



AGENDA

**Baxter City Council Work Session
August 22, 2018
6:45 p.m.**

1. Future Ordinance Amendments to Title 10-1-3 D. 8. – Community Development
Director, Josh Doty.

Council Memorandum

To: Mayor and City Council

From: Josh Doty, Community Development Director

Date: August 17, 2018 for the City Council Work Session on August 22, 2018

Subject: Future Ordinance Amendments to Title 10-1-3 D. 8.

Background

In the last several years, numerous CUP applications have been approved by the City to allow the expansion of legally non-conforming structures on riparian lots. Staff notes that many of the conditional use permits considered and approved allowed construction that was not related to the non-conformity or the water resource. The Baxter ordinance that requires a CUP for any expansion of a non-conforming structure on a riparian lot is more restrictive than the State of Minnesota model shoreland ordinance and State of Minnesota statute on nonconformities. Staff finds that CUP process is excessive for some of the minor improvements that have been requested on riparian lots. Staff has been planning to propose a revision to the ordinance but has not yet completed that work.

On August 15, 2018, staff completed a framing inspection for an addition on White Sand Lake at 14312 Memorywood Drive. At the inspection, staff learned that a covered front porch was added to the construction scope, which was not on the building permit plans and was not approved by the original CUP to allow expansion of a legally non-conforming structure on a riparian lot. The principal structure is non-conforming to the lake setback. Staff notes that the porch that was constructed without permit is on the opposite side of the home from the lake.

Staff finds that rather than requiring the property owner to apply for a second CUP for a minor construction amendment, staff proposing that the City request a future city-wide ordinance amendment to address the non-conforming ordinance.

Staff is therefore seeking City Council consensus support for staff to complete a related ordinance amendment regarding the above nonconforming ordinance language within 60 days and to not hold up the property owner's construction of the porch. Staff does note that the City has already received a change order from the contractor adding the porch to the building permit plan set. The building official has confirmed that the plans would meet the building code.