
CITY OF MOTLEY

BOARD OF ADJUSTMENT/ PLANNING COMMISSION

MEETING PACKET FOR
June 23, 2015



CITY OF MOTLEY
PLANNING AND ZONING COMMISSION
AGENDA
June 23, 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. Ordinance amendment establishing zoning districts in which businesses involving massage therapy services could be permitted and required approval procedures (Section 5.11 – Land Use Matrix) and related definitions (Section 3.2 – Definitions). Applicant, City of Motley.
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. February 2015
 - b. April 2015
 - c. May 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 – Change in regular meeting date for Planning Commission?
 - d. 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.

CITY OF MOTLEY
PLANNING AND ZONING COMMISSION
MINUTES
February 24, 2015
6:00 pm – Motley City Hall

1. Call to Order
2. Roll Call
 - a. All in attendance
3. Public Hearings
 - a. None
4. Additions or Deletions to Agenda
5. Open Forum
6. Approval of Minutes
 - a. January 2015

A motion was made and seconded to approve the January 2015 minutes as presented. Motion passed unanimously.

7. Planning and Zoning Administrator's Report
 - a. None
8. Other Business
 - a. Discussion – Regulation of land uses within zoning districts

Oleson summarized the staff report for the Commission, noting that they had been provided with three examples of how to set up a land use matrix – one that tries to list out as many land uses as possible and makes everything not listed prohibited, another that does the same but allows for other uses to be considered when they are not listed, and a third which does not list out land uses as directly but instead regulates uses based on their impacts (i.e. noise, water/sewer use, parking requirements, etc...). After discussion, the consensus of the Commission was to go with a method that tries to list out as many uses as possible, but allows the flexibility to allow uses not specifically listed if they are found compatible by the Commission.

The Commission also discussed the issue of “tiny homes” and the regulation of the sale of medical marijuana. After discussion, the Commission noted that they would continue to research these issues with the idea of possibly allowing for “tiny homes” and regulating how and where medical marijuana can be sold if the state begins to allow for an expansion of this.

b. Discussion – Massage Business/Therapist Licensing

Oleson summarized the previous discussions on this matter. After discussion by the Commission, Oleson was directed to begin drafting an ordinance that would license and regulate massage therapists and businesses, subject to review and direction by the City Council. It was noted that this should be prioritized over amending the land use matrix.

c. Training Session (if time allows) – No training session was held.

9. Adjournment

On a motion and second, the meeting was adjourned at 7:45 pm.

CITY OF MOTLEY
PLANNING AND ZONING COMMISSION MINUTES
April 28, 2015

1. Call to Order

O'Regan called the meeting to order at 6:00 p.m.

2. Roll Call

Planning Commission: Pat O'Regan, Amy Hutchison, Al Yoder and Steve Johnson

Absent: Nancy Nieken

Staff: Terri Smith

Hometown Planning: Absent

Public: Kirk Bettis, June Wang, Stan Bettis

3. Public Hearings

None

4. Additions or Deletions to the Agenda

5. Open Forum

There were no persons present wishing to speak.

6. Approval of Minutes

A motion and second were made to adopt the February 2015 minutes of the Planning Commission. Motion passed unanimously.

7. Planning and Zoning Administrator's Report

8. Other Business

a. Regulation of Storage Containers placed on private property – Tabled

b. Zoning of property on Cass County side of City – Tabled

c. Massage Business

A motion and second were made to call a public hearing for a massage ordinance. Motion passed unanimously.

d. Regulation of land uses within zoning districts – Tabled

e. Training session – Will be held at a later date.

9. It was discussed that Tiny Houses were perhaps not intended for our climate and would invite clutter.

A motion was made and seconded to adjourn the meeting. The meeting was adjourned at 6:47 p.m.

Respectfully submitted,
Terri Smith
City Staff

CITY OF MOTLEY
PLANNING AND ZONING COMMISSION
MINUTES
May 20, 2015
6:00 pm – Motley City Hall

1. Call to Order - 6:00pm
2. Roll Call
 - a. Present: Pat O'Regan (Chair), Nancy Nieken, Steve Johnson, Al Yoder.
 - b. Absent: Amy Hutchison

3. Public Hearings
 - a. None

4. Additions or Deletions to Agenda

5. Open Forum
 - a. Sarah Nice – Storage Containers

Ms. Nice explained her desire to have a “ConEx” storage container(s) on her property at 448 3rd Ave South for approximately two years, noting that she understands they are not clearly addressed in the City zoning ordinance. Oleson noted this is an issue that he is seeing in other communities where he works and that some have developed specific ordinances with limited (60-90 day) timeframes where they allowed. Oleson explained that other portions of the City Code seem to apply and limit or prohibit the placement of portable storage containers on property. O'Regan expressed his desire to have further discussion on this issue. The Commission instructed Oleson to put the issue on the June agenda for further discussion.

6. Approval of Minutes
 - a. February 2015
 - b. April 2015

Action on minutes was tabled to allow for other items to be discussed on the agenda.

7. Planning and Zoning Administrator's Report
 - a. None

8. Other Business
 - a. Recommendation – Massage Business/Therapist Licensing

Oleson explained that a request had been made to start a massage business in the City and that his review of the ordinance indicated that they were not explicitly addressed. He reminded the City that they had previously discussed this issue and a draft licensing ordinance had been drafted that would require a City license for certain massage

businesses and masseuses. The licensing ordinance could be adopted by the City Council without a public hearing. Zoning-related ordinance amendments regarding where in the City such businesses would be allowed would require a public hearing before the Planning Commission.

There was further discussion about the details of the draft licensing ordinance, including fees for the license, the frequency of such fees, the amount of liability insurance required of the business owner and other items.

A motion was made by Nieken, seconded by Yoder to recommend to the City Council the adoption of a licensing ordinance for massage businesses as drafted, with Oleson to research required insurance amounts in other communities as well as annual licensing fees. Motion passed unanimously.

b. Discussion – Allowable Locations for Massage Businesses

The Commission then instructed Oleson to draft ordinance amendments to clarify where in the City massage businesses would be allowed, the procedures for approving such uses (i.e. permitted or conditional use) and creating/amending related definitions. A public hearing was to be scheduled for the regular June Planning Commission meeting.

c. Discussion – Zoning of property on Cass County side of city

Rod Enberg explained to the Commission questions relating to locating a wood processing business on the east side of the Crow Wing River near the rail road tracks. Oleson noted that the area was not zoned for industrial uses at this time and lacked public infrastructure. Discussion followed regarding various options – leaving it zoned for residential uses only or rezoning to allow for commercial/industrial uses. The Commission noted that Mr. Enberg could make an application for rezoning and that if he did, a public hearing would be required to allow for public input. Mr. Enberg said he would further research the proposed use and decide whether to make an application for rezoning.

d. Discussion – Use of land within Industrial Park

This item was tabled due to time constraints.

e. Discussion – Change in regular meeting date for Planning Commission?

Oleson noted there had been some discussion about changing the Planning Commission meeting dates. The Commission discussed, but decided to leave the meeting dates as they are now for the time being. Further discussion could occur at the June meeting about possibly changing dates.

f. Discussion – Regulation of land uses within zoning districts (if time allows)

This item was tabled due to time constraints.

9. Adjournment

On a motion and second, the meeting was adjourned at 7:00 pm.

STAFF REPORT

Public Hearing: Ordinance amendment establishing zoning districts in which businesses involving massage therapy services could be permitted and required approval procedures (Section 5.11 – Land Use Matrix) and related definitions (Section 3.2 – Definitions). Applicant, City of Motley.

Agenda Item: 3a

Background Information:

Issue: The City has recently been discussing adding and clarifying regulations related to the licensing of massage therapists and massage businesses as well as determining where in the City such businesses would be allowed.

A draft city ordinance requiring licenses for massage therapists and businesses has already been drafted and reviewed by the City. That is not the subject of this public hearing. If that ordinance is adopted, all massage therapists and businesses would be required to obtain a city license to operate and/or provide massage services regardless of where they occur within the City.

The purpose of this public hearing is to gather public comment and ultimately make a recommendation to the City Council regarding allowable locations within the City for massage therapists and businesses. The proposed changes would amend the City's Land Use/Zoning Ordinance to specify which zoning districts they are allowed in and the process by which they would need to be approved (i.e. whether they are simply allowed without any special permits or review or whether they require a conditional use permit and public hearing).

The proposed ordinance amendments would do the following:

1. Define "Massage Therapy (Therapeutic)" in order to clearly identify what constitutes regulated massage therapy.
2. Define "Adult Massage Parlor" in order to distinguish therapeutic massage businesses from those that are considered adult oriented businesses. Adult oriented businesses are already only allowed by conditional use in the Industrial (I) zoning district and must be located at least 500 feet from any residential use, church, school and certain other uses and at least 300 feet from any other adult oriented business.
3. Add three types of massage therapy (therapeutic) to the list of allowed/permitted/conditional/prohibited uses:
 - a. As the principal use of a building or business;
 - i. Allowed as a conditional use only in the DMU and any commercial or industrial zoning district. Prohibited in any other zoning district.
 - b. As a use accessory to medical, dental or chiropractic offices or clinics; and

- i. Allowed as an allowed use (no permit or approval required) only in the DMU and any commercial or zoning district. Prohibited in any other zoning district.
- c. As a home occupation.
 - i. Allowed as a conditional use in any of the residential districts, the DMU district and within any commercial or industrial district. Prohibited in the Public Use and Open Space zoning districts.

Planning Commission/Board of Adjustment Direction: The Planning Commission will need to take public comment on the proposed ordinance and determine whether it is prepared to make a recommendation to the City Council to adopt the ordinance amendments as presented or with changes made at the meeting. If the Commission would like Staff to conduct more research or prepare a revised draft before making such a recommendation, it may table the application with direction as to what additional work should be completed.

- (2) Inaugurating and effectuating the goals of the Comprehensive Plan.
- (3) Promoting order in development by dividing the area of the City into zones and regulating therein the location, construction, reconstruction, alteration and use of the structures and land.
- (4) Conserving the natural and scenic beauty and attractiveness of the City, for the health and welfare of the public.
- (5) Providing for adequate light, air and access to property by regulating the use of the land and buildings and the bulk of structures in relation to surrounding properties.
- (6) Providing for the administration of the provisions of the ordinance and defining the authority and duties of the Administrator, Planning Commission, Board of Adjustment and City Council under this ordinance.

SECTION III - RULES AND DEFINITIONS

3.1 RULES

The language set forth in the text of this Ordinance shall be interpreted in accordance with the following rules of construction:

1. The word person includes a firm, association, organization, partnership, trust, company or corporation as well as an individual.
2. The masculine gender includes the feminine gender and the neuter gender.
3. The singular includes the plural and the plural includes the singular.
4. The present tense includes the past and future tenses and the future includes the present.
5. The word “may” is permissive. The word “shall” is mandatory. Mandatory compliance with the Ordinance shall allow for variances thereto.
6. All horizontal and vertical measured distances shall be expressed to the nearest tenth of a foot and its metric equivalent, unless specifically stated otherwise.
7. The words “lot,” “plot,” “piece” and “parcel” of land are interchangeable.
8. The words “used for,” shall include the phrases “arranged for,” “designed for,” “intended for,” “improved for,” “maintained for,” and “occupied for.”

3.2 DEFINITIONS

The following words shall be defined as follows for the purpose of this Ordinance:

1. **Abandoned Building.** A building as defined hereinafter on public or private property, which no longer serves a practical use and, due to its location or structural condition, is considered a safety hazard in the opinion of the Zoning Administrator.
2. **Abandoned Motor Vehicle.** A motor vehicle as defined in Minnesota Statutes Chapter 169.01 that (a) has remained on public property in an inoperable condition for more than 48 hours, or (b) has remained on private property for more than 48 hours without the permission of the owner, or (c) has remained on private property for more than thirty days and is inoperable or is unlicensed unless kept in a garage or other storage structure.
3. **Abutting.** Making direct contact with or immediately bordering.
4. **Accessory Structure:** A building or other structure that is supportive, secondary and subordinate in use and/or size to the principle structure on the same parcel or lot which, because of the nature of its use, can reasonably be located at or greater than minimum structure setbacks. Includes all structures not considered the principle structure

including, but not limited to, T.V. towers antennas, dish antennas, outdoor swimming pools, outdoor hot-tubs, detached garages, sheds, guest quarters and boathouses.

5. **Accessory Use.** A use naturally and normally incident and subordinate to the main use of the premises.
6. **Addition.** A physical enlargement of an existing structure.
7. **Adjacent.** In close proximity to or neighboring, not necessarily abutting.
8. **Adult Book and/or Media Store.** An establishment which has a substantial portion (25% of utilized floor area) of its stock in trade or stock on display books, magazines, films, videotapes, or other media which are characterized by their emphasis on matter depicting, describing, or relating to Specified Sexual Activities or Specified Anatomical Areas.
9. **Adult Cabaret.** An establishment which provides dancing or other live entertainment, and if such dancing or other live entertainment is distinguished or characterized by an emphasis on the performance, depiction or description of Specified Sexual Activities or Specified Anatomical Areas.
10. **Adult Establishment.** Any business which offers its patrons services, entertainment, or the sale of merchandise characterized by an emphasis on matter depicting, exposing, describing, discussing, or relating to specified sexual activities or specified anatomical areas. Specifically included in the term, but without limitation, are adult book and media stores, adult cabarets, adult hotels or motels, adult mini-motion picture theaters, adult modeling studios, adult motion picture arcades, adult motion picture theaters, adult novelty businesses, and other adult establishments.
11. **Adult Hotel or Motel.** Adult Hotel or Motel means a hotel or motel wherein material is presented which is distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas.

12. **Adult Massage Parlor.** A massage parlor which excludes minors by reason of age, or which provides for any form of consideration, the rubbing, stroking, kneading, tapping, or rolling of the body, if the service provided by the massage parlor is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas”.

12-13. **Adult Mini-Motion Picture Theater.**

- a) A theater in an enclosed building, with a capacity for less than 50 persons used for presenting motion pictures, including but not limited to film and videotape, having as a dominant theme material distinguished or characterized by an emphasis on matter depicting, describing, or relating to Specified Sexual Activities or Specified Anatomical Areas.
- b) Any business which presents motion pictures, including films and videotapes, having as a dominant theme material distinguished or characterized by an emphasis on matter depicting, describing, or relating to Specified Sexual Activities or Specified Anatomical Areas, for viewing on the premises, including but not limited to private booths, viewing by means of coin operated or other mechanical devices, and the viewing of excerpt of motion pictures offered for sale or rent.

13-14. **Adult Motion Picture Arcade.** Any place wherein coin or token operated or electronically, electrically, or mechanically controlled or operated still or motor picture machines, projectors, or other image producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing Specified Sexual Activities or Specified Anatomical Areas.

14-15. **Adult Motion Picture Theater.** A theater in an enclosed building with a capacity of 50 or more persons used regularly and routinely for presenting live entertainment or motion pictures, including but not limited to film and videotapes, having as a dominant

135-136. Lot Tier Depth. The lot depth of a normal lot conforming to the shoreland requirements; General Development Lake first tier - 200 feet, second and additional tiers - 267 feet; Recreational Development Lake - 267 feet, Natural Environmental Lake - 400 feet.

136-137. Lot Tiers. Successive strips of land parallel with the ordinary high-water line, each one tier depth wide, and extending across the parcel.

137-138. Lot Width. The shortest distance between lot lines measured at the midpoint of the building line.

138-139. Maintenance. The normal upkeep of a structure including the replacement of windows, siding, roofs, nonbearing walls or interior remodeling that does not expand the footprint of the existing structure, add volume to the usable living space or intensify a non-conforming use.

139-140. Manufactured Home. A structure, transportable in one or more sections, which, when erected on site, is a minimum of 640 square feet, is built on a permanent foundation, contains the heating, plumbing and electrical systems within and meets the requirements of the Uniform Building Code.

140-141. Manufacturing. Making or processing raw materials into a finished product.

141-142. Marina. A dock or set of docks on a single parcel that contains more than three slips or more slips than first tier dwelling units, whichever is greater.

143. Massage Therapy (Therapeutic): The any business or establishment where any person for any consideration whatsoever applies massage therapy techniques including rubbing, stroking, kneading, tapping, manipulation or use of friction or pressure, with the hand, any other part of the body, or any other instrument, upon the body of another, whether or not accompanied by the use of heat, light, water, alcohol, oils, lotions, ointments or other chemicals or preparations, and whether or not accompanied by any sauna, tub, shower or cabinet bath, or hot or cold pack or any combination thereof.

142-144. Mature Tree. A living tree greater than four (4) inches in diameter.

143-145. Metes and Bounds. A method of property description utilizing directions and distances commencing from and terminating at an identifiable point.

144-146. Mobile Home. A factory-built dwelling designed intrinsically as a trailer.

145-147. Motel. A building containing guest rooms or units, each of which has a separate entrance directly from the outside of the building, or corridor, with parking space reserved for each unit, and which is designed, used or intended to be used primarily for the accommodation of transient guests.

146-148. Multi-Level Dwelling. A type of multi-family housing consisting of dwelling units stacked one above the other, creating a party floor or floors between units.

147-149. Natural Drainage way. All land surface areas which, by nature of their contour or configuration, collect, store and channel surface or runoff water.

148-150. Neighborhood. The area adjacent to or surrounding existing or proposed development characterized by common use or uses, density, style and age of structures and environmental characteristics.

149-151. Non-conforming. The building, structure or land lawfully existing prior to and not in conformance with the provisions of this ordinance.

150-152. Nuisance. By authority and direction of Minnesota Statute, 1980, Section 412.221, Subdivision 23 and 24; and Section 429.31, Subdivision 8; and Section 145.22 and 145.23, nuisance is anything that interferes with the use or enjoyment of property, endangers personal health or public safety, or is offensive to the senses such as excessive smoke, odor, noise, heat, vibration, glare, traffic generation, visual impact and other similar interferences or offenses.

151-153. Nursery. A business growing and selling trees, flowering or decorative plants and shrubs.

4. Performance Standards. (DMU)

A. Parking. Developments shall minimize the appearance of parking areas.

- (1) Location. Parking and vehicle drives shall be located away from building entrances and street corners, and not between a building entrance and the street. Surface parking shall be oriented behind or to the side of a building when possible.
- (2) Landscape Buffering. Suitable trees and shrubs shall be planted between parking lots and all adjacent sidewalks and buildings.

B. Pedestrian Amenities. Proposed developments shall provide for safe and comfortable sidewalks, paths, and resting areas for pedestrians. Sidewalks and paths shall connect the development to adjacent land uses and provide connections through the development to the public street right-of-way.

C. Lighting. All building entrances, pathways and other pedestrian areas shall be lit to two-foot candles with pedestrian-scale lighting including wall mounted, sidewalk lamps, bollards, or landscape up-lighting.

D. Fences. Fences not exceeding 72 inches in height may be constructed. Fencing shall only be constructed closer than 10 feet from the surface of a public road with the permission of the Planning Commission and in all cases not within the public right-of-way. Materials shall consist of usual fencing materials with posts and fence of metal, wood, concrete, brick or smooth wire. Barbed or electrified wire is allowed only with the permission of the Planning Commission.

5.11 Land Use Matrix⁶²

Table 1. City of Motley Land Use Matrix

Use	NR	R1	R2	R3	DMU	PU	C2	C1	I
<i>Abandoned Building</i>	E	E	E	E	E				
<i>Abandoned Motor Vehicle</i>	E	E	E	E	E				
<i>Accessory Apartment</i>		C	C		C				
<i>Accessory Structure</i>	E		P	P	P	C	P	P	
<i>Adult Oriented Business</i>		E	E	E	E		E	E	C
<i>Agricultural - Cropland and Pasture</i>		P(1)			E				
<i>Agricultural Use</i>	E		P	E	E				E

⁶² Ordinance 2009-3, 4/28/2009

<i>Dwelling, Guest Quarters</i>		C			P				
<i>Dwelling, Mixed Use</i>					P		C	C	
<i>Dwelling, Multi-Family</i>			C	C	P				
<i>Dwelling, Single Family</i>		P	P	P	P			C	
<i>Dwelling Unit, Triplex</i>				P	P				
<i>Dwelling Unit, Quad</i>				P	P				
<i>Dwelling, Other</i>					C				
<i>Education and Training</i>					P		C		
<i>Extractive Use</i>	E	E			E				
<i>Fair Grounds</i>					E	P			
<i>Farm Machinery and Equipment - Rental</i>					E		C	E	
<i>Forest Land Conversion</i>	E	E			E				
<i>Gas Station</i>					E		C		
<i>Grading greater than 50 cubic yards</i>		C			C				
<i>Grocery Store</i>					P		P	P	
<i>Heavy Industrial</i>					E				E(5)
<i>Hiking Trails, Public or Private</i>	P	P	P	P	P	P			
<i>Interval Ownership</i>		E			E				
<i>Junk Yard</i>		E	E		E				E
Use	NR	R1	R2	R3	DMU	PU	C2	C1	I
<i>Light Repair Shops</i>					C				P
<i>Manufacturing</i>					C		C		C
<i>Massage Therapy (as the principal use of a building or business)</i>	<u>E</u>	<u>E</u>	<u>E</u>	<u>E</u>	<u>C</u>	<u>E</u>	<u>C</u>	<u>C</u>	<u>C</u>
<i>Massage Therapy (as a use accessory to medical, dental or chiropractic offices or clinics)</i>	<u>E</u>	<u>E</u>	<u>E</u>	<u>E</u>	<u>A</u>	<u>E</u>	<u>A</u>	<u>A</u>	<u>A</u>
<i>Massage Therapy (as a home occupation)</i>	<u>E</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>E</u>	<u>C</u>	<u>C</u>	<u>C</u>
<i>Mobile Home / Manufactured Home Park</i>				E	E				E
<i>Motel / Hotel</i>					C				E
<i>Municipal Sewage Facility</i>					E	P			
<i>Nursery</i>					C		C		
<i>Office Buildings</i>					P			P	
<i>On-sale Liquor Sales</i>					C		AC(4)	AC(4)	
<i>Outside Storage</i>		E			E				C
<i>Packaging Plants</i>					E				C

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.

The attached draft ordinance is based on a review of other City ordinances that have been adopted regarding portable storage units (also sometimes referred to as "PODs" or "ConEx's". Most City ordinance reviewed did one of the following:

1. Prohibited such storage units completely - at least from residential property;
2. Allowed such units, but only during active construction on a site (presumably up to 6 months or longer if construction actually took that long) or during active loading/unloading related to moving into a new building/home (i.e. for up to 4-7 days)
3. Allowed such units, but for a limited duration of time (i.e. 30-90 days). Some ordinances allowed for extension of this time frame after Council approval.

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 would 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. Portable storage units which are actively being unloaded and will be located on-site for less than ninety-six (96) hours.
- D. 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. 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;
 3. Payment of a \$ ___ nonrefundable application fee; and
- C. 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 4: 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.
- B. 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. 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 than at the residential property where the Temporary Storage Unit is located.
- D. No Portable Storage Unit shall be used to store any illegal or hazardous material.
- E. 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.

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.