitted by the ordinance
- (c) Hen means female chicken
- (d) Rooster means a male chicken
- (e) Run means a fully enclosed area attached to a coop where the chickens can roam

Subd 2. Keeping of Chickens. No person shall own, harbor, or keep within the City a hen chicken unless a valid permit for such chicken has been obtained pursuant to the provisions stated herein.

- (a) Upon payment of the fee set forth in Section 305.02, permits will be issued on an annual basis, expiring December 31 following the date issued.
- (b) There must be compliance with all other provisions of this Section.
- (c) The permit may impose any restrictions or conditions deemed necessary to protect neighboring property from unreasonable noise, unsanitary conditions, a public health risk or other annoyance.
- (d) An initial inspection of the property, coop, and run is required prior to issuance of a permit. A similar inspection is also required for permit renewals.
- (e) The City may inspect the property at any time to ensure compliance with the provisions of this Section or for any other reason.
- (f) A permit issued by the City shall not be transferable.
- (g) The permit is subject to revocation by the Council if found to present noxious odors, excessive noise levels, poorly maintained coop, unsanitary or inhumane conditions, failure to restrain chickens to their run, a public health risk and failure to comply with any provision of this Section.

Subd. 3 General

- (a) The keeping of roosters is prohibited.
- (b) No more than five (5) chickens shall be kept on any one (1) premise.

- (c) Chickens must be confined on the permitted premise at all times, in a chicken coop or chicken run, and may not be kept in any part of a principal dwelling or the garage.
- (d) All chicken grains and feed must be stored in a rodent proof container.
- (e) The use of chickens for cockfighting is prohibited.
- (f) The City will accept no responsibility for the loss of chickens to predators.

Subd. 4. Coop and Run

- (a) All chickens shall be provided access to both a coop and a run.
- (b) Any chicken coop or run shall be set back at least twelve (12) feet from the principal dwelling, fifty (50) feet from a well head, fifty (50) feet from principal dwellings on adjacent lots, and thirty (30) feet from the property line.
- (c) Any coop or run shall be set back at least twenty-five (25) feet from the following features:
 - a. a delineated wetland edge;
 - b. The top of a bank of a pond, filtration basin.
- (d) The coop and run, whether portable or stationary shall not be placed in the front yard.
- (e) No coop or run shall be located in any form of easement or right-of-way.
- (f) The coop shall be screened view by neighbors upon their request.
- (g) The coop shall not be visible from Lake Minnetonka.
- (h) The coop and run shall be completely enclosed and rodent proof.
- (i) The coop shall provide adequate ventilation and protection from the elements and be winterized.
- (j) All fencing and electrical work associated with the chicken coop or run shall be consistent with the building and zoning codes and all appropriate permits and licenses shall be obtained therefore.
- (k) Chicken coops shall have a maximum footprint area of ten (10) square feet per chicken.
- (l) Chicken runs shall have a maximum footprint area of twenty (20) square feet per chicken and a minimum footprint area of ten (10) square feet per chicken.
- (m) The coop shall be elevated a minimum of twelve (12) inches above ground and no part of the coop may not exceed a height of ten (10) feet as measured from the ground.

- (n) The coop and the treatment of chickens shall meet the generally accepted standards for animal husbandry adopted by the commercial egg production industry, as revised from time to time by industry association(s).
- (o) The coop and run must be removed from the property when chickens are no longer kept.

CITY COUNCIL
CITY OF WOODLAND
MEETING OF MAY 12, 2014

Agenda Item 5. D.

Public Hearing

TO: Honorable Mayor and Members of the City Council

FROM: Kathyne McCullum, City Clerk

SUBJECT: Items pertaining to Ordinance No. O03-2014 amending the City of Woodland Code of Ordinances Chapter 2, Administration of Government; Chapter 4, Public Health and Safety; and Chapter 9, Zoning:

1. First Reading of Ordinance No. O03-2014 amending Chapter 2, Chapter 4, and Chapter 9.
2. Public Hearing relating to amendments to Chapter 9, Zoning, as stated in Ordinance No. O03-2014.

Background

At the April 14, 2014 meeting, the City Council discussed several potential "housekeeping" amendments to the Code of Ordinances. At that time, the Council agreed that the amendments should be made and asked that staff prepare a document to be considered at the May meeting.

Recommendation

1. Introduce Ordinance No. O03-2014 (First Reading) concerning amendments to Chapter 2, Administration of Government; Chapter 4, Public Health and Safety; and Chapter 9, Zoning of the City of Woodland Code of Ordinances.
2. Conduct the Public Hearing relating to amendments to Chapter 9, Zoning, as stated in Ordinance No. O03-2014.
3. Direct staff to place Ordinance No. O03-2014 on the June 9, 2014 agenda for Second Reading and adoption.

CITY OF WOODLAND
HENNEPIN COUNTY, MINNESOTA
AN ORDINANCE NO. 004-2014 AMENDING CHAPTER 2, CHAPTER 4,
AND CHAPTER 9 OF THE CITY OF WOODLAND'S CODE OF ORDINANCES

THE CITY OF WOODLAND, MINNESOTA ORDAINS:

Section 1. Chapter 2, Section 200.06 – subd. 2 is hereby amended as follows: (deletions are stricken and additions are underlined.)

Subd.2. Approval. The minutes of each meeting will be reduced to typewritten form and will be signed by the Mayor and Clerk.

Section 2. Chapter 2, Section 210.01 is hereby amended as follows: (deletions are stricken and additions are underlined.)

210.01 The Clerk-Treasurer The offices of Clerk and Treasurer of the City are combined in the office of Clerk-Treasurer and the duties of the Clerk-Treasurer will be performed as provided by City Code and State Law.

Section 3. Chapter 2, Section 220.01 is hereby amended as follows: (deletions are stricken and additions are underlined.)

~~SECTION 220 MORATORIUM ON BUILDING PERMITS~~

~~220.01. Purpose. Pursuant to applicable Minnesota Statutes and pursuant to authority and direction from the Council, the City will be conducting studies for the purpose of considering amendment of its official controls, as defined in Minnesota Statutes, Section 462.352, Subd. 15 relating to shoreland and floodplain management. The studies will consider what amendments of the City's Code of Ordinances may be appropriate in relation to structures and alterations of topography and vegetation within a specified distance of the lakes and wetlands within the City. The amendments and official controls being studied will consider, among other things, the need and desirability of regulating, controlling and restricting development within shoreland and floodplain areas, and the terms and conditions of such restrictions, regulations and controls. While the amendments and new official controls are being considered, the City may be asked to consider proposals for construction of buildings or other alterations and applications for permits. Therefore, in order to protect the planning process and the health, safety and welfare of the citizens of Woodland and without in any way restricting the City's power to amend its official controls in a matter consistent with Woodland's community interests, customs and values, it is necessary and desirable to impose the following moratorium pursuant to the authority granted by Minnesota Statutes, Section 462.355, Subd. 4.~~

~~220.02. Moratorium. From the effective date of this Ordinance to and including February 28, 1993, subject to earlier termination or extension by the City Council, the City Council, the Building Official, and the City staff of the City of Woodland shall not grant any permits, or accept any applications or requests for any permits, for the construction of any building, or addition to or alteration of any building, or for any grading, filling or other topographical alteration, which would be contrary to the shoreland management provisions of Minnesota Statutes, Section 103F.201 through 103F.221 and Minnesota Rules 6120.2500 through 6120.3900, and the floodplain management provisions of Minnesota Statutes, Section 103F.101 through 103F.155 or Minnesota Rules 6120.5000 through 6120.6200. Notwithstanding the fact that such State provisions are not a part of the City Code, and without limiting the City's power to enact only those shoreland and~~

~~floodplain management provisions deemed suitable for Woodland, the City Council may during the time this Moratorium is in effect refuse to grant any such permits, applications, or requests unless the City Council has granted a variance from such State shoreland or floodplain management provisions using the same procedures and requirements as set forth in Section 900.14 of the City Code. If during the time this moratorium is in effect any such State provision is inconsistent with any provision of the City Code, the more restrictive provision will apply.~~

Section 4. Chapter 4, Section 405.02, subd. 2 is hereby amended as follows: (deletions are ~~stricken~~ and additions are underlined.)

405.02, Subd. 2 Exempted Animals.

(a) small rodents under (~~15~~ 5 pounds) housed indoors.

Section 5. Chapter 4, Section 407.01, Subd. 5, Private Restrictions and Covenants on Property is hereby amended as follows: (deletions are ~~stricken~~ and additions are underlined.)

~~Subd. 5. Private Restrictions and Covenants on Property. Notwithstanding the issuance of a license by the City, private restrictions or covenants on the use of property shall remain enforceable. Private restrictions include but are not limited to deed restrictions, neighborhood association by laws, and covenant declarations. A permit issued to a person whose premises are subject to private restrictions and/or covenants that prohibit the keeping of chickens is void. The interpretation and enforcement of the private restrictions is the sole responsibility of the private parties involved.~~

Section 6. Chapter 900.02, Subd. 18, is hereby amended as follows: (deletions are ~~stricken~~ and additions are underlined.)

~~Subd. 18. Hardship has the meaning given that term in Minnesota Statutes, Chapter 462.~~

Section 7. Chapter 900.02, Subd. 18 is hereby amended as follows: (deletions are ~~stricken~~ and additions are underlined.)

Subd. 18. Practical Difficulties Standard. "Practical difficulties," as used in connection with the granting of a variance, means:

- (a) That the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance;
- (b) The plight of the landowner is due to circumstances unique to the property not created by the landowner;
- (c) The variance, if granted, will not alter the essential character of the locality.
- (d) Economic considerations alone do not constitute practical difficulties.
- (e) For existing developments, not served with municipal sewer and water, a complying sewage treatment system is present for the intended use of the property. The variance, if issued, must require reconstruction of a nonconforming sewage treatment system.

Section 8. Chapter 9, Section 900.04 – Subd. 2. (b) (1) Permitted Uses – Accessory use is hereby amended as follows: (deletions are ~~stricken~~ and additions are underlined.)

900.04 Uses in the Residential Districts.

Subd. 2. Uses Permitted. The following uses are permitted within the City:

- (a) One-family dwellings.
- (b) Accessory structures, uses and equipment necessary or incidental to a one-family dwelling, including public and private ways and easements, essential services, guesthouses complying with Section 900.12, Subd. 3, garages for use of the persons residing on the premises, pump houses, swimming pools, spas, hot tubs, recreational sports courts, and other structures for yard, garden and private recreational purposes or ornamentation subject to the following:
 - (1) An accessory use may not be dangerous, obnoxious or offensive as determined by the City Council, ~~to persons residing in the vicinity~~, or impair the use, enjoyment or value of any property.

Section 9. Chapter 4, Section 420.01 is hereby amended as follows: (deletions are ~~stricken~~ and additions are underlined.)

420.01 Definitions. For the purpose of this Section, the following words have the meanings given them in this Subsection:

Subd.1. Picnic or Picnicking. Eating a lunch or other meal consisting of food or bottled liquids prepared or obtained elsewhere than at the place of the picnic by one or more persons either in the open air or in a parked vehicle.

Subd.2. Private Premises. Privately owned property that can include both dry land and land below the publicly owned waters. ~~privately owned waters.~~

Section 10. Chapter 9, Section 900.01, Subd. 2 is hereby amended as follows: (deletions are ~~stricken~~ and additions are underlined.)

Subd. 2. Scope. The use of all land and every ~~building~~ structure and the erection of any structural alteration of any building or portion of a building in the City shall be in conformity with the provisions of Chapter 9.

Section 11. Chapter 9, Section 900.02, Subd. 38 is hereby amended as follows: (deletions are ~~stricken~~ and additions are underlined.)

Subd. 38. Structure, Accessory means a subordinate ~~building~~ structure, the use of which is incidental to that of the main building located on the same lot.

Section 12. Chapter 9, Section 900.06, Subd. 5 is hereby amended as follows: (deletions are ~~stricken~~ and additions are underlined.)

Subd. 5. Effect of Permit. If an alteration for which a permit is granted under this Section is not commenced within a period of 12 months after the permit is issued, the permit will expire. If the permit provided for in this Section is granted, and the alteration is commenced within 12 months,

the permit will run with the title to the property for which it was granted so long as the alteration for which it was granted continues to exist. If that alteration is destroyed or removed, the permit will automatically expire. The City may impose additional conditions in specific instances to protect public health, safety, and welfare.

Section 13. Effective date. This ordinance shall become effective as of the date of publication.

Adopted by the City Council of Woodland on _____, and published in the Minnesota Sun Publications on _____.

ATTEST:

Kathryne McCullum, City Clerk

James S. Doak, Mayor