
CITY OF MOTLEY

BOARD OF ADJUSTMENT / PLANNING COMMISSION

MEETING PACKET FOR
August 25, 2015



CITY OF MOTLEY
PLANNING AND ZONING COMMISSION
AGENDA
August 25, 2015
6:00 pm – Motley City Hall

1. Call to Order
2. Roll Call
3. Public Hearings
(NOTE: members of the public wishing to comment on a particular public hearing will be given an opportunity during the appropriate public hearing)
 - a. None
4. Additions or Deletions to Agenda
5. Open Forum
(NOTE: the open forum is an opportunity for members of the public to comment on any item not related to a specific agenda item, but relating to land use regulations or planning within the City)
6. Approval of Minutes
 - a. July 2015
7. Planning and Zoning Administrator's Report
8. Other Business
 - a. Discussion - Storage POD ordinance
 - b. Discussion - Use of land within Industrial Park
 - c. Discussion - Regulation of land uses within zoning districts (if time allows)
9. Adjournment

This agenda is not exclusive. Other business may be discussed as deemed necessary.

Members of the public:

Please see the next page for the City of Motley's policy regarding "Standards of Conduct at Public Meetings".

**CITY OF MOTLEY
STANDARDS OF CONDUCT AT PUBLIC MEETINGS**

The City Council encourages good-faith testimony from its citizens and desires to provide an environment based on respect and civility. In order to do so, the City Council of the City of Motley has established the following Standards of Conduct at Public Meetings, based on the norms of acceptable and courteous business behavior:

1. Members of the audience wishing to address the Council shall first secure the permission of the Chairperson.
2. Members of the audience will refrain from disruptive actions such as hand clapping, stamping of feet, whistling, cheering, yelling or similar demonstrations, which conduct disturbs the peace and good order of the meeting and which conduct might have an intimidating effect upon members of opposing viewpoints.
3. Persons addressing the City shall also refrain from slurs against race, creed, color, religion, national origin, gender, sexual or affectional orientation, marital status, familial status, age, disability, or status with regard to public assistance.
4. Profanity, slander, false statements, violence, or the threat of violence in any form shall not be tolerated.
5. City Officials shall also comply with these **STANDARDS OF CONDUCT**, the City of Motley's **CODE OF ETHICS FOR PUBLIC OFFICIALS** and the **CITY OF MOTLEY CONFLICTS OF INTEREST POLICY**.

Violations of these **STANDARDS** shall be determined by the opinion of the Chairperson of the meeting or, absent such opinion, by the opinion of the majority of the members of the deliberating body.

1. Any person violating these standards shall be called to order by the Chairperson of the meeting. If such conduct continues, said person may, at the discretion of the Chairperson, lose the floor. With the exception of Elected Public Officials (e.g. City Council) at City Council meetings, said person may be denied further audience before the City for that meeting.
2. If said person refuses to come to order and obey the directives of the Chairperson of the meeting, the Chairperson may request that said person leave the building. An exception to this is made for Elected Public Officials at City Council meetings as protected by law.

STAFF REPORT

Discussion: Storage POD regulations

Applicant: City of Motley

Background Information:

- **Proposal:** The city does not currently have clear regulations regarding portable storage units that are sometimes used on properties for temporary storage. These units are usually the rectangular metal structures commonly seen on train cars and are used when people are moving or for other purposes.

Based on the discussion at the July 2015 meeting and a review of other ordinances, Staff is attaching a draft ordinance to regulate such units.

Planning Commission/Board of Adjustment Direction: The attached represents a possible set of regulations for these units, which is for discussion purposes. Ultimately, if such an ordinance is to be adopted, a public hearing may need to be scheduled.

Section 1. Authority, Purpose and Intent.

The following regulation has been adopted pursuant to Minnesota Statutes _____ for the protection of public and private property, and the promotion of health, safety, order, convenience, and the general welfare as these may relate to the placement of portable storage units on public and private property.

Section 2. Definitions.

The following definitions shall apply under this Ordinance.

- A. "Applicant" shall mean the person that owns, rents, occupies, or controls the property and is herein required to obtain a permit for the placement of a Portable Storage Unit on private property.
- B. "Supplier" shall mean the company or vendor which supplies the Portable Storage Unit to the residential property, if applicable.
- C. "Portable Storage Unit" shall mean a storage unit designed, constructed or reconstructed so as to be capable of movement via towing, hauling or attachment to a vehicle from one site to another and designed to be used without a permanent foundation. Portable storage units shall include semi-trailers and similar units which have been modified to make them unable to be readily transported from one location to another. Storage buildings constructed on skids, properly licensed fish houses and other similar structures designed for common use as residential storage structures shall not be considered portable storage units for the purposes of this ordinance.

Section 2. Exemptions

The following portable storage units are exempt from the requirements of this ordinance:

- A. Portable storage units which are entirely contained within a building ~~or screened to an equivalent manner by fences, trees, shrubs, natural topography or other means acceptable to the City Zoning Administrator shall be exempted from these regulations.~~
- B. ~~Portable storage units which are located at least one hundred (100) feet from a public road right of way and at least one hundred (100) feet from an occupied or unoccupied dwelling (excepting any dwelling on the same property where the unit is to be located or a dwelling owned by the same landowner as the property where the unit is located).~~
- C.B. ~~Portable storage units which are actively being unloaded and will be located on-site for less than ninety-six (96) hours five (5) days.~~
- D.C. ~~Portable storage units for sale or rent or awaiting services which are located on premises owned or leased by a person or business legally engaged in the sale, rental or service of such units.~~
- E.D. ~~Portable storage units located on property where active construction of commercial or industrial structures or improvements is taking place.~~
- F. ~~Semi trailers that are licensed and road ready.~~

Section 3. Requirements for Permitting of Portable Storage Units.

- A. ~~Prior to or within ninety-six (96) hours following the initial delivery of a Portable Storage Unit, the Applicant or the Supplier shall obtain a permit for the placement of a Portable Storage Unit with the City.~~
- B. ~~The application for a portable storage unit permit shall be obtained from the City by:
 1. Completing an application form provided by the City;~~

- ~~2. Presenting a valid and active City permit for that property if the Portable Storage Unit is to be used for the storage of building materials;~~
- ~~C. Payment of a \$____ nonrefundable application fee; and The application shall contain the name of the Applicant to whom the temporary storage unit is supplied, whether the person owns, rents, occupies, or controls the property, the address at which the Temporary Storage Unit will be placed, the expected delivery date, the expected removal date, active building permit number, if applicable, and a sketch depicting the location and the placement of the Temporary Storage Unit.~~
- ~~D. The effective date of the permit shall be the date of the City's written approval.~~

Section 43: Requirements for Placement of Portable Storage Units.

The following requirements shall apply to the placement of Portable Storage Units within the City:

- ~~A. A Portable Storage Unit permit, once granted, shall be valid for a period of time not exceeding 90 days. A permit for the initial 90 day period may be issued by the City Zoning Administrator. An application to extend this time frame must be approved by the City Council, which may permit for an extension of up to an additional 90 days. In no case shall an applicant be permitted to have a portable storage unit on the same property for more than 180 days in any 365 day period. No portable storage unit may be located on a property for longer than five (5) consecutive days. Portable storage units can be placed on a property multiple times throughout the year, provided there is at least seven (7) days between times when a portable storage unit is placed on the same property.~~
- ~~B.A. The Applicant, as well as the Supplier, shall be responsible for ensuring that the Portable Storage Unit is maintained in good condition, free from evidence of deterioration, weathering, discoloration, graffiti, rust, ripping, tearing or other holes or breaks, at all times.~~
- ~~C.B. No Portable Storage Unit shall be used to store solid waste, construction debris, demolition debris, recyclable materials, business inventory, commercial goods, goods for property other ~~that~~than at the residential property where the Temporary Storage Unit is located.~~
- ~~D.C. No Portable Storage Unit shall be used to store any illegal or hazardous material.~~
- ~~E.D. Upon reasonable notice to the Applicant, the City may inspect the contents of any Portable Storage Unit at any reasonable time to ensure that it is not being used to store unpermitted materials.~~

Section 5. Enforcement and Penalties.

~~The City may imposed an administrative fine in the amount of \$____ for a violation of this ordinance. Any person or entity who shall intentionally, knowingly, recklessly, or with criminal negligence, violate any provision of this Ordinance shall be deemed guilty of a misdemeanor. Each day shall constitute a separate offense.~~

Section 6. Severability

In the event any clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part of provision hereof other than the part declared to be invalid or unconstitutional.

STAFF REPORT

Issue: Regulation of land uses within zoning districts

Agenda Item: 8(c)

Background Information:

Issue: The Commission/Council has directed staff to begin drafting out an amended land use matrix. Based on the discussion in February 2015, after reviewing several options for how to structure this section, Staff has prepared a land use matrix that attempts to list out a wider variety of land uses than existed before. Further, some of the land uses previously listed were eliminated when they could be combined under a somewhat broader heading or were duplicative or confusing in some manner.

As per the direction of the Commission, the attached is a draft amendment to the Land Use Matrix for just one section – the section relating to residential uses.

We will plan to work through this section at the August meeting, and then begin moving through the other sections in the coming months.

<u>RESIDENTIAL USES</u>	<u>NR</u>	<u>R1</u>	<u>R2</u>	<u>R3</u>	<u>DM U</u>	<u>PU</u>	<u>C2</u>	<u>I</u>
Accessory Dwelling Unit	E	C	C	C	C	E	C	C
Bed and Breakfast Facilities	E	C	C	C	P	E	C	C
Dwelling								
Single Family	E	P	P	P	P	E	P	P
Second single family on a parcel (permanent) ⁶³	E	E	E	E	E	E	E	E
Second single family on a parcel (temporary) ⁶⁴	E	C	C	C	C	E	C	C
Multi-Family (2 units)	E	C	P	P	P		P	P
Multi-Family (3-4 units)	E	E ⁶⁵	C	P	P		P	P
Multi-Family (5+ units), including rental offices and private recreational facilities for the enjoyment of residents.	E	E ⁶⁶	C	C	C		C	C
Guest Cottage (riparian lots only)	E	C	N/A	N/A	N/A	E	N/A	N/A
Mobile/Manufactured Home Park	E	C	C	C	C	E	C	C
Travel Trailers/ Campers/ Recreational Vehicles (1 per lot)	E	P	P	P	P	E	P	P
Keeping of Animals	E	C	C	C	C	E	C	C
Home Occupations, Low Activity	E	P	P	P	P	E	P	P
Home Occupations, Moderate Activity	E	C	C	C	P	E	P	P
Home Occupations, High Activity	E	E	E	E	P	E	P	P

⁶³ Except as part of an approved planned unit development (PUD).

⁶⁴ Added 8/4/2014 (Resolution #14-02)

⁶⁵ Except as part of an approved planned unit development (PUD).

⁶⁶ Except as part of an approved planned unit development (PUD).

<u>Planned Unit Developments – Residential (R1 shoreland district)</u>	E	C	N/A	N/A	N/A	E	N/A	N/A
<u>Planned Unit Development – Single-Family</u>	E	C	C	C	C	E	E	E
<u>Planned Unit Development – Multi-Family</u>	E	C	C	C	C	E	E	E
<u>Solar Energy Systems and Structures, Individual</u>	E	P	P	P	P	E	P	P
<u>Solar Energy Systems and Structures, Neighborhood</u>	E	C	C	C	C	E	C	C
<u>Solar Energy Systems and Structures, Large Scale (Solar Farm)</u>	E	E	E	E	E	E	C	C
<u>Telecommunication antennas and towers, for personal use.</u>	E	C	C	C	C	E	P	P
<u>Other uses of the same general character as those listed above, provided they are deemed fitting or compatible to the district by the Planning Commission</u>	E	C	C	C	C	C	C	C

Key: A = Allowed, no permit required; P = A use allowed, but which may require a land use permit; CU = A use requiring a Conditional Use Permit; IU = A use requiring an Interim Use Permit; X = not permitted.